

Bulloch County Planning & Zoning Commission

Minutes of the April 13, 2006 Meeting of the Planning & Zoning Commission

The Meeting of the Bulloch County Planning & Zoning Commission was held Thursday, April 13, 2006 at 6:00 P.M. in the County Annex Building in Statesboro, Georgia. Andy Hart called the meeting to order. Invocation was given by Mr. Ernest Lee.

Planning & Zoning Commission Present:

Commissioner:	Andy Hart
Commissioner:	Gene Rogers
Commissioner:	Jeanne Anne Marsh
Commissioner:	Wade Hodges
Commissioner:	Ernest Lee
Commissioner:	Ray Mosley

Commissioner Not Present: Ann Henderson

Staff Present:

Zoning Administrator:	Cheryl Tatum
Zoning Administrative Assistant:	Christy Strickland
County Planner:	Andy Welch
County Manager:	Tom Couch

The first item on the agenda was the minutes from the March Planning and Zoning Commission meeting. A motion was made by Jeanne Anne Marsh and seconded by Ray Mosley to accept the minutes from the March 9, 2006 Planning & Zoning Commission meeting as written. The vote was unanimous in favor of the motion.

Public Hearing Item # 1

Applicant: Edna Gayle Martin
Re: Variance Request
Location: Highway 80 West
Map & Parcel: 06C/3B
Present Zoning: AG-5

Edna Gayle Martin has filed an application with the Bulloch County Zoning department requesting a variance to create a flag lot with less than 500ft. of road frontage. She would like to divide the property into two separate parcels. The property consists of approximately 17.72 acres and is located on Hwy. 80 West.

Ms. Martin was present at the meeting and stated that she needed to do this to obtain a home and land package, for her financing.

Motion was made to: Recommend approval of the variance Request.

Motion made by: Wade Hodges and seconded by Ernest Lee.

Vote: Unanimous vote in favor of the motion.

Public Hearing Item # 2

Applicant: Edna Lovett
Re: Conditional Use Request
Location: Mill Creek Road
Map & Parcel: 133/08
Present Zoning: AG-5

Edna M. Lovett has filed an application with the Bulloch County Zoning Department for a conditional use to allow a Personal Care Home on the property. The property is located on Mill Creek Road and consists of 3.94 acres. Ms. Lovett was present and stated that she is the owner of the property that she is requesting to use as a personal care home. She stated that there would be six (6) residents, her husband, herself and one (1) or two (2) caregivers. She stated that her home will be renovated and that there will be additional drain lines for the septic tank to accommodate the increased number of residents and staff.

Motion was made to: Recommend approval for the conditional use request.

Motion made by: Jeanne Anne Marsh, seconded by Wade Hodges.

Vote: Unanimous vote in favor of the motion.

Public Hearing Item # 3

Applicant: Sikes Brothers
Re: Conditional Use Request
Location: Old Register Road
Map & Parcel: 063C/01/01
Present Zoning:

Rachel Edwards, as agent for, Sikes Brothers has filed an application with the Bulloch County Zoning Department for a conditional use to allow a Borrow Pit on the property. The property is located on Old Register Road. The property consists of 14.08 acres. Rachel Edwards stated that there was a borrow pit at this same location before zoning came into affect. Mrs. Edwards stated that Sikes Brothers is working with Maxwell-Layne Engineers to obtain their Surface Mining & EPDS permits from the state.

Motion was made to: Recommend approval of the conditional use request.

Motion was made by: Wade Hodges and seconded by Ernest Lee.

Vote: Unanimous vote in favor of the motion.

