

ACTION DENYING REZONE REQUEST

APPLICATION SUBMITTED BY: Beall & Company

APPLICATION SUBMISSION DATE: August 28, 2017

RE: Request for rezoning of a ±99.89 acre tract of land located on southwest side of Malcolm Bridge Road in the 240th G.M.D., Oconee County, Georgia, (B-03-008 & B-03-008C) from R-1 (Single-Family Residential) to R-1 (Single-Family Residential) with a modified condition.

After consideration and a motion and second, the Oconee County Board of Commissioners does hereby deny the above-referenced request for rezoning.

This 7th day of November, 2017.

OCONEE COUNTY BOARD OF COMMISSIONERS

BY: _____

John Daniell, Chairman

Mark Thomas, Member

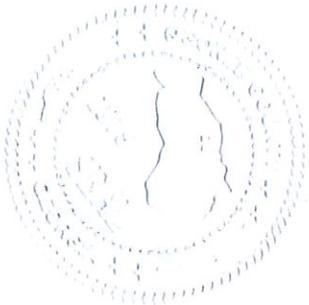
Chuck Horton, Member

W. E. "Bubber" Wilkes, Member

Mark Saxon, Member

ATTEST:

Kathy Hayes
Kathy Hayes
Clerk, Board of Commissioners





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

REZONE CASE #: 7280

DATE: September 27, 2017

STAFF REPORT BY: Mackenzie Battista, Planner & Gabriel Quintas, Planner

APPLICANT NAME: Beall & Company

PROPERTY OWNER: Mary Sue Sims Cox & Donna C. McElhannon

LOCATION: Southwest of Malcolm Bridge Road

PARCEL SIZE: ±99.89 Acres

EXISTING ZONING: R-1 (Single-Family Residential)

EXISTING LAND USE: Agricultural & Single-family residence

ACTION REQUESTED: Rezone R-1 to R-1 with a modified condition

REQUEST SUMMARY: The property owners are requesting to modify zoning condition #10 on rezone #5254 to allow houses to be constructed on raised slab foundations in according with UDC Section 304.01 (e).

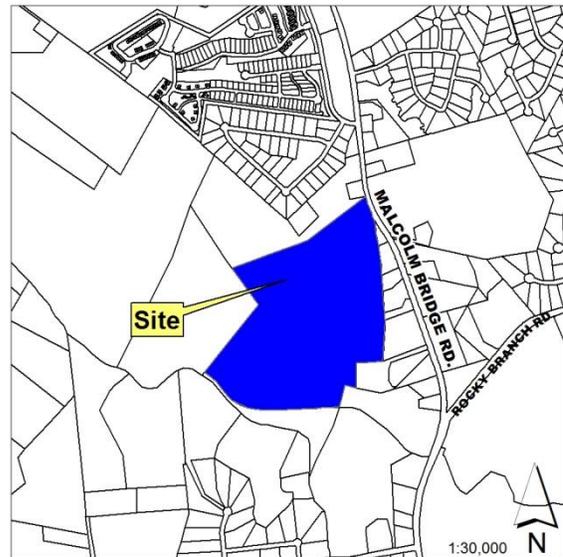
STAFF RECOMMENDATION: Staff recommends denial of this rezone request.

DATE OF SCHEDULED HEARINGS

PLANNING COMMISSION: October 16, 2017

BOARD OF COMMISSIONERS: November 7, 2017

- ATTACHMENTS:**
- Application
 - Narrative
 - Representative Photos
 - Site Review
 - Aerial Photo
 - Tax Map
 - Plat of Survey



BACKGROUND INFORMATION & FINDINGS OF FACT

HISTORY

- REZONE APPROVAL:
 - 2007 – Rezoned from A-1 to R-1 and F-P (Single-family Residential & Flood Prone Overlay) for 93 single-family residential lots (Rezone #5254)
- PROJECT CONSTRUCTION:
 - 2017 – Preliminary plat and subdivision construction plans submitted and currently under review

DEVELOPMENT SUMMARY

- 93 Single-family residential lots with one amenity area
 - Average dwelling size – 3,300 square feet
 - Average lot size – 0.94 acres
 - Dwelling exteriors – Predominantly brick with stucco and cement board siding, with a “traditional” appearance
 - A homeowner’s association will be created to provide for the maintenance of common areas.

