



**Planning Department  
Oconee County, Georgia  
STAFF REPORT**

**REZONE CASE #:** 7428

**DATE:** May 1, 2018

**STAFF REPORT BY:** Gabriel Quintas, Planner

**APPLICANT NAME:** 1699 Land Company, LLC

**PROPERTY OWNER:** Weaver Dove Land Group, LLLP

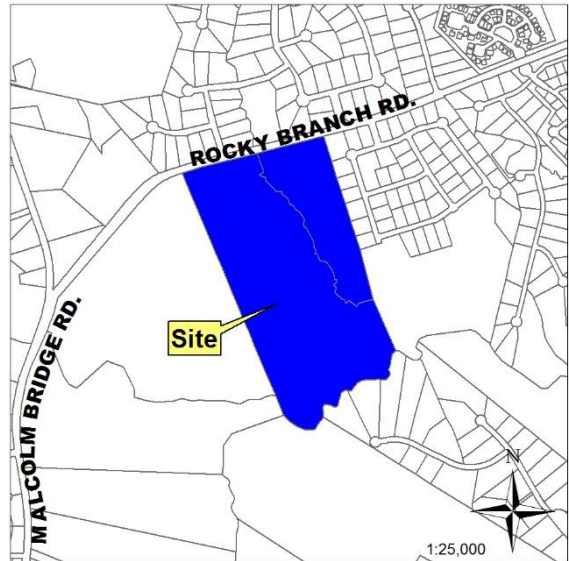
**LOCATION:** South side of Rocky Branch Road

**PARCEL SIZE:** ± 105.23 Acres

**EXISTING ZONING:** A-1 (Agricultural District)

**EXISTING LAND USE:** Woodland, undeveloped

**ACTION REQUESTED:** Rezone A-1 (Agricultural District) to R-1 (Single Family Residential District)



**REQUEST SUMMARY:** The applicant is petitioning for a rezone of the subject property to allow the development of a 77-lot single-family residential subdivision.

**STAFF RECOMMENDATION:** Staff recommends denial of this rezone request.

**DATE OF SCHEDULED HEARINGS**

**PLANNING COMMISSION:** May 21, 2018

**BOARD OF COMMISSIONERS:** June 05, 2018

- ATTACHMENTS:**
- Application
  - Zoning Impact Analysis
  - Narrative
  - Site Review
  - Representative Photos
  - Aerial Photo
  - Tax Map
  - Plat of Survey
  - Concept Plan

**BACKGROUND INFORMATION & FINDINGS OF FACT**

**HISTORY**

- The subject site comprises two separate tracts (tax parcels B 03 025 – 81.64 acres & B 03 025A – 23.38 acres) created by an administrative subdivision of the parent tract in 2002.
- The subject property has been zoned A-1 (Agricultural) since the original adoption of the zoning map in 1968.

**SITE VISIT DESCRIPTION**

- The subject site contains several trails and is densely wooded. A hunting shed and the remains of a trailer are present on the site.
- Barber Creek runs along the rear property line of the subject property.
- An additional stream bisects the site (and forms the property line between B 03 025 & B 03 025A) before merging with Barber Creek.

**SURROUNDING LAND USE AND ZONING**

	EXISTING LAND USES	EXISTING ZONING
<b>NORTH</b>	Single-family residential subdivision (Old Waverly)	AR-1 (Agricultural Residential One Acre District)
<b>SOUTH</b>	Single-family residential subdivision (Vintage Farms – 20 vacant lots) and pastureland	AR-1 (Agricultural Residential One Acre District) w/ FP (Flood Prone Overlay District) & A-1 (Agricultural District)
<b>EAST</b>	Vacant, final-platted single-family residential subdivision (Autumn Glen – 54 vacant lots)	R-1 (Single-Family Residential District)
<b>WEST</b>	Large, undeveloped tract & large single-family residential tract containing pasture	A-1 (Agricultural District)

**PROPOSED PROJECT DESCRIPTION**

A single-family residential subdivision with interior public streets, sidewalks, street lights, on-site stormwater management facilities, and an amenity area is proposed.

