

Bulloch County Planning & Zoning Commission

Minutes of the October 13, 2005 Meeting of the Planning & Zoning Commission

The Meeting of the Bulloch County Planning & Zoning Commission was held Thursday, October 13, 2005 at 6:00 P.M. in the County Annex Building in Statesboro, Georgia. Andy Hart called the meeting to order. Invocation was given by Ernest Lee.

Planning & Zoning Commission Present:

Commissioner:	Gene Rogers
Commissioner:	Andy Hart
Commissioner:	Wade Hodges
Commissioner:	Jeanne Anne Marsh
Commissioner:	Ernest Lee

Commissioners Not Present: Eugene Brown

Staff Present:

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

The first item on the agenda was the minutes from the September Planning and Zoning Commission meeting. A motion was made by Jeanne Anne Marsh and seconded by Wade Hodges to accept the minutes from the September 8, 2005 Planning & Zoning Commission meeting as written. The vote was unanimous in favor of the motion.

Public Hearing Item **1**:

Applicant: Jimmy Anthony
Re: Variance Request
Location: Friendship Church Road
Map & Parcel: 59/10
Present Zone: AG-5

Jimmy Anthony has filed the application with the Bulloch County Zoning Department requesting a variance to the setback requirements. He is asking to be approximately 57ft. from the front property line instead of the required 100ft. The property is located on Friendship Church Road and consists of approximately 19.7 acres. **This item was heard as an Emergency Variance at the September P&Z meeting.** Cheryl Tatum stated that the mobile home has been put 51ft. from the front property line rather than the 57ft. that he got approved for last month. She stated that he has removed the code violations on the property. Mr. Anthony was not present to answer any questions. Ms. Tatum recommended that the board table the request until next month's meeting.

Motion was made to: Table the request until the November 10, 2005
Planning & Zoning meeting.

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

Vote: Unanimous vote in favor of the motion.

Public Hearing Item **2**:

Applicant: Tommy Martin
Re: Rezone Request
Location: Hwy. 80 East
Map & Parcel: 163/30
Present Zone: AG-5

Tommy Martin has filed the application with the Bulloch County Zoning Department requesting a rezone from AG-5 (Agricultural 5 acre lots) to LI (Light Industrial) on approximately 5.41 acres. The intent of the rezone is to expand the bark plant operations on the adjacent property. The property consists of approximately 5.41 acres and is located on Hwy. 80 East. Cheryl Tatum explained to Mr. Martin the reason for the staff recommending denial. She stated that there is a lot of traffic along Hwy. 80 and there have been a lot of complaints. Mr. Martin stated that he needs more room for the trucks to turnaround and to get the trucks off the highway. He said that the trucks will not be seen from the highway. They will use that area for loading, unloading and parking only. Jeanne Anne Marsh asked if there would be any expansion to the existing business. Mr. Martin stated that there would not be any expansion. He said it would be the same driveway but farther back and there would be flared ends installed on the driveway. Robert A. Lanier stated that there is a safety issue because there is not enough room for two trucks to get in and out. The trucks park on the side of the road. There is run off going into his property from the bark plant. He stated that he is going to get the Army Corp of Engineers involved because the runoff is black and muddy and it stinks and is full

of roaches. Mr. Lanier stated that the value of his property and the property around is going down because of the plant. Virginia Lanier stated that she feels the same way as Mr. Lanier. She doesn't want it to extend and there is a safety issue. Robert K. Lanier stated that his land joins Mr. Martin's and there is a big concern for safety. His wife has to slam on brakes all the time when she is taking the kids to school because of the big trucks in the road. He stated that they can't move or sell because nobody wants to live next to a bark plant. Ms. Tatum recommended making them move the pallets so the trucks could maneuver better.

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

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

Vote: Unanimous vote in favor of the motion.

This will be heard by the Board of Commissioners on November 1, 2005 at 6 p.m.

