



**STAFF REPORT
PRELIMINARY PLANNED DEVELOPMENT
5090 Old Jefferson Road
PD-2025-05-0889
June 5th, 2025**

APPLICANT:Buck Bacon, W&A Engineering
OWNER:Foxglove Partners, LLC
ZONING REQUEST:From RS-8 to RM-2 (PD)
TYPE OF REQUEST:Type I
LOCATION:5090 Old Jefferson Road
TAX MAP NUMBERS:103 001
COUNTY COMMISSION DISTRICT:District 6
PROJECT SIZE:46.28 Acres
PRESENT USE:Undeveloped
PROPOSED USE:Mixed Density Residential
PUBLIC NOTICE POSTED:May 21st, 2025
STAFF RECOMMENDATION:***COMMENT ONLY***
PLANNING COMM. RECOMMENDATION:***COMMENT ONLY***
MAYOR & COMMISSION AGENDA SETTING: ...Tentative
MAYOR & COMMISSION VOTING SESSION:Tentative

I. Summary Recommendation

The applicant is requesting a rezone from RS-8 to RM-2 with a Planned Development for 5090 Old Jefferson Road. The proposal is for a mixed-density residential development comprised of 346 units and 845 bedrooms. The development site is a singular parcel totaling 46.285 acres. The applicant is proposing 96 fee-simple townhomes, a mix of leasable townhomes, cottage-style single-family homes and duplexes. The applicant is also proposing 5 leasable garages with a stated capacity of 25 vehicles. This request does require a change to the Future Land Use Map as it is currently designated as Traditional Neighborhood and would require a reclassification to Mixed-Density Residential.

The development is proposed to include two access drives on Old Jefferson Road and a connection point to West Vincent Drive on the NE end of the property. The project's primary road frontage is on Old Jefferson Road, which is separated from Jefferson Road by the CSX railroad line. To the West of the development are a series of AR zoned properties. To the North and East, the properties are all zoned RS-8. Across Old Jefferson Road and Jefferson Road is the intersection for Lavender Road and a series of Commercial General (C-G) zoned properties, including the relatively new Oak Grove development.

Regarding the mixed density development, Staff generally supports the variety of housing types included in this proposal. There is a mix of one, two, and three-bedroom units and a variety of floor plans provided. The proposal includes an internal network of streets, sidewalks and open spaces along with intentional site design that provides good connections and walkable block sizes that create opportunities for social interaction and passive recreation.

Regarding access to the development however, ACCGov's Transportation Public Works Department

(TPW) has concerns based on the existing traffic level of service conditions along the Jefferson Road corridor.

The project will utilize a sanitary sewer pump station which is being coordinated between the applicant and ACCGov's Public Utilities Department (PUD) as an agenda item to be presented to Mayor and Commission at the same time as this proposal. Based on the capacity evaluation from April 3, 2025, there is sufficient capacity in ACC's Public Utilities systems to facilitate service so long as the pump station is constructed.

The applicant has requested six waivers, five of which are supported by Staff. The requested waivers are provided in Section F of this report.

Planning Commission Recommendation: Pending

II. Purpose of Applicant Request

A. Proposal

The applicant has requested a Planned Development and Rezone from Residential Single-Family (RS-8) to Mixed-Density Residential (RM-2 (PD)) for the construction of a mixed density development comprised of leasable townhomes, duplexes, cottage style single-family homes, as well as fee-simple townhomes and two fee-simple single-family homes. The proposed development utilizes multiple pedestrian pathways throughout the development and provides for a grid-style vehicular layout that is supported by various alleys and parking aisles off of the main thoroughfares. The plan would provide three access points, two along Old Jefferson Road and one in the rear that connects to the existing West Vincent Drive and the adjacent Lantern Walk subdivision. Worth noting is that a direct connection to Jefferson Rd/Hwy 129 is not being proposed, meaning that traffic will be funneled East and West along Old Jefferson Rd to existing crossings of the CSX railroad right-of-way and the project will not tie into the intersection of Lavender Rd/Jefferson Rd which is directly adjacent to this project. The applicant is however proposing a future connection point in the rear of the property in the NE corner at the end of the proposed cul-de-sac.

