



## **UNIVERSITY GARDENS – 125 BAXTER**

### **TYPE 1 REZONING APPLICATION REPORT**

3/3/2023 (Revised 4/17/2023)

Project Information: Tax Map #: 122D3 A022  
125 Baxter Drive  
Athens, GA 30606

**Terminus Design Group** is pleased to provide the following details regarding how this application meets the approval criteria for Type I Rezoning. The applicant is seeking a by-right rezoning from RM-2 to RM-3.

1. How the proposed rezoning will conform 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.
  - a. While no formal proposals are included in this rezoning application and no binding site plans, the applicant has spoken with Athens-Clarke County Zoning officials at length regarding the new construction of a +/- 40-unit apartment building to replace an apartment building that was destroyed by fire in 2012. The current owner purchased the property in 2013 and was unable to rebuild the destroyed building by right within the required time frame.
    - i. To construct a new apartment building, ACC officials advised the Owner to work within the existing RM-2 zoning designation of the 18.56 acre site and balance the existing bedroom and parking counts on property to achieve an increase in density.
    - ii. After working through various design exercises it was determined the only way to move forward in replacing the burned building was to apply for a rezoning to RM-3, which would allow for increased density on property.
    - iii. Further discussions with Mr. Bruce Lonnee and Mr. Stephen Jaques revealed the increased density could allow the property owner to redevelop the property to include more affordable housing in the future.
    - iv. As part of this rezoning request, the property owner is committed to providing 10-15% of new residential units as deed restricted affordable housing to comply with ACC's Inclusionary Zoning Ordinance 9-27. The current portfolio of properties predominantly serves as workforce housing and the property owner's intention with any new development is to continue to operate the property as workforce housing.
    - v. The owner and their architect have identified several potential buildings on property which could be demolished to make way for new construction. Those buildings have been identified on a site plan exhibit included with this application.
    - vi. Numerous possibilities for redevelopment exist including, but certainly not limited to:
      1. New construction to replace the building destroyed by fire with a +/- 40 unit apartment building consisting of approximately 26,000 square feet distributed over 3 levels with parking for 40 automobiles.
      2. Demolition of the western most apartment building and surface parking lots at 160 Dudley Drive (APN 124A2 B001A), known as "The 500 Building", which currently includes 70 apartments. This site could be redeveloped with a 3 to 4 story garage wrap apartment building. Unit count has not been determined, but this type of development is desirable as it allows for density within a smaller

- footprint, reduces surface runoff and environmental impact, and includes a parking deck hidden from view from the public right of way.
3. Demolition of “Building 13” to replace the existing low density townhome style rentals with a new rental model of increased density.
  4. Each of these proposals presents an opportunity to include more affordable housing for the community.
  5. A Main Street Business classification could also provide opportunity for more retail space to support an increase in density, if proposed.
- b. Athens-Clarke County defines Main Street Business as the following:
    - i. *“Commercial areas that front on a Main Street corridor [Baxter Street], where development of a storefront commercial type is encouraged. The uses are generally small scale, but moderately scaled uses can be integrated within a Main Street if a storefront is developed along the street facade, with the larger scaled use located behind. Larger scale uses should only be permitted in instances where they are compatible with the adjacent uses. Retail and office uses should dominate the ground floors of the Main Street facades, with residential uses permitted in second and third stories. Auto-oriented uses are not included in this designation. Some freestanding housing uses can also be accommodated on the edges of the main street area.”*
  - c. The subject property fronts on Baxter Street, with its primary entrance located between the Kroger gas station and a strip shopping center. The Main Street Business Land Use encourages commercial storefronts at street level and allows larger, compatible uses to be located behind the commercial areas and permits the inclusion of residential uses within this type of development to create a true mixed-use condition.
  - d. The subject property’s current use is multi-family and includes a mix of apartments of varying unit types and sizes. The proposed use is multi-family.
  - e. The proposed rezoning to RM-3 would provide the option to include more residential density which would pave the way for the production of much needed additional housing to serve the community.
  - f. Increased density in this location would provide incentives for owners and developers to include more affordable housing in future plans for redevelopment of the subject property.
  - g. The property’s proximity to existing public transit routes make this an ideal location to provide housing for lower income residents and an important piece of the affordable housing development and redevelopment objectives identified in the Athens-Clarke County Comprehensive Plan.
  - h. This is a strategically important multi-family site for Athens-Clarke County because of its size, location, and transit access and it would be hard to imagine a more suitable property for the RM-3 Zoning designation and reclassification to Main Street Business land use.
  - i. Furthermore, the owner purchased the property a decade ago, taking it from foreclosure into one of the best naturally affordable options in the market, and is dedicated to long-term holding and redevelopment to provide additional affordable housing to support sustainable growth for the Athens-Clarke County community.
2. The proposed rezoning will not adversely affect the balance of land uses in Athens-Clarke County.
    - a. The subject property will continue to be used as multi-family and therefore will not adversely affect the balance of land uses in Athens-Clarke County.
  3. Public facility elements of the Comprehensive Plan and how the proposed change will affect the provision of the services anticipated in the plan.
    - a. Since the proposed use of the property will not change from its current use, no effect is expected on the provision of services and public facility elements of the Comprehensive Plan.
  4. 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.
    - a. Mixed-uses and moderate to large scale developments are permitted in the Main Street Business use category.
    - b. Adjacent properties located on Baxter Street are designated with Commercial zoning, where multi-family dwellings are permitted outright.

- c. Other adjacent properties in landlocked areas behind Baxter Street and those with street frontage on Dudley Drive are designated with Mixed Density Residential zoning, which allows multi-family dwellings to be permitted outright.
- 5. The existing land use pattern surrounding the property in issue.
  - a. The existing land use pattern surrounding the property consists of commercial and multi-family uses. Since no change in use is proposed on the subject property, this application meets the approval criteria.
- 6. The possible creation of an isolated district unrelated to adjacent and nearby districts.
  - a. Since no change in use is proposed on the subject property, this application will not create an isolated district and therefore meets the approval criteria.
- 7. 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.
  - a. Since no change in use is proposed on the subject property, the population density pattern will not be affected.
  - b. The possible future redevelopment proposals mentioned in item 1a could affect these patterns and load on public facilities. However, no substantial density increases are expected at this time that would significantly alter the historic patterns or loads present on this existing multi-family property.
  - c. Any future redevelopment proposals that aim to significantly increase density would include the proper studies and surveys to determine impact to loads on public facilities.
- 8. 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.
  - a. Since no change in use is proposed of the subject property, the cost of the Unified Government and other entities will not be affected.
  - b. The possible future redevelopment proposals mentioned in item 1a could affect the cost of the Unified Government and other entities, though under these proposals no significant changes are expected at this time which would significantly add to this cost.
  - c. Any future redevelopment proposals that aim to significantly increase density would include the proper studies and surveys to determine potential cost of the Unified Government.
- 9. The possible impact on the environment, including but not limited to drainage, soil erosion, and sedimentation, flooding, air quality and water quality.
  - a. Since no change in use is proposed on the subject property, no impact is expected on the environment.
  - b. Any future redevelopment proposals that aim to significantly increase density would include the proper studies and surveys to determine environmental impact.
  - c. Replacing the destroyed building with new construction would not materially change the historic land use and therefore no impact to the environment is expected at this time.
- 10. Whether the proposed zoning amendment will be a deterrent to the value or improvement of development of adjacent property in accordance with existing regulations.
  - a. Since no change in use is proposed on the subject property, and the proposed land use is compatible with those of adjacent properties, the value or improvement of any adjacent properties or deterrent thereof will not be affected.