

Bulloch County Planning & Zoning Commission

Minutes of the March 13, 2006 Meeting of the Planning & Zoning Commission

The Meeting of the Bulloch County Planning & Zoning Commission was held Thursday, March 13, 2006 at 6:00 P.M. in the County Annex Building in Statesboro, Georgia. Jeanne Anne Marsh called the meeting to order. Invocation was given by Mr Ray Mosley.

Planning & Zoning Commission Present:

Commissioner:	Gene Rogers
Commissioner:	Jeanne Anne Marsh
Commissioner:	Wade Hodges
Commissioner:	Ernest Lee
Commissioner:	Ray Mosley
Commissioner:	Ann Henderson

Commissioner Not Present:

Commissioner:	Andy Hart
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Staff Present:

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

The first item on the agenda was the minutes from the February Planning and Zoning Commission meeting. A motion was made by Ernest Lee and seconded by Ray Mosley to accept the minutes from the February 9, 2006 Planning & Zoning Commission meeting as written. The vote was unanimous in favor of the motion.

Public Hearing Item **1**:

Applicant: Dannie Lee and John Hagan
Re: Text Amendment

Text Amendment of the Code of Ordinances of Bulloch County, Georgia Sections 202, 503(B), 602, 603, 606, 802, 803, 806 of Appendix C- Zoning Regulations.

The Planning and Zoning Commission considered an amendment of Sections 202, 503 (b), 602, 606, 808, 806 of Appendix C- Zoning Regulations.

Motion was made to: Recommend approval of the text amendment

Motion made by: Ann Henderson and seconded by Wade Hodges

Vote: Unanimous vote in favor of the motion.
Exhibit 2006

Public Hearing Item # 2

Applicant: Southern Links, LLC

Re: Sketch Plan

Location: Golf Club Road

Map & Parcel: 093C/01

Present Zoning: 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. **This item was tabled from last month's meeting.** Lamar Reddick was present at the meeting to make the presentation. Mr. Reddick stated that on Thursday, February 13, 2006 he met with the homeowners in the subdivision. They addressed some of their concerns. He told them that the new subdivision would have the same covenants as Meadow Lakes Plantation. He also stated that he met with Jimmy Cartee about the water system. They may or may not connect to the existing water system. Mr. Reddick stated the name of the subdivision would be Meadow Lakes Plantation Phase 10 SL (Southern Links). Glen Taunton spoke for the community. He stated he also met with owners and they are not 100% satisfied. Mr. Taunton stated that this subdivision was developed in 1986 and Jimmy Cartee wanted to develop it into a Golf Course Community. He stated that the owner of the property has not ruled out doing

away with the golf course, and the community is concerned that the value of their homes will be impacted if this subdivision is developed. Mr. Taunton's property is on Green 10 and 65% of his property is on the golf course. He doesn't see a problem with Lots 1, 2 & 3. Mr. Tauton proposed the following for the commission to consider:

- 1. Develop lots 1, 2, & 3 and eliminate lots 4 & 5.**
- 2. Resend sketch plan with out lots 4 & 5**
- 3. Deny Sketch Plan**

Mike Mullin stated that the golf course needs work and he does not see any gain for them to move the greens. Bobby White stated that he still has concerns about the water system. Wallace Wright stated that they may or may not be able to work out a solution with the water system. He stated that the plans were to name the new phase Meadow Lakes Plantation Phase 10. Macky Bryant, attorney from Vidalia, stated homeowners would have to join the golf course; not everyone would have a right to use of the golf course. He stated that if they comply with R-25 they should be able to put what they wanted on the property. If they wanted to move greens with no new lots they would not have to come before Planning & Zoning Commission. Glen Taunton spoke again stating this subdivision would adversely affect on their property. Jeff Akins advised the Commission that Meadow Lakes Subdivision began in 1986 when Mr. Cartee submitted a Master Plan to the Planning and Zoning Commission for approval under the subdivision regulations. Mr. Akins indicated that this Master Plan shows the golf course as an integral part of the subdivision development. He

stated that since that time, Meadow Lakes Subdivision has been developed in phases and that the preliminary and final plats for each phase show lots fronting on the golf course. He advised that he had discussed this issue with County Attorney Charles Brown, and he and Mr. Brown concur that since the developer has consistently represented to the Planning and Zoning Commission that Meadow Lakes Subdivision would have lots with golf course frontage, and since the golf course was originally a part of the larger tract out of which Meadow Lakes Subdivision has been developed, the Planning and Zoning Commission has discretion to deny approval of a sketch plan to further subdivide the golf course property into residential lots if the Commission determines that such further subdivision would negatively impact existing and previously approved residential lots that front on the golf course in Meadow Lakes Subdivision.

