



STAFF REPORT
MASTER PLANNED DEVELOPMENT AMENDMENT
4500 & 4530 ATLANTA HWY & 145 BEDGOOD ROAD
PD-2024-08-1577
JANUARY 2nd, 2025

APPLICANT:Scott Haines / W&A Engineering
OWNER:Walton Georgia LLC
ZONING REQUEST:Amend a C-G, RM-2, & RS-5 (PD)
TYPE OF REQUEST:Type II
LOCATION:4500 & 4530 Atlanta Hwy & 145 Bedgood Road
TAX MAP NUMBERS:044 025 044B 027 & 044B 031
COUNTY COMMISSION DISTRICT:District 6
PROJECT SIZE:207 Acres
PRESENT USE:Undeveloped
PROPOSED USE:Single-Family and Multi-Family Residential
PUBLIC NOTICE POSTED:December 18th, 2024
STAFF RECOMMENDATION:**DENIAL**
PLANNING COMM. RECOMMENDATION:**PENDING**
MAYOR & COMMISSION AGENDA SETTING: ...January 21st, 2025 (tentative)
MAYOR & COMMISSION VOTING SESSION:February 4th, 2025 (tentative)

I. Summary Recommendation

The applicant is requesting to amend a previously approved planned development (zoned C-G, RM-2, & RS-5, PD) at 4500 and 4530 Atlanta Hwy and 145 Bedgood Road for the purpose of constructing 415 single-family detached units, 216 single-family attached units (townhomes), and 313 multi-family units (525 bedrooms) for a total of 944 units. Notably, this request does not amend the current binding plan for commercial development along the Atlanta Highway frontage. The current Planned Development includes 800 residential units and a binding pattern design book. The proposal would replace the pattern book with stock designs from the applicant.

The project does not require a change to the Future Land Use Map, but Staff does not consider the request to be compatible with the character of the current *Mixed Density Residential* district, given the lack of intention to build the commercial node and the isolated nature of the proposal. Without the commercial component, the project cannot fulfill the potential to be a Neighborhood Node, as shown on the Growth Concept Map, and anticipated as part of the Future Land Use Update. The project is compatible with the Zoning Map since the underlying zoning is not changing. However, multiple revisions to the plans will be required to meet development standards, as detailed below. Seven waivers are requested, of which, Staff supports one, opposes three, conditionally supports one, and has determined that two of them are unnecessary.

Original versions of this planned development reference Birkdale Village, a mixed-use New Urbanist neighborhood in Huntersville, NC (outside Charlotte), as inspiration for the original 2004 plan as well as the amended 2007 plan. The 2015 amendment to the plan deviated from the principles embodied in those plans and the current proposal represents a complete departure from those principles. While

adding housing is an important element in the success of the community as a whole, the original and current Planned Development was approved as a result of the project's provision of residential and commercial development that had more fiscally sustainable infrastructure, and a design that emphasized social connections, economic opportunity, environmental sustainability, and attention to aesthetics. Generally, the current proposal would add density while missing some of the design elements that are necessary to make dense neighborhoods into attractive spaces to live.

Staff supports additional density on the site, but Staff considers deviation from the principles in the original adopted plans to be unnecessary and counter to the community values embedded in the Comprehensive Plan and the Zoning Code, especially since the site has already been entitled for 800 units. Planned Developments are meant to serve as a tool for developers to elevate the quality of a project or provide additional public benefit in exchange for waivers from the Zoning Code. In the opinion of Staff, this project is using the Planned Development tool to deviate from standards without offering those quality benefits in return. The plan, as submitted, also has many code compliance issues and cannot be approved as depicted. Therefore, Staff recommends denial of the request.

Suggested Conditions

Should this project be approved, Staff recommends the following conditions of approval:

1. The plans shall be amended to resolve all outstanding code compliance issues, as detailed in the master staff report, dated January 2nd, 2025.
2. The applicant shall construct a public street connection to Whitetail Way.
3. The applicant shall provide a gravity-based sanitary sewer connection, consistent with the standards of the Athens-Clarke County Public Utilities Dept, to the project at 5100 & 0 Atlanta Hwy, and 2499 Cleveland Rd (PD-2023-12-2459) approved by the Mayor & Commission on August 6, 2024.
4. A waiver from Sec. 9-26-4(B) shall be granted for Pod C, but not for Pod B, as labeled on the binding master site plan.
5. The commercial phase of this Planned Development shall be completed prior to the issuance of construction permits for Pod A as depicted on the submitted Rezone Master Plan (Sheet RZ01).
6. The Developer agrees to coordinate with Athens-Clarke County Transit throughout the design and site development process to identify the appropriate location and design of any future transit stops at the site, including potential location on the commercial section of the Planned Development.

