

**STAFF REPORT**  
**PLANNED DEVELOPMENT AMENDMENT**  
**CASE NUMBER: PD-2022-12-04373**  
**102 LAVENDER ROAD, 0, 6017, & 6045 JEFFERSON ROAD**  
**FEBRUARY 2, 2023**

**GENERAL INFORMATION AND PROPOSED DEVELOPMENT**

**I. THE REQUEST**

APPLICANT.....	Scott Haines / W&A Engineering
OWNER.....	Village at Oak Grove LLC / New Oak Grove Area LLC
ZONING REQUEST.....	Amend a C-G PD (Commercial General, Planned Development)
TYPE OF REQUEST.....	Type II – Planned Development Amendment
LOCATION.....	102 Lavender Road, 0, 6017, & 6045 Jefferson Road
COUNTY COMMISSION DISTRICT.....	5
SIZE OF REZONING AREA.....	52 acres
PRESENT USE.....	Vacant / Commercial under Construction
PROPOSED USE.....	Residential and Commercial Mixed-Use
TAX MAP NUMBER.....	062-025 / 062-025A / 062-027 / 062-028
ADJACENT USES AND ZONING.....	(N) Single-family dwellings / AR
.....	(S) Single-family dwellings / RS-15
.....	(E) Commercial, Single-family residential / C-G, RS-15
.....	(W) Single-family dwellings / RS-8 (PD)
STAFF RECOMMENDATION:.....	<b>Denial</b>
PLANNING COMM. RECOMMENDATION:.....	<b>Pending</b>

**II. PURPOSE**

The purpose of this request is to amend an existing C-G (PD) (Commercial-General, Planned Development) on a 52-acre site at 102 Lavender Road and 0, 6017, and 6045 Jefferson Road. The applicant is requesting to reduce the planted buffer along both Jefferson Road and Lavender Road, modify the outparcel building footprints, and add parking in the outparcels. Planned development designations are used to request exceptions or variations to the required development standards in an effort to provide design flexibility. Once a site has been zoned for a planned development, any changes to the site must be approved as an amendment to the existing planned development. The request for a planned development amendment includes a binding application report, site plan and architectural elevations to provide a guarantee to the community that what is proposed would be constructed, if approved.

**III. BACKGROUND OF SUBJECT PROPERTY AND VICINITY**

This site forms part of the Oak Grove Planned Development neighborhood, which was first approved in 2000. The project was originally designed with New Urbanist principles in mind, and the commercial component was envisioned as a town square for the new residents. Essentially, the project intended to

create a complete neighborhood oriented towards local residents *living next to Jefferson Road* instead of strip retail for people *passing by on Jefferson Road*. In this vision, Jefferson Road would continue to serve as a high-speed road connecting Athens to Jackson County, I-85, and Gainesville rather than becoming a street that served the next major suburban expansion. Hence, as stated in the current application report, “approval of the Oak Grove commercial development was based largely on its insular design. Therefore, heavy vegetative buffers were proposed on all boundaries of the site, screening the development from the road. This was done to help preserve the existing character of these frontages.” To preserve the buffer and avoid strip retail design patterns, signage was consolidated onto one large monument sign instead of distributed across individual signs for individual lots.

Over time, as the project has changed ownership, this original New Urbanist vision has been incrementally altered. Staff is concerned that what was once envisioned as a neighborhood commercial village is now developing as an auto-oriented suburban retail center.

Specifically, the project has evolved as follows:

- The original Oak Grove neighborhood consisted of a 61.635 acre tract and was approved as an RG-6 Planned Development in 2000. A conservation easement north of the development consisting of 20.73 acres was established and placed in a land trust with the approval of this Planned Development.
- In December 2003, an additional 35.895 acres were added to the development project when the Planned Development was amended to an RS-8 Planned Development.
- In 2004 the Planned Development added land from Turkey Creek eastward to the established Oak Grove development and southward to the intersection of Lavender Road and Jefferson Road. These parcels were originally zoned AR with a portion of the tract zoned C-R (Commercial-Rural). The 2004 amendment rezoned the property to RS-8 and C-N and introduced a mixed-use commercial-neighborhood component to the existing residential uses. As approved, the Planned Development permitted 99,750 square feet of commercial space (including a 35,000 sq. ft. grocery) and a total of 747 residential units (including 260 single-family homes, 162 townhomes, 260 multi-family units, 35 residential units over commercial units and 30 cluster homes/village units).
- In 2009 the development was rezoned from C-N (PD) and RS-8 (PD) to C-G (PD). The commercial square footage was increased to 124,300, including a larger 48,000 sf grocery store and mixed-use buildings. Approval was also given for 276 proposed multifamily units and a 50,000 sf assisted living facility.
- In 2021 the condition that all signage comply with C-N standards was removed in favor of permitting the signage according to C-G standards. Two other restrictions remained:
  1. No wall signage shall be allowed on the retail building walls facing Lavender Road and Hwy. 129.
  2. No retail building shall be allowed additional freestanding signage along Lavender Road or Hwy. 129.

The site is not located within a local historic district, nor is it designated as a local historic landmark. The property is zoned C-G (PD), and previously approved phases of the project are currently under construction, including a Publix grocery store. This proposal concerns the outparcels that are yet to be constructed. No request was made to modify the approved signage conditions, so they remain in effect.

#### **IV. PROPOSED DEVELOPMENT**

The proposed planned development amendment includes a buffer reduction along Jefferson Road from 50’ to 40’, reducing the buffer along Lavender Road from 25’ to 20’, modifications to the outparcel building

footprints, and an additional 39 parking spaces allocated across the four outparcels. The currently approved plan shows 91 parking spaces while the current proposal includes 130. In addition to shrinking the width of the buffer by 10 feet, the applicant proposes to significantly thin the buffer plantings. In conversations with the applicant, it was stated that these amendments are necessary to accommodate the store templates and expectations of the commercial tenants. The site plan identifies two of the outparcels as future quick service restaurant sites. The two other outparcels are listed as a medical office and retail.

## **COMPATIBILITY WITH COMPREHENSIVE PLAN**

### **I. COMPATIBILITY WITH FUTURE LAND USE MAP**

The 2018 Future Land Use Map designates the subject parcel as *General Business*, which is described as follows:

#### **General Business**

*These are commercial areas that serve a variety of needs for the residents of the region. It is intended for small- and large-scale retailing and service uses that are auto-oriented, such as Atlanta Highway, Lexington Road and US 29 North. Pedestrian-oriented design is particularly appropriate when these streets contain neighborhood-shopping areas or are adjacent to multifamily housing or residential neighborhoods. Pedestrian circulation in these centers is a primary concern; therefore, connectivity within and to surrounding areas should be encouraged. Internal pedestrian walkways should be provided from the public right-of-way to the principal customer entrance of all principal buildings on the site. Walkways should connect focal points of pedestrian activity such as, but not limited to, transit stops, street crossings, building, store entry points, and plaza space. Walkways shall feature adjoining landscaped areas that contribute to the establishment or enhancement of community and public spaces. The street level facade of these areas should have a scale and architectural elements that relate to pedestrians. Buildings should be oriented to the street and corridors should be lined with street-trees. Small and medium scale retail stores should frame the streets with large-scale retailers located behind with focus given to pedestrian circulation rather than automobiles. Parking lots should not be located at the street front and shared parking should be encouraged.*

The applicant requests no changes to the Future Land Use Map.

### **II. COMPATIBILITY WITH COMPREHENSIVE PLAN**

The following are relevant 2018 Comprehensive Plan policies:

- Infill and redevelopment should be prioritized over greenfield expansion.
- Create nodal development tied to transportation, healthcare, schools, jobs, workforce, and housing.
- Promote intra- and inter-connectivity within and between neighborhoods while discouraging cul-de-sac development. This applies to both vehicular and pedestrian pathways and may not always require formal, paved improvements when associated with walkability.
- Incentivize and incorporate the arts and greenspace into all new developments.
- Create appealing and inviting community gateways and corridors.
- Provide safe, accessible, and attractive multi-modal transportation options throughout Athens.
- Decrease automobile trips by providing and incentivizing alternative transportation modes.
- Preserve the Greenbelt in a way that can still accommodate modest change.

The buffer reduction request trades greenspace for additional parking stalls, which is contrary to the stated priorities to move away from automobile dependency and increase environmental health. The request to thin the buffer could erode the presence and appeal of this gateway. The amendment request is being made for a greenfield site at the edge of Athens-Clarke County that is fundamentally automobile-oriented. While the site does include inter-parcel connectivity, it lacks strong multi-modal access. The Oak Grove commercial center was originally conceived as a walkable neighborhood node, but has since evolved into conventional automobile-oriented commercial development.

## **COMPATIBILITY WITH ZONING MAP AND ORDINANCE STANDARDS**

### **I. COMPATIBILITY WITH ZONING MAP**

The subject parcel is currently zoned for Commercial-General (Planned-Development). No change to the zoning map is proposed.

### **II. COMPATIBILITY WITH ORDINANCE 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 is otherwise expected to adhere to the ordinance standards. The applicant has requested no new waivers. Future signage will need to comply with the relevant standards in Code Section 7-4 and the conditions imposed by the Planned Development.

