

Bulloch County Planning & Zoning Commission

Minutes of the February 9, 2006 Meeting of the Planning & Zoning Commission

The Meeting of the Bulloch County Planning & Zoning Commission was held Thursday, February 9, 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 Ernest Lee.

Planning & Zoning Commission Present:

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

Commissioner Not Present:

Commissioner:	Jeanne Anne Marsh (came in on item #10)
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Staff Present:

Zoning Administrator:	Cheryl Tatum
Zoning Administrative Assistant:	Melissa Sellers
County Staff Attorney:	Jeff Akins

The first item on the agenda was the minutes from the January Planning and Zoning Commission meeting. A motion was made by Wade Hodges and seconded by Ernest Lee to accept the minutes from the January 12, 2006 Planning & Zoning Commission meeting as written. The vote was unanimous in favor of the motion.

Public Hearing Item **1**:

Applicant: Charles Ellis
Re: Rezone Request
Location: Williams Road
Map & Parcel: 58/33
Present Zone: AG-5

John Dotson, as agent for Charles Ellis, has filed an application for a rezone from AG-5 to R-25 (Residential 25,000 sq.ft. lots) on 94.59 acres. The intent is to develop a residential subdivision. The property is located on Williams Road.

This item was tabled from last month's meeting. John Dotson was present at the meeting to make the presentation. He stated that there is 94.6 acres in the property. There will be two entrances. He stated that at the last meeting there was some concern with the alignment with Colfax Road. Mr. Dotson stated that it is possible to realign the road. The water will be private and there will be individual septic tanks. There will also be restrictive covenants only allowing stick built homes with garages at the ends of the homes only. In response to the runoff concern, the water will adhere to the soil erosion guidelines and should take care of any runoff problems. There will also be a traffic study done. All the lots will front on interior roads. There will be a natural buffer along Lester Fordham Road that will not involve any clearing. The buffer will be adjacent to Mr. Stewart and Mr. Duncan. Clark Bowers stated that the adjacent property owners still have many concerns. One concern is that the area is predominately AG-5 and it should stay that way. The property values could go down and there would be no benefits for the adjacent landowners in any way. Another concern is the environmental impact. There are already run off problems and wash outs

now. Mr. Bowers wanted to know who is responsible for that? He also wanted to know what fire district the property was in. Mr. Couch stated that it is in the Portal fire district. Mr. Bowers stated that when he spoke with the fire department in Statesboro, they told him that that area was "no man's land". Mr. Bowers also stated that the traffic study showed that there would be 300+ cars daily which would be approximately 1000 trips a day. He stated that Williams Road is not built for that much traffic. People use Williams Road for a shortcut from Portal to Statesboro because it is 4 miles longer to go up to Hopulikeit and then to Statesboro. Mr. Bowers stated that there should be two entrances plus realign Colfax Road. The property can and should be used as AG-5. Ms. Henderson stated that she supports R-80 and AG-5 but not R-25. Heath Chester stated that if the request was approved, it would set a precedent. Kimball Ellis wanted to know what school district it was in. Mr. Couch stated that it was Portal school district. Mr. Ellis stated that the change would be too big of an impact on the area. Betty Ray Hendrix stated that Williams Road is awful and there is too much traffic now. Shirl Ellis stated that there is a problem with animal control now and if approved there would be too many animals in the area. Scott Brunson stated that the road is a narrow, curvy road and a lot of farmers need to drive their equipment on the highway. That poses problems when they meet traffic on the highway. Tracy Ware stated that they looked for over two years for property so that they could move to the country. She stayed

