



**STAFF REPORT**  
**MASTER PLANNED DEVELOPMENT AMENDMENT & REZONE**  
**445, 605, 705, & 1015 Barnett Shoals Road, 190, 200, &**  
**210 Lakewood Drive, & 162 Park Ridge Court**  
**PD-2024-07-1314**  
**February 6<sup>th</sup>, 2025**

APPLICANT: ..... Scott Haines / W&A Engineering  
OWNER: ..... Dekle Realty Enterprises LLC, Michael Dekle,  
Crystaline Dekle, Beth Tolley, James Dekle, Shari  
Wycheslavzoff, Jodi Kerr, Mohammed Khan &  
Carenage Partners LLC  
FUTURE LAND USE REQUEST ..... From *Traditional Neighborhood & Mixed Density*  
*Residential to Traditional Neighborhood*  
ZONING REQUEST: ..... From C-N (PD), RM-1, & RS-8 to C-N (PD)  
TYPE OF REQUEST: ..... Type I  
LOCATION: ..... 445, 605, 705, & 1015 BARNETT SHOALS RD,  
190, 200, & 210 LAKEWOOD DR, & 162 PARK  
RIDGE CT.  
TAX MAP NUMBERS: ..... 174B 002, 174B 001B, 174B 001F, 174B 001C,  
174B 001D, 174B 001A, 174B 017, 174D1 010  
COUNTY COMMISSION DISTRICT: ..... 3 & 8  
PROJECT SIZE: ..... 207 Acres (Subject Area: 90 Acres)  
PRESENT USE: ..... Undeveloped & Residential Single-Family  
PROPOSED USE: ..... Residential & Commercial Mixed Use  
PUBLIC NOTICE POSTED: ..... January 22<sup>nd</sup>, 2025  
STAFF RECOMMENDATION: ..... **APPROVAL WITH CONDITIONS**  
PLANNING COMM. RECOMMENDATION: ..... **PENDING**  
MAYOR & COMMISSION AGENDA SETTING: .. February 18<sup>th</sup>, 2025 (tentative)  
MAYOR & COMMISSION VOTING SESSION: .... March 4<sup>th</sup>, 2025 (tentative)

## **I. Summary Recommendation**

The applicant is requesting to amend the previously approved Lakewood Planned Development for the purpose of building a new neighborhood with a variety of residential and commercial buildings, including single-family detached houses, townhomes, potential live/work units, mixed-use commercial/residential buildings and multi-family buildings such as duplexes, quadplexes, mansion apartments and courtyard apartments for 545-745 units and a minimum of 20,000 sq. ft. of commercial space.

The project has compatible aspects with the Comprehensive Plan. The applicant is meeting the expectations of the Comprehensive Plan by providing a variety of housing types that can serve multiple households at multiple price points. The proposal improves upon the original commercial node by swapping out large surface parking lots for more productive buildings and greens. The

project is designed to be connected to the local transportation network, including an expansion of the ACC Greenway Network. The project also treats greenspace as a centerpiece of the neighborhood in a way that will enhance the recreation and social connection opportunities of residents.

The project would meet several objectives in the ACCGov FY23-25 Strategic Plan including Goal Area 4.B.2.'s objective of "creating more flexible housing options in all zones of the County." Providing a variety of housing types and commercial opportunities also helps meet Goal Area 4.B.4.'s objective of "encouraging mixed-income development."

The applicant is asking to rezone the property from C-N (PD), RM-1, and RS-8 to C-N (PD). Additionally, there is a small-scale change to the Future Land Use Map on 445 Barnett Shoals Road from *Mixed Density Residential* to *Traditional Neighborhood* designation to accompany the existing designation that is on the remainder of the project site. The design of the project meets the character area expectations for *Traditional Neighborhood* as specified later in this report. The project is also compatible with the Zoning Map. The properties that are zoned RM-1 and RS-8 are planned to be vacant and serve a public street connection.

The applicant has requested 12 waivers. Staff has worked with the design and engineering team to address all prior concerns and supports all 12 waivers. Staff has worked with the applicant to substitute a binding design book in place of ACC Code Chapter 9-25's Design Standards, but sees the proposed Development Standards and Plans falling short of being a full regulatory tool. The applicant has also asked to make the site plan non-binding, which is atypical with Planned Developments, but they have included some binding elements to maintain the proposed design and mix throughout the life of the project. ACCGov departments have reviewed the plan and provided feedback that will need to be addressed during construction review.

