



Bulloch County Planning and Zoning Commission

Minutes of the February 8, 2007 Meeting

The meeting of the Bulloch County Planning and Zoning Commission was held February 8, 2007 at 6:00 P.M. in the County Annex Building in Statesboro. Andy Hart called the meeting to order. Ray Mosley gave the invocation.

Planning and Zoning Commission members present:

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

Not Present:

Commissioner: Ann Henderson
Commissioner: Jeanne Anne Marsh

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 January 11, 2007 Planning and Zoning Commission meeting. A motion was made by Ernest Lee and seconded by Ray Mosley to approve the minutes as written. The vote was unanimous in favor of the motion.

Agenda Item # 1

Applicant: Mark Elliott & Don Hahn

Re: Conditional Use Request

Location: Highway 301 South

Map/Parcel: 062B/3A

Present Zoning: HC

Mark Elliott & Don Hahn have requested a conditional use permit to allow an equipment rental business on the property. The property is located on Highway 301 South and consists of 3.99 acres. The previous owner was granted a conditional use for an automotive repair business. Prior to this, the building was used as a night club.

Mr. Elliott stated they have a rental business located in Rincon, Georgia and want to expand to Statesboro. Mr. Elliott stated the equipment for rent is for commercial use. He stated they agreed with the conditions except for the paving of the parking lot. Mr. Elliott stated he would not recommend placing large farm equipment on asphalt. Mr. Couch asked Mr. Elliott if he could submit a site plan before the Board of Commissioners meeting. Mr. Elliott stated he agreed to submit a site plan.

Motion

Recommended approval of the request with the following conditions:

- 1) Prior to submitting for a Certificate of Occupancy:
 - a) Billboards sign need to be rehabilitated with lighting to be restored to code standards or the billboards should otherwise be removed.
 - b) Earth tone colors shall be used for the building exterior.
 - c) Any freestanding sign allowed pursuant to the Bulloch County Sign Ordinance shall have a landscaped base and be located at least ten (10) feet from the right-of-way to avoid obstructing sight distance.
 - d) All access ways, driveways, parking and internal circulation areas from the front of the building line to the entrance ways shall be paved with asphalt or concrete and meet parking area standards in the Bulloch County Zoning Ordinance. No joint internal parcel access with the truck stop is allowed.
 - e) All vehicle or equipment storage areas shall be screened according to Section 407 of the Bulloch County Zoning Ordinance, or shall not be visible from the street.
 - f) If compactors or dumpster are used for trash containment they shall be placed on a concrete pad and shall be screened or not visible from the street.
 - g) Any outdoor lighting for parking or security shall be shielded and directed to avoid illuminating adjacent properties.
 - h) Landscaping shall be provided as follows near the entrances of any driveway radius.

Motion by

Wade Hodges; seconded by Ray Mosley.

Vote

Unanimous in favor of the motion.

This item will be heard by the Board of Commissioners on March 6, 2007 at 6:30 P.M.

Agenda Item # 2

Applicant: Gwendolyn Howard
Re: Rezone Request
Location: Brookfield Road
Map/Parcel: 148/17/04
Present Zoning: R-80

Gwendolyn Howard has requested a rezone on her property from R-80 (Residential 80,000 square foot) to R-40 (Residential 40,000 square foot) for the purpose of placing a family member on the property. The property is located on Brookfield Road and consists of 2.5 acres. She would like to divide the property into two (2) parcels.

Ms. Howard stated her husband passed away and she needs to move closer to her daughter and needs to rezone the property to place a manufactured home next to her daughter. Mr. Couch told Ms. Howard that a manufactured home in a residential zoning district must meet residential zoning district standards; such as shingle roof, minimum square footage of 976 square fee and vinyl siding.

Mrs. Strickland stated to Ms. Howard the Bulloch County Health Department requires an acre for a well to be placed on the property and according to the sketch that was submitted there was only 0.92 acres. Mrs. Strickland stated before a permit would be issued they would need to present a new sketch showing a minimum of an acre on each parcel.

