

Bulloch County Planning & Zoning Commission Minutes of the July 13, 2006 Meeting of the Planning & Zoning Commission

The Meeting of the Bulloch County Planning & Zoning Commission was held Thursday, July 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. Ray Mosey

Planning & Zoning Commission Present:

Commissioner:	Andy Hart
Commissioner:	Gene Rogers
Commissioner:	Jeanne Anne Marsh
Commissioner:	Wade Hodges
Commissioner:	Ray Mosley
Commissioner:	Ann Henderson

Not Present:

Commissioner:	Ernest Lee
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Staff Present:

Zoning Administrative Assistant:	Christy Strickland
County Planner:	Andy Welch
County Staff Attorney:	Jeff Akins

Staff Not Present:

Zoning Administrator:	Cheryl Tatum
County Manager:	Tom Couch

The first item on the agenda was the minutes from the April Planning and Zoning Commission meeting. A motion was made by Jeanne Anne Marsh and seconded by Wade Hodges to approve the minutes from the June 8, 2006 Planning & Zoning Commission meeting as written. The vote was unanimous in favor of the motion.

Public Hearing Item #1

Applicant: Lloyd and Lavina Hollingsworth

Re: Rezone Request

Location: Mill Creek Road

Map & Parcel: 120/16

Present Zoning: AG-5

Steve Rushing, as agent for Lloyd Jr & Lavinia Hollingsworth, has submitted an application to the Bulloch County Zoning Department requesting a rezone from AG-5 to R-25 (residential 25,000 sq feet). The intent of the rezone is to divide the property into approximately 91 lots for residential use. The property consists of 95.8 acres and is located on Mill Creek Road.

Mr. Rushing stated the property surrounding the proposed rezone is mostly AG-5 although some residential and commercial on Mill Creek Road and Franklin Road. Mr. Rushing stated there is a Jeep and Salvage Yard business adjacent to the property. Mr. Rushing stated the proposed property is 3.6 miles from the City of Statesboro which is closer than most subdivisions and 3.8 miles from the Sheriff's office; 4.5 miles from Mill Creek School and Mill Creek Regional Park. Mr. Rushing stated you can turn either way to go to Statesboro which would help divide the traffic. Mr. Rushing stated Mill Creek Road is a county maintained road and there would not be any detriment with increased traffic. Mr. Rushing stated houses would be built on the interior roads.

Mr. Rushing stated there is a hardship with Mr. Hollingsworth planning to retire soon and Mrs. Hollingsworth has various medical conditions. Mr. Rushing stated the maximum lots would be 90 lots and the minimum would be 70-75 lots developed. Mr. Rushing stated the property is just out of the proximity of the future Land Use Plan. Mr. Rushing stated the neighbors believe the proposed rezone would have a negative effect to the area. Mr. Rushing stated the property to the left has a vegetative buffer which

would provide privacy. Mr. Rushing stated the proposed property is currently being leased by Hendrix Farms for \$2500 a year. Mr. Rushing stated proximity to the airport is a concern that if you drive on Mill Creek it is 1.1 mile to reach the nearest runway of the property and by airplane it would be closer. Mr. Rushing stated the runway did not point toward the property and there would be sight and sound but did not feel it would be detrimental to the development.

Mr. Rushing stated the staff recommended if approved to be zoned R-80 or R-40 would not be cost effective. Mr. Rushing stated the staff also recommended 2 access points which he asked not be attached to the rezone request but to the sketch plan if the rezone is approved. Mr. Hollingsworth stated the property would be a greater value as residential.

Mr. Lovett Bennett stated was present speaking on behalf of the opposition. Mr. Bennett stated the adjacent properties are zoned AG-5 and several have small farms on the property. Mr. Bennett stated Mill Creek Road is the only access out of the development. Mr. Bennett stated with the number of lots proposed there would be a higher density than 1 child per residence. Mr. Bennett stated the road has several of sharp curves. Mr. Bennett stated the development would be in the flight path and an airplane crashed it could crash into houses in the proposed development. Mr. Bennett stated with the small lots proposed there would be detriment to the creeks and ponds surrounding the area. Mr. Bennett stated the area is AG-5 farm land and needs to stay this way.

Mrs. Marsh stated if there was any possibility of changing the rezone request from R-25 to R-40. Mr. Dotson stated it had been discussed and they are not sure how many lots would be able to get out of it.