Planning Commission Recommendation: Pending

II. Purpose of Applicant Request

A. Proposal

The applicant is requesting to amend a previously approved planned development (zoned C-G, RM-2, & RS-5, PD) at 4500 and 4530 Atlanta Hwy and 145 Bedgood Road. for the purpose of constructing 415 single-family detached units, 216 single-family attached units (townhomes), and 313 multi-family units (525 bedrooms) (a total of 944 residential units). The project also includes a street network, and greenspace. Notably, this request does not amend the current binding plan for commercial development along the Atlanta Highway frontage. Those parcels cover 4594, 4560, 4550, 0, and 4564 Atlanta Hwy (tax parcel #: 044B 023A, 044B 024A, 044B 026, 044B 024, & 044B 025).

B. Existing Conditions

The property is currently wooded and undeveloped with streams and wetlands, including a pond formed by a dam. A previous attempt to develop the property involved the construction of a sewer line and the cutting of a partial roadway network that remains. Some of the sewer serves the former portion of this PD that was removed last year for a car dealership. The pipe already onsite would be removed and replaced by a new line if this project is approved. The property is bordered by the CSX railroad to the north, Coggins Industrial Park to the east (zoned E-I and E-O), commercial property to the south along Atlanta Hwy (zoned C-G), and residential single-family neighborhoods to the south and west (zoned RS-15 and RS-8).

The subject property was originally zoned for a planned mixed-use and mixed density neighborhood in 2004 and it has since been amended multiple times. The following information provides an overview of the history of the Winslow Park Planned Development:

- First known as Waters Edge and approved in 2004, the Winslow Park Planned Development included 359 single-family detached units, 141 single-family attached (including live/work units), and 221 multi-family units (including 48 units above ground-floor commercial) for a total of 721 units. Many of the multi-family units were arranged in 4–6-unit buildings that would fit the definition of Missing Middle Housing. Accessory dwelling units were permitted on single-family lots. Approximately 90,000 sq. ft. of commercial retail, restaurant, grocery, and office space was distributed between a “Commercial Center” and a “Village Center”. Several lots were set aside for to-be-determined civic/institutional uses like day cares, houses of worship, a library, public safety station, school, or assisted living. The architecture was intended to follow a predominantly vernacular-inspired style and 80 of the 207 acres were set aside as greenspace.
- After a 2005 administrative amendment shifted the layout of a portion of the commercial section, the project was brought before Mayor & Commission as a full amendment in 2007 to rezone the commercial area from Commercial-Neighborhood (C-N) to Commercial-General (C-G) for the purpose of increasing the total commercial square footage from 90,000 sq. ft. to 217,000 sq. ft. and increasing the range of allowable commercial uses—including a hotel. This commercial space was consolidated from two areas into one 17-acre tract. Additionally, the residential unit count was increased from 721 units to 991, including increasing single-family detached units from 359 to 368, increasing single-family attached units from 141 to 145 units, increasing multi-family from 221 to 253 units, and including 100 senior living units and 125 potential accessory dwellings. It should be noted that the senior living and accessory dwellings were included in the previous proposal but were not counted towards the overall unit count. The civic lots, greenspace acreage, and architectural style remained in the plan.
- The current binding plan was amended in 2015 to raise the commercial square footage to 303,000 sq. ft. but decrease the overall commercial acreage from 17 acres to 15.7 acres. The hotel was removed. The 100 senior housing units were removed and the single-family detached lots were dropped from 368 to 325. The single-family attached units were removed and the multi-family units were raised from 266 to 475 (955 bedrooms). The total unit count stands at 800. (The proposal includes 881 units.) This amendment deviated from the New Urbanist design principles of previous versions by switching the site plan to a more conventional suburban layout. The architectural pattern book was also revised to match the site layout although it continued to make reference to character elements from the previous design books.

