



**STAFF REPORT
REZONE
997 S. MILLEDGE AVENUE
ZONE-2024-12-2479
JANUARY 2nd, 2025**

APPLICANT: Vincent Bricka / Ensemble D
OWNER: 997 S. Milledge Ave. Acquisition LLC
ZONING REQUEST: From C-O to RM-2
TYPE OF REQUEST: Type II
LOCATION: 997 S. Milledge Ave.
TAX MAP NUMBERS: 173A1 G008
COUNTY COMMISSION DISTRICT: 10
PROJECT SIZE: 0.86 Acres
PRESENT USE: Office (Vacant)
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 applicant has requested rezoning this property from Commercial-Office (C-O) to Mixed-Density Residential (RM-2). This rezoning is compatible with the Future Land Use and has the potential to address several goals of the Comprehensive Plan. The proposed RM-2 zoning would not be contiguous to other properties with the same zoning designation. The proposed RM-2 zoning would allow for a greater residential density than is possible under the current C-O zoning. This allowance for additional residential units has the potential to positively address several housing policies while remaining in-keeping with many actual densities found on some nearby parcels. For instance, the adjacent Rutherford Commons condominiums at 211 W. Rutherford Street, which is zoned C-O has a density of 23.78 bedrooms per acre. Comparison with the density at sorority and fraternity houses is a bit more complicated since they report beds instead of bedrooms as many have double or triple occupancy per bedroom. Densities of these uses include 60 beds per acre at Delta Delta Delta, and 54 beds per acre at Lambda Chi Alpha. The adjacent Chi Phi fraternity has a density of under 16 beds per acre. All of the referenced parcels are within 200 feet of the subject property.

Approval of the proposed rezoning would result in limitations put on office uses that are currently the primary use target of the C-O zoning for this parcel. Professional services and office uses are limited to a maximum of 2,500 gross square feet within the RM-2 zone. Additional office space does not have the priority of the policies targeted under the 2023 Comprehensive Plan for additional housing. As this property is within the Milledge Avenue Historic District, design review for appropriate exterior design and materials will be handled by the Historic Preservation Commission (HPC). Comments about scale, density and detailing have already been provided by the HPC to the applicant through a conceptual preliminary review. Design revisions to address the comments would be

expected at future reviews. For these reasons, Staff supports approval of this application to rezone the property to Mixed-Density Residential (RM-2).

Planning Commission Recommendation: Pending

II. Purpose of Applicant Request

A. Proposal

Rezoning of this property is requested to change the zoning designation from Commercial-Office (C-O) to Mixed-Density Residential (RM-2) to allow under the current concept nine residential units with bedrooms not to exceed 20 bedrooms at 24 bedrooms per acre. The concept submitted with this application includes dividing the existing historic structure into five one-bedroom residential units as well construction of a new structure on the northeast, rear corner of the lot containing four townhouse style residences.

Fourteen parking spaces are shown to accommodate the nine dwellings. These would include twelve surface parking spaces and two parallel parking spaces located directly off of the shared driveway.

The existing historic structure to be retained has 1 ½ stories while the proposed new structure containing four townhomes would be 2 ½ stories. The property is currently accessed by a shared driveway with the adjacent parcel to the south and that would remain as the access to parking areas and the emergency vehicle access.

Stormwater detention facility is noted as being under permeable paving at the 10 parking spaces and drive aisle at the rear of the property opposite the proposed new townhouse structure. Stormwater retention area is shown as being directly north, east, and west of the new structure. The property's topography slopes toward the northeast corner by about eight feet.

B. Existing Conditions

This property is considered contributing to the Milledge Avenue Historic District and is also within the Milledge Avenue Corridor Special District Overlay. Both of these were established in 2010. The historic structure on the front (west) of the property is thought to have been constructed around 1903 as a single-family dwelling, according to tax records it is over 3,300 heated square feet. The structure is currently vacant, having been used as a law office for many years until recently. The parcel is approximately 115 feet wide and 294 feet in depth. Topographically, the existing historic structure sits at a high point on the lot with a drop of about 4 feet to Milledge Avenue at the west and a drop of about 8 feet to the northeast rear corner.

The subject property and all of the adjacent parcels share a zoning of Commercial-Office (C-O). To the north is a fraternity use, to the east is a multi-family residential condominium complex, to the south is an office use and to the west is a fraternity use and the intersection of Milledge Avenue and Woodlawn Avenue.

