



Bulloch County Departmental Review Board of Commissioners

Meeting Date: Thursday, July 06, 2006

App. #: RZ2006-083

Item #: 6

Re-Zoning

Applicant:	Ronald W. Wise	Current Zoning:	R-80
Application Type:	Re-Zoning	Requested Zoning:	AG-5
Location:	OLD RIGGS MILL ROAD	Current Use:	Agriculture
Map and Lot #:	047 000003 011	Requested Use:	Surface Mining
Development Name:		Adjacent Use:	Cypress Lake; Scattered houses
Acres in Request:	19.17	Futures Land Use:	AG; Residential
# of Existing Lots:		Fire District\Distance:	Register; 4 Miles
# of Potential Lots:		EMS Distance:	8 Miles
Adjacent Zoning:	R-2; R-25; R-80;R-15	Elem\Middle\High School:	Langston Chapel; Langston Chapel; SHS

Purpose of Zoning Application:

Rachel Edwards, as agent for Ronald W. Wise, has submitted an application to the Bulloch County Zoning Department requesting to rezone from R-80 (residential 80,000 sq.ft) to AG-5. The applicant is also requesting a conditional use request. The intent of the rezone and conditional use request is to operate a borrow pit on the property. The property consists of 19.17 acres and is located on Old Riggs Mill Road.

Directions to Property:

The property is on Riggs Mill Road approximately 3/4 to 1 mile from Cypress Lake Road.

<u>Standard</u>	<u>Additional Information</u>
1. The existing uses and zoning of nearby property.	The surrounding areas are agricultural and residential.
2. The suitability of the property for the proposed purpose or the availability of other land suitable for the proposed area.	The property contains wetland and flood areas.
3. The length of time the property has been vacant as zoned.	The property has been vacant since zoning in 1994.
4. The extent to which the value of the property is diminished by the present zoning.	The property is not diminished by the present zoning.
5. The balance between the hardship on the property owner and the benefit to the public in not rezoning.	This is not a hardship.
6. The effect the proposed rezoning would have on the population density pattern, public service and facilities.	There could be a possible impact of the proposed request.
7. The extent to which the zoning decision is consistent with the comprehensive land use plan of the county.	The property is consistent with the future land use plan.
8. Whether the zoning proposal will adversely affect the existing use or usability of adjacent or nearby property.	The zoning proposal could possibly affect the adjacent use of the properties.
9. Whether there are substantial reasons why the property cannot be used in accordance with existing zoning.	The property cannot be utilized as a borrow pit under an R-80 zone.
10. Whether the change suggested is out of scale with the needs of the neighborhood or the county.	The changes are out of scale for the needs of the neighborhood.
11. Any other factors relevant to balancing the interests in promoting public health, safety, morality, or general welfare against the rights of unrestricted use of property.	None

Staff Review

APPLICANT: Ronald Wise

PLANNING COMMENTS

Property values for adjacent properties may not be enhanced by the proposed development even if aesthetics restrictions are placed in private deed covenants, and, if enforcement of County land use and property maintenance regulations is applied. Failure to enforce any property standards is likely result in stagnant or lower property values.

The change appears to be **inconsistent with the spirit and intent of the Zoning Ordinance.**

There is evidence that the proposed change in use will **injure or detract from the neighborhood.** There is some nearby low-density development that could be negatively impacted by the proposed use.

WATER / SEWER IMPACT

All properties are subject to on-site water supply and septic tank installation approval as required by the County Health Department. Soil types and proposed lot sizes are compatible and adequate for septic tank installation.

TRAFFIC IMPACT

The capacity and general condition of the roads accessing the proposed development is fair. Old Riggs Mill Road is a local paved road. The county staff cannot estimate trip generation estimates without a traffic impact study. The nature of traffic in and out of the development would consist primarily of heavy trucks and equipment. Because Old Riggs Mill Road are a local and not a collector road, the staff believes that the capacity of the road is not suitable for this use.

SCHOOL IMPACT

No impact is expected on existing schools.

PARKING, ROAD AND DRAINAGE IMPACT

The land contours are favorable to roads and positive drainage. There is not an estimated impervious surface calculation to lend itself to the need for drainage retention or storage on or off-site. There will not be drainage easements required either on-site or off-site. There is not any paving or resurfacing needed on connecting roads to sustain capacity at the current time.

E-911 AND EMERGENCY MANAGEMENT IMPACT

The proposed development poses no problems for E-911 communications.

LAW ENFORCEMENT IMPACT

Response time would be adequate. Response time from Bulloch County Sheriff's Department is ten (10) minutes or less. However, depending on patrolling patterns and the location of deputies at a given time, this response may be greater or lesser.

SOLID WASTE IMPACT

None expected on public services.

FINAL STAFF RECOMMENDATIONS

The subject property may be suitable for a proposed change to allow for a borrow pit. The property provides a reasonable economic use as currently zoned, and is expected to continue providing a reasonable economic use if rezoned. An overload or major change is expected on road capacity should a conditional use approval for a borrow pit.

The **staff recommends approval** of the conditional use request **with the following conditions:**

- 1) Wetlands will need to be delineated in order to avoid impacting the wetland area.
- 2) EPD (Environmental Protection Division) will be required.
- 3) A twenty-five foot (25') buffer along Old Riggs Mill Road will be required.
- 4) This cannot be used as an inert landfill.

Participants:

Tom Couch, County Manager; Andy Welch, County Planner; Cheryl Tatum, Zoning Administrator; Kirk Tatum, Public Works Director; Ted Wynn, Public Safety Director and Bob Smith, Environmental Manager

PLANNING AND ZONING COMMISSION

MOTION

Recommended approval of the rezone and conditional use request **with the following conditions.**

- 1) Wetlands will need to be delineated in order to avoid impacting the wetland area.
- 2) EPD (Environmental Protection Division) will be required.
- 3) A twenty-five foot (25') buffer along Old Riggs Mill Road will be required.
- 4) This cannot be used as an inert landfill.

VOTE

In favor of the motion: 6 Opposed to the motion: 0
Ann Henderson was not present at the meeting.

OPPOSITION

One person was present to speak in opposition to the request.

