



**STAFF REPORT
PLANNED DEVELOPMENT AMENDMENT
995 GAINES SCHOOL ROAD
PD-2025-01-0060
FEBRUARY 6, 2025**

APPLICANT: Will Avant / Foresite Group LLC
OWNER: GAINESCEDAR LLC
ZONING REQUEST: From C-O (PD) to C-O (GSRC)
TYPE OF REQUEST: Type II
LOCATION: 995 Gaines School Rd
TAX MAP NUMBERS: 241 005V
COUNTY COMMISSION DISTRICT: District 1
PROJECT SIZE: 0.64 Acres
PRESENT USE: Commercial Office
PROPOSED USE: Medical Center
PUBLIC NOTICE POSTED: January 25, 2025
STAFF RECOMMENDATION: **APPROVAL WITH CONDITION**
PLANNING COMM. RECOMMENDATION: **PENDING**
MAYOR & COMMISSION AGENDA SETTING: .. February 18, 2025 (tentative)
MAYOR & COMMISSION VOTING SESSION: March 4, 2025 (tentative)

I. Summary Recommendation

The applicant is requesting to demolish the existing office building at 995 Gaines School Rd, for the purpose of building an urgent care—classified as a medical center by the Code of Ordinances. Legally, the applicant is requesting to dissolve the Commercial-Office (Planned Development) (C-O (PD)), originally established in 1978, to return the property to its base Commercial-Office zoning in the Gaines School Road Corridor Overlay (C-O (GSRC)). The applicant has provided a non-binding plan for a 3,726 sq. ft. building with ancillary parking and stormwater facilities.

The Planned Development was originally approved so that the office building and parking lot could extend into the front and side yard setbacks. In Staff’s opinion, these waivers are not providing significant community benefit and the binding plan prevents the property from being redeveloped, even as Gaines School Road has been identified as a place with redevelopment potential as part of the Growth Concept Plan.

The project is located on a redevelopment site and would add healthcare services to compliment the schools, transportation, housing, and jobs that are clustered here, but it does not maximize the redevelopment potential of the site, as encouraged by the Comprehensive Plan and Future Land Use character description. In particular, improvements to pedestrian access are recommended by Staff, as detailed in this report, to help people access the proposed healthcare services. Overall, Staff assesses that the proposal is partially compatible with the Comprehensive Plan. It is compatible with the Future Land Use Map, but is only partially compatible with the character area description for the *Main Street Business* district designation. The project is compatible with the Zoning Map, but the architectural elevations would need to be overhauled to comply with the Zoning Code.

Given the prominence of this intersection, the lack of shade, and the desire to improve the street’s environment for people walking and biking along the corridor, Staff is recommending that the

applicant design the stormwater facility with garden-like landscaping, including compatible tree species. Overall, Staff supports the dissolution of the Planned Development to provide an opportunity for redevelopment of the site. However, the non-binding proposal does not maximize the opportunity for redevelopment to better align with elements of the Comprehensive Plan and Future Land Use Map. Therefore, **Staff is recommending approval with a condition**, as worded below:

Condition:

1. The stormwater detention facility shall be included as eligible planting areas for street trees that are compatible with the function of the facility, as determined by the ACC Arborist in cooperation with the ACC Transportation and Public Works Department.

Planning Commission Recommendation: Pending

II. Purpose of Applicant Request

A. Proposal

The proposal is for an urgent care, (classified as a medical center in the Code of Ordinances) and includes a non-binding plan for a single-story 3,726 sq. ft. building, 25 parking spaces, a stormwater management facility, and two driveway entrances—one each from Gaines School Road and Cedar Shoals Drive. The applicant is requesting to dissolve the existing Commercial-Office (Planned Development) (C-O (PD)) in order to return the property to its base Commercial-Office zoning in the Gaines School Road Corridor Overlay (C-O (GSRC)).

B. Existing Conditions

The 0.64-acre property, at the intersection of Gaines School Road and Cedar Shoals Drive, currently contains an office building that is approximately 4,500 sq. ft. in size. The property is zoned for C-O, as are the adjacent properties on the northeastern and southeastern border of the property. Office uses predominate these properties. Across Cedar Shoals Dr., to the southwest, sits a shopping center (zoned Commercial-Neighborhood), anchored by an Aldi grocery. Across Gaines School Rd., to the northwest, sits the Ansonborough mixed-use neighborhood (zoned Mixed-Density Residential) and Gaines Elementary School.