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.*

- *Encourage the preservation and adaptive reuse of existing structures, especially those with historic value.*

The proposed project seeking this rezoning would provide additional housing units to suit a variety of households while preserving the historic structure and developing the rear of the property which is already served with utilities, sidewalks, and multiples modes of transportation. Such infill projects are encouraged to be prioritized.

The 2023 Comprehensive Plan calls for the following policies that **are not** supported in this project:

- *Increase access to affordable housing.*

The proposed project does not specifically call for housing that is affordable. This project is proposing housing in a valuable area of town, the scale and design reflect that reality.

Overall, the proposal is mostly compatible with the Comprehensive Plan but could be made more compatible by addressing affordability.

B. Compatibility with the Future Land Use Map

The 2023 Future Land Use Map designates the subject parcel as *Mixed-Density Residential*, which is described as follows:

Mixed-Density Residential

These are residential areas where higher density residential development is allowed and intended. Limited nonresidential 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.

No change to the Future Land Use Map is required since the proposed rezoning to RM-2 (Mixed Density Residential) is already compatible with the Map. The proposal is largely compatible with the Future Land Use description for this area aside from the new townhome residences not facing towards a street.

C. Compatibility with the Zoning Map

The applicant has requested a rezone from C-O to RM-2. The following information has been provided to compare the difference in development intensity between the existing Commercial-Office zoning and the requested Mixed-Density Residential. 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	REQUESTED
Minimum Lot Size	5,000 sq. ft.	5,000 sq. ft.
Density	16 beds/acre	24 beds/acre
Max Lot Coverage	65%	65%
Max Building Height	40 ft.	35 ft.
Setbacks	10/6/6/10+	10/6/6/10+
Conserved Canopy	25%	25%
Total Canopy	50%	50%
Parking	1-2 Per unit by size	1-2 Per unit by size

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-O zoning and the proposed RM-2 zoning in regards to residential use categories is the allowed maximum density. The allowed density of 16 beds per acre under C-O would allow 13 bedrooms, while the 24 beds per acre under RM-2 would allow 20 beds. Additionally, residential use on a ground floor is a special use within the C-O zoning while it is permitted under RM-2.

In regards to Commercial Use Categories, the most notable difference is that RM-2 limits office uses to under 2,500 square feet and all retail sales or service would require special use approval. While the current proposal does call for residential uses at the existing historic structure, it is a straight rezoning proposal and that would not be binding. The RM-2 zoning would preclude the return of this structure entirely to the professional office use it has had for many years.

The proposed Mixed Density Residential (RM-2) zoning is very similar to the existing Commercial-Office (C-O) zoning in many regards with the biggest effects being increased density allowance and decreased office allowance. While RM-2 zoning can be found about 150 feet away from the subject property to the southeast, there are not any contiguous parcels with this zoning. This aside, the proposed zoning is compatible in allowed uses and existing area uses.

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

The new construction aspect of this project received comments from the Historic Preservation Commission during Preliminary Conceptual Design Review at the November 20th hearing. These non-binding comments included discussion of the scale and massing and the degree of detail as likely needing revision but were generally accepting of the concept of a new townhome structure. The project would need to return to the Historic Preservation Commission for a Certificate of Appropriateness to proceed with any new construction or alteration of the existing structure's exterior or to the grounds.

IV. Technical Assessment

A. Environment

There are no designated environmental areas on the property.

The Arborist has reviewed the tree management plan and offered a recommendation for approval

without further comment.

B. Grading and Drainage

The Transportation & Public Works Department has reviewed the proposal and offered a recommendation for approval without any further comments.

C. Water and Sewer Availability

The Public Utilities Department has reviewed the proposal and offered a recommendation for approval with the following comments:

- ACC water is available
- ACC sanitary sewer is available
- Capacity is available for proposed concept of 1,920 GPD
- Capacity is available for max allowable build-out of 2,465 GPD
- The max allowable build-out for the current zoning is 1,643 GPD
- PUD recommends approval

D. Transportation

The Transportation & Public Works Department has reviewed the proposal and offered a recommendation for approval without any transportation-related comments.

E. Fire Protection

The Fire Marshal has reviewed the proposal and offered a recommendation for approval with the following comment:

- All required fire codes adopted at the time of the plan review will be expected to be met.

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 and the descriptions provided are of the current concept. Alternate plans could be submitted. If approved, any submitted 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.

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.