III. Policy Analysis

A. Compatibility with Comprehensive Plan

The 2023 Comprehensive Plan calls for the following policies that **are not** 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.*
- *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.*
- *Incentivize and incorporate the arts and greenspace into all new developments.*

While the current project would increase the housing supply, previous versions of this plan have called for a more diverse mix of housing types intermingled throughout the site. The proposed pod layout creates four housing monocultures (single-family detached, single-family attached, duplex “casitas,” and low-rise multi-family) instead of creating variety through intermingling. The applicant added one additional housing type from the preliminary to the master stage of this review. Since 2004, this planned development has always included a commercial element to complete the neighborhood and provide walkable access to the kinds of routine destinations, such as grocery, retail, and office space that people need throughout their week. This project does not alter the approved commercial plan, but the applicant is only building the residential portion and has shown no intention to build the commercial. Leaving the commercial area unbuilt means that this project cannot serve as the node it is intended to be—as shown on the approved binding plans and the 2025-2045 Growth Concept Map. Should the project be approved, Staff strongly recommends including a condition requiring the buildup of the commercial portion of the site prior to the permitting of the final residential phase.

While the project does provide two access points, it also includes five dead-end cul-de-sacs. As a result, the proposed connectivity is minimal for a 200-acre area. The 2004 and 2007 plans included prominent public greens intended to serve all who lived and visited the neighborhood. The 2015 amendment removed these greens. The proposal has greens, including sidewalks, between rows of housing in Pods A and B, with houses that would face these greenspaces, but does not appear to provide adequate greenspace, per Sec. 9-25-8(C)7. While the project includes a neighborhood pool and common greens, it lacks the kind of central park-like greenspace that often serve as publicly accessible, social connecting anchor points for large scale nodal-type developments such as this project.

The applicant is proposing to substitute private alleys for public streets in Pods A and B. Public streets are meant to provide primary access and engagement opportunities for residents, visitors, and the general public. Alleys are meant to serve as secondary access points where utilities, trash collection, and car storage are located and they do not typically include street trees or on-street parking as a typical street would. The applicant is proposing to plant trees to offset some of the lost street trees, but the end result will be fewer trees than would otherwise be required. Orienting the front entries of homes towards greens with alleys in the back provides engagement opportunities but not the access that a public street would provide. Staff considers substituting alleys for streets to be incompatible with the intent of code.

Over the life of this plan, considerable attention has been devoted to a set of binding pattern books that elevate the design to be consistent with New Urbanist design principles, such as pedestrian-friendly design, buildings that are close to and oriented towards the street, functional front porches designed for neighborly socialization, garages and car storage in the rear of the building/site, traditional architectural ornamentation, a mix of housing types and uses, and traffic-calmed leafy streets. The 2015 amendment strayed from these principles, but the proposed plans represent a full departure from these principles.

Overall, the proposal is not compatible with the Comprehensive Plan. While Staff supports additional density on the site, Staff considers deviation from the principles in the original adopted plans to be unnecessary and counter to the community values in the Comprehensive Plan.

B. Compatibility with the Future Land Use Map

The 2023 Future Land Use Map designates the subject area 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 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.

Staff notes that the commercial portion of the planned development is designated as *General Business*, which is not part of this zoning action. No change to the Future Land Use Map is required since the proposed zoning action is already compatible with the Map. Without building the commercial section, this project cannot serve as mixed-use node and everyone will need to drive outside the neighborhood to reach daily destinations. Additionally, a significant chunk of the buildings are not oriented towards the street, but rather appear to be oriented towards alleys. These design choices are not compatible with the *Mixed Density Residential* character description.

C. Compatibility with the Zoning Map

The applicant has requested an amendment to a C-G, RM-2, and RS-5 (PD) (Commercial-General, Mixed-Density Residential, and Single-Family Residential, Planned Development). This does not change the underlying zoning districts, so the proposal is compatible with the Zoning Map. The size, scale, and allowable uses will remain unchanged, but the waivers list proposes some alterations to the applicable Code, as detailed below in Section IV.F.

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

The ACCGov FY23-25 Strategic Plan calls for a variety of homes in mixed-income neighborhoods in an effort to create more affordable housing. Providing only four types of housing in homogeneous clusters across 200 acres, may hinder the project from meeting the Strategic Plan's objective of "encouraging mixed-income development," since housing prices are often reflective of the housing type. Previously approved versions of Winslow Park included more housing variety and mixed those types together in a cohesive neighborhood instead of segregating them into pods, as currently proposed.