The existing Planned Development was approved in 1978 in order to grant extensions of the building and parking lot into the front yard setback zones for Gaines School Road and Cedar Shoals Drive. Even with these waivers, the building sits well back of the streets, leaving approximately 40-85 feet of lawn between the property lines and the building faces.

III. Policy Analysis

A. Compatibility with Comprehensive Plan

The 2023 Comprehensive Plan calls for the following policies that are relevant to this project:

- *Infill and redevelopment should be prioritized over greenfield expansion.*
- *Create nodal development tied to transportation, healthcare, schools, jobs, workforce, and housing.*
- *Create appealing and inviting community gateways and corridors.*
- *Improve safety and accessibility for people walking, biking, and busing around Athens.*

The project is located on a redevelopment site and would add healthcare services to compliment the

schools, transportation, housing, and jobs that are clustered here. However, the proposal for a 3,726 sq. ft. single use, single-story building on a 28,000 sq. ft. corner lot does not take full advantage of the opportunity to create nodal development that serves existing neighbors and accommodates future growth while adding to the appeal of the corridor. The subject property is located at a prominent corner on Gaines School Road, one of the primary corridors on the East Side of Athens. Currently, the corridor is designed in an automobile-centric way that favors high speeds. However, given the presence of multiple schools, a high level of activity up and down the corridor, and redevelopment potential, new projects should be designed in a way that creates comfortable access for multiple modes of transportation. To that end, the proposal should provide direct sidewalk connections and entry options for both street frontages.

Overall, the proposal is partially compatible with the Comprehensive Plan.

B. Compatibility with the Future Land Use Map

The 2023 Future Land Use Map designates the subject parcel as *Main Street Business*, which is described as follows:

Main Street Business

These are commercial areas where development of a storefront commercial type is encouraged. The uses are generally small-scale, but larger-scale uses can be integrated within a Main Street Business classification if a small-scale storefront is developed along the street facade, with the larger development located behind. Larger-scale uses should only be developed in instances where they are compatible with the adjacent uses. Retail and office uses should dominate the ground floors of Main Street Business facades, with residential uses encouraged on second and third stories. Auto-oriented uses, such as vehicle repair and maintenance, drive-through restaurants, and vehicle sales, are not included in this designation. Walkability and pedestrian scale are important and the development should be oriented to the street with sidewalks, street trees, and pedestrian access provided.

No change to the Future Land Use Map is required since the proposed zoning action is already compatible with the Map. The character description anticipates storefront-type buildings, including the possibility of multiple stories and mixed uses. While the proposal is compatible with the expectation for commercial uses on the ground floor, the project does not maximize the opportunity for additional capacity on a relatively developable piece of property. Adding the maximum amount of parking allowed by Code, which is well above the minimum required, does not support the expectation that walkability and pedestrian access and scale are important priorities in this character area. The site plan also lacks a sidewalk connection to Cedar Shoals Drive.

The proposal is compatible with the Future Land Use Map, but is only partially compatible with the character description of the *Main Street Business* district.

C. Compatibility with the Zoning Map

The applicant has requested to dissolve the existing Planned Development. The property has a base zoning of Commercial-Office (C-O) but property is also covered by the Gaines School Road Corridor (GSRC) Overlay district, which supersedes select standards of Commercial-Office zoning. The following information has been provided to compare the difference in development intensity between the base C-O (Commercial-Office) zoning and the GSRC (Gaines School Road Corridor) Overlay. Broadly, a comparison of scale, use, and design is offered here to help decision makers evaluate the impact of the Overlay on the project, 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:

	BASE	CURRENT
Standard	C-O Zoning	Gaines School Overlay
Minimum Lot Size	5,000 SF	20,000 SF
Density	16 beds / acre	16 beds / acre
Max Lot Coverage	65%	60%
Max Building Height	40 ft.	35 ft.
Setbacks	10 ft. front; 6 ft. side	20 ft. front/rear; 10-15 ft. side
Conserved Canopy	25%	25%
Total Canopy	50%	50%
Parking	1 space / 350 SF	1 space / 350 SF

