



Bulloch County Planning and Zoning Commission

Minutes of the August 13, 2009 Meeting

The meeting of the Bulloch County Planning and Zoning Commission was held August 13, 2009 at 6:00 P.M. in the County Annex Building in Statesboro. Jeanne Anne Marsh called the meeting to order. Ray Mosley gave the invocation.

Planning and Zoning Commission members present:

Chairman: Jeanne Anne Marsh
Vice-Chairman: Ray Mosley
Secretary: Yolanda Tremble
Commissioner: Ann Henderson
Commissioner: Charles Chandler
Commissioner: Ernest Lee
Commissioner: Larry Jones

Staff members present:

Zoning Administrator Randy Newman
Zoning Administrator Assistant: Christy Strickland
County Staff Attorney: Jeff Akins
County Manager: Tom Couch
County Planner: Andy Welch

The first item on the agenda was approval of the minutes from the July 9, 2009 Planning and Zoning Commission meeting. A motion was made by Charles Chandler and seconded by Yolanda Tremble to approve the minutes as written. The vote was unanimous in favor of the motion.

Agenda Item # 1

Applicant: Henry A. "Biff" Thompson
Re: Rezone & Conditional Use Request
Location: Westside Road
Map/Parcel: MS3/025/02
Present Zoning: R-40

Henry A. "Biff" Thompson submitted an application requesting to rezone 5.5 acres out of a 35.84 acre tract from R-40 (residential 40,000 square feet) to GC (General Commercial). The applicant also submitted an application for a conditional use. The intent of the request is to have a facility to host private or public functions. The property is located on Westside Road.

Mr. John Dotson was present to speak on behalf of Mr. Thompson. He submitted a revised sketch of the proposed project. He stated there would be an individual well and septic system. He stated the building would seat approximately 300-350 people and that parking would be adequate as shown on the sketch. Mr. Dotson stated the main hours of operations would be on weekends and that the applicant agreed with the conditions. Mr. Chandler asked if bands or DJ's would be allowed to play outdoors. Mr. Dotson stated there would be adequate space for them to play in either. Mr. Biff Thompson stated he owns the surrounding property and would maintain a buffer on the property to eliminate some of the noise.

Mr. Julius Abraham was signed up to speak and was undecided regarding the request. He stated he was concerned with the request being so close to Julia P. Bryant and Bulloch Academy.

Mr. George Joiner signed up to speak against the request. He stated he lives in Westridge Subdivision and is concerned about the impact on traffic and the noise level. He stated he can hear the noise when events are held at Bulloch Academy. He stated the surrounding uses are residential and would ask the board to recommend denial of the request.

Mr. Keith Corbin signed up to speak against the request. He stated he has the same concerns as Mr. Joiner and asked the board to recommend denial of the request.

Mr. Thompson stated the traffic would not an issue during school hours. He stated he will maintain a buffer on the property to help control the noise level and the entrance to the property will be gated. Mrs. Henderson asked about the size of the building. He stated it would be approximately 8,000 square feet. There was some discussion on the difference in General and Highway Commercial and which would be best suited for the request. Mr. Newman stated when Mr. Thompson came in to apply for the request they decided to go with General Commercial because of the similarity of uses on adjoining property. After additional discussion a motion was made.

Motion

Recommended approval of the request with the following conditions:

1. All solid waste receptacles shall be placed on concrete foundations and screened from view from the street and adjacent parcels by an opaque fence at a height that is no less than the height of the receptacle.
2. All lighting must be downcast and shall not produce glare or a nuisance to the surrounding properties.
3. One (1) freestanding landscaped monument sign will be permitted with a height limit sixteen (16) feet from normal grade, and shall consist of materials consistent with the primary building façade identifying the property will be allowed along Westside Road. All other signage must meet county code compliance. No billboards will be permitted.
4. The existing natural plantings shall be maintained as a buffer around the property to minimize the visual impact upon the adjacent property.
5. All access, driveway and parking areas serving the general public shall be paved.
6. The applicant shall submit an encroachment permit application prior to development permitting to the County Engineer for review of access standards.