Parking facilities are provided through a variety of the aforementioned parking aisles, alleys and on-street parking spaces. There are five leasable garages that support a total of 25 vehicles. The duplexes along the extended West Vincent Drive and Road A towards the cul-de-sac will utilize shared driveways. The total parking count comes to 822 off-street spaces provided in parking lots and driveways, garage spaces (individual units and five independent leasable garages) and a total of 21 ADA spaces. There are 53 on-street spaces provided in order to support the proposed fee-simple properties. The proposal also includes a clubhouse and pool amenity in addition to the various courtyards and interconnected sidewalks.

B. Existing Conditions

The property is located on the North side of Old Jefferson Road and totals 46.285 acres. It is separated from Jefferson Road proper by the CSX railroad line.

The property is currently undeveloped and zoned RS-8. It is bound on the North and East by additional RS-8 properties and large AR properties to the West. South, across Old Jefferson Road, CSX Railway, and Jefferson Road/Hwy 129 is the intersection for Lavender Road and a stretch of C-G properties that include the Oak Grove development.

The property has an existing future interconnection with West Vincent Drive.

III. Policy Analysis

A. Compatibility with Comprehensive Plan

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

- *Increase the supply and variety of quality housing units, at multiple price points, in multiple locations, to suit the needs of a variety of households.*
- *Create nodal development tied to transportation, healthcare, schools, jobs, workforce, and housing.*
- *Promote intra- and inter-connectivity within and between neighborhoods while discouraging cul-de-sac development. This applies to both vehicular and pedestrian pathways and may not always require formal, paved improvements when associated with walkability.*
- *Encourage the creation of publicly accessible gathering spaces within neighborhoods and development projects.*

The 2023 Comprehensive Plan calls for the following policies that are not supported in this project

- *Ensure that necessary infrastructure (streets, sidewalks, utilities, etc.) is provided for all neighborhoods.*

Overall, the proposal is mostly compatible with the Comprehensive Plan. The development does increase the supply of housing and offers a variety of housing types. About one-third of the project is proposed to be fee simple, and so the project offers a mix of home-ownership and leasable options. The project furthers this area of ACC as a future development node and although traffic has been identified as a potential issue, the Traditional Neighborhood Design (TND) of the project is good for mixing design, housing opportunity and a neighborhood that supports many different residents. Oak Grove, across Jefferson Road presently functions as a development node. The proposed project would fit nicely with the function of that node alongside the new Oak Grove shopping center. However, the lack of direct connection to Jefferson Road/Hwy129 is not ideal. The project is seeking to construct the necessary infrastructure for a lift station which is not often supported by the community due to long-term operational concerns and associated cost. The project would have the necessary infrastructure, if built as proposed, but currently does not.

B. Compatibility with the Future Land Use Map

The 2023 Future Land Use Map designates the subject parcel as *Traditional Neighborhood*, which is described as follows:

Traditional Neighborhood

These are medium density neighborhoods with traditional qualities including well-connected street systems, sidewalks, street trees, and a variety of housing types. Homes are often built close to the street with front porches. Garages are set back farther than the homes and porches. Traditional Neighborhood areas support single-family residences, duplexes which resemble large homes, and townhouses. Strict design standards should be implemented to ensure appropriateness of design and to protect neighborhood character. Limited commercial and other non-residential uses designed at a neighborhood scale are encouraged, but only in areas close to principal and minor arterial routes that have good access to transit.

A change to the Future Land Use Map would be required as the project would necessitate a *Mixed-Density Residential* designation, described below:

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.

