



**STAFF REPORT
REZONE
1055 HULL RD
ZONE-2024-11-2262
FEBRUARY 6th, 2025**

APPLICANT: Michael B. Thurmond / AMT
OWNER: Brian Clark / Excaliber Development LLC
FUTURE LAND USE REQUEST: From *General Business & Mixed Density*
..... *Residential to General Business*
ZONING REQUEST: From Commercial Rural (C-R) & Mixed Density
..... Residential (RM-2) to Commercial General (C-G)
TYPE OF REQUEST: Type I
LOCATION: 1055 Hull Rd
TAX MAP NUMBERS: 213 011
COUNTY COMMISSION DISTRICT: District 9
PROJECT SIZE: 0.9 Acres
PRESENT USE: Undeveloped
PUBLIC NOTICE POSTED: January 21st, 2025
STAFF RECOMMENDATION: **APPROVAL WITH CONDITION**
PLANNING COMM. RECOMMENDATION: **PENDING**
MAYOR & COMMISSION AGENDA SETTING: .. March 18th, 2025 (tentative)
MAYOR & COMMISSION VOTING SESSION: April 1st, 2025 (tentative)

I. Summary Recommendation

This rezone request is to change a 0.9-acre parcel from Commercial-Rural (C-R) and Mixed Density Residential (RM-2) to Commercial General (C-G) along the Hull Road corridor. Additionally, they are also asking to change the Future Land Use from *General Business & Mixed Density Residential* to *General Business*. The surrounding properties are a mix of C-R, RM-2 and C-G parcels. Predominantly, the neighboring parcels are commercial along Hull Rd and the properties to the rear are currently being developed as multi-family.

The development changes in the surrounding area trend in the direction of this request. Additionally, this project is toward the edge of where proposed increases of intensity should occur. The request mirrors what is planned on the corridor and Staff recommends **Approval with Condition**.

Condition:

1. Land Disturbance Permits shall not be issued without a viable sanitary sewer connection, per the standards of the Athens-Clarke County Public Utilities Department

Planning Commission Recommendation: Pending

II. Purpose of Applicant Request

A. Proposal

This request is to change a 0.9-acre parcel from Commercial-Rural (C-R) and Mixed Density Residential (RM-2) to Commercial General (C-G). Additionally, they are also asking to change the Future Land Use from *General Business & Mixed Density Residential* to *General Business*. The surrounding properties are a mix of C-R, RM-2 and C-G parcels. Predominantly, the neighboring parcels are commercial along Hull Rd and the properties to the rear are currently being developed as multi-family.

B. Existing Conditions

The property is currently undeveloped, but amongst an area that is currently being built out with a mix of commercial and multi-family. Adjacent properties have been developing in the area since sewer was extended to this basin and have focused off the expanding street network from the shopping center development. This parcel sits adjacent to a proposed driveway that would meet street standards and connect through to the new Talley Crossing. This parcel is near where the sewer ceases along Hull Road and is located near the edge of the commercial node as proposed.

III. Policy Analysis

A. Compatibility with Comprehensive Plan

Overall, the proposal does not affect the policies in the Comprehensive Plan. The proposal is a straightforward swap of a mostly commercial property to a commercial zone with similar surrounding uses. It fits in with the surrounding growth in this area and the proposed node in the Growth Concept Map.

B. Compatibility with the Future Land Use Map

The 2023 Future Land Use Map designates the subject parcel as *General Business & Mixed Density Residential*, 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 corridors which 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.

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-through restaurants, and vehicle sales, are not included in this designation.

The applicant has requested a change to the Future Land Use Map from *General Business & Mixed Density Residential* to *General Business*.

The growth and Future Land Use in this area has been changing ever since sewer was extended to the basin over 10 years ago. Three quarters of the site is already in the *General Business* Future Land Use category with the remainder being changed with a property to the rear for a multi-family development. A split Future Land Use parcel can cause issues with development compliance. Additionally, the adjacent parcels to Voyles Road are *General Business* and this request would create consistency with neighboring parcels. The request seeks to align this parcel with surrounding ones and also corresponds with the Growth Concept Map that shows a development node in this area. Staff supports the Future Land Use request of *General Business*.

C. Compatibility with the Zoning Map

The applicant has requested a rezone from C-R & RM-2 to C-G. The following information has been provided to compare the difference in development intensity between the existing C-R & RM-2 zoning and the requested C-G zone. 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:

	CURRENT	REQUESTED
Standard	C-R & RM-2 Zoning	C-G Zoning
Minimum Lot Size	5,000 sf	2,500 sf
Density	16 & 24 units/ac	24 units/ac
Max Lot Coverage	35% & 65%	80%
Max Building Height	65' & 35'	65'
Setbacks	20/6/6 & 10/6/10	n/a
Conserved Canopy	30% & 25%	10%
Total Canopy	60% & 50%	40%
Parking	Use dependent	Use dependent

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 the current C-R & RM-2 zoning and the proposed C-G zoning is more allowance of general business commercial uses. Currently, only lighter commercial uses and multi-family developments would be permitted under the existing zoning.

The request aligns with many of the surrounding commercial properties.

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

No Plans, studies or programs affect this parcel

IV. Technical Assessment

A. Environment

The parcel does not have any environmental areas on site.

The Arborist has reviewed the tree management plan and recommended approval.

B. Grading and Drainage

The Transportation & Public Works Department has reviewed the proposal and offered no comment.

C. Water and Sewer Availability

The Public Utilities Department has reviewed the proposal, recommended denial and offered the following comments:

- *ACC water is available*
- *ACC sanitary sewer is NOT available*
- *The adjacent townhouse development proposes to extend ACC sewer to the subject site as part of their development, which would make ACC sewer available. However, the sewer extension must be installed, tested, recorded, and accepted for ACC ownership before sewer would be made available to the subject site. The sewer installation is the initiative of the townhouse development, and ACC makes no guarantees that the private townhouse development will provide sewer to the subject site.*
- *A water and sanitary sewer capacity evaluation is required*

D. Transportation

The Transportation & Public Works Department has reviewed the proposal and offered no comment.

E. Fire Protection

The Fire Marshal has reviewed the proposal and offered no comment.

F. Compliance with the Zoning Ordinance and Development Standards

Since a binding plan is not required or proposed with this request, Staff reviewed the plan for general compliance with the code. No concept plan has been submitted, if approved the proposal will be reviewed for code compliance at the time of permitting review. The applicant has not made any waiver requests, so they will be expected to comply with all of the applicable standards. Signage and lighting are not reviewed at this stage, but the applicant is expected to adhere to those standards as well.

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.