

Bulloch County Departmental Review Planning and Zoning Commission

Meeting Date: Thursday, March 08, 2007

App. #: RZ2007-015

Item #: 9

Re-Zoning

Applicant:	H B & Doris W Lanier	Current Zoning:	R-25
Application Type:	Re-Zoning	Requested Zoning:	R-3
Location:	BURKHALTER ROAD	Current Use:	Agriculture
Map and Lot #:	093 000037 008	Requested Use:	Multi-family Dwelling
Development Name:		Adjacent Use:	Residential
Acres in Request:	20.2	Futures Land Use:	Residential
# of Existing Lots:		Fire District\Distance:	Fair Road; 2 miles
# of Potential Lots:		EMS Distance:	5 miles
Adjacent Zoning:	R-25; PDR	Elem\Middle\High School:	LC; LC; SHS

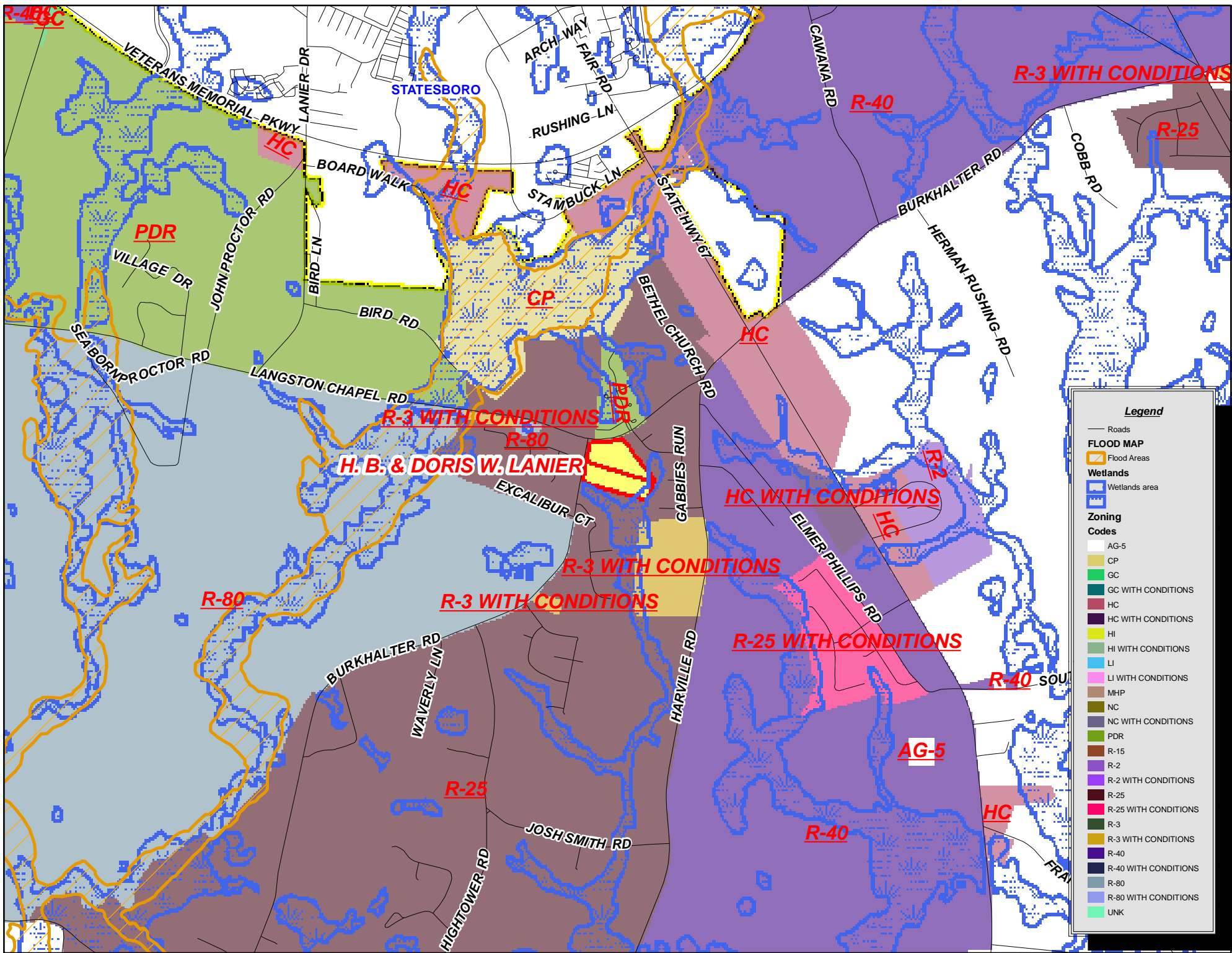
Purpose of Zoning Application:

