



# Bulloch County Planning and Zoning Commission

## Minutes of the January 10, 2008 Meeting

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The meeting of the Bulloch County Planning and Zoning Commission was held January 10, 2008 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: Ann Henderson  
Commissioner: Wade Hodges  
Commissioner: Ernest Lee  
Commissioner: Jeanne Anne Marsh  
Commissioner: Ray Mosley  
Commissioner: Gene Rogers

Staff members present:

Zoning Administrator Randy Newman  
Zoning Administrator Assistant: Christy Strickland  
County Manager: Tom Couch  
County Planner: Andy Welch

Staff members not present:

County Staff Attorney: Jeff Akins

The first item on the agenda was approval of the minutes from the December 13, 2007 Planning and Zoning Commission meeting. A motion was made by Jeanne Marsh and seconded by Wade Hodges to approve the minutes as written. The vote was unanimous in favor of the motion.

**Agenda Item # 1**

Applicant: Justin McCorkle  
Re: Conceptual Site Plan  
Location: Harville Road  
Map/Parcel: 093/33/01  
Present Zoning: R-3

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Justin McCorkle submitted a conceptual site plan to divide 11.5 acres into multi-family dwellings. The property is located on Harville Road. Mr. Wesley Parker is acting as agent.

Mr. Parker stated they submitted a new site plan where they had dropped two units, closed the second entrance but will install a break away gate for emergency vehicles and moved the detention pond.

Motion

Approved the request of the revised conceptual site plan.

Motion by

Jeanne Anne Marsh; seconded by Wade Hodges

Vote

Unanimous in favor of the motion.

Exhibit: 2008-0001

**Agenda Item # 2**

Applicant: Sarah F. Curtis  
Re: Rezone Request  
Location: Matthews Road  
Map/Parcel: MS68/01/01  
Present Zoning: R-80

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Sarah F. Curtis submitted an application requesting a rezone from R-80 (residential 80,000 square feet) to GC (General Commercial). The applicant is also requesting a conditional use for more than one principal building on a single lot. The intent is to sell 12 acres to be used for offices. The property is located on Matthews Road. Mr. R.W. Curtis is acting as agent.

The applicant or the agent was not present. There was no one present to speak opposing the request. Mr. Newman stated they were going to sale the property and place Neal's Plumbing and ServePro on the property.

Motion

Recommended approval of the request with conditions:

*General Conditions*

- 1) Any new buildings proposed for construction will require submission of a conceptual site plan
- 2) Any new signage shall be limited to one (1) ground sign with a landscaped base, or a wall sign meeting county code.
- 3) Any new access, driveway and parking areas serving the general public shall be paved.

*Condition(s) for Preliminary Plat Submission*

- 4) The developer shall submit an engineering plan at the time of a conceptual site plan 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.

Motion by

Wade Hodges; seconded by Jeanne Anne Marsh.

Vote

Unanimous in favor of the motion.

This item will be heard by the Board of Commissioners on February 7, 2008 at 6:30 P.M.

Exhibit: 2008-0002

### **Agenda Item # 3**

Applicant: James Clint Smith  
Re: Rezone and Conditional Use Request  
Location: Westside Road  
Map/Parcel: 045/06  
Present Zoning: AG-5

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James Clint Smith submitted an application requesting a rezone from AG-5 to NC (Neighborhood Commercial) and a conditional use to operate a community center. The property consists of 6.42 acres and is located on Westside Road.

Mr. Smith stated he purchased the property and wants to enhance the community. He stated he realizes there are concerns within the community. He stated his intentions for the hours of operation will be no later than 12:00 a.m. with one hour for the caterer to clear out. He stated to help reduce noise from the building he was installing a central heating and air system. He stated before he owned the building the doors would be open for circulation and the noise would travel. He stated he believes the HVAC system would eliminate most of the noise. He stated he has cleared the woods and there will be parking in the front and will also construct a vinyl fence to the rear. Mr. Smith stated he understood there were concerns with the types of functions in the building and he would have someone there to monitor the activities. He stated there would also be a clean up committee the morning following the function to remove any debris from the yards and ditches. Mr. Smith stated there would not be any bands outside and if there was a wedding they would be permitted to have music for the ceremony.

Mr. Byron Twigg was present to speak and stated he was undecided about the request. He stated he request some clarification on the definition of the NC (Neighborhood Commercial) in the Bulloch County Zoning Ordinance. He stated he reads the definitions as stating it should only be used for the surrounding neighborhood. He also stated he is concerned with the vehicle traffic and would request the county address the hours of operation.

Mr. Tom Hatley was present to speak and stated he was undecided about the request. He stated Mr. Smith intentions are good but nothing is in writing. He requested that alcohol sales be prohibited and the hours of operation to be limited.

