

**STAFF RECOMMENDATION
SPECIAL USE PERMIT
CASE NUMBER SUP-2017-04-1211
387 South Milledge Avenue
July 6, 2017**

GENERAL INFORMATION AND PROPOSED DEVELOPMENT

I. THE REQUEST

APPLICANT..... Lori Bork Newcomer/ Bork Design
 OWNER Thomas and Ann Wilkins
 REQUEST..... Special Use in C-O (MAC) (Commercial-Office,
 Milledge Avenue Corridor)
 TYPE OF REQUEST..... Type II
 LOCATION 387 South Milledge Avenue
 COUNTY COMMISSION DISTRICT 7
 SUBJECT PROPERTY SIZE..... 1.483 acres
 PRESENT USE..... Single-Family Residence
 PROPOSED USE..... Sorority
 TAX MAP NUMBER..... 171C1 D008
 ADJACENT USES AND ZONING (N) Single-family dwelling / C-O (MAC);
 (W) S. Milledge Avenue; office / C-O (MAC);
 (S) Sorority / Special Use in C-O (MAC); single-
 family dwellings / RS-8
 (E) S. Harris St.; multi-family dwellings / RM-1;
 single-family dwelling / RS-8
 STAFF RECOMMENDATIONS Variances: **Denial**
 Special Use: **Denial**
 PLANNING COMM. RECOMMENDATIONS..... Variances: **Pending**
 Special Use: **Pending**

II. PURPOSE

The purpose of this request is to seek approval of a Special Use Permit for the conversion of a single-family residence into a sorority house with a major addition to the existing building. The subject property at 387 South Milledge Avenue is within the C-O (MAC) (Commercial-Office, Milledge Avenue Corridor) zoning district. According to Section 9-10-2 of the Athens-Clarke County Zoning and Development Standards, a Special Use Permit is required for a new fraternity or sorority in the C-O (MAC) district. The request includes a 10,671-square-foot addition onto the existing 7,561 sf structure.

The application report, site plan, and architectural elevations submitted with this request will become binding for the project upon approval of the Special Use Permit.

III. EXISTING CONDITIONS OF SUBJECT PROPERTY AND VICINITY

The 1.483-acre subject parcel at 387 South Milledge Avenue is located on the eastern side of South Milledge Avenue between Waddell Street and Henderson Avenue with additional frontage on South Harris Street. The subject parcel and adjoining properties to the north, south and across Milledge Avenue to the west are zoned C-O (MAC) (Commercial-Office, Milledge Avenue Corridor), while other abutting properties to the south and east are zoned RS-8 (Single-Family Residential) and RM-1 (Mixed Density Residential).

To the north is a single-family dwelling, which has been vacant and boarded up for an extended period. To the south are a sorority and single-family dwellings. To the west across Milledge Avenue is an office building. To the east across South Harris Street are an apartment complex and a single-family dwelling. The subject parcel and the adjacent properties to the north, south and west are in local historic districts.

The subject property consists of a two-story frame building with a raised basement and full-width wrapped porch. The residence, constructed in 1860, has a local historic landmark designation and it is considered a contributing structure in the Milledge Avenue Historic District. Access to the property includes a circular gravel driveway off Milledge Avenue and a second driveway from Harris Street at the rear of the property.

IV. PROPOSED DEVELOPMENT

The purpose of the Special Use request is for the conversion of a single-family residence into a sorority house. The proposal includes a major addition of 10,671 sf onto the existing 7,561 sf structure to accommodate a 57-bed sorority. The proposed floor plans indicate a director's suite and 23 additional bedrooms ranging from two- to four-bed occupancy. Bedrooms would be located on all three levels of the building and serve 54 members, plus 2 guest beds and the director's bedroom. Other areas include dining/service space on the ground level, a separate chapter room on the main floor, in addition to formal and informal living areas. The top level would include a study space and common area.

Vehicular ingress and egress would enter and exit at Harris Street with a one-way loop through the parking lot. The gravel driveway from Milledge Avenue would remain but be blocked with bollards and limited to pedestrian use. The proposed 61 parking spaces would be located entirely within the rear yard. An additional 32 off-site parking spaces are proposed to be available for Monday evening chapter meetings and special events through an agreement with 255 S. Milledge Avenue. A Transportation Policy Statement has been submitted; however, it does not address section 9-30-8G regarding how many residents are allowed to park on-site, which is limited to no more than 80% of the available parking (49 spaces). The purpose of this standard is to require at least 20% more spaces than the number of residents (57 beds).