#### Conditions:

1. Staff has worked with the applicant and **supports** the 13 proffered conditions in the binding Application Report on pages 30-31.
2. All technical aspects outlined below must be met per each department's requirements.
3. Retaining walls shall be set back from a public right-of-way a minimum of two feet for every foot of wall height above three feet in height, as measured parallel to the right-of-way and accounting for any linear changes in height. No portion of any retaining wall shall exceed ten feet in height. A terrace is required between a lower retaining wall and an upper wall and the terrace area shall have a minimum five-foot depth as measured from the upper grade of the lower retaining wall to the base of the upper retaining wall. Retaining walls over five feet in height shall be screened by a landscape buffer no shorter than 3 feet at time of planting and reaching a minimum mature height of 6 feet; however, wall art, including murals, sculptural or other decorative treatment of exterior walls may extend for a maximum of 50 percent of the wall length. Acceptable exterior finish materials include, but are not limited to, stucco, split face blocks, brick, stone, curved interlock blocks, wood, tubular steel, wrought iron bars or other grill work, textural or scored poured concrete, engineered "green" or vegetative wall as approved by the planning director, or a combination of these materials. Exposed flat-face CMU blocks and EIFS stucco are prohibited
4. Portions of this site are landlocked (existing and proposed) and require access easements. These must be recorded prior to any site plan approval.

Planning Commission Recommendation: Pending

## **II. Purpose of Applicant Request**

### **A. Proposal**

The applicant is requesting to amend the previously approved Lakewood Planned Development for the purpose of building a new neighborhood with a variety of residential and commercial buildings, including single-family detached houses, townhomes, live/work units, mixed-use commercial/residential buildings, and multi-family buildings such as duplexes, quadplexes, mansion apartments, and courtyard apartments. The property is primarily zoned Commercial-Neighborhood (Planned Development). One adjacent residential lot, zoned RM-1, is included as a proposed access point for the neighborhood. The project would have the potential at full build-out for approximately 795 units in a variety of housing types, neighborhood-serving commercial space, a greenway, common greens and parking.

### **B. Existing Conditions**

The subject properties are largely wooded and undeveloped with the exception of single-family houses and a duplex. The property is hilly and includes several streams. The subject area is bound on the north by Dekle Lake (formed by the Lakewood Farm Dam), the remainder of the Lakewood neighborhood, zoned C-N (PD) and a 23-acre tract of undeveloped RS-8-zoned land at 215 Shadybrook Drive. To both the west and the south, the subject properties border a series of duplex and multi-family properties, zoned RM-1 and RM-2. On the south, the subject properties also border a part of the Lakewood Planned Development that was previously developed from 2011-2020 for senior living, multi-family, and condominiums. The properties are bound on the east by Barnett Shoals Road, and on the west side of Barnett Shoals Road sit a series of multi-family developments, zoned RM-1 and RM-2 with an exception for a gas station that is zoned Commercial-Office (PD). The ACC Greenway Network currently terminates at Carriage Lane, but this project proposes to extend the Greenway across Barnett Shoals Road, through the subject parcels, and eventually connect with Lexington Road.

The following information is an overview of the history of the Lakewood Planned Development:

- In 2004, the Lakewood Planned Development was first established as a 206-acre mixed-use project, including single-family detached houses, townhouses, condominium apartments, garden apartments, and “town center” mixed-use buildings with commercial/office on the ground floor and residences above. Specifically, the plan called for 173,000 sq. ft. of commercial, 94 condominium apartments, 198 garden apartments, 162 town center apartments, 88 townhouses, and 330 single-family detached lots for a total of 872 residences. The project was designed as a “traditional neighborhood development” using New Urbanist principles such as alley-loaded garages, a variety of housing types, mixing of compatible commercial and residential uses, public greens, plentiful street trees, and buildings that are close to the street.
- In January and April of 2005, amendments were made to the footprints of some of the condominium apartments in the northwestern corner of the site as well as a revision to the interior block layout of the single-family section to the north of Dekle Lake.
- In 2006, the plan was amended to shrink the buffers around the lake and switch sections of the street network from private to public.
- In 2014, the plan was amended to show the Lakewood Hills (accessed off Cotton Creek Drive) senior apartments in the southern corner of the property, as well as modifying the single-family housing allocation to reduce the single-family detached units from 38 to 15 and increase the single-family attached units from 22 to 38.