Mr. Pat Mock was present to speak and stated he was undecided about the request. He stated he has lived in the area for many years. He stated his concerns are with the noise due to the fact he has small children. He stated he is not opposed to the request but would request there be restrictions.

Mr. Clay Mock was present to speak and stated he was undecided about the request. He stated he was concerned about who would enforce the restrictions. Mr. Tom Couch addressed the concern. He stated the county has a code enforcement officer who would enforce the ordinances under his jurisdiction. He also stated the county had recently adopted a noise ordinance which the Bulloch County Sheriff's Department would enforce.

Ms Lisa Deal, Mr. Chris Deal, and Mr. Dan Folio were signed up to speak but passed when called for comment.

Mr. Bill Smith was present to speak opposing the request. He stated the land has been deeded from one generation to another throughout the years. He stated it has been developed throughout the years but only by original families. He stated once the property is rezoned it is permanent. He stated Mr. Smith's intentions may be good but if he sales the property someone else may not oblige. Mr. Smith asked that the request be denied.

Mr. Hart stated the opposition was past there 10 minute limit. He asked if there is anyone else who was signed up to speak had anything to add that was not mentioned. Ms. Sue Mock who was signed up undecided on the request stated she just does not want to see a “juke joint “on the property.

Mr. Rick Mock, Ms. Wendy Deal and Ms. Ashley Ellis were also signed up to speak but stated they did not have anything to add to what was already stated.

Mr. Andy Hart stated the Board could table the request to give Mr. Smith time to meet with the community to work out there concerns. Mr. Smith stated he would like for the Board to make a decision and he would be willing to meet with the community before the Board of Commissioners meeting on February 7, 2008.

Mr. Byron Twigg stated he was a pastor at a church and if Mr. Smith agreed they could have the meeting in the community room at the church.

#### Motion

Recommended denial of the request and also recommended the applicant meet with the community to address their concerns before the Board of Commissioners meeting.

#### Motion by

Jeanne Anne Marsh; seconded by Wade Hodges

#### Vote

Unanimous in favor of the motion.

This item will be heard by the Board of Commissioners on February 7, 2008 at 6:30 P.M.

**Agenda Item # 4**

Applicant: Michael and Laura Yardman  
Re: Conditional Use Request  
Location: New Town Road  
Map/Parcel: 177/34  
Present Zoning: AG-5

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Michael and Laura Yardman submitted an application requesting a conditional use to operate a borrow pit on 10 acres of a 39 acre tract. The property is located on New Town Road.

Mr. Yardman stated he was building a residence on the property and would like to build a 10 acre fish pond for private use only. He stated he was hoping to be able to sale the dirt. He stated he understood there is a concern with the road but he has been maintaining it himself for the past twelve months. Mr. Yardman stated he agreed with the staff recommendations.

Motion

Recommended approval of the request with the following conditions:

*General Conditions*

- 1) Mining operations shall only be conducted Monday thru Saturday, from 9:00 AM to 6:00 PM.
- 2) For the period of time that mining activities take place, the property owner shall install and maintain at their own expense a driveway apron consisting an appropriate drainage structure and rock-soil base approved by the County Transportation Department.
- 3) The location of the borrow pit shall be sufficiently buffered from view of the I-16, the access road and adjacent properties.

Motion by

Wade Hodges; seconded by Ann Henderson

Vote

Unanimous in favor of the motion.

This item will be heard by the Board of Commissioners on February 7, 2008 at 6:30 P.M.

## **Agenda Item # 5**

Applicant: Greg and Courtney Greenway  
Re: Rezone and Variance Request  
Location: Nevils Groveland Road  
Map/Parcel: 096/33  
Present Zoning: AG-5

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Greg and Courtney Greenway submitted an application requesting to rezone 3.15 acres out of an 18.07 acre tract from AG-5 to HC (Highway Commercial). The intent is to be able to place outdoor advertising signs on the property. The applicants are also requesting a variance to section 2214 (A)(6) of the Bulloch County Zoning Ordinance. The intent of the variance is to allow outdoor advertising signs at the crossroads of I-16 and Nevils Groveland Road which is not an interchange.

Mr. Greg Greenway stated they had purchased the property and planned to build their residence there in a future. He stated the staff review stated there would not be a hardship if the rezone was denied. Mr. Greenway stated there would be a hardship because they would lose over \$200,000 and would have to sell the property. He stated the billboards would face I-16 and they have an agreement with the billboard company to approve anything that is placed for the advertisement. Mr. Greenway stated the staff reminder stated the wetlands would have to be delineated by the Army Corp of Engineers but he stated the wetlands are not on the property they are asking to be rezoned.

Ms. Lisa Ammons was present opposing the request. She stated she currently lived in Savannah but purchased property a year and half ago and was planning to build a residence on the property. She stated she does not want to see billboards from her residence.

Mr. Marty Waters was present opposing the request. He stated he and his family reside on 181 acres and does not want to see billboards in the area.

Mr. HB Lanier was present and undecided on the request. He stated he would request to have verification on where the signs would be place and what is the maximum number he would have placed. Mr. Greenway responded stating that there would be a maximum of two signs and they would both face I-16. Mr. Newman stated the Bulloch County Zoning Ordinance states each sign would have to be a minimum of 1,500 feet apart. Mr. Lanier stated he did not oppose the request.

### Motion

Recommended denial of the rezone and the variance request.

### Motion by

Ann Henderson; seconded by Wade Hodges

### Vote

Unanimous in favor of the motion.

This item will be heard by the Board of Commissioners on February 7, 2008 at 6:30 P.M.

Following the vote Mr. Newman stated to Mr. and Mrs. Greenway they could file an application with the zoning office to appeal the vote of the Planning and Zoning Commission. He stated without the variance, if their rezone was approved by the Board of Commissioners, billboards still could not be placed on the property.

Mr. Greenway stated to the Planning and Zoning Commission they did not give a valid reason why they denied the request. Ms. Henderson stated she made the motion to deny because the request was too drastic of a zoning change.

Exhibit: 2008-0003 (Site Plan)

Exhibit: 2008-0004 (Letter from the Waters Family)

**Agenda Item # 6**

Applicant: Daniel and Norma Cannady  
Re: Conditional Use Request  
Location: Rad Denmark Road  
Map/Parcel: 141/48  
Present Zoning: AG-5

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Daniel and Norma Cannady submitted an application requesting a conditional use for a cottage industry. The intent is to be able to operate an auto recovery business. The property consists of 7 acres and is located on Rad Denmark Road. Mr. Richard W. Cannady is acting as agent.

Mr. Cannady stated his parents owned the property but he has his business and residence on it. Mrs. Henderson asked Mr. Cannady if he would explain what an auto recovery business. He explained it was a repossession business where he picks up the vehicles when a person has defaulted on payment. He then tows the vehicles back to his property. He stated approximately 10 days later the finance company will come and retrieve the vehicles and take them to an auction.

Motion

Recommended approval of the request.

Motion by

Wade Hodges; seconded by Jeanne Anne Marsh

Vote

Unanimous in favor of the motion.

This item will be heard by the Board of Commissioners on February 7, 2008 at 6:30 P.M.

## **Agenda Item # 7**

Applicant: Charles and Karen Rushton  
Re: Conditional Use Request  
Location: Cherrywood Drive  
Map/Parcel: 197C/50  
Present Zoning: AG-5

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Charles and Karen Rushton submitted an application requesting a conditional use for a cottage industry. The intent is to be able operate a trucking business. The applicants are also requesting variances for the square footage of the building to be over 1,200 square feet and to have more than 6 heavy duty vehicles and employees on the property. The property consists of 6.69 acres and is located on Cherrywood Drive.

Mr. Rushton stated the business has been in existence since 2002. He said the county had issued a letter stating the county did not issue business license. He stated there is a hole on the property which is currently being filled in. He stated they currently have 11 big trucks which are dispatched to Savannah. He stated the County does not maintain Cherrywood Drive that the homeowner's maintain the road. He stated the staff recommendations stated the trucks only access the property from Highway 119. He stated he had to get a lease agreement from his neighbor to be able to do this and if the neighbor ever chose to sell the property the agreement may be terminated. Mr. Rushton stated it was approximately 300 feet from his driveway to Highway 119 accessing Cherrywood. He stated school buses were not allowed to enter onto Cherrywood because it is not a County maintained road. He also brought receipts from Pilot, to show proof of vehicle maintenance. He stated they do not change oil on the property and do not have any fuel tanks on the property.

Mr. Ronald Harvey was present speaking in favor of the request. Mr. Harvey stated Mr. Rushton has always been a great neighbor. He stated Mr. Rushton has personally maintained the subdivision roads. He stated he did not understand why Mr. Rushton was here due to the fact the business had been in existence over six years.

Mr. Cecil Fortner was present speaking in favor of the request. Mr. Fortner stated he had been neighbors for over six years and he has never had any problems.

Mr. James Davis stated he had lived in the area for 31 years and also has a 3,500 square foot building on his property and wanted to know if he needs to get a conditional use for his property or have it torn down. He stated he builds bridges on golf courses nationwide and has a dump truck on the property. He stated Mr. Rushton has been a good neighbor and does not understand why he has to apply for the conditional use.

Mr. Couch stated he believes the business is grandfathered in and he suggested the board make a motion to withdraw the request and refund the application fee.

### Motion

Approved to withdraw the request and refund the application fee.

### Motion by

Wade Hodges; seconded by Andy Hart

### Vote

Unanimous in favor of the motion.

**Agenda Item # 8**

Applicant: Ray Hendley  
Re: Conceptual Site Plan  
Location: Harville Road  
Map/Parcel: 093/33/04  
Present Zoning: R-3

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Ray Hendley submitted a conceptual site plan to place 44 multi-family dwellings on 40.2 acres. The property is located on Harville Road. Mr. Garth Long is acting as agent.

Mr. John Dotson was present speaking for Garth Long and the applicant. He stated the project would include 88 units and not 44. Mr. Couch proceeded to read a memorandum (Exhibit 2008-0006) he had written. He stated the staff recommends approval of the request with installing a left turn lane as the traffic study warrants.

John Dotson stated according to Joey Maxwell at Maxwell's Engineering conclusion they do not feel a left turn lane is justified. He stated Harville Road is a minor collector road.

Mr. Couch stated the classification of the road is irrelevant at this point and the County needs look at the future condition of the road. He stated the D.O.T. standards were used by the County for the staff recommendations. He stated the staff has to recommend the left turn lane under the zoning condition. He stated at this point we will not tell where to put the turn lane and it could be worked out at a later date with the County Engineer.

**Motion**

Approved the request with the following condition:

1. Install a left turn lane as it meets warrants.
2. The developer is to meet with the County Engineer for design approval of the left turn lane.

**Motion by**

Wade Hodges; seconded by Jeanne Anne Marsh

**Vote**

Unanimous in favor of the motion.

The applicants will have 18 months to submit preliminary plat for approval.

Exhibit: 2008-0005 (Site Plan)

Exhibit: 2008-0006 (Memo from Tom Couch, County Manager)

**Agenda Item # 9**

Applicant: The Lee Group, LLC  
Re: Sketch Plan Request  
Location: Highway 46  
Map/Parcel: 177/27  
Present Zoning: AG-5

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The Lee Group LLC submitted a sketch plan requesting to divide 115.9 acres into 18 parcels. The property is located on Highway 46. Mr. Jonathan Pressley is acting as agent.

Mr. Pressley stated they were just asking for approval of the sketch plan. He stated they would have joint driveways for the lots accessing Highway 46.

Exhibit: 2008-0006

Motion

Approved the request with the following condition and striking condition #2:

- 1) A dry hydrant shall be installed at the expense of the applicant with an access easement reserved between lots 11 and 12 subject to the approval of the Public Safety Director.
- 2) ~~To enhance access management, structures on lots 1, 2, 3 and 4 shall access internally to new roads built within the subdivision. No driveway access shall be permitted on Highway 46 for these lots.~~

Motion by

Ann Henderson ;seconded by Wade Hodges.

Vote

Unanimous in favor of the motion.

The applicant will have 18 months to submit preliminary plat for approval.

**Agenda Item # 10**

Applicant: EL Anderson  
Re: Sketch Plan Request  
Location: Burkhalter Road  
Map/Parcel: 135/03  
Present Zoning: R-80

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Gene Anderson submitted a sketch plan to divide 37.5 acres into 5 parcels. The property is located on Burkhalter Road.

Mr. Anderson stated he had a sketch plan approved approximately 18 months ago for 8 lots. He stated after consulting with Garth Long of Maxwell Engineering they estimated it would cost approximately \$220,000 to pave the road to the 3 lots at the back of the parcel. He stated he was now requesting just 5 parcels so he would not have the requirement of paving the road and would use the planned dirt road to access the lots.

Exhibit: 2008-0007

Motion

Approve the request.

Motion by

Wade Hodges; seconded by Ann Henderson.

Vote

Unanimous in favor of the motion.

The applicant will have 18 months to submit preliminary plat for approval.

**Agenda Item # 11**

Applicant: Hunter Chadwick  
Re: Conceptual Site Plan and Variance Request  
Location: Morgan Way  
Map/Parcel: MS69//03/01  
Present Zoning: HC

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Hunter Chadwick submitted an application requesting a conceptual site plan for mini storage warehouses. The applicant is also requesting a variance for the front setbacks to be 15' and the side and rear setbacks to be 10'. Mr. Alan Clark is acting as agent.

Mr. Clark stated he submitted a revised site plan showing all the requirements the County requested.

Exhibit: 2008-0008

Motion

Approved the conceptual site plan and variance request.

Motion by

Wade Hodges; seconded by Ray Mosley.

Vote

Unanimous in favor of the motion.

The applicant will have 18 months to submit final plat for approval.

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 Wade Hodges.

Vote

Unanimous in favor of the motion.

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Andy Hart, Chairman

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Wade Hodges, Secretary