#### **Code Compliance**

In the case of Planned Development Amendments, the applicant is expected to follow the previously approved plan except in the places where they have specifically requested amendments. Staff has identified the following code compliance issues:

- a. The dumpster locations do not comply with Section 9-25-8(E)1.b. Since this Planned Development was approved with internal facing structures along an internal street, the drive between the outparcels and the rest of the site is considered the front (as shown by the arrows on the proposed buildings).
- b. The parking lots are not shaded by trees as required by Section 9-25-8(E)3.b.
- c. A parking screen is not shown between the property lines as required by Section 9-25-8(G)2.
- d. Outparcel #2 does not show compliance with Section 9-30-2(F)2. This is required due to the amount of parking shown for that parcel.
- e. Outparcel #3 exceeds allowable parking maximums unless the applicant can show show compliance with Section 9-30-2(F)1.
- f. Outparcels #2 and #3 do not have van accessible handicap spaces as required by Section 9-30-4(E).
- g. No bicycle parking is shown as required by Section 9-30-5.

Previously approved amendments include a reconfiguration of the village green and multi-use path behind Lot #3.

## **EFFECT ON COMMUNITY**

### **I. BALANCE OF LAND USES IN ATHENS-CLARKE COUNTY**

While the specific request in this Planned Development Amendment does not change the balance of land uses, the larger purpose behind the request does deserve consideration. The original intent of the Planned Development was to use the principles of New Urbanism to develop a neighborhood that would break with

the conventional suburban pattern that had characterized post-WWII development in Athens. This neighborhood design sought to develop residences in combination with commercial village square where daily needs could be met. The buffering was placed to minimize disruption to Jefferson Road as a regional transportation route. The current request is the latest in a series of amendments that have sought to convert the project into a conventional auto-oriented development at the edge of the County's "Greenbelt." The effect of this evolution, if it continues, would likely increase the pressure to convert rural "Greenbelt" land into similar auto-oriented projects with the accompanying expansion of municipal services and infrastructure networks and their associated fiscal and environmental impacts.

## **II. POPULATION**

Although the Planned Development as a whole includes residences, this particular request does not include a residential component.

## **III. ENVIRONMENT**

The Athens-Clarke County Environmental Areas Map indicates that there are protected environmental areas (wetlands, 100-year floodplain, riparian buffers, and groundwater recharge areas) on the site, but this particular proposal does not impact those areas.

The proposal includes a reduction of the 50-foot planted buffer (Buffer Type A) along Jefferson Road to 40-feet, and significantly thins out the buffer, including a 45% reduction in the number of oak trees. The proposal also includes shrinking the planted buffer along Lavender Road (Buffer Type B) from 25 feet to 20 feet, including a 37% reduction in the number of oak trees. This is in direct conflict with the original intent of the approved site plan. Staff could potentially support the request for a reduction in the buffer if the planted density of the buffer was increased with additional large trees and understory plantings. However, that is not what has been proposed by the applicant. Staff is concerned that the currently approved buffer may not provide sufficient screening and Staff does not support further thinning of the buffer.

A tree management plan has been submitted as part of this proposal for review by Planning Department Staff. The plan meets the standards set in Code Chapter 8-7.

## **IV. TRAFFIC, TRANSPORTATION, & TRANSIT**

Primary access to the development would be via a driveway off of Jefferson Road with additional access points along Lavender Road and through the Oak Grove neighborhood. No changes are proposed to the driveways. Jefferson Road is currently designed as a high-speed, efficient regional connection between Athens and Jackson County, I-85, and Gainesville. The high-speed automobile-oriented design of the road serves its regional purpose as intended. The commercial tenants trying to attract passersby on Jefferson Road are attempting to turn this route into a street for local activity and development. Adding local trips to visit the site adds both congestion and the complexity of turning movements to a high-speed environment. Adding congestion could degrade the ability of the road to serve its regional connectivity purpose and adding additional turning movements raises safety concerns. The approved buffer was designed to minimize these impacts to Jefferson Road, so a reduction in the buffer's depth and thickness is may be at odds with the transportation needs of the area.

The Transportation & Public Works Department has reviewed and approved the proposal without any traffic-related comment.

## V. GRADING AND DRAINAGE

Stormwater management remains unchanged from previously approved plans. The Transportation & Public Works Department has reviewed the proposal and provided no comment.

## VI. WATER AND SEWER AVAILABILITY

The site is currently served by Athens-Clarke County water and sewer. The Public Utilities Department has reviewed the proposal and recommended approval without comment.

## VII. FIRE PROTECTION

The Athens-Clarke County Fire Marshal has reviewed the submitted request and approved the plan without comment.