IV. Technical Assessment

A. Environment

There are designated environmental areas on the property, including a dam. Four stream crossings are proposed, but the plan otherwise respects the 75-foot riparian buffer, as required by Code. The onsite dam and associated pond/wetlands will be subject to modification to ensure structural integrity, as detailed in the applicant's report.

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

- *The applicant's request for a waiver from conserved canopy requirements on individual lots is unnecessary. Individual lots within a subdivision zoned RS-5 have a 0% requirement for conserved canopy.*
- *The ACC Arborist does not support the applicant's request that the tree canopy cover requirements for the site be regulated as a whole, i.e. an average taken of the total tree canopy cover requirements of RM-2 and RS-5 and be applied to the entire development. As each zone of the development is treated with a specific style of building, so should each zone be treated specifically (per the code) in regards to canopy requirements.*
- *The intent of the Community Tree Management ordinance is to regulate the quantity, quality, and distribution of the trees with each zoning district. Further, the intent of the ordinance includes the regulation of the distribution of trees so that their function is maximized. As one of the many positive functions of trees is their positive effect on local climate, i.e. shade, and as the Fall of 2024 was the warmest on record for the U.S., the ACC Arborist recommends that this is a time period when a development should be more specific in its proposed distribution of canopy, not less so.*
- *ACC Arborist recommends that the tree management plan be non-binding and 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, as it applies to Waiver Four below:

- *TPW supports the requested waiver from Section 9-26-2 to allow land disturbance up to 50 acres with the caveat that an acceptable performance guarantee be provided to ensure that adequate erosion control and final stabilization with vegetation will be accomplished should the project somehow fail to be completed in a timely manner.*

C. Water and Sewer Availability

The applicant will be expected to construct the sewer line to the edge of the subject property at a point where it can serve as a gravity-based connection to the project at 5100 & 0 Atlanta Hwy, and 2499 Cleveland Rd (PD-2023-12-2459) approved by the Mayor & Commission on August 6, 2024.

The Public Utilities Department has reviewed the proposal and recommends approval with the following comments:

- ACC water and sewer service are available.
- The plans are still missing the gravity sewer connection for the neighboring property. The applicant is expected to provide gravity sewer availability to the project recently approved for 5100 Atlanta Hwy.
- Fire Hydrants required at all intersections. Some intersections are missing hydrants.

D. Transportation

A full public street connection to Dakota Drive, including upgrading the substandard section between the subject property and Atlanta Hwy, is required. The project will also require a full public street connection to be built to Whitetail Way—where space has been reserved for a connection as a condition of a 2023 rezoning for 160-170 Whitetail Way. Only having two street connections for this many units is not optimal for emergency access and traffic flow. While ACC Transit does not currently serve this site, a project with this many residences warrants consideration for future transit service, especially with the transfer station poised for construction at the Georgia Square Mall site. The applicant has indicated that they will work with ACC Transit on the appropriate location and design of any transit facilities here.

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

- A traffic signal study is required for the entrance with Atlanta Highway due to the size of this proposed development. GDOT approval will also be needed. If a traffic signal is warranted, the developer will be required to pay for all costs associated with equipment, construction, and materials.
- We will also require that street connections with the development are made at Dakota Drive and Whitetail Way.
- In contrast to the preliminary site plan, the segment of Street 'B' (shown to be public) east of the roundabout is now shown to have diagonal onstreet parking. This arrangement is not deemed to be safe and the additional pavement area and striping needs over those of parallel parking is an increased maintenance burden.
- If Street 'B' is to be public, it needs a cul-de-sac at the eastern end to facilitate vehicles being able to turn around without backing up.
- Per the preliminary review, the binding plan needs to demonstrate that the driveway separation requirements between adjacent driveways and between driveways and adjacent street intersections of the ACC Driveway Ordinance will be met. According to the lot dimensions shown, they will not.

E. Fire Protection

The Fire Marshal has reviewed the proposal and recommended approval with the following comments:

- Fire hydrants must be provided on the next set of plans.

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 on development standards to provide design flexibility for special circumstances unique to the design or

lot—as long as the proposal meets the spirit and intent of the code or offers a community benefit sufficient to offset the waiver. 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 Waivers

1. *Waiver from Sec. 9-25-8(B)9 to allow lot sizes smaller than 150% of the building's footprint.*

Applicant's Purpose: Allows the attached single-family residential units to shrink their private lot in exchange for greater common greenspace.

