

FORTSON, BENTLEY AND GRIFFIN, P.A.

ELBERT N. WHITMIRE, III, C.P.A.  
G. MARCUS HODGE (GA & SC)  
DAVID K. LINDER  
ROY E. MANOLL, III  
WALTER W. HAYS, JR.  
MICHAEL J. MCCLEARY  
V. KEVIN LANG  
TREVOR T. JONES (GA & AL)  
DAVID F. ELLISON  
WADE A. SCHUENEMAN  
GREGORY O. DEBACKER  
PARKER C. MORGAN  
KELLY B. ETCHHELLS (GA, FL, & TN)

ATTORNEYS AT LAW  
2500 DANIELL'S BRIDGE ROAD  
BUILDING 200, SUITE 3A  
ATHENS, GEORGIA 30606  
(706) 548-1151

ALEX MCDONALD  
ELINORE R. YOUNG  
CHRISTOPHER W. COLLINS  
EMILY K. ESCOE  
JOHNELLE SIMPSON, II  
HUNT REVELL  
  
UPSHAW C. BENTLEY, JR.  
(1924 - 2013)  
EDWIN B. FORTSON  
(1913-2007)  
JOHN E. GRIFFIN  
(1923-2002)  
HERBERT T. HUTTO  
(1933-1998)

February 28, 2025

Bruce Lonnee  
Athens-Clarke County Planning Department  
120 West Dougherty Street  
Athens, Georgia 30601

Re: Rezone Application  
Address: 155 Whit Davis Road  
Tax Map Parcel: 242 003B

Dear Mr. Lonnee:

I submit this on behalf of REA Ventures Group, LLC ("the Developer") who is under contract to purchase 155 Whit Davis Road (Tax Map Parcel 242 003B) ("the Property"). The Developer desires to rezone the Property from C-N to RM-3 so that the Property may be used for 52 apartment units for a total of 80 bedrooms (24 1-bed and 28-2 bed units). The Developer does not need the density bonus in order to participate in the voluntary inclusionary zoning ordinance, but the Developer does intend to participate in HUD's Low-Income Housing Tax Credit (LIHTC) program. A review of the applicable standards demonstrates that this proposed rezone satisfies all standards for approval, and the Developer respectfully requests that Planning Staff recommend approval of this application.

**1. The Proposed Zoning Action is Compatible with The Future Land Use Map, the General Plans for Development for Athens-Clarke County**

The Property is classified as General Business on the Future Land Use Map, and RM-3 zoning is compatible in this classification. The proposed zoning action is also compatible with the general plan for development for Athens-Clarke County because the proposed use increases the supply of affordable housing within walking distance of a commercial node.

**2. The Proposed Use Meets All Objective Criteria Provided in the Zoning Ordinance and Conforms to the Purpose and Intent of the Comprehensive Plan and all of its Elements**

The proposed multi-family, affordable housing use meets the objective criteria for RM-3 zoning by providing a residential use suitable for urban areas but that can be applied to a wide range of areas. The proposal calls for 80 bedrooms which is below the density that is allowed under RM-3 (103 bedrooms) and will comply with all other general regulations for RM-3 zones. The proposed use also advances many of the purposes and intent of the comprehensive plan. For example, the proposed use

- Increases the supply and variety of quality housing units at multiple price points, in multiple locations, to suit the needs of a variety of households.
- Increases the amount of and providing access to affordable housing
- Prioritizes infill development over greenfield expansion
- Create nodal development tied to transportation, healthcare, schools, jobs, workforce, and housing
- Offers an RM zone to buffer existing neighborhoods from heavier commercial zones and lessens the adverse impact the two classifications can have on one another

**3. The Proposal Will Not Adversely Affect the Balance of Land Uses in Athens-Clarke County**

Few parcels within Athens-Clarke County are currently zoned RM-3 and there is an unmet need for affordable houses within the community. This proposed development is within an area well-served by sidewalks and public transport and would promote housing in an area near commercial nodes with easy access to everyday services.

