

III. EXISTING CONDITIONS OF SUBJECT PROPERTY AND VICINITY

The three subject parcels have a combined 11 acres and are located on the south side of Jennings Mill Parkway, just west of Classic Road. The two parcels fronting Jennings Mill Parkway contain manufactured homes, while the rear landlocked parcel is undeveloped and wooded. Although the three subject parcels have Classic Road addresses, they are separated from the road by the Jennings Mill Corners subdivision, including a thin strip of open space owned by the homeowners association. The two developed parcels currently share driveway access to Classic Road via an easement through the homeowner's association lot. Water and sanitary sewer easements would also be required through the open space parcels to serve the proposed development.

The adjacent Jennings Mill Corners single-family subdivision to the east is zoned C-G (Commercial-General), its development having been approved prior to adoption of the 2007 Special Use requirement for ground-floor dwellings in Commercial zones. To the south and west of the subject parcels is a large undeveloped tract with E-I (Employment-Industrial) zoning. Across Jennings Mill Parkway to the north is an undeveloped parcel zoned C-G. The subject parcels are not within a locally designated or National Register historic district, nor contain a locally designated historic landmark.

IV. PROPOSED DEVELOPMENT

The proposal is for construction of 86 3-bedroom townhouse-style multifamily units. The maximum bedroom yield allowed under the requested RM-2 zone (24 units per acre) would be 259 units and the applicant is proposing 258 units. The project also includes a clubhouse, open space and 185 parking spaces (13 on-street, 42 garage spaces, and 130 driveway spaces).

The dwellings would be two-story units and attached in rows ranging from six to nine dwellings. The dwellings would be a mix of rear-loaded garages accessed via alleys and front-loaded garages. The front doors of these rows would face either an alley or street with the exception being Buildings 300 and 400, which face the proposed open space. The development would have driveway access from Classic Road, utilizing a driveway easement across common open space in the adjacent Jennings Mill Corners residential subdivision, and a right-in/right-out driveway connection with Jennings Mill Parkway. An internal sidewalk network would be constructed to tie into existing sidewalks along Jennings Mill Parkway and Classic Road. A 20-foot landscaped buffer is proposed on the southeastern portion of the property line when the Jennings Mill Parkway housing currently resides. [Note: The Classic Road sidewalk proposed between the development entrance and Jennings Mill Parkway would be located outside the property lines of the proposed development; therefore, such an off-site improvement would be voluntary, instead of an ordinance requirement.] A stormwater detention basin is proposed in the southwest corner of the site.

The applicant has offered to bind only the site plan. As of this time both the report and the architectural elevations are not binding. The architectural elevations are representations of what the townhomes could look like. The applicant's report was received as reference information and the architectural elevations were received as examples only and not evaluated for compliance with applicable code.

COMPATIBILITY WITH COMPREHENSIVE PLAN

I. COMPATIBILITY WITH FUTURE LAND USE MAP

The 2018 Future Land Use Map designates the subject parcels as *General Business* and *Employment Center*, which are defined 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.

Employment Center

These are areas of industry, office, research parks, and flex-space mixed uses. Two types of employment areas are distinguished in the land-use classifications for the specific properties. The first type is large-scale employment areas, which include large industrial areas, manufacturing, office parks, and research centers. Housing is incompatible with these areas. As these areas are generally not visible from the main corridors of the community, design standards should only be employed within areas that are visible from main corridors and for buffering adjacent residential areas. The second type of employment area is smaller in scale and is appropriate to be in close proximity to a neighborhood area. Design standards regulating building placement, landscaping, and buffering should apply. Housing and small amounts of retail may be compatible in some areas.

The proposal is to rezone the subject property to RM-2, which would require a change in the Future Land Use Map to *Mixed-Density Residential* designation, per the Compatibility Matrix in ACC Code Chapter 9-4. Therefore, the application includes a request to change the Future Land Use designation to *Mixed-Density Residential*, which is defined as follows:

Mixed-Density Residential

These are residential areas where higher density residential development is allowed and intended. Limited nonresidential uses designed at a neighborhood scale may be incorporated into these areas (e.g. churches, schools, daycare facilities, small businesses and offices). Buildings should be oriented towards the street and include streetscape enhancements. Their design should include connections between uses, good pedestrian connections, and compatibility with public transit. Auto-oriented uses, such as vehicle repair and maintenance, drive-thru restaurants, and vehicle sales, are not included in this designation.