COMPATIBILITY WITH COMPREHENSIVE PLAN

I. COMPATIBILITY WITH FUTURE DEVELOPMENT MAP

The Future Development Map indicates that the subject property is designated as *Neighborhood Mixed Use*, which is defined as follows:

This is the designation for lands within the Neighborhood and Community Centers designated on the Growth Concept Map. It anticipates a broad variety of uses, including retail, services, and housing.

These areas will serve a variety of needs for the residents of an area up to a one-mile radius. The uses will typically be neighborhood-scale retail, along with small businesses and offices. The uses are intended to be the focus of their respective neighborhoods, and their design should include connections between uses, good pedestrian connections, and compatibility with public transit. Auto-oriented uses are not included in this designation. A density of up to .5 FAR for commercial uses and 15 dwelling units per acre is appropriate. Design standards are encouraged.

The Special Use Permit application does not include a request to change the existing C-O (MAC) (Commercial-Office, Milledge Avenue Corridor) zoning designation. Since the zoning and the proposed use are compatible with the *Neighborhood Mixed Use* Future Development Map designation, an amendment to the Future Development Map is not required and the application is being processed as a Type II request.

II. COMPATIBILITY WITH VISION STATEMENTS, ISSUES AND OPPORTUNITIES & POLICIES

One of the relevant 2008 Comprehensive Plan vision statements, issues, opportunities, and policies include:

- Athens-Clarke County will support residential and non-residential in-fill development that positively contributes to the character of existing neighborhoods and meets the goal of providing housing and services close to existing infrastructure.

COMPATIBILITY WITH ZONING MAP AND ORDINANCE STANDARDS

I. COMPATIBILITY WITH ZONING MAP

The purpose of this request is to obtain a Special Use Permit, pursuant to Section 9-10-2, for a sorority use. This application does not propose an amendment to the current C-O (MAC) (Commercial-Office, Milledge Avenue Corridor) zoning designation.

II. COMPATIBILITY WITH ORDINANCE STANDARDS

As defined in Athens-Clarke County Code Section 9-2-1, a Special Use is a use which is not automatically permitted by right, but which may be permitted within a zoning district subject to meeting specific conditions. As found in Section 9-20-5, the Athens-Clarke County Mayor and Commission shall consider the following:

- A. Is the proposed use in conformance with all standards within the zoning district in which the use is proposed to be located, and in conformance with relevant comprehensive plan policies implemented by Athens-Clarke County and with all state or federal laws?***

Sororities within the C-O (MAC) (Commercial-Office, Milledge Avenue Corridor) zoning district may be allowed by Special Use Permit approval. The proposed development as a sorority use within a renovated and expanded structure is compatible with the Comprehensive Plan and with the *Neighborhood Mixed Use* Future Development Map designation. However, four variances to the zoning ordinance and one variance to a driveway ordinance standard have been sought as part of the application. These variances are described and reviewed in the “Requested Variances” section of this report.

B. Is there adequate capacity of Athens-Clarke County facilities for water, sewer, paved access to and through the development, electricity, urban storm drainage, and adequate transportation that can and will be provided to and through the subject property?

The Public Utilities Department has indicated that Athens-Clarke County water and sanitary sewer will be available to serve the project. Vehicular access to the site is to be from Harris Street with one ingress driveway and one egress driveway. Transportation and Public Works has commented that the driveway directions should be reversed for the entry and exit. It is unclear how this change would affect the parking lot design, dumpster placement, the number of parking spaces and the degree of the requested variances. Transportation and Public Works has further commented that there needs to be additional street right-of-way conveyed to provide at least one foot of space behind the sidewalk for maintenance purposes.

This project is required to provide stormwater management. The Transportation and Public Works Department has noted the need for an infiltration study to confirm that the soil can accommodate the demands via the proposed pervious paving system. An alternate means of management may be required pending those results.

Athens-Clarke County Transit serves the nearby Baxter Street corridor while UGA Transit serves Milledge Avenue. Public sidewalk currently exists along Milledge Avenue.