- 77 single-family residential lots
  - Range of dwelling sizes: minimum 2,200 sf for one-storey and minimum 2,400 sf for two-storey
  - Range of dwelling prices: \$400,000 – \$600,000
  - Dwelling exteriors: traditional architectural style with brick, stone, shake, and cement-board siding
  - Lot size: 30,000 sf minimum with an average lot size of 40,526 sf
- A homeowner’s association is proposed for the control and maintenance of all common areas.
- Total estimated completed project value: \$34,650,000
- Construction is proposed to commence immediately following project approval.
- Total build-out of the project is proposed to take place between the summer of 2018 and the end of 2020.

**TRAFFIC PROJECTIONS**

- 770 ADT; 62 A.M. and 77 P.M. peak hour trips (Source: ITE Trip Generation Manual, 9<sup>th</sup> Edition)

**PUBLIC FACILITIES**

**Water:**

- The Oconee County Water Resources Department has indicated that sufficient water capacity exists to serve the proposed development.
- Connection to the 8-inch water main located within the right-of-way of Rocky Branch Road is proposed.
- Estimated water demand for full build-out: 20,020 GPD
  - Estimated water maximum day demand: 21.04 GPM
  - Estimated water peak hour demand: 63.13 GPM

**Sewer:**

- Conventional septic tanks and drain fields are proposed for all lots.

**Roads:**

- Interior public streets with curb and gutter are proposed throughout the development.
- One entrance along Rocky Branch Road is proposed for access to the development.
- A deceleration lane and an acceleration taper are proposed to facilitate access to the development.

**ENVIRONMENTAL**

- Approximately 17.67 acres of the subject property lie within the 100-Year Flood Plain.
- Approximately 22.60 acres are Jurisdictional Wetlands.
- Concrete curb and gutter, pipe, and grassed and/or natural waterways will be employed to collect and divert stormwater to a proposed stormwater management facility.

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**COMMENTS FROM OTHER DEPARTMENTS & AGENCIES**

**PUBLIC WORKS**

- Provide street names, pavement widths, and right-of-way widths. Include cul-de-sac dimensions. These items can be addressed upon submittal of the Preliminary Plat.
- Prior to submittal of the Preliminary Plat, verify if a center left-turn lane is required on Rocky Branch Road. This needs to be done in accordance with Oconee County standards.
- Clarify how the CBU (mail kiosk) will be accessed. Public Works prefers that it be accessed from the proposed recreation area parking lot and not the proposed public street.
- Provide a one-foot no-access easement along any lot (including the amenity area) that has frontage along Rocky Branch Road.
- Regarding the drainage easement near lot 57 and a proposed detention area, verify whether or not this easement will be ditched. If ditched, Public Works suggests that the easement be routed in a fashion so as to remove the 90-degree turn.
- Please address the non-compliant [UDC Section 1008.04 (f) (2)] street that extends from lot 64 to 74 exceeding 1000 feet in length without a proposed turn around.

**OCONEE COUNTY SCHOOLS - BOARD OF EDUCATION**

- “We have found this will have an impact on the attendance zone for Rocky Branch Elementary School, Malcom Bridge Middle School, and North Oconee High School using the data provided by Oconee County Planning Department. There are currently 961 active lots within this attendance zone that have yet to be built upon. With the addition of Hudson’s Mill there is potential for 1,038 permits equating to a possible 519 additional students. Rocky Branch Elementary is 306 under capacity. North Oconee High School is 101 under capacity. Malcom Bridge Middle School is currently over capacity by 80 students.”

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**STAFF ANALYSIS**

THE ANALYSIS OF THE APPLICATION IS MADE BASED UPON THE “STANDARDS FOR REZONING CONSIDERATION” AS SET FORTH IN SECTION 1207.01 OF THE *OCONEE COUNTY UNIFIED DEVELOPMENT CODE*.