in a subdivision for 10 years. Linda Moran stated that she moved from New Jersey after looking long and hard before moving to Williams Road. She felt confident that the homes and people would be a minimum of AG-5. Skeebo Moore wanted to point out that within a 3 mile radius, there are homeowners that have a total of about 40 horses and they do a lot of riding. Julie Carnes stated that she has trash and environmental concerns. John Anderson stated that he wants it to stay AG-5 because if it is changed, it would be spot zoning and that is not consistent with the Land Use plan. Tommy Lewis stated that he lives on Friendship Church Road and there are a lot of houses in the area and he also has a lot of concerns about the rezone. John Dotson stated that the county came up with 144 lots for this development. The developer would really like to end up with 100-110 buildable lots. The property values should go up but he doesn't know for sure. In response to the runoff concerns, Mr. Dotson stated that will be handled just like normal and there should be no adverse impact down stream. Traffic flow will be handled the best and safest way. The trash service is usually handled by the developer and would require the homeowner to subscribe to a trash service. Charles Ellis wanted to add that horses and 4 wheelers shouldn't be riding in the road to begin with. Phyllis Rushing stated that the county should stick with the laws that are in place now. She wants it to be developed in 5 acre lots sizes only.

Motion was made to: Recommend denial of the rezone request to
R-25.

Motion made by: Ann Henderson and seconded by Wade
Hodges.

Vote: Unanimous vote in favor of the motion.

This will be heard by the Board of Commissioners on March 7, 2006 at 6 p.m.

Public Hearing Item **2**:

Applicant: Timothy Murphy
Re: Rezone Request
Location: Hwy. 24
Map & Parcel: 120/35B
Present Zone: R-15

John Dotson, as agent for Timothy Murphy, has filed an application with the Bulloch County Zoning department requesting a rezone from R-15 (Residential 15,000 sq.ft. lots) to R-3 (Multi-Family Dwelling) on approximately 1.426 acres. He would like to divide the five existing buildings into two parcels each for a total of ten units. The property is located on Hwy. 24 East. John Dotson was present at the meeting to make the presentation. He stated that Mr. Murphy purchased 5 two-story buildings and he would like to divide the buildings and sell them separately. The only change would be in ownership.

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

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

Vote: Unanimous vote in favor of the motion.

This will be heard by the Board of Commissioners on March 7, 2006 at 6 p.m.

Public Hearing Item **3**:

Applicant: Justin McCorkel
Re: Conditional Use Request
Location: Twin Forks Road
Map & Parcel: 82/36-013
Present Zone: AG-5

John Dotson, as agent for Justin McCorkel, has filed an application with the Bulloch County Zoning department requesting a conditional use permit to allow surface mining on his property. The property consists of approximately 10.361 acres and is located on Twin Forks Road. John Dotson was present at the meeting to make the presentation. Cheryl Tatum stated that Mr. McCorkel had some land disturbing going on in the back of the property that was in violation with the EPD. EPD contacted Mr. McCorkel and he has corrected the violations. Mr. McCorkel has already dug dirt without a Land Disturbing Permit and approval which is also a violation. Mr. Dotson stated that Mr. McCorkel was unaware he was in violation until he was contacted by EPD. He has stopped all work and will proceed if he is approved and will get all the permits needed. Randy Thornton stated that Mr. McCorkel doesn't even live in that house that's on the property. He is using it as rental property. The dirt roads can't handle all the dump trucks. He stated that Mr. McCorkel is digging dirt for his septic tank business. Tony Williams stated that Mr. McCorkel has dug dirt within 3 ft. of his property line. Ms. Tatum stated that the plat has a 15ft. utility easement reserved. She is not sure where the property line falls. John Dotson stated that the EPD has very strict guidelines to abide by for a permit.

Mr. McCorkel stated that his goal was to dig a pond and he got too close to the property line by accident.

Motion was made to: Recommend approval of the conditional use with the condition that he must fill in the property next to the adjacent property line from 3 feet to 15 feet prior to the Board of Commissioners meeting.

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

Vote: Unanimous vote in favor of the motion.

This will be heard by the Board of Commissioners on March 7, 2006 at 6 p.m.