Motion

Recommended denial of the request.

Motion by

Wade Hodges; seconded by Gene Rogers

Vote

4-1 with Ray Mosley opposing the motion.

This item will be heard by the Board of Commissioners on March 6, 2007 at 6:30 P.M.

Agenda Item # 3

Applicant: Logan Supply Company

Re: Rezone Request

Location: Amanda Road

Map/Parcel: 107/23/18

Present Zoning: R-25

Logan Supply Company, Inc. submitted an application requesting a rezone from R-25 (residential 25,000 square feet) to R-2 (multi-family dwellings). The intent is to construct duplexes. The property consists of 10.6 acres and is located on Amanda Road. Rachel Edwards is acting as agent.

Mrs. Edwards stated the applicants were requesting to rezone 3.29 acres out of the 10.62 acres to R-2. Ms. Edwards stated the remaining property would remain R-25.

Mrs. Deborah Walker was present opposing the rezone request. Mrs. Walker stated she is currently building a residence on 30+ acres and requested the board deny the request.

Mr. Dan Snipes was present on behalf of Mr. Hank Dutton who opposed the request. Mr. Snipes stated Mr. Dutton purchased the property to develop single-family residences and would request the rezone be denied.

Mr. Andy Hart asked Mrs. Edwards what lots on the sketch would remain R-25. Mr. Jim Logan, owner of the property, stated lots 6 through 15 would remain R-25.

Motion

Recommended denial of the request.

Motion by

Wade Hodges; seconded by Ernest Lee.

Vote

Unanimous in favor of the motion.

This item will be heard by the Board of Commissioners on March 6, 2007 at 6:30 P.M.

Agenda Item # 4

Applicant: Teresa Davis
Re: Rezone & Variance Request
Location: W.C. Hodges Road
Map/Parcel: 087/26 02
Present Zoning: AG-5

Teresa Davis submitted an application requesting a rezone from AG-5 to R-40 (residential 40,000 square feet). The intent of the request is to divide the property into 3 separate parcels. The applicant is also requesting a variance for less than 500 feet of road frontage for a flag lot. The property consists of 3 acres and is located on W.C. Hodges Road.

Ms. Davis stated she was requesting an R-40 district for the intentions of placing a manufactured home for her 17 year old son who attends college and another lot for her daughter who will graduate in 2 years. Ms. Davis stated the manufactured home for her son is on the property and is being renovated.

Mr. Benjamin VonWaldner was present to speak in opposition to the request. Mr. VonWaldner stated he has resided on his property for 47+ years and additional manufactured homes would decrease his property value.

Mr. Randy Newman stated the zoning ordinance requires manufactured homes in a residential zoning district to have vinyl siding, shingle roof and the minimum square footages is 976 square feet. Ms. Davis stated the manufactured home is less than the 976 square feet. Mr. Newman stated she would need to apply for a size variance for the manufactured home.

Ms. Davis asked, concerning the 60 foot easement, whether she would need to submit a new sketch before the Board of Commissioners meeting. Mr. Akins stated if possible to submit it before if not she would have to submit it to the Zoning Department before a permit would be issued.

Motion

Recommended approval of the rezone request and deny the variance request.

Motion by

Wade Hodges; seconded by Ray Mosley

Vote

4-1 with Andy Hart opposing the motion.

This rezone request will be heard by the Board of Commissioners on March 6, 2007 at 6:30 P.M.

Agenda Item # 5

Applicant: John Tillman & William T. Finch

Re: Variance Request

Location: Burkhalter Road

Map/Parcel: 093/04/03

Present Zoning: R-25

William Tillman & John T. Finch are requesting a lot size variance on multiple lots in Shadowbrook subdivision. The purpose is to provide flexibility in designing the subdivision to accommodate the loss 15 feet of right-of-way along Burkhalter Road. The maximum number of lots in the subdivision may not exceed 56 parcels.