**4. Public services, including physical facilities and staff capacity, exist sufficient to service the Proposal**

The Athens-Clarke County water system does have capacity to serve the proposed use, and the sanitary sewer system does have dry weather flow capacity available to serve the proposed development. Although there is currently insufficient wet weather flow capacity available to serve the proposed development, the Developer anticipates that it can provide on-site improvements to ensure that the sanitary system will have wet weather flow capacity upon completion of the project. No improvements should be necessary to the right of way or adjoining intersections as the number of trips per day is well-beneath the minimum threshold required for a traffic study. (ITE Code 221 (4.77 x 52) - 46.46 = 201.58).

**5. The Existing Land Use Pattern Surrounding the Property at Issue**

North of the Property is zoned C-N, East of the Property is zoned C-N, South of the Property is zoned P and West of the Property, across Whit Davis Road, is zoned RS-8/RS-15. By rezoning the Property to RM-3, this proposal will provide a transitional buffer between single family zoning and commercial zoning along Lexington Road with a use that is compatible with the Future Land Use Map.

**6. Possible creation of an isolated district unrelated to adjacent and nearby districts**

Although no adjoining property is zoned RM, there are several RM zoned properties within the general vicinity. The proposed rezone would not create an isolated district unrelated to adjacent and nearby districts because RM zones are intended to provide residential use that can be applied to a wide range of areas, and this proposed use advances one of the objectives of the comprehensive plan by providing buffering between establishing single family neighborhoods and commercial uses.

**7. Population density pattern and possible increase or over-taxing of the load on public facilities, including, but not limited to, schools, utilities, and streets;**

Most of the surrounding area has already been developed and will not result in an extraordinary increase in population density. The proposal contains 80 bedrooms which is less than the density allowed by right under RM-3 zones. The Athens-Clarke County water system does have capacity to serve the proposal, and the sanitary sewer system does have dry weather flow capacity available to serve the proposed development. Although there is currently insufficient wet weather flow capacity available to serve the proposed development, the Developer anticipates that it can provide on-site improvements to ensure that the sanitary system will have wet weather flow capacity upon completion of the project. No improvements should be necessary to the right of way or adjoining intersections as the number of trips per day is well-beneath the minimum threshold required for a traffic study. (ITE Code 221 (4.77 x 52) - 46.46 = 201.58).

**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**

The proposed use should not provide any more costs to the Unified Government than those costs that would arise from development under the current C-N zoning. The Developer will bear any costs of on-site improvements in order to ensure that there is wet weather sanitary sewer capacity.

**9. The possible impact on the environment, including, but not limited to, drainage, soil erosion and sedimentation, flooding, air quality and water quantity**

There are no environmentally sensitive areas on the Property, and the Developer will have to comply with all soil, sedimentation, erosion, and stormwater management requirements.

**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**

The proposed rezone will not be a deterrent to the value or improvement of development of adjacent property because all adjacent properties are currently developed to their highest and best use.

**11. 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 rezoned as requested will not alone constitute a significant detriment**

The Property has been vacant under its current zoning classification since a foreclosure in 2011. The vacancy may be due to the fact that the Property, unlike the adjoining C-N properties, lacks frontage on Lexington Road.

**12. The aesthetic effect of existing and future use of the property as it relates to the surrounding area**

The proposed use should advance the aesthetics of the surrounding area by providing a buffer between single-family neighborhoods along Whit Davis Road and the commercial corridor on Lexington Road. The Developer does not seek any exceptions, waivers or variances to any design or site regulations, and the Property will comply with all aesthetic requirements of the code.

**13. Whether there are other existing or changing conditions affecting the use and development of the property which give supporting grounds for either approval or disapproval of the zoning proposalP**

The proposed use will allow the Property to address the existing need for housing in the community while advancing many goals of the Comprehensive Plan.

We hope that Planning Staff shares our belief that this project is ideally situated for the Property and that a rezone would reflect recent, positive developments in land use trends within Athens-Clarke County while also serving a critical need for affordable housing and advancing the purposes of the Comprehensive Plan. In the meantime, please do not hesitate to contact me should you have any questions regarding this application.

Sincerely,

**FORTSON, BENTLEY AND GRIFFIN, P.A.**



David F. Ellison

/DFE  
Enc.