

Cedar Ridge – Application Report

1/30/2025 – W&A File #24-00284

REQUEST SUMMARY

Applicant:	W&A Engineering, Georgia
Location:	450 & 460 Gaines School Road
Tax Parcels:	233D1 B001 & 233D1 B011
Size:	7.89 Acres
Current Use:	Vacant
Current Zoning:	C-O & RS-15
Proposed Zoning:	C-N & RM-2 (PD)
Current FLU:	Main Street Business & Traditional Neighborhood
Proposed FLU:	Main Street Business

The purpose of this request is to rezone two (2) parcels currently zoned C-O (Commercial Office) and RS-15 (Single-Family Residential) to C-N (Commercial Neighborhood) and RM-2 (PD) (Mixed-Density Residential, Planned Development) for the purpose of constructing 69 single-family attached dwellings, 10 accessory dwelling units (ADU) and one (1) 9,745-square foot commercial building. The request includes an amendment to the Future Land Use designation for the subject properties from *Traditional Neighborhood* and *Main-Street Business* to *Main-Street Business* for the entire site. This request includes six (6) waivers from code standards and seeks two Special Uses to broaden the limited uses permitted in the two (2) overlay districts that govern this site.

EXISTING SITE

The subject property consists of two (2) undeveloped parcels (Tax Parcels 233D1 B001 and 233D1 B011, 7.07 and 0.89-acres, respectively), located on Gaines School Road in Athens. The site also fronts Sunnyview Road and Springtree Road. The property is surrounded by other commercial and residential uses. The properties directly North-East include an office building zoned C-O and residential housing zoned RS-15. The parcels surrounding the North-West of the site are all neighborhoods zoned RS-15. The parcels along the South-West of the site include Athens Center for Massage Therapy and Merrylyn Walker: Allstate Insurance, both zoned C-O. The parcels across the street on the South-East side of the property include Athens Medical Services (C-O) and commercial office buildings (C-O). The zoning of 460 Gaines School (the smaller of the two subject properties) is entirely C-O, while 450 Gaines School is split between C-O and RS-15. Both properties are within the Airport and the Gaines School Road Overlay Districts.

The tract contains a scattering of tree canopy, with most trees located at the immediate perimeter of the site. Per the Athens-Clarke County Environmental Areas Map, the property contains no creeks or riparian areas.



Figure 1: 2021 Aerial view of the subject property on Gaines School Road

PROPOSED DEVELOPMENT

Vision

The proposed development is a moderately-dense, walkable, mixed-use residential community, with neighborhood scale commercial uses located along a portion of the Gaines School Road frontage. The intent is to create a close-knit community of single-family attached homes on fee-simple lots and add much-needed residential development to a growing city with a shortage of available and obtainable housing stock. Neighborhood connectivity would be further enhanced by the proposed public extension of Woody Lane, improving the existing street grid for the development and its vicinity. To avoid a jarring change in building scale as compared to the surrounding area, the three-story townhouses (the tallest buildings in the proposed development) are all depicted in the middle of the property along Woody Lane. The proposal includes a sizeable park space adjacent to the Woody Lane extension for community enjoyment.

Dwellings

This request includes a total of 79 residential units, which consist of a combination of two different townhome variations (two- and three-story) with a handful of accessory dwelling units (ADU). All townhomes are alley-loaded and face either a public street or the public green. The proposed residential unit breakdown is as follows:

Townhome 'A' (2-Story)	35 Units
Townhome 'B' (3-story)	34 Units
<u>Accessory Dwelling Units (ADU)</u>	<u>10 Units</u>
Total:	79 Units

Commercial

The request includes a 9,745-square foot commercial building, with as many as eight (8) separate tenant spaces along Gaines School Road at its intersection with Sunnyview Road. The specific tenants have not yet been established, but in the interest of community cohesiveness, a Special Use request to broaden the possible retail uses (otherwise specifically limited by the Gaines School Road Corridor Overlay), and to permit a potential restaurant/bar (which requires Special Use approval in the Airport Overlay) are included in this Planned Development application.