C. Compatibility with the Zoning Map

The applicant has requested a rezone from RS-8 to RM-2 (PD). The following information has been provided to compare the difference in development intensity between the existing RS-8 zoning and the requested RM-2 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:

Standard	CURRENT RS-8 Zoning	REQUESTED RM-2(PD) Zoning
Minimum Lot Size	8,000 sq. ft.	5,000 sq. ft.
Density	3.8 dwellings/acre	24 bedrooms/acre
Max Lot Coverage	45%	65%
Max Building Height	30 feet	35 feet
Setbacks	6-15 feet	6-10 feet
Conserved Canopy	15%	25%
Total Canopy	45%	50%
Parking	1-2 spaces/unit	1-2 spaces/unit

The Athens-Clarke County Zoning Ordinance includes a list of defined uses and designates where they can or cannot be established. For this request, the two main differences between the current RS-8 zoning and the proposed RM-2 zoning is housing layout and density. The rezone can increase the density allowed on this parcel, but it is not a one-to-one swap. The rezone would also facilitate a slight increase in the required conserved and total canopy for the overall parcel.

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

TSPLOST 2023 Project 5: Prince Avenue/Jefferson Rd Corridor Improvements. Additional analysis is available in Section D of this report.

IV. Technical Assessment

A. Environment

The Arborist has reviewed the tree management plan and does not support the requested waiver from 8-7-15 and has offered the following comment(s):

- On a greenfield site with 100% existing canopy cover, the ACC Arborist finds it difficult to support the request to lower the required conserved canopy area in such dramatic fashion from 25% of the parcel to 8.61%.*

- *If the Planning Commission does support the waiver, the Arborist recommends the following details be considered:*
 1. *The percentage of conserved canopy be binding so that the percentage decreases no lower during plan review.*
 2. *The location of the conserved canopy not be binding. Upon review of the proposed conserved canopy areas, the ACC Arborist is concerned that some of the conserved area located on the southwest section of the plan is overrun by invasive plant species. Because of this, part of the area may not meet the technical requirements of a conserved canopy area, not to mention the continued growth and spread of invasives to the rest of the conserved area.*
 3. *The conserved canopy waiver be worked out during the Plans Review process prior to permitting. The administrative waiver of tree conservation is an iterative process requiring dialogue between the ACC Planning Department and applicant to find a solution meeting code. The 'fix' being proposed to offset the lower amount of conserved canopy area is a forest regeneration area.*
 4. *The following actions proposed by the applicant for the forest regeneration area be conditioned so that the forest regeneration area have:*
 - *Greater species diversity than code requires*
 - *Larger caliper trees than code requires*
 - *Greater individual numbers of trees than code requires*
- *The project will also be expected to meet all requirements of the community tree management ordinance at tie of plan review.*

B. Grading and Drainage

The Transportation & Public Works Department has reviewed the proposal and offered no comments.

C. Water and Sewer Availability

The Public Utilities Department has reviewed the proposal as part of an April 3, 2025 Water and Sanitary Sewer Evaluation and has offered the following:

- *ACC Water is available*
- *ACC Sanitary Sewer is available*
- *Capacity is available to serve the proposed buildout of 95,590 GPD*
- *Capacity is available to serve the maximum allowable buildout of 133,301 GPD per the proposed zoning*
- *The maximum allowable build-out per the current zoning is 70,353 GPD*
- *The use of a force main and pump station requires ACC Mayor and Commission approval. An agenda item is being prepared for this, to be presented to M&C at the same time as the Planning and Zoning items.*
- *No solar field is shown on the plans. Removal of solar power for pump station requires M&C approval. An agenda item is being prepared for this, to be presented to M&C at the same time as the Planning and Zoning items.*
- *Based on utility concept plan, joint use services will be used to serve the proposed building*

layout. This requires Mayor and Commission approval. An agenda item is being prepared for this, to be presented to M&C at the same time as the Planning and Zoning items.