Motion by

Charles Chandler; seconded by Ray Mosley

Vote

4-2 vote in favor of the motion with Mr. Lee and Mrs. Henderson opposing the motion

This item will be heard by the Board of Commissioners on September 1, 2009 at 6:30 P.M.

Agenda Item # 2

Applicant: Melissa Brannen & Eddie Hodges
Re: Rezone Request
Location: Veterans Memorial Parkway
Map/Parcel: MS42/4A
Present Zoning: R-25

Melissa Ann Brannen and Eddie Hodges submitted an application requesting a rezone from R-25 (residential 25,000 square feet) to HC (Highway Commercial). The intent is to build self-storage units on the property. The property consists of 5.22 acres and is located on Veterans Memorial Parkway. Mr. Wesley Parker is acting as agent.

Mr. Parker discussed the size of the property and stated it is approximately 500 feet from Veterans Memorial Parkway. He stated the easement on the property is currently only 20 feet and county regulations stated an easement has to be a minimum of 30 feet. He stated they would need to contact the adjoining land owner to see about obtaining the additional property for the easement. Mr. Parker stated they were in agreement with all of the conditions. Mr. Chandler stated he is concerned with the easement and about making a recommendation when there is not an adequate easement for the request,

Mr. Tony Smith signed up to speak against the request. He stated he lived directly behind the property in the Whispering Pines Subdivision. He stated he is concerned with run off from the detention pond and a buffer being placed in between properties.

After some discussion on the easement and buffers a motion was made.

Motion

To defer the request until the September 10, 2009 meeting to give the applicant time to obtain additional easement from the adjoining property owner.

Motion by

Charles Chandler; seconded by Ann Henderson

Vote

Unanimous in favor of the motion

Agenda Item # 3

Applicant: Jerry Enterprises
Re: Rezone Request
Location: Kennedy Bridge Road
Map/Parcel: 035A/21
Present Zoning: AG-5

Jerry Enterprises, Inc. submitted an application requesting a rezone from AG-5 to GC (General Commercial). The intent is to open a restaurant in the existing building and to serve alcohol. The property consists of 1.63 acres and is located on Kennedy Bridge Road in the New Hope Community.

Mr. Newman stated there were churches in the area but they were more than 300 feet from the property.

Ms. Mary Roberson was present and stated she was not opposed to the commercial request but she is opposed to being able to serve alcohol on the premises.

Mr. Jerry Washington was present and stated that the existing building had been previously used for commercial purposes, since he purchased it in 1971. He said he was not aware that the property was not commercial and was in an AG-5 zoning district. He also did not know that he had lost the grandfathering of the use because it had not been used as commercial in over six months. He stated he did not want to bring any hardship to the community. After no further discussion a motion was made.

Motion

Recommended denial of the request

Motion by

Larry Jones; seconded by Ann Henderson

Vote

5-1 vote with Mrs. Tremble opposing the motion

This item will be heard by the Board of Commissioners on September 1, 2009 at 6:30 P.M.

Agenda Item # 4

Applicant: KGB
Re: Rezone Request
Location: Zettwell & Five Chop Roads
Map/Parcel: 134/9C & 134/9C/01
Present Zoning: R-80

KGB Investments submitted an application requesting a rezone from R-80 (residential 80,000 square feet) to PUD-1 (Planned Residential Development). The intent is to construct approximately 180 single family residences. The property consists of two parcels totaling 200.6 acres and is located at the intersection of Zettwell and Five Chop Roads. EMC Engineering is acting as agent.

There was no public hearing on this item. The item was deferred to allow the applicant additional time to meet with staff concerning the staff recommendation.