- In 2017, the plan was slightly amended to shift the lot layout and setbacks of the same single-family attached units that were amended in 2014.
- In 2020, the plan was amended to remove the proposed condominium apartments and 31 attached and detached single-family houses in the northwest corner of the property (off Dekle Drive near the intersection with Barnett Shoals Road) for a rural event space based on the existing barn and pasture. The project has not been built at the time of this writing. The subject area for this project sits on the north side of Dekle Drive and is not part of the current application.

The approved binding plan currently in effect on the subject properties calls for approximately 150 single-family detached lots, 42 attached single-family (townhouse) lots, and multiple residential-commercial mixed-use buildings. The proposal calls for 795 units across 90 acres including single-family detached houses, townhomes, live/work units, mixed-use commercial/residential buildings, and multi-family buildings such as duplexes, quadplexes, mansion apartments, and courtyard apartments. The applicant has not provided exact square footage estimates for the commercial space, but the plan was originally approved with 173,000 sq. ft. of commercial space. See below for a chart outlining the development yield of the project over time:

<b>BUILDING TYPE</b>	<b>ORIGINALLY PLANNED (207 acres)</b>	<b>BUILT as of July 2024</b>	<b>PROPOSED (90 acres)</b>
<b>Commercial</b>	173,000 sq. ft. ( <i>all of it within the area of the current proposal</i> )	0 sq. ft.	20,000+ sq. ft.
<b>Condominiums</b>	94	0	0
<b>Apartments</b>	360	196	Variable
<b>Single-Family Detached</b>	330 (minus 23 w/ amendment)	43	Variable
<b>Townhouses</b>	88 (plus 16 w/ amendment)	38 (plus 38 ADUs)	Variable

### **III. Policy Analysis**

#### **A. Compatibility with Comprehensive Plan**

The 2023 Comprehensive Plan calls for the following policies that **are** supported in this project:

- *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.*
- *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 compatible development along greenways and trails.*
- *Identify areas that could potentially be developed for unique neighborhoods with smaller houses and a cohesive theme.*
- *Encourage the creation of publicly accessible gathering spaces within neighborhoods and development projects.*

This project meets multiple aspects of the Comprehensive Plan's objectives. The project offers considerable potential with its proposed diversity of housing types, which can meet the needs of a variety of households. The units that are designed with smaller square footage and shared walls on small lots are more likely to enter the market at an attainable price. While the 90 acres are largely undeveloped, this location is already well-served by infrastructure and the community would benefit from developing this gap along Barnett Shoals Road with a mixed-use neighborhood. The location of this project also lends itself to nodal development because it is located close to many destinations like schools, grocery stores and existing rooftops. The project, if eventually completed as designed, promotes intra- and inter-connectivity for vehicular and non-vehicular transportation. The walkable nature of the project complements the Greenway that would be built through the site. The applicant has proposed breaking up the project into four pods, each of which has an intentional design approach that adds overall cohesiveness to the project. The project has taken care to design the greenspaces as park-like areas, meant to encourage recreation and social connection, with buildings oriented around them. This project chooses to be very intentional about the greenspace and use it as a community benefit. Overall, the proposal is compatible with the Comprehensive Plan.

