



**STAFF REPORT
REZONE
493 PRINCE AVENUE
ZONE-2025-02-0375
APRIL 3rd, 2025**

APPLICANT: Krista Mason
OWNER: Christopher R. Peterson
FUTURE LAND USE REQUEST: Main Street Business
ZONING REQUEST: From C-O to C-N
TYPE OF REQUEST: Type II
LOCATION: 493 Prince Avenue
TAX MAP NUMBERS: 171A1 G002
COUNTY COMMISSION DISTRICT: District 4
PROJECT SIZE: 0.08 Acres
PRESENT USE: Commercial Retail
PROPOSED USE: Commercial Retail and Bar
PUBLIC NOTICE POSTED: March 19th, 2025
STAFF RECOMMENDATION: **APPROVAL**
PLANNING COMM. RECOMMENDATION: **PENDING**
MAYOR & COMMISSION AGENDA SETTING: .. April 15th, 2025
MAYOR & COMMISSION VOTING SESSION: May 6th, 2025

I. Summary Recommendation

The applicant has requested a rezone at 493 Prince Avenue in order to change the use from commercial retail to commercial retail and bar to expand the existing business to allow sales of wine by the glass. The sale of alcohol by the glass under ACCGov's current zoning code would be classified as a bar which is not a permissible use within the property's current Commercial-Office zoning. The request to rezone the property to Commercial-Neighborhood would allow for "Restaurant or Bar" use by-right.

The current distance requirement for a Class F License, retail wine by the drink, is a minimum distance of at least 100 yards (300 feet) from a wall of a church, school or other educational building on a college campus. 493 Prince Avenue is roughly 126 feet away from an existing church located across the street. C-N is a compatible zone for 493 Prince Avenue and the surrounding area independently of any additional requested licenses.

The building is made up of two tenant spaces totaling 3,246 square feet. There is existing on-street parking, sidewalks, and protected bike lanes along Prince Avenue, so people have multiple transportation options to access the site.

The zoning request does not require a change to the Future Land Use Map which is currently *Main Street Business*. The request is compatible with the Comprehensive Plan, particularly in regard to adaptive reuse of existing structures.

A binding site plan is not required for this rezone request. No changes are proposed to the site or exterior of the building at this time, but if approved, the proposed change of use will be reviewed for code compliance at the time of permitting review. **Staff recommends approval.**

Planning Commission Recommendation: Pending

II. Purpose of Applicant Request

A. Proposal

The request is to change an existing 0.08-acre parcel from Commercial-Office (C-O) to Commercial-Neighborhood (C-N). The rezone would allow for the existing retail space to expand their business operations to a commercial bar, which is not a permissible use under the property's current C-O zoning. The proposed rezone to C-N would allow for bar use by-right. No changes to the structure or site are proposed at this time.

B. Existing Conditions

The surrounding parcels to the north, south and west are zoned Commercial-Office with the remaining parcels to the west zoned Commercial-Neighborhood. The surrounding uses consist of retail, government and mixed-density housing. The subject property is along an established commercial corridor that has existing on-street parking, protected bike lanes, and sidewalks. The existing building is made up of two retail tenant spaces, totaling 3,246 sq. ft. that have established businesses. One space, addressed as 497 Prince Ave. currently houses an existing retail business while the other space, addressed as 493 Prince Ave currently houses a retail shop that serves wine tastings. It is the shop at 493 that is seeking to expand its business, necessitating a rezone. The shop at 497 would not be impacted.

III. Policy Analysis

A. Compatibility with Comprehensive Plan

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

- *Encourage the preservation and adaptive reuse of existing structures, especially those with historic value.*
- *Utilize best practices for the attraction and retention of business and industry.*

Rezoning the property to C-N will allow an existing local business to expand their current operations and help grow their business while maintaining the existing character of the surrounding area. Staff finds the proposal compatible with the Comprehensive Plan.

B. Compatibility with the Future Land Use Map

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

Main Street Business

These are commercial areas where development of a storefront commercial type is encouraged. The uses are generally small-scale, but larger-scale uses can be integrated within a Main Street Business classification if a small-scale storefront is developed along the street facade, with the larger development located behind. Larger-scale uses should only be developed in instances where they are compatible with the adjacent uses. Retail and office use should dominate the ground floors of the

Main Street Business facades, with residential uses encouraged on second and third stories. Auto-oriented uses, such as vehicle repair and maintenance, drive-through restaurants, and vehicle sales, are not included in this designation. Walkability and pedestrian scale are important and the development should be oriented to the street with sidewalks, street trees, and pedestrian access provided.

The applicant is not requesting a change to the Future Land Use Map. The rezoning proposal is consistent with the Future Land Use description and zoning.

C. Compatibility with the Zoning Map

The applicant has requested a rezone from Commercial-Office (C-O) to Commercial-Neighborhood (C-N). The following information has been provided to compare the difference in development intensity between the existing C-O zoning and the requested C-N 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:

	CURRENT	REQUESTED
Standard	C-O Zoning	C-N Zoning
Minimum Lot Size	5,000sf	5,000sf
Density	16	16
Max Lot Coverage	65%	75%
Max Building Height	40'	65'
Setbacks	6'-10'	6'-10'
Conserved Canopy	25%	15%
Total Canopy	50%	45%
Parking	1 per 300sf of gross floor area	1 per 4 seats or 1 per 100sf of gross floor area (whichever is less)

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-O zoning and the proposed C-N allows for a wider range of commercial retail operations.

The proposed zoning of C-N is compatible with the zoning map as the surrounding parcels to the east of the property are also zoned C-N.

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

No Plans, studies or programs affect this parcel.

IV. Technical Assessment

A. Environment

There are no designated environmental areas on the property. The Arborist has reviewed the tree management plan and approved it with the following comments:

- *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 offered no grading and drainage-related comments.

C. Water and Sewer Availability

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

- *ACC water is available*
- *ACC sanitary sewer is available*
- *PUD recommends approval*

D. Transportation

The Transportation & Public Works Department has reviewed the proposal and offered the following comments:

- *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 no comment.

F. 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 zoning 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.

There are no zoning compliance issues at this time however, the current distance requirement for a Class F License, retail wine by the drink, is a minimum distance of at least 100 yards from a wall of a church, school or other educational building on a college campus. 493 Prince Avenue does not currently meet this distance requirement with the existing church across the street at 498 Prince Avenue.

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.