



STAFF REPORT
MASTER PLANNED DEVELOPMENT & REZONE
1280 OCONEE STREET & 300 ANN STREET
PD-2024-10-2064
JANUARY 2nd, 2025

APPLICANT: Brett Nave / Studio BNA Architects
OWNER: WEP Oconee LLC
FUTURE LAND USE REQUEST: Main Street Business & Mixed Density Residential
ZONING REQUEST: Planned Development & Rezone (Boundary change) Commercial General (C-G) & Mixed Density Residential (RM-2)
TYPE OF REQUEST: Type I
LOCATION: 1280 Oconee Street & 300 Ann Street
TAX MAP NUMBERS: 172C3 B004 & 172C3 B004A
COUNTY COMMISSION DISTRICT: 8
PROJECT SIZE: 2.03 Acres
PRESENT USE: Former restaurant and vacant
PROPOSED USE: Multi-family and commercial
PUBLIC NOTICE POSTED: October 23rd
STAFF RECOMMENDATION: **APPROVAL**
PLANNING COMM. RECOMMENDATION: **PENDING**
MAYOR & COMMISSION AGENDA SETTING: January 21st, 2025 (tentative)
MAYOR & COMMISSION VOTING SESSION: February 4th, 2025 (tentative)

I. Summary Recommendation

This is a unique Planned Development proposal for a small-scale, mixed-use project on an in-town site and along a major corridor with transportation options. However, realizing those benefits most fully is reliant on providing strong connectivity to the surrounding neighborhood. Arranged on Commercial General (C-G) and Mixed Density Residential (RM-1) parcels, the project proposes two commercial buildings and 13 residential units on a redevelopment site. The proposal is also seeking to adjust the boundary between the two properties by moving the shared property line toward Oconee Street. Lastly, the applicant is seeking to rezone the rear parcel from RM-1 to the next level of multi-family intensity, RM-2.

Building more intensely on this corridor which provides quick access into downtown in one direction or the Eastside in the opposite direction is a benefit to the community's urban form. Finding the right balance to allow use of these structures by connecting to Ann Street would align very well with objectives stated in the 2023 Comprehensive Plan. Staff recognizes that topography makes connection difficult, but the provision of adjacent on-street parking on Ann Street with pedestrian access into the development is a step in the right direction.

The project is proposing two commercial structures (totaling 7,446 sq ft) along Oconee Street with outdoor seating in front and to the side. To the rear, the plan includes 6 duplexes and an additional single-family structure along with 66 surface parking spaces and 11 on-street spaces on Ann Street.

The site is approximately 350' west of The Greenway connector trail, across the street from the Firefly Trail, very close to the Park & Ride and is served by two Transit lines. The project sits just a mile from downtown and also just a few hundred feet away from the Oconee Street/Lexington Road/Loop 10 interchange. The Firefly Trail is an alternative transportation corridor, linear park and activated pathway that connects to Dudley Park and could also assist people headed toward Heard Park which is just over a mile away from the project site.

Staff supports the infill development and proposal for additional housing in a central location of town. The project also happens to be along one of the community's busiest corridors with limited access onto Oconee Street. Utilizing Ann Street to the rear would help this project integrate into the adjoining neighborhood and serve as a model for future infill development along the Oak Street/Oconee Street corridor. The community, as well as future residents would be best served by making that connection. Staff recommends Approval of the requested Planned Development.

Waivers:

1. Reduction of conserved canopy from 20.3% to 6.66% - *Staff supports*
2. Waive the requirement for at least 50% of the residential buildings to face a public or private street – *Staff supports*
3. Waive the requirement for a building within 75' of a public or private street must include front entry porches oriented towards the street and provide direct access to said street – *Staff supports this in regards to Ann Street as stated in the application report.*

Planning Commission Recommendation: Pending

II. Purpose of Applicant Request

A. Proposal

The project is seeking a Planned Development on two parcels (zoned C-G & RM-1), an adjustment of the boundary separating them and to rezone the rear property from RM-1 to RM-2. The Future Land Use designations for each parcel are Main Street Business and Mixed Density residential which are proposed to remain. The layout includes two commercial structures (7,440 sq ft) fronting on Oconee Street, 6 duplexes (12 – 3-bedroom units) and one stand-alone residential structure (4 bed). They will be served by 66 surface parking spaces and 11 on-street spaces on Ann Street. The commercial structures also propose outdoor seating space and are set-up for flexible space.

The project sits near the Greenway Trail, Firefly Trail, Loop 10 Park & Ride and along two Transit lines. It is part of the commercial area along Oconee Street, just west of the Loop 10/Oconee St/Lexington Rd interchange. The balance of that corridor going into town is also dominated by commercial uses with residential uses to the rear.