C. Will the zoning proposal have an adverse impact on the surrounding area? When evaluating the effect of the proposed use on the surrounding area, the following factors shall be considered:

- 1. Similarity in scale, bulk and coverage***
- 2. 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.***
- 3. Architectural compatibility with the surrounding area.***
- 4. 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 other environmental pollutants.***
- 5. Generation of noise, light and glare.***
- 6. The development of adjacent properties compatible with the future development map and the zoning district.***
- 7. Other factors found to be relevant by the hearing authority for review of the proposed use.***

The Milledge Avenue Corridor Special District Overlay recognizes that this portion of Milledge Avenue has unique architectural character and institutional residential use, such as fraternities and sororities, which differentiate it from other Commercial-Office zoned areas. The Overlay states, "Special use requirements will help provide a balanced mix of uses within the Milledge Avenue Corridor and help ensure that the future establishment of or expansion of institutional residential uses or boarding house or dormitory uses will not overly dominate the character of the Milledge Avenue Corridor and will help ensure future compatibility of these uses with adjacent residential neighborhoods." Seven Greek Houses are within 500 feet of the subject property. The proposed new structure combined with the existing historic structure equals slightly less square footage than the largest of the houses at 324 S. Milledge Avenue. The use of a

two-story structure over a finished basement is common to the area. The proposed lot coverage would be 47.9%, well below the maximum allowed 65%.

Architectural compatibility review for comments only was made earlier this year by the Historic Preservation Commission (HPC) and a Certificate of Appropriateness application was heard at the June 21, 2017 meeting. The HPC approved the major addition, but without approval of the proposed site improvements. This was due to specific concerns over the amount of screening from Harris Street. Flexibility with this aspect of the design is encouraged, should the project receive Special Use approval, so that the HPC can approve the final screening design.

Traffic generation is expected to increase with the proposed use, but it is not anticipated to reach the threshold for needing a full traffic analysis. All of the proposed on-site parking spaces are to be behind the building, which is also a requirement of the Overlay, and would utilize asphalt paving for drive aisles and pervious pavers for the parking spaces.

Parking for a sorority use is determined by the greater of two calculations. One involves the gross square footage of the structure, while the other involves the amount of assembly space. For this proposal, the assembly space calculation is the greater amount and, therefore, applicable. Staff calculates the amount of reported assembly space as 6,017 square feet, which requires 134 parking spaces. However, the applicant has informed Staff of their intent to reconfigure one area to reduce the assembly space to 5,403 square feet, which would reduce the required parking to 120 spaces.

Up to 55 residents are to live on the premises. As previously noted, a variance has been proposed to allow the proposed sorority use to proceed with 61 on-site spaces to accommodate all of the on-site parking needs for the residents, staff, additional members and guests. The application states that an additional 32 off-site spaces are to be secured for Monday evenings only at 255 S. Milledge Avenue. Section 9-12-7.E of the Milledge Avenue Corridor Overlay allows credit for off-site parking within 1,000 feet.

Staff calculates that the variance request is to waive 73 required spaces, while the applicant denotes a waiver of only 27 spaces. The difference is that Staff calculates that 134 full-time parking spaces are required, while the applicant is counting both the on-site spaces and the additional off-site spaces, which are to be secured for Monday evenings only at 255 S. Milledge Avenue. While Section 9-12-7.E of the Milledge Avenue Corridor Overlay allows credit for off-site parking within 1,000 feet, Staff interprets that section to require that those spaces be provided for full-time use.

Other visitors and residents using automobile transport would be responsible for securing their own parking at an off-site location of their choice, including on-street parking available in the near vicinity, but not allowed along Milledge Avenue. The Transportation Policy Statement provided with the applicant and required under Section 9-30-8-G encourages the use of public transportation as an alternative means of accessing the site. Alternative transportation, such as walking, bicycling, or transit are necessary to offset the anticipated vehicular traffic counts. The application includes a Transportation Policy Statement, which details that the 59 available parking spaces (reserving two spaces for staff members) would be allotted based on a merit system, including residency, officer status, and grades. The policy also “strongly discourages,” but does not disallow, parking on neighborhood streets. Use of the University transit system is “encouraged.” Twelve bicycle parking spaces are also shown on the plan.

The proposed sorority use should not have an appreciable effect on air quality or water quality nor generate dust, odors, or other environmental pollutants beyond that of similar Greek Housing developments nearby. All exterior lighting would be required to meet current ordinance restrictions, which also protect against glare. Aside from the potential traffic increase, an increase in noise is possible, although the sorority notes that it does not hold events with alcohol and special events are occasional rather than frequent. Compliance with Athens-Clarke County Noise Control regulations set forth in Section 3-5-24 would be required.

All properties within the immediate area along South Milledge Avenue are similarly zoned with many of them being Greek Houses, so the sorority use would not in and of itself create a negative impact on the future development of surrounding parcels; however, resulting consequences, such as a lack of parking, could have a negative impact on the nearby residential streets.

III. REQUESTED VARIANCES

It is the responsibility of the applicant for a Special Use to request variances for any and all deviations from applicable zoning and development standards. The binding plan and report do not release the developer from the responsibility to fully comply with all Athens-Clarke County codes not specifically waived by the terms of the Special Use.

