



**STAFF REPORT
REZONE
610, 720, 730, & 760
NEWTON BRIDGE ROAD
ZONE-2024-12-2470
MAY 1st, 2025**

APPLICANT: Jerry Wood / DuSouth LLC
OWNER: Crystal Hills LLLP & Newton Bridge Properties LLC
FUTURE LAND USE REQUEST: From *Employment Center & Rural* to *Mixed Density Residential*
ZONING REQUEST: From I to RM-1
TYPE OF REQUEST: Type I
LOCATION: 610, 720, 730, & 760 Newton Bridge Rd
TAX MAP NUMBERS: 112 006, 104 006, 104 005A & 104 005
COUNTY COMMISSION DISTRICT: District 9
PROJECT SIZE: 120.5 Acres
PRESENT USE: Undeveloped
PROPOSED USE: Residential Single-Family Attached and Detached
PUBLIC NOTICE POSTED: April 15th, 2025
STAFF RECOMMENDATION: **APPROVAL WITH CONDITIONS**
PLANNING COMM. RECOMMENDATION: **PENDING**
MAYOR & COMMISSION AGENDA SETTING: .. May 20th, 2025 (tentative)
MAYOR & COMMISSION VOTING SESSION: June 3rd, 2025 (tentative)

I. Summary Recommendation

The applicant is requesting a rezone from Industrial (I) to Mixed-Density Residential (RM-1) for the purpose of constructing 300 single-family attached and detached units—each of which would be fee-simple (on its own lot of record for individual ownership).

The project would require a change to the Future Land Use Map, which the applicant has requested be changed from *Employment Center and Rural* to *Mixed Density Residential*. Staff notes that the *Traditional Neighborhood* Future Land Use would also accommodate the requested zone and would be more compatible with the Future Land Use Map since multiple neighborhoods on the western side of Newton Bridge Road already share that designation, but does consider *Mixed Density Residential* to be a compatible request. Staff recommends that the Industrial zoning and *Employment Center* Future Land Use designation need to be reconsidered since the area is unsuitable for contemporary industrial development. A neighborhood of over 200 residences has been approved about 0.5 miles north on Newton Bridge Road, and apartments have recently been completed at the General Time site, so additional residential development along Newton Bridge Road would fit the trend. It is also good practice to complement the public investment in the park with adjacent private land development, so that people can live near those amenities. Therefore, Staff finds that residential land uses and zoning are the most practical use of this land.

Newton Bridge Road and its connecting streets are the subject of a number of transportation projects, including several multi-use paths that are already in the design process. Since the future of Newton Bridge Road is unlikely to include significant industrial traffic, but would host increased residential trips, a reconsideration of the street design is warranted to safely calm traffic, provide multi-modal accessibility, and account for changing traffic flows. The project is also in the Newton Bridge Area Tax Allocation District, which is involved in selecting and funding some of these projects. It is important that this project be considered in the wider corridor context, especially when considering what, if any, transportation infrastructure improvements might be made. The Comprehensive Plan also calls for compatible development along greenways, connections through neighborhoods, and safe, accessible transportation for people walking and biking. To that end, Staff has recommended several conditions to establish a greenway connection, build multi-use paths, and construct a roundabout at Vincent Drive and Newton Bridge Road to ensure safe and accessible transport, especially for patrons of the nearby public park.

The applicant has proposed two conditions, including binding elements of the site plan and allowing only fee-simple units (no multi-family). Staff concurs with the condition to only allow fee-simple uses because Athens needs units that can be owner-occupied. However, Staff does not recommend binding the site plan, since it will need adjustments to comply with the Code. **Staff recommends approval with conditions**, as follows:

Conditions:

1. Only fee-simple single-family attached and single-family detached uses shall be allowed.
2. The applicant shall work with the Leisure Services Department to set aside sufficient land for a greenway connection and build a multi-use path, as defined by the Leisure Services Department and the Transportation & Public Works Department, in place of one of the public sidewalks through the project to connect the Greenway to the intersection at Vincent Drive and Newton Bridge Road.
3. The required public sidewalk along Newton Bridge Road shall be constructed as a multi-use path, as defined by the Leisure Services and Transportation & Public Works Departments, to the intersection of Vincent Drive and Newton Bridge Road.
4. The applicant shall follow the recommendation of their Traffic Impact Study, prepared by KCI Technologies Inc. and dated March 25, 2025, to construct a single-lane roundabout, including bicycle and pedestrian accommodations, at Vincent Drive and Newton Bridge Road, in cooperation with and adherence to the standards and plans of the Transportation & Public Works Department.