Large multifamily residential developments have been built on nearby Jimmie Daniel Road and along Jennings Mill Parkway across from Mill Center Boulevard; however, no adjacent parcels are developed with multifamily dwellings or have the *Mixed-Density Residential* Future Land Use designation.

II. COMPATIBILITY WITH COMPREHENSIVE PLAN POLICIES

The following are the relevant 2018 Comprehensive Plan policies:

- Increase the availability of well-paying jobs, especially for those in poverty.
- Utilize best practices for the attraction and retention of business and industry.
- Support workforce development to attract and fill well-paying jobs.
- 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.
- Increase access to affordable housing.
- Infill and redevelopment should be prioritized over greenfield expansion.
- Create nodal development tied to transportation, healthcare, schools, jobs, workforce, and housing.
- Re-examine zoning standards to ensure that they are delivering on community objectives such as affordable housing, provision of parkland and greenspace, environmental sustainability, etc.
- 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.
- Ensure that necessary infrastructure (streets, sidewalks, utilities, etc.) is provided for all neighborhoods.

This proposal would trade job-generating potential on this site for more housing, both of which are needed in Athens, according to the Comprehensive Plan. The site is located in an automobile-dependent part of Athens-Clarke County, but the location is a short drive from many commercial and light industrial enterprises whose employees may need housing. This site is within walking and biking distance of those enterprises; however, while Jennings Mill Parkway has been constructed as multipurpose, other parts of the street network in the area warrant consideration for bike and pedestrian facilities as residential development continues. No special affordability provisions have been made, so it is assumed that these units would be market rate.

COMPATIBILITY WITH ZONING MAP AND ORDINANCE STANDARDS

I. COMPATIBILITY WITH ZONING MAP

The subject parcels directly adjoin E-I (Employment-Industrial) zoning to the south and west, and adjoin C-G (Commercial-General) zoning to the east and across the Jennings Mill Parkway to the north. Therefore, the request to rezone the parcels from E-I (Employment-Industrial) to RM-2 (Mixed-Density Residential) would create an isolated zoning district. RM-1 districts are located nearby on Jimmie Daniel Road and along Jennings Mill Parkway across from Mill Center Boulevard, and a substantial part of the C-G property to the east, along Classic Road, has been developed as a single-family subdivision.

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 will otherwise be expected to adhere to the ordinance standards. The applicant has made no requests for exemptions.

Code Compliance

Staff has found the following zoning code compliance issue with the submitted plans:

- a. Children's play area must be identified as required in Section 9-25-8(C)(7)(c)
- b. Additional sidewalks for Buildings 100 and 200 extending to Jennings Mill Parkway sidewalk

- c. Sidewalk extension from “front” of Building 300 to road to the west and to proposed open space stairs and Building 400 walkway
- d. Provide heights of all retaining walls
- e. Tree canopy in parking areas as required in Sec. 8-7-15(J)

The application does not provide lighting information, so the applicant will be expected to comply with the relevant lighting regulations in Ch. 9-19. Bringing the site plan into compliance with the aforementioned development standards will require revision and additional information before it can be approved as binding for the requested rezone.

EFFECT ON COMMUNITY

I. BALANCE OF LAND USES IN ATHENS-CLARKE COUNTY

The request is to rezone the subject parcels from E-I (Employment-Industrial) to RM-2 (Mixed-Density Residential). The application report and site plan denote an intent to develop the property for a multi-family use. This proposal would add 258 bedrooms in a two-story townhome form that is not present in the vicinity of this site. The area has seen an influx of residential development in the past 20 years, and a lack of interest in new commercial and industrial projects, although currently zoned for such use. This project would continue shifting the balance of land uses in the area from commercial/industrial to residential.

II. POPULATION

The resident population of the immediate area will increase up to 258 people depending on the occupancy of the multi-bedroom units.