H.B. & Doris Lanier submitted an application requesting to rezone from R-25 (residential 25,000 square feet) to R-3 (Multi-family) and Neighborhood Commercial. The intent of the request is to place multi-family dwellings on a portion of the property and the remainder commercial development. The property consist a total of 20 acres and is located on the corner of Langston Chapel and Burkhalter Road. John Dotson is acting as agent.

Directions to Property:

Southwest Qudrant of the intersection of Langston Chapel Road and Burkhalter Road.

<u>Standard</u>	<u>Additional Information</u>
1. The existing uses and zoning of nearby property.	The existing uses and zoning are residential in a R-25 zoning district.
2. The suitability of the property for the proposed purpose or the availability of other land suitable for the proposed area.	The property is not suitable for the proposed purpose.
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.	There is not a hardship on the property owner if it is not rezoned.
6. The effect the proposed rezoning would have on the population density pattern, public service and facilities.	The could be detrimental effect to the density if the rezone is approved.
7. The extent to which the zoning decision is consistent with the comprehensive land use plan of the county.	The request is consistent with the land use plan of the county.
8. Whether the zoning proposal will adversely affect the existing use or usability of adjacent or nearby property.	The added traffic could have adverse affect on the nearby properties.
9. Wether there are substantial reasons why the property cannot be used in accordance with existing zoning.	The property can be built on as is zoned currently.
10. Whether the change suggested is out of scale with the needs of the neighborhood or the county.	The residential change is not out of scale with the needs of the neighborhood but the commercial is out of scale.
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.	There could be factors relating to the public safety and general welfare with the added traffic and density.



STAFF REVIEW

APPLICANT: **H.B. and Doris Lanier**

LAND USE PLANNING IMPACT

Future Land Use Map: The Bulloch County Joint Comprehensive Plan indicates that the property would be appropriate for residential development.

Existing Land Use Pattern: There are residential uses at adjacent and nearby properties. There are nearby subdivisions with varying zoning (PDR, R-25, R-3 up to R-80) and lot sizes ranging from 0.5 to 2.0+ acres.

Zoning Patterns and Consistency: The proposed change does not appear to be consistent with the zoning patterns in the nearby area.

Neighborhood Character: There is evidence that the proposed change in use will injure or detract from existing neighborhoods.

Negative Impact: While Residential Development (2 units per acre) districts are encouraged in this area of the county by the Future Land Use Plan, a high quality residential development may be accommodated with certain conditions. The proposed General Commercial use is questionable due to traffic safety concerns at the intersection.

FISCAL/ECONOMIC IMPACT

Property Values: Values for adjacent properties may be enhanced by the proposed development provided aesthetics restrictions are placed in private deed covenants, and, if enforcement of County land use and property maintenance regulations is applied. However, failure to enforce any property standards is likely result in stagnant or lower property values.

Neutral Impact: There is not enough information about the development to determine economic or fiscal impact with precise accuracy.

WATER / SEWER IMPACT

Water System: A privately-owned, public system meeting state EPD standards will be required.

Sewerage: On-site disposal is proposed. Septic tank installation approval as required by the County Health Department.

Neutral Impact: Improperly maintained gasoline storage tanks may endanger the water supply. Normal septic tank installations are expected.

SOLID WASTE IMPACT

Nearest Existing Solid Waste and Recycling Centers: Langston Chapel Road

Neutral Impact: Private collection services are available. No significant impact on the County's Solid Waste Management Plan or Ordinance requirements is expected. If the NC zoning is approved, any waste container should be placed on a concrete pad and visually screened.

SCHOOL IMPACT

Student Enrollment Created by New Development: It is estimated that the development could generate an additional 6 students in the Langston Chapel Elementary school.

Neutral Impact: The Langston Chapel feeder system is already at or over capacity.

TRAFFIC AND ROAD INFRASTRUCTURE IMPACT

Trip Generation Rate according to ITE Standards: It is estimated that the residential development would generate 507 trips ends per day while the commercial development may generate an addition 500 trips per day.

