



**STAFF REPORT  
MASTER PLANNED DEVELOPMENT with  
SPECIAL USE PERMITS  
450 & 460 GAINES SCHOOL ROAD  
PD-2024-12-2482  
MARCH 6, 2025**

APPLICANT: ..... Scott Haines / W&A Engineering  
OWNER: .....Hospital Authority of Clarke County GA  
FUTURE LAND USE REQUEST: .....*Main Street Business & Traditional  
Neighborhood to Main Street Business*  
ZONING REQUEST: ..... C-O & RS-15 to C-N & RM-2 (PD) with  
Special Use Permits  
TYPE OF REQUEST: ..... Type I  
LOCATION: .....450 & 460 Gaines School Road  
TAX MAP NUMBERS: ..... 233D1 B001 & 233D1 B011  
COUNTY COMMISSION DISTRICT: .....8  
PROJECT SIZE: ..... 7.90 Acres  
PRESENT USE: .....Undeveloped  
PROPOSED USE: .....Residential/Commercial Mixed-Use  
PUBLIC NOTICE POSTED: ..... February 19<sup>th</sup>, 2025  
STAFF RECOMMENDATION: .....**APPROVAL WITH CONDITIONS**  
PLANNING COMM. RECOMMENDATION: .....**PENDING**  
MAYOR & COMMISSION AGENDA SETTING: .. March 18<sup>th</sup>, 2025 (tentative)  
MAYOR & COMMISSION VOTING SESSION: .... April 1<sup>th</sup>, 2025 (tentative)

## **I. Summary Recommendation**

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

These properties are within the Airport Overlay as well as in the Gaines School Road Corridor Overlay (GSRC), for which the applicant is requesting Special Use approval to accommodate the proposed development. The applicant also requests six total waivers. Staff supports four out of the six waivers and both Special Use requests.

The project proposes extending the street network with a new street from Woody Lane to Gaines School Road, creating another avenue to enter into the surrounding neighborhoods while

simultaneously creating alignment with Ponderosa Drive. This new intersection would benefit vehicle-oriented travel and pedestrian and multi-modal travel as well. Additionally, there is an existing bus stop at the southern tip of the property.

While the overall plan has not changed from the preliminary stage to the master stage, the waiver requests have been more thoroughly explained.

The master submission is responding to the public concern about how the commercial building interacts with the street and the potential of a future multi-use path along Gaines School Road. Staff and the applicant have agreed to have a ten-foot-wide multi-use path along Gaines School Road in lieu of the five-foot sidewalk requirement. The applicant has provided a written statement to confirm this, and a slight redesign of the commercial and residential frontage is needed, however Staff sees this as a change that falls within the Plans Review processes purview.

Transportation and Public Works Department' (TPW) concern regarding the feasibility of stormwater management for the project has been rectified after conversations with the applicant. The applicant has supplied Staff with a letter agreeing to TPW's options for how to address storm water during the Plans Review process.

Overall, this project meets many of the values that the 2023 Comprehensive Plan calls for. This type of gentle density is something Athens-Clarke County needs more of, especially on the East Side. This project will create more housing options for a variety of households as well as setting up a justifiable location for an intersection.

Furthermore, any potential traffic concerns in relation to the commercial location are of some concern to Staff. The applicant's removal of a previous waiver related to parking spaces and adequate parking surrounding the commercial building and this development will, if anything, create a traffic calming effect. An area with pedestrian, bike, bus, and automobile options, within walking distance to multiple commercial nodes is encouraged by our Comprehensive Plan and the Future Land Use efforts currently underway. There are conditions that need to be met in order to see this project come to fruition, leading Staff to recommend **Approval of the Planned Development and both Special Use Permits with Conditions**, as follows:

**Conditions:**

1. Required easements and facility locations of water and sewer lines are not binding and must be corrected to comply with ACC Public Utilities' standards at the time of Plans Review.
2. The developer shall meet the conditions laid out in the Staff Report by the Transportation and Public Works Department.
3. A 10-foot-wide multi-use trail shall be installed along Gaines School Road in lieu of the required five-foot sidewalk, in accordance with TPW standards.