Planning Commission Recommendation: Pending

II. Purpose of Applicant Request

A. Proposal

The applicant has requested a rezone from I (Industrial) to RM-1 (Mixed-Density Residential) and has included a non-binding concept plan for 184 single-family attached units (townhomes) and 166 single-family detached units (350 units total) on approximately 120 acres at 610, 720, 730, and 760 Newton Bridge Road. The request requires a corresponding change to the Future Land Use Map, which is requested to change from *Employment Center and Rural* to *Mixed Density Residential*. Approximately 300 of the units would be served by alleys. Stormwater management facilities and open space are also included.

The applicant has proposed two conditions, as follows:

1. We offer this layout as a non-binding site plan with the condition we maintain the general conformance of the proposed layout and road alignments, with the flexibility to make some adjustments, capping the total bedroom count at 1150 (1924 bedrooms allowed per RM-1 zoning).
2. We will also offer as a condition that no apartments may be constructed on the property. Only fee simple townhomes and single family detached housing.

B. Existing Conditions

The property is undeveloped and largely wooded although two overhead electrical transmission line easements cut through the property. The property is bounded on the east and south by wetlands. Multiple light industrial buildings sit north and south of the property. Across Newton Bridge Road to the west is a single-family house, the Hope Haven developmental disability support center, and a residential neighborhood of duplexes. All of the adjacent properties are zoned I (Industrial) with an exception for the corner lot at Vincent Drive and Newton Bridge Road (zoned Commercial-Neighborhood) and the duplex neighborhood which is zoned RS-5 with the RM Limited Overlay. Holland Youth Sports Complex is approximately 0.25 miles away, accessible via Vincent Drive. or Newton Bridge Road. Further to the west and north, on the other side of the park, are a number of relatively low-density single-family detached subdivisions, zoned RS-15 and RS-25.

III. Policy Analysis

A. Compatibility with Comprehensive Plan

The 2023 Comprehensive Plan calls for the following policies that **are** partially 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.*
- *Improve safety and accessibility for people walking, biking, and busing around Athens.*
- *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.*
- *Ensure compatible development along greenways and trails.*

The project would offer a large number of housing units, particularly units that could be, but are not guaranteed to be, for owner-occupancy (Build-to-rent is a possibility). Including single-family attached (townhouses) to the project adds a little bit of needed variety in a neighborhood that has no fee-simple attached product, although Staff would recommend more than two housing types on a project of this size. The project uses a connected street network except where wetlands prevent it, but there are multiple ways for the project to improve safety, accessibility, and connectivity for people walking and biking, including tying into the greenway and creating a multi-use path connection between the greenway and Holland Sports Complex through this site and its proposed intersection with Vincent Drive. The project sits at the intersection of multiple greenway and multi-use path proposals, some of which are already funded and in design. Not providing connections through this property would represent a significant missed opportunity to align public and private infrastructure to create a safe and accessible environment, particularly for families using the Holland Youth Sports Complex. Staff considers the extension of greenways and multi-use paths through the site in conjunction with the traffic study's recommended roundabout, at Vincent Drive and Newton Bridge Road to offer considerable benefit to existing residents as well as serving as a significant selling point to future residents of the project.

Overall, the proposal is partially compatible with the Comprehensive Plan because the proposed plan shows none of the greenway and multi-use paths that could enhance the project and the area as a whole. Staff has added transportation and greenway-related conditions to the recommendation that would help this project fully align with the Comprehensive Plan.

B. Compatibility with the Future Land Use Map

The 2023 Future Land Use Map designates the subject parcels as *Employment Center* and *Rural*, which are described as follows:

Employment Center

These are areas of industry, office, research parks, and flex-space mixed uses. Large-scale employment areas, which include large industrial areas, manufacturing, office parks, and research centers, is incompatible with housing. Smaller-scale employment areas are appropriate to be in close proximity to a neighborhood area. Design standards regulating building placement, landscaping, and buffering should apply. Small amounts of retail may be compatible in some areas.

Rural

Rural lands are intended to have very low residential density. To maintain open space, clustering of dwellings is encouraged with common open spaces protected by conservation easements. Agricultural functions are encouraged, as well as other compatible uses, such as limited low-impact commercial uses, equestrian facilities and other animal boarding uses.