## **B. Compatibility with the Future Land Use Map**

The 2023 Future Land Use Map designates the Lakewood Planned Development properties as *Traditional Neighborhood* and *Mixed Density Residential*, which are described as follows:

### *Traditional Neighborhood*

*These are medium density neighborhoods with traditional qualities including well-connected street systems, sidewalks, street trees, and a variety of housing types. Homes are often built close to the street with front porches. Garages are set back farther than the homes and porches. Traditional Neighborhood areas support single-family residences, duplexes which resemble large homes, and townhouses. Strict design standards should be implemented to ensure appropriateness of design and to protect neighborhood character. Limited commercial and other non-residential uses designed at a neighborhood scale are encouraged, but only in areas close to principal and minor arterial routes that have good access to transit.*

### *Mixed Density Residential*

*These are residential areas where higher density residential development is allowed and intended. Limited non-residential 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-through restaurants, and vehicle sales, are not included in this designation.*

One minor change to the Future Land Use Map is proposed at 445 Barnett Shoals Road from *Mixed Density Residential* to *Traditional Neighborhood*. The remainder of the 90 acres that are the subject of this amendment are all in the area designated as *Traditional Neighborhood*. The proposal is compatible with the *Traditional Neighborhood* character description, but the project also fits in the *Mixed Density Residential* character description, as specified above. Overall, the proposal is compatible with the Future Land Use Map and its character area description for these parcels.

### C. Compatibility with the Zoning Map

The applicant has requested a rezone from C-N (PD), RM-1, & RS-8 to C-N (PD). The following information has been provided to compare the difference in development intensity between the baseline C-N zoning and the requested C-N (PD) zoning. Broadly, a comparison of scale, use, and design is offered here to help decision makers evaluate the changes that would be allowed if the request is approved. In terms of building scale, the following chart illustrates the differences in size and scale of buildings that could be constructed:

<b>Standard</b>	<b>CURRENT C-N Zoning</b>	<b>REQUESTED C-N Zoning (PD)</b>
<b>Minimum Lot Size</b>	5,000 sq. ft.	No Minimum
<b>Minimum Lot Width</b>	50 ft.	20-40 ft.
<b>Density</b>	16 beds/acre	9 units or 16 bedrooms/acre
<b>Max Lot Coverage</b>	75%	No Maximum
<b>Max Building Height</b>	65 ft.	45-65 ft.
<b>Setbacks</b>	6-15 ft.	0-7.5 ft.
<b>Max Floor/Area Ratio</b>	0.75	No Maximum
<b>Conserved Canopy</b>	15%	15%
<b>Total Canopy</b>	45%	45%
<b>Parking</b>	Varies	Varies (see waiver section)

The Athens-Clarke County Zoning Ordinance includes a list of defined uses and designates where they can or cannot be established. For this request, the most noticeable difference between baseline C-N zoning and the proposed C-N (PD) zoning is a greater mixing of uses, building types and allowing ground floor residential. The subject properties are already zoned C-N (PD) (approximately 90 acres) with an exception for the 0.36-acre RS-8 lot and the 0.42-acre RM-1 lot. The RM-1 lot is currently a duplex but would be used solely for a street connection. Given the prevalence of the existing C-N (PD) zoning, the request is compatible with the Zoning Map.

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

The project is consistent with the ACCGov FY23-25 Strategic Plan's Goal Area 4: Quality, Stable, Affordable Housing for All. Specifically, this project, by building a large variety of housing types including smaller housing types like ADU's and live/work units, would meet Goal Area 4.B.2.'s objective of "creating more flexible housing options in all zones of the County." Providing a variety of housing types and commercial opportunities also helps meet Goal Area 4.B.4.'s objective of "encouraging mixed-income development." The ACCGov Greenway Network Plan calls for a greenway to traverse the site, and the applicant is proposing to construct the greenway segment as part of the project.

## **IV. Technical Assessment**

### **• Environment**

The ACCGov Environmental Areas Map identifies creeks and riparian buffers on the property. The applicant's binding site plan respects the buffers required by local and state law.

The Arborist has reviewed the tree management plan and recommended approval with the following comment:

- *ACC Arborist recommends approval. Project will be expected to meet all requirements of the community tree management ordinance at time of plan review. Changes will be necessary as infrastructure and structures are planned in more detail, so a binding TMP is not recommended at this time.*

### **• Grading and Drainage**

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

- Option #2 in the Traffic Impact Analysis is preferred

### **• Water and Sewer Availability**

The Public Utilities Department has reviewed the proposal, recommends denial for plans as shown due to not meeting technical standards. However, PUD is willing to work with the applicant through the plans review process if aspects are flexed and all technical standards are met. Public Utilities offers the following comments:

- *ACC water is available*
- *ACC sanitary sewer is available*
- *Page 13 of the Development Standards references Public Works for utilities. This should be Public Utilities*
- *Note that each utility phase must be permitted separately through Public Utilities.*
- *Where water and sewer mains are located outside the publicly owned ROW, they should be inside an easement extending 10' either side of the mains (Minimum total width of 20' for water or sewer, minimum 30' for combined water and sewer)*
- *Attached dwelling units that are on individual lots require independent water and sewer connections to the publicly owned main*
- *All accessory dwelling units also require independent water and sewer connections to the publicly owned mains*
- *Provide a minimum 10' separation between water/sewer mains and trees.*
- *Provide a minimum 5' separation between water/sewer services and trees.*
- *No structures, including dumpster enclosures, may be located within an existing or proposed water/sewer easement.*

### **• Transportation**

The Transportation & Public Works Department has reviewed the proposal, recommended approval and offered the following transportation-related comment:

- *Road C should remain a private street unless horizontal curve standards can be met.*

- **Fire Protection**

The Fire Marshal has reviewed the proposal, recommended approval.

- **Compliance with the Zoning Ordinance and Development Standards**

A Planned Development designation is used to request waivers to the required development standards in an effort to provide design flexibility. Planned Development requests include a binding application report, site plan, and architectural elevations in an effort to guarantee to the community that what is proposed will be constructed, if approved. 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 requested that the plan be made partially-binding. The applicant is also proposing to substitute the design standards of Sec. 9-25 with the standards proposed in the design book. Staff supports the use of the design book in lieu of Sec. 9-25's standards. The proposal does require some risk and faith on both future development teams as well as future reviewing staff. Through work with the applicant, ACC staff is satisfied with many of the proposed benchmarks and guardrails. Staff recommends Approval with Conditions and intends to hold any development team on this project to the intended spirit of the proposal as shown throughout the development standards and design book.

### Requested Waivers

1. *Waiver to make the plan semi-binding.*

Applicant's Purpose: Allows the development to be determined at a later time.

Staff Opinion: Staff has worked extensively with the design, engineering and development team to put many aspects of the plan into an administratively reviewable position. Therefore, Staff supports the waiver.

2. *Waiver from Sec. 9-10-2 to allow duplexes as a permitted use.*

Applicant's Purpose: Allows duplexes to be included in the project.

Staff Opinion: Duplexes are not permitted in the C-N zone in order to guide development towards higher densities on commercially-zoned lots. C-N zoning is not intended for construction of residential subdivisions, unless they are vertically integrated into a mixed-use building. This project is designed for a horizontal mix of uses in a neighborhood that is complete with a variety of housing, commercial, and live/work/play opportunities meant to serve a diverse set of households. Therefore, Staff supports the waiver.

3. *Waiver from Sec. 9-10-2(L1) to allow ground floor residential and remove the requirement for 50% of the ground floor space to be commercial space.*

Applicant's Purpose: Allows the proposed site plan, including designing primarily for residential use.

Staff Opinion: This requirement is primarily meant to apply to small lots in developed areas where commercial uses are desired to improve the vitality of the street. This project is utilizing C-N zoning throughout even though it is mostly residential which in such situations does not require the increased level of commercial space. Therefore, Staff supports this waiver.

4. *Waiver from Sec. 9-10-3's 5,000 sq. ft. minimum lot size requirement*

Applicant's Purpose: Allows a greater variety of housing types to be built and offered at lower prices relative to houses built on standard lots.



Staff Opinion: The project is seeking design flexibility throughout and looking to provide housing options at a variety of price points. Traditional Neighborhood development supports using a mix of residential products that can and historically have required lot size variety. Staff supports the waiver.

5. *Waiver from Sec. 9-10-2, 9-15-15 and/or 9-15-12(B) to allow Accessory Dwelling Units on individual lots.*

Applicant's Purpose: Allows carriage houses for independent living above the garages on some of the residential lots.

Staff Opinion: The ACCGov Code differentiates between guest suites and accessory dwelling units by whether one has full cooking facilities (cooktop/stove). Guest suites do not have a full cooktop/stove and are not considered independent living units. Accessory dwellings have a full cooktop/stove and are considered an independent living unit. Accessory dwelling units offer the opportunity for one or two-person households. The request is unique because C-N allows ADU's through the Special Use process. Additionally, the applicant can simply request relief from minimum floor area requirements as these units are not technically "Accessory" if they are on their own parcel. In the interest of providing more housing choices, Staff supports the waiver request.