III. ENVIRONMENT

According to the Athens-Clarke County Environmental Areas Map, no protected environmental areas exist on the subject property. The front two parcels have manufactured home sites, which are screened by trees from the Parkway. The southern half of the subject property is completely wooded.

The Athens-Clarke County Arborist has reviewed the provided Tree Management Plan (TMP) and has the following comment:

- *No more than 30% of any one species is permitted to be planted on a lot. Revise proposed individual tree schedule to demonstrate compliance.*
- *Tree canopy in parking areas as required in Sec. 8-7-15(J)*
- *Please show proposed locations of street poles to ensure street trees are the proper distance away. A minimum distance of 20 ft from light poles is required for both large and medium canopy trees.*
- *Please select an alternative tree species from the ACC Tree Species list to replace the proposed Constellation Dogwood (*Cornus florida* ‘Constellation’). Constellation Dogwood is listed as not being suitable for parking areas.*
- *Please select an alternative tree species from the ACC Tree Species list to replace some of the proposed Japanese Zelkova (*Zelkova Serrata*). Japanese Zelkova is listed as needed to be limited in use.*

IV. TRAFFIC, TRANSPORTATION, & TRANSIT

The subject property has only direct street frontage on the Jennings Mill Parkway, but vehicular access is proposed via an access easement from Classic Road within the Jennings Mill Corners neighborhood. Public sidewalk exists along the Parkway frontage, and the site plan shows a sidewalk network within the proposed development. ACC Transit does not serve the Parkway.

The ACC Department of Transportation and Public Works has reviewed the proposal and has the following comment:

- *TIA is required based on possible trip generation*

V. GRADING AND DRAINAGE

The ACC Department of Transportation and Public Works has reviewed the proposal and has the following condition:

- *All A-CC code requirements and construction standards regulating driveway access, right-of-way encroachment, stormwater management, and erosion, sedimentation and pollution control must be met in the course of project development.*

VI. WATER AND SEWER AVAILABILITY

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

- *ACC Water is available*
- *ACC sanitary sewer is NOT available*
- *Extend the proposed water main to the existing 8" stub-out at 380 Classic Rd, or otherwise loop the proposed water main by providing another point of connection to ACC water such that two-way feed is available throughout the development.*
- *Each unit must have independent water and sewer services. Traffic-rated cleanouts required for cleanouts located in driveways*
- *PUD recommends approval with the following conditions:*
 - *That the applicant is able to secure a utility easement through the parcel(s) situated between the site and Classic Rd to extend public sewer into the development and to loop the proposed water main.*
 - *That each unit have independent sewer and metered water connections to the public mains.*

VII. FIRE PROTECTION

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

- *Street width- needs to meet public street requirements; section 9-16-7: IFC*
- *Dead ends street needs turnarounds IFC*

VIII. ECONOMIC DEVELOPMENT

The ACC Economic Development Department has reviewed the proposal and offered the following comment:

- *Given the existing Jennings Mill Corners subdivision adjacent to these parcels, which splits the EI zoned area south of Jennings Mill Parkway between Commerce Blvd and Jimmie Daniels Rd., successfully recruiting a light industrial project on these parcels is unlikely.*

As seen in several recently proposed projects, our concern is the loss of industrial land to rezonings in the overall land use balance. In such areas where industrial development will be difficult due to neighboring residentially zoned parcels, if industrial land is rezoned to residential, our recommendation is that other areas are explored in the future land use map to restore the balance of lost industrial land, the use of which by job-creating industry is important to the tax digest and to our community's overall economic sustainability.

Aligned with our comments on similar recent projects that have come before the Planning Commission; 1) it is important for our tax digest to balance housing along with industry and the well-paying jobs that

it brings, and 2) recognize the effect on capacity (specifically sewer) for undeveloped industrial parcels which would discharge into the same main upstream.

RECOMMENDATIONS

I. STAFF RECOMMENDATIONS – Review with Comments

The request is to rezone three subject parcels located at 286, 290 and 296 Classic Road from E-I (Employment-Industrial) to RM-2 (Mixed-Density Residential). The applicant makes the case for their request by noting that the area has never developed as a commercial and industrial corridor, as envisioned by several rounds of comprehensive planning. Instead, residential growth has characterized the area for much of the past 20 years. Therefore, this proposal would fit within the current and developing character of the area. The request requires a corresponding change in the Future Land Use designation of the subject property from *General Business* and *Employment Center* to *Mixed-Density Residential*.