Staff Opinion: Staff supports this waiver request but did not find any lots that would need this waiver. Therefore, Staff has determined that the waiver is unnecessary.

2. *Waiver from Sec. 9-25-8(C)1's street orientation requirements.* (Staff notes that this request also needs to include a waiver from Sec. 9-25-8(B)5.)

Applicant's Purpose: Allows some of the units to be oriented towards greens.

Staff Opinion: As stated above, it appears that the applicant is using alleys as an inappropriate substitute for streets. Staff have supported this waiver request in cases where houses place their front entrance on publicly accessible greenspaces with rear-loaded parking. However, when Staff have supported this waiver, it was for smaller-scale projects or small sections of larger projects that involved a dozen or two units in locations with limited developable areas. In contrast, this proposal seeks to apply this waiver to several hundred units on land that faces little restriction on its developable area. The proposed site plan relies on alleys to provide access to other alleys, compromising access to these sections of the proposed neighborhood. This layout triggers the need for additional waivers from ACCGov development standards, as covered below in Waivers Three, Five, and Six. Typically, Staff seeks the least deviation from Code, unless the context of the site or the potential public benefit justify greater deviation—neither of which is the case here. Therefore, Staff does not support this waiver.

3. *Waiver from Sec. 9-25-8(C)3's 3-acre block maximum and block length max of 500 ft.* (Staff notes that this waiver request also needs to reference Sec. 9-26-3(O)2.)

Applicant's Purpose: Allows more density based on the proposed lot layout.

Staff Opinion: The purpose of the block regulations is to create a fine-grained, human-scaled development pattern that sets the table for a variety of land uses, a high level of transportation access, including walking, biking, and transit, as well as encouraging a greater distribution of ownership. Staff assesses that most of the blocks can come into compliance with a redesign of the lot layout pattern, especially if the applicant builds more public streets instead of alleys, reduces lot sizes, scales the housing products to fit the block, and reduces parking. As requested by Staff, the applicant has offered an exhibit that labels and specifies particular blocks where the exemption is needed, although Staff notes that the low-rise multi-family in Pod A exceeds the block maximum even though it is labeled as compliant in the applicant's exhibit. The applicant did not specify why the specific non-compliant blocks and block lengths are justified. Staff could support block length and block size waivers in certain parts of the site where developable land is constrained, but most of the instances where a waiver would apply on the proposed site plan are not constrained. The applicant's request does not meet the spirit of the code and does not offer a proximate public benefit to justify the exemption. Therefore, Staff does not support the waiver request.

4. *Waiver from Sec. 9-26-2(A)6.d(2) to raise the disturbed acreage maximum from 25 to 50 acres.*

Applicant's Purpose: Allows a more efficient and comprehensive grading of the site for the purpose of installing stormwater, utility, and street networks. Reduces the cost and duration of construction disturbance.

Staff Opinion: Staff recognizes the applicant's points. Staff also notes that the site is large enough that it will require multiple phases of grading even without the waiver. Typically, this Code section would offer the opportunity to conserve high quality tree canopy, but the existing canopy on this site is early in its succession stage and is of relatively low quality. Transportation & Public Works expressed support for the waiver as well. Therefore, Staff supports the waiver request.

5. *Waiver from Sec. 9-26-3(B)'s requirement for all roads serving four or more units to be dedicated to the public.*

Applicant's Purpose: Allows some of the units to be oriented towards greens.

Staff Opinion: This section of code exists to ensure a high degree of public access is provided as land development occurs. Without this access, it becomes harder for people to meet their needs and connect with the social and economic life of the community. Refer to Waivers Two, Three, and Six, as well as Section III.A. for additional explanation. Staff does not support the waiver request, as currently proposed on the master site plan.

6. *Waiver from Sec. 9-26-4(B)'s requirement for 1 on-street parking space per two units to reduce on-street parking from 108 to 42 in Pod B and 208 to 130 in Pod C.*

Applicant's Purpose: Allows the existing layout with narrow lot widths, front entrances oriented towards the greenspace, and alleys in place of streets.