Mr. Jim Anderson stated a sketch plan request had come before the board and the applicants were going to have to give 15 feet of Burkhalter Road and the Board of Commissioners recommended, if the agreed, they could apply for a lot size variance. Mr. Anderson stated in an R-25 the minimum lot size is 25,000 square feet and the health department requires 21,780 square feet which they would meet. Mr. Anderson stated the Board of Commissioners approved the request for a maximum of 56 lots.

Mr. Dan Snipes requested the Planning and Zoning Board approve the recommendation from the Board of Commissioners.

Motion

Approve the request.

Motion by

Ray Mosley; seconded by Wade Hodges

Vote

Unanimous in favor of the motion.

Agenda Item # 6

Applicant: Thomkin Enterprises

Re: Sketch Plan Request

Location: Burkhalter Road

Map/Parcel: 093/04/02

Present Zoning: R-25

Thomkin Enterprises has submitted a sketch plan to the Bulloch County Zoning Department. The intent is to divide 76.61 acres into 76 parcels. The development is Phase II of Burkhalter Plantation. Jim Anderson is acting as agent.

Mr. Anderson stated there are 76 lots with a majority of the lots being approximately 1 acre. The subdivision will have 2 accesses and a community water system. Mr. Anderson stated they agreed with the conditions and the modification of the sketch plan.

Motion

Approve the request with the following conditions:

1. All dwelling units must be single-family detached dwellings consisting of traditional site built housing meeting state construction codes.
2. The developer shall submit an engineering plan at the time of preliminary plat submission to demonstrate that adequate storm-water management practices or structures shall be installed to control on-site and off-site run-off and sediment.

Modification of a condition on the original Burkhalter Plantation sketch plan to read as follows:

1. Obtain the right-of way and pave Josh Smith Road for the entire length of the property out to the closest paved road (Harville Road). This shall be done when Phase III of the development is done.

Motion by

Wade Hodges; seconded by Ray Mosley

Vote

Unanimous in favor of the motion.

Agenda Item # 7

Applicant: Robert & Carol Bryan

Re: Rezone Request

Location: Bruce Groover Road

Map/Parcel: 121/15

Present Zoning: R-80

Robert & Carol Bryan are requesting a rezone from R-80 (residential 80,000 square feet) to AG-5 (agricultural 5 acres). The intent is to be able to have horses on the property. The property consists of 53.5 acres and is located on Bruce Groover Road. Mr. Josh Tucker is acting as agent.

Mr. Josh Tucker stated the property currently has horses on it and the applicants became aware the property was not zoned for horses when they applied for a permit to build a horse stable. Mr. Tucker stated the applicants have been operating a business, Mill Creek Ponies for several years. Mr. Tucker requested the board approve the request.

Motion

Recommended approval of the request.

Motion by

Wade Hodges; seconded by Ray Mosley

Vote

Unanimous in favor of the motion.

This item will be heard by the Board of Commissioners on March 6, 2007 at 6:30 P.M.

Agenda Item # 8

Text Amendment
Zoning & Subdivision Ordinances

STATE OF GEORGIA
COUNTY OF BULLOCH

AMENDMENT TO THE CODE OF ORDINANCES OF BULLOCH COUNTY, GEORGIA

BE IT ORDAINED by the Bulloch County Board of Commissioners that Section 14.1 of Appendix B – Subdivision Regulations of Bulloch County, Georgia is hereby amended as follows:

Section 14.1. Organization.

The planning and zoning commission shall consist of seven members, appointed by the governing authority to serve for overlapping three-year terms **or until their successor has been appointed**. Any vacancy in the membership shall be filled for the unexpired term in the same manner as the initial appointment. Members shall be removable for cause by the governing authority upon written notice and an opportunity to be heard. The governing authority shall determine the amount of compensation, if any, to be paid to the members of the planning and zoning commission.

