

October 3, 2006  
Statesboro, GA

The Board met at 6:00 p.m. in the Community Room of the North Main Annex.

Chairman Nevil welcomed the guests and called the meeting to order. Commissioner Jackson gave the invocation and the pledge of allegiance.

Ms. Evelyn Wilson, Clerk of the Board, performed the roll call of commissioners and staff. The following commissioners and staff were present: Chairman Nevil, Commissioner Gibson, Commissioner Jackson, Commissioner Simmons, Commissioner Smith, Commissioner Tankersley, Commissioner Thompson, County Manager Tom Couch, Deputy Clerk Regina Smith, and Zoning Administrator Cheryl Tatum.

Chairman Nevil asked for a motion to approve the General Agenda. Mr. Couch stated that a jail bid needed to be added to New Business. Commissioner Thompson asked for Old Business to be moved right behind zoning matters and add discussion for the tower ordinance and Pinemount Subdivision. Commissioner Jackson offered a motion to approve the General Agenda with the changes. Commissioner Tankersley seconded the motion and it carried unanimously.

The first order of business was the approval of the minutes of the regular meeting on September 19, 2006 and the work session on September 19, 2006. Commissioner Gibson offered a motion to approve the minutes of the regular meeting on September 19, 2006 and the work session on September 19, 2006. Commissioner Simmons seconded the motion and it carried unanimously.

Next item on the agenda was the Public Hearing for zoning matters. Chairman Nevil asked Ms. Cheryl Tatum, Zoning Administrator, to present the zoning items.

Ms. Tatum stated Don Marsh, as agent for Frank Roach, has submitted an application with the Bulloch County Zoning Department requesting a rezone from R-80 (Residential 80,000 square feet) to R-25 (Residential 25, 000 square feet). The intent is to divide the property into 77 lots to build single family residences. The property consists of 74.6+ acres and is located on Coley Boyd Road. The Planning and Zoning Commission recommended with a 6 to 1 vote approval of an R-25 with the following conditions: (1) all dwelling units must be single-family detached dwelling consisting of traditional site built housing meeting state construction codes; (2) two ingress-egress

points will be required to the proposed subdivision accessing Coley Boyd Road; (3) prior to the submission of 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: 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 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 widening, signage, signalization or intersection alignments. Particular attention should be given to the existing railroad crossing. 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 Program or Plan shall be partially or wholly borne by the developer; (4) all approved residential lots shall have building structured facing internal roads within the subdivision; (5) a dry hydrant will be required with access provided to the County; (6) the developer shall install a fenced or landscaped screen according to screening requirements pursuant to section 407 of the zoning ordinance for all lots bordering the adjacent Light Industrial zoning district; and (7) install either a solid opaque fence or landscape buffer at least 6' feet high along the length of the development on Coley Boyd Road for side yard privacy, saving for adequate site distance at the intersection. This can be accomplished by; a) installing a landscaped berm, an evergreen hedge (leyland cypress, eleganus, hollies, etc.) with a minimum plant spacing of 6-8' feet off-center, or a combination thereof; or b) installing non-ornamental canopy trees (maple, dogwood, oak, etc.) with a minimum 4" caliper spaced 75' off center mixed with evergreen hedges capable of growing up to 30' at maturity; or c) another similar buffer plan. The actual buffer used shall be approved by the Zoning Administrator prior to installation. Ms. Tatum stated that after the previous

