



**STAFF REPORT
SPECIAL USE
581 S. HARRIS STREET
SUP-2025-02-0395
MAY 1, 2025**

APPLICANT: Patrick Perry / Perry Planning
OWNER: 581 South Harris Street LLC
ZONING REQUEST: Special Use in C-G
TYPE OF REQUEST: Type II
LOCATION: 581 S. Harris Street
TAX MAP NUMBERS: 171C1 H003
COUNTY COMMISSION DISTRICT: District 10
PROJECT SIZE: 0.29 Acres
PRESENT USE: Vacant Commercial Restaurant
PROPOSED USE: Commercial Parking Lot
PUBLIC NOTICE POSTED: April 15, 2025
STAFF RECOMMENDATION: ***DENIAL***
PLANNING COMM. RECOMMENDATION: ***PENDING***
MAYOR & COMMISSION AGENDA SETTING: .. May 20, 2025 (tentative)
MAYOR & COMMISSION VOTING SESSION: June 3, 2025 (tentative)

I. Summary Recommendation

The applicant is requesting a Special Use in a Commercial-General (C-G) zone at 581 South Harris Street to demolish a vacant restaurant and construct a 29-stall commercial parking lot. The property is in a commercial block where over half of the land is already dedicated to surface parking. Furthermore, the University of Georgia is actively constructing a 1,097-space parking deck on the adjacent block, which will dramatically expand the availability of parking in the neighborhood. Once this deck is open in Fall 2025, increased student parking availability could open the way for this block to be redeveloped with uses other than surface parking, including the subject property as a valuable piece of that effort. Staff's analysis finds that the project is incompatible with the Comprehensive Plan as it could induce demand for more driving and remove a building from a lot where infill redevelopment is desired. While no change is required to the Future Land Use or Zoning Maps, the project is incompatible with the storefront character that is expected for this area. The project would remove a building that is similar to the kinds of storefront buildings that are expected in the Main Street Business Future Land Use area. Creating a surface parking lot here would be a lost opportunity to add places for people to do business or live in close proximity to daily needs, amenities, and educational opportunities. Replacing the building with a surface parking lot would reduce the tax revenue generated by the property while the maintenance expense for the public infrastructure that serves this block would remain the same. Adaptive reuse of structures should be encouraged to add value and opportunity to the community while raising revenue to cover the costs of public services and infrastructure. Staff finds that the project does not satisfy the Special Use Criteria, nor does it merit the requested variance, as detailed below. The lack of access to the rear parking lot is due to an expired easement. The current owner failed to ensure that a durable access agreement was in place at the time of purchase as part of their due diligence. Access agreements are not the responsibility of the

County and purchasing a property without securing vehicular access does not warrant exceptions from the Code of Ordinances, especially when the project is not compatible with the County's long-range plans and Code. Therefore, **Staff recommends denial.**

Planning Commission Recommendation: Pending

II. Purpose of Applicant Request

A. Proposal

The applicant is requesting a Special Use in a Commercial-General zone (C-G) at 581 South Harris Street. The purpose of the request is to demolish the vacant commercial restaurant and construct a 29-stall commercial parking lot. The applicant states that they are looking to provide parking for students trying to access the University of Georgia's (UGA) campus nearby.

B. Existing Conditions

The subject property currently holds a vacant commercial restaurant and is zoned C-G. The existing building has two handicapped parking spaces in front, but the rest of the parking sits behind the building. This parking can only be accessed through an adjacent property because there is no room between the building and the property lines for a driveway. The adjacent property has not granted access through their property, so the rear parking lot is currently inaccessible. This 0.29-acre property is part of a block, bounded by Harris Street to the west, Baxter Street to the north, Church Street to the east, and Peabody Street to the south, that is entirely zoned C-G except for a UGA-owned parking lot, which is zoned G (Government). The property to the south is a parking lot, the property to the north is a gas station and convenience store, and the property to the east is a multi-tenant commercial retail and restaurant space. A two-story commercial-residential mixed-use building sits directly across Harris Street from the subject parcel. Surface parking is the principal use on 5 of the 9 parcels in this block. Furthermore, the University of Georgia is actively constructing a 1,097-space parking deck on the adjacent block, which will dramatically expand the availability of parking in the neighborhood.

