



Bulloch County Planning and Zoning Commission

Minutes of the June 11, 2009 Meeting

The meeting of the Bulloch County Planning and Zoning Commission was held June 11, 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
Commissioner: Ann Henderson
Commissioner: Charles Chandler
Commissioner: Larry Jones

Not Present:

Commissioner: Yolanda Tremble
Commissioner: Ernest Lee

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 May 14, 2009 Planning and Zoning Commission meeting. A motion was made by Charles Chandler and seconded by Ray Mosley to approve the minutes as written. The vote was unanimous in favor of the motion.

Agenda Item # 1

Applicant: R.L. Cribbs
Re: Conditional Use Request
Location: Highway 80E
Map/Parcel: 186/10A
Present Zoning: AG-5

RL Cribbs Jr. submitted an application requesting a conditional use for a cottage industry to repair large trucks. The applicant is also requesting a variance for the accessory structure to be 4,800 square feet instead of the required 1,200 square feet. The property consists of 3 acres and is located on Highway 80 East. Ms. Bonnie Deal is acting as agent.

Mr. Newman stated the Planning and Zoning Commission deferred the request at the May 14, 2009 meeting to give the applicant time to clean up the property. Mr. Newman presented pictures that were taken of the progress on the property. Mrs. Bonnie Deal stated they had been working on cleaning up the property but with all of the rain they had not been able to get as much done as they wanted to do. Mrs. Marsh asked if the vehicles on the property were operable. Mrs. Deal stated that some were and some were not. Mrs. Henderson asked if some of the vehicles were moved off of the property or just relocated on the property. Mrs. Deal stated some were removed. Mr. Chandler stated he had visited the property and felt that some of the vehicles need to be removed from the property. Mrs. Deal stated they do not have the finances to remove them all at this time. Code Enforcement Officer Sidney Alston stated he had been out to the property to check on the progress of what was being done on the property. Mr. Alston suggested a buffer be placed on the property. After additional discussion on who resides on the surrounding property and buffers a motion was made.

Motion

Recommended approval of the request with conditions:

1. A buffer will be erected with approval from the zoning administrator for the vehicles on the property.
2. 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.

The Planning and Zoning approved the variance request.

Motion by

Charles Chandler; seconded by Ann Henderson

Vote

Unanimous in favor of the motion

The Conditional Use Request will be heard by the Board of Commissioners on July 7, 2009 at 6:30 P.M.

Agenda Item # 2

Applicant: Donny & Neva Collins
Re: Conditional Use Request
Location: Josh Hagin Road
Map/Parcel: 108/31E/12
Present Zoning: AG-5

Donny & Neva Collins submitted an application requesting a conditional use to operate a family personal care home. The property consists of 10.46 acres and is located on Josh Hagin Road.

Mr. Couch stated that, after speaking with the applicants, he would like to submit a memo with revised staff recommendations. He discussed the new recommendations. Mr. and Mrs. Collins stated they agreed with all of the conditions Mr. Couch had recommended. Mr. Chandler asked if the road was suitable for emergency vehicles to get onto the property. Mr. Collins stated he was going to have to scrape the road and may have to pave it at some point. Mr. Chandler asked if the condition of the home was suitable to open the personal care home. Mr. Collins stated there would have to be some additional work done to the home to meet the state requirements to open a family personal care home but the first step is to get the zoning approved.

Mrs. Deborah Hatten was signed up to speak on the request. She stated she was undecided regarding the request. She stated, after hearing the conditions, she agreed with the request as long as the property does not become "commercial" property.

Motion

Recommended approval of the request with conditions suggested by the County Manager:

1. Within 30 days after receiving any of approval by the Board of Commissioners for said personal care home, a verification letter from the applicant by Bulloch County Board of Health shall be delivered to the Zoning Administrator showing that the home has adequate on-site sewerage facilities.
2. Within 60 days after receiving any approval by the Board of Commissioners for said personal care home, the applicant shall deliver proof of application for registration from the Georgia Department of Human Resources Day Care Licensing Unit for a personal care home consistent with the category applied for with regard to a conditional use in the AG-5 district.
3. Within 30 days after receiving any approval by the Georgia Department of Human Resources Day Care Licensing Unit for said personal care home, the applicant shall deliver to the Zoning Administrator proof of such approval.
4. No building permit for expansion of capacity for the said personal care home within the current principal structure shall be permitted without appropriate zoning approval pursuant to Sections 413 (conditional use procedures) and 503(b)(conditional uses allowed in AG-5 districts). A building permit for any accessory structure must meet the standards of the county zoning code.
5. Hours of operation for business related activities such as deliveries and pick-ups of services, materials and supplies by outside vendors, or for recreational activities that may create the potential for extraordinary noise, dust, smoke or glare, that does not constitute a nuisance shall be restricted to occur between 7:30 AM to 7:30 PM daily.
6. Any identification signage for said personal care home shall be in compliance with the Bulloch County Sign Ordinance and shall be subject to appropriate permitting.