2005 Average Daily Trips at nearest GDOT Traffic Count Stations: Station 0109 at Georgia 67 between Burkhalter Road and the Bypass the traffic count is 6,100 ADT; Station 0156 at Burkhalter Road between GA 67 and the Pretoria Rushing Road the traffic count is 3,770 ADT.

Parking: On-site parking is permitted pursuant to the zoning code for residential districts. There is no known provision for street parking that has been submitted by the applicant. The parking standard for NC is one space for every 200 square feet.

GDOT Road Classification for Access Road: Langston Chapel and Burkhalter Road are both Rural Major Collector.

Bulloch Transportation Plan Classification for Access Road: Langston Chapel and Burkhalter Road are both Major Collector Route.

Condition of Access Road: Langston Chapel is a county maintained paved road with asphalt paved road that is currently in good condition. Burkhalter Road has a surface treatment overlay and is likely to be programmed for resurfacing no later than 2008. However, surface treatment roads are unsuitable for sustaining increasing traffic. The intersection capacity is unsuitable for commercial development without road improvements. Safety is a concern from the southern approach at the Cypress lake bridge resulting from a rising elevation and a curve.

Drainage: The development is located in the Lotts Creek Drainage Basin adjacent to Lotts Creek Branch. Currently all drainage is natural with no known man-made improvements to the existing development other than roadside drainage ditches and culverts. The access way/driveways to the site should have proper roadside drainage measures installed. The proposed commercial development will increase the impervious surface ratio and result in higher run-off. Proper stormwater management measures will have to be installed to minimize potential flooding and pollution and pollution effects.

Negative Impact: The rezone request, in consideration of the scale of the development, would affect road infrastructure, traffic safety and drainage. Intersection capacity at Langston Chapel Road and Burkhalter Road is likely to be affected. Stormwater management controls are recommended. A traffic study would need to be conducted to determine additional mitigation measures.

E-911 AND EMERGENCY MANAGEMENT IMPACT

Street addresses can be easily assigned. The County Emergency Management Director should be contacted prior to construction.

Neutral Impact: These services would not be severely impacted.

LAW ENFORCEMENT IMPACT

Agency: Bulloch County Sheriff's Department

Level of Service Standard (national: 0.6 per 1,000 population): Bulloch County has 33 sworn officers for road patrols. The LOS would be 37.

Level of Service Impact Created by the Development: (-0.06) sworn officers

Response Time: Approximately 15 minutes. However, depending on patrolling patterns and the location of deputies at a given time, this response may be greater or lesser.

Neutral Impact: The Sheriff's Department is capabilities are already exceeding capacity.

EMS AND FIRE SERVICE IMPACT

EMS: Service is available within 5 miles from downtown Statesboro.

Fire: The proposed development is 2 miles from the Statesboro Fire station on Fair Road and is within the Statesboro Fire District.

ISO Rating: 3

Neutral Impact: Response times for fire and EMS are adequate.

ENVIRONMENTAL IMPACT

Wetlands and Flood Zones: Development does not include wetland areas or flood zone areas. **Base Stormwater:** The impervious surface ratio based on the proposed number of rooftops and paving is expected to be 23% of the total land area with a one-fourth of any potential urban runoff coming from the proposed convenience store.

Aquifer Recharge Areas: There are no known areas affected.

Water Supply Watersheds: There are no known watersheds affected.

River Corridors: There are no known corridors affected.

Air: This project is not expected to create an air pollution nuisance.

Soils: Soil composition consists of Fuquay and Dothan Loamy sand. Overall, the land is moderately suited for more intensive urban use.

Historic or Archeological Resources: There are no known resources affected in the area.

Resources of Regional or Statewide Importance: There are no known resources affected.

Negative Impact: This property may be only marginally suitable for the proposed development.

RECREATION-OPEN SPACE IMPACT

Recreation Facilities: The nearest public recreation facilities are located at Mill Creek Park and Nevils Park. No private recreation facilities have been proposed by the applicant at this time.

Level of Service (national: 6.5 acres of parkland per 1,000 pop.): Bulloch County currently has 300 acres of parkland.

Level of Service Impact Created by the Development: (-0.72) acres.

Open Space: Reserved, on-site open space has not been determined or offered.

Greenway Connections: According to the Bulloch County Greenways Plan, Langston Chapel Road and Burkhalter Road could be designated as a future rural bike route with an ultimate linkage to the S & S Greenway Multi-Use Trail.