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 base Commercial-Office (C-O) zoning and the Gaines School Road Corridor (GSRC) Overlay zoning are the restrictions on commercial uses. A select list of uses are allowed administratively “by-right,” including craft stores, flower shops, barbers and salons, book shops, garden supply, interior decorators, travel agencies, small appliance repair shops, and other uses determined to be comparable by the Planning Director. All other commercial uses must receive a special use permit. However, since the proposed use is institutional, according to the use tables in Title 9, it is allowed by-right. The Overlay was approved as part of the County-wide rezone in 2000 to preserve the residential design character of the corridor, as it existed in the late 1990s. In addition to limiting commercial retail uses, the Overlay also includes design standards mandating that new buildings mimic the character of the single-family structures in existence along the Corridor.

Since the proposal does not seek to change the underlying base zoning it is considered to be compatible with the Zoning Map.

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

The MACORTS 2050 Metropolitan Transportation Plan (MTP) identified the Gaines School Road corridor for multi-modal transportation improvements. The proposed project could stand to improve its multi-modal access as a complement to future transportation investments here.

IV. Technical Assessment

A. Environment

No designated environmental areas are located on the property. A stormwater management facility would be constructed adjacent to the intersection at Gaines School Road and Cedar Shoals Drive. Given the prominence of this intersection, the lack of shade, and the desire to improve the street’s environment for people walking and biking along the corridor, Staff is recommending that the applicant design the stormwater facility with garden-like landscaping, including compatible tree species.

The Arborist has reviewed the tree management plan and offered the following comments:

- *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.

- *This project is an opportunity to continue to improve a prominent and highly used but sun-drenched and hot intersection. ACC Arborist recommends that this project explore ways to include large canopy trees as street trees along Cedar Shoals Drive and along Gaines School Road. A possible location along Gaines School Road for street trees is the stormwater area where a water-tolerant tree such as the large and statuesque American Sycamore or its cousin the London Planetree could serve as an environmental anchor for the intersection.*

B. Grading and Drainage

The Transportation & Public Works Department has reviewed the proposal and offered the following grading and drainage-related comment:

- *Provide a stormwater planting plan for the bioretention area that is coordinated with Arborist and tree requirements.*

C. Water and Sewer Availability

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

- *ACC water and sanitary sewer is available. It was determined that water and sewer capacity is available to serve the proposed special use of this property*
- *A Fire Hydrant is needed at one of the entrances to the property*
- *Show extents of sanitary sewer easement, locate storm BMPs and sign completely outside of easement*
- *PUD recommends approval with condition that the above comments are addressed*

D. Transportation

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

- *Transportation and Public Works Planning staff would like to see one of the sidewalks that abuts the east and west sides of the building to be extended southward to connect to the Cedar Shoals Drive sidewalk to provide accessibility and better connectivity in the pedestrian network.*
- *Cedar Shoals driveway should be a right-in right-out only with raised concrete island divider. There should be a miter provided at the intersection of Cedar Shoals Drive and Gaines School Road. Provide a sidewalk connection to Cedar Shoals Drive as well.*

E. Fire Protection

The Fire Marshal has reviewed the proposal and recommended approval with the following comment:

- *Fire Department recommends adding a fire hydrant at the corner of Cedar Shoals Drive and Gaines School Road closest to this new building. This will prevent two major thoroughfares from being blocked (in the event of a fire on the subject property).*

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 and noted where corrective actions are needed, at the time of Plans Review,

below. 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.

Corrective Actions:

1. *The elevations do not comply with the architectural standards of Sec. 9-12-6(G).*
2. *The elevations are incorrectly labeled, so Staff was not able to verify compliance with the design standards of Sec. 9-25-8(E).*
3. *The two end parking spots on the Gaines School Road frontage of the lot must be removed because they extend past the building façade into the front yard, which is not allowed per Sec. 9-25-8(E)3.a.*
4. *The project does not provide a direct sidewalk connection to Cedar Shoals Drive, as required by Sec. 9-25-8(E)3.f.*
5. *A planted screen will be necessary to comply with the parking lot screening requirements of Sec. 9-25-8(G)2.*
6. *The proposed parking exceeds the allowable maximum by one space, per Sec. 9-30-2. Calculations must be rounded down to the nearest whole number when determining counts.*
7. *No bicycle parking was provided as required by Sec. 9-30-5.*

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.