Connectivity

The proposed plan includes the extension of Woody Lane, bisecting the site and aligning with the intersection with Ponderosa Drive. The request to permit restaurant and bar uses in the commercial portion ties into the theme of connectivity, where restaurants and bars often serve as important third places, helping to build relationships, promoting conversation, and ultimately creating a sense of community.

Parking

In an effort to reduce the amount of surface parking, all townhome units are self-parked with a garage, accessed from alleys at the rear of each townhome building. These units also provide driveways to the garages that could serve as additional guest parking for the residences. There are 37 parallel spaces depicted along the extension of Woody Lane and another 22 along Sunnyview Road. Three additional surface lots containing a total of 40 parking spaces to serve the ADUs, commercial tenants, and guests of the residents are also shown.

Utilities and Public Services

The site is currently served by public water and sewer. An extension of the public sewer main along Springtree Rd. will be required to bring the service to the site. Residential solid waste collection will be provided by a licensed provider. Individual lot owners will be responsible for establishing their own service, with commercial unit service provided by property managers in compliance with the Dumpster Service requirements found in Sec. 5-2-16(a)(1) of the Athens-Clarke County Code of Ordinances.

Public Transportation

Athens Transit Bus Routes 22 and 25 serve the property. A bus stop is located along the Gaines School Road frontage and two additional bus stops are located directly across the street at Ponderosa Drive and at Civitan Club Drive.

Environmental and Stormwater

The Athens-Clarke County Environmental Areas Map does not show any creeks or riparian areas on the site. The property is not located within a Flood Hazard Area, per FEMA maps and contains no wetlands, according to the National Wetlands Inventory.

The proposed planned development will comply with all state and local stormwater regulations. Stormwater Management will be handled primarily if not entirely through underground facilities and shall be designed to protect the watershed from pollution and erosion. The design shall be in accordance with the Georgia Stormwater Management Manual and all ACC regulations. Final details and design of stormwater structures will be completed during the site development/civil design phase of the project. The general locations of facilities depicted on the site plan are accurate as of the date of this submittal but may need to be moved to accommodate the final grading, soil conditions, or other factors that could impact feasibility.

ZONING

Currently, the properties are zoned C-O (Commercial Office) and RS-15 (Single-Family Residential). The current zoning breakdown of the entire tract is approximately 4.9 acres zoned C-O, with the remaining 2.99 acres zoned RS-15. The request is to rezone the properties to RM-2 (Multi-Family Residential) and C-N (Commercial Neighborhood), with 0.79-acres zoned C-N and 7.1-acres of RM-2. While there are no C-N zoned properties immediately adjacent to the site, there are multiple properties with a C-N designation further down Gaines School Road, down Cedar Shoals Drive, and down Lexington Road. The Oaks apartments at Maison Drive, across Gaines School Road, near the subject property are zoned RM-2. The request to rezone to C-N comes from a desire to broaden the available uses, as those permitted by the C-N are more fitting to an integrated commercial space within a neighborhood, than those allowed by C-O. The request for RM-2 is the minimum

zoning needed to develop the site with the requisite density to provide obtainable housing in a walkable community.

COMPATIBILITY WITH THE COMPREHENSIVE PLAN

The current Future Land Use designations for the site are *Main Street Business* and *Traditional Neighborhood*, lining up with the split between the C-O and RS-15 zones. The request is to change the Future Land Use designation for the entire site to *Main Street Business*.

The 2023 Comprehensive Plan defines a Traditional Neighborhood as follows:

"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 2023 Comprehensive Plan defines Main Street Business as follows:

"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 lot layout and overall character of the proposed development aligns closely with the described character of the existing and proposed Future Land Use designations. The residential portion of the proposed development aligns with *Traditional Neighborhood* in all ways, but one – zoning compatibility. *Traditional Neighborhood* is not considered to be compatible with RM-2 zoning, which is the key to achieving the residential density necessary for the success of this development.