**Planning Commission Recommendation:** Pending

## **II. Purpose of Applicant Request**

### **A. Proposal**

The proposal is to rezone two properties from RS-15 and C-O to RM-2 and C-N while also requesting a Future Land Use change from *Main Street Business & Traditional Neighborhood* to

*Mainstreet Business.* The project would have a commercial parcel at the northeast corner with divided tenant spaces totaling 9,745 square feet. The rest of the project would include 69 townhomes, with ten of those townhomes having accessory dwelling units (ADUs).

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

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

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

## **B. Existing Conditions**

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

450 Gaines School Road was rezoned in 2005 from RS-15 to RS-15 and C-O, the current configuration. The intent was to have commercial zoning with a multi-tenant commercial space up front to align with the existing pattern along this section of Gaines School Road. The remaining RS-15 zoning on the back half of the property proposed three lots.

## **III. Policy Analysis**

### **A. Compatibility with Comprehensive Plan**

The 2023 Comprehensive Plan calls for the following policies that **are** supported in this project:

- *Increase the supply and variety of quality housing units, at multiple price points, in multiple locations, to suit the needs of a variety of households.*
- *Infill and redevelopment should be prioritized over greenfield expansion.*
- *Improve safety and accessibility for people walking, biking, and busing around Athens.*
- *Promote intra- and inter-connectivity within and between neighborhoods while discouraging cul-de-sac development. This applies to both vehicular and pedestrian pathways and may not always require formal, paved improvements when associated with walkability.*

The proposed design meets many of the criteria laid out by the 2023 Comprehensive Plan. While these properties are underdeveloped, they are along a corridor of importance as well as having access to utilities. The proposed ADUs can create a more affordable housing option. The central street of the development creates both intra- and inter-connectivity to the surrounding neighborhood. This intra- and inter-connectivity also brings safer options as the project creates multiple pathways for all forms of travel.

This site has remained dormant for years and had most recently been intended as the location for an East Side medical hub that never materialized. It is worth noting that this dormancy has left a sizable parcel in an ideal location for infill development.

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

Overall, the proposal is compatible with the Comprehensive Plan.

## **Compatibility with the Future Land Use Map**

The 2023 Future Land Use Map designates the subject parcel as *Main Street Business & Traditional Neighborhood*, which is described as follows:

### *Main Street Business*

*These are commercial areas where development of a storefront commercial type is encouraged. The uses are generally small-scale, but larger-scale uses can be integrated within a Main Street Business classification if a small-scale storefront is developed along the street facade, with the larger development located behind. Larger-scale uses should only be developed in instances where they are compatible with the adjacent uses. Retail and office uses should dominate the ground floors of the Main Street Business facades, with residential uses encouraged on second and third stories. Auto-oriented uses, such as vehicle repair and maintenance, drive-through restaurants, and vehicle sales, are not included in this designation. Walkability and pedestrian scale are important and the development should be oriented to the street with sidewalks, street trees, and pedestrian access provided.*

### *Traditional Neighborhood*

*These are medium density neighborhoods with traditional qualities including well-connected street systems, sidewalks, street trees, and a variety of housing types. Homes are often built close to the street with front porches. Garages are set back farther than the homes and porches. Traditional Neighborhood areas support single-family residences, duplexes which resemble large homes, and townhouses. Strict design standards should be implemented to ensure appropriateness of design and to protect neighborhood character. Limited commercial and other non-residential uses designed at a neighborhood scale are encouraged, but only in areas close to principal and minor arterial routes that have good access to transit.*

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

### *Main Street Business*

*These are commercial areas where development of a storefront commercial type is encouraged. The uses are generally small-scale, but larger-scale uses can be integrated within a Main Street Business classification if a small-scale storefront is developed along the street facade, with the larger development located behind. Larger-scale uses should only be developed in instances where they are compatible with the adjacent uses. Retail and office uses should dominate the ground floors of the Main Street Business facades, with residential uses encouraged on second and third stories. Auto-oriented uses, such as vehicle repair and maintenance, drive-through restaurants, and vehicle sales, are not included in this designation. Walkability and pedestrian*

*scale are important and the development should be oriented to the street with sidewalks, street trees, and pedestrian access provided.*