The application includes three variance requests from Athens-Clarke County Ordinances:

- A. From Sec. 9-30-2(D)9 to reduce the required number of parking spaces from 134 to 93 [61 on-site and 32 part-time spaces off-site].
- B. From Sec. 9-25-8(G)2 to reduce the required parking lot screening depth from 10 feet to 5.9 feet along the northern property line.
- C. From Sec. 9-30-9(A) to reduce the parking lot design requirements for stall depth from 18 feet to 16 feet and for aisle width from 24 feet to 20 feet.
- D. From Sec. 9-30-6 to increase the allowable percentage of compact parking spaces from 30% of the lot to 53% of the lot.

An additional variance has been requested for Sec. 7-2-7 of the driveway ordinance regarding a vision clearance area where the driveway meets Harris Street. The site plan shows a portion of one parking space encroaching into the required clear sight triangle. This standard is under the purview of the Transportation and Public Works Department. Drew Raessler, department director, has reviewed the request and has administratively approved the request.

Section 9-21-3 states that a variance may be authorized where, owing to special conditions, a literal enforcement of the zoning and development standards will result in unnecessary hardship. Such variances may be granted in such cases of unnecessary hardship upon deliberation of evidence and the following five findings by the authorizing authority:

1. There are extraordinary and exceptional conditions pertaining to this particular piece of property in question because of its size, shape, character, or topography that do not apply generally to other land in the vicinity.

- A. Parking: The house is considered a local historic landmark, in addition to being a contributing property to the Milledge Avenue Historic District. The application states that preservation of the

historic floorplan necessitated adding new chapter and dining spaces rather than altering the parlor floor of the historic house. The application further notes that the generous front setback of the historic structure leads to a large portion of the parcel being off-limits for parking. Although the disallowance of front-yard parking applies to other properties and the front setback of more than 140 feet is similar to the adjacent historic structure to the south, many of the other historic buildings nearby have setbacks of closer to 100 feet or less from Milledge Avenue. Additionally, the need for the proposed addition to follow the Design Guidelines, which advocates rear additions instead of front facade changes, causes much of the rear yard to be used for the addition, which reduces potential parking area. However, Staff notes that the plans are evidence that an ample amount of parking is possible on the subject property. Even with the proposed significant addition to the existing building, the number of provided spaces would be sufficient for a professional service and office use, a land use common to the area. Therefore, it is not the property itself, but rather the proposed use and the proposed building size that create the difficulty with ordinance compliance.

The application report mentions “redundant assembly spaces” and the request that these areas not be included in the parking calculation. While such redundancy can be referenced in the variance request, it would not alter the actual required calculation. Staff has calculated the number of required parking spaces to be 134, instead of the 120 spaces noted in the submitted materials. The applicant has informed Staff that an assembly area is to be reprogrammed, but the plans submitted at the time of the deadline for Staff and Planning Commission consideration do not reflect that adjustment.

- B. **Parking Lot Screening:** The required parking lot screening is a planted buffer 10 feet in width. The proposed plans would meet that requirement, except along the northern side property line. The applicant has indicated that the necessary parking requires that a buffer width reduction of just over 4 feet is needed. Additionally, the reduced buffer would abut another commercially zoned property. Since the requirement applies to all commercial zone properties in the area, it is unclear how the adjoining commercial property is to be considered as an exceptional condition.
- C. **Parking Lot Design Requirements:** The request involves both a parking stall depth reduction and a drive aisle width reduction. The parking stall depth reduction would apply to the non-compact identified spaces located along the north and south property lines, with the exception of the ADA parking space. [Note: The compact spaces are allowed to have the proposed 16-foot depth.] The reduced stall request would apply to 26 spaces out of the 61 on-site. The drive aisle width would abut all 61 of the proposed parking spaces. The applicant has indicated that the space available for the parking lot is an exceptional limiting condition on the property. Staff does not find that the property size, including the size of the rear yard, to be exceptional, but rather the chosen use and intensity of development requires a high number of parking spaces.
- D. **Compact Parking Spaces Percentage:** Compact parking stalls are required by Code to be 8 feet in width by 16 feet in depth and the maximum number is limited to 30% of the total number of provided parking spaces. This request is to increase the percentage to 53%, which would be 32 spaces of the total 61 parking spaces. The application notes that the available area for parking places limitations resulting in this need. Staff does not find that the size of the rear yard is

prohibitive since a conforming parking area would be possible if a different land use or smaller scale of development were considered that would require less parking.