6. *Waiver from Sec. 9-26-3 A. 5. Street, block and easement standards*

Applicant's Purpose: Allows the current site plan layout, based on topography and environmental areas factors.

Staff Opinion: Given the rolling topography of the site and the presence of multiple buffered creeks, flexibility on block size is warranted to accommodate the geography of the site. The applicant has also designed the project with paths and breaks that will allow people to flow through the site and engage each other at multiple common greens. Therefore, Staff supports the waiver.

7. *Waiver from Sec. 9-25-8(B), 9-25-8(C), and 9-25-8(E) design standards.*

Applicant's Purpose: The applicant wishes to substitute the standards of the Architectural Design Book, submitted as part of the application, for the standards in the aforementioned sections.

Staff Opinion: Staff is supportive of the concept of using a pattern book in lieu of the standards in Sec. 9-25. Therefore, Staff supports the waiver.

8. *Waiver from Sec. 9-26-3(A)5's requirement for sidewalk on both sides of the street.*

Applicant's Purpose: Allows construction of a multi-use path on one side of the street where it crosses the dam while shrinking the overall width of the street segment to fit on the dam.

Staff Opinion: Staff supports the applicant's point that the roadway needs to be narrower at the point where it crosses the dam. Since the applicant is adding a multi-use path, little to no pedestrian and bike connectivity will be lost when compared to sidewalk on both sides of this street segment. Therefore, Staff supports the waiver.

9. *Waiver from Sec. 9-26-3(C)'s requirement for cul-de-sac and dead-end turnarounds.*

Applicant's Purpose: Allows a dead-end street that will tie-in to any future development on the 215 Shadybrook Drive parcel. The applicant claims that the dead end meets the exemption standards of this Code.

Staff Opinion: Staff sees that the applicant is seeking to have this temporary solution until connection with 215 Shadybrook can occur. Therefore, Staff supports this waiver.

10. *Waiver from Sec. 9-26-3(Q)'s requirement for a special use permit to connect to local and collector residential streets outside of the subject subdivision.*

Applicant's Purpose: Allows the connection to Park Ridge Court.

Staff Opinion: Generally, having more connections within a transportation network moderates traffic congestion by distributing trips across multiple routes. It also improves emergency access and response times by creating route redundancy and shorter routes. More connections can also reduce trip distances thereby making walking and biking more viable transportation modes. Given these benefits, Staff supports the waiver.

11. *Waiver from Sec. 9-30-2's parking minimums. Specifically, the applicant has asked to set the parking minimums for commercial uses at 1 space / 300 sq. ft. of leasable space, and to reduce the parking minimums for multi-family and single-family cottage units from 1-2 spaces per unit (depending on bedroom count) to just 1 space per unit.*

Applicant's Purpose: Allows the applicant to build a development pattern "that will provide more walkable places, where the automobile will be considered less and people considered more in the design of our neighborhoods." The applicant would build 1,014 off-street parking spaces instead of the 1,612 currently required by ACCGov Code.

Staff Opinion: The project is located along Barnett Shoals Road, which is served by multiple transit routes, and the project will also tie-in to the Greenway Network which will eventually allow users to access East Athens, Downtown, and the UGA Campus by foot or bicycle. The applicant has made strides to put parking within reasonable distances of all uses and find ways to make connections for Fire and Safety to personnel to all units. Therefore, Staff supports the waiver.

12. *Waiver from Sec. 9-7-3 no attached dwelling units on individual lots within 100 feet of any property line*

Applicant's Purpose: Allows design flexibility and a range of housing options throughout the site.

Staff Opinion: The project is being proposed in a flexible way that allows housing in a more Traditional Neighborhood pattern. That form often has attached products on the edge of a neighborhood and is consistent with historical patterns. Therefore, Staff supports the waiver.

### Code Compliance Issues & Discussion Points:

1. *Details on where access easements will be necessary and need attention. Said easements must be recorded prior to Certificate of Occupancy (CO) for any structure in that phase of development.*

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.