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

## **B. Compatibility with the Zoning Map**

The applicant has requested a rezone from RS-15 and C-O to RM-2 and C-N (Single-Family Residential and Commercial-Office to Mixed-Density Residential and Commercial-Neighborhood). The following information has been provided to compare the difference in development intensity between the existing RS-15 (Single-Family Residential-15) zoning and the requested RM-2 (Mixed-Density Residential-2) zone. This information also includes the changes requested to the Gaines School Road Corridor (GSRC) Overlay. 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:

	<b>CURRENT</b>	<b>REQUESTED</b>	<b>CURRENT</b>	<b>REQUESTED</b>
<b>Standard</b>	<b>RS-15 Zoning</b>	<b>RM-2 Zoning</b>	<b>GSRC</b>	<b>NEW GSRC</b>
<b>Minimum Lot Size</b>	15,000 sq. ft.	5,000 sq. ft	20,000 sq. ft.	1,500 sq. ft
<b>Density</b>	2 dwellings/acre	24 units/acre	16 units/acre	24 units/acre
<b>Max Lot Coverage</b>	40%	65%	60%	66% for develop/83% for indiv lots
<b>Max Building Height</b>	30 feet	35 feet	35 feet	35 feet
<b>Setbacks</b>	20 front, 10 rear, 8 side	10 front, 10 rear, 6 side	20 front, 20 rear, 20 feet	varies
<b>Conserved Canopy</b>	30%	25%	N/A	N/A
<b>Total Canopy</b>	60%	50%	50%	55%
<b>Landscaped Area</b>	40%	35%	40%	34% for total site/17% for lots

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

The Athens-Clarke County Zoning Ordinance includes a list of defined uses and designates where they can or cannot be established. For this request, based on the specific waiver to the Table in Sec. 9-12-6, some differences between the current RS-15 zoning and the proposed changes to the GSRC are the allowable density, allowance in number of bedrooms per gross acre, and maximum lot coverage. The most notable difference is the minimum lot size decreasing from 20,000 square feet to 1,500 square feet.

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

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

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

The Growth Concept Map lists Gaines School Road as a corridor of importance. The Athens in Motion Plan does call for Gaines School Road to have a Separated Facility.

## **Technical Assessment**

### **A. Environment**

There are no designated environmental areas on the property.

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

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

*Review.*

- *ACC Arborist recommends that the tree management plan be non-binding. Project will be expected to meet all requirements of the community tree management ordinance at time of plan review.*

## **B. Grading and Drainage**

The Transportation & Public Works Department has reviewed the proposal and approved with the following comments:

*Transportation and Public Works recommends approval of this project with the following conditions.*

- *1. One of the following two options are met.*

*A.) The development, at its expense, make required off-site improvements to the downstream public and private stormwater conveyance systems to safely receive and convey the pre-development stormwater discharge. And that appropriate on-site BMP's be engineered and constructed to manage the post development discharge rates in accordance with Section 5-4-7 - Post Development Stormwater Management Criteria.*

*OR*

*B.) The development, at its expense, make required on-site improvements to detain excess stormwater runoff beyond the post-development performance criteria in such a way as to discharge stormwater runoff from the developed site at a rate not to exceed the capacity of the existing downstream public and private stormwater conveyance systems.*

- *2. A 10' wide multi-use trail is installed along Gaines School Road in accordance with TPW standards.*
- *3. The pre-existing conditions for the development must use a curve number of 55 for the hydrologic study.*

## **C. Water and Sewer Availability**

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

- *ACC water is available*
- *ACC sanitary sewer is available*
- *Capacity is available for proposed concept of 21,330 GPD*
- *Capacity is available for max allowable build-out of 22,080 GPD per proposed zoning*
- *The max allowable build-out for the current zoning is 7,520 GPD*
- *Offsite sewer extension must be constructed, tested, and accepted prior to onsite utility construction*
- *Insufficient space exists for sufficient water and sewer main separation from structures*
- *10 feet of separation is required between water and sewer mains and bio-retention ponds*
- *Water and Sewer must be in easement. Easements must extend to touch property lines in order to provide frontage to properties that are to be served by water and sewer.*

## **D. Transportation**

The Transportation & Public Works Department has reviewed the proposal and approved without comment.