Public Hearing Item **3**:

Applicant: William & Margaret Neal
Re: Variance Request
Location: Walter Williams Road
Map & Parcel: 199/5
Present Zone: AG-5

William and Margaret Neal have filed the application with the Bulloch County Zoning Department requesting a variance to the fence requirements. They would like to build a 6ft. fence in the front yard of their property. The property consists of approximately 4.4 acres and is located on Walter Williams Road. Margaret Neal was present at the meeting to make the presentation. She stated that she would like to put a fence around the front side of her property to shield the view she has from the neighboring house that has been under construction for five years. She stated that the property owner does not maintain his property and it is very messy. She has to look at that every time she drives in her driveway. She wants to put up a taller fence in the front so she doesn't have to look at it. Jeanne Anne Marsh asked if this was approved, would it have a negative impact on the community. Ms. Tatum stated no it wouldn't unless everyone did the same thing. Andy Hart asked if there were any violations on the property. Ms. Tatum stated that there are on Mr. Dubose's property but not Ms. Neal's. Ken Dubose was present at the meeting also. He stated that his wife grew up here. He stated that he is building a non conventional house and it is taking a long time. He had to hire another contractor to come in and work on

the house. He stated that he has no objection at all as long as it stays on her property line.

Motion was made to: Approve the variance request.

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

Vote: Unanimous vote in favor of the motion.

Public Hearing Item **4**:

Applicant: Mildred Fordham Estate
Re: Variance Request
Location: Colfax Road
Map & Parcel: MS15/2
Present Zone: AG-5

Mark Anderson, as agent for the Estate of Mildred Fordham, has filed the application with the Bulloch County Zoning department requesting a variance to allow two flag lots with less than 500 ft. of road frontage. The property is located on Colfax Road and consists of approximately 7.65 acres. Marlin Nevil was present at the meeting to make the presentation. He stated that they would like to have one easement to serve two flag lots. The mother deeded 1.13 acres to her daughter and now she would like to add 7.65 acres to that. The one acre is tied up in a mortgage or they would just combine the two. Now, zoning will not allow one easement to serve two flag lots without approval. Mark Anderson stated that they have no intentions of building anything on the property. No one was present to speak in opposition.

Motion was made to: Approve the variance request.

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

Vote: Unanimous vote in favor of the motion.

Public Hearing Item **5**:

Applicant: Remer & Johnnie Dekle, Bonnie Howard and Mary Ose
Re: Conditional Use Request
Location: Dink Station Road
Map & Parcel: 35/15
Present Zone: AG-5

Gene McDonald, as agent for Remer & Johnnie Dekle, Bonnie Howard and Mary Ose, has filed the application with the Bulloch County Zoning Department requesting a conditional use permit to construct a 300ft. cell phone tower on approximately 6.49 acres out of an 887.62 acre parcel. The property is located on Dink Station Road. Attorney, Jimmy Franklin, representing the applicant, asked for this item to be tabled until the November 10, 2005 Planning & Zoning meeting.

Motion was made to: Approve the request for the item to be tabled until November 10, 2005.

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

Vote: Unanimous vote in favor of the motion.

Public Hearing Item **6**:

Applicant: Estate of George Kendrick, Jr.
Re: Rezone Request
Location: Hwy. 80 and Woodyard Road
Map & Parcel: 163A/3 & 4
Present Zone: AG-5

Wallace Wright, as agent for the Estate of George Kendrick, Jr., has filed the application with the Bulloch County Zoning Department requesting a rezone from AG-5 and HI (Agricultural 5 acre lots and Heavy Industrial) to HC (Highway Commercial) on approximately 6.94 acres and 0.22 acres. The intent of the rezone is to allow an automotive repair shop to be located on the property. The property is located on Hwy 80 and Woodyard Road. Wallace Wright was present at the meeting to make the presentation. He stated that this property was zoned AG-5 when zoning was adopted. It was granted a HI zone with the condition for an asphalt plant with the condition that if it were to ever cease business as an asphalt plant, it would default back to AG-5. He stated that Mr. Kendrick died and the person who had bought the property from Mr. Kendrick did not make the payments so it went back to the bank in horrible condition. They have been trying to clean it up for a while now. It has been AG-5 because it was defaulted back into AG-5. It doesn't look like AG-5 property. It is not being used for AG-5. They would like to sell it to Mr. Dudley Hanna so he can operate an automotive repair shop in the existing building on the property. Mr. Wright stated that he is even amazed at how much Mr. Hanna has cleaned up the property and he doesn't even own it yet. Lewis Hills stated that behind the church is awful and he just doesn't want the new guy to do the same. Joe King

