



**STAFF REPORT  
SPECIAL USE  
220 COLLEGE AVENUE  
SUP-2025-03-0435  
APRIL 3<sup>rd</sup>, 2025**

APPLICANT: ..... Michael B. Thurmond / Armentrout, Matheny, Thurmond, P.C.

OWNER: ..... 220 College Ave LLC

ZONING REQUEST: ..... Special Use in C-D (D)

TYPE OF REQUEST: ..... Type II

LOCATION: ..... 220 College Avenue

TAX MAP NUMBERS: ..... 171B5 C005

COUNTY COMMISSION DISTRICT: ..... District 4

PROJECT SIZE: ..... 0.19 Acres

PRESENT USE: ..... Commercial Retail

PROPOSED USE: ..... Commercial Bar

PUBLIC NOTICE POSTED: ..... March 19<sup>th</sup>, 2025

STAFF RECOMMENDATION: ..... **APPROVAL**

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 Recommendation**

The applicant is requesting a Special Use Permit at 220 College Avenue, which is zoned Commercial-Downtown, to use one of the tenant spaces in the ground floor of the building for a bar with an occupancy of more than 100 persons.

The building at 220 College Avenue is a historic structure. Sanborn Maps indicate the existing building was under construction in 1908 to replace an earlier Southern Mutual Insurance Building located at the corner. The building currently houses two bars on the ground floor, apartments on floors two through four, and offices on floors five through seven.

The allowance of a bar with an occupancy of 100+ persons at this property will support the preservation of this historic structure and encourage more business Downtown, as called for by the Comprehensive Plan. No changes are required for the Future Land Use Map as the use is consistent with the property's Downtown designation. It is also compatible with the Zoning Map and Code of Ordinances.

Overall, in the opinion of Staff, the project is compatible with the long-range plans of Athens-Clarke County and satisfies the Special Use criteria. Therefore, **Staff recommends approval.**

Planning Commission Recommendation: Pending

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

### **A. Proposal**

The purpose of this request is to seek approval of a Special Use Permit to allow for a bar with an occupancy of 100+ persons in the Commercial-Downtown zoning district. The applicant has submitted plans for a bar and lounge space with a total square footage of 5,791 for a proposed maximum occupancy of 396 persons.

The property is located on the northeast corner of College Avenue and Clayton Street. The property has about 140 feet of lot frontage on College Avenue and about 60 feet on Clayton Street.

### **B. Existing Conditions**

The building is seven stories tall, with mixed uses on the different floors including offices, apartments, bars, and, formerly, a bank. This building has not gone through any previous zoning cases. However, it has come before the Historic Preservation Commission on a few occasions for updates to the facade, and different suites/floors have gone through the Construction Plans Review Process over the years for the various uses. The building is located in the center of Downtown, and is surrounded by similar commercial properties.

## **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)

- *Infill and redevelopment should be prioritized over greenfield expansion.*

Using this space as a bar and lounge would redevelop a part of this historic building that has not been used in several years, since Wells Fargo vacated the space. Ideally, it will encourage a large number of people from inside and outside the community to visit Downtown. Overall, the proposal is 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. The proposal is compatible with the Future Land Use description for this area.

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

The applicant has requested a permit for a special use to allow for a bar with an occupancy of 100+ persons in the Commercial-Downtown (Downtown Design Area) (C-D (D)) zoning district. If this special use permit is granted, no change to the underlying zoning district will be necessary. It is located in the Downtown Historic District, so exterior changes would need to be compliant with historic preservation. The applicant has been granted approval from the Historic Preservation Commission for a new door.

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

Project 9 in the Athens in Motion Plan is for a delineated facility (striped bike lanes) on College Avenue from E. Dougherty Street to E. Broad Street. No related plans were identified in the Strategic Plan or the Greenway Network Plan.

# **IV. Technical Assessment**

## **A. Environment**

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

- *ACC Arborist recommends approval. Project will be expected to meet all requirements of the community tree management ordinance at time of development during plan review.*

## **B. Grading and Drainage**

The Transportation & Public Works Department has reviewed the proposal and does not have any grading and drainage comments.

- *TPW recommends that the existing ramp along Clayton Street be removed.*

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

The Public Utilities Department has reviewed the proposal and recommends approval with the following comment:

- *ACC water and sanitary sewer is available. Capacity is available for the proposed special use.*

## **D. Transportation**

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

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

## **E. Fire Protection**

The Fire Marshal has reviewed the proposal and offered the following comment:

- *The Fire Marshal's Office recommends approval. The project will be expected to meet all required fire codes adopted at the time of the plan review.*

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

The application report, site plan and elevation drawing submitted with this request will become binding for the project upon approval of the Special Use Permit. All exemptions to the zoning and development standards must be identified in the application prior to approval of a binding proposal since the development will otherwise be expected to adhere to the ordinance standards.

Special Use requests are evaluated using the following criteria:

a) *Similarity in scale, bulk, and coverage.*

The existing structure is to be maintained essentially as it is with no change to scale or coverage.

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 location of this request is Downtown, where there is already a considerable amount of parking, pedestrians, bicyclists, and mass transit users. If the applicant removes the existing ramp on Clayton Street as recommended by TPW, it could ease pedestrian flow in the area.

c) *Architectural compatibility with the surrounding area.*

The Historic Preservation Commission has approved the design finding it to be compatible with the character of the Downtown Historic District.

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 environmental impacts are anticipated.

e) *Generation of noise, light, and glare.*

No significant impact of noise, light, or glare are anticipated as the project will be required to follow the lighting ordinance and noise ordinance in place for ACC. Though some bar noise will be generated by the proposed, it is unlikely to rise over the amount of normal bar noise created by neighboring businesses.

f) *The development of adjacent properties compatible with the future development map and the zoning district.*

The proposed development of this property would have no impact on the ability to develop adjacent properties and would be compatible with the future development map.

g) *Impact on future transportation corridors.*

There would be no impact on future transportation corridors from the proposed development.

h) *Impact on the character of the neighborhood by the establishment or expansion of the proposed use in conjunction with similar uses.*

The proposed use would have no significant impact on the character of the neighborhood, as there are similar uses surrounding the parcel.

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.

Staff finds that the proposal meets the Special Use review criteria. Approval is recommended.

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.