2. The strict application of the provisions of this requirement to this particular property would create an undue and unnecessary hardship so that the grant of the variance is necessary for the preservation and enjoyment of a property right and not merely to serve as a convenience to the applicant.

- A. Parking: The application states that even if the entire existing rear yard were to be used for parking rather than some used for the proposed addition, then the parking count would still be insufficient to meet the requirement. It is further asserted that the elimination of the “redundant assembly spaces” would mean the complete loss of the historic partitions on the parlor floor of the historic structure and be in direct opposition to the preservation intention of the current plans. Staff notes that the use of a dual dining area and chapter room would be a way to reduce the assembly space in the new addition and, therefore, the required amount of parking. Staff also notes that the subject property has no physical hardship that prevents it from continued use as a single-family residence or a conversion to a professional service and office use.
- B. Parking Lot Screening: The application report suggests that the subject property is unable to meet the parking screening requirements without a loss of parking spaces that would limit the allowable use of the property. However, the parking lot screening would be required with other land uses where the standard could be met without significant impact to the ability to meet parking count requirements.
- C. Parking Lot Design Requirements: The parking lot design requirements are intended to create a safe and functional parking lot for users. The application notes that the reductions are necessary to provide an adequate parking count, but has not addressed the functionality of the proposed reductions.
- D. Compact Parking Spaces Percentage: The application notes an inability to provide a parking lot to meet the needs of the sorority within the Code limitation on compact spaces, and that this results in limiting an allowed land use for the property. Staff notes that the scale of assembly space leads to the required parking count. A reduced scale would reduce the parking needs and, therefore, the need to compromise the parking lot design.

3. The special conditions and circumstances do not result from the actions of the applicant.

- A. Parking: The placement of the historic structure with such a large front yard was not the action of the current owners or the applicant. The application further notes that the lack of available full-time, off-site parking to secure with agreements is reflective of the needs of nearby Greek Houses being met prior to the development of the subject property. Staff notes that just because a use is permitted in a zoning district does not mean that every property in that district is suitable for that use. The subject property would be able to meet the parking requirements for a professional services and office use, which is another common property use in the area. The applicant is creating their own hardship by both converting a single-family residence to a sorority use and more than doubling the size of the existing building.

- B. **Parking Lot Screening:** The applicant is not responsible for the placement of the existing historic structure and the limited area for improvement. However, the house placement and rear yard space are not significantly unfavorable or unusual for the area. Furthermore, it is the proposed use of the parcel and intensity of development that leads to the amount of required parking.
- C. **Parking Lot Design Requirements:** The applicant is not responsible for the placement of the existing historic structure and the limited area for improvement. However, the house placement and rear yard space are not significantly unfavorable or unusual for the area. Furthermore, it is the proposed use of the parcel and intensity of development that leads to the amount of required parking. It is also the choice of the applicant to reduce stall and driveway dimensions in an attempt to maximize on-site parking spaces.
- D. **Compact Parking Spaces Percentage:** The applicant is not responsible for the placement of the existing historic structure and the limited area for improvement. However, the house placement and rear yard space are not significantly unfavorable or unusual for the area. Furthermore, it is the proposed use of the parcel and intensity of development that leads to the amount of parking required to fit within the rear yard.

4. The benefits of granting the variance will be greater than any negative impacts on the development of the adjacent uses and will further the purpose and intent of this requirement and the comprehensive plan of Athens-Clarke County.

- A. **Parking:** The application notes that a parking policy to be included in the chapter bylaws has been included in the submitted materials and that nearby streets with on-street parking, such as Henderson Avenue, are by permit only. Therefore, it is argued that such streets would not see any parking impacts from the proposed sorority. Staff notes that the Transportation Policy Statement provided does not disallow parking on neighborhood streets, but rather “strongly discourages” it, and that the permit parking, such as that on Henderson Avenue, applies only between the hours of 8-5 on weekdays. Further, Staff notes that on-street parking is allowed two blocks north along Dearing Street and two blocks south along Bloomfield Street and Peabody Street. The Transportation Policy Statement does not address the parking needs for any residents who are not afforded one of the on-site spaces, nor does the proposal adhere to Section 9-30-8-G-2, which requires that 80% of the on-site spaces be provided for full-time residents.