- A. How does the current request compare to the existing uses and zoning of nearby properties?** The existing uses and zoning surrounding the subject area are primarily residential. However, approximately two-thirds of the Vintage Farms subdivision zoned AR-1 to the south of the property remains vacant, and the Autumn Glen subdivision zoned R-1 to the east of the subject property is entirely vacant. The Old Waverly subdivision zoned AR-1 lies directly across Rocky Branch Road. Pastureland, wooded tracts, and large residential tracts zoned A-1 border the subject property to the west and south. The general area contains higher-density residential uses towards Mars Hill Road within the Rowan Oak master-planned

development and the Sterling Mills retirement community, while lower-density residential uses become more common west of the subject property. Staff believes that the requested zoning district would be compatible with the existing residential zoning of the surrounding area. However, a lower-density residential use than what is currently proposed would be more appropriate for the subject property for reasons discussed throughout the present report.

- B. To what extent are property values diminished by the particular zoning restrictions of the current zoning category?** The present zoning category (A-1) limits the property owner's ability to subdivide the subject tracts. Given compliance with all other provisions of the Unified Development Code (e.g. minimum lot width, depth, access, road frontage, etc.), tax parcel B 03 025 could be administratively subdivided into a maximum of five minimum five-acre tracts, and tax parcel B 03 025A could be administratively subdivided into a maximum of four minimum five-acre tracts. Accordingly, the proposed single-family residential development would not be allowed under the current A-1 zoning of the subject tracts.
- C. To what extent does the destruction of the property values of the individual property owner promote the health, safety, or general welfare of the public with consideration to:**

- 1. Population density and effect on community facilities such as streets, schools, water and sewer?** Existing county water capacity and emergency services (i.e. fire, police) should be adequate for the proposed development. However, staff does have concerns about the increased traffic volume that can be expected of the proposed development. The most recent counts (December 2017) provided by the Public Works Department show that traffic on Rocky Branch Road currently amounts to approximately 2,726 average daily trips. At full build-out of the subdivision, the developer estimates that the traffic volume on Rocky Branch Road would increase by an additional 770 average daily trips bringing the total estimated traffic counts to roughly 3,500 ADT. Furthermore, the Oconee County Schools Board of Education has indicated that there are currently 961 active lots that have yet to be built upon within the school attendance zone of which the subject property is part. Accordingly, staff is concerned that the introduction of an additional seventy-seven single-family lots could further compound an unfavorable situation in which temporary modular units are currently being used to accommodate students for schools that are over capacity.
- 2. Environmental impact?** Approximately 17.67 acres, amounting to roughly 17 % of the subject property, lie within the 100-year flood plain. Additionally, approximately 22.60 acres, covering roughly 21 % of the property, are considered jurisdictional wetlands. The centerline of Barber Creek delineates the rear property line of the subject property, and an additional stream bisects the site before merging with Barber Creek; both are identified conservation corridors on the 2030 Future Development Map. As required in UDC Section 908.02, the developer will be required to maintain (and depict on preliminary and final plats) a 50-foot wide undisturbed buffer as measured outwardly and horizontally from the uppermost part of the stream bank and maintain a minimum 10-foot setback for all impervious surfaces, septic tanks, and drain fields. An additional naturally-vegetated wetland buffer that extends at least 25 feet from the wetland area is required by UDC Section 926.01 (f); these buffers are not depicted on the attached concept plan. Moreover, it should be noted that the submitted concept plan depicts a number of proposed lots lying within the required conservation corridor buffer, wetland buffer, flood plain areas, and jurisdictional wetland areas; should the present request be approved, these lots must be closely reviewed to ensure that any development on said lots is in conformity with the UDC and specifically Article 9 (Environmental Protection). Additionally, in accordance with UDC Section 920 (d), prior to issuance of any local building permit the developer will be required to obtain a determination from the US Army Corps of Engineers on the extent of the wetland area and whether a Section 404 (Clean Water Act) permit or letter of permission is required for the development. Furthermore, the present stretch of Barber Creek is currently listed as an "impaired waters" on the Clean Water Act Section 303 (d) List of Waters compiled by the Georgia Environmental Protection Department due to level of fecal coliform present in the waters. Consequently, staff has concerns regarding the significant number of septic tanks and drain fields that are proposed in close proximity to Barber Creek and waters discharging into the same and the potential for further impairment of these waters. Based on the foregoing, it is reasonable to believe that a development of the proposed density could be detrimental to the environmentally sensitive areas on site.