## RECOMMENDATIONS

### I. STAFF RECOMMENDATION – Denial

As stated above, the Oak Grove project was originally conceived as a New Urbanist community with residences that would be served by a commercial square. Since this square was intended to serve local residents instead of regional ones, the project included significant buffers between itself and the adjacent regional transportation route of Jefferson Road. Over time, the project has evolved into a more conventional suburban-style center with the commercial section now arranged as a conventional auto-oriented retail development. The applicant is asking for further amendments in this direction by reducing the depth and thickness of the buffer and adding more parking stalls for commercial tenants.

While the project is consistent with the Future Land Use and Zoning Maps, it is in direct conflict with several of the 2018 Comprehensive Plan priorities. The Plan calls for the prioritization of development that offers multiple transportation choices instead of automobile dependency. This project does not meet these expectations, especially since it is trading greenspace buffer for parking.

The reason for the request is to accommodate the building templates of various commercial tenants, including quick service restaurant franchises. Ultimately, the community is being asked to lower the approved standards for this property—rooted in the people-centered form of New Urbanism—in favor of extractive, auto-oriented uses.

The applicant states that these changes are necessary to give their potential tenants the same treatment as others located in the same Commercial-General (C-G) zoning classification. However, this site is bound by a custom Planned Development (PD) designation. Therefore, one cannot compare the treatment of properties with a C-G zoning to properties with a C-G (PD) zoning.

In Staff's opinion, the proposal is in direct conflict with the previously approved plans for the site and existing Athens-Clarke County land use policies. The site design also has code compliance issues that must be resolved. Therefore, Staff recommends **denial** of the proposal.

If the Commission chooses to recommend approval, Staff suggests that the following conditions be included to bring the proposal into alignment with adopted plans and ordinances:

1. The plan shall be amended to comply with the following zoning ordinance requirements:
  - a. The dumpster locations do not comply with Section 9-25-8(E)1.b. Since this Planned Development was approved with internal facing structures along an internal street, the drive between the outparcels and the rest of the site is considered the front (as shown by the arrows on the proposed buildings).
  - b. The parking lots are not shaded by trees as required by Section 9-25-8(E)3.b.
  - c. A parking screen is not shown between the property lines as required by Section 9-25-8(G)2.
  - d. Outparcel #2 does not show compliance with Section 9-30-2(F)2. This is required due to the amount of parking shown for that parcel.
  - e. Outparcel #3 exceeds allowable parking maximums unless the applicant can show show compliance with Section 9-30-2(F)1.
  - f. Outparcels #2 and #3 do not have van accessible handicap spaces as required by Section 9-30-4(E).
  - g. No bicycle parking is shown as required by Section 9-30-5.
2. The proposed Buffer Type A and B shall not reduce the density of plants below the density shown on the currently approved buffers, and shall plant a sufficient number of the proposed oaks so that there is at least one tree every 30 feet along the entirety of these two buffer types.
3. Outparcel #1's building shall place the front door facing the internal drive that serves as the front of the parcel. Direct pedestrian access shall be provided to this entry. The drive through windows shall be located on the rear of the building facing Jefferson Road.
4. Outparcel #4's site shall provide a raised pedestrian crossing through the drive lanes connecting the front door with the sidewalk along the internal drive that serves as the front of the parcel.

## **II. PLANNING COMMISSION RECOMMENDATION – Pending**

The Planning Commission will review the proposal at their regularly scheduled meeting on February 2, 2023.

## **III. CURRENT STATUS**

A Master Planned Development application and Planning Commission recommendation are scheduled for presentation to the Mayor and Commission at their agenda setting on February 21, 2023. The Mayor and Commission are tentatively scheduled to take action on this request on March 7, 2023.

**Report for 102 Lavender Road, 0, 6017, & 6045 Jefferson Road:**

<b>Zoning Criteria Considered by Staff for Zoning Actions</b>		
<b>Reviewed</b>	<b>Not Applicable</b>	<b>Considerations</b>
X		1. 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.
X		2. 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.
X		3. The proposal will not adversely affect the balance of land uses in Athens-Clarke County.
	X	4. Public services, which include physical facilities and staff capacity, exist sufficient to service the proposal.
X		5. 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.
X		6. 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.
X		7. The possible impact on the environment, including but not limited to, drainage, soil erosion and sedimentation, flooding, air quality and water quantity.
X		8. The existing land use pattern surrounding the property in issue.
	X	9. The possible creation of an isolated district unrelated to adjacent and nearby districts.
X		10. The aesthetic effect of existing and future use of the property as it relates to the surrounding area.
X		11. Whether the proposed zoning action will be a deterrent to the value or improvement of development of adjacent property in accordance with existing regulations.
X		12. 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.
X		13. 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 Notice**

In accordance with Section 9-4-9(E), public notice of this zoning request was last posted on or near the subject property on January 18, 2023.