REQUEST SUMMARY

- The owners of the subject property are requesting to modify condition #10 from Rezone #5254 to allow raised slab foundations.
 - Rezone #5254 – Condition #10:

All houses constructed within the development shall be built using a crawl space or basement foundation.

- Proposed modification to condition #10:

All houses constructed within the development shall be built with crawl space or basement foundation or with raised slab foundations in accordance with UDC Section 304.01.e.

STAFF ANALYSIS

In an effort to avoid redundancy, the analysis of the “Standards for Rezoning Consideration” as set forth in Section 1207.01 of the UDC is omitted from this report.

- The intent of UDC Sec. 304.01 is to provide the external appearance of a crawlspace and thereby maintain consistency of the predominant architectural and structural style of single-family residences in Oconee County.

STAFF RECOMMENDATION & CONDITIONAL REQUIREMENTS

Based on Board of Commissioners policies, decision-making criteria and standards outlined in the development codes of Oconee County, staff **does not recommend approval of this rezone modification request.**

(For reference purposes, the following conditions are from Zoning Amendment #5254)

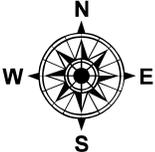
1. The development must be connected to the Oconee County water system at the developer’s expense in a manner approved by Oconee County Public Works and Utility Departments.

2. The 100 Year Flood Plain portion of this property shall contain the overlay zoning district "F-P" (Flood Prone Overlay District). The underlying zoning district for the 100 Year Flood Plain portions of the property shall be R-1 (Single-Family Residential District).
3. The Conservation Corridors shown on the Future Land Use Plan shall be shown on all plans and plats and shall be protected by a minimum 100 foot wide undisturbed buffer (from the bank of Barber Creek and the center channel of the intermittent tributary of Barber Creek, as shown on the Future Land Use Plan) except that necessary road and utility crossing(s) may be made generally perpendicular to the corridor.
4. The 100 Year Flood Plain shall be located by field-run survey. The preliminary plat, subdivision construction plans, and final plats shall show the location and base flood elevations of the field-run 100 Year Flood Plain boundaries, in accordance with FEMA rules and regulations. No structure or septic tank drain field shall be located within any portion of the 100 Year Flood Plain.
5. Prior to construction plan approval, the developer shall comply with all requirements and obtain approval from all state agencies regulating any land disturbances inside of State Waters Buffers and the 100 Year Flood Plain for road crossings and other permitted activities. No land disturbances shall be permitted inside the 100 Year Flood Plain except at necessary road and utility crossing(s) in compliance with the Land Subdivision Regulations and as required by the County Engineer.
6. Development structures shall meet or exceed the architectural standards as indicated on the concept plan, narrative, representative architectural sketches and other documents submitted with the zoning application and attached hereto, paying special attention to the materials and design elements shown in the representative photos.
7. Developer shall provide for an amenity lot within the development that shall include facilities such as a pool, tennis court, clubhouse, playground, or other similar recreation elements.
8. The development shall not contain more than 93 single-family lots.
9. The minimum dwelling size shall be 2,500 Sf.
10. All houses constructed within the development shall be built using a crawl space or basement foundation.

Mary Sue Sims Cox & Donna C. McElhannon



Feet
1:8000





OCONEE COUNTY ZONING CHANGE APPLICATION

Requested Action

Rezoning from: _____ to _____ Change in Conditions of Approval for Case # _____ 5254

Special Use Approval for: _____ in the _____ Zoning District

Applicant

Name: Beall & Company

Address: 3651 Mars Hill Road Suite 1400
(No P.O. Boxes)
Watkinsville Georgia 30622

Telephone: 706-543-0907

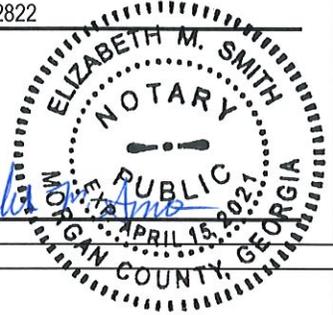
Applicant is (check one) the property owner Not the property owner (attach Property Owner's Authorization)

Applicant's Certification: I hereby certify that the information contained in and attached to this application is true and correct.