- *Minimum 10' of separation is required between trees and utility mains. Conflicts exist in the design as submitted.*
- *PUD does not recommend approval of a public pump station to serve this development. Being at the top of the watershed, a publicly-owned and maintained pump station would not be recommended by PUD. This pump station serves little more than the development itself, and does not provide a benefit to the sewer basin as a whole. ACC ownership of this pump station would likely impose an undue burden on ACC rate payers for the near-exclusive benefit of a single development. Furthermore, this parcel is upstream of another planned pump station (Newton Bridge Road PS). Theoretically, sewer could be extended by gravity along Walton Creek to 5090 Old Jefferson Road.*
- *PUD recommends approval with the condition that a publicly-owned and maintained pump station be removed from the planned development. The applicant must submit a business case study to PUD to evaluate whether a pump station should be considered in place of a gravity outfall. Should a pump station be deemed appropriate by PUD, then PUD recommends the pump station be a private asset and not publicly-owned due to the undue burden this would likely impose on ACC ratepayers for the limited benefit of a single development at the top of a sewer basin. A private pump station would still require approval by M&C.*

D. Transportation

The Transportation & Public Works Department has reviewed the proposal, and has recommended denial with the following transportation-related comments:

- *Traffic engineer does not recommend approval of this project due to the existing level of service conditions along the Jefferson Road corridor. Additionally, the Prince Ave/Jefferson Road TSPLOST Project Advisory Committee has conducted crash and safety analysis along this corridor. The recommended projects and safety improvements made by the project committee are aimed at addressing documented safety concerns and crash types that would be exacerbated by the increased trip generation that would result from this project. As a result, from a standpoint of safety, the Transportation & Public Works Department does not recommend approval of this project as presented.*

E. Fire Protection

The Fire Marshal has reviewed the proposal and offered the following comment.

- *Based on the submitted site plan, fire apparatus access roads and alleys comply with the current fire code adopted by the state, providing adequate access and turnaround for emergency response vehicles. The layout does not negatively impact emergency response times or routing, nor does it pose an additional burden on the fire department's ability to serve the area.*
- *The available water supply provides 1,400 GPM (available fire flow), sufficient for the single-family homes included in the plan. However, the townhomes labeled Design E and F may require fire sprinkler systems based on their final size, construction type, and required fire flow. This will be addressed further during the detailed plan review process.*
- *All hydrants shown on the plan are appropriately placed and accessible; however, one deficiency was identified. An additional fire hydrant is needed along West Vincent Drive to meet spacing requirements. This is the only issue identified in the preliminary review.*

F. Compliance with the Zoning Ordinance and Development Standards

A Planned Development designation is intended to encourage development of compatible land uses on a scale larger than that of individual small parcels. This designation is used to request waivers to the required development standards in an effort to provide design flexibility to account for special circumstances unique to the design or the development site, as long as the proposal meets the spirit and intent of the code. Planned Development requests include a binding application report, site plan, and architectural elevations in an effort to guarantee to the community that what is proposed will be constructed if approved. All exemptions to the zoning and development standards must be identified in the application prior to approval of a binding proposal since the development will otherwise be expected to adhere to the ordinance standards.

CODE ISSUES:

- Inconsistencies were identified between the applicant's site plan and report regarding the number of units proposed.
- Waiver request #2 in the Applicant's report, 9-8-3 Minimum Lot Size, suggests that the minimum size lot being proposed is either 2,300 or 2,200, but lots of either of those sizes was not identified on the site plan. A chart denoting lot sizes and a numbering scheme should be provided.
- Waiver request #3 in the Applicant's report, "9-25-8-c-1(a),(b)" should be broken up into two separate requests.
- Applicant should request waivers from 9-8-6 B, and C as applicable.
 - 9-8-6.B: An inner court providing access to a double-row dwelling group shall be a minimum of 20'.
 - The majority of double-row dwellings are right at 20' distances but there are a handful of instances where the separation distance drops as low as 15'4".
 - 9-8-6.C: The distance between principal buildings shall be at least one-half the height of the tallest buildings; provided, however, that in no case shall the distance be less than 12'. This requirement shall also apply to portions of the same buildings separated from each other by a court or other open space.
 - The majority of structures are spaced exactly 12' apart, but a few instances were identified where the spacing was as low as 11'. In addition to not meeting the minimum spacing requirements of 12', any structures over 24' in height would require additional spacing to accommodate the proposed massing.