Commissioner Hodges asked Mr. Reddick if the owners would consider pulling out lots 4 & 5 and Mr. Reddick stated they would not. Ann Henderson responded that in balancing the rights of property owners with the neighborhood this would be detrimental. This project would decrease property values. The owners knew what had been represented to the current property owners.

Motion was made to: Deny the sketch plan request.

Motion Made by: Ann Henderson, seconded by
Wade Hodges

Vote: Unanimous vote in favor of motion

Public Hearing Item **3**:

Applicant: Dannie & Cynthia Lee
Re: Conditional Use Request
Location: Mill Creek Road
Map & Parcel: 120A/1
Present Zone: AG-5

Dannie & Cynthia Lee have filed an application with the Bulloch County Zoning Department requesting a conditional use permit to operate a cottage industry on the property. The property consists of approximately 5.2 acres and is located on Mill Creek Road. Dannie Lee was present to make the presentation. He stated that he has had a small plumbing business for the past 6 years and recently he found out he was in violation. He expects his business to keep expanding and if he is turned down he will purchase a commercial building. J.L. Hinton was opposed to having a cottage industry on this property which is ½ mile from his residence. He stated that there has been an increase in the litter in the area since Mr. Lee has been there. Also, he was concerned about the heavy traffic in the area. Mr. Hinton also stated that Mr. Lee has employees that speed on the road and use it as a drag strip. He was concerned for the children and citizens who live in the area. He requested that the Commission deny the request.

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

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 April 4, 2006 at 6:00 p.m.

Public Hearing Item # 4

Applicant: John & Sybil Hagan
Re: Conditional Use Request
Location: Mill Creek Road
Map & Parcel: 120A/11
Present Zone: AG5

John and Sybil Hagan have filed an application with the Bulloch County Zoning Department requesting a conditional use permit to operate a cottage industry on the property. The property consists of approximately 5 acres and is located on Mill Creek Road. John Hagan stated that when he moved out there he didn't know he was in violation. Linda Hagan stated that she did not have a problem as long as the employees would obey the speed limits. Carolyn Blackburn stated that she also had no objections to the business. She was under the impression that he wanted to build cottages. J.L. Hinton also stated that he had no problem with the conditional use.

Motion was made to: Recommend approval of the conditional use request.

Motion made by: Wade Hodges and seconded by Ray Mosley

Vote: Unanimous vote in favor of the motion.

This will be heard by the Board of Commissioners on April 4, 2006 at 6:00 P.M.

Public Hearing Item # 5

Applicant: William Worthington
Re: Rezone Request
Location: Old Register Way
Map & Parcel: 62/17
Present Zoning: Ag-5

Stephen Rushing, as agent for William Roy Worthington, has filed an application with the Bulloch County Zoning department requesting a rezone from AG-5 (Agricultural 5 acre lots) to R-40 (Residential 40,000 sq.ft. lots) on approximately 54 acres. The intent of the rezone is to develop a residential subdivision. The property is located on the south side of Old Register Way across from Olliff Road. The staff recommended approval of either an R-80 or an R-40 rezone request with the following mandatory conditions:

1. Obtain the right-of-way and pave Sam Tillman Road for the entire length of the property out to the closest paved road (from the boundary of the present property to Old Register Way).
2. All dwelling units must be single-family detached dwellings consisting of traditional site built housing meeting state construction codes.
3. Only one access point to the subdivision on Old Register Way will be allowed. The access point on Sam Tillman Road shall be a minimum of 125 feet from the intersection with Old Register Way.
4. Prior to the submission of the preliminary plan to the Planning and Zoning Commission, the applicant, at their own expense, shall submit a Level II Traffic impact study as recommended in the Bulloch County Transportation Plan (with sufficient narratives, maps and exhibits)

which shall be certified by a qualified and registered professional engineer, that at a minimum, includes the following:

- a) Trip Generation Analysis: An estimate of AM (7:30-8:30) and PM (5:00-6:00) peak hour trip generated under existing conditions and after project build-out.
 - b) Trip Distribution Analysis: A 24 hour directional traffic counts and peak period intersection turn movement counts on a typical week day under existing conditions and after project build-out.
 - c) Intersection and Roadway Segment Analysis: Assess the need and provide cost estimates for any network or safety improvements for arterial and collector roads in the study area resulting from the impacts created by the proposed development of the subject property, including but not limited to, accel-decel lanes, turn lanes, shoulder widenings, signage, signalization or intersection alignments. The cost of any such proposed improvements attributable specifically to the development of the subject property that is not listed in the County's Five-Year Surface Transportation Improvement Program or Plan shall be partially or wholly borne by the developer.
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- 5) To enhance access management, all proposed lots should face to the internal roads within the subdivision. Driveways along Old Register Way and Sam Tillman Road from any building lot in the proposed subdivision will be prohibited.
 - 6) 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.
 - 7) The road at the end of Lots 42, 43 & 44 shall have a cul-de-sac with a 60' foot radius.
 - 8) To minimize the impact on existing residents, the developer shall install a solid opaque fence or a landscape buffer along the length of the street along Sam Tillman Road behind the ROW with an average minimum height of six (6) feet at installation. This can be accomplished by: a) installing a landscaped berm and/or evergreen hedge combination; or, b) installing 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. The buffer shall be approved by the Zoning Administrator.

Steve Rushing stated farming the property would almost pay the taxes in the county. He feels that the property would be beneficial if used as residential. Mr. Rushing stated that they would like for the road paving to end at the entrance of the proposed subdivision. They may not be able to develop the property if they are required to pave the road to the end of property. Mr. Rushing also stated that they believe the Level II traffic study is unnecessary, especially if they are required to pave the road to Old Register Way. Mr. Rushing stated that this may not be representative of the final sketch plan. They are still dealing with wetlands. He then stated that he had no problem with condition #8

(To minimize the impact on existing residents, the developer shall install a solid opaque fence or a landscape buffer along the length of the street along Sam Tillman Road behind the ROW with an average minimum height of six (6) feet at installation. This can be accomplished by: a) installing a landscaped berm and/or evergreen hedge combination; or, b) installing 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. The buffer shall be approved by the Zoning Administrator).

Motion Made was to: Recommend approval with all conditions recommended by staff except # 7 (The road at the end of Lots 42, 43 & 44 shall have a cul-de-sac with a 60' foot radius).

Motion made by: Ann Henderson seconded by Ernest Lee.

Vote: Two to Three (2 to 3) in favor of the motion with Jeanne Anne Marsh, Wade Hodges, and Gene Rogers voting in opposition to the motion. The motion failed to carry.

2nd Motion made to: Recommend approval with all conditions recommended by staff except for conditions #4 and #7

Motion made by: Wade Hodges, seconded by Ann Henderson

Vote: Unanimous vote in favor of the motion.

This will be heard by the Board of Commissioners on April 4, 2006 at 6:00 P.M.

Public Hearing Item # 6

Applicant: Laverne Nichols Estate
Re: Variance Request
Location: Deloach Church Road
Map & Parcel: 98/22
Present Zoning: AG-5

Dearl Deloach, as agent for the Estate of Laverne Nichols, has filed an application with the Bulloch County Zoning department requesting a variance to the setback requirements. The existing lot and septic tank were prior to zoning. The property consists of 1.29 acres and is located on Deloach Church Road. Mr. Deloach stated that he would like to have variance of 42 feet for the front setback and 22 feet from the rear setback to be able to put a manufactured home on the property. Mr. Deloach needs a variance to be Jim Harden stated that his property abuts this property. He stated that he supports what they are doing because of the medical hardship for their daughter. He said he was concerned not with the manufactured home being put there but what would happen if unforeseen circumstances occurred and another manufactured home was placed on the property by someone else. Cheryl Tatum spoke and said we have restrictions on manufactured homes, such as year model and condition.

Motion was made to: To Approve the setback variance request.

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

Vote: Unanimous vote in favor of the motion.

Public Hearing Item # 7

Applicant: Cardell Dyches
Re: Rezone Request
Location: Highway 24
Map & Parcel: 1581-A & 158-2
Present Zoning: AG-5

Cardell Dyches has filed an application with the Bulloch County Zoning department requesting a rezone from AG-5 (Agricultural 5 acre lots) to R-40 (Residential 40,000 sq.ft. lots) on approximately 2 acres. The intent of the rezone is to divide the property into 2 parcels. The property is located on Hwy. 24. Mr. Dyches had a medical hardship variance approved which allowed him to put the second residence on the property. He stated that the doctor will not submit another letter so he has had to apply for the rezone. Mr. Dyches stated that his mother had remarried and moved out but that he didn't feel that it would be much longer before his mother-in-law would have to have special care. He said he would prefer not to have to move the manufactured home because it is already set up to care for someone with a medical hardship. Ms. Henderson asked Mr. Dyches who was living in the home since his mother left. He stated that a girl from his church recently moved in due to her home being burned down. Cheryl Tatum stated that when a medical hardship expires that the property owner has 30 days to remove the second residence from the property. The Zoning office was not aware that they were currently in violation of the ordinance.