BE IT ORDAINED by the Bulloch County Board of Commissioners that Sections 2604 and 2605 of Appendix C – Zoning Ordinance of Bulloch County, Georgia is hereby amended as follows:

Section 2604. Zoning districts.

(b) *Conditional uses*. Subject to the requirements of this article, the following types of uses shall be permitted as conditional uses upon approval of a conditional use permit by the board of commissioners:

- (1) Lattice towers, monopole towers, and guyed towers shall be conditionally permitted as a principal or accessory use in all **AG-5, HC, GC, LI and HI** zoning districts **and shall be prohibited in all other zoning districts**.
- (2) [Reserved.]

Section 2605. Development standards.

(b) *Minimum setback requirements.* All towers shall be set back a minimum of thirty (30) feet from the right-of-way of Interstate 16 and a minimum of a distance equal to the height of the tower from other public rights-of-way, existing non-residential structures designed or intended for human occupancy, ~~and~~. **With the exception of exterior property lines in the AG-5 district as provided herein, all towers shall be set back a minimum of a distance equal to the height of the tower from property lines of any adjacent property.** For purposes of this provision, the boundaries of a leased parcel shall be considered the property lines of adjacent property. **In HC, GC, LI and HI zoning districts,** monopole towers shall be set back a minimum distance equal to the height of the tower from any existing residential structure **on the property under consideration and two times the height of the tower from any residential zoning district, while** guyed towers and lattice towers shall be set back a minimum distance equal to three times the height of the tower or 500 feet, whichever is greater, from any existing residential structure **and/or residential zoning district. In AG-5 zoning districts, all towers must be set back a minimum distance equal to the height of the tower from any existing residential structure on the property under consideration and three times the height of the tower or 500 feet, whichever is greater, from exterior property lines.** For purposes of this provision, the term "exterior property line" means the boundary of any parcel of property that is contiguous to and owned by a different owner than the parcel of property on which the tower is proposed to be located. ~~This minimum setback distances shall~~ Minimum setback distances shall not apply to residential structures locating in proximity to any existing guyed tower or any existing lattice tower; provided, however, that residential structures and non-residential structures designed or intended for human occupancy shall not be allowed to locate any closer than the height of the tower to any existing tower. The setback and distance requirements in this provision shall not apply to any building related to the operation or maintenance of the tower. In the case of guyed towers the closest ground anchor shall be used for purposes of calculating setbacks from the right-of-way of Interstate 16. In all other cases the closest point of the base of the tower shall be used for purposes of calculating setbacks.

BE IT ORDAINED by the Bulloch County Board of Commissioners that the following is added as a conditional use in the AG-5 Zoning District to Section 503(b) of Appendix C – Zoning Ordinance of Bulloch County, Georgia:

(16) Cell Tower

BE IT ORDAINED by the Bulloch County Board of Commissioners that Sections 802 and 803 of Appendix C – Zoning Ordinance of Bulloch County, Georgia is hereby amended as follows:

Section 802: Commercial and Industrial – Principal Uses.

	HC	GC	NC	LI	HI
Acid Manufacturing and Storage					P
Adult Entertainment	C	C			
Agricultural Commodities (e.g., pecan shelling plants)				P	P
Agricultural Equipment Sales and Repair (Heavy)					P
Agriculture				P	P
Airport or Airstrip (public, private, commercial)				C	C
Amusement Parks	P C	C			
Armory				P	P
Auctions	P	P			P
Automated Bank Tellers	P	P	C		
Automobile Sales and Service Establishment	P	P		P	
Automotive Paint and Body Shops	C			C	
Baking Establishment				C	P
Bank	P	P	C		
Bottling Plant					P
Breweries and Distilleries					P
Building Material Yard ¹				P	P
Bulk Fuel Storage	P				
Bulk Petroleum Plant					P
Bus Stations	P	P			
Cabinet Shop	C			P	P
Cell Tower	C	C		C	C
Cemeteries	C	C	C		
Cement, Lime, Gypsum, or Plaster of Paris Manufacture					P
Ceramic Products Manufacture (limited to electric kilns)				P	P
Churches	C	P C	P		
Cold Storage, Ice Plant, Freezer Locker					P
Community Centers	C	C	P C		
Concrete, Cement Products, or Clay Products Manufacture					P
Contractor	C	C		P	P
Cosmetic and Pharmaceutical Manufacturing				P	P
Dairy Plant, Ice Cream Manufacturing					P
Day Care Facility	P	P	C		
Distribution of Products or Merchandise				P	P
Drive-in Theaters	P				
Dry Cleaning or Laundering Establishment	P	P	C	P	P
Dwellings, Multi-family	C	C	C		
Dwellings, Single-family	C	C	C		
Dwellings, Two-family	C	C	C		