The proposed off-site agreement only mentions Monday evening chapter meetings, which would not provide for the full-time needs of an on-site resident. [Staff has been provided a copy of the agreement, which will need revision to comply with the ordinance requirement that the Planning Director be notified in case of expiration.] The application notes that if the parking requirement for assembly only considered the chapter room, then the combination of on-site and off-site spaces would comply with the required spaces. However, since the proposal is for 6,017 square feet of space fitting the description of assembly space under the ordinance requirements for Greek Houses, the full requirement of 134 spaces must be considered. The difference between the Staff assembly space calculation and that of the applicant is that the application calculation of 5,403 square feet does not reflect an assembly area on a residential wing.

- B. **Parking Lot Screening:** The application notes that the brick wall along the northern property line will be preserved and that the reduction in screen width would allow the desired change of use, while screening along the southern property line would protect the abutting single family residences. Staff notes that the screening is required at both of the side property lines and does not differentiate between uses as to the amount of buffer width.
- C. **Parking Lot Design Requirements:** The application notes the benefits of allowing the development of the property for a sorority use and the preservation of existing site features and buffers at the southern side property line with approval of this variance. Staff notes that while the substandard parking lot design will only affect the residents and visitors to the subject property, the intent of the ordinance is to achieve safe and functional parking. No reference to any known parking standards supporting these dimensions for parking stalls or drive aisles has been provided.
- D. **Compact Parking Spaces Percentage:** The application notes the benefits of allowing the development of the property for a sorority use and the preservation of existing site features and buffers at the southern side property line with approval of this variance. Staff notes that while the substandard parking lot design will only impact the users of the subject property, the intent of the ordinance is to achieve safe and functional parking. No evidence has been submitted that the percentage of the served population driving compact cars is reflective of the proposed design.

5. The variance requested is the minimum variance that will make possible the legal use of the land, building or structure.

- A. **Parking:** The application asserts that the proposed 61 on-site spaces and 32 part time off-site spaces equal the minimum necessary for the proposed sorority to function for residents and chapter meetings. Staff notes that the proposed parking would not accommodate each resident if the ordinance section is followed that limits resident parking to 80% of the on-site parking spaces. No waiver of that standard has been requested. Alternate accommodations for those residents unable to park on-site have not been addressed. The amount of proposed parking would meet the number of spaces required for a professional services and office use, even with the proposed significant building addition.
- B. **Parking Lot Screening:** The application notes that the 5.9' screening buffer proposed is the greatest possible while allowing the proposed sorority development to preserve the historic character of the property and area. While Staff notes that the proposed design has already reduced the depth of the parking features (See Variance C) to maximize parking on the property, there are other allowed land uses with less intense parking requirements that could meet this regulation.
- C. **Parking Lot Design Requirements:** The application notes that the requested reductions are the minimum to allow development of the site as proposed and that other parking lots with similar design dimensions exist within the county. However, no addresses or other identification of these parking lots have been provided. Furthermore, the assertion that the smaller dimensions support smaller, more fuel efficient vehicles does not reflect the inability to limit use of the parking lot to only those smaller vehicles.

- D. Compact Parking Spaces Percentage: The application notes the benefit of allowing the development of the property for a sorority and preservation of existing site features and buffers at the southern side property line with approval of this variance. It is further argued that the greater amount of compact parking will support a greater amount of smaller and fuel efficient vehicles. However, there is no requirement or expectation that the sorority members will drive a certain style of vehicle.

Staff Recommendation Regarding the Variance Requests

In regards to the four requested variances, each variance is directly reflective of the parking demands for the proposed sorority use and scale of development. The parking should accommodate all of the residents, staff, and a realistic percentage of non-resident members with an effective design that allows for personal and vehicular safety. An increase in parking count must not come at the cost of safe design and an inadequate amount of parking cannot be allowed to unduly stress the adjacent neighborhood. Staff offers the following recommendations in response to the proposed variances:

- A. Parking: Denial is recommended for the proposed parking count. While the design allows for resident parking, the provided Transportation Policy Statement and off-site parking agreement only address the chapter meetings that occur one night a week. Furthermore, the subject property would allow for sufficient parking for other uses, such as a professional service and office use, even with the proposed building addition. Therefore, it is not the property itself, but rather the proposed use and the proposed scale of development that create the difficulty with ordinance compliance.
- B. Parking Lot Screening: Denial is recommended as the property does not include any exceptional limitations preventing compliance with this requirement. Rather, it is the effort to increase the parking count that results in the loss of 41% of a required buffer width. Alternate uses or designs could reduce the parking count and allow for the full required buffer.
- C. Parking Lot Design Requirements: Denial is recommended since the reduced parking stall depth and aisle width have not been substantiated as a safe design.
- D. Compact Parking Spaces Percentage: Denial is recommended as no evidence has been provided that the identified users of the sorority drive compact vehicles compared to the general population or that the use of compact spaces by vehicles of standard or larger size is a safe and effective option.