Motion

To defer the request until the September 10, 2009 Planning and Zoning Meeting

Motion by

Charles Chandler; seconded by Ray Mosley

Vote

Unanimous in favor of the request

Agenda Item # 5

Applicant: Bird Lane, LLC
Re: Rezone Request
Location: Bird Lane
Map/Parcel: MS64/01
Present Zoning: PUD

Bird Lane, LLC submitted an application requesting a rezone from PUD (Planned Unit Development) to R-3 (Multi-Family Dwellings). The intent is to allow construction of 8 two bedroom townhomes or apartments. The property is located on Bird Lane. Mr. Joey Maxwell or Mr. John Dotson is acting as agent.

Mr. John Dotson was present and stated the property is located next to the subdivision know as "The Island" which is in city limits of Statesboro. He stated the parcel would be divided in half and each will have an individual well and septic system if the city will not extend sewer and water to the property. He stated there will be a fence erected along the rear and side of the property as suggested in the conditions recommend by the staff.

Mr. Carl Bird was present to speak in opposition to the request. His property is located on the south end of the property. He stated that when the "city" property was rezoned, the plans were not followed and things were different when it was developed. He stated he is concerned with the density, water run-off, and parking in the area. He stated the six to eight foot fence would not keep the noise out nor would a vegetative buffer. Mr. Dotson asked if Mr. Bird would be willing to meet with him to discuss the buffer. Mr. Bird stated he did not feel there would be anything that would keep the noise level down.

Mrs. Sunshine Board stated she is concerned with plans being approved and not being followed through with as approved at the public hearings. She asked the Board to recommend denial of the request. After no further discussion a motion was made.

Motion

Recommended denial of the request

Motion by

Ann Henderson; seconded by Larry Jones

Vote

5-1 vote with Charles Chandler opposing the motion

This item will be heard by the Board of Commissioners on September 1, 2009 at 6:30 P.M.

Agenda Item # 6

Applicant: Carol H. Yawn & Julian Bird Hodges Jr.
Re: Conditional Use Request
Location: Hodges Yawn Road
Map/Parcel: 088/22
Present Zoning: AG-5

Carol Hodges Yawn and Julian B. Hodges Jr. submitted an application requesting a conditional use for a cottage industry. The request is to operate a concrete business from the existing building currently used for manufacturing monuments. The applicant is also requesting a variance for the building to be approximately 2,000 square feet instead maximum 1,200 square feet. The total property consists of 194.46 acres and is located on Hodges Yawn Road. Mr. J Bird Hodges III is acting as agent.

Mrs. Marsh asked if the conditional use was for the entire 194.46 acres or just where the business is being operated. Mr. Newman stated the conditional use would only be for where the business is being operated. Mr. Newman explained the business is already in operation. He stated they had obtained a building permit and when an inspection was done the business was found to be operating and they were asked to come in and apply for the conditional use. Mrs. Henderson asked how long the business has been in operation. Mr. J. Bird Hodges III stated it has been in operation since January 2009. Mr. Chandler stated he was concerned with the condition of the property and if approval was recommended to add a condition that the property needs to be cleaned up in six months. After no further discussion a motion was made.

Motion

Recommended approval of the request with the following conditions and adding condition # 3:

1. All inoperable / junk vehicles and equipment need to be removed from the site.
2. Broken concrete pieces shall be disposed in an approved construction and demolition landfill.
3. The applicant will have six months to clean up the property. If the property is not cleaned up within the six months, a citation will be served by the Code Enforcement Officer.

To approve the variance request

Motion by

Charles Chandler; seconded by Ernest Lee

Vote

Unanimous in favor of the request

This Conditional Use Request will be heard by the Board of Commissioners on September 1, 2009 at 6:30 P.M.

Jeanne Anne Marsh asked if there were no other items of business, she would need a motion to adjourn.

Motion

Adjourn the meeting.

Motion by

Charles Chandler; seconded by Ann Henderson

Vote

Unanimous in favor of the motion

Jeanne Anne Marsh, Chairman

Yolanda Tremble, Secretary