Staff Opinion: In the detached single-family portion of the site (Pod C), especially in the areas served by alleys, on-street parking minimum reductions can be justified since it is unlikely that demand would ever exceed the supply of parking. In the single-family attached portion of the site (Pod B), the same logic applies to the units served by public streets and alleys. However, many of the attached units are only served by an alley where the driveways are so close together that no on-street parking is possible. Since these units have a maximum of two off-street parking spaces when accounting for garage and driveway space, functionally, these units will have little to no access to parking for guests. This is another reason why substituting alleys for public streets, as proposed in the site plan, is inappropriate. Overall, Staff supports the waiver request for Pod C, but not for Pod B.

7. *Waiver from Sec. 8-7-15 Table 1 to eliminate the requirement for 35% conserved canopy on individual lots in the RS-5 zone.*

Applicant's Purpose: Allows the extensive mass grading required to meet the technical standards for roadways and utilities.

Staff Opinion: Per the ACC Arborist comment above, Staff has determined that the waiver is unnecessary.

Code Compliance Issues:

1. *Plans do not provide sufficient information to verify that the single-family lots will meet the 50% lot coverage maximum in Sec. 9-7-3. Since no waiver has been requested, the applicant is expected to adhere to that standard. This can be remedied at the plans review stage.*
2. *Plans do not provide sufficient information to verify compliance with the density calculations of Sec. 9-7-4.*

3. *Plans do not provide sufficient information to verify compliance with the open space requirements for the RS-5-zoned portion of the site, as required by Sec. 9-7-6.*
4. *The townhouses and multi-family densities proposed for the RM pods exceed the allowable density of Sec. 9-8-3 (Table 9-8-3). A waiver is required to calculate density based on the gross site acreage. Satisfaction of Code Compliance Item #2 will be required prior to granting the waiver.*
5. *Lot coverage calculations were not provided for the RM pods of the site to meet the requirement of Sec. 9-8-3 (Table 9-8-3).*
6. *Staff could not verify that the elevations for Pod B's A2, A3, B2, and B3 units (Sheets A3.5.2 & A.3.5.3 A.3.6.2 & 3.6.3) and Pod C's A-1 Sullivan unit (Sheet M4) meet the design features required by Sec. 9-25-8(B)1. This can be remedied at the plans review stage.*
7. *The scale on the documents was not correctly calibrated to verify compliance with garage façade limit of 40% in Sec. 9-25-8(B)2. This can be remedied at the plans review stage.*
8. *Elevations do not appear to meet the fenestration requirements for end units per Sec. 9-25-8(B)4, although Staff was unable to make a final determination due to an incorrectly calibrated scale. This can be remedied at the plans review stage.*
9. *Applicant needs to add Sec. 9-25-8(B)5 to the orientation waiver request for Sec. 9-25-8(C)1.*
10. *There is not enough variation among unit styles to comply with Sec. 9-25-8(B)3. Design elements such as those listed in Sec. 9-25-8(B)1 must be varied. Façade material changes do not qualify. Applicant has acknowledged this and will remedy at the time of plans review.*
11. *Plans do not show enough information to demonstrate compliance with the trim requirement in Sec. 9-25-8(B)6. This can be remedied at the plans review stage.*
12. *Staff could not verify that the applicable units in the RM pods have enough fenestration to meet the 25% minimum required by Sec. 9-25-8(C)1.c.*
13. *Staff calculations of the open space in the RM pods did not match the calculations provided by the applicant, so it appears that the RM pods do not have enough open space to satisfy Sec. 9-25-8(C)7.*
14. *No children's play area was provided as required by Sec. 9-25-8(C)7.c.*
15. *Applicant will need to improve all of Dakota Drive to satisfy the requirement of Sec. 9-26-3(Q). In the event that a connection to Whitetail Way is constructed, it would also need to satisfy Sec. 9-26-3(Q).*
16. *The multi-family units in Pod A do not have bike parking to comply with Sec. 9-30-5(B). Bike racks must comply with Sec. 9-30-5(D). This can be remedied at plans review.*

It is not unheard of for minor code compliance issues—that don't significantly alter the binding plans—to be corrected at the plans review stage of permitting. Typically, Staff recommends a condition mandating that the plan shall be amended to remedy those compliance issues, as part of the ordinance of approval. Staff have identified numerous minor code compliance issues, as detailed in this section, that individually have little impact on the plan, but cumulatively could beget a cascade of changes. If the approving body is not comfortable with that potential for change, tabling the request would be recommended to remedy the code compliance issues.

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.