For these reasons, Staff finds that the review criteria have not been met; therefore, denial is recommended for all four requested variances.

EFFECT ON COMMUNITY

I. BALANCE OF LAND USES IN ATHENS-CLARKE COUNTY

The proposed sorority is a new addition to the University of Georgia Greek System rather than a relocation of an existing sorority. Therefore, while the proposal will not significantly alter the balance of land uses in the county, it does add another Greek house to the Milledge Avenue Special District Overlay. As previously noted, the stated purpose and intent of the Overlay is to “help provide a balanced mix of uses within the

Milledge Avenue Corridor and help ensure that the future establishment of or expansion of institutional residential uses or boarding house or dormitory uses will not overly dominate the character of the Milledge Avenue Corridor” Of the thirteen other properties along South Milledge Avenue within 500 feet of the subject property, seven of them have Greek Houses, the others having a mixture of offices, multifamily and single-family uses.

II. POPULATION

The proposal involves an addition to allow the property to serve up to 57 residents and overnight guests. The multifamily residential density limitation for the property under the Milledge Avenue Corridor Overlay is 16 bedrooms per acre, which would allow 23 bedrooms on the site. This calculation, however, does not apply to the sorority since that use is categorized as institutional.

III. ENVIRONMENT

No environmental areas are found on the subject property. In addition to the existing trees on the site, new street trees and parking lot trees are proposed. Therefore, a tree management plan has been submitted as part of this proposal for review by the Athens-Clarke County Arborist, who has the following comments:

1. The C-O (Commercial-Office) zoning district requires that 25% of the site have conserved tree canopy. For this site, 0.37 acres or 16,155 sf would be required. The proposal will conserve 23,000 sf of the existing canopy, or 35.6%. The required overall tree canopy for the site is 50%. The additional proposed 19.5% of tree canopy will result in a complete site total of 55.1% tree canopy coverage.
2. For the most part, the tree management plan appears to meet the majority of applicable regulations, with the following exception that can be addressed through the technical review associated with the permitting process:
 - Large canopy trees should be planted along S. Milledge Avenue as there does not appear to be any site constraints warranting medium or small canopy trees.
 - Smaller canopy trees should be planted along S. Harris Street to prevent conflicts with overhead power lines.
 - Dogwoods are not a recommended parking lot tree.
3. Without a needed waiver or variance to tree management standards, the tree management plan associated with this Special Use proposal has been reviewed for general compliance only and will not become binding upon approval. The aforementioned comments do not preclude compliance with all other technical standards regarding the installation and maintenance of trees as provided for in the Community Tree Management Ordinance.

IV. TRAFFIC, TRANSPORTATION, & TRANSIT

Currently, the property has a gravel circular driveway at Milledge Avenue, as well as a driveway at the rear from Harris Street. This proposal includes the use of bollards to retain the circular driveway at Milledge Avenue, while not allowing regular traffic use. The only regular access would be from Harris Street with one-way entrance onto the property at the southern end of the rear property line and exit out onto Harris Street at the northern end of the property.

Public sidewalk exists along Milledge Avenue. The UGA bus system services Milledge Avenue. Parking facilities for 12 bicycles is denoted on the plan.

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

- Additional street right-of-way must be conveyed to allow a minimum of a one-foot space behind the sidewalk on Harris Street for maintenance purposes. An easement would not be acceptable.
- The one-way traffic circulation through the parking lot needs to be reversed. The entrance needs to be nearest Waddell St and the exit nearest Henderson Ave to create a counter-clockwise circulation. This is standard practice in parking lot design, in keeping with the 'keep right' convention. It will also provide more clearance from the Henderson Ave intersection for vehicles queuing up to turn left into the parking lot.
- T&PW approves an administrative variance to allow the proposed encroachment of the driveway vision clearance area. The encroachment is shown to be at a sufficient distance back from the travel lane so as not to pose a hazard.

V. GRADING AND DRAINAGE

This project is required to include stormwater management. The Transportation and Public Works Department notes that infiltration test results will be required to show that the existing soil conditions have the capacity to infiltrate runoff with the permeable paver system proposed as the means of stormwater management and that an alternate means may be required.

VI. WATER AND SEWER AVAILABILITY

Athens-Clarke County water and sanitary sewer are available. Although the water and sanitary sewer capacity evaluation is still in progress, the Public Utilities Department recommends approval.