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

Motion made by: Ray Mosley, seconded by Gene Rodgers

Vote: Three to Three Vote, with Wade Hodges,
Ernest Lee and Ann Henderson voting in
opposition of the motion.

This will be heard at the Board of Commissioners on April 4, 2006 at 6:00 P.M.

Public Hearing Item # **8**

Applicant: Clyde Perkins & Christian Bennett
Re: Rezone & Variance Request
Location: Burkhalter Road
Map & Parcel: 93A/6
Present Zoning: R-25

Wesley Parker, as agent for Clyde Ashley Perkins and Christian Bennett, has filed an application with the Bulloch County Zoning department requesting a rezone from R-25 (Residential 25,000 sq.ft. lots) to R-3 (Multi-Family Residential) on 2.3 acres. The intent of the rezone is to develop townhomes. He is also requesting a variance of 10 feet of the front setback requirements. The property is located on Burkhalter Road. Wesley Parker stated that the structure on the property would be torn down. Mr. Parker passed out drawings to the commissioners. There would be 9 townhouses in this development. He stated that the property is behind Talon's Lake and the townhouses would be similar to these. Allen Webb spoke opposing the new development. He stated that he had owned his land since 1947. He told the board that the county already had a pit by his land and the clay is down 8'. The pit is 12 to 15 feet deep and will drain into his ponds. Camelot is filling in the wetlands. He also is concerned with the traffic. He stated that Talon's Lake, Planters Row, On the Pond, Camelot and the Golf Course are down in his area. He said the roads that were built were not built for this type of traffic. Mr. Webb's sister, Laura Aziz, also stated that she has property in the area and is also opposed to the proposed development. Jerry Darcey spoke in opposition to the rezone. He

stated that he does not live down in that area but has to travel the road often and gets tired of riding down the road and seeing beer bottles and trash on the side of the road. He feels if the rezone is approved that this would add more litter and clutter to the area.

Motion was made to: Deny the variance and rezone request

Motion made by: Ann Henderson, seconded by Wade Hodges

Vote: Unanimous vote in favor of the motion.

The Rezone Request will be heard at the Board of Commissioners on April 4th, 2006 at 6:00 P.M.

Public Hearing Item # 9

Applicant: 4 Timberland Company
Re: Rezone Request
Location: Brooklet-Leefield Road
Map & Parcel: 136/28
Present Zone: R-80

Wesley Parker, as agent for 4 Timberland Co and Jeffrey Wolfe, has filed an application with the Bulloch County Zoning department requesting a rezone from R-80 (Residential 80,000 sq.ft. lots) to R-25 (Residential 25,000 sq.ft. lots) on 57.44 acres. The intent of the rezone is to develop a residential subdivision. The property is located on Brooklet Leefield Road.

Wesley Parker stated that the intent is to have 47 Lots. There are 21 acres in wetlands that can not be developed. The largest lot would be lot #1 that is 2.62 acres. The smallest would be .57 acres. There would be a minimum of 1600 square foot house in the proposed subdivision. Mr. Parker stated that Mr. Wolfe plans on having it developed in the next 3 years. He stated that the property was in a good location being outside the city limits of Brooklet and close to Brooklet Plantation. They have hired a soil scientist and he marked the lines where septic tanks should go. The water system will have to provide fire flow. They have spoken with the City of Brooklet and they are waiting for the EPD to get more water. If this does not work out they will put in a private water system. There will be 2 entrances into proposed subdivisions. Traffic would utilize the Brooklet-Leefield Road.

Jeffery Wolfe stated that based on the fact that they are having to give up 20 acres due to wetlands, R-40 or R-80 would not be feasible. They can only get 47 lots out of the 57 acres.

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

- 1) Should the R-80 or R-40 alternatives be approved, allow for residential development with an additional 10% bonus density to be granted, provided that at least one of the following amenities is installed by the applicant:
 - a) A pedestrian sidewalk system within the development.
 - b) A county maintained street light district.
 - c) A common interest element maintained by a homeowners association which may include, but not be limited to, a clubhouse, pool, tennis court(s), improved picnic area or playground, walking trail, or any combination thereof.
 - d) A common interest element maintained by a homeowners association which may include, but not be limited to, a passive use recreation area (fishing, boating/dock, picnicking, etc.), conservation easement or greenspace area that is consistent with the goals and objectives of county or state land conservation or preservation plans and programs.
 - e) A linkage to existing or planned public multi-use or bikeways route consistent with the County Greenways Master Plan.
- 2) All dwelling units must be single-family detached dwellings consisting of traditional site built housing meeting state construction codes.
- 3) Two ingress-egress points will be required to the proposed subdivision accessing Brooklet-Leefield Road with a looped road system to facilitate circulation and access for public safety vehicle to facilitate response time.
- 4) Prior to the submission of a sketch plan to the Planning and Zoning Commission, the applicant, at their own expense, shall submit a Level II traffic impact study as recommended in the Bulloch County Transportation