Mr. Ray Mosley stated in was abstaining his vote due to working relations with the applicants.

Motion made to: Recommend denial of the request.

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

Vote: Unanimous in favor of the motion.

This will be heard by the Board of Commissioners on August 1, 2006 at 6:00 P.M.

Public Hearing Item # 2

Applicant: Howard Price
Re: Conditional Use Request
Location: Old River Road
Map & Parcel: 102/23
Present Zoning: AG-5

Eric Graul, as agent for Howard Price, has submitted an application to the Bulloch County Zoning department requesting a conditional use request. The intent of the request is to place a telecommunications tower on 1.227 acres of the property. The property consists of 87.7 acres and is located on Old River Road.

Mr. Jonathan Yates was present to speak on behalf of Eric Graul and Clearshot Communications. Mr. Yates stated Clearshot Communications has been working with Hargray Communications for 24 months. Mr. Yates stated the applicant has a 100 acre tract with a rental house. The proposed tower will be placed 1200 feet off of Old River Road; 411 feet to the existing railroad tracts; 360 to the rear and 900 feet to the existing mobile home. Mr. Yates stated the tower is needed for coverage of the rural areas and Screven County. Mr. Yates stated they could do short towers but it would be multiple towers. Mr. Yates stated he had approval from the FAA, State of Georgia, State Historic Preservation and Tribal Historic Office. Mr. Yates stated they met all the requirements from Mr. David Snavley. Mr. Snavley requested they lease more property from Mr. Price which Mr. Price agreed to. Mr. Yates stated the 300 foot tower is necessary to cover the areas needed. Mr. Yates stated they did not go with the lattice tower they chose a Guide Tower due to it is the cleanest and visually accepted tower. Mr. Yates stated the FAA required lights on the tower and they chose the Flash guard

System made by Flashtech. Mr. Yates stated they met all requirements of all guidelines and Mr. Snavley.

Ms. Janet Lepage of Hargray communications and stated the coverage would cover Highway 301 to Sylvania and would provide the best coverage.

Mr. Bill Spradley was speaking in opposition to the request. Mr. Spradley stated the proposed tower would decrease the value of his property. Mr. Spradley stated the tower violates endangered species act. Mr. Spradley stated it was also dangerous for aircraft and their instruments. Mr. Spradley stated towers can also cause health departments. Mr. Spradley stated he request the conditional use request be denied.

Mr. Jeff Akins stated to the Planning and Zoning Commission under the Telecommunication Act under the local law you cannot consider the health effects to deny a request.

Motion made to: Recommend approval of the request.

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

Vote: Unanimous in favor of the motion.

This will be heard by the Board of Commissioners on August 1, 2006 at 6:00 P.M.

Public Hearing Item # 3

Applicant: David Mincey
Re: Conditional Use Request
Location: Highway 80 East
Map & Parcel: 122/69A
Present Zoning: HC

David Mincey has submitted an application to the Bulloch County Zoning department requesting a conditional use. The intent of the request is to place additional warehouses on the property. The property consists of 2.83 acres and is located on Highway 80 East.

Mr. Mincey stated there were already existing warehouses on the property and before he can obtain a permit he has to apply for a conditional use. Mr. Mincey stated the staff recommended a buffer be placed on the property and was not clear on this recommendations. Mrs. Marsh stated he could but just vine up on the fence. Mr. Mincey stated he was in agreement.

Motion made to: Recommend approval of the request with conditions:

1. No additional access driveways along US 80 East or Highway 80 shall be permitted unless approved by the GDOT or the County Engineer.
2. Installation of a landscape buffer along the length of Highway 80 behind the ROW is required. This can be accomplished by:
 - a) Installing a landscaped berm and/or evergreen hedge combination which should be a minimum of 8' high at installation; or,
 - b) installing native grown non-ornamental canopy trees (maple, dogwood, oak, etc.) with a minimum 4" caliper spaced 75' off center with evergreen hedges capable of growing up to 30" at maturity, or
 - c) Installation of a continuous row of Leyland Cypress with a minimum height of 6' at installation or
 - d) Working with Keep Bulloch Beautiful to obtain a buffer

The actual buffer used shall be approved by the Zoning Administrator prior to installation.

3. Only one (1) monument sign consisting of a brick, stone, stucco or masonry base and supports identifying the property will be allowed along Highway 80 Road. All signage must meet county code compliance.

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

Vote: Unanimous in favor of the motion.

This will be heard by the Board of Commissioners on August 1, 2006 at 6:00 P.M.

Public Hearing Item # 4

Applicant:

Re:

Location:

Map & Parcel:

Present Zoning:

Neil M. and Mary S. Casey have submitted an application to the Bulloch County Zoning department requesting a conditional use. The intent of the request is to operate a church. The property consists of 4.69 acres and is located on Highway 24 East.

Mrs. Casey was and stated the church was already there and didn't realize they needed a conditional use until they received a letter from Mr. Randy Newman. Mrs. Casey stated they rented the church along with several other buildings they have on the property.

Motion made to: Recommend approval of the request with conditions.

1. Compliance with parking requirements must be provided to the Zoning Administrator
2. No day care or similar facility may be established without a new conditional use permit.

Motion made by: Jeanne Marsh; seconded by Wade Hodges

Vote: Unanimous in favor of the motion.

This will be heard by the Board of Commissioners on August 1, 2006 at 6:00 P.M.

Public Hearing Item # 5

Applicant: Agri-tel LLC/Lamar Deloach

Re: Sketch Plan Request

Location: Cypress Lake Road

Map & Parcel: MS33/75

Present Zoning: R-2

John Dotson, as agent for Agri-tel LLC, has submitted a sketch plan to the Bulloch County Zoning department. The intent is to divide the property into 21 parcels. The property consists of 14 acres and is located on Cypress Lake Road.

Mr. Dotson stated the property is zone R-2 and the intent is to build duplexes. Mr. Dotson stated on the original sketch plan the original road ran parallel with Cypress Lake road so houses would face Cypress Lake Road. Mr. Dotson stated the County did not agree with the sketch so they revised the sketch plan. Mr. Dotson stated on condition # 5 he would like the Planning and Zoning Commission to revise. Mr. Dotson stated the original plan showed a 15 foot buffer and staff was recommending a 25 foot buffer. Mr. Dotson stated they request to leave the buffer as originally approved in 1997 when the property was rezoned.

Motion made to: Approve the sketch plan with the amending condition # 5 from 25 foot buffer to 15 buffer and the following conditions:

1. The proposed frontage road with cul-de-sac shall be prohibited to ensure intersection corner clearance and reduce the probability of blockage with the access road.
2. No driveway access shall be granted on Cypress Lake Road.
3. If the proposed access road should intersect Cypress Lake Road, the developer will be required at their own expense to perform a traffic signal warrant study and intersection analysis following Georgia DOT guidelines to be prepared by a qualified and licensed engineer with demonstrated knowledge of these types of studies. The cost of any proposed improvements (including signal installation, channelized islands, decal lanes and tapers, etc.) would also be borne by the developer. The

alternative would be to construct the access road further to the east concurrent with county subdivision standards and to avoid potential traffic conflicts.

4. Internal roads can and should be realigned to minimize paving.
5. Installation of a minimum 15' wide landscape buffer along the length Cypress Lake Road behind the ROW is required. This can be accomplished by:
 - a. Installing a landscaped berm and/or evergreen hedge combination which should be a minimum of 8' high at installation; or,
 - b. installing native grown non-ornamental canopy trees (maple, dogwood, oak, etc.) with a minimum 4" caliper spaced 75' off center with evergreen hedges capable of growing up to 30" at maturity, or
 - c. Installation of a continuous row of Leyland Cypress with a minimum height of 6' at installation.

The actual buffer used shall be approved by the Zoning Administrator prior to installation.

6. Only one (1) monument sign consisting of a brick, stone, stucco or masonry base and supports identifying the property will be allowed along Cypress Lake Road. All signage must meet county code compliance.

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

Vote: Unanimous in favor of the motion.

Public Hearing Item # 6

Applicant: Gene Anderson

Re: Sketch Plan Request

Location: Stanford Drive

Map & Parcel: 135/03

Present Zoning: R-80

Gene Anderson has submitted a sketch plan to the Bulloch County Zoning department requesting a sketch plan. The intent is to divide the property into 8 parcels. The property consists of 37.5 acres and is located on Stanford Drive.

Mr. Anderson stated he was planning to divide the property to place residences on them. Mr. Anderson stated he agreed with the staff reminders and would pave the roads.

Motion made to: To approve the sketch plan request.

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

Vote: Unanimous in favor of the motion.

Public Hearing Item # 7

Applicant: Kenneth Meinhardt

Re: Text Amendment

Location: Kennedy Pond Road

Map & Parcel: 064/15

Present Zoning: AG-5

Kenneth Meinhardt is requesting a text amendment to the Bulloch County Ordinance to make a Farm Winery a conditional use in the AG-5 zoning district. The property consists of 105 acres and is located on Kennedy Pond Road.

Mr. Jeff Akins stated currently a farm winery is permitted in an AG-5 zone but there has been debate on what a Farm Winery and are there greater uses than just production of wine and growing of grapes to produce the wine. Mr. Akins stated there are various farm wineries in the country that do various things with the winery. Mr. Akins stated they have proposed the text amendment that would make the farm winery a conditional use with additional standards. Mr. Akins stated if the conditional use request Mr. Meinhardt has submitted is denied he will still be able to operate the farm winery which is currently being operated on the property.

Mr. Lovett Bennett was present speaking on behalf of the opposition. Mr. Bennett stated if there would be an expansion of the definition of Farm Winery he request the Commission be cautious on how far they expand the definition. Mr. Bennett stated the proposed text amendment is more for commercial property.

Mr. Gerald Edenfield was present representing Kenneth Meinhardt. Mr. Edenfield stated the definition is very limited in comparison to Farm Wineries in North Georgia. Mr. Edenfield stated they ask for approval of the text amendment.

Motion made to: Recommend approval of the text amendment.

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

Vote: Unanimous in favor of the motion.

This will be heard by the Board of Commissioners on August 1, 2006 at 6:00 P.M.

Public Hearing Item # 8

Applicant: Kenneth Meinhardt
Re: Conditional Use Request
Location: Kennedy Pond Road
Map & Parcel: 064/15
Present Zoning: AG-5

Kenneth Meinhardt has submitted an application to the Bulloch County Zoning department. The intent is to operate a farm winery as a conditional use. The property consists of 105 acres and is located on Kennedy Pond Road.

Mr. Gerald Edenfield was present representing Kenneth Meinhardt. Mr. Edenfield stated the farm winery is a very successful business and an asset to Bulloch County. Mr. Meinhardt stated 7 acres out of the 100 acre parcel is used to grow the grapes. Mr. Edenfield stated the winery is used to host multiple events (business meetings, weddings, private parties, festivals, etc). Mr. Edenfield stated North Georgia as well as Bulloch County has recognized wineries and it has become a tourist attraction and feels this will add to the industry in Bulloch County. Mr. Edenfield stated approving the conditional use request would be an asset to Bulloch County. Mr. Edenfield stated Mr. Meinhardt does not plan to go and do all of the structures under the Farm Winery at one time.

Mrs. Peggy Chapman stated the Development Authority uses the winery for meetings and always has positive feedback visitors and feels they should be able to continue to grow.

Mrs. Kim Hughes stated Meinhardt Winery is a very positive asset and a family and tourism facility.

Mr. Lovett Bennett spoke in opposition of the request. Mr. Bennett stated they are not against the request but the location. Mr. Bennett stated this is a huge impact on

the neighborhood and their safety. Mr. Bennett stated there is not adequate access to the property and cars park on Kennedy Pond Road. Mr. Bennett stated Kennedy Pond Road is also a windy road. Mr. Bennett stated 42-44 children in the neighborhood. Mr. Bennett stated there are petitions of property owners that oppose the conditional use request. Mr. Bennett stated the noise; traffic and density would impact the neighborhood and ask the conditional use request be denied.

Mr. Hart stated to Mr. Meinhardt if he anticipated an increase in volume in cars on a daily basis. Mr. Meinhardt stated on the previous Saturday night they had a total of 14 cars. Mr. Meinhardt stated when they have the majority of visitors are when wedding are held at the winery. Mr. Meinhardt stated a lot of the business is shipped out to consumers.

Motion made to: Recommend approval of the conditional use request.
Motion made by: Wade Hodges; seconded by Jeanne Anne Marsh.
Vote: Unanimous in favor of the motion.

This will be heard by the Board of Commissioners on August 1, 2006 at 6:00 P.M.

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

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

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

Vote: Unanimous vote in favor of the motion.

Andy Hart, Chairman

Jeanne Anne Marsh, Vice-Chairman