



**STAFF REPORT  
SPECIAL USE PERMIT  
110 W. HANCOCK AVENUE  
SUP-2025-01-0048  
April 3<sup>rd</sup>, 2025**

APPLICANT: ..... Michael B. Thurmond / AMT P.C.  
OWNER: ..... The Trustees of the Methodist Church at Athens in  
..... Clarke County Georgia  
ZONING REQUEST: ..... Special Use in C-D [DS]  
TYPE OF REQUEST: ..... Type II  
LOCATION: ..... 110 W. Hancock Avenue  
TAX MAP NUMBERS: ..... 171A6 C008A  
COUNTY COMMISSION DISTRICT: ..... 4  
PROJECT SIZE: ..... 0.57 Acres  
PRESENT USE: ..... Vacant Office Building  
PROPOSED USE: ..... Commercial Parking Lot  
PUBLIC NOTICE POSTED: ..... March 19<sup>th</sup>, 2025  
PLANNING COMM. RECOMMENDATION: ..... **PENDING**  
MAYOR & COMMISSION AGENDA SETTING: .. April 15<sup>th</sup>, 2025 (tentative)  
MAYOR & COMMISSION VOTING SESSION: .... May 6<sup>th</sup>, 2025 (tentative)

**I. Summary Analysis**

The applicant is asking for a special use permit for a surface parking lot with 14 spaces to replace the existing office building at the eastern half of this parcel. The property is currently zoned Commercial-Downtown (Dougherty Street Design Area) (C-D (DS)). On November 6, 2024, the Mayor and Commission authorized a mediation agreement as part of litigation regarding this property. This agreement included a resolution for settlement of the lawsuits filed by Athens First United Methodist Church and direction from the Mayor and Commission to process removal of the subject property from the Western Downtown Local Historic District followed by approval of a Demolition Review and associated Demolition Permit. The agreement also included terms for consideration of a Special Use Permit application to be submitted by the church for the surface parking lot use on the subject property.

At their January 15<sup>th</sup> public hearing, the Athens-Clarke County Historic Preservation Commission heard the request to remove the property from the Western Downtown Local Historic District and recommended against removal. This recommendation will be forward to the Mayor and Commission as part of the elected body's consideration of the request to amend the Western Downtown Local Historic District boundary to accommodate the removal of the subject property.

Staff has analyzed the proposed surface parking and its compatibility with the Comprehensive Plan, Future Land Use, Zoning Ordinance, and various technical assessments as per common practice. Staff input regarding code compliance and technical standards was incorporated into the site plan associated with the Special Use by the applicant's representatives as part of the development of the settlement agreement.

This request was first heard at the February 6<sup>th</sup> Planning Commission Meeting. At that time the request was tabled for up to 60 days to both give the applicant an opportunity to explain why the parking lot is justifiable and to allow for a decision on the removal of the lot from the Historic District. The applicant has not provided any additional information or justification and the Historic District amendment is now scheduled for consideration and action by the Mayor and Commission at their April 1<sup>st</sup> hearing.

Planning Commission Recommendation: Pending

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

### **A. Proposal**

A Special Use Permit is requested to allow a commercial surface parking lot at 110 W. Hancock Avenue, which has Commercial-Downtown (C-D) zoning and is also within the Dougherty Street (DS) Downtown Design Area. The property currently contains an office building of two stories and 23,491 square feet with a surface parking lot located to its west containing 27 parking spaces and an informal parking area off of Dougherty Street at the rear of the office building containing approximately 6 parking spaces. The surface parking to the west is to remain unchanged. The area to the east currently containing the office building and 6 rear parking spaces is proposed to be replaced with a surface parking lot to accommodate 14 new parking spaces. The new parking spaces would be accessed by a new curb cut on Lumpkin Street for entry and exit. No new lighting is proposed for the parking lot, though one existing streetlight pole within the right-of-way is to be shifted with the proposed plan. A retaining wall would run along the western side property line. Height of this retaining wall is not indicated aside from a notation that it would not exceed 3 feet at the right-of-way. No material for the wall is noted. A notation of a 4' aluminum fence on top of the wall is also found. The fencing detail found in the plans is for chain-link fencing. The three parallel parking spaces along the western side of Lumpkin Street are shown as remaining under this plan.