7. Any action by the applicant that results in the ceasing of permitted business activities related to the family personal care home for six consecutive months or more, whether reported on unreported, shall be cause for expiration of the conditional use permit.

Motion by

Ray Mosley; seconded by Ann Henderson

Vote

Unanimous in favor of the motion

This item will be heard by the Board of Commissioners on July 7, 2009 at 6:30 P.M.

Agenda Item # 3

Applicant: BVT-Akins, LP
Re: Rezone Request
Location: Old Register Road
Map/Parcel: 076/01 & 076/01/02
Present Zoning: PUD

BVT-Akins LP submitted an application requesting a rezone from PUD (Planned Unit Development) to PUD-3 (Planned Business Center Development). The intent is to approve a master development plan which includes existing facilities on the property, a previously approved par three golf course, and a proposed Family Entertainment Center. The requested rezone is on two parcels totaling 64.03 acres. The property is located at Hackers Golf Park on Old Register Road. Mr. Darin Van Tassell is acting as agent.

Mr. Van Tassell presented a power point presentation of the proposed request which will be known as "The Clubhouse". The Clubhouse will be approximately 40,000 square feet and consist of bowling alleys, restaurant, laser tag, etc... He discussed the history and future of the property and stated the proposed use would add approximately 60 new jobs to the area. He stated there are different phases of the property and this is known as Phase IV of the development.

Mr. Hal Roach was present to speak about his concerns regarding the request. He stated his family farm is adjacent to the property. Mr. Roach stated he had met with Mr. Couch prior to the meeting and had recommended solutions for his concerns which he had emailed to Mr. Couch. Mr. Couch stated the zoning board had a copy of this email from Mr. Roach. Mr. Roach stated his major concerns were with the lighting and the buffer adjacent to his property. He stated there are currently four lights that are currently on the property that are shining toward the road and other adjacent properties that are blinding. Mr. Roach stated he was concerned also with future phases of the development. He stated he would like a buffer placed between his property and the proposed request. Mr. Roach stated there was a written agreement in 2004 addressing some of his concerns but some of them had not been completed. He asked that the previous agreement be part of the rezone conditions. Mr. Roach stated he was concerned the development plan did not address for the additional acreage not used by the golf course of family entertainment center. He asked whether an addition to the project would require a new development plan. Mr. Couch stated if there are major changes in the plan, they would have to resubmit/amend the plan. He stated there are provisions for minor changes with minimal impact that can be approved by staff. After additional discussion on the current, proposed and future uses a motion was made.

Motion

Recommended approval of the request with conditions:

1. A traffic impact study according to county policies shall be prepared at the developer's expense and shall be submitted to the County Engineer at least thirty (30) days prior to the application for a land disturbing activity permit. All costs for mitigation measures recommended by the study and approved by the county shall be borne by the developer.
2. To incorporate the prior developer's agreement that was done in 2004 (see agreement Exhibit 2009-001).

3. A planted 25 foot buffer strip to be required along the open areas of the property lined between Langston Properties, LLP and BVT-Akins property with sufficient plantings of trees such as Leyland Cypress and Pine Trees to be approved by the Zoning Administrator.
4. To relocate and redirect four flood lights as agreed upon in 2004.

Motion by

Charles Chandler; seconded by Ray Mosley

Vote

Unanimous in favor of the motion

This item will be heard by the Board of Commissioners on July 7, 2009 at 6:30 P.M.