The applicant has requested a change to the Future Land Use Map from *Employment Center* and *Rural* to *Mixed Density Residential*. The requested *Mixed Density Residential* Future Land Use category is described as follows:

Mixed Density Residential

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

In previous generations, the Newton Bridge Road area was intended to serve as the industrial district of Athens and intermittent industrial uses can be seen along the corridor to this day, particularly as one nears Chase and Barber Streets. The 1999 Future Land Use Map designated this area as Employment Center in light of the industrial history and intent. However, as industrialization needs changed and environmental protection regulations grew, the area—replete with wetlands—lost its appeal to modern industry. This particular property straddles the line between *Employment Center* and *Rural*. The *Rural* Future Land Use was put in place in the 1999 Future Land Use Map as a means to restrict suburban expansion and preserve rural farmland. The *Rural* designation is also a reflection of the lack of suitable infrastructure for higher development intensities in certain areas, although this particular site does have access to sewer service, per the capacity evaluation of the Athens-Clarke County Public Utilities Department. The *Rural* Future Land Use designation for the parcel at 760 Newton Bridge Road. does not match the Industrial zoning for that parcel, which invites an opportunity to reconsider the appropriate designation for the parcel.

Staff recommends that the Industrial zoning and *Employment Center* Future Land Use designation be reconsidered since the area is largely unsuitable for industrial development. Given that the public has already made infrastructure commitments to the area in the form of sewer service and a large park, a *Rural* Future Land Use designation is also unsuitable in Staff's opinion. A neighborhood of over 200 residences has been approved about 0.5 miles away on Newton Bridge Road, and apartments have recently been completed at the General Time site, so additional residential development along Newton Bridge Road would fit the trend. It is also good practice to complement the public investment in the park with adjacent private land development, so that people can live in close proximity to amenities. Therefore, Staff recommends residential land uses as the most practical use of this land.

The requested *Mixed Density Residential* Future Land Use does accommodate the requested RM-1 zoning district, although there are no other parcels with this designation in the area. Staff notes that the *Traditional Neighborhood* Future Land Use would also accommodate the requested zone and would be more compatible with the Future Land Use Map since multiple neighborhoods on the western side of Newton Bridge Rd already share that designation. Given shifting land use patterns and the public investment in nearby infrastructure, Staff deems the applicant's request for *Mixed Density Residential* to be compatible with the Future Land Use Map.

C. Compatibility with the Zoning Map

The applicant has requested a rezone from I to RM-1 (Industrial to Mixed-Density Residential-1). The following information has been provided to compare the difference in development intensity between the existing I (Industrial) zoning and the requested RM-1 (Mixed-Density Residential-1) 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	REQUESTED
Standard	I Zoning	RM-1 Zoning
Minimum Lot Size	5,000 Sq. Ft.	5,000 Sq. Ft.
Density	N/A	16 beds/acre and 6 lots/acre
Max Lot Coverage	95%	55%
Max Building Height	100 Ft.	30 Ft.
Setbacks	6-10 Ft.	6-15 Ft.
Conserved Canopy	0%	45%
Total Canopy	20%	55%
Parking	1 space / 700-1,000 Sq. Ft.	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 most noticeable difference between the current I zoning and the proposed RM-1 zoning is that Industrial zoning allows the broadest possible menu of industrial uses, including heavy manufacturing, which is not allowed in any other zone. RM zoning allows a broad menu of residential uses, none of which are allowed in the Industrial zone.

As explained in Section III.B., Compatibility with the Future Land Use Map, Staff considers Industrial zoning to be impractical for this land, since it is unsuitable for industrial development. A residential zone is more compatible with development trends in the neighborhood, the wetlands onsite, and the infrastructure investments in multi-modal access and recreation. There is no RM zoning immediately adjacent to the property, but there is a considerable amount of RM-zoned property around the corner on Kathwood Drive. RM-1 is the least intense of the mixed residential zones that could be requested. Given these factors, Staff considers the request to be compatible with

the Zoning Map.

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

The Greenway Network Plan calls for a greenway along the North Oconee River on the backside of this property that would connect to the nearby County-owned Holland Youth Sports Complex park. Connecting a greenway through this project to the park would provide great access to multiple recreational amenities for future residents of this project.

Newton Bridge Road and its connecting streets are the subject of several transportation projects covered below in the Transportation analysis.

IV. Technical Assessment

A. Environment

Approximately 25% of the 120-acre site is covered by wetlands and floodplain. No construction activity is proposed in these areas and the applicant will have to abide by the buffer requirements of Athens-Clarke County as well as stormwater management practices to minimize impact. Switching from an industrial zone to a residential zone is generally

The Arborist has reviewed the tree management plan and recommends approval with the following comment:

- *Project will be expected to meet all requirements of the community tree management ordinance at time of development during plan review.*

B. Grading and Drainage

The Transportation & Public Works Department has reviewed the proposal and offered the following grading and drainage-related comment:

- *It appears an alley is being built (bordering the "Amenity Area") through the ACC stream buffer, at the limit and parallel to the 25' state buffer. Please explain.*

C. Water and Sewer Availability

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

- *ACC water and ACC sanitary sewer is available*
- *Sewer Capacity is available for proposed concept of 140,000 GPD. Capacity is available for max build-out of 230,880 GPD*
- *Current industrial zoning allows for a large range of water/sewer demand, based on types of industrial development (e.g., warehouse vs filtration). A rezone to RM-1 locks in a high utility demand compared to industrial zoning, which allows for much less water/sewer-intensive uses.*
- *In 2023, PUD completed upsizing the Upper North Oconee Trunk Line, which serves this site. The rezone allows for more sanitary sewer capacity to be used than was estimated for in the design of this upsize, which was based on current zoning and land use. Continued rezones in this basin may continue to use up more sewer capacity than was anticipated with the sewer improvements in Upper North Oconee*

D. Transportation

Newton Bridge Road and its connecting streets are the subject of several transportation projects from Athens in Motion and other plans, including several multi-use paths, potential lane reallocation on the four-lane section of Newton Bridge Road, and intersection improvements that are already in the design process or could be warranted based on future development in this corridor. The project is also in the Newton Bridge Area Tax Allocation District, which is involved in selecting and funding some of these projects. It is important that this project be considered in the wider corridor context, especially when considering what, if any, transportation infrastructure improvements might be made. Since the future of Newton Bridge Road is unlikely to include significant industrial traffic, but would host increased residential trips, a reconsideration of the street design is warranted to safely calm traffic, provide multi-modal accessibility, and account for changing traffic flows.

The Transportation & Public Works Department has reviewed the proposal and offered the following transportation-related comments:

- *In the traffic impact analysis, analysis is requested for the Kathwood Drive intersection for review. A roundabout exhibit is proposed at Driveway #1 with Vincent Drive intersection. Sidewalks would be required per standards along Newton Bridge Road frontage, however it is recommended that a multi-use path be installed instead of sidewalk for better planning and connectivity to match other transportation project plans in this project's vicinity: Barber Street multi-use path (funded and in preliminary engineering design), Chase Street multi use path (funded and in preliminary engineering design), Vincent Drive multi-use trail (funded and in design development), Jefferson River Road multi-use trail (funded and in design development).*
- *Driveway spacing on West sites looks to be an issue for every fifth lot.*
- *Any roads proposed for ACC acceptance will need to feature a ROW miter and other roadway improvements and requirements as needed per current ACC technical standards.*

E. Fire Protection

The Fire Marshal has reviewed the proposal and recommends approval with the following comment:

- *The project will be expected to meet all required fire codes adopted at the time of the plan review.*

F. Leisure Services

The Leisure Services Department has reviewed the proposal because of its proximity to a public park and has offered the following comment:

- *Leisure Services recommends a trail connection be established between this proposal and the future Greenway. Further, we recommend upgrading one of the proposed sidewalks to a 10-foot multi-use path as it runs through the project to tie into the project's entrance at Vincent Drive and Newton Bridge Road, where a multi-use path along Vincent Drive is coming. This would establish a complete greenway connection between the river and the park.*

G. Compliance with the Zoning Ordinance and Development Standards

Staff reviewed the plan for general compliance with the code and found several corrective actions that would prevent the plan from being eligible for binding, as proposed by the applicant. Further review of code compliance will be required at the time of permitting review. The applicant has not made any waiver requests, so they will be expected to comply with all of the applicable standards. Signage and lighting are not reviewed at this stage, but the applicant is expected to adhere to those standards as well. At this time, Staff recommends that the applicant's proposed condition to bind elements of the plan not be included in an approval of the request both because the wording about what is bound is too vague and because of the needed corrective actions.

Corrective Actions:

1. *Applicant did not provide calculations to show recreational area, as required by Sec. 9-8-7 and Sec. 9-25-8(C)7. This can be remedied during Plans Review.*
2. *Multiple blocks exceed the allowable block maximum of 3 acres and block length of 500 feet, as required by Sec. 9-25-8(C)3 and Sec. 9-26-3(O)2. This can be remedied during Plans Review if the plan is not bound.*
3. *Plan did not show on-street parking as required by 9-26-4(B). This can be remedied during Plans Review.*

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.