## E. Fire Protection

The Fire Marshal has reviewed the proposal and offered the following comments:

- *The Fire Marshal's Office recommends approval. The project will be expected to meet all required fire codes adopted at the time of the plan review*

## F. Airport Authority

The Airport Authority has reviewed the proposal and approved with the following comment:

- *Recommend approval for the proposed development provided the developer make use of the prescribed § 9-13-3(E)(1)&(3) non-glare roofing materials & fully shielded amber lighting systems for the subject property.*

## G. Compliance with the Zoning Ordinance and Development Standards

A Planned Development designation is intended to encourage development of compatible land uses on a scale larger than that of individual small parcels. This designation is used to request waivers to the required development standards in an effort to provide design flexibility to account for special circumstances unique to the design or lot, as long as the proposal meets the spirit and intent of the code. Planned Development requests include a binding application report, site plan, and architectural elevations in an effort to guarantee to the community that what is proposed will be constructed if approved. All exemptions to the zoning and development standards must be identified in the application prior to approval of a binding proposal since the development will otherwise be expected to adhere to the ordinance standards.

### Requested Special Uses

The applicant is asking for the following Special Use Permits:

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

Special Use requests are evaluated using the following criteria:

- a) *Similarity in scale, bulk, and coverage.*
  1. The proposed development aligns mostly with the scale of the surrounding neighborhoods, with the exception being the three-story townhomes. This is an incremental change that should be considered, however, as the three-story townhomes are concentrated to the interior road with the two-story townhomes transitioning to the surrounding neighborhood.
  2. The proposed commercial structures fit in with the other commercial buildings along Gaines School Road.
- b) *Character and volume of traffic and vehicular parking generated by the proposed use and the effects on surrounding streets. Increases in pedestrian, bicycle, and mass transit use are considered beneficial regardless of capacity of facilities.*
  1. This proposal has parking mainly concentrated to the alleys and a small amount of parking



at the commercial out lot. There is on-street parking along the central road, which should give some level of traffic calming. This proposal will also create a release valve with new options for both vehicular and pedestrian traffic to enter/exit the neighborhood. The bus stop will also serve as a benefit, allowing another way for residents to commute without the need of a vehicle.

2. The proposal provides some commercial specific parking along with on-street parking. Additionally, staff appreciates seeing commercial integrated into a community so that neighbors can access it at times without needing a parking space. Should a business/restaurant become popular, there are concerns that the amount of proposed parking may not be enough, however Staff does not see this as a significant drawback to what is being proposed.

c) *Architectural compatibility with the surrounding area.*

There are two distinct architecture styles proposed, one for the commercial and one for the residential. The commercial architecture focuses on a brick façade, which is compatible with the surrounding area, particularly with the office building on the north side of Sunnyside Road. However, this brick is almost entirely used on the front elevation with only a small amount throughout the other sides. The proposed architecture for the commercial area has a contemporary modern aesthetic that is relatively unique for the Gaines School Road corridor, however, it does look compatible and has a consistent scale.

For the residential architecture, it is a style that is similar to other recently proposed and built townhouse-style developments. Many of the single-family houses in the surrounding area are primarily brick, however the multi-family developments near this project site are similar to what is being proposed.

d) *The possible impact on the environment, including, but not limited to, drainage, soil erosion and sedimentation, flooding, air quality and water quality, including the generation of smoke, dust, odors, or environmental pollutants.*

1. There are no environmental areas on these properties, and it is Staff's understanding that all water drainage must be contained on site, which would limit the proposals impact on the surrounding areas.
2. There are no environmental areas on these properties, and it is Staff's understanding that all water drainage must be contained on site, which would limit the proposals impact on the surrounding areas.

e) *Generation of noise, light, and glare.*

1. In general, this corridor, like many well-trafficked ones, is noisy, but Staff finds that the noise produced by this development would not be in excess compared to other commercial developments of like-size on this corridor.. The Airport Overlay standards on glare and light will ensure this proposal is not a detriment in either case.
2. The commercial uses might add additional traffic including trucks, this needs to be cautiously screened or buffered.

f) *The development of adjacent properties compatible with the future development map and the zoning district.*

1. The adjacent properties that front Gaines School Road are compatible with the proposal as they are also *Main Street Business* in the FLU Map. However, these properties are also zoned Commercial-Office. For the properties that do not front Gaines School Rd, this change would be mostly compatible with the FLU Map as *Main Street Business* is a

natural step up from *Traditional Neighborhood*. From the zoning district perspective, RM-2 is a larger step up in intensity as there are no developments in the area that have this level of density.