¹ If in LI zoning district, must be entirely enclosed by a fence that is at least six (6) feet high and screens the yard from view.

P – Permitted Use.
C – Conditional Use.

Section 802: Commercial and Industrial – Principal Uses (continued).

	HC	GC	NC	LI	HI
Education or Training Facility	P	P	C	P	P
Electrical Appliance and Equipment Sales and Repair	P	P		P	P
Electronic Manufacturing and Assembly				P	P
Establishments involved in Canning Fruits and Vegetables, Milling Floor/Meal from Grain, Preparing Perishable Baked Goods, Confections, Similar Food Products				P	P
Exposed Outdoor Storage	P	P			
Fabricating Shop					P
Feed, Grain, or Fertilizer Manufacture or Storage					P
Flea Markets	C	C			
Food Processing Plant					P
Foundry or Forging Plant					P
Funeral Homes	C	C			
Gasoline Service Station	P	P	P		
Gasoline Storage Terminal					P
Government: Local, State, Federal	P	P	P	P	P
Grain Elevator					P
Hospitals	P	C			
Hotel	P	P			
Ice Manufacturing (including dry ice)					P
Inert Landfill	C			C	C
Intermediate Care Home	P	P			
Junkyards	C				C
Kennels (Commercial)	C	C		P	
Libraries	P	P			
Livestock Processing (Commercial)					P
Living quarters for security guard or caretaker associate with a manufacturing facility				P	P
Lodge or Club	P C	P C			
Lumberyards	P			P	
Machine Shop				C	P
Manufactured Homes	C	C	C		
Manufactured Homes or Industrialized Homes Sales	P	P			
Manufacturing Activity Which Does Not Cause Noise, Vibrations, Smoke, Gas, Fumes, Odor, Dust, Fire Hazard, or Other Objectionable Conditions and Which Is Not Otherwise Listed				P	P
Manufacturing Activity which May Cause Noise, Vibrations, Smoke, Gas, Fumes, Odor, Dust, Fire Hazard, or Other Objectionable Conditions					C
Manufacturing including: leather goods, glass products, concrete products, office machines, household appliances, jewelry, toys, sporting goods, surgical, medical optical instruments, heating and air conditioning equipment and machinery, dry cell batteries				P	

P – Permitted Use.
C – Conditional Use.

Section 802: Commercial and Industrial – Principal Uses (continued).

