



**STAFF REPORT
REZONE & PLANNED
DEVELOPMENT AMENDMENT
1075 GAINES SCHOOL ROAD
ZONE-2025-02-0418
APRIL 3rd, 2025**

APPLICANT: Alec Lesley / Southeastern Retail Development
OWNER: ACT Home Care, Inc.
FUTURE LAND USE REQUEST: Remains *General Business*
ZONING REQUEST: C-O (PD) to C-N
TYPE OF REQUEST: Type II
LOCATION: 1075 Gaines School Road
TAX MAP NUMBERS: 241A3 C001
COUNTY COMMISSION DISTRICT: District 8
PROJECT SIZE: 0.8 Acres
PRESENT USE: Commercial Office
PROPOSED USE: Commercial Retail
PUBLIC NOTICE POSTED: March 19th, 2025
STAFF RECOMMENDATION: **APPROVAL WITH CONDITION**
PLANNING COMM. RECOMMENDATION: **PENDING**
MAYOR & COMMISSION AGENDA SETTING: .. April 15th, 2025
MAYOR & COMMISSION VOTING SESSION: May 6th, 2025

I. Summary Recommendation

The applicant is requesting to remove the property from a Planned Development (PD) and rezone it to Commercial-Neighborhood (C-N) from Commercial-Office (C-O). The proposal does not include a particular use for the property, although the applicant has indicated that they are considering retail. The location is a 0.8-acre parcel on the corner of Gaines School Road and Greencrest Drive. At present, the 4,400 sq ft building located on the property serves as an office for a home health care agency.

The proposal is compatible with the Comprehensive Plan as it utilizes an infill site in an area with transportation options. The property is within easy walking distance of single-family neighborhoods as well as a few multifamily developments, schools and a bus stop along Gaines School Road located in front of Covenant Presbyterian Church. The proposal is consistent with the Future Land Use Map designation of General Business and is compatible with the general regulations for the Commercial-Neighborhood zone.

The Planning Department supports the rezone and dissolving the portion of the existing PD on the subject property. Of the two conditions placed on the parcel from the 1999 PD amendment, the Planning Department finds that one is addressed by the current Community Tree Ordinance which was not in existence at the time of the PD. The other condition, that Covenant Presbyterian be allowed to use the parking lot on Sundays, would not be impacted by this application as the PD designation would remain on the church-owned portion of the original PD area. Overall, these actions

should provide more flexibility in redeveloping a commercial property serving a wide variety and growing number of residents on the eastside of Athens. **Staff recommends approval with a condition**, as follows:

Condition:

1. No drive-through uses shall be permitted on this parcel; this condition shall not preclude a stand-alone ATM or similar style kiosk.

Planning Commission Recommendation: Pending

II. Purpose of Applicant Request

A. Proposal

The applicant is requesting a rezone at 1075 Gaines School Road from Commercial-Office to Commercial-Neighborhood. No specific commercial use has been proposed along with the rezone, although the applicant indicated on their application that they would be considering retail. In requesting the rezone, the applicant is also requesting to dissolve the current Planned Development.

B. Existing Conditions

The project is on a 0.8-acre parcel at the corner of Gaines School Road and Greencrest Drive. The surrounding area is a mix of residential and commercial uses. The existing building was constructed in the early 1990s. During church events and services at Covenant Presbyterian Church, the parking lot at 1075 Gaines School Road is used by church parishioners.

The majority of the properties with frontage on Gaines School Road are commercial or office in nature and designed to serve residential uses located on the Athens eastside. These include banks, fast-food establishments, grocery stores, and pharmacies. To the south and east of the property are the Green Acres and Cedar Creek subdivisions. Immediately adjacent is Covenant Presbyterian Church.