As stated previously, this proposal would trade job-generating potential on this site for more housing, both of which are needed in Athens, according to the Comprehensive Plan. The site is located in an automobile-dependent part of Athens-Clarke County, but it is a short drive from many commercial and light industrial enterprises whose employees may need housing. This site is within walking and biking distance of those enterprises, although the street network in the area would need a redesign for bike and pedestrian travel to be safe and comfortable. No special affordability provisions have been made, so it is assumed that these units would be market rate.

This project is proposing 258 bedrooms for rent in the form of 86 rear- and front-loaded townhomes. The *Mixed-Density Residential* designation is appropriate for residential areas “where higher density residential development is allowed and intended.” The proposal lacks variety within the site, but does provide townhomes, a type of housing that is less common in Athens-Clarke County than other types of housing like garden apartments and detached single-family style products.

In Staff’s opinion, approval or denial of the Future Land Use change depends on how much residential use should be ultimately developed along Jennings Mill Parkway, which currently has a primary designation as an industrial and commercial corridor. The Parkway itself was originally constructed as an industrial and commercial street in anticipation of a new flyover of Loop 10. The Georgia DOT has no immediate plans for the flyover at the original location, but Athens-Clarke County has guided adjacent development to leave right-of-way for a flyover if a decision is made to eventually build it. In the meantime, several large residential projects have been constructed in the area, changing the character to a blend of commercial and residential uses. The area is currently composed of a mix of undeveloped lots, single-family, multi-family, commercial, and light industrial uses. If the area is to remain designated for industrial and commercial uses, then further residential growth is undesirable. However, without the flyover, the corridor is unlikely to add significant industrial or commercial development, so increased residential uses may be appropriate. In Staff’s opinion, the character of the corridor has changed sufficiently to justify a change to the Future Land Use Map in the subject property area from *General Business* and *Employment Center* to *Mixed-Density Residential*.

As noted previously, the provided plan requires technical revisions and additional information before it can be accepted as a binding development condition of approval. Staff would mainly like to see a greater incorporation and connection to the current open space location as well as a more robust use of the space. The currently proposed site plan shows only one main point of entry, a set of stairs on the northern portion

of the space. It is possible to also enter the space via the Clubhouse area, however this is not shown as an intended entry point. Staff believes that at minimum, there needs to be another centralized connection point from ‘Private Street B’ to the open space, however greater connectivity is encouraged. These connection points, as well as the proposed stairs just outside of the open space to the east, should incorporate some form of ramping to allow handicap accessibility. Lastly, there is a notable lack of park space along Jennings Mill Parkway and if Athens-Clarke County’s motive is to move this corridor into a more residentially focused area, more interactive green space is desirable. Staff recommends that the open space be turned into a more active park space beyond being a grass field, both for the benefit of those who would be living in this development, as well as the Jennings Mill Parkway area residents.

Based on the current proposal, the following deficiencies would need to be addressed in order for Staff to recommend unconditional approval:

- a. Children’s play area must be identified as required in Section 9-25-8(C)(7)(c)
- b. Additional sidewalks for Buildings 100 and 200 extending to Jennings Mill Parkway sidewalk
- c. Sidewalk extension from “front” of Building 300 to road to the west, to proposed open space stairs, and Building 400 walkway
- d. Provide heights of all retaining walls
- e. Tree canopy in parking areas as required in Sec. 8-7-15(J)

II. PLANNING COMMISSION RECOMMENDATION – Receive with Comments

The Planning Commission will consider the request at their regular meeting on February 2, 2023.

III. CURRENT STATUS

A rezone application and Planning Commission recommendation are scheduled for presentation to the Mayor and Commission at their agenda setting on April 18, 2023. The Mayor and Commission are tentatively scheduled to take action on this request on May 2, 2023

REPORT FOR: 286, 290 & 296 CLASSIC ROAD

Zoning Criteria Considered by Staff for Zoning Actions		
Reviewed	Not Applicable	Considerations
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 first posted on or near the subject property on January 18, 2023.