Public Hearing Item # 4

Applicant: Rolando Parrando
Re: Appeal
Location: Old Riggs Mill Road
Map & Parcel: 047/17
Present Zoning: R-2

Jim Anderson, as agent for Rolando Parrando, has filed an application to appeal the decision of the Bulloch County Zoning Department to have an extension of time to complete the preliminary plan that has been previously submitted. The property contains 17.94 acres and is located on Old Riggs Mill Road. Sketch Plan approval was received in 2000. They had 18 months to obtain approval of Preliminary Plat. Mrs. Tatum stated that this property came before Planning & Zoning in 1999 and the subdivision regulations state that you have eighteen (18) months to obtain Preliminary Plat approval. A letter was sent to Mr. Parrando in 2000 stating that the Zoning Department did not have what was required for approval of the preliminary plat. Mrs. Tatum also stated that Mr. Parrando had not obtained a Land Disturbing Permit; the applicant submitted it but never came in and paid the fees. After eighteen (18) months, the sketch plan became null and void. Mr. Anderson came in on behalf of Mr. Parrando to get Preliminary Plat approval. Mrs. Tatum told them that they would have to resubmit the sketch plan before the

Planning and Zoning Board. Mr. Anderson submitted a letter to the Planning and Zoning Board from August 10, 2000 approving the sketch plan. Mr. Anderson stated that Mr. Parrando is here to ask for the appeal to let them continue with preliminary plat approval without having to resubmit sketch plan. Mr. Anderson also submitted a letter to the board from Glen Bray at the Bulloch County Health Department approving the plan in 1999. Mr. Anderson stated that he had spoken with Brad Wiggins at the Bulloch County Health Department on April 13, 2006 and that Mr. Wiggins stated that his supervisor agreed to grant approval of the plans if the Planning and Zoning Board permitted the applicant to continue with the Preliminary Plat approval. The third document that Mr. Anderson submitted to the Board was a letter from Mrs. Tatum of changes requested by the County Engineer. The changes were made and resubmitted to the County Engineer who approved the plans. Also, the letter stated that they had lacked Water Plans. The water plans were in the process of being drawn by Clemmons Engineers. Clemmons Engineers sent a letter stating that the water plans had been approved in May, 2001 by EPD. Mr. Anderson had a copy of the water plans that had been approved and stamped by the Environmental Protection Division. Mr. Anderson stated that the letter from the Zoning Department did not say anything about the eighteen (18) months requirement for Preliminary plat

approval. Mr. Anderson read from the Subdivision Ordinance Section 4.2.1 Mr. Anderson feels that they submitted everything in a timely manner. Mr. Anderson again read from the Ordinance Section 4.2.2-d. Mr. Anderson stated that he believes that this section does not apply to this case. Mr. Anderson stated that the process began prior to the eighteen (18) months expiring. Mr. Anderson stated that they did choose to file the appeal instead of resubmit the sketch plans due to several different reasons. Mr. Anderson stated Mr. Parrando is in negotiations to sell some lots. Also, they may be losing some lots, so time is of importance in this case.

Mr. Parrando then stood before the board and stated that when the water plans were drawn up, the state of Georgia wanted him to forfeit one of the lots. Mr. Parrando was under the impression Ms. Wexell had submitted the plans, which she never did. He has been speaking with Sunbelt Utilities about providing water to the proposed subdivision. He stated that if he had been aware of the time urgency that he would have submitted the preliminary plans in a timely manner. Mrs. Tatum stated that the surveyors have known for some time that they have eighteen (18) months to submit the plans. It has been in the ordinance since 1990. Mrs. Tatum stated that as far as the water plans are concerned that this has been a problem with surveyors and now the Zoning Department is having to require all documentation, including water plans, before you submit the

preliminary plans. Mrs. Tatum stated that she feels it is not the county's responsibility to track down the information that is required when turning in plans. Mrs. Tatum stated that the reasoning for the eighteen (18) months is that things change throughout the years with rules and regulations. The staff now reviews and gives their recommendations before coming before the Planning and Zoning Board. The Health Department regulations have been revised. They use to have different requirements for lot sizes. Now they require an half (½) acre of useable soil. Also, the surrounding uses could change.