Public Hearing Item **7**:

Applicant: Darrin & Stephanie Everett
Re: Sketch Plan Request
Location: Beulah Lane
Map & Parcel: 124/16
Present Zone: AG-5

Don Marsh, as agent for Darrin & Stephanie Everett, has submitted a sketch plan request for their property located on Beulah Lane. They want to divide approximately 29.3 acres into 2 separate parcels. **This item was tabled from last month's P&Z meeting.** They are also requesting a variance to allow multiple flag lots on one parcel of land. Don Marsh was present at the meeting to make the presentation. He stated that this would create a flag lot. The Everetts share a driveway with the Banks'. The Everetts would like to build a house and their banker suggested they have only ten acres for financing. This would make more than five parcels. They have no plans with the property in the back. Cheryl Tatum stated that there have been numerous problems in the past over access. John & Nancy Banks were present to speak in opposition. Mr. Banks stated that he owns the easement that goes back to Mr. Everett's property. He has to maintain it for him and his own family. If this is approved and the Everetts decide to sell, then he will have to maintain for three families and that will be almost impossible. He also stated that his power comes from the other side of his lot and having an additional lot will mean cutting across his yard to run another line. That property is also in the wetlands. Mr. Banks stated

that this board denied a request for Elly Motes a few years back for the same thing. He can't handle up keep anymore and it will also limit his yard. Emory Pollard stated that the land has been in his family for a long time. The property in question is really wet on the backside. He can't see what the purpose is for splitting up into two parcels. Mr. Banks stated that they are the third owners in the past three years. Who's to say the next owners won't build?

Motion was made to: Deny the sketch plan and variance request.

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

Vote: Unanimous vote in favor of the motion.

Public Hearing Item **8**:

Applicant: James B. Lanier Family, LLLP
Re: Sketch Plan Request
Location: Maria Sorrell Road
Map & Parcel: 89/21
Present Zone: R-25

John Dotson, as agent for the James B. Lanier Family, LLLP, has submitted a sketch plan request for their property located on Maria Sorrell Road. They want to divide approximately 51.3 acres into 70 separate parcels. John Dotson was present at the meeting to make the presentation. He stated that there will be one main road that has a continuous loop. The access point will be at the back of lot 23 and 24 for road as a 2nd access. It will not be paved. He stated that they could make it a 30ft. strip if needed to resolve the staff recommendation for a second access. No one was present to speak in opposition.

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

- 1) To enhance traffic safety and ease of entry of public safety vehicles, the following is required:
 - a. Internal access for all lots with no individual lot access from Maria Sorrell Road.
 - b. Provide two (2) access points or an acceptable alternative would allow for one access point linked to a continuous loop road to provide secondary egress.

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

Vote: Unanimous vote in favor of the motion.

Public Hearing Item **9**:

Applicant: Claire Jones Nesmith
Re: Sketch Plan Request
Location: Rocky Ford and Old Dill Road
Map & Parcel: 28/4-002
Present Zone: AG-5

Jim Anderson, as agent for Claire Jones Nesmith, has submitted a sketch plan request for her property located on Rocky Ford and Old Dill Road. She wants to divide approximately 25 acres into 5 separate parcels. Jim Anderson was present at the meeting to make the presentation. He stated that it meets all the criteria for AG-5. Their intent is to sell for residential. No one was present to speak in opposition.

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

- 1) Shared drives will be required which would allow no more than three (3) drives for this property.

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

Vote: Unanimous vote in favor of the motion.