Signature: *Kenneth L. Beall*

Date: 8-28-17

Notarized: *Elizabeth M. Smith*



Property Owner

Name: Mary Sue Simms Cox & Donna C McElhannon

Address: 2291 & 2201 Malcom Bridge Road
(No P.O. Boxes)
Bogart, GA 30622

Telephone: 770.725.5210 & 770.725.2822

Property

Location: 2291 & 2201 Malcon Bridge Road
Bogart, GA 30622

Tax Parcel Number: Portion of Parcel B03 008 & B03 008C

Size (Acres): 99.89 Current Zoning R-1

Future Land Use Map --Character Area Designation: SUBURBAN LIVING

Use

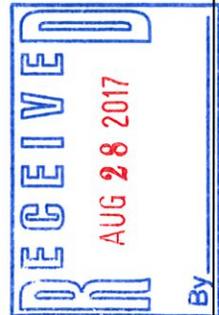
Current Use: Pasture land with 2 residential structures and a barn;
Property was rezoned R-1 in 2007 for 93 lot subdivision. The subject property has not yet been developed for that use.

Proposed Use: The request is not to change the use, but to modify the language of original condition #10 by adding "or raised slabs in accordance with current UDC requirements".

Attachments (check all that apply)

- Property Owner's Authorization (if applicable)
- Application Fee
- Warranty Deed
- Typed Legal Description
- Plat of Survey
- Disclosures (Interest & Campaign Contributions)
- Impact Analysis

- Narrative (Complete Request Description)
- Concept Plan
- Attachments to the Concept Plan:
- Pre-approved Sanitary Sewer Extension Submittal
- Representative Architecture/Photographs:
- Proof all property taxes paid in full
- Other Attachments: Includes with photographs



For Oconee County Staff Use Only

Date Received: _____ Date Accepted: _____ APPLICATION NUMBER

Application
DRI Transmitted to RDC Date: _____ N/A

Planning Commission Date: _____

Review Submitted: _____ Location Map: _____

Action

Approval With Conditions Denial

Posted: _____ Ad: _____ Ad: _____

Board of Commissioners Date: _____

Application Withdrawn Date: _____

Approval With Conditions Denial

S.R. Companies

3698 Bethelview Road
Cumming Ga. 30040

Aug. 24, 2017

Oconee County Planning Department
1291 Greensboro Hwy Room A108
Watkinsville, GA 30677

Dear Sir or Madame

The purpose of this letter is to request a zoning modification to allow for the construction of slab type homes in Malcom Bridge Estates in addition to crawl spaces and basements. Slab construction is allowed in the majority of the county. We are asking to be able to do what all other builders are already allowed to do. On lots where the topography does not allow for basement homes to be built we feel that slabs are a better construction type for the long term use of our future homeowners. Crawl spaces have a long history of moisture problems associated with them when not maintained properly. Advances in slab construction techniques over the past few years have made slab homes superior to crawl spaces.

Over the past few years we have built hundreds of slab homes with no warranty issues. We build raised slabs that look like crawl spaces that are shown in the accompanying pictures and will do so in Malcom Bridge Estates. Many builders in the county build on flat slabs as shown in the accompanying pictures as well.

We request that item number 10 be removed from Exhibit A to the zoning amendment #5254.

Sincerely

Paul Barron
Land Acquisition and Development Manager
(404) 456-3649



EXHIBIT "A" TO ZONING AMENDMENT # 5254

Page 1 of 5

CONDITIONS

This Zoning Amendment shall be subject to the following conditions which shall be fulfilled by the Developer at its expense:

1. The development must be connected to the Oconee County water system at the developer's expense in a manner approved by Oconee County Public Works and Utility Departments.
2. The 100 Year Flood Plain portion of this property shall contain the overlay zoning district "F-P" (Flood Prone Overlay District). The underlying zoning district for the 100 Year Flood Plain portions of the property shall be R-1 (Single-Family Residential District).
3. The Conservation Corridors shown on the Future Land Use Plan shall be shown on all plans and plats and shall be protected by a minimum 100 foot wide undisturbed buffer (from the bank of Barber Creek and the center channel of the intermittent tributary of Barber Creek, as shown on the Future Land Use Plan) except that necessary road and utility crossing(s) may be made generally perpendicular to the corridor.
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7. Developer shall provide for an amenity lot within the development that shall include facilities such as a pool, tennis court, clubhouse, playground, or other similar recreation elements.
8. The development shall not contain more than 93 single-family lots.
9. The minimum dwelling size shall be 2,500 Sf.
10. All houses constructed within the development shall be built using a crawl space or basement foundation.