meeting, the staff went back and revised their recommendations for R-25 zoning as follows: (1) should the R-25 alternative 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 courts(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) same as original #2; (3) two ingress-egress will be required to the proposed subdivision accessing Coley Boyd Road. The preferred alternative would be to have the second access point occur at an intersection in alignment with Furman Road, provided the proposed right-of-way is at least 150' feet from the railroad right-of-way. The alternative would be to shift such road to provide a 125' offset from Furman Road; (4) 30 days prior to sketch plan application to the Planning and Zoning Commission, the applicant, at their own expense, shall submit a Level II traffic impact study based on the proposed maximum build out density that will be proposed in the sketch plan, and 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 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 widening, signage, signalization or intersection alignments. The county may accept the results of the traffic study, but only may reject or modify the results based either on the determination of error or omission by the County Engineer, or by conducting a supplemental study at the expense of the County. 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 Program or Plan shall be partially or wholly borne by the developer; (5) all approved residential lots shall have building structured facing internal roads within the subdivision; (6) a dry hydrant will be required with access provided between lots 36 and 37; (7) the developer shall install a fenced or landscaped screen according to screening requirements pursuant to section 407 of the zoning ordinance for all lots bordering the adjacent Light Industrial zoning district; (8) a ten-foot wide planted buffer shall be required along the length of the development along the length of Coley Boyd Road for side and rear yard privacy, saving for adequate sight distance at road intersections. A "no cut" buffer consisting of existing planted hardwoods may be determined sufficient upon approval of the zoning administrator. Pursuant to the subdivision ordinance a 25' foot wide buffer along the eastern boundary along the railroad right-of-way is required. However, a 15' foot buffer is proposed by the developer in order to meet health department standards for the lots along the boundary and the proposed street to the west. The developer has been advised that a variance from the subdivision ordinance is required. Two people signed up to speak on the request. Mr. Dan Cody was present to make the presentation.

Mr. Cody went over the revised recommendation from the staff. Conditions #1 and #2 were fine. On condition #3, he preferred to have one ingress/egress. On condition #4, he was uncomfortable paying for capital improvements if the traffic study showed that was needed. He cannot afford to do that and the improvements would benefit the whole community and not just the subdivision. On condition #6, he didn't know the exact lot that the dry hydrant would be located on. Condition #7 will be deleted. On condition #8, a supplement natural buffer will be used. Mr. Couch stated that if the traffic study called for a traffic light at the end of Coley Boyd Road and Highway 301, then he doesn't have to worry about it. That situation will be taken care of

when the Ag Arena is developed. The Ogeechee Railway said it might contribute some funds on the improvements of the intersection.

Mr. Don Marsh stated that a 10% bonus density may not help because of health department regulations.

Mr. Tod Manack stated that everything had been explained but agreed to answer any questions the commissioners may have.

Commissioner Smith stated that he did not agree with having a subdivision located in that particular location because of the railroad and the surrounding industrial area.

Mr. Couch stated that access to the railway could be closed but there were pros and cons to doing it.

Commissioner Tankersley asked if according to the land use map did the subdivision fall within a higher density development. Mr. Andy Welch stated that it was continuous with the density of the area.

After a few more minutes of discussion, Commissioner Thompson offered a motion to approve the rezone with the above-referenced conditions with the following revisions: the traffic study be performed and submitted with the sketch plan and negotiate any conditions resulting from the study, and take out the two lot numbers on condition #6. Commissioner Tankersley seconded the motion and it carried with a 5 to 1 vote. Commissioner Smith opposed the motion.

Ms. Tatum stated that Hal Sharpe, as agent for Lannie Roberts, has submitted an application with the Bulloch County Zoning department requesting a rezone from AG-5 to R-40 (Residential 40,000 sq feet). The intent of the rezone is to keep 4 existing manufactured homes on 5 acres after 42+ acres is sold. The property consists of 47.34 acres and is located on Too Short Road. The Planning and Zoning Commission unanimously recommended approval of a rezone request to R-80 instead of R-40. No one signed up to speak on the request. Mr. Sharpe was present to make the presentation.

Mr. Sharpe stated that he agreed to the recommendation of an R-80 instead of an R-40 rezone.

Commissioner Gibson offered a motion to approve the rezone request to R-80. Commissioner Jackson seconded the motion and it carried unanimously.

Ms. Tatum stated Jim Anderson, as agent for FMB Properties, has submitted an application with the Bulloch County Zoning Department requesting a rezone from AG-5 to R-40 (Residential 40, 000 square feet). The property was surveyed and changed ownership without meeting current zoning regulations. The property consists of 1.0 acres and is located on NeSmith Road. The Planning and Zoning Commission unanimously recommended approval of the rezone request. No one signed up to speak on the request. Mr. Anderson was present to make the presentation.

Mr. Anderson stated that the Farmers Merchants Bank acquired this property through foreclosure. They would like to sell it but it must be rezoned in order to put it on the market.

Commissioner Tankersley offered a motion to approve the rezone request. Commissioner Gibson seconded the motion and it carried unanimously.

Ms. Tatum stated Paul Bradley, as agent for James W. Stephens, has submitted an application with the Bulloch County Zoning Department requesting a rezