

**Report to Support the  
Special Use Application  
458 East Clayton Street  
The Deupree Building**

**Introduction:**

The owner of the Deupree Building has attempted to lease the Clayton Street ground floor for ten years without success. The site, which contains 0.231 acres of land, is identified as tax parcel 171B6 D002 in the Athens-Clarke County land records. The building encompasses the entire site. The building was constructed around 1900. It is a primary example of early 20th-century commercial architecture in East Downtown. The property is zone C-D. The property is in the East Downtown Character Area and in the National Register Historic District for Downtown Athens but the property is not located in the Downtown Local Historic District. The front elevation of the building facing East Clayton Street is not being modified. The proposed project area is entirely inside the building. The building currently has five apartments on the second floor and one apartment at the rear of the building facing Broad Street on the Clayton Street ground floor. The plan is to construct 3 more apartments containing 12 bedrooms on the first floor of Clayton Street and maintain a 1004 square foot commercial space. The limitation in the Athens Clarke County Code of ordinances for residential construction in the C-D zone is that apartments are permitted only on second story and above or in the basement level of the structure. Section 9-10 continues: "At least 50 percent of the ground floor shall be leasable commercial space not used for parking, none of the ground floor shall be used for self-service storage, and the commercial space shall be accessed only through a publicly accessible building entrance. Access to residential dwellings shall not be through the designated area comprising the minimum 50% commercial space. Multifamily residential uses arranged in any other manner on a commercially zoned property are permitted only as a special use permit...". This project increases the total percentage of ground floor apartments to 75.5% and reduces the commercial space percentage to 11% with a common corridor space of 13.5% The special use is for ground floor apartments, and a variance is required as part of the special use due to the requested decrease in commercial percentage to 11% from the allowed 50%

The main reason for requesting this special use and the one variance is due to the inability to obtain any long-term commercial tenant for the ground floor on East Clayton Street. The first floor has a very low ceiling that is only 9.5 feet above the finished floor. All potential tenants have objected to the low ceiling height and considered it a serious detriment for a commercial enterprise. In fact, at least two bar owners were very interested in the space but ultimately concluded, just as others have, that the space is inappropriate given the low ceiling height. The owner was able to lease the space to one company for approximately one year. The leasee was an apartment developer and needed the space to operate a leasing center which included building example rooms for renters to experience. The size of the proposed commercial space

was designed to provide a space with general proportions compatible with a ceiling height of 9.5 feet.

#### **Site and Building Characteristics:**

The subject property contains a three-story building as viewed from East Broad Street and presents as a two-story building from East Clayton Street. The building comprises the entire parcel. The building extends from lot line to lot line. The building currently contains Porterhouse Grill on the Broad Street side. The restaurant extends approximately half the length of the building. At that point, ground floor stops at a CMU wall and a slab on grade, which is at-grade with Clayton Street, commences. The Clayton Street ground floor (9186 square feet) contains an undeveloped commercial floor space of 6750 square feet which includes 1234 square feet of community corridor for life safety access and one apartment of 2436 square feet. The apartment is at the rear of the Clayton Street ground floor (apartment fronts on Broad Street but is accessed from Clayton Street) and is only accessible through the current residential entrance. This residential entrance allows access to the five second floor apartments and then down an interior stair to access the rear Clayton Street floor apartment and a small mechanical space that serves the Broad Street floor and an electrical closet.

Street trees exist. No other trees are required.

#### **Zoning Request and Future Land Use:**

There is no change in the current zoning or future land use as it exists. The current C-D zoning and the future land use, *Commercial Downtown* is compatible with commercial and residential use.

#### **Site Access, Traffic, Parking and Pedestrian Safety:**

Pedestrian access to the building on the Clayton Street side is available. A public sidewalk fronts the building on East Clayton Street and East Broad Street. One residential door provides access to second floor apartments, one existing door will provide access to ground floor apartments, and a double door provides access to the proposed commercial space. There is street parking in front of the building. The owner intends to obtain parking within the designated allowable walking distance for the proposed apartments per ordinance which is six parking spaces for the three apartments

#### **Public Utilities and Services:**

The site is served by existing public water and public sewer. There is one sewer connection to a manhole in East Clayton Street for the two stories of the building facing East Clayton Street. The new apartments will connect to the existing 6" sewer service line inside the building. The current meter for the entire building is a master water meter located on the East Clayton Street sidewalk. All water is sub metered. The building is currently fully sprinklered and no change is expected in the fire sprinkler system except additional sprinkler heads for the apartments. Athens-Clarke County has determined that sufficient capacity for the water and sewer demands exists. That report is attached. No changes to the solid waste service are proposed under the Special Use Application Currently ACC picks up curbside in approved bags or the tenants put their

trash and recyclables in approved containers located at 420 East Clayton. Also ACC provides a dumpster on North Jackson between East Washington and East Clayton

**Stormwater Management:**

There is no increase or replacement of existing impervious on the site. No stormwater management is required.