III. Policy Analysis

A. Compatibility with Comprehensive Plan

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

- *Decrease automobile trips by providing and incentivizing alternative transportation modes.*
- *Infill and redevelopment should be prioritized over greenfield expansion.*
- *Identify areas that could potentially be developed for unique neighborhoods with smaller houses and a cohesive theme.*
- *Create appealing and inviting community gateways and corridors.*

The comprehensive plan sets a goal of decreasing automobile trips by incentivizing alternative transportation modes including walking, biking, and transit. The proposed parking lot would not support multiple transportation modes. Building a parking lot here could induce more car trips, including trips that might have reasonably been taken via other means of travel. The project would also remove a building on a block where infill redevelopment is desired next to the Baxter Street corridor. Creating a surface parking lot here would be a lost opportunity to add places for people to do business or live in close proximity to daily needs, amenities, and educational opportunities. Given these factors, the proposal is incompatible with the Comprehensive Plan.

B. Compatibility with the Future Land Use Map

The 2023 Future Land Use Map designates the subject parcel as *Main Street Business*, 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 use 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.

No change to the Future Land Use Map is required since the proposed zoning action is already compatible with the Map. However, the proposal is not compatible with the Future Land Use description for this area, which expects small-scale retail and office storefronts along the street façade. The project would demolish a building that is similar to the storefront type that is expected in this area. Automobile-oriented uses such as the proposed surface parking lot are not included here since walkability and pedestrian-scale are deemed to be important in these areas.

C. Compatibility with the Zoning Map

The applicant has requested a Special Use Permit (SUP) in a Commercial-General zone (C-G). Since the underlying zoning district would stay the same, no change is required to the Zoning Map. The allowable development intensity would not change. While the Special Use would bind the plan for a commercial parking lot, other uses allowed by-right in the C-G zone would not need to follow the binding plan. The following information has been provided to show the development intensity allowed in the C-G zone, which permits a wide range of commercial uses (and some residential uses with limitations):

CURRENT & REQUESTED	
Standard	C-G Zoning
Minimum Lot Size	2,500 sq. ft.
Density	24 beds / acre
Max Lot Coverage	80%
Max Building Height	65 ft.
Setbacks	0-10 ft.
Conserved Canopy	10%
Total Canopy	40%
Parking	Varies

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

No applicable plans were identified.

IV. Technical Assessment

A. Environment

There are no designated environmental areas on the property. The Arborist has reviewed the tree management plan and recommend approval with the following comment:

- *Project will be expected to meet all requirements of the community tree management ordinance at time of development during plan review. Tree Management Plan included in request will be sufficient but edits may be needed during Plan Review especially trees' location to utilities and infrastructure.*

B. Grading and Drainage

The Transportation & Public Works Department has reviewed and recommended approval of the proposal without grading and drainage-related comments.

C. Water and Sewer Availability

The Public Utilities Department has reviewed the proposal, recommended approval and offered the following comment:

- *ACC water and sanitary sewer was previously provided to this property through non-compliant service extensions. Public water and sanitary sewer service for any new use would require service main extensions that meet current standards. The proposed special use does not require public water or sanitary sewer service.*

D. Transportation

The Transportation & Public Works Department has reviewed the proposal and recommended approval without transportation-related comments.

E. Fire Protection

The Fire Marshal has reviewed and recommended approval of the proposal without comment.

F. Compliance with the Zoning Ordinance and Development Standards

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.

Special Use requests are evaluated using the following criteria:

- a) *Similarity in scale, bulk, and coverage.*

Demolishing the building and replacing it with a surface parking lot would reduce the scale, bulk, and lot coverage of the property when compared with its surroundings. Additionally, this proposal, as designed, does not meet ACC regulations for parking lots and does not have room to make the required corrections without losing half of the spaces.

- 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.*

A 29-space parking lot would attract more vehicular traffic to this block than exists currently and decrease the appeal of using other modes of transportation like walking, biking, and transit.

- c) *Architectural compatibility with the surrounding area.*

Surface parking, detracts from the architectural appeal of a neighborhood, especially when that parking involves the demolition of a building.