Neutral Impact: No significant impact will be created by the development.

SUMMARY OF FINDINGS - FINAL STAFF RECOMMENDATION

A major overload or change is expected for law enforcement and roads without proper mitigation measures as the result of the proposed developments.

The subject property at the corner does not appear suitable for commercial development unless strict conditions are imposed. The subject residential property does not appear suitable for the higher density unless strict conditions are imposed.

The staff recommends denial of the R-3 zoning district. The current R-25 zoning district is compatible with zoning districts in the immediate area and the Burkhalter Road corridor. The higher density may detract from existing neighborhoods.

If approval is given for R-3 the following conditions are recommended:

- 1) An additional 10% bonus density may be granted, provided at least one of the following amenities shall be installed by the applicant:

- a) A pedestrian sidewalk system within the development.
 - b) An internal streetscape consisting of native, non-ornamental canopy trees (maple, dogwood, oak, etc.) with a minimum 4" caliper spaced 75' off center. The streetscape may optionally be integrated with amenities a) or c).
 - b) A county maintained street light district.
 - c) A common interest element maintained by a homeowners association or other conduit 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 or other conduit 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.
- 2) All dwelling units must consist of traditional site built housing meeting state construction codes.
 - 3) 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.
 - 4) To minimum the impact on contiguous property, the developer shall install a solid opaque fence or a landscape buffer along the length of the eastern and southern boundary of the property 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.
 - 5) If the proposed internal roadway system is proffered by the applicant as being privately owned and maintained by a common interest element, any proposed future public dedication requires that the roads meet county standards at that time. No public funds shall be invested to correct any construction or condition deficiencies to meet such standards, unless a county special assessment tax improvement district is approved by affected property owners.
 - 6) A maintenance agreement will have to be signed for the road/driveway that will provide access to the buildings.

The staff recommends denial of a NC zoning district based on the proposed concept plan for a convenience center based on the following factors:

- 1) In acknowledging emerging development patterns in the area, the proposal is inconsistent with:
 - a) The county's future land use map (which calls for residential development) in the Comprehensive Plan.
 - b) There are specific on-site and adjacent off-site environmental factors related to storm water run-off that may limit the carrying capacity of the land and traffic safety at the intersection.

If approval is given for the NC rezone, the recommendation is to add the following conditions:

- 1) All building structures shall have exterior facades consisting of earth tone colors made of brick, stone, masonry, hardi-plank or stucco (or EIFS).
- 2) One unified multi-tenant ground sign consistent with the architectural design of the principal structure with a landscaped base, and one separate wall sign for each business will be permitted. The permitted ground sign shall include gasoline brand and pricing identification.
- 3) All driveway entrances shall have landscaped islands.
- 4) All access, driveway and parking areas serving the general public shall be paved.
- 5) Drive-thru business activities shall be prohibited.
- 6) All commercial solid waste containers shall be placed on a concrete pad and shielded from view with fencing or landscaping equal to the height of the container.

- 7) Any outdoor lighting shall be downcast and is to be of moderate brightness.
 - 8) 30 days prior to the submission of a conceptual site 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 trips generated **under existing conditions after and 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 further 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 or fee-simple dedication in favor of Bulloch County 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. **Particular attention or focus in the study should be given to the need for intersection safety improvements.**
 - d) A traffic signal warrant analysis following GDOT standards shall be performed by a qualified professional engineer with the cost of any study and signalization improvement to be partially or wholly borne by the developer.
- * A proportionate cost share is recommended for this impact study with Application #RZ2007-015.*
- 9) All loading spaces (except for gasoline pumps), should be at the side or rear of the buildings to enhance internal circulation.
 - 10) A storm water management plan showing no off-site negative impacts shall be submitted for approval by the county engineer.
 - 11) A visual screen pursuant to Section 407 of the zoning ordinance shall be required.

STAFF REMINDER

1. Conceptual Site Plan will be required.
2. Zoning setbacks shall be followed for the gasoline pump canopy.
3. Buffers shall be installed pursuant to the zoning ordinance.

PARTICIPANTS

Tom Couch, County Manager; Andy Welch, County Planner; Randy Newman, Zoning Administrator; Kirk Tatum, Public Works Director; and Ted Wynn, Public Safety Director; Jeff Akins, Staff Attorney; Bob Smith, Environmental Manager; Mike Rollins, Parks & Recreational Director.