Agenda Item # 4

Applicant: BVT-Akins, LP
Re: Conceptual Site Plan Request
Location: Old Register Road
Map/Parcel: 076/01 & 076/01/02
Present Zoning: PUD

BVT-Akins, LP submitted a conceptual site plan for continuing projects at Hackers Golf Park. The property consists of two parcels consisting of 64.03 acres located on Old Register Road

Mr. Newman stated that the conceptual site plan approval is contingent on the approval of the rezone by the Board of Commissioners. Mr. Chandler asked if the rezone conditions need to be included in the conceptual site plan. Mr. Akins stated they did not if the rezone was approved with conditions by the Board of Commissioners the conditions would be attached to the property.

Motion

Approved the conceptual site plan pending approval of the re-zone by the Board of Commissioners on July 7, 2009 to PUD-3 for to accommodate the Phase IV development with the following conditions:

Conditions Category	Conditions
The following uses shall be prohibited.	<ol style="list-style-type: none">1. Billboards or any signage other than what is permitted pursuant to these associated conditions or the County Sign Ordinance.2. Drive-through service lanes.3. Vending machines or outside merchandise for sale shall not be allowed outside of the building.4. Phase V development shall require approval of a separate submission of a final development plan.
Bonus incentives in exchange for amenities.	<ol style="list-style-type: none">1. Up to three 5% bonus increments, with a maximum of 15%, may be provided the applicant proffers amenities pursuant to Section 1213 of the PUD requirements.
Special studies required prior to approval of a land disturbing activity permit.	<ol style="list-style-type: none">1. <u>Stormwater</u>: Perform a hydrologic analysis and prepare a stormwater management plan subject to the standards of the Georgia Stormwater Management Manual for the Phase IV site area.2. <u>Traffic</u>: Perform a traffic impact analysis that shall include:<ol style="list-style-type: none">a) Level of Service (LOS) and Capacity Analysis: Evaluate existing and proposed LOS or capacity conditions as applicable on roadways and intersections within one mile of the development. The difference in operations shall be considered the site impacts. LOS should be recalculated as necessary.b) Sensitivity Analysis: Sensitivity testing or 10 to 20 year traffic projections. Sensitivity testing would entail capacity analyses on incremental (5% to 20%) traffic increases. Traffic projections would require evaluation of future traffic operations based on an agreed annual growth rate. Operational impacts as a result of background traffic increases (sensitivity testing or traffic projections) may not be required to be mitigated unless such is a result of a phased development.c) Peak-hour Analysis: Existing and proposed AM (7:30-8:30) and PM (5:00 and 6:00) peak hour trips.d) Trip Generation Analysis: Evaluate existing and proposed trip

Conditions Category	Conditions
	<p>generation.</p> <p>e) Trip Distribution Analysis: Existing and proposed 24-hour directional traffic count on a typical weekday for each roadway or access point.</p> <p>f) Traffic Impact Mitigation: Evaluation and recommendations of on-site and off-site roadway improvements to accommodate the additional predicted traffic to be generated by the site, including access management and safety improvements regarding warrants for additional turn lanes and channelization, medians and islands and signalization as provided in the <i>GDOT Driveway and Encroachment Control Manual</i>. Roadway improvements as recommended by the study shall be installed at no cost to the applicable jurisdiction, and all additional right-of-way necessary shall be granted in the favor of the Bulloch County in fee simple and at no additional cost.</p> <p>3. <u>Landscaping</u>: To ensure the proper placement of suitable materials, the applicant shall provide a landscaping sketch plan, prepared by a professional landscape architect or designer, which specifies the type and size of proposed vegetation, as well as identifying the location of existing vegetation to be retained, pursuant to this set of conditions.</p>
<p>The following site development standards shall be required.</p>	<p>1. Before a land disturbing activity permit is issued, the developer shall submit to the Zoning Administrator for review by the County Development Review Committee a Phase IV Final Development Plan including:</p> <p>a) all special studies, all tables and calculations pursuant to meeting performance standards in Section 1212 of the PUD requirements;</p> <p>b) any bonus incentives to be applied pursuant to Section 1213 of the PUD requirements; and,</p> <p>c) Any other site and building plans or information required to determine compliance with the PUD requirements and conditions herein.</p>
<p>The following architectural standards shall be required.</p>	<p>1. All structures (principal and accessory) and signage shall have compatible architectural details and a defined character.</p> <p>2. For principal and accessory structures, exterior finish on all facades, except for trim and minor treatments, shall primarily consist of brick, stone, or decorative masonry finish. Metal pitched roofing is acceptable provided a compatible earth tone color is used. The exterior site design standards presented in the applicant's information would be acceptable.</p> <p>3. No mechanical equipment (HVAC units, etc.) whether roof mounted or ground-mounted shall be visible from the street. Ground mounted units must be fenced or structurally buffered.</p> <p>4. Only one (1) freestanding landscaped monument sign (except for parking and directional signage) 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 Old Register Road. Other signage shall conform to the County Sign Ordinance.</p>
<p>Lighting</p>	<p>1. All exterior lighting must be downcast and shall not produce glare or a nuisance to the surrounding properties.</p> <p>2. Canopy lighting must be recessed.</p>
<p>The following buffer and landscaping standards shall be required.</p>	<p>1. Entrance islands at driveways and parking islands within the site shall be landscaped.</p> <p>2. A linear street tree plan submitted with the landscape sketch (see special studies, above) shall be provided along the length of the street section in front of the parking area(s) along the Phase IV development on the east side of Old Register Road that consisting of multi-species shade trees with a minimum three-inch (3") caliper spaced no less than seventy-five (75') feet apart. The shade trees shall have non-invasive root systems to prevent encroachment, damage or disruption to any dedicated public sidewalks and curbing. The separation between the trees shall be in-filled in with compact</p>