B. Existing Conditions

The two properties have functioned cooperatively with the front originally housing a pharmacy and later a restaurant that has also been a retail store along with surface parking and the rear connected by open space. They sit just west of the of the Oconee Street/Lexington Road interchange with Loop 10 in a highly trafficked portion of Athens-Clarke County. They are bound on the back by Ann Street which is a narrow roadway that serves a few residential properties. The proposed project site is also 350 ft from the Greenway connector trail which also provides a link across Oconee Street to the Firefly Trail. 2 Transit lines serve this site which sits near the Loop 10 Park & Ride. It also sits in the Airport Overlay and must follow the regulations in Chapter 9-13.

The area is mostly commercial along Oconee Street with residences (mostly multi-family) to the rear and to the west in the Carr's Hill neighborhood. The zoning in the area mirrors the land use with C-G along Oconee and RM-1 & RM-2 to the rear and west. Additionally, the Future Land Uses also are similar with *Main Street Business* along Oconee Street and *Mixed Density Residential* to the rear and west.

The site is mostly flat except the rear of the property and portions of the eastern edge where there is a steep slope of almost 20 feet of elevation change. These sloped areas also contain the only trees on the properties.

III. Policy Analysis

A. Compatibility with Comprehensive Plan

The 2023 Comprehensive Plan calls for the following policies that **are** supported in this project: (use as applicable)

- *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.*
- *Create appealing and inviting community gateways and corridors.*
- *Decrease automobile trips by providing and incentivizing alternative transportation modes.*

This proposal is seeking to redevelop a smaller, in-town location with a housing type that can appeal to multiple demographics. It is an opportunity along one of the major corridors into downtown to remove an auto-centric use and replace it with infill housing that is near transportation options. It is a tight location that does provide some redevelopment opportunity, but would benefit from greater connectivity

The 2023 Comprehensive Plan calls for the following policies that **are not** supported in this project: (use as applicable)

- *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 location of this project is both a benefit and the biggest issue due to traffic on Oconee Street. Finding a way to not have this development be one-way in/one-way out would not only make this project successful, it could be a model for in-town, connected projects. Additionally, connecting to Ann Street allows movements in multiple directions that may not be feasible when only utilizing Oconee Street.

Overall, the proposal is partially compatible with the Comprehensive Plan. It does add mixed use opportunities at an in-town location and along a corridor with transportation options. However, only access via Oconee Street will be a limiting factor at multiple times a day and removes a potentially transformative connection to the surrounding neighborhood.

B. Compatibility with the Future Land Use Map

The 2023 Future Land Use Map designates the subject parcel as *Main Street Business* and *Mixed-Density Residential*, 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.

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 zoning action is already compatible with the Map. The proposal is compatible with the Future Land Use description for this area. The proposal does request shifting the Future Land Use designations in conjunction with the boundary line and zoning shift.

C. Compatibility with the Zoning Map

The applicant has requested rezoning on this project by simply adjusting a boundary line between the two zones on the site toward Oconee Street. This change allows for an increase in the multi-family portion of the proposal.

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

The project does fall within the Greenway Network Plan and Athens in Motion plan; however, this is due to the completed projects around the site and along the corridor. Further expansion of either of those networks is not planned along this southern side of Oconee Street, but providing connections to those networks is encouraged.

IV. Technical Assessment

A. Environment

There are no designated environmental areas on the property, it is mostly developed or open space with some trees and slope to the rear and East.

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

- *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. The applicant has begun this exchange but 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 comment:

- *The binding plan needs to commit to meeting all of the stormwater management code and standard requirements in effect at the time of site plan review.*

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*

D. Transportation

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

- *Traffic regularly backs up from Loop 10 to a point far to the west of this proposed development. Ingress and egress will most likely be a problem during the PM hours due to this traffic back-up. Crashes will most likely be an issue at this location due to lack of sight distance when vehicles are queued. ACC will require a right-in/right-out driveway due to the horizontal curve and traffic volume at this location. Please reach out to GDOT for permission to construct this project and to determine any requirements they might have for the proposed driveway.*

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.*
- *Please provide fire hydrant locations*

F. 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. See Code Compliance section below for items that need attention.

Requested Waivers (As applicable)

1. Reduction of conserved canopy from 20.3% to 6.66%.

Applicant's Purpose: The site is limited on canopy to conserve and is seeking to provide an in-town site design. They are proposing to plant back in excess of the conserved and planted tree requirement.

Staff Opinion: Staff supports the waiver as the existing canopy is limited and not part of a larger stand.

2. Waive the requirement for at least 50% of the residential buildings to face a public or private street.

Applicant's Purpose: The site is deeper than wide and just over 2 acres. Designing a “private street” in a small space would reduce parking and limit the project in terms of what it can yield.

Staff Opinion: Staff supports the waiver as the site is small and 90-degree parking can be accommodated safely.

3. Waive the requirement for a building within 75' 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: The rear-most residences face to the interior of the property and Ann Street is a steep slope of over 15 ft.

Staff Opinion: Staff supports this waiver due to the topography abutting Ann Street.

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.