### **B. Existing Conditions**

The property currently contains an office building of two stories and 23,491 square feet with a surface parking lot located to its west containing 27 parking spaces and a parking area off of Dougherty Street at the rear of the office building containing approximately 6 parking spaces. The office building has three building areas with the two southern areas in place between 1918 and 1926 and that to the north constructed between 1950 and 1960 to replace an earlier auto service station at the northern corner of the property.

The property is currently within the Western Athens Downtown Local Historic District, though a request to remove the property from that local historic district is currently under review and tentatively scheduled to be decided by the Mayor and Commission at their March 4<sup>th</sup> hearing.

The adjacent parcels all share the Commercial-Downtown zoning except for the Government-zoned parcels to the east and southeast. To the east is the Federal Courthouse and post office. To the southeast is the ACC Public Utilities Department offices. To the south is a church; To the west is a surface parking lot. To the north is a local government office building. To the northeast is a mixed-use development. Sidewalks exist along all three rights-of-way, though that along Lumpkin Street includes no separation between the sidewalk and the road pavement. Three parallel parking spaces are found on the southern end of the adjacent right-of-way on Lumpkin Street with a post office drop box at the middle of the block.

In 2018 a Special Use Permit application for surface parking was submitted for a different parking plan than that currently proposed. In November of 2018, the Planning Commission recommended denial of the request. The request was withdrawn prior to a decision from the Mayor and Commission.

### **III. Policy Analysis**

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

The 2023 Comprehensive Plan calls for the following policies that **are not** supported in this project:

- *Encourage the preservation and adaptive reuse of existing structures, especially those with historic value.*
- *Decrease the number of vehicles in Downtown while increasing the amount of clean, walkable, attractive, and park-like open space.*

The loss of a historic structure over its reuse and the creation of additional surface parking downtown do not follow any of the Comprehensive Plan policies for Housing, Land Use, Transportation and Infrastructure, Economic Development or Design.

Overall, the proposal is not compatible with the Comprehensive Plan.

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

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

##### **Downtown**

*Retail, office and entertainment uses are encouraged, as is high-density multifamily housing. Auto-oriented uses, such as vehicle repair and maintenance, drive-through restaurants, and vehicle sales, are not included in this designation. As parking is handled on a district level, off-street parking for individual commercial development is not intended. Parking structures with commercial uses on the street-level frontage are encouraged rather than surface parking lots. This area should have strict design requirements to protect historic integrity and to ensure that new buildings develop in a form and architectural style compatible with existing downtown character.*

No change to the Future Land Use Map is required since the proposed zoning action is already compatible with the Map. However, the proposed surface parking use doesn't meet the expectations for Downtown development as it is not structured parking. Further, a historic structure is to be removed for this project. The proposal is compatible with the Future Land Use Map, but not the character description of the Downtown Future Land Use area.

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

The requested Special Use Permit within a C-D (DS) zone would not alter the underlying zoning of the property.

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

This property is currently within the Western Downtown Athens Local Historic District as a contributing property. A proposal to remove this parcel from the district is pending a decision from the Mayor and Commission.

## **IV. Technical Assessment**

### **A. Environment**

There are no designated environmental areas on the property.