	HC	GC	NC	LI	HI
Mini Storage Warehouse	P	P		P	
Mobile Offices	C	C		C	C
More Than One Principal Use and/or More Than One Principal Building on a Single Lot ¹	C	C	C	C	C
Motor Freight Terminals	P			C	C
Natural Resource Development				C	C
Newspaper or Printing Plant					P
Nursing Home	P	P			
Off-street Parking Lot or Parking Garage	P	P		P	P
Office	P	P			
Outdoor Advertising Sign ²	P	P		P	P
Outdoor Nurseries	P	P			
Paper from Pulpwood and Other Fibrous Material Manufacturing					P
Parking Areas	P	GP		P	P
Parts for Automobiles, Trucks, and Other Vehicles Sales	P	P		P	
Personal Care Home, Group or Congregate and Hospice Care Facilities	P	P	C		
Planing or Sawmill					P
Plant Gardens and Outdoor Nurseries	P		C		
Poultry Processing Plant					P
Printing, Copying, Publishing Establishment	P	P		P	P
Public Buildings	P	P			
Public Garage				P	P
Radio Station	P	P			
Radio Transmission Tower	C	C	C	C	PC
Railroad Yard					P
Recreation Facilities (Private)	PC	C			
Recycling Center				P	P
Repair Garage				P	P
Restaurants (including fast-food establishments)	P	P	C	P	
Retail Business or Service Which Does Not Have Continuous, Unenclosed Outside Storage, and Which is Not Otherwise Listed	P	P	P		
Retail Business Which Allow on Premise Consumption and Sales of Alcoholic Beverages (see County Code).	C	C	C		
Retail Business or Service Customarily Serving and Compatible with Residential Neighborhoods			P		
Rock, Sand, or Gravel Distribution or Storage					P
Roofing Operation					P
Service Establishments Catering to Industry (such as advertising agencies, janitorial services, personnel agencies; data processing service; research, development and testing laboratories; private security agencies; rental and leasing services for all types of equipment)				P	
Schools	P	P			

¹ Except for planned developments. Ownership of individual units on a single lot may be transferred, provided that ground areas remain under common ownership.

² Must comply with D.O.T. standards, if applicable, the county perimeter sign ordinance, and other applicable local ordinances.

P – Permitted Use.

C – Conditional Use.

Section 802: Commercial and Industrial – Principal Uses (continued).

	HC	GC	NC	LI	HI
Sign Painting and Fabricating Shop	P	P		P	P
Slaughter Houses for Meat, Poultry, Stockyards and Feed Lots					P
Taxi Stands	P	P			
Tent and Travel Trailer Campgrounds	P	P			
Textile Manufacturing Plant					P
Tinsmith Operation					P
Trade Schools, Technical Schools, Training Facilities	P			P	
Transfer Station					C
Truck Stop	P				
Truck Terminal					P
Utility Substations	P	P	P	P	P
Veterinary Hospitals	P			P	
Wastewater Pre-Treatment Facility				C	C
Wholesale and Warehousing Operations	P	GP		P	P
Wreck Motor Vehicle Compounds, Junk Yards, Salvage Yards, Coal and Wood Yards, and Used Auto Parts Yards ¹	C				PC

¹ Protective screening as required in the County Clean Community Ordinance.

P – Permitted Use.

C – Conditional Use.

Section 803: Commercial and Industrial – Accessory Uses.

	HC	GC	NC	LI	HI
Customarily Appurtenant to Those Uses Permitted in the District (Determined by the Zoning Administrator)	P	P	P	P	P
Fences	P	P	P	P	P
ISO Intermodal Steel Container	C	C		P	P
Manufacturing (Commercial Districts)	P	P			

P – Permitted Use.

C – Conditional Use.

Adopted at a meeting of the Bulloch County Board of Commissioners held in compliance with Georgia's Open Meetings Act on the 6th day of March, 2007.

BOARD OF COMMISSIONERS OF
BULLOCH COUNTY, GEORGIA

By: _____
J. Garrett Nevil, Chairman

Attest: _____
Evelyn H. Wilson, Clerk

Motion

Recommended approval of the request.

Motion by

Wade Hodges; seconded by Andy Hart

Vote

Unanimous in favor of the motion.

This item will be heard by the Board of Commissioners on March 6, 2007 at 6:30 P.M.

Mr. Andy Hart stated they needed to vote on new 2007 officers, the board agreed to postpone the vote until all of the members were present.

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

Motion

Adjourn the meeting.

Motion by

Ray Mosley; seconded by Andy Hart

Vote

Unanimous in favor of the motion.

Andy Hart, Chairman

Wade Hodges, Secretary