- 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.*

The project would improve stormwater management on the site by slightly reducing the amount of impervious surface and installing a modern stormwater management facility where none currently exists. However, at a systemic level, building exclusively automobile-oriented uses, especially on infill locations, does negatively impact the environment by increasing emissions, particulates, and pollutants that are byproducts of automobiles.

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

The project would generate noise, light, and glare similar to the surrounding parking lots.

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

The project would not block surrounding properties from redevelopment, but would create a built environment where redeveloping pedestrian-scale buildings is less attractive to builders.

- g) *Impact on future transportation corridors.*

This property is one lot removed from Baxter Street, which is identified as a corridor of significance in the Growth Concept Map that was developed as part of the ongoing Future Land Use Map Update. This street is envisioned to be corridor with main-street style buildings, a mix of residential and commercial uses, and serve multiple modes of transportation. A standalone parking lot does not complement this vision.

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

Losing a building for a parking lot would detract from the character of the neighborhood. Future plans for ACC would prefer infill development in this valuable neighborhood with great connections to schools, residences and amenities.

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

No other factors have been found to be relevant.

In Staff's opinion, **the project does not satisfy the Special Use Criteria.**

Requested Variance:

The applicant has requested a variance from Sec. 9-25-8(G)2 to eliminate the requirement for a 10-foot planted buffer at property lines along the northern and southern borders of the property.

Variances are assessed using the following criteria:

1. *Describe the extraordinary and exceptional conditions pertaining to this particular piece of property in question because of its size, shape, character, or topography that do not apply generally to other land in the vicinity:*

Staff Opinion: Nothing is extraordinary about the parcel; it is square and sized similar to many around it. However, the current site was developed with the aid of an access easement that was not extended by the current owner, leading to a problem of its current use, but not of the site or for any redevelopment purposes.

2. *Explain how the strict application of the provisions of this title to this particular piece of property*

would create an undue and unnecessary hardship so that the grant of the variance is necessary for the preservation and enjoyment of a property right and not merely to serve as a convenience to the applicant:

Staff Opinion: The application of this title can be accomplished in many different ways with a wide range of development possibilities. Commercial-General zoning is one of the most permissive districts in the Code, allowing a wide variety of commercial and multi-family uses. The owner has many options to enjoy their property rights without the need for exceptions. The owner is seeking one specific use that is not easily accomplished due to the size required for surface parking. The request is simply to serve the applicant's singular request and not to follow the code. Staff also notes that the site can be directly accessed from Harris Street by alternative modes of travel such as walking or biking which is expected along this in-town corridor.

3. *Describe how the special conditions and circumstances do not result from the actions of the applicant:*

Staff Opinion: The applicant is making a request to tear down a structure for surface parking and is seeking to not follow the code. Many other opportunities are available and could fit in this block which is along a valuable corridor and not require a variance. Use of the property is feasible in many ways without the need the variance as requested.

4. *Explain how the benefits of granting the variance will be greater than any negative impacts on the development of the adjacent uses; and will further the purpose and intent of this ordinance and the Comprehensive Plan of Athens-Clarke County:*

Staff Opinion: The planted buffer requirement in question is intended to protect adjacent properties from the negative externalities, such as noise, light, glare, and unsightly views that can result from cars using a parking lot. The buffer also provides a modicum of protection for pedestrians or the adjacent property in the event that a car is mishandled during parking. Granting the variance would increase the potential for these externalities to be imposed on adjacent properties or passers-by. Although the applicant contends that those properties are not currently impacted, future redevelopment and future owners could be negatively impacted by the granting of this variance, which applies indefinitely. Staff has written in other sections of this report that the request does not further the purpose and intent of the ordinance and the Comprehensive Plan.

5. *Explain how the variance, if granted, will represent the minimum variance that will afford relief from the identified hardship and will represent the least deviation possible from the zoning regulation and from the comprehensive plan.*

Staff Opinion: Other development opportunities are available for this site that do not require this variance. This request goes beyond the minimum deviation as the applicant is choosing a parking lot use over many other viable development options. The choice to seek a surface parking lot here is due to the applicant and is also not in line with zoning or the Comprehensive Plan.

In Staff's opinion, **the proposal does not meet any of the five criteria to justify a variance.**

Corrective Actions:

1. *The provided zoning data table does not accurately reflect the lot coverage and landscape area percentages displayed on the plan and calculated on the coverage data table.*

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.