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.*
- *Per Sec. 8-7-15 of the Community Tree Management ordinance, the Commercial-Downtown zone does not have requirements for conserved or total tree canopy cover. C-D is also exempt, per Sec 9-25-8(H), from street tree requirements. C-D is not, however, exempt from parking lot canopy tree requirements. In Sec. 9-10-6, Design standards for "C-D" zone, surface parking areas are required to be shaded by trees in accordance with Sec. 8-7-15(J). Two of the most pertinent requirements in 8-7-15(J) are that 1) there must be a ratio of one parking lot canopy tree for each seven parking spaces and 2) the first option for tree species for parking lot trees should be large canopy trees.*
- *Also of note for surface parking lots located in C-D is that a landscape buffer, per Sec. 9-10-6, is required and that it shall have a minimum depth of 10 ft between a street right-of-way (not including alleys) and the parking area. This landscape buffer is also required to incorporate a sight-obscuring hedge screen.*

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

The Transportation & Public Works Department has reviewed the proposal with no grading and drainage-related comment.

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

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

- *ACC water is available ; and ACC sanitary sewer is available.*
- *It was determined that water and sewer capacity is available to serve the proposed use.*
- *PUD recommends approval.*

### **D. Transportation**

The Transportation & Public Works Department has reviewed the proposal and offered the following transportation-related comment(s):

- *Support would require restriping of crosswalk if ADA detectable ramps are moved from current location or are not in alignment with existing crosswalk.*

### **E. Fire Protection**

The Fire Marshal has reviewed the proposal and offered a recommendation of approval with no further comment.

### **F. Compliance with the Zoning Ordinance and Development Standards**

This project has a binding site plan, and adoption of the submitted site plan will dictate the

development conditions for the proposed surface parking lot use. Any other permitted use in the C-D zone could be developed by-right.

This property has a Commercial-Downtown zoning designation and is also within the Dougherty Street (DS) Downtown Design Area. The Alternative Compliance Guidelines for the C-D Zone addresses descriptions and intentions for this area stating: *This area is relatively undeveloped at present, with large expanses of paved parking lots. It is not pedestrian-friendly at present, and a key objective is to enhance it to create a pedestrian-friendly street edge and to re-build a sense of connection with the historic core.* It is further stated that *the visual impacts of parking should be minimized, either by enclosing parking in structures, or placing it behind active uses.*

As per Section 9-10-6 (C)3, this character area requires a minimum 10' setback from all right-of-way lines with a minimum planted landscape buffer of 10' along these same rights-of-way. Additional regulations are in place regarding retaining walls in proximity to rights-of-way.

Special Use requests are evaluated using the following criteria:

- a) Similarity in scale, bulk, and coverage.  
The lot coverage of the property would be reduced with the proposed surface parking lot plan and the use of planted buffers. As a surface lot, there would not be the bulk or scale to the property as is currently exists or is common downtown.
- b) Character and volume of traffic and vehicular parking generated by the proposed use and the effects on surrounding streets. Increases in pedestrian, bicycle, and mass transit use are considered beneficial regardless of capacity of facilities.  
The addition of 14 parking spaces would have no significant impact on the traffic in the area though it would not encourage alternative transportation in any way.
- c) Architectural compatibility with the surrounding area.  
Removal of the historic structure for surface parking does not promote architectural compatibility.
- d) The possible impact on the environment, including, but not limited to, drainage, soil erosion and sedimentation, flooding, air quality and water quality, including the generation of smoke, dust, odors, or environmental pollutants.  
No stormwater management is proposed as part of this project. No significant impact on environmental factors is anticipated with this project.
- e) Generation of noise, light, and glare.  
No significant generation of noise, light, or glare is anticipated with this project. No new lighting is proposed.
- f) The development of adjacent properties compatible with the future development map and the zoning district.  
This project would not have significant impact on the ability of adjacent properties to be developed compatibly with the requirements of the zoning and future development map.
- g) Impact on future transportation corridors.  
This proposed would not impact future transportation corridors.
- h) Impact on the character of the neighborhood by the establishment or expansion of the proposed use in conjunction with similar uses.  
This area of downtown is deemed to be underdeveloped and in need of additional development to establish a strong street edge; additional surface parking area will not meet this goal.
- i) Other factors found to be relevant by the hearing authority for review of the proposed use.  
No other factors have been found to be relevant.

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.