The *Main Street Business* designation, in contrast, is considered to be compatible with both RM-2 and C-N zoning. Extending the *Main Street Business* designation to the entirety of the site will allow the proposed development, which epitomizes *Traditional Neighborhood* development type in all but name.

Relevant Community Goals, Strategies, and Policies

The need for quality, obtainable housing that can be a catalyst to building wealth and lasting value – as well as the need to improve connectivity and sense of community have been identified as needs for Athens-Clarke County since the 2018 Comprehensive Plan. The proposed Planned Development would advance these goals in a meaningful way.

- Goal: Housing options that meet the varied needs of the community, including housing for families and a diverse workforce. The housing stock will provide quality options with a variety of types, prices, and locations.
 - Strategy: Increase the amount of and provide access to affordable housing
 - Strategy: Create quality housing for seniors

- Policy: Create quality housing for seniors, including the possible increased use of accessory dwelling units.
- Goal: Greater prosperity for the entire community – individuals, businesses and local government – through diverse, quality jobs and a ready workforce. This means that entrepreneurship and small businesses flourish in a collaborative environment, that unemployment and underemployment are reduced, and that full-time workers are able to meet daily needs and live in assured self-sufficiency (affording housing, food and life necessities).
 - Strategy: Promote and support the growth of the industries that make Athens unique, including music, art, food, film and other creative endeavors.
- Goal: Our neighborhoods will be vibrant, safe, and stable places where residents interact with each other and have access to a range of diverse housing types, public spaces, and services.
 - Strategy: Apply urban design and aesthetic standards to neighborhoods and other developments as they are developed or redeveloped. These standards can reflect historic character, support walkability and active living, and incorporate open space and ecological landscaping.
 - Policy: Expand sidewalk network in neighborhoods and other infrastructure such as lights, trees, neighborhood businesses, and basic infrastructure for neighborhoods.
- Goal: Residents should feel strong connections to each other and be engaged in the community's overall well-being.
 - Strategy: Encourage activities that strengthen individual neighborhood identity and establish connections between neighborhood groups and the broader community.

REQUESTED WAIVERS FROM ORDINANCE STANDARDS

The Planned Development request seeks waivers from the following code requirements:

1. **8-7-15 (Table 1)** –A waiver from the requirement to maintain a percentage of conserved canopy (25% in RM-2 and 15% in C-N) to 0%. A waiver from the conserved canopy requirement is requested to create a moderately dense development without the use of retaining walls, which necessitates grading the entirety of the site and eliminates the opportunity for tree save on a minimally wooded site. The master plan depicts canopy planted on the site in the form of street trees and within greenspaces where possible. The current plan proffers an overall planted canopy of 55%, above the current total canopy requirement of 50%.
2. **9-12-6-E-2** – A waiver from the requirement to provide either a landscape buffer strip or buffer wall between the proposed commercial building and the residential uses on-site. The goal of the development is to foster a sense of community between the residential and commercial uses of the mixed density site. Since the site lies within the Gaines School Road Corridor Overlay, the code requires a commercial buffer from residential uses. A waiver from this requirement is requested because adding a 30-foot buffer (or a 15-foot buffer with a wall) would diminish the connectivity and cohesiveness sought by this request, as well as infringe upon the lawn greenspace as depicted on the plans, intended for the enjoyment of the community. The site plan depicts a 10-foot buffer without a wall between the commercial and residential uses.
3. **Table 9-12-6** – A request to waive the requirements of Table 9-12-6 at the Gaines School Road Corridor (GSRC) overlay, to be replaced with a corresponding table of lot and dimensional standards. As a whole, the GSRC overlay standards reflect a desire to preserve the less dense, less walkable, less commercially diverse aspects of a prominent in-town street. The bulk and dimensional standards of Table 9-12-6

specifically require large individual lots that make any form of density impossible. The design team requests that the standards of Table 9-12-6 be waived and replaced by those depicted on the binding site plan. The proposed dimensional and lot standards closely reflect the requested underlying zoning designations of RM-2 and C-N. The standards proposed will permit a denser, more walkable, and more vibrant community to be developed.