Public Hearing Item **10**:

Applicant: Woodbridge Development
Re: Sketch Plan Request
Location: Josh Deal Road
Map & Parcel: 94/21
Present Zone: R-25

Don Marsh, as agent for Woodbridge Development, has submitted a sketch plan request for their property located on Josh Deal Road. They want to divide approximately 127.7 acres into 130 separate parcels. This will be known as "Woodbridge Subdivision". Don Marsh was present at the meeting to make the presentation. Jeff Akins stated that condition #3 should be revised to say that the developer shall be required to pay for the cost of base and paving on Josh Deal Road from Hwy. 67 to the first entrance. Mr. Marsh stated that several of the staff conditions went along with the rezone that was approved a few months ago. Woodbridge Development has provided right of way from Hwy. 67. One of the conditions required to have a dry hydrant. The development is planning on having a pond.

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

- 1) No lots will be allowed to access Josh Deal Road. All lots must have internal circulation.

- 2) A dry hydrant shall be provided at the owner's expense with access to Josh Deal Road provided.
- 3) Developer shall be required to pay the cost of base and paving for Josh Deal Road from Hwy. 67 to the first entrance of Woodbridge Subdivision. Bulloch County will clear and grade the road and install all drainage structures.

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

Vote: Unanimous vote in favor of the motion.

Public Hearing Item **11**:

Applicant: H.B. & Doris Lanier
Re: Sketch Plan Request
Location: Burkhalter and Langston Chapel Road
Map & Parcel: 93/37-008 & 37-009
Present Zone: R-25

Don Marsh, as agent for H.B and Doris Lanier, has submitted a sketch plan request for their property located on Burkhalter and Langston Chapel Road. They want to divide approximately 20.2 acres into 23 separate parcels. Don Marsh was present at the meeting to make the presentation. He stated that as far as the staff recommending moving the entrance, the drive across from King Arthur Drive is 300ft. from the intersection. Cars are already slowing down. He stated that he feels where the drives are now are already safe. They will do site distances if needed. He stated he will lose a lot or two, but if there is a safety issue, he will change it. He drew it according to what the ordinance would allow him to do. Cheryl Tatum suggested tabling the item until the Public Works and Public Safety Director can check out the safety of the drives. Don Marsh suggested to save time, instead of tabling the item, go ahead and approve and when they check it, if it's not safe, then we will go in and change what needs to be changed according to both directors. No one was present at the meeting to speak in opposition.

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

- 1) The access road to this development should be across from King Arthur Drive.

- 2) No access road onto Langston Chapel Road will be allowed.
- 3) Lots must have internal access except Lots 22 & 23 may access Burkhalter Road.
- 4) A dry hydrant shall be provided at the owners' expense with an access easement provided for the county between lots 6 & 7.
- 5) Conditions 1 & 2 may be waived by the Public Works and Public Safety Director.

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

Vote: Unanimous vote in favor of the motion.

Public Hearing Item **12**:

Applicant: Horace Harrell
Re: Sketch Plan Request
Location: Arcola Road (Tupelo Landings #57)
Map & Parcel: 153/29
Present Zone: AG-5

Horace Harrell has submitted a sketch plan request for his property located on Arcola Road in Tupelo Landings #57. He wants to divide approximately 64.5 acres into 2 separate parcels. John Dotson was present at the meeting to make the presentation. He stated that Dr. Harrell purchased a large tract and now wants to divide it for financing purposes. No one was present at the meeting to speak in opposition.

Motion was made to: Approve the sketch plan request.

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

Vote: Unanimous vote in favor of the motion.

Public Hearing Item **13**:

Applicant: 4 Timberland, Inc.
Re: Sketch Plan Request
Location: Brooklet Leefield Road
Map & Parcel: 136/28
Present Zone: R-80

Joey Maxwell, as agent for 4 Timberland, Inc., has submitted a sketch plan request for their property located on Brooklet Leefield Road. They want to divide approximately 54 acres into 8 separate parcels. This will be known as "Quail Creek Subdivision". John Dotson was present at the meeting to make the presentation. He stated that they were originally going to rezone this property until they realized the extent of the wetlands through the center. As far as the conditions, the owner is not willing to donate any parcel for county recycling.