Public Hearing Item **4**:

Applicant: G.B. Lanier, LLC
Re: Rezone Request
Location: Westside Road
Map & Parcel: MS30/27-002
Present Zone: R-40

G.B.Lanier, LLC has filed an application with the Bulloch County Zoning department requesting a rezone from R-40 (Residential 40,000 sq.ft. lots) to R-25 (Residential 25,000 sq.ft. lots) on approximately 11 acres. He would like to develop a residential subdivision. The property is located on Westside Road. Joe Lanier was present at the meeting to make the presentation. He stated that they bought the property to subdivide. There are only four more lots to develop. They will be stick built homes with a minimum of 1600 sq.ft. and will have winding streets. Kenneth Johnson stated that he has no objections since they are only adding 4 more lots. He also added that there should be a compelling reason to change the zoning or don't change it at all. Biff Thompson stated that he owns 185 across the road. He started Westridge Subdivision 20 years ago and they were larger lots with larger homes. He didn't feel like adding 1600 sq.ft. houses across the street would compliment the bigger homes.

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

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

Vote: Five to one (5-1) vote in favor of the motion
with Ann Henderson voting in opposition.

This will be heard by the Board of Commissioners on March 7, 2006 at 6 p.m.

Public Hearing Item **5**:

Applicant: Southern Links Golf Club, Inc.
Re: Sketch Plan Request
Location: Golf Club Road
Map & Parcel: 93C/1
Present Zone: R-25

Lamar Reddick, as agent for Southern Links Golf Club, has submitted a sketch plan request for their property located on Golf Club Road and Burkhalter Road. They want to divide 4.4 acres into 6 separate parcels. Lamar Reddick was present at the meeting to make the presentation. He stated that they have removed the flaglot from the previous sketch. There will be 5 lots and they meet all the requirements. There will be public water and everything will be comparable to the existing lots. Wallace Wright was present at the meeting to represent Mary Nell Cartee and Jimmy Cartee. He stated that the homeowners object to the request. They originally sold the lots for golf course lots. He also stated that the Cartees own the water system and they have not agreed to provide water to these lots. Tommy Lennon stated that he is concerned about the flaglot. Sonny Butler stated that he bought his property 4 years ago and it was a golf course. He thinks the homeowners need to have a chance to give their opinions. Bobby White stated that he didn't want to see golf balls on his back porch. He wants it to stay a golf course. Glen Taunton stated that this will not improve anyone's property value. The owner of the golf course hasn't done anything he's said he would do. He feels like there are plenty of other spaces available in which to create new lots. Steve Moss feels that taking golf course

property and turning it into houses would be a dramatic impact on development and the golf course. Ronald Moss stated that his property backs up to the fairway. He has problems with trash and debris on the golf course and feels that this would not be good marketing. Charles Reavis stated that if the interest is only in creating five lots, the homeowners can help the developer find lots to develop. There is no need to create anxiety by creating incursion on people's golf course property. Jeanine Moss felt that this was a self serving idea that would hurt the property values and hurt the golf course looks. Robert Hoell stated that he was blindsided with the request. He only found out two days ago. Jake Collins stated that the flaglot was going to be in his backyard. He feels like there is no communication between the homeowners and the developer. Mary Anderson found out 2 days ago also and said if they would have found out sooner, they would have had a meeting. Michael Mullin stated that he thought his covenants covered the golf course also. Franklin Lamb stated that he agrees with everyone else and that the owner should have come to the homeowners first. Denis Malphrus stated that she bought her property because of the full view she had of the fairway. Her appraisal was based on the view of the fairway. Lamar Reddick stated that the Cartees sold the golf course and it does not have to stay a golf course. It is zoned R-25 and if the owner wanted to, he could develop the whole golf course into a subdivision. As far as the water system, they will have to work that out. The new lots may not be able to be developed because the Cartees won't provide any water to them. Wallace Wright stated that he did the covenants for the subdivision years ago and they

Public Hearing Item **6**:

Applicant: Jeffrey & Thersia Butler
Re: Sketch Plan Request
Location: Lilla Meyers Road
Map & Parcel: 177/28
Present Zone: AG-5

Marlin Nevil, as agent for Jeffrey & Thersia Butler, has submitted a sketch plan for their property located on Lilla Meyers Road. They want to divide approximately 30.63 acres into 5 separate parcels. This is part of the Lilla Meyers Subdivision.

Marlin Nevil was present at the meeting to make the presentation. He stated that the Butlers purchased the property and this is just a continuation of the existing subdivision.

Motion was made to: Approve the sketch plan request.

Motion made by: Wade Hodges and seconded by Ann
Henderson.

Vote: Unanimous vote in favor of the motion.

Public Hearing Item **7**:

Applicant: Donald Brown
Re: Sketch Plan Request
Location: Buie Driggers Road
Map & Parcel: 174/21
Present Zone: AG-5

Marlin Nevil, as agent for Donald Brown, has submitted a sketch plan request for his property located on Buie Driggers Road. He wants to divide 164.90 into 2 separate parcels. Marlin Nevil was present at the meeting to make the presentation.

Motion was made to: Approve the sketch plan request.

Motion made by: Ann Henderson and seconded by Ernest Lee.

Vote: Unanimous vote in favor of the motion.

Public Hearing Item **8**:

Applicant: Mike Hollingsworth
Re: Sketch Plan Request
Location: Randy Lowery Road
Map & Parcel: 105/1-001
Present Zone: HI

John Dotson, as agent for Mike Hollingsworth, has submitted a sketch plan for his property located on Randy Lowery Road. He wants to divide 5.75 acres into 4 separate parcels. John Dotson was present at the meeting to make the presentation. He stated that a community water system has been installed. There will be paved roads also.

Motion was made to: Approve the sketch plan request with the following conditions:

1. A cul-de-sac shall be installed at the end of the proposed road.
2. A community water system that meets fire flow shall be connected to all lots within the industrial development.
3. A 40' turning radius shall be installed at the intersection with Randy Lowery Road.

Motion made by: Wade Hodges and seconded by Ray Mosley.

Vote: Unanimous vote in favor of the motion.

Public Hearing Item **9**:

Applicant: Donald Nesmith & Danny Clifton
Re: Sketch Plan Request
Location: Hwy. 80 East
Map & Parcel: 107/23
Present Zone: HC

John Dotson, as agent for Donald Nesmith and Danny Clifton, has submitted a sketch plan request for their property located on Hwy. 80 at the intersection of Amanda Road. They want to divide 6.10 acres into 4 separate parcels. John Dotson was present at the meeting to make the presentation. He stated that they want to divide the property into 4 lots. Cheryl Tatum stated that they will be required to put in a community water system because the original parcel has been divided into more than 10 lots. DOT approval is required also.

Motion was made to: Approve the sketch plan request with the following conditions:

1. The access road shall be redesigned so to prohibit access to Amanda Road.
2. DOT approval is required for the access from Highway 80.

Motion made by: Ann Henderson and seconded by Wade Hodges.

Vote: Unanimous vote in favor of the motion.

Public Hearing Item **10**:

Applicant: Theron Rahn Construction
Re: Sketch Plan Request
Location: Josh Smith Road
Map & Parcel: 93A/8
Present Zone: R-25

Thomas Finch, as agent for Theron Rahn Construction, has submitted a sketch plan request for their property located on Josh Smith Road and Burkhalter Road. They want to divide 165.4 total acres into 143 separate parcels. Wes Taulbee was present at the meeting to make the presentation. He stated that Thomas Finch is the developer of the subdivision. There will be private water and covenants with stick built homes. Mr. Taulbee stated that the staff recommended 6 conditions and they only have problems with two of them. The first one is the paving of Josh Smith Road. One quarter mile needs to be paved and the developer is willing to share the burden of the cost but not the entire load. The developer will contribute \$30,000 toward the paving cost. Once the road is paved, there will be no need for a traffic study, which would eliminate the other condition. If the new conditions can't be approved, the developer wishes that the plan be denied. Wade Hodges stated that it would be hard to give a number of \$30,000 to the cost of paving because of not knowing how much the total cost will be.

Motion was made to: Deny the sketch plan request.

Motion made by: Wade Hodges and seconded by Ann
Henderson.

Vote: Unanimous vote in favor of the motion.

The Commission voted on the Comprehensive Land Use Map.

Motion was made to: Recommend approval of the Comprehensive Land Use
Map.

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

Vote: Unanimous vote 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 February 9, 2006 meeting of the Planning
and Zoning Commission.

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

Vote: Unanimous vote in favor of the motion.

Andy Hart, Vice-Chairman

Jeanne Anne Marsh, Secretary