Requested Waivers

1. *Waiver from Section 8-7-15 – A waiver from required minimum 25% conserved tree canopy.*

Applicant's Purpose: Allow 8.61% conserved tree canopy.

Staff Analysis: Staff finds the request to reduce the conserved canopy requirement from 25% to 8.61% to be excessive for a site that is currently fully canopy. The Arborist has provided recommendations for conditions and requirements that the applicant would need to adhere to if the Planning Commission chooses to recommend the project for approval. Staff does not support this waiver

2. *Waiver from Section 9-8-3. – A waiver from minimum lot size of 5,000 sqft.*

Applicant’s Purpose: Allow lot sizes less than 5,000 sqft.

Staff Analysis: The applicant states that due to the variety of housing types, a conventional subdivision with 5,000 sqft lots would be difficult to achieve. The applicant has proposed a waiver regarding minimum lot sizes to be applied to the fee simple portion of the project only. The applicant proposes reducing the minimum lot size to as low as 2,300 sqft, but provides the typical dimensions of proposed lots as follows:

- Single-Family Detached (alley loaded) 35’-40’ X 80’-100’
- Single-Family Detached (front loaded) 40’-50’ X 100’
- Single-Family Attached (Townhouse) 22’ X 80’-100’

The smallest lot size with these dimensions would actually be 2,200 sqft but it is not clear on the site plan which proposed lots would be impacted. The site plan references 2,800 sqft as the minimum lot size, a further inconsistency. Staff could support this waiver if additional clarification is provided.

3. *Waiver from Section 9-25-8.C.1.a, and 9-25-8.C.1.b – A waiver from the requirement for 50% of residential buildings to face a street and the need to include front entry porches oriented towards the street on any building located within 75’ of a public or private street.*

Applicant’s Purpose: Allow buildings to face interior courtyards and pedestrian walkways while foregoing the requirement that buildings face the street with a front entry porch.

Staff Analysis: The project design utilizes a cottage-court layout in areas of the design that do not meet the requirement that a minimum of 50% of units face a public or private street. Staff finds that the social opportunities, environmental and recreational objectives of the 2023 Comprehensive are being met with the design as proposed. Staff does support this waiver.

4. *Waiver from Section 9-25-8.C.3 – A waiver for maximum block size*

Applicant’s Purpose: The applicant states that though they do not meet the codified definition of blocks, the blocks will be broken up by alleys and greenspace to meet the spirit of the code.

Staff Analysis: This is a mix of Traditional Neighborhood Design, cottage courts, fee simple lots and multi-family residences with multiple housing types. that the plan utilizes a variety of on-street and off-street parking as well as alleyways and a network of private drives that act like blocks even if they do not meet the definition. Staff does support this waiver.

5. *Waiver from Section 9-26-3.O.2 – A waiver for maximum block area and dimensions.*

Applicant’s Purpose: The applicant states that though they do not meet the codified definition of blocks, the blocks will be broken up by alleys and greenspace.

Staff Analysis: This is a mix of Traditional Neighborhood Design, cottage courts, fee simple lots and multi-family residences with multiple housing types. The submitted plan utilizes a variety of on-street and off-street parking as well as alleyways and a network of private drives that act like blocks even if they do not meet the definition. Staff does support this waiver.

6. *Waiver from 9-26-3.C – A waiver for the maximum length of a dead-end residential road.*

Applicant’s Purpose: allow for a 550’ long road (including the cul-de-sac).

Staff Analysis: The maximum length of a residential dead-end road according to 9-26-3.C is 500’ **not including** any turn-arounds. The applicant is proposing a 550’ road that **does** include the

turn-around and so the request would be for a minor additional allowance. In addition, the applicant is proposing a future inter-parcel connection off the cul-de-sac in the event that future development would like to interconnect. Staff does support this waiver.

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.