3. **Effect on adjoining property values?** It is not anticipated that approval of the present request will have any negative effect on adjoining property values.
- D. What is the relative gain to the public in maintaining the current zoning category, as compared to the hardship imposed upon the current property owner?** Should the present request be denied, the hardship imposed upon the current property owner would be the inability to develop the site as a single-family residential major subdivision. The property as currently zoned, though, maintains a lower density along Rocky Branch Road, which lessens the need for road maintenance, school system expansions, law enforcement and fire suppression activities, emergency services, and other County services. In addition to the additional burden that would be placed on public facilities, staff believes that the proposed development raises concerns discussed throughout the present report that, all together, significantly outweigh the hardship faced by the subject property owner. Accordingly, the public interest would be better served were the present request denied.
- E. What is the length of time that the property has been vacant as currently zoned, considered in the context of land development in the area of the vicinity of the property?** The subject tracts have been zoned A-1 since the original adoption of the zoning map in 1968, and the property has historically been used as a hunting ground. Since the mid-1990s, development east of the site along Rocky Branch Road has primarily consisted of single-family subdivisions with one-acre or smaller lots; higher-density residential uses have also been introduced to the area in the form town houses in the Rowan Oak master-planned development and condominium homes in the Sterling Mills retirement community. However, as noted throughout the present report, several properties in the general vicinity zoned for the requested use have remained vacant or undeveloped for a significant length of time.
- F. Is the proposed use consistent with the stated purpose of the zoning district that is being requested?** According to UDC Section 205.07, the Single Family Residential District (R-1) is intended “primarily for one-family residences and related uses at low suburban residential densities on land which is served by public water and/or sewer systems. The development of lots in this District is also permitted with septic tanks provided that the placement of each such septic tank shall be approved by the Oconee County Health Department.” Staff believes that the proposed development is consistent with the stated purpose of the zoning district being requested.
- G. How does this request conform with or diverge from established land use patterns?** Since the mid-1990s, the general area east of the subject property has experienced a gradual transition from an agricultural, rural character to a suburban, higher-density residential character. Notwithstanding, low-density residential and agricultural land uses and zoning remain predominant in the area west of the subject property. Staff believes that a lower-density residential development with fewer lots and larger lot sizes than what is proposed would be a more appropriate transition between the higher and lower density land uses located along Rocky Branch Road and the surrounding area.
- H. How does this request conform with or diverge from the Future Land Use Map or the goals and objectives of the Comprehensive Plan?** The 2030 Future Development Map designates the subject property a character area of Suburban Living. While the Community Agenda of the 2030 Comprehensive Plan specifically cites “single-family residential subdivisions” as a primary land use in this character area, “the reuse, redevelopment or refurbishments of areas where activity and attractiveness have declined” is encouraged for residential developments. The development strategies further stress the protection of “existing neighborhoods from negative impacts” when considering new development requests. Surrounding the subject property are a number of residential subdivisions that have yet to be fully developed. Most notably, the Autumn Glen subdivision, zoned R-1 (1997) for 87 single-family residential lots (more than half of which have been final platted since 2014) remains entirely vacant. Furthermore, approximately 100 acres located along Malcom Bridge Road roughly half of a mile from the subject site are currently zoned R-1 (2007) for a 93-lot residential subdivision that has not been developed. Moreover, immediately adjacent south of the subject site, the Vintage Farms subdivision zoned AR-1 (2006) for a 29-lot residential subdivision (final platted since 2006) remains roughly two-thirds vacant. The introduction of yet another tract of land zoned R-1 in the present area could prolong the vacancy of areas already zoned for such use. Accordingly, the proposed development would not conform to the development strategies of the Suburban Living character area because of the potential detriment posed to the vacant sites and the communities surrounding such sites. Consequently, staff believes that the proposed development is not in conformity with the goals set forth for single-family residential developments in the Suburban Living character area.