Concrete Slabs

Concrete slabs and footings should be supported on undisturbed natural soils or engineered fills. Any fill soils that support slabs or footings should be designed, constructed, and tested in accordance with accepted engineering practice. A well-constructed slab should have a capillary break between it and the ground to prevent groundwater or moisture from wicking up through it. This capillary break is usually built beneath the slab by using a layer of gravel in conjunction with a plastic vapor barrier.

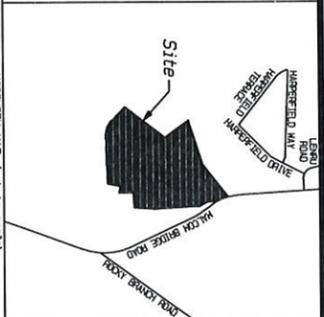
Advantages of Concrete Slabs

A slab is also the more preferred choice in regards to pests and other vermin being prevented from getting under the house. A leaking toilet or shower pan will not rot a concrete slab floor. A slab can also help insulate a house, saving money on heating bills. Houses built atop slabs are usually closer to grade and require only one or two steps at the exit or entry doors. This can be most convenient for those with disabilities or who are in a wheelchair.

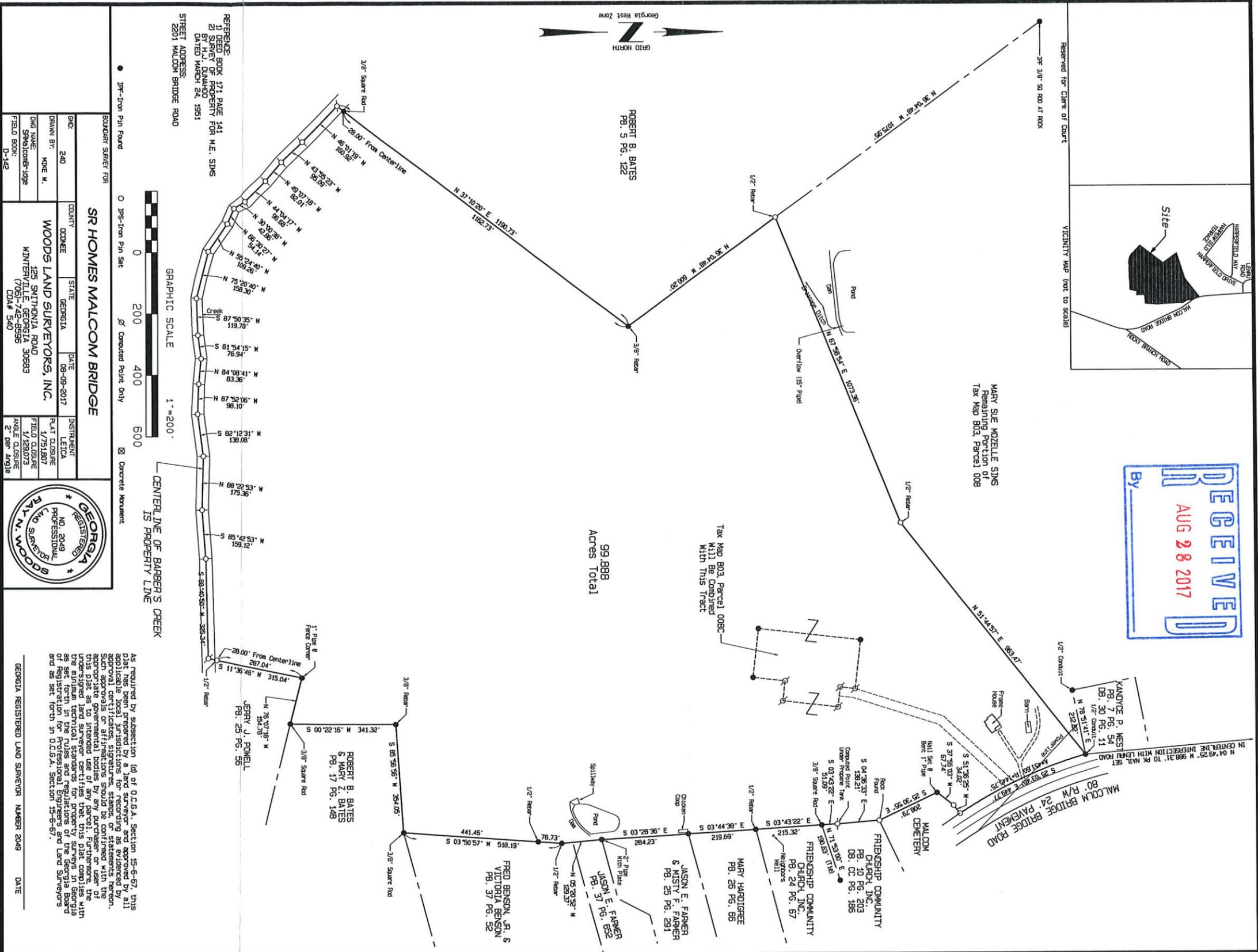
Disadvantages of Conventional Crawlspace

Excess moisture in a crawlspace is a common occurrence and can have severe consequences if not addressed in a timely manner. Stormwater and gutter overflow slopes toward the house and into the crawlspace and are sources of moisture that must be prevented or can damage the wood floor system above. A sheet of plastic with seams overlapped and taped works well as a vapor barrier to prevent the upward transmission of ground moisture. Adequate ventilation of the crawlspace must also be planned for and implemented in order to prevent the harmful effects that condensation can cause to the wood floor system above.





RECEIVED
 AUG 28 2017
 BY



ROBERT B. BATES
 PB. 3 PG. 122

99.888
 Acres Total

REFERENCE: BOOK 171 PAGE 141
 2) SURVEY OF PROPERTY FOR M.E. SIMS
 BY H.J. DUNAWOOD
 DATED MARCH 24, 1951
 STREET ADDRESS:
 2801 MALCOM BRIDGE ROAD

BOUNDARY SURVEY FOR

SR HOMES MALCOM BRIDGE

NO.	COUNTY	STATE	DATE	INSTRUMENT
240	COCKE	GEORGIA	08-09-2017	LETICA

DRAWN BY: MIKE M.
 DATE: 08/23/17
 DRAWN BY: SPENCER-JUDGE
 FIELD BOOK: 0-142

WOODS LAND SURVEYORS, INC.
 125 SATTINDUNA ROAD
 WINTERVILLE, GEORGIA 30683
 (706) 742-8596
 COAF 540

FIELD BOOK: 0-142
 INSTRUMENT: PLAT CLOSURE
 FILED: 1/23/073
 TABLE CLOSURE: 2" per angle



As required by subsection (d) of O.C.G.A. Section 15-6-67, this plat has been prepared by a duly licensed and registered professional land surveyor and is subject to the rules and regulations of the Georgia Board of Registration for Professional Engineers and Land Surveyors. Such approvals or affirmations should be confirmed with the appropriate governmental bodies by any purchaser or user of this plat as to internal uses of the land. The minimum technical standards for property surveys in Georgia as set forth in the rules and regulations of the Georgia Board of Registration for Professional Engineers and Land Surveyors and as set forth in O.C.G.A. Section 15-6-67.