**Lighting:**

All exterior lighting is from existing ACC streetlights. No other lighting is proposed.

**Special Use Considerations:**

**1. Conformance with the Future Development Map**

The site is in an area designated as *Commercial Downtown* on the Future Development map of Athens-Clarke County. The proposed use is in conformance with the Future Development map. Many commercial buildings downtown contain apartments on upper floors. The future land use plan notes "Retail, office and entertainment uses are encouraged, as is high-density multifamily housing."

**2. Conformance with the Zoning Ordinance and purpose and intent of Comprehensive Plan**

Plans for the construction of 3 new apartments were designed to comply with all requirements for the zone except that they are located on the first floor on the Clayton Street side. The Comprehensive plan states for the housing sector: "Infill housing should be promoted and concentrated in areas near commercial nodes, providing easy access to everyday services."

**3. Public Services are sufficient to service the proposed Special Use.**

The existing site is currently served by public water and sewer, electricity, gas and communication lines. The existing multifamily use shows that water and sewer service is sufficient for this site. A water and sewer availability analysis was sent to ACC Public Utilities for verification that the increase in water and sewer needs for the project can be accommodated by existing water and sewer.

**4. The proposed Special Use will not adversely affect the balances of Land Use in Athens-Clarke County.**

This Special Use Application requests approval for ground floor apartments on the property which already contains commercial space and multi-family residential space. Three new apartments will not adversely affect the balance of Land Use in Athens-Clarke County.

**5. The Proposed use is in conformance with the zoning district, all comprehensive plan policies and state and federal laws**

The proposed use meets all the requirements of the zoning district with the approval of the one requested variance. All plans for the new apartments will be designed to be in compliance with applicable local, state and federal laws. Furthermore, the development plans are aligned with the comprehensive plan policies and requirements of Athens-Clarke County.

**6. Adequate Capacity of water, sewer, paved access, electricity, storm drainage and storm drainage.**

As previously indicated in this report, the existing site is adequately served by public utility facilities. Furthermore, ACC Public Utilities will verify that the increase in water and sewer services can be handled for the three new apartments

**7. The Special Use will not have an adverse impact on the surrounding area**

**a. Similarity in scale, bulk and coverage:**

The existing building is similar in scale, bulk and coverage to those adjacent on this block of East Clayton Street. No change is proposed to the exterior of the building.

**b. Character of volume of traffic and vehicular parking generated by proposed use and effects on surrounding streets:**

The building is in downtown Athens on East Clayton Street. The character of the traffic and parking required for the three proposed apartments will not adversely impact on the existing condition.

**c. Architectural compatibility with surrounding area:**

The current building was constructed in the early 1900s. No changes to the exterior are proposed for this project. The building is compatible with the surrounding area.

**d. Possible environmental impacts including, but not limited to, drainage, soil erosion and sedimentation, flooding, air and water quality**

The building exists. The construction of three new apartments will have no environmental impacts related to drainage, soil erosion and sedimentation, flooding, air quality and water quality.

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

The building exists. No changes are proposed for the exterior. Exterior lighting is provided by Athens Clarke County. The proposed apartments are not on the street but behind the proposed commercial space. There will therefore be no new generation of noise, light or glare from the building

**f. Impacts on development of adjacent properties compatible with the future development maps:**

All properties immediately surrounding the site are zoned and developed for downtown commercial uses. The proposed three new apartments in the building will not infringe on any future development rights for the adjacent properties.

**g. Impacts on future transportation corridors:**

Approval of the Special Use of the three apartments will result in a very minimal traffic increase in the downtown area. There will not be any impact on future transportation corridors throughout the county.

**Conclusion:**

Approval of the Special Use Application will allow the owner to infill a space which currently sits empty. The proposed commercial space is small enough that the owner may be able to reduce rent to allow for a small business to lease the space. The size of the commercial space is appropriate for the low ceiling height.