VII. FIRE PROTECTION

The Athens-Clarke County Fire Department has reviewed this request and has the following comments:

- Fire protection can be provided with no adverse effect on services, equipment, personnel or cost.
- Fire apparatus can access this project.
- No additional hydrants are needed.
- All buildings must be sprinkled per Athens-Clarke County Ordinance Section 3-7-6, which specifies sprinkling requirements for fraternity and sorority uses, and an alarm system must be installed.
- Approval with these comments is recommended.

RECOMMENDATIONS

I. STAFF RECOMMENDATION ON THE REQUESTED VARIANCES – Denial

Four variances have been requested as part of the Special Use Permit application:

- A. From Sec. 9-30-2(D)9 to reduce the required number of parking spaces from 134 to 93 [61 on-site and 32 part-time spaces off-site].

- B. From Sec. 9-25-8(G)2 to reduce the required parking lot screening depth from 10 feet to 5.9 feet along the northern property line.
- C. From Sec. 9-30-9(A) to reduce the parking lot design requirements for stall depth from 18 feet to 16 feet and for aisle width from 24 feet to 20 feet.
- D. From Sec. 9-30-6 to increase the allowable percentage of compact parking spaces from 30% of the lot to 53% of the lot.

As previously noted in this report, Staff finds that none of the requests meet the variance standards; therefore, denial is recommended for all four requests.

II. STAFF RECOMMENDATION ON SPECIAL USE PERMIT – Denial

The proposed sorority land use coupled with the extensive addition is seen as inappropriate at this location within the Milledge Avenue Overlay. This finding is due in part to the need for the several requested variances. As stated in Section 9-12-7, the purpose and intent of the Overlay is to ensure that the establishment of such a use is compatible with adjacent residential neighborhoods. Staff finds that proposed conversion of a single-family residence to a sorority use has significant impact on the area, especially if the proposed variances are also approved. The proposed amount of parking spaces is insufficient for the proposed sorority size and the design. Furthermore, it has not been demonstrated that the parking design with inadequate stall depth and aisle width, and an overabundance of compact spaces, will allow for sufficient maneuverability. Furthermore, it is unclear how the parking lot circulation change requested by Transportation & Public Works would affect the parking lot design, dumpster placement, the number of parking spaces and the degree of the requested variances. Additionally, the applicant has informed Staff of their intent to reconfigure one area to reduce the assembly space to 5,403 square feet, which would reduce the required parking to 120 spaces, but Staff has not received or reviewed a plan with the proposed revision.

Finally, the first of the Special Use review criteria in Chapter 9-21 is that the proposed use shall be in conformance with all standards within the zoning district. Therefore, if the requested variances are denied, then the Special Use Permit request must also be denied. For this reason and the other aforementioned reasons, Staff recommends denial of the Special Use request.

III. PLANNING COMMISSION RECOMMENDATIONS- Pending

The request is scheduled for presentation to the Planning Commission at their regularly scheduled meeting on July 6, 2017.

IV. CURRENT STATUS

The request and the Planning Commission recommendation are tentatively scheduled for presentation to the Mayor and Commission at their agenda setting on July 18, 2017. The Mayor and Commission are tentatively scheduled to hold a public hearing and take action on this request on August 1, 2017.

REPORT FOR: 387 S. Milledge Avenue

Zoning Criteria per Section 9-4-4 and Section 9-20-5 for Type II Special Use Applications

1. The proposed special use conforms to the future development 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.
2. The proposed special 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.
3. Public services, which include physical facilities and staff capacity, exist sufficient to service the proposed special use.
4. The proposed special use will not adversely affect the balance of land uses in Athens-Clarke County.
5. Is the proposed use in conformance with all standards within the zoning district in which the use is proposed to be located, and in conformance with relevant comprehensive plan policies implemented by Athens-Clarke County and with all state or federal laws?
6. Is there adequate capacity of Athens-Clarke County facilities for water, sewer, paved access to and through the development, electricity, urban storm drainage, and adequate transportation that can and will be provided to and through the subject property?
7. Will the zoning proposal have an adverse impact on the surrounding area? When evaluating the effect of the proposed use on the surrounding area, the following factors shall be considered:
 - A. Similarity in scale, bulk, and 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.
 - C. Architectural compatibility with the surrounding area.
 - 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 other environmental pollutants.
 - E. Generation of noise, light, and glare.
 - F. The development of adjacent properties compatible with the future development map and the zoning district.
 - G. Other factors found to be relevant by the hearing authority for review of the proposed use.

Public Notice

In accordance with Section 9-4-9(E), public notice of this zoning request was posted on or near the subject property on June 21, 2017.