GEORGIA REGISTERED LAND SURVEYOR NUMBER 2049 DATE

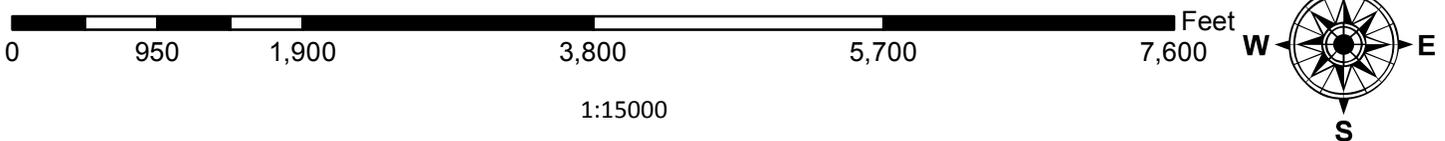
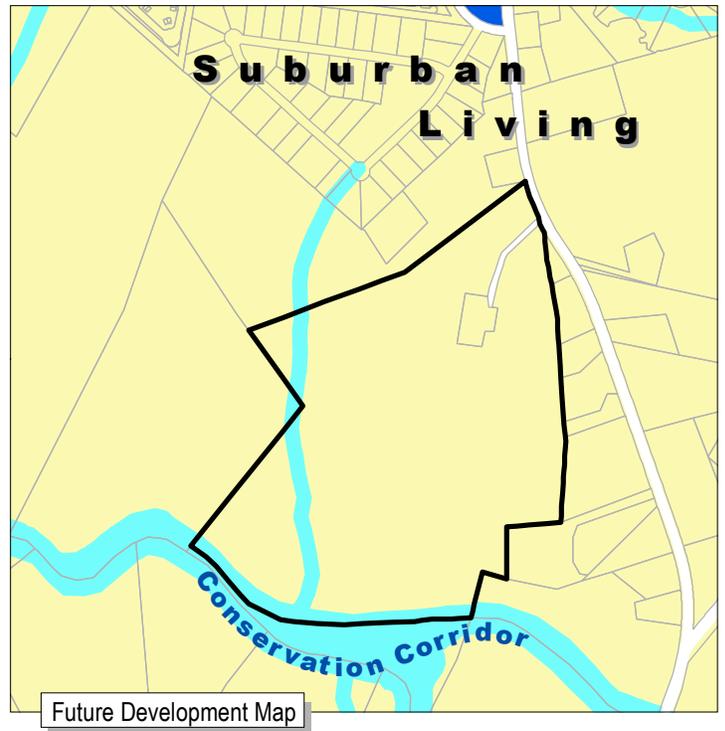
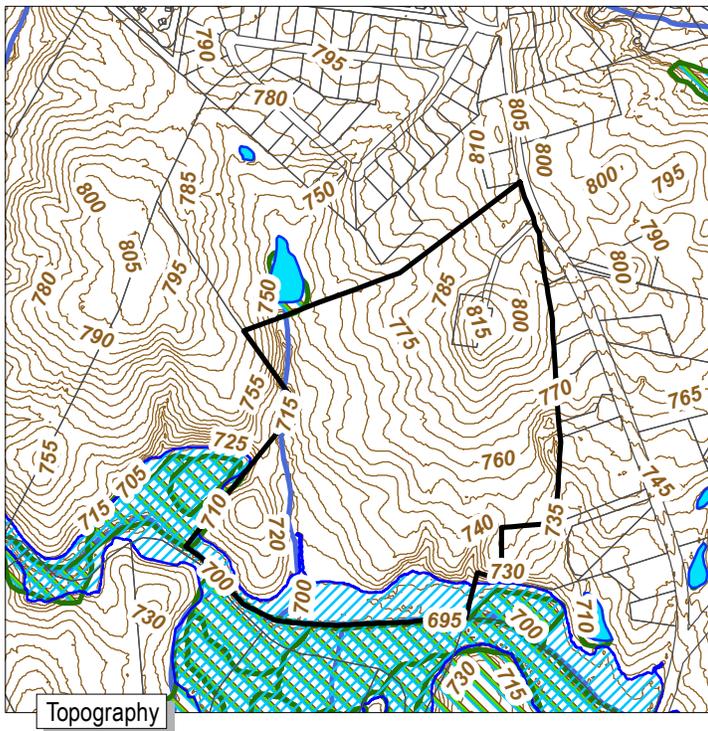
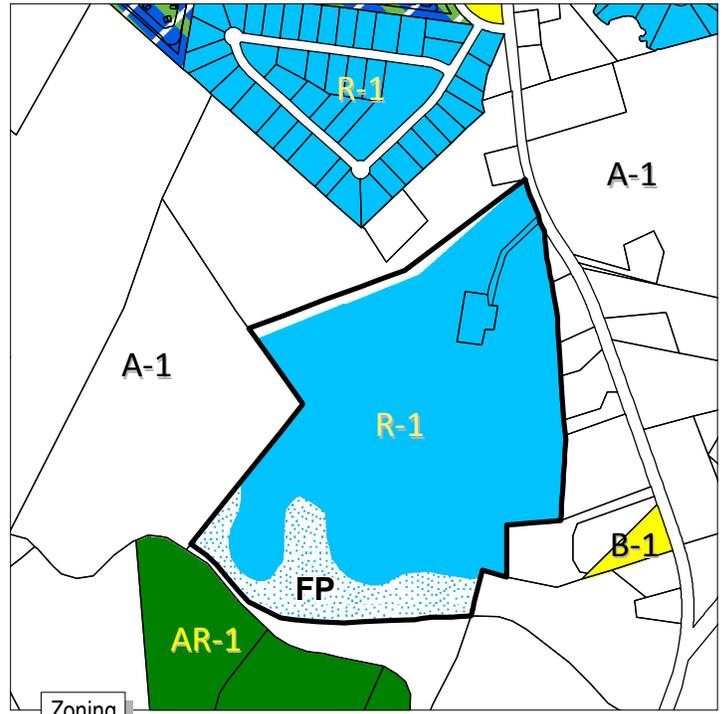
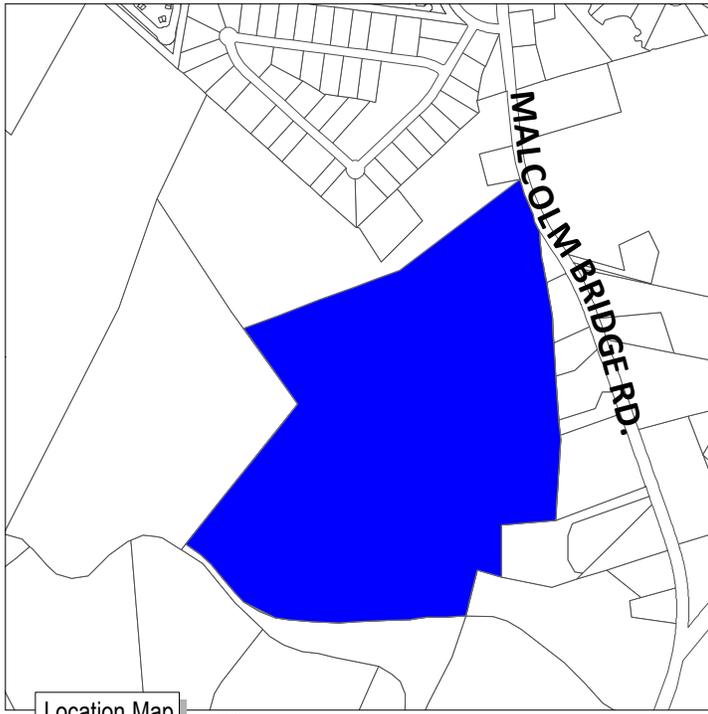
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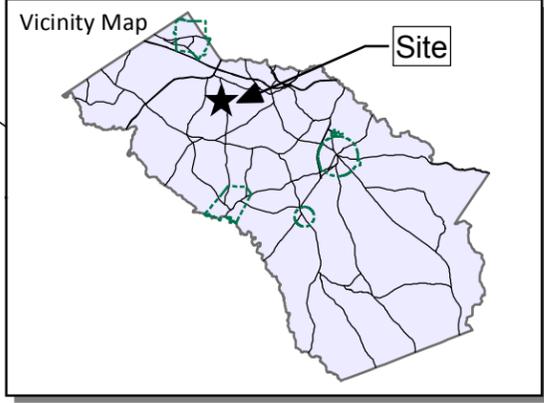




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AUG 28 2017
By _____

Mary Sue Sims Cox & Donna C. Elhannon Site Review





Site

B 02

74
131.29

B 03

7
54

10A
17.67
B 03D

B 02W

15A

B 02K

B 02X

C 01AF
25A
C 01
C 01W

B 03E

**Oconee County
Planning Department**
This map is representative of the digital tax map and should be used for planning purposes only.
Scale
1:5,000