Plan (with sufficient narratives, maps and exhibits) which shall be certified by a qualified and registered professional engineer, that at a minimum, includes the following:

- b) Trip Generation Analysis: An estimate of AM (7:30-8:30) and PM (5:00-6:00) peak hour trips generated under existing conditions after and project build-out.
 - c) Trip Distribution Analysis: A 24 hour directional traffic counts and peak period intersection turn movement counts on a typical week day under existing conditions and after project build-out.
 - e) Intersection and Roadway Segment Analysis: Assess the need and provide cost estimates for any network or safety improvements for arterial and collector roads in the study area resulting from the impacts created by the proposed development of the subject property, including but not limited to, accel-decel lanes, turn lanes, shoulder widening, signage, signalization or intersection alignments. The cost of any such proposed improvements attributable specifically to the development of the subject property that is not listed in the County's Five-Year Surface Transportation Improvement Program or Plan shall be partially or wholly borne by the developer.
- 9) 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.
 - 6) To enhance access management, driveways along Brooklet-Leefield Road from any building lot in the proposed subdivision will be prohibited. All approved residential lots shall have building structures facing internal roads within the subdivision.
 - 7) To minimum the impact on existing residents, the developer shall install a solid opaque fence or a landscape buffer along the length of the street along Brooklet-Leefield Road behind the ROW with an average minimum height of six (6) feet at installation. This can be accomplished by: a) installing a landscaped berm and/or evergreen hedge combination; or, b) installing 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. The buffer shall be approved by the Zoning Administrator.

Motion made by: Wade Hodges, seconded by Ernest Lee

Vote: Five to one, with Ann Henderson voting in opposition
to the motion.

This will go before the Board of Commissioners on April 4, 2006 at 6:00 P.M.

Public Hearing Item # 10

Applicant: Thomas Harrold Brannen
Re: Sketch Plan Request
Location: Highway 80-East
Map & Parcel: 107/23
Present Zoning: HC

Don Marsh, as agent for Thomas Harold Brannen, has submitted a sketch plan request for his property located on Hwy. 80 East. He would like to divide 5.12 acres into 5 separate parcels. Don Marsh was present and asked to withdraw the sketch plan.

Motion was made to: Approve the request for withdrawal.

Motion was made by: Wade Hodges, seconded by Jeanne Anne Marsh

Vote: Unanimous vote in favor of the motion

Public Hearing Item # 11

Applicant: John Tremble
Re: Sketch Plan Request
Location: Burkhalter Road
Map & Parcel: 078/16
Present Zone: R-25

Don Marsh, as agent for John Tremble, has submitted a sketch plan request for his property located on Burkhalter Road. He would like to divide 18.88 acres into 19 separate parcels. The staff recommended approval of the sketch plan with the following conditions:

- 1) A community water system that meets fire flow requirements according to the Bulloch County Subdivision Regulations Section 6.2 is required.
- 2) A dry hydrant shall be provided and approved by the Public Safety Director with a 30 foot access easement dedicated to the county between Lots 4 & 5.
- 3) All dwelling units must be single-family detached dwellings consisting of traditional site built housing meeting state construction codes.
- 4) 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.
- 5) To enhance access management, all proposed lots should face to the internal roads within the subdivision. Driveways along Golf Club Road from any building lot in the proposed subdivision will be prohibited.

Don Marsh stated that they are at the minimum lot size for health department.

They request to be able to put easement somewhere other than lot #3. They will be putting in a community water system or tie in with the existing Meadow Lakes Subdivision water system.

Motion was made to: Recommend approval with conditions and

omit Lots #4 & #5 from condition #2.

Motion made by: Wade Hodges, seconded by Ms. Henderson

Vote: Unanimous vote in favor of the motion.

Jeanne Anne Marsh asked if there were no other items of business, she would need a motion to adjourn.

Motion was made to: Adjourn the March 9, 2006 meeting of the Planning and Zoning Commission.

Motion made by: Gene Rogers and seconded by Ray Mosley.

Vote: Unanimous vote in favor of the motion.

Jeanne Anne Marsh, Vice-Chairman

Wade Hodges, Secretary