

Bulloch County Departmental Review Board of Commissioners

Meeting Date: Thursday, January 03, 2008

App. #: RZ2007-109

Item #: 2

Re-Zoning

<p>Applicant: HB & Doris Lanier</p> <p>Application Type: Re-Zoning</p> <p>Location: BURKHALTER ROAD</p> <p>Map and Lot #: 093 000037 008</p> <p>Development Name:</p> <p>Acres in Request: 20.2</p> <p># of Existing Lots: 0</p> <p># of Potential Lots:</p> <p>Adjacent Zoning: R-25; PDR; NC</p>	<p>Current Zoning: R-25</p> <p>Requested Zoning: R-3</p> <p>Current Use: Agriculture</p> <p>Requested Use: Multi-family Dwelling</p> <p>Adjacent Use: Residential</p> <p>Futures Land Use: Residential Development</p> <p>Fire District\Distance: Fair Road\2 miles</p> <p>EMS Distance: 5 miles</p> <p>Elem\Middle\High School: LCES\LCMS\LCHS</p>
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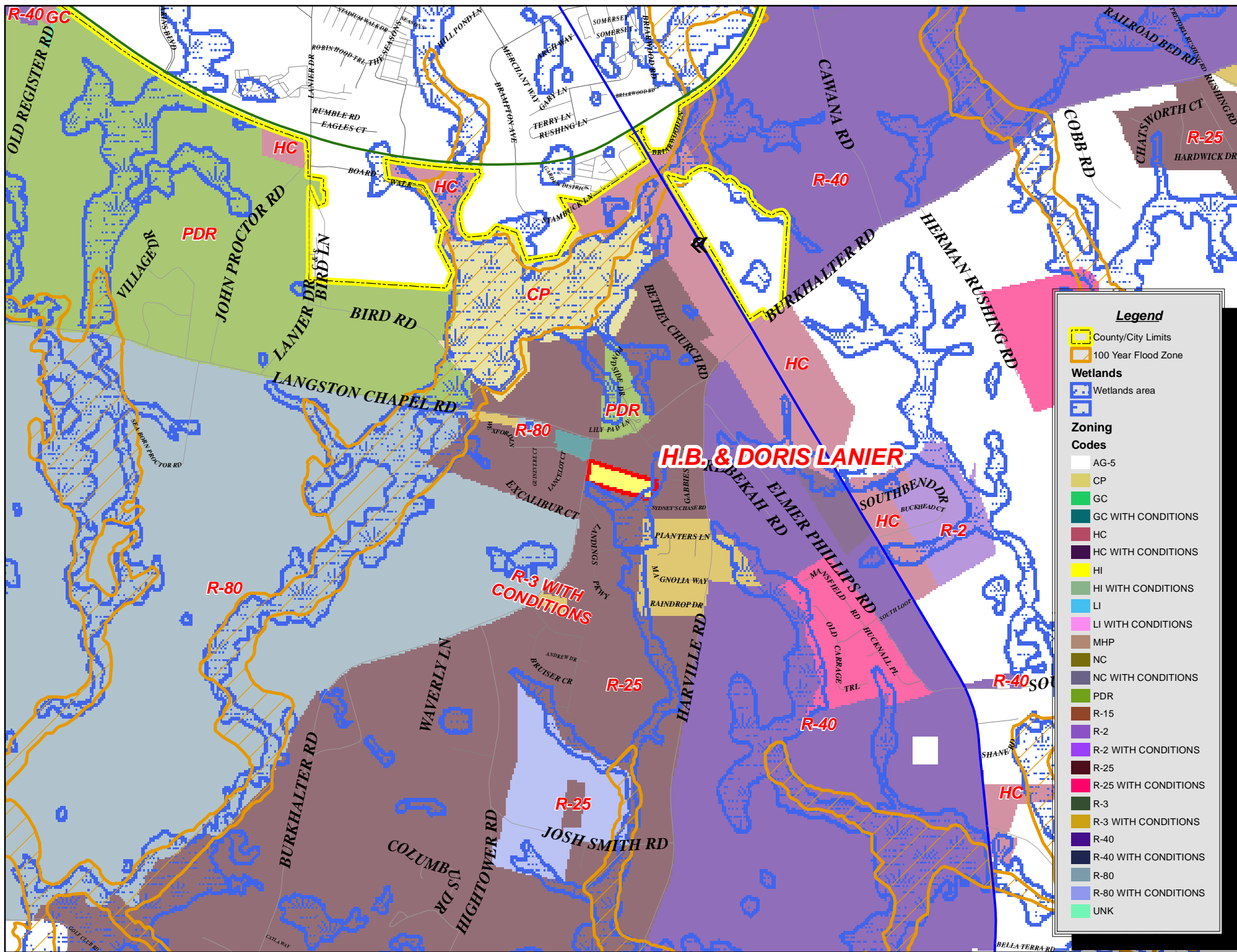
Purpose of Zoning Application:

H.B. & Doris Lanier submitted an application requesting a rezone from R-25 (residential 25,000 square feet) to R-3 (Multi-family dwellings). The intent of the request is to place multi-family dwellings on the property. The request consists of approximately 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 suitable for the proposed purpose.
3. The length of time the property has been vacant as zoned.	The property has been vacant since zoning was adopted.
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.	There 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 additional traffic could have adverse affect on teh nearby properties.
9. Whether there are substantial reasons why the property cannot be used in accordance with existing zoning.	The property could be built on as it is currently zoned.
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.
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.