- a. Increasing allowable residential density from 16 to 24 bedrooms per gross acre to match the requested underlying zoning district.
 - b. Decreasing minimum lot area from 20,000 to 1,500 square feet.
 - c. Decreasing lot width and depth from 100 feet each to 24 and 64 feet, respectively.
 - d. Decreasing minimum front yard from 20 feet to 10 feet; side yard from 10 to 6 feet (and 0 feet for interior townhomes); rear yard from 20 feet to 10 feet.
 - e. Reducing minimum yard when abutting residential from 20 feet to 10 feet.
 - f. Amending the minimum building separation from 15 feet to 15 feet with zero separation required for interior townhomes.
 - g. Reducing the minimum residential unit size from 900 square feet to 600 square feet, to permit the accessory dwelling units, as shown.
 - h. Increasing the maximum Floor Area Ratio from 0.5 to 0.6.
 - i. Increasing the maximum lot coverage from 60% to 66% for the entire development and 83% for individual lots.
 - j. Reducing the minimum landscaped area from 40% to 34% for the entire development and 17% for individual lots.
 - k. Increasing the minimum tree canopy cover from 50% to 55%.
4. **9-25-8-C-1-b** – A waiver from 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.”* – The site design configuration creates a neighborhood feel with vehicles parked at the rears of buildings, often concealed in private car garages. The road network needed to achieve this desirable parking solution requires parking alleys to be connected via side loop streets to the main street frontage (true frontage). The result is that a handful of side elevations become collaterally “fronts” while connecting alleys to main streets. The design team requests to waive the handful of incidents noted to avoid having two front door conditions on a corner of the noted building(s). Further, side elevations are intended to be adorned with additional landscaping and trees, as well as increased fenestration, adding to the overall aesthetic of the development.
5. **9-25-8-C-1-c** – A waiver from 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.”* The units noted in the waiver request from **9-25-8.C-1-b** are similarly affected by section **9-25-8-C-1-c** and would typically be considered a side, non-fronting elevations except for the need to loop from parking alleys to main streets. The design team has worked to increase the fenestration of all substandard elevations since the preliminary submittal. There are now only two buildings that do not meet the 25% minimum. The design team requests a reduction from 25% to 23% for the two side elevations affected.
6. **9-8-2** – A request to allow commercial parking structures or lots in the RM-2 zoning district. To fully serve the proposed development, three small parking areas containing a total of fifteen (15) spaces are shown. These will serve as overflow residential parking areas accessed by residential alleys.

REQUESTED SPECIAL USES

The subject property is within both the Airport Overlay and the Gaines School Road Corridor Overlay. The Airport Overlay ordinance prohibits restaurants/bars and single-family attached housing except when approved as a Special Use. While the Gaines School Road Corridor Overlay ordinance restricts the permissible Retail Sales and Services use category to a handful of specific uses. The proposed development contains two Special Use requests, as follows:

1. **9-13-4-C-2** – A special use is requested to allow Single-Family Attached Dwellings and Restaurants/Bars within the Airport Overlay.
2. **9-12-6-C** – Retail Sales and Service uses within the Gaines School Road Corridor Overlay are limited to a short list of specific retail and service activities. A special use is requested to permit additional Retail Sales and Service uses beyond those specifically permitted within the overlay. All other uses in the underlying zone (which, in this case, would be C-N) are permitted. The specific additional Retail Uses requested are:
 - a. Pharmacy
 - b. Clothing and/or shoe sales
 - c. Fitness studio
 - d. Real estate office
 - e. Music instrument sales/lessons

ARCHITECTURE

The proposed architectural elevations and renderings depict a diversity of attractive building styles and types within the development. Of the two-story residences, there are four different building types and two different building types for both the three-story residences and the accessory dwelling units. The elevations depict a mixture of hipped and gabled asphalt roofs, with fiber cement and batten siding, and porches. The commercial renderings depict a single-story structure with multiple offsets for variety and visual interest, large clusters of windows, and a large covered outdoor seating area.