The existing PD was approved in 1985 and amended in 1999. The amendment to the PD in 1999 allowed for the subdivision of the original 1.29 acres of land located at 1075 Gaines School Road to allow for the subdivision of tracts, a covered shelter for church uses, and a driveway extension. Conditions were placed on this amendment that allowed church parking in the medical office parking lot during non-office hours. Another condition placed on the amendment was that the clearing of any vegetation for the driveway and the covered shelter was to remain limited to those specific areas. Staff considers the limitation on clearing to be unnecessary moving forward, given the buffering requirements of the Code of Ordinances and the Community Tree Ordinance that has been adopted since the approval of this Planned Development. That being said, due to the quality and age of trees on the property which was in part made possible by the buffer, consideration should be given to keeping existing mature trees as street trees along Gaines School Road and Greencrest Drive where possible.

III. Policy Analysis

A. Compatibility with Comprehensive Plan

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

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

Although a specific commercial use has not been proposed, the requested rezone of the property is compatible with the Comprehensive Plan. The proposal would allow for redevelopment and not greenfield expansion.

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, buildings, 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 has not requested a change to the Future Land Use Map. Since no concept plan has been put forth, the applicant is advised to design the project to be compatible with the character description above.

C. Compatibility with the Zoning Map

The applicant has requested a rezone from C-O (PD) to C-Nand to dissolve the Planned Development designation on this property, which is part of a larger Planned Development that includes the Covenant Presbyterian church pavilion on the adjacent property at 1065 Gaines School Rd. The following information has been provided to compare the difference in development intensity between the existing C-O (Commercial-Office) zoning and the requested C-N (Commercial-Neighborhood) 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	5,000 sq. ft.	5,000 sq. ft.
Density	16 bedrooms/acre	16 bedrooms/acre
Max Lot Coverage	65%	75%
Max Building Height	40 ft.	65 ft.
Setbacks	6 ft side/10 ft front	6 ft side/10 ft front
Conserved Canopy	25%	15%
Total Canopy	50%	45%
Parking	2 spaces per dwelling unit	1 space for 300 sq ft of gross floor area

The

Athens-Clarke County Zoning Ordinance includes a list of defined uses and designates where they can or cannot be established. For this request, differences between the current C-O zoning and the proposed C-N are taller building heights and greater lot coverage for C-N and less conserved canopy and total canopy for C-N. In short, the opportunity for a slightly more intensive development is available with C-N than C-O. The proposal is compatible with the general regulations for the Commercial-Neighborhood zone such as minimum lot area, width and depth.

Concerning differences in use between the two zones, more retail opportunities are available in C-N. The uses that are prohibited in C-O but permitted outright in C-N include laundry facilities, vehicle repair, restaurants and bars, convenience stores, and bakeries.

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

The area includes two Tier 1 Athens in Motion projects, Tier 1 being the highest priority tier of the recommended projects in the Athens in Motion plan. The project at the intersection of Gaines School Rd and Barnett Shoals Rd is a separated facility. A separated facility is a bike lane or shared-use path, separated from traffic by parking, posts, curb, etc. Nearby at the intersection of Cedar Shoals Dr and Gaines School Rd will be a delineated bike facility. A delineated facility may include a striped shoulder or standard bike lane. The proposed rezone does not impact these projects.

IV. Technical Assessment

A. Environment

The Arborist has reviewed the proposal 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 development during plan review.*

B. Grading and Drainage

The Transportation and Public Works Department has reviewed the proposal without grading and drainage-related comment.

C. Water and Sewer Availability

The Public Utilities Department has reviewed the proposal and recommends approval.

- *ACC water and sanitary sewer are both available.*

D. Transportation

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

- *TPW recommends a crosswalk be installed on Gaines School Road on the northern side of the Gaines School Rd/Barnett Shoals/Greencrest intersection. It would need ADA ramps, pedestrian poles with audible push buttons, and traffic signal timing modifications. Upon installation of the crosswalk, the traffic signal cycle length would need to be lengthened to account for a split phase to accommodate the pedestrians crossing Gaines School Road, due to the dual left turns off of eastbound Barnett Shoals Road. ACC Traffic Engineering would perform the signal timing adjustments. This additional delay would likely cause heavy queuing at peak times for vehicular traffic.*

E. Fire Protection

The Fire Marshal has reviewed the proposal and offered no comment.

F. Compliance with the Zoning Ordinance and Development Standards

No concept plan has been submitted nor is one required, so Staff did not review the plan for general compliance with the 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.

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.