



**STAFF REPORT
REZONE
155 WHIT DAVIS ROAD
ZONE-2025-03-0432
APRIL 3rd, 2025**

APPLICANT: David Ellison / Fortson, Bentley & Griffin PA
OWNER: Muhammed Ghazipura
FUTURE LAND USE REQUEST: Remain *General Business*
ZONING REQUEST: From Commercial Neighborhood (C-N) to Mixed
Density Residential (RM-3)
TYPE OF REQUEST: Type II
LOCATION: 155 Whit Davis Road
TAX MAP NUMBERS: 242 003B
COUNTY COMMISSION DISTRICT: District 1
PROJECT SIZE: 2.06 Acres
PRESENT USE: Undeveloped
PUBLIC NOTICE POSTED: March 19th, 2025
STAFF RECOMMENDATION: **APPROVAL**
PLANNING COMM. RECOMMENDATION: **PENDING**
MAYOR & COMMISSION AGENDA SETTING: .. April 15th, 2025 (tentative)
MAYOR & COMMISSION VOTING SESSION: May 6th, 2025 (tentative)

I. Summary Recommendation

This rezone request is to change a 2.06-acre parcel from Commercial-Neighborhood (C-N) to Mixed Density Residential (RM-3) near the intersection of Whit Davis and Lexington Roads. No change to the Future Land Use of *General Business* is required as RM-3 is compatible. The surrounding properties are a mix of C-N, C-G, RS-8, RS-15, P and RM-1 parcels. Predominantly, the neighboring parcels are commercial mixed density residential along Lexington Road and the properties to the rear are residential or Park (ACC's Southeast Clarke Park).

The proposed request would allow for more multi-family density at this location; however, the built form is similar in height and intensity to what is permitted in the existing zoning. Additionally, the applicant has stated that they would seek tax credits for this project to serve lower-income residents through affordable housing. This parcel is right at the edge of where Athens-Clarke County (ACC) provides additional service provision through sewer, transit and amenities such as the park. The request has the potential to provide additional needed housing at a location that is near daily needs and amenities. The surrounding area is a mix of corridor commercial with a range of housing intensities and types therefore **Staff recommends approval**.

Planning Commission Recommendation: Pending

II. Purpose of Applicant Request

A. Proposal

This request is to change a 2.06-acre parcel from Commercial-Neighborhood (C-N) to Mixed Density Residential (RM-3). The Future Land Use is to remain *General Business*. The request includes a conceptual plan with 52 apartments and a total of 80 bedrooms (1- & 2-bedroom units) in a three-to-four-story split building. The proposal has 56 surface parking spaces and a common area, no other additional outdoor amenities are proposed due to the location being adjacent to Southeast Clarke Park.

B. Existing Conditions

The property is currently vacant. It was previously developed but the structure was removed prior to 2012 and the site has slowly degraded over time. The parcel sits in close proximity to the Walmart Shopping Center across Lexington Road, a mix of small-scale commercial, the park and single-family or duplex residences across Whit Davis Road. Sewer connection to this property will require additional work as a line does not run directly in front along Whit Davis. This parcel has been graded relatively flat, but the site falls from the northeastern corner toward the southwest. Transit does serve the shopping center and Whit Davis Road. The adjacent parcels along Lexington Road are C-N or Commercial General (C-G) across the street. Other surrounding properties are a mix of Single Family Residential (RS-8 & RS-15) and Park (P) parcels. The Future Land Use of the surrounding area mirrors the mix in zoning.