Conditions Category	Conditions
	evergreen planting or combined with a landscaped berm capable of reaching a height of at least four (4') foot from street grade within three (3) years.
The following access, parking and internal circulation standards shall be required.	<ol style="list-style-type: none"> 1. No building, sign, structure or object, tree or other landscape feature shall be installed, built, or allowed to grow which will impede visibility at street corners, driveways and/or intersections, pursuant to AASHTO standards for sight triangles. 2. Inter-parcel vehicle access points between all contiguous parcels must be provided to allow opportunities for future phases to connect in and improve network connectivity unless it can be demonstrated a connection is infeasible or illogical. 3. All driveways and parking areas must be paved and meet county access standards, or those pursuant to an approved traffic study by the county. 4. All loading spaces (except for gasoline pumps), should be at the side or rear of the buildings to enhance internal circulation and to provide access for emergency vehicles.
Commercial Solid Waste Receptacles	<ol style="list-style-type: none"> 1. Such receptacles shall be placed on a concrete foundation and screened from view from the street and adjacent parcels by an opaque fence and at a height that is no less than the height of the receptacle.
The following dedications and public improvements shall be required.	<ol style="list-style-type: none"> 1. In addition to any additional right-of-way requirements resulting from the traffic impact analysis for turning lanes or channelization, the developer shall provide an additional fifteen (15') of right-of-way in fee simple in favor of Bulloch County along the length of the development along Old Register Road, and shall install a shared route bicycle and pedestrian.

Motion by

Charles Chandler; seconded by Larry Jones

Vote

Unanimous in favor of the request

Agenda Item # 5

Applicant: Neal Clark
Re: Conditional Use Request
Location: Rocky Ford Road
Map/Parcel: 039/39
Present Zoning: AG-5

Neal Clark submitted an application requesting a conditional use for a cottage industry. The intent of the request is to operate a welding shop. The property consists of 1.07 acres and is located on Rocky Ford Road.

Mr. Neal Clark stated Bulloch County Code Enforcement Officer Sidney Alston had visited the site due to a complaint that a welding shop was being operated out of an accessory building. Mr. Alston recommended Mr. Clark apply for a conditional use permit. Mr. Clark explained that he did welding as a hobby but had been laid off from the railroad and was doing a few jobs to make ends meet.

Mrs. Marcia Parker spoke in opposition to the request. She stated she was concerned with the property becoming an eyesore and wanted clarification of whether the conditional use was for the whole property or just the building. Mr. Couch explained that there is a Clean Community Ordinance which the property would have to comply with and the request is only for the building in which the business is being operated. After some additional discussion a motion was made.

Motion

Recommended approval of the request

Motion by

Ray Mosley; seconded by Ann Henderson

Vote

Unanimous in favor of the request

This item will be heard by the Board of Commissioners on July 7, 2009 at 6:30 P.M.

Agenda Item # 6

Applicant: L. Clark Blich
Re: Variance
Location: Highway 119
Map/Parcel: 190/24
Present Zoning: AG-5

Laurie Clark Blich filed an application for a variance to allow a 1974 Pre-Hud Manufactured Home to be moved onto his property. The property consists of .52 acre and is located on Highway 119.

Mr. Newman stated this request has been heard as an emergency variance request on May 14, 2009 in which approval was granted.

Motion

To approve the request

Motion by

Ann Henderson; seconded by Charles Chandler

Vote

Unanimous in favor of the request

Agenda Item # 7

Applicant: Lorenzo & Cynthia Williams
Re: Sketch Plan Request
Location: Highway 24
Map/Parcel: 169/07/04
Present Zoning: AG-5

Lorenzo and Cynthia Williams submitted an application for a sketch plan to deed one acre out of a five acre parcel to her mother under the family provision act. The property is located on Highway 24. Ms. Donna Williams is acting as agent.

Ms. Donna Williams stated her daughter wanted to deed her an acre so that she could reside next to them and was advised by the zoning office the property has been divided over six times which requires a sketch plan.

Motion

To approve the request

Motion by

Ann Henderson; seconded by Larry Jones

Vote

Unanimous in favor of the request

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

Agenda Item # 8

Applicant: Rhonda Owens Williams
Re: Sketch Plan Request
Location: Burkhalter Road
Map/Parcel: 122/33
Present Zoning: R-80

Rhonda Owens Williams submitted a sketch plan to divide out two acres making the eleventh cut. The property is located on Burkhalter Road. Mr. Don Marsh is acting as agent.

Mr. Marsh stated the property has been divided over six times and Ms. Williams wants to cut out two acres to give to her child. The property is zoned R-80 (residential 80,000 square feet) and they meet all the requirement of an R-80 zoning district.

Motion

To approve the request

Motion by

Larry Jones; seconded by Ray Mosley

Vote

Unanimous in favor of the motion

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

Agenda Item # 9

Applicant: Tara McKinney
Re: Sketch Plan and Variance Request
Location: Old Groveland Road
Map/Parcel: 114/14/02
Present Zoning: AG-5

Tara McKinney submitted a sketch plan to divide out two parcels from an original tract which will create the sixth parcel and the seventh parcel. Parcel six will be 5.01 acres and Parcel seven will be 4.99 acres and deeded under the family provision. The applicant is also requesting a variance to allow two flag lots within 400 feet of each other. The property is located on Old Groveland Road. Mr. Marlin Nevil is acting as agent.

Mr. Nevil stated Ms. McKinney wanted to sell 10 acres of the property and the buyer wanted to divide the property up and give 4.99 acres to a child. He stated they needed the variance because of the flag lots. Mrs. Strickland explained to the commission that the variance should have been advertised in the legal organ, letters sent out to adjacent property owners and a sign placed on the property but due to an oversight this was not done and she recommended the commission do an emergency variance and the variance would come back before them at the July 9, 2009 meeting.

Motion

To approve the sketch plan request and emergency variance request.

Motion by

Ray Mosley; seconded by Larry Jones

Vote

Unanimous in favor of the request

The applicant will have 18 months to submit final plat for approval. The Variance will be heard by the Planning and Zoning Commission on July 9, 2009.

Agenda Item # 10

Applicant: Eugene and Barbara Reid
Re: Sketch Plan and Variance Request
Location: Harville Road
Map/Parcel: 094/13A/02
Present Zoning: AG-5

Barbara S. and Eugene R. Reid submitted a sketch plan to cut five acres out of a seventeen acre tract for refinancing. The applicants also request a variance to access two residents from the same easement. The property is located on Harville Road. Mr. John Dotson is acting as agent.

Mr. Dotson stated there were two residences on the seventeen acres and the applicant wanted to give the older home to their daughter and for financing reason the residence needs to be divided out so it stands alone. Mr. Dotson stated they also requested a variance to access both residences from the same easement. Mrs. Strickland stated the variance should have been advertised in the legal organ, letters sent out to adjacent property owners and a sign put on the property but due to an oversight this was not done. She recommended to the commission that they hear it has an emergency variance and then it would come back before them at the July 9, 2009 meeting.

Motion

To approve the sketch plan request and emergency variance request

Motion by

Ray Mosley; seconded by Ann Henderson

Vote

Unanimous in favor of the request

The applicant will have 18 months to submit final plat for approval. The variance will be heard by the Planning and Zoning Commission on July 9, 2009.

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

Ray Mosley; seconded by Larry Jones

Vote

Unanimous in favor of the motion

Jeanne Anne Marsh, Chairman

Yolanda Tremble, Secretary