Motion was made to: Approve the sketch plan request.

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

Vote: Unanimous vote in favor of the motion.

Public Hearing Item **14**:

Applicant: William Roy Worthington
Re: Sketch Plan Request
Location: Old Register Way and Olliff Road
Map & Parcel: 62/17
Present Zone: R-40

Marlin Nevil, as agent for William Roy Worthington, has submitted a sketch plan request for his property located on Old Register Way and Olliff Road. He wants to divide approximately 36 acres into 26 separate parcels. Marlin Nevil was present at the meeting to make the presentation. He stated that the property was rezoned in September 2005 to R-40. Dan McCorkle has already paid to have the wetlands located and delineated. The staff is recommending all internal access. With the wetlands, there is no other way but to have driveways on Olliff Road. That road will be paved and there will be a stop sign there. There is no negative impacts and the road will be paved the length of the subdivision. No one was present to speak in opposition.

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

- 1) A 60 foot right-of-way for the entire length of the subdivision shall be deeded to the county. Also, this portion of the road shall be constructed to County road improvement standards.
- 2) Site built homes only will be allowed.

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

Vote: Unanimous vote in favor of the motion.

Public Hearing Item **15**:

Applicant: Terrell Beasley Estate
Re: Sketch Plan Request
Location: Pretoria Rushing, Railroad Bed and Burkhalter Road
Map & Parcel: 107/14
Present Zone: R-40 and R-3

Jim Anderson, as agent for the Terrell Beasley Estate, has submitted a sketch plan request for their property located on Pretoria Rushing, Railroad Bed and Burkhalter Road. They want to divide approximately 243.2 acres into 9 separate parcels. Jim Anderson was present at the meeting to make the presentation. He stated that the property is a family farm and they would like to divide it into equal parcels among the heirs of the estate. Mr. Anderson also asked that the sketch plan be approved without the conditions as listed. There is already a waste site at the intersection known as "Five Points". Jeff Akins stated that he had already talked with Mr. Couch and he agreed to have those conditions waived. He just wanted the owners to be cooperative at a future date with any improvements that may need to be done to that intersection.

Motion was made to: Approve the sketch plan request with no conditions.

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

Vote: Unanimous vote in favor of the motion.

Public Hearing Item **16**:

Text Amendment

Dewatering Systems
Exhibit 101305-1

Danny Woodrum and Keith Howard has filed a text amendment with the Bulloch County Zoning Department to allow dewatering systems in HI zoning districts as a conditional use. Cheryl Tatum stated that the request should be corrected to include LI also. She also stated that there are two versions of the text amendment in question that need to be discussed. The first one, which has been applied for by the applicant, talks about a dewatering system which is a facility that collects sludge from restaurant grease traps and uses a processor to separate the solids from the liquids and then the gray water would be disposed of at the City of Statesboro and the solids would be disposed of at a landfill. The second version talks about a waste water pre-treatment facility which is just the same as a dewatering system but it also includes waste from septic tanks. Ms. Tatum also stated that the staff is recommending the second version which is a waste water pre-treatment facility. Danny Woodrum stated that he is providing a plan to dispose of grease and septic solids and liquids and to separate them. He stated that they would have a holding tank in which gravity would pull out all the liquids and the solids would be left in and then disposed of at the landfill in Screven, Ga. Currently, there is no zoning in Bulloch County that will allow this. Cheryl Tatum has helped them walk through this and come up with a way to get this approved. The City has been under fire from the EPA on their waste water coming out of their plant. Their allowed emissions have been cut down and that

