



**STAFF REPORT
REZONE
135 & 150 MCCLUNG ROAD
ZONE-2025-08-1566
SEPTEMBER 4th, 2025**

APPLICANT: Scott Haines / W&A Engineering
OWNER: Lawrenceville Land Holdings LLC
FUTURE LAND USE REQUEST: From *Mixed Density Residential* to *General Business*
ZONING REQUEST: From RM-2 to C-G
TYPE OF REQUEST: Type I
LOCATION: 135 & 150 McClung Rd (formerly 0 McClung Rd)
TAX MAP NUMBERS: 154 036D & 154 036 (formerly 154 036E)
COUNTY COMMISSION DISTRICT: District 9
SIZE OF REZONING AREA: 25.04 Acres (Subject Area: 0.353 Acres)
PRESENT USE: Undeveloped & Stormwater Facility
PROPOSED USE: Commercial Driveway
PUBLIC NOTICE POSTED: August 20th, 2025
STAFF RECOMMENDATION: **APPROVAL**
PLANNING COMM. RECOMMENDATION: **PENDING**
MAYOR & COMMISSION AGENDA SETTING: ...September 16th, 2025 (tentative)
MAYOR & COMMISSION VOTING SESSION: October 7th, 2025 (tentative)

I. Summary Recommendation

The applicant is requesting a rezone of a small portion of tax parcels 154 036D and 154 036 from Mixed Density Residential (RM-2) to Commercial-General (CG). The subject area was formerly its own parcel, addressed as 0 McClung Rd (parcel # 154 036E), but has been split between parcels 154 036D (135 McClung Rd) and 154 036 (150 McClung Rd) in order to construct a commercial drive to access the commercial and multi-family projects on those two parcels. The subject area has a *Mixed Density Residential* Future Land Use, but the project is seeking *General Business*. Recent zoning and plat work have been completed in the area; however, as site design has occurred, an access connection was deemed necessary, and this request would make that drive code-compliant.

Staff finds that the rezone request is compatible with the Comprehensive Plan by improving upon an already approved design scheme for the area around McClung Rd. This particular rezone is a further refinement of a previously approved rezone (ZONE-2024-04-0675) and is requested as part of final approvals for a series of projects that include a new commercial use and a future public road that would serve the large parcel to the north and provide future interconnection to the east.

The rezone fits in with the proposed development by allowing for the inclusion of a commercial drive near the cul-de-sac of McClung Rd that would feed into the adjacent property and provide relief from commercial traffic. Staff deems the rezone request to be compatible with the Comprehensive Plan, Future Land Use Map, Zoning Map and surrounding development. **Staff recommends approval.**

II. Purpose of Applicant Request

A. Proposal

The applicant is requesting a rezone at 0 McClung Road from Mixed Density Residential (RM-2) to Commercial General (C-G). The applicant seeks to rezone a 0.373-acre portion of a 25.04-acre site to C-G to allow for a proposed commercial drive that would connect directly to the recently approved commercial project to the West of this rezone.

The request improves on an already approved design of interlocking projects, which will provide the beginnings of an interconnection for future multi-family housing to the north and northeast of this parcel.

B. Existing Conditions

The subject property is currently undeveloped, but was recently re-platted in order to facilitate a commercial retail project and infrastructure project that will begin to form the central roadway spine of a future multi-family development. The parcel at 135 McClung Road is zoned C-G and would be the primary beneficiary of this rezone as it would facilitate an additional connection point to the cul-de-sac on McClung Road. The remainder of this subject area would stay as RM-2 in anticipation of future build-out.

The growth in this area has built off the sewer expansion and commercial node around the Kroger shopping center across US Hwy 29 North. It has been a mix of commercial, multi-family, and some institutional (Athens Technical College expansion and a senior living facility) uses.

III. Policy Analysis

A. Compatibility with Comprehensive Plan

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

- *Improve safety and accessibility for people walking, biking, and busing around Athens.*
- *Ensure that necessary infrastructure (streets, sidewalks, utilities, etc.) is provided for all neighborhoods.*

The request to rezone this portion of property to C-G facilitates a separate access for the C-G parcel at 135 McClung Road and would provide a relief valve on the newly proposed Nease Road expansion so that it can better serve future development to the north and northeast.

Overall, the rezone proposal is compatible with the Comprehensive Plan and seeks to improve on an already approved design scheme by providing better connectivity. Better connections improve both public safety and the convenience of travel.

B. Compatibility with Future Land Use Map

The 2023 Future Land Use Map designates the subject parcel as *Mixed Density Residential*, which is described as follows:

Mixed-Density Residential

These are residential areas where higher density residential development is allowed and intended.

Limited nonresidential uses designed at a neighborhood scale may be incorporated into these areas

(e.g. churches, schools, daycare facilities, small businesses and offices). Buildings should be oriented towards the street and include streetscape enhancements. Their design should include connections between uses, good pedestrian connections, and compatibility with public transit. Auto-oriented uses, such as vehicle repair and maintenance, drive-through restaurants, and vehicle sales, are not included in this designation.

The applicant has requested a change to the Future Land Use Map for a 0.353-acre portion of parcels 154 036D and 154 036 from *Mixed Density Residential* to *General Business*. The requested Future Land Use category 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. and neighborhood-oriented transportation alternatives.

This change would allow for approval of a commercial drive from McClung Road to the east side of the C-G zoned parcel, which is compatible with the *General Business* Future Land Use description.

C. Compatibility with the Zoning Map

The applicant has requested a rezone from RM-2 to C-G. The following information has been provided to compare the difference in development intensity between the existing zoning and the requested zoning. 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.

	CURRENT	REQUESTED
Standard	RM-2 Zoning	C-G Zoning
Min Lot Size	5,000 sqft	2,500 sqft.
Density	24 bd/acre	24 bd/acre
Max Lot Cov.	55%	80%
Max Building Height	30 ft	65 ft
Setbacks	6-10 ft	0-10 ft
Conserved Can.	35%	10%
Total Can.	55%	40%
Parking	variable	variable

The Athens-Clarke County Zoning Ordinance includes a list of defined uses and designates where they can or cannot be established. The differences between these zones are largely defined by the residential intent of the RM zone vs. the commercial intent of the C-G zone. The request is

compatible with the Zoning Map as it is surrounded by other commercial parcels.

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

The Athens Clarke County Greenway Network Plan shows a connection near this property running north along the creek. The proposal leaves room through the property that could one day serve as that trail location.

IV. Technical Assessment

A. Environment

The ACC Arborist has reviewed the proposal and recommends approval with the following comment:

- *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 and recommended approval of the proposal.

C. Water and Sewer Availability

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

- *ACC water is available; ACC sanitary sewer is available*
- *Capacity is available*
- *The maximum allowable build out per the current zoning is 1,017 GPD*
- *The maximum allowable build out per the proposed zoning is also 1017 GPD*

D. Transportation

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

E. Fire Protection

The Fire Marshal has reviewed and approved the proposal.

F. Compliance with the Zoning Ordinance and Development Standards

This request is a minor step in cleaning up zoning and platting lines in a mixed-use commercial area. Proper connections are important for the safety of traffic and pedestrians, and this proposal would help steer those vehicles properly and avoid confusion. The requested change is needed to ensure compliance with ACC Code of Ordinances Sec 9-25-10.A.5 which precludes commercial traffic for traveling on any residentially zoned land. This request would allow projects in development on these properties to stay in compliance with Sec. 9-25-10-A-5 and set the stage for continued build-out of the area. This project has been reviewed for compliance with all code sections. Any changes require compliance with all current standards and codes.

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.