H.B. & DORIS LANIER

Legend

- County/City Limits
- 100 Year Flood Zone
- Wetlands**
- Wetlands area
- Zoning Codes**
- AG-5
- CP
- GC
- GC WITH CONDITIONS
- HC
- HC WITH CONDITIONS
- HI
- HI WITH CONDITIONS
- LI
- LI WITH CONDITIONS
- MHP
- NC
- NC WITH CONDITIONS
- PDR
- R-15
- R-2
- R-2 WITH CONDITIONS
- R-25
- R-25 WITH CONDITIONS
- R-3
- R-3 WITH CONDITIONS
- R-40
- R-40 WITH CONDITIONS
- R-80
- R-80 WITH CONDITIONS
- UNK

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, R-80, and GC) 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 could injure or detract from existing neighborhoods.

Zoning Density Analysis

Current Zoning	R-25 Zoning District: Gross density of 1.742 units per acre				
	Current Future Land Use Map				
Farmland-Preservation Area	Gross density of 0.2 units per acre				
Rural Development Area	Gross density of 1.0 units per acre				
Municipal Development Areas	Gross density of 2.0 units per acre				
Density Alternative Analysis					
Zoning	Gross Density: 20.2 acres (1)	Estimated Net Density: 18 acres (2)	Estimated Lot Yield: Maximum Gross Density	Estimated Lot Yield: Maximum Net Density	Net Lot Yield With Density Bonus 10%
AG-5	0.2 units per acre	0.2 units per acre	4	3	4
R-80	0.544 units per acre	0.544 units per acre	11	9	10
R-40	0.918 units per acre	0.918 units per acre	19	17	19
R-25	1.742 units per acre	1.742 units per acre	35	32	35
R-3	2.904 units per acre	2.904 units per acre	58	52	57

(1) Gross Density calculates total acreage less the estimated land needed for public dedication.

(2) Net Density calculates total acreage less the estimated land needed for public dedication or areas which cannot be developed due to environmental constraints.

Proposed Net Density: 2.518 units per acre.

Neutral Impact: While Residential Development (2.0 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.

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: Normal septic tank installations are expected.

SOLID WASTE IMPACT

Nearest Existing Solid Waste and Recycling Centers: 208 tons of MSW is likely to be generated at build out. 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.

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.

Negative 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.

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.

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.

Drainage: The development is located in the Black Creek Drainage Basin. 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.

Negative 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.

Stormwater: The impervious surface ratio based on the proposed number of rooftops and paving is expected to be 23% of the total land area.

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.

Neutral 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.

Impact Summary				
Impact Factor	Positive	Negative	Neutral	Other
Land Use Planning			X	
Fiscal-Economic			X	
Water-Sewer Infrastructure			X	
Solid Waste			X	
Schools			X	
Traffic and Roads		X		
Emergency Management			X	
Law Enforcement		X		
EMS-Fire			X	
Environmental			X	
Recreation			X	
Total		2	9	0
Local Impact Findings	Project could have a positive impact with mitigation measures.			
Regional Impact Findings	Not applicable.			

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:

General Conditions

- 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) 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.

- 4) 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.
- 5) All well structures shall have a visual landscape or wall/fence buffer equal to the height of the roof line.
- 6) A dry hydrant shall be installed at the expense of the applicant with an access easement reserved from the Hershel Drive at a suitable location subject to the approval of the Public Safety Director.
- 7) The applicant/developer shall dedicate necessary right-of-way in favor of Bulloch County and contribute \$25,000 to mitigate planned improvements for the intersection of Burkhalter Road and Langston Chapel Road.

Condition(s) Prior to Sketch Plan Submission

- 8) A maintenance agreement will have to be signed for the road/driveway that will provide access to the buildings.

Condition(s) for Preliminary Plat Submission

- 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.

STAFF REMINDER

1. Conceptual Site Plan will be required.
2. 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.

PLANNING AND ZONING COMMISSION

MOTION: To approve the request

VOTE: In Favor of the Motion: **6** Opposed to the Motion: **0** (Ann Henderson not present)

Conditions:

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ISSUES:

OPPOSITION: Mr. Allen Webb was present to speak in opposition of the request. He was concerned with traffic and population in the area.