Mr. Anderson feels they met all requirements. Mr. Hart asked why the preliminary plan was never approved. Mr. Anderson stated that water plans were never submitted. Mrs. Tatum stated that also the LDA permit was never purchased. Mr. Anderson said that the LDA plan was submitted and reviewed by Glen Thrift but Mr. Parrando never went by and paid the fees to obtain it. Mr. Couch stated that he understands when Mr. Anderson says Mr. Parrando felt there was not any urgency but how does this lapse into six (6) years? Mr. Parrando stated that he was not aware of the time limit. He was trying to find a solution to the water problem so he would not have to put a second well because it would take an additional lot. He felt it was up to him when he obtained all his permits. Mrs. Tatum stated that she suggested to Mr. Anderson that they resubmit a sketch plan and told them that they would be heard at

tonight's meeting and possibly approved. If they appealed this decision then they would have to be heard at the April 13, 2006 meeting and if they were denied then they would have to submit the sketch plan and this would hold them back another two (2) months. This is their choice to do the appeal and the only benefit is not having to pay the fee and having the health department allow them to use the lot sizes that are no longer permitted according to their rules and regulations. Mr. Parrando responded stating that he still had additional fees. Mr. Couch commented that if we were just dealing with a year (1) lapse it would be less of an issue. He stated that the board needs to follow the ordinance as it is written today. He understands Mr. Parrando's point but he still is not clear on why it took so long. Mr. Couch believes the burden falls on the applicant to deal with the timeliness. If the applicant obtains professional advice, then the professional should be aware of the ordinance and the timelessness of submitting the plans. Mr. Hart asked Mrs. Tatum if they had the right to appeal it to the Board of Commissioners. Mrs. Tatum stated that anyone has the right to appeal the Board's decision.

Motion made to: Deny the appeal.

Motion was made by: Wade Hodges and seconded by Jeanne Anne
Marsh.

Vote: Unanimous vote in favor to deny the request.

They have the right to appeal to the Board of Commissioners.

Public Hearing Item #5

Applicant: Christine Thackston
Re: Conditional Use Request
Location: Clito Road
Map & Parcel: 104/04
Present Zoning: HI

Skip Evans, as agent for, Christine Thackston has filed an application with the Bulloch County Zoning Department for a conditional use of a Transfer Station (a facility used to transfer solid waste from one transportation vehicle to another for transportation to a disposal facility or processing operation. The property consists of 171.81 acres and is located on Clito Road.

This item has been tabled until the May 11, 2006 Planning and Zoning meeting to allow for the DRI Review to be completed.

Public Hearing Item # 6

Applicant: Tillman/Spann/Reeves
Location: Pleasant Hill Road
Map & Parcel: 006/27
Present Zoning: AG-5

Wesley Parker, as agent for Clayton Tillman, Rod Spann and George Reeves, has filed an application with the Bulloch County Zoning Department for a rezone from AG-5 to R-40 (Residential 40,000 sq.ft lots). The intent is to divide the property into 70 lots. The property consists of 118 acres and is located on Pleasant Hill Road. Mr. Parker was present and presented pictures of homes, streets and the curbing on the roads that have been previously developed by Scott Stafford in subdivisions in other counties. Mr. Parker stated that there were not many new homes in the Portal area and he felt this would help improve the community of Portal. Mr. Stafford plans to put in a clubhouse for all residents, have a common dock to put boats with electric motors in the lake, curbed streets, street lighting and a community well. There would be an architectural committee that all house plans would have to go through and be approved by before being built. Their covenants would also require the houses to have a 2000 square foot minimum. Mr. Stafford plans on having a dam rehabilitation fund in which all property owners would have to pay dues in case of future repairs. Mr.

