

## McClung Road – Rezoning Narrative

8/1/2025

<b>Applicant:</b>	W&A Engineering, Georgia Lawrenceville Land Holdings, LLC
<b>Location:</b>	0 McClung Road
<b>Tax Parcel:</b>	154 036E
<b>Size:</b>	A 0.353-acre portion of a 1.76-acre parcel
<b>Current Use:</b>	Vacant
<b>Current Zoning:</b>	RM-2
<b>Proposed Zoning:</b>	C-G
<b>Current FLU:</b>	Mixed Density Residential
<b>Proposed FLU:</b>	General Business

### Project Description

The subject property is a 0.353-acre portion of a 1.76-acre parcel located at 0 McClung Road in Athens. A portion of the 0.353-acre subject property is in the process of being combined into the neighboring 135 McClung Road parcel. The purpose of this request is to rezone the property from RM-2 (Mixed Density Residential) to C-G (Commercial General), matching the zoning of 135 McClung Road. A retail establishment at 135 McClung Road is currently in Plans Review.

The subject property is intended to serve as a shared driveway to access the proposed store at 135 McClung and future multifamily development at 0 and 150 McClung Road once the final plat is approved and recorded. However, a rezone of this portion is necessary due to Section 9-25-10-A-5, which states that “[w]here a ‘C’, ‘E’, or ‘I’ zone abuts a ‘RS’ or ‘RM’ zone, no portion of the residentially zoned land shall be traversed by commercial or industrial vehicles.”

### Impacts of the Proposed Rezoning

The proposed rezone is limited in scope and inextricably tied to a specific Plans Review project in-progress where it will serve as a driveway. Rezoning this small piece of property will have no measurable impact on public services and the balance of land uses. Any potential environmental impacts are being accounted for and addressed during the Plans Review process. The proposed zoning change will not be detrimental to the development of adjacent properties. Instead, it will directly contribute to the development of 135 McClung Road.

### Land Use Pattern and Zoning Compatibility

The area is a mix of RM-2 and C-G zoned properties, with most properties to the south and southwest of the subject property zoned C-G, while properties to the north and east are zoned RM-2. Thus, the proposed rezoning will not create an isolated district.

### **Future Land Use Compatibility**

The subject property is currently designated as *Mixed Density Residential* on the Future Land Use Map. Per Sec. 9-4-18 of the zoning ordinance, C-G is not compatible with *Mixed Density Residential*. This request includes a proposed change from *Mixed Density Residential* to *General Business*.

### **Conclusion**

The proposed rezone will facilitate the commercial development of 135 McClung Road, bringing the proposed driveway into compliance with regulations forbidding any commercial traffic traversing residentially-zoned property. The rezone will have no negative impact on the surrounding area or the county as a whole.

## STATEMENT OF REQUEST AND LEGAL OBJECTIONS

Lawrenceville Land Holdings LLC is the owner of the subject property located at 0 McClung Road in Athens-Clarke County, Georgia.

The request is aligned with the general goals, policies and objectives identified in the Comprehensive Plan and is in keeping with the current Future Land Development Map. This request is an amendment to the residential portions of the existing Planned Development and does not represent a significant departure from the intent of the existing plan.

Under these circumstances, a denial of the Request in question would be unlawful, arbitrary, capricious, irrational and a manifest abuse of discretion; all in violation of the Fifth Amendment and Fourteenth Amendment of the Constitution of the United States, and Article I, Section I, Paragraph I and Article I, Section III, Paragraph I of the Constitution of the State of Georgia.

Denial of the Request would discriminate unfairly between the Appellant and others similarly situated, in violation of the Fifth Amendment and Fourteenth Amendment of the Constitution of the United States, and Article I, Section I, Paragraph I and Article I, Section III, Paragraph I of the Constitution of the State of Georgia.

Denial of the Request would amount to a taking of property, in violation of the Fifth and Fourteenth Amendment of the Constitution of the United States, and Article I, Section I, Paragraph I, and Article I, Section III, Paragraph I of the Constitution of the State of Georgia.

For these reasons, we respectfully request Approval of this request. We also wish to preserve our rights for constitutional challenge if the case of a vote of denial to the request.

This 1<sup>st</sup> day of August 2025.

Respectfully submitted,



Scott Haines, PLA