



**STAFF REPORT  
REZONE  
6535 JEFFERSON ROAD  
ZONE-2025-01-0062  
FEBRUARY 6, 2025**

APPLICANT: ..... Abe Abouhamdan / ABE Consulting, Inc.  
OWNER: .....Luis Contreras Martinez  
ZONING REQUEST: ..... AR to C-R  
TYPE OF REQUEST: ..... Type II  
LOCATION: ..... 6535 Jefferson Road  
TAX MAP NUMBERS: ..... 054C 087  
COUNTY COMMISSION DISTRICT: .....District 6  
PROJECT SIZE: .....4.354 Acres  
PRESENT USE: ..... Undeveloped  
PROPOSED USE: ..... Commercial Retail and Restaurant  
PUBLIC NOTICE POSTED: ..... January 21<sup>st</sup>, 2025  
STAFF RECOMMENDATION: ..... **TABLE**  
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 rezone the subject property at 6535 Jefferson Road from Agricultural-Residential (AR) to Commercial-Rural (C-R). The applicant has submitted a non-binding plan for a 13,200 sq. ft. commercial grocery store with a restaurant and two additional tenant spaces. The zoning request does not require a change to the Future Land Use Map which is currently classified as *Rural*. The Comprehensive Plan calls for preservation of the greenbelt in a way that allows modest change such as the proposed use. While there are no adjoining parcels zoned C-R, that zoning designation does exist nearby and the properties' location along Jefferson Road lends itself to a commercial use.

A binding site plan is not required for this rezone request. Staff has reviewed this plan for general compliance with the Code. At this time, no general compliance issues have been identified. If approved, the proposal will be reviewed for code compliance at the time of permitting review. Staff review has revealed that there is a question regarding whether the applicant will need to use a septic system, as proposed, or be required to connect to public sanitary sewer since it may trigger a connection requirement due to proximity to existing sewer. Further analysis is needed to determine the relative feasibility of septic sewer service. Significant challenges also exist to connect to nearby public sanitary sewer, including a possible main extension in Jefferson Road, or a main extension across private property to the sewer line in the Westgate subdivision. Given these potential complications, **Staff is recommending a table** of the request to give all parties the opportunity to clarify how sanitary sewer service shall be provided to the properties.

**Planning Commission Recommendation:** Pending

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

### **A. Proposal**

The applicant is requesting to rezone the subject property at 6535 Jefferson Road from AR to C-R. The applicant has submitted a non-binding plan for a 13,200 square foot building to include a commercial grocery store, restaurant and two attached tenant spaces.

### **B. Existing Conditions**

This 4.35-acre wooded property is currently undeveloped and sits on the western side of Jefferson Road at the northern boundary of Athens-Clarke County with Jackson County. The elevation slopes away from Jefferson Road toward the southeast corner of the property, dropping approximately 26 feet. The property is currently zoned AR, as are properties to the north and northwest. The properties directly to the east and southeast are part of the Westgate Subdivision and are zoned Single-Family Residential (RS-25). The larger surrounding area is largely comprised of AR and RS-zoned properties with areas of C-R nearby and C-G further south fronting the Jefferson Road corridor.

## **III. Policy Analysis**

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

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

- *Preserve the greenbelt in a way that can still accommodate modest change.*

Rezoning the property to C-R will protect the rural characteristics of the area and maintain the greenbelt while still allowing modest change in the form of a small commercial development with grocery store, restaurant, and retail.

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

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

#### **Rural**

*Rural lands are intended to have very low residential density. To maintain open space, clustering of dwellings is encouraged with common open spaces protected by conservation easements. Agricultural functions are encouraged, as well as other compatible uses, such as limited low-impact commercial uses, equestrian facilities and other animal boarding uses.*

No change to the Future Land Use Map is required since the proposed zoning action is already compatible with the Map. The proposal is compatible with the Rural Future Land Use designation which envisions low-density development and agriculture with limited commercial uses. The level of intensity of the proposed grocery is in keeping with the Rural Future Land Use standards.

### **C. Compatibility with the Zoning Map**

The applicant has requested a rezone from AR to C-R. The following information has been provided to compare the difference in development intensity between the existing AR (Agricultural Residential) zoning and the requested C-R (Commercial-Rural) 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:

	<b>CURRENT</b>	<b>REQUESTED</b>
<b>Standard</b>	<b>AR Zoning</b>	<b>C-R Zoning</b>
<b>Minimum Lot Size</b>	10 acres	20,000 sq. ft.
<b>Density</b>	n/a	16 bedrooms / acre
<b>Max Lot Coverage</b>	10%	35%
<b>Max Building Height</b>	50-65 ft.	65 ft.
<b>Setbacks</b>	20-30 ft.	6-20 ft.
<b>Conserved Canopy</b>	0%	30%
<b>Total Canopy</b>	0%	60%
<b>Parking</b>	n/a	24 spaces

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 AR zoning and the proposed C-R zoning is the allowance for a range of commercial uses in C-R while AR is primarily limited to agriculture and residential uses.

While this would be an isolated zone due to a lack of adjoining C-R zoning, the lot's location along Jefferson Road lends itself to commercial uses. C-R lots exist along Jefferson Road further to the south of the subject property. Therefore, Staff considers the request compatible with the Zoning Map.

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

No other plans or studies were identified.

### **IV. Technical Assessment**

#### **A. Environment**

There are no designated environmental areas on site.

The Arborist has reviewed the tree management plan and 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.

#### **B. Grading and Drainage**

The Transportation & Public Works Department has reviewed the project for grading and drainage-related issues and recommended approval without comments or recommendations.

#### **C. Water and Sewer Availability**

The Public Utilities Department has reviewed the proposal and recommended approval with the

following comments:

- *ACC water is available*
- *ACC sanitary sewer is NOT available*
- *Capacity is available for proposed concept of 4,163 GPD*

The Health Department has reviewed the proposal and offered the following comment:

- *If city sewer is available within 200' of the property line connection to city sewer is required. If city sewer is not available, then more information will be needed to determine what type of businesses could be located at the site utilizing septic systems. A soil report would show the amount of soil that is suitable for septic on the property. Engineered site plan would be required. Keep in mind that septic effluent flow cannot exceed 1200 gallons per acre per day of suitable soil for a property using city water. Each business would require separate septic systems sized for that particular type of business and each would need to show full length repair areas. Restaurants have a very high effluent flow rate, require grease traps, and additional aerobic treatment. Grocery stores may need those as well depending on the operation, for example, if there is a meat market or food service aspect additional treatment would be needed.*

#### **D. Transportation**

The Transportation & Public Works Department has reviewed the proposal for transportation- related issues and recommended approval without comments or recommendations.

#### **E. Fire Protection**

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

- *The project will be expected to meet all required fire codes adopted at the time of the plan review.*

#### **F. Jackson County**

Since a small portion of the property is within Jackson County, the Jackson County Planning Department has provided the following input:

- *Jackson County requests that our portion be utilized solely as a vegetative buffer with no access. We would like this added as a condition of zoning.*

#### **G. 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. 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.