- I. What is the availability of adequate sites for the proposed use in districts that permit such use?** There are numerous sites zoned R-1 in the general vicinity and throughout the County that would permit development of a single-family residential subdivision. Within a one-mile radius of the subject property, there exists the potential for an additional 211 single-family residences on lots zoned R-1 and AR-1 that have yet to be developed.
- J. Is the site suitable for the proposed use relative to the requirements set forth in the Unified Development Code (off-street parking, setbacks, buffer zones, open space, etc.)?** There are a number of lots depicted on the attached concept plan lying within primary conservation areas that may have to be eliminated or reconfigured to provide for the minimum buildable area required by UDC Table 4.1. Additionally, the Oconee County Health Department has indicated that larger lot sizes will likely be required to meet the minimum area of usable soils required by the same Department for lots with private septic tanks and drain fields. In view of the foregoing, staff believes that the subject site is not suitable for a development of the proposed density.

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## **STAFF RECOMMENDATION & CONDITIONAL REQUIREMENTS**

**Staff recommends denial of this rezone request. However, should the present request be approved, staff recommends the following conditions to be fulfilled by the developer at his expense:**

1. The development shall be connected to the Oconee County water system at the developer's expense in a manner approved by the Oconee County Water Resources Department and the Oconee County Public Works Department.
2. Development structure exteriors shall consist of a combination of cement-board siding and/or brick consistent with architectural representations submitted 02/23/2018. Final design shall be subject to review and approval of the Planning Director.
3. All houses constructed within the development shall be built using a crawl space or basement foundation.
4. The developer shall record a one-foot no-access easement along any lot lines fronting on Rocky Branch Road.
5. The minimum lot size for any lot within the development shall be one acre.
6. The developer shall either preserve a 15-foot natural buffer or install a landscaped buffer along the Rocky Branch right-of-way. The buffer may be designed to accommodate drainage and entrance signs and must be supplemented with evergreen plant material to ensure an opaque visual screen during all seasons of the year.
7. The minimum dwelling size shall be 2,400 square feet.
8. The development shall not contain more than 77 single-family lots.
9. The developer shall provide an amenity area consisting of the following: a junior Olympic-sized swimming pool having an area no less than 3,000 square feet; a minimum one-acre active play area meeting the definition of "active play area" in UDC Table 3.1; and a minimum 2,600 square-foot clubhouse. No certificates of occupancy shall be issued for any residential dwellings until structures required for the amenity are completed. Final design of the amenity area shall be subject to review and approval of the Planning Director.
10. Storm water detention areas shall be incorporated into common areas and shall in no case lie within individual lots intended for residential use.
11. The zoning for the 100-year flood plain areas of the subject property shall be overlain with the Flood Prone Overlay District. Additionally, no lots intended for residential use (including the amenity lot) may contain any portion of the 100-year flood plain area.

12. The developer shall install pedestrian trails throughout the common areas proposed for the development. Final design of said trails shall be subject to review and approval of the Planning Director.
13. Contrary to what may be indicated on the attached concept plan, no parcel shall be created that is not in conformity with the Unified Development Code.
14. The developer shall construct improvements at the project entrance including a deceleration lane with acceleration taper along Rocky Branch Road as depicted on the concept plan, in accordance with the Unified Development Code, and as required by the Public Works Department.