Parker conducted a traffic study on April 6, 2006 between 5:10 P.M. and 6:10 P.M. Mr. Parker stated there were 31 vehicles to the east and 47 vehicles to the west. Mr. Parker stated that he feels this will be a positive impact on the Portal schools. Mr. Parker then introduces Mrs. Laura Marsh. Mrs. Marsh stated that she has known Mr. Stafford for many years. Mrs. Marsh stated that these homes would greatly impact the Northern part of Bulloch County. She also stated that as the staff correctly notes there are many homes on Pleasant Hill Road and she feels that the rezone would compliment Highway 25 when they four (4) lane from Statesboro to Augusta. Mrs. Marsh stated that public safety is adequate as the closest fire department is ten (10) miles from the property. Mrs. Marsh stated that she was at the proposed site between 9:00 A.M. and 9:25 A.M. and observed three (3) cars going west and three (3) cars going east. Mrs. Marsh states that the minimum lot size would be one-half (1/2) acre and the largest would be approximately three (3) acres in size. Mrs. Marsh stated that they agree with the staff that this proposed subdivision would be a great impact on the Portal schools with adding an estimated eight (8) new students to the school systems. Mrs. Marsh respectfully asked that the board vote for the R-40 zoning and not R-80 with a bonus density, they just do not feel they can meet the R-80

conditions. Also, they asked that the board not make them loop the road on the eastern side of Pleasant Hill Road or the Western side due to the wetlands.

Mr. Wayne Akins opposed to the proposed rezone and stated that this property had historical significant, geological and ecological significance. Mr. Akins stated that he would like for the property to stay low density with restricted covenants. Mr. Akins stated that there are pines, ferns and animals that he would like to see not disturbed. Mr. Akins also stated that one of his concerns is the lake and that with the increased population the lake would get polluted. He would ask the board to consider a lower density rezone or denial of the rezone request.

Mr. Robert Seamans spoke in opposition to the rezone request. He stated that he agreed with Mr. Akins. He stated that the only thing he wanted to add was that he did not feel that the traffic study was accurate. He feels there is more traffic in the area than the traffic study indicated. Mr. Seamans also stated that he moved to his property because he chose not to live in a subdivision and he would request that the board recommend denial of the request.

Mr. James Crovatt spoke in opposition to the request. He stated that he agreed with Mr. Akins and Mr. Seamans and wanted to add that he was worried about his property being polluted. He stated that there were three (3) lots in the south part of the proposed property and two (2) of the perk tests had failed.

Mr. Scott Stafford, the developer of the proposed property, stated that he plans on going back and have a Phase III soil analysis and identify through borings these geological formations. He states he would like to develop around the formations. Mr. Stafford stated that with developing larger lots he should be able to get special engineer septic systems on the lots. Mr. Stafford agrees with the opposition that it is a beautiful piece of property and does not plan on butchering the property.

Lisa Goodson spoke in opposition to the rezone. Mrs. Goodson stated that her home borders the proposed property and that if the rezone is approved this would allow eight (8) homes to border her property. Mrs. Goodson states that she has heard everyone mention the habitat on the property but no one has mentioned the Indigo Snakes which are federally protected. Mrs. Goodson also stated that there is another subdivision on the other side of the lake which has been cleared and there is only one (1) house on the site. Mr. Akins stated that if Mr. Stafford is not submitting the correct proposal then he felt everything should be null and void. Mrs. Tatum stated that if this rezone was approved he would have to submit a sketch plan and come back before the board. Mr. Akins stated that he understood that the Army Corp of Engineers had not yet approved this site. Mr. Couch stated that stage of the process has not been required yet because the land use has not been determined by zoning. Mr. Couch asked if he