CODE COMPLIANCE

Staff provided several instances where compliance with code standards was either not being met or was not apparent and not combined with a request for relief from code standards.

1. Minimum lot area in square feet must be 5,000 square feet or more. Maximum lot coverage of each fee-simple lot created cannot exceed 65%
 - Minimum lot size and maximum coverage are addressed via waiver request.
2. No adjacent single-family homes or contiguous groups of attached single family homes may be of the same design and floorplan.
 - The project is in compliance with this standard, as designed.
3. Walls which face a street other than an alley must contain at least 20% of the wall space in windows or doors.
 - Updated architectural elevations depict all street-facing elevations meeting this standard.
4. Windows shall not be flush with exterior wall treatment.

- Acknowledged. The constructed project shall meet this standard.
- 5. The same exterior design cannot be used for more than 30 units in a project.
 - The project is in compliance with this standard, as designed.
- 6. 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 configuration must be approved by the Planning Director, which has not been requested.
 - A request, accompanied by an exhibit depicting the size of the southern block (minus park space) being under the three-acre mark has been submitted to the Planning Director for approval.
- 7. A project may not contain a block greater than three acres.
 - A request, accompanied by an exhibit depicting the size of the southern block (minus park space) being under the three-acre mark has been submitted to the Planning Director for approval.
- 8. Play areas for children are required for projects of greater than 20 units that are not designed as age-limited or student housing.
 - A play area is now depicted on the site plan within the park space.
- 9. Ten feet of separation is required between water and sewer mains and bio-retention ponds.
 - Acknowledged. The required separation will be depicted on the civil drawings.
- 10. Water and sewer must be in an easement. Ensure easements extend to touch property lines.
 - Acknowledged. The civil plans will comply with this standard.
- 11. All crosswalks must be installed in front of stop bars per the MUTCD.
 - Stop bars are now shown on the site plan.

CONCLUSION

A primary concern of modern cities is avoiding sprawl, while providing housing that has been largely underbuilt for the past few decades. This can be accomplished by finding and seizing upon the opportunities for density when it is available. Doubly so, when the opportunity presented is mixed use and a natural fit in its surroundings. The Cedar Ridge development is one such opportunity. A moderately dense, neighborhood-scale development on a prominent and underutilized property on one of the principal corridors of East Athens that will contribute to the work required to close the massive gulf between housing demand and housing availability.

STATEMENT OF REQUEST AND LEGAL OBJECTIONS

Hospital Authority of Clarke County GA is the owner of property located at 450 and 460 Gaines School Rd, Athens-Clarke County, Georgia.

The request is aligned with the general goals, policies and objectives identified in the Comprehensive Plan and is in keeping with the descriptions listed in the existing Future Land Development Map.

Under these circumstances, a denial of the Request in question would be unlawful, arbitrary, capricious, irrational and a manifest abuse of discretion; all in violation of the Fifth Amendment and Fourteenth Amendment of the Constitution of the United States, and Article I, Section I, Paragraph I and Article I, Section III, Paragraph I of the Constitution of the State of Georgia.

Denial of the Request would discriminate unfairly between the Appellant and others similarly situated, in violation of the Fifth Amendment and Fourteenth Amendment of the Constitution of the United States, and Article I, Section I, Paragraph I and Article I, Section III, Paragraph I of the Constitution of the State of Georgia.

Denial of the Request would amount to a taking of property, in violation of the Fifth and Fourteenth Amendment of the Constitution of the United States, and Article I, Section I, Paragraph I, and Article I, Section III, Paragraph I of the Constitution of the State of Georgia.

For these reasons, we respectfully request Approval of this request. We also wish to preserve our rights for constitutional challenge if the case of a vote of denial to the request.

This 26th day of November, 2024.

Respectfully submitted,



Scott Haines, RLA