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

g) *Impact on future transportation corridors.*

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

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

1. Much of the housing in the area, to the north, east, and west, is lower income while the housing to the south in the Cedar Creek subdivision has a wider range of socio/economic demographics. Staff understands concerns brought by the community in regard to what this development might do to surrounding housing prices, but this development widens the range of options and price points of the area.
2. The commercial portion of the project does fit the character of Gaines School Road. The additional use allowance is a natural request as this road seeks to meet the various needs of adjacent residents and customers.

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

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

Overall, the proposal does meet most of the criteria.

### Requested Waivers

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

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

Staff Opinion: The arborist has pointed out in their review the response by the applicant to those loss of trees is inadequate. However, the arborist has also stated that these shortcomings can be worked through in the Plans Review. Staff supports this waiver.

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

Applicants' Purpose: GSRC requires a 30-foot buffer (or a 15-foot buffer with a wall), which

would not foster a sense of community between the residential and commercial uses of the mixed density site. A proposed ten-foot-wide buffer landscape without a fence is proposed instead.

Staff Opinion: This waiver would primarily affect the north and west side of the commercial outlot where there is a parking lot that interconnects between the existing Sunnyview Road and the new central road. The side elevations of the townhomes A3 and B1 will not bring that sense of community as the architecture shows these to be sides of buildings with no engagement with the commercial property, which reinforces the need for some form of buffer. The ten-foot-wide buffer without a fence proposed on the north side of the commercial lot (shown on the RM-2 side of the property line) does reach an understanding of Staff's concerns. Staff supports this waiver.

3. *Waiver from Section 9-12-6, to waive requirements of Table 9-12-6 and have Table requirements replaced with standards A through K in the Applicants Report.*

Applicants' Purpose: To achieve the moderate density the project proposes.

Staff Opinion: Staff understands that these changes are what is necessary for the project as shown, however the changes shown seem to be specific to what is currently on the site plan. While this is a Planned Development request that, if approved, will have a binding site plan, Staff would have preferred these numbers not be so specific. As Staff has seen with many projects, modifications are typically needed in order to meet engineering realities or other unforeseen circumstances. The requested changes made to the GSRC are the most substantial waivers, with the request making significant changes to the minimum requirements table. Staff supports this waiver but is making note to the applicant that any changes that deviate from these new standards may require the project to come back through the PD process.

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

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

Staff Opinion: The applicant has somewhat addressed the preliminary review's comments by increasing the landscaping and fenestration around the townhomes that do not meet this code. Staff understands that this requires a slight redesign of a few units, however adding landscaping and having fenestration numbers below the 25% requirement does not adequately meet the intended goal of creating a strong community connection. Staff does not support this waiver.

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

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

Staff Opinion: If the stated core goal of this project is to create a moderately dense neighborhood that feels shared and connected, then the architecture should complement or enhance that desire. Based on the architectural designs shown and the reason given in the Applicant's Report, Staff believes that the 2% can be made up, whether it be through trim, a window in the garage, or other means. This would create a more unified result along the spine

of the project as well as better achieve the applicants' primary goals of a vibrant and connected community. Staff does not support this waiver

6. *Waiver from Section 9-8-2, to change the requirements table to allow commercial parking structures or lots in the RM-2 zone.*

Applicants' Purpose: To achieve the design requested.

Staff Opinion: By having these offsite parking lots within the private drive areas adjacent to the residences and not along any primary road, Staff believes that the intended goal of a more inviting neighborhood is achieved. Furthermore, each townhome and ADU do have the minimum required parking for each unit, meaning these surface lots will be utilized by guests. There is the chance that these will also be utilized by the commercial space, however Staff does not see this as a significant concern. Finally, if approved, this request would have a binding site plan, locking the fifteen (15) parking spaces to their location and size. Staff supports this waiver.

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.