could address the commission. Mr. Couch asked the commission if they understood the staff's recommendation as presented to them. The initial staff recommendation is denial due to traffic, density and environmental impact. There is an option that is offered to grant R-80 zoning with both mandatory conditions and allow ten percent (10%) bonus density. Mr. Couch states that he would like the board to proceed with caution due some of the opposition wanting to see lower density and some of them not wanting it developed at all. Mr. Jonathan Goodson asked Mr. Stafford what he intends to do with the endangered species. Mr. Stafford replied that he feels there is plenty of room to develop without disturbing all of the wildlife. Mrs. Becky Boyd stated that she works with 911 and is concerned about if there was ever a fire that Portal is a volunteer fire district. She stated that if Statesboro Fire Department had to respond it could take twenty (20) to twenty-five (25) minutes to respond. Mr. Seamans responded that at AG-5 you would only have eighteen (18) to twenty (20) more residence occupying the lake. If the board approved R-80 this would add around thirty-nine (39) more residence and if the commission approved R-40 this would add around seventy-seven (77) more residence having access to the private lake. Mr. Hart asked if anymore of the Planning and Zoning Board had any further questions. No one on the board responded.

Motion was made to: Recommend denial of the rezone request.

Motion was made by: Wade Hodges, seconded by Ray Mosley.

Vote: Unanimous vote in favor of the motion.

This will be heard by the Board of Commissioners on May 4, 2006

Public Hearing Item # 7

Applicant: Dianne Y. Hickman
Location: Harville Road
Re: Rezone Request
Map & Parcel: 093/33/01
Present Zoning: R-40

Lamar O. Reddick, agent for, Dianne Y. Hickman has filed an application with the Bulloch County Zoning Department for a rezone from R-40 (residential 40,000 sq ft lots) to an R-3 (Multi-Family Residential). The intent is to develop a planned residential housing area. There are eighty (80), three (3) to four (4) bedroom dwelling units proposed. The property contains fifty (50) acres and is located off of Harville Rd.

Mr. Reddick was present for the meeting and stated that this property is being developed by Henley Properties. The site contains fifty (50) acres but they are only requesting forty (40) acres to be rezoned. Mrs. Hickman is keeping ten (10) acres of the property on the northern side. The property will have public water and community sewage. Mr. Reddick stated there would not be any houses near Harville Road and all houses will be red brick. It will be a continuing development of Planters Row. They will only be placing two (2) units per acre. Garth passed out a letter from Mr. Hendley stating that he would only place a

maximum of eighty (80) houses on the property. Staff's recommendation was for a maximum of four hundred and eighty (480) units and the plan is to only put eighty (80) units. Mr. Reddick stated that future land use will be two (2) units per acre. The staff review showed that traffic impact would be 4,680 trip end based on 480 units. Mr. Reddick stated that with only placing 80 units on the property the traffic impact would be approximately 760 trip ends a day. Mr. Reddick commented he is not sure about the drainage of the roads. It generally drains to the east; they are protecting wetlands on the back. Each home site will have parking, so parking, roads and drainage should not be a problem. The project will be served by a central sewer system up front along the road similar to Picket Fences. The sewer system has been approved by the Health Department. The staff recommended mandatory conditions if it is greater than fifty (50) and less than one hundred (100) units and they will accept these since they are proposing a maximum of eighty (80) units.

Motion made to: Recommend approval of rezone request with mandatory conditions for less than one hundred (100) units.

Motion made by: Jeanne Anne Marsh, seconded by Ray Mosley

Vote: Unanimous vote in favor of the motion.

This will be heard by the Board of Commissioners on May 4, 2006.

Public Hearing Item # 8

Applicant: George Thomas Hendrix
Location: Baygall Road
Re: Variance Request
Map & Parcel: 038/12
Present Zoning: AG-5

George Thomas Hendrix, has filed an application with the Bulloch County Zoning Department requesting a medical hardship variance for his uncle, Bill Hendrix. The Manufactured Home is already located on the property, however due to unforeseen circumstances all but 5 acres has to be sold. The property is located on Baygall Rd and consists of 5 Acres. Mr. Hendrix was present and stated that he did not have any comments.

Motion made to: Approval of variance request.