has caused them to have to quit taking the grease that they normally would be putting into their plant. Now there is no where to take the waste legally. They would like to build a plant for them and other pumpers to dispose of the waste. They would like to have it in an AG-5 zone because it is more isolated and they could also put it in a drain field and wouldn't have to tie into city sewage. They would like to get some direction on which way to go. Ms. Tatum added that the reason the staff did not recommend going into AG-5 is because the vast majority of Bulloch County is AG-5 and anybody could do it and end up being all over the county. By recommending HI and LI, they will be limited to where they are and there are no homes in HI and LI. The major difference of the two is the development standards. One of the things that are required is that it be connected to city services. George Wood was present to speak on that matter. He stated that his major concern was to make sure they had some dilution on this. He stated that he is in favor of the dewatering systems. There is a need for that here. They have had to back off on getting grease at the plant because it was affecting their operation. Ideally, if it were connected to city system, it would give them a discharge point along the system to where they would get that dilution. If the board requires that it be hooked to a city system, then he requests that there be some cooperation with the applicants to find some land available to where this could be done. Jeff Akins asked if there were any other alternatives. Mr. Wood stated that Wayne Johnson could answer those questions. Mr. Johnson stated in the near future they will not be able to

accept any more truck waste at the plant and that the advantage of a treatment facility would be that there would be a meter station where they could test and sample the waste as it comes in and meet pre-treatment standards before it is discharged to the sewage system. Brad Wiggins from the Bulloch County Health Department was also present to answer any questions. He stated that what the applicant is proposing is not something that the Health Department would regulate. That would be done through the EPD. He would like to reiterate what Mr. Wood has been saying and add that the options are getting smaller and smaller. John Dotson was present at the meeting to speak also. He stated that putting the facility in HI & LI limits the pieces of property that is available for city sewage. There are only 2 areas that have access to the city. He would like the board to consider AG-5 as a conditional use. The proposed facility would be totally enclosed and meeting all the requirements. They would bring the waste in, treat it, collect sludge, and send it to the transfer station and discharge it into a city system which travels all the way through the city lines back to the treatment plant which, in effect, dilutes it and that is what the city wants. Also, property that is HI and LI is very expensive. Barney Allen was present to speak in favor of the request. Keith Howard stated that it would not be cost feasible for them with the limited land. It's too expensive. They have a proposed site in place now. He doesn't think there would be any complaints in an AG-5 if it's done with common sense. Jeff Akins asked if it were approved as a Conditional

use, would there be still some control. Ms. Tatum stated that there would be, but it would still be not be away from residences.

Motion was made to: Recommend approval of the text amendment
with the following conditions:

1. The Planning & Zoning Commission recommended revising paragraph (1) of the text amendment to read as follows: "The facility shall either be connected to a municipal wastewater treatment system for final treatment of wastewater created from the de-watering process, or the wastewater created from the de-watering process shall be discharged into a remote lift station of a municipal wastewater treatment system which is approved by the municipality. The facility shall be subject to the rules of the accepting municipality."
2. In addition to allowing wastewater pre-treatment facilities as a conditional use in Light Industrial and Heavy Industrial zoning districts as presented in the text amendment, the Planning & Zoning Commission recommended allowing such facilities as a conditional use in the Ag-5 zoning district.

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

Vote: Unanimous vote in favor of the motion.
(See Exhibit 101305-1)

Public Hearing Item **17**:

Applicant: James Jett
Re: **Emergency** Variance Request
Location: Ivanhoe Lane
Map & Parcel: 187/57G
Present Zone: AG-5

James Jett has filed the application requesting a variance to build a residence that is approximately 280ft. from a cell tower instead of the required 1050ft. The property consists of approximately 6.02 acres and is located in Ivanhoe Junction on Ivanhoe Lane. **This is being heard as an emergency variance and will be advertised and reheard at the November 10, 2005 P&Z meeting.** Cheryl Tatum stated that this was clearly an oversight on her part. He wants to build a house but would like to put it closer to a tower than our ordinance allows.

Motion was made to: Approve the **emergency** variance request.

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

Vote: Unanimous vote in favor of the motion.

This will be heard at the November 10, 2005 Planning & Zoning meeting at 6 p.m.