III. Policy Analysis

A. Compatibility with Comprehensive Plan

The 2023 Comprehensive Plan calls for the following policies that **are** supported in this project: (use as applicable)

- *Increase the supply and variety of quality housing units, at multiple price points, in multiple locations, to suit the needs of a variety of households.*
- *Increase access to affordable housing*
- *Create nodal development tied to transportation, healthcare, schools, jobs, workforce, and housing.*
- *Increase access to greenspace and clean air to improve people's health.*

Overall, the proposal is compatible with the Comprehensive Plan. The parcel sits just off a major corridor, across the street from a commercial node and adjacent to a significant county park. The project is seeking to obtain housing credits that would create an opportunity for lower income individuals to obtain housing. The building style is not unique in its form, however, its compactness, opportunity for affordable housing, proximity to a park and commercial area are good benefits.

B. Compatibility with the Future Land Use Map

The 2023 Future Land Use Map designates the subject parcel as *General Business*, 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.

The applicant does not need to change to the Future Land Use Map from *General Business* for this request. The proposed zone aligns with the future land use by placing multi-family to the rear of commercial property along a corridor.

The Future Land Use in this area is a mix of *General Business & Mixed Density Residential* along the corridor with *Single Family Residential* and *Government (Park)* surrounding. The accepted Growth Concept Map has the commercial development across Lexington Road planned to be a development node that could benefit from increased rooftops in the vicinity.

C. Compatibility with the Zoning Map

The applicant has requested a rezone from C-N to RM-3. The following information has been provided to compare the difference in development intensity between the existing C-N zoning and the requested RM-3 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:

Standard	CURRENT C-N Zoning	REQUESTED RM-3 Zoning
Minimum Lot Size	5,000 sf	5,000 sf
Density	16 units/ac	50 units/ac
Max Lot Coverage	75%	75%
Max Building Height	65'	40'
Setbacks	10/6/6	10/6/10
Conserved Canopy	15%	15%
Total Canopy	45%	45%
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-N zoning and the proposed RM-3 zoning is more allowance of multi-family uses, particularly on the ground floor. Currently, only lighter commercial uses would be permitted. The request would allow some of those uses with restrictions and multi-family arrangements. The request aligns with some of the surrounding commercial properties, but is more allowable for multi-family in an area that has a mix of both along with one of our larger parks.

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

The Growth Concept Map designated the commercial area around the Walmart Shopping Center across the road as a development node. The Future Land Use Steering Committee has proposed it to be classified as a neighborhood center and for this property to be a part of the minor corridor along Lexington Road. Park plans do not extend to this property, however, the Leisure Services department is hopeful that connection be created between the properties to provide safe access and prevent a “desire path” that could be created by informal traversing between the properties.

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.

- *Project will be expected to meet all requirements of the community tree management ordinance at time of plan review.*

B. Grading and Drainage

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

C. Water and Sewer Availability

The Public Utilities Department has reviewed the proposal, recommended approval with the following comments:

- *ACC water is available*
- *ACC sanitary sewer is NOT available. A sanitary sewer main extension is required in order to serve the development with ACC sanitary sewer. The engineer must verify a gravity connection to ACC sanitary sewer is feasible.*
- *ACC wet weather flow sewer capacity is NOT available. A privately designed, owned, and maintained sewer storage facility to retain sanitary sewer on site during wet weather conditions is required in order serve the development with ACC sanitary sewer*
- *ACC water capacity is available*
- *ACC dry weather flow sewer capacity is available.*
- *All necessary improvements to connect to ACC sewer system, including main extensions, sanitary sewer storage facilities, and private pump station, will be at the sole expense of the owner/developer*

D. Transportation

The Transportation & Public Works Department has reviewed the proposal and recommended approval.

- *No Traffic Engineering comments or concerns regarding this project's impacts to traffic congestion, traffic volume, or traffic signal operations.*
- *No comments on this project's impact to other transportation planning initiatives or other projects.*

E. Fire Protection

The Fire Marshal has reviewed the proposal and recommended approval.

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

F. Leisure Services

The Leisure Services Department has reviewed the proposal, due to its proximity to a county park, and offered the following comment:

- *Work with the ACC Leisure Services Department to create a connection between the Park and the proposed project.*

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. The submitted concept plan generally conforms to development standards. 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.