Motion made by: Wade Hodges, seconded by Ray Mosley

Vote: Unanimous vote in favor of the motion.

Public Hearing Item # 9

Applicant: Hodges, Goodson & Butler
Location: TH Lee Road
Re: Sketch Plan Request
Map & Parcel: 104/34
Present Zoning: AG-5

Lamar Reddick, as agent for Inman Hodges, Faye H Goodson, and Barbara H. Butler, has submitted a sketch plan for their property located on T.H. Lee Rd. They have 113.9 acres and would like to divide the property into eighteen (18) parcels.

Mr. Reddick was present and stated that the eighteen (18) parcels will be the maximum lots that will be developed. The applicant will not be requesting a rezone request. The applicants will be selling the property at auction. They are not building any new roads. There is a dirt road, T.H. Lee, which runs through the middle of the property which they use as access at the present time. Mr. Reddick stated that he would like to discuss the staff recommendation. The first condition stated that they only be stick built dwelling, they are concerned about this condition not all people can afford to start off in a stick built home. The property is already zoned an AG-5 and manufactured homes are permitted in this zoning district. Mr. Reddick states that if a developer buys this area he is most likely to come in and request a rezone. When you start doing preliminary plats

for R-40 or R-25 you have to start doing storm drainage. They do not feel like they need to do this at this stage of the process. The third condition stated that if the property is developed that they would have to pave the T.H. Lee Road out to Clito, Mr. Reddick and Mr. Hodges met with Mr. Couch because they feel this could become a problem. Mr. Hodges and his sisters do not own out to Clito Road. They feel if this condition is kept and the property is sold that the buyer would come back and say that Mr. Hodges is responsible for paving it. Mr. Reddick is requesting that they approve the sketch plan and modifying the three (3) conditions. Mr. Couch stated that he didn't feel that the site build home condition would make any difference. He asked Mr. Reddick if they could do an eight (80) foot easement for future road paving where they own both sides and forty (40) foot easement on the other side. Mr. Couch recommended modifying the conditions, by deleting the first two (2) conditions and modifying the third, by doing a thirty (30) foot and a sixty (60) foot easement for future paving.

Motion was made to: Approve the sketch plan with modified conditions.

Motion made by: Wade Hodges; seconded by Ray Mosley

Vote: Unanimous in favor of the motion.

Public Hearing Item # 10

Applicant: GB Lanier
Location: Westside Road
Re: Sketch Plan
Map & Parcel: MS3/27
Present Zoning: R-40

GB Lanier has submitted a sketch plan with the Bulloch County Zoning Department for his property on Westside Road. He has eleven (11) acres; he would like to divide them into ten (10) lots. Mr. John Dotson presented this sketch plan two (2) months ago requesting a rezone from R-40 to R-25 which was denied. Mr. Dotson stated that staff recommendations conditions one (1) and two (2) they could accommodate. The staff recommended on condition three (3) that a community water system will be required that meets fire flow because the original parcel will be divided into more than ten (10) lots. Mr. Dotson stated that the subdivision ordinance states that if you have ten (10) lots or less you are not required to put in a water system. Mrs. Tatum states that if the original parcel has been divided into ten (10) lots or more, they would need to get a variance for the water system. Mr. Hart asked if the board could approve the sketch plan before the variance. Mrs. Tatum stated that they could table the sketch plan request until the variance was requested and heard.

Motion made to: Table the sketch plan request.

Motion made by: Wade Hodges; seconded by Jeanne Anne Marsh

Vote: Unanimous in favor of the motion.

Public Hearing Item # **11**

Applicant: Rolando Parrando
Location: Old Riggs Mill Road
Re: Sketch Plan
Map & Parcel: 047/11
Present Zoning: AG-5

Jim Anderson, as agent for, Rolando Parrando, has submitted a sketch plan with the Bulloch County Zoning Department. The property is located on Old Riggs Mill Road and consists of 17.84 acres divided into twenty (20) lots. Jim Anderson stated on the staff recommendations he had some questions. The first recommendation was concerning a decel lane or turn lane going into the entrance. Mr. Couch stated that it is not a decel it is 90 foot tapered lane. The second recommendation was to install a vegetative buffer or opaque fence along Beaver Creek to Lot #11. Mr. Anderson asked if he could get approval to run the buffer to Lot # 15 because they didn't want to cross the wetlands. Mr. Anderson stated they did not have a problem with conditions #3 or #4.

Public Hearing Item # **12**

Applicant: Frank and Valerie VanHaltern
Location: Stilson-Leefield Road
Re: Sketch Plan
Map & Parcel: 173/026
Present Zoning: AG-5

Frank & Valerie VanHaltern, have submitted a sketch plan with the Bulloch County Zoning Department. The intent is to divide the property into nineteen (19) lots. The property consists of 96.49 acres. Jim Anderson stated that the applicants would like to sell the lots to Del Ferguson but wished to keep two (2) lots for themselves. Mr. Anderson stated that Mr. Ferguson may want to shorten the road and therefore, wants the board to approve allowing want Lot # 4 to access Lane Church Road. Mr. Anderson asked the board to allow Lot # 9 to access Lanes Church Road so that Mrs. Van Haltern can divide the property and sell the remaining property to Mr. Ferguson.

Motion made to: Approve sketch plan leaving condition two (2) the same and allowing Mr. Ferguson to have access to Lot # 9 off of Lanes Church Road.

Motion made by: Wade Hodges; seconded by Jeanne Anne Marsh

Vote: Unanimous favor of the motion.

Public Hearing Item # 12

Applicant: Robert Owen Zetterower
Re: Emergency Variance
Location: Franklin Road
Map & Parcel: 119/55
Present Zoning: AG-5

Owen Zetterower, has filed an application with the Bulloch County Planning and Zoning Department for a variance to meet front setbacks. He is requesting the front setback be 66 feet from the front property line. The property consists of 18.46 acres and is located on Franklin Road. Mrs. Tatum stated that there was a manufactured home on the property. Mr. Zetterower understood that he could go back in the same spot the manufactured home was in but he shifted the home which in turn made him lose the grandfathering for setbacks. Mr. Zetterower stated that he has a deep well that prohibits him from being able to go back any further than 66 feet and there is a sixty (60) foot pecan tree that the roof would not fit under and that is why the shift was made. Mr. Zetterower also stated that his footer was already in place to begin construction.

Motion made to: Approve the variance request.

Motion made by: Wade Hodges; seconded by Ray Mosley

Vote: Unanimous in favor of the motion

This will be heard at the May 11, 2006 Planning and Zoning meeting.

Public Hearing Item # 13

Applicant: Jesse M. Flake
Re: Rezone Request
Location: Gus Denmark Road
Map & Parcel: 111/20
Present Zoning: AG-5

Jesse M. Flake has filed an application with the Bulloch County Zoning Department requesting a rezone from AG-5 to R-80 (Residential 80,000 sq.ft.lots) on 8.75 acres. The intent is to divide the property into four (4) lots. The property is located on Gus Denmark Rd. Mr. Jesse M. Flake stated that he would like to permission to rezone to R-80 and that there are some properties surrounding him that are currently zoned R-80. He requested to have his property divided into two (2) acre lots. Mr. Charles Deal spoke in opposition to the rezone request. He stated that the property was a whole farm and approximately one (1) to two (2) years ago the property was sold an auction as AG-5. Mr. Deal states that Mr. Flake resides in another county and he bought this property with intentions of selling it for profit. He does object to making the property into two (2) acre lots. He stated that he is not aware of any property being changed to an R-80. Mrs. Ruth Green spoke in opposition to the rezone request. Her property is adjacent to the proposed property. Mrs. Green stated that this property is wet all the time and doesn't feel that it is suitable for building. She is very much opposed to dividing if

into small tracts. Mrs. Green stated Mr. Flake has already sold three (3) lots. Mr. Flake purchased the property as AG-5 and he could have done the math in the beginning to avoid his problem. He had doubled his money since he purchased the property. Steve Todd also spoke in opposition to the rezone request. Mr. Todd stated that he purchased one (1) of the five (5) acre tracts from Mr. Flake and would like it to remain this way. His sister also bought a piece of the property from Mr. Flake in November 2005, and she would not have purchased it if she would have known it was going to be divided up further. John Dilas spoke in opposition to the rezone request. He purchased his property over ten (10) years ago and he would like it to stay AG-5. Mr. Flake stated that when he was first dividing these lots he could not get them rezoned into R-80. Recently there have been other surrounding properties that have been zoned to R-80. Mr. Flake stated that Mrs. Green owns a manufactured home on a small parcel that she rents out and he suggested that she move the manufactured home off of the property to have more privacy. Mrs. Green stated that the manufactured home and the parcel was surveyed out and has been grandfathered in for over 25 years. Mr. Hart stated that the staff recommended approval of the rezone. Mr. Couch stated the Planning and Zoning Commissioner the Board of Commissioners is not bound to go by what the staff recommends.

Motion made to: Recommend denial of request.

Motion made by: Wade Hodges; seconded by Gene Rogers.

Vote: Unanimous in favor of the motion.

This will be heard at the Board of Commissioner Meeting on May 4, 2006.

Public Hearing Item # 14

Applicant: Forest Heights
Re: Conditional Use Request
Location: Country Club Road
Map & Parcel: MS31/38
Present Zoning: NC & R-40

Dr. Robert M Benson, agent for Forest Heights Group LLC, has filed an application with the Bulloch County Zoning Department for a modification of his current conditional use to allow off premise consumption sale of alcoholic beverages. The original request was for on premise consumption sale which they agreed to change to off premise consumption sales only. Mrs. Tatum stated Dr. Benson purchased the property and he came before the Planning and Zoning Board with a conceptual site plan request to have multiple businesses and uses in which this request was approved. Then they came in and applied for a conditional use request to have on premise consumption sale of alcohol. Mr. Roach and Dr. Benson met with members of the church that is located close to the site. Mr. Roach called Mrs. Tatum and stated that they wanted to change the conditional use request to off premise consumption sales. Mr. Akins and Mrs. Tatum both agreed that they did not need conditional use permitting. The ordinance states that off premise sales of alcohol are permitted in a

Neighborhood Commercial Zone. However, when the ordinance was changed from the way it use to be to the tables it was overlooked and it should have been a conditional used for only off premise sales. There should have never been an on Premise Consumption sale in a NC zone. This is something that staff will have to clear up. Dr. Benson is requesting the off premise so that he will not to have to resubmit in six (6) months from now when the ordinance is corrected. Mr. Roach stated that they originally applied for two (2) conditional uses; one (1) was for off premise sale consumption and the 2nd was for on premise consumption sale . Mr. Roach and Dr. Benson felt they needed to apply for both of these until they spoke with Mr. Akins and Mrs. Tatum. They request to withdraw the on premise consumption sales. They are requesting the off premise consumption sale, because of the confusion in the ordinance they did not want to have to reapply.

Motion made to: Approve the conditional use request.

Motion made by: Wade Hodges; seconded by Jeanne Anne Marsh.

Vote: Unanimous in favor of the motion.

Andy Hart asked if there were no other items of business, he would need a motion to adjourn.

Motion was made to: Adjourn the April 13, 2006 meeting of the Planning and Zoning Commission.

Motion made by: Jeanne Anne Marsh and seconded by Gene Rogers.

Vote: Unanimous vote in favor of the motion.

Andy Hart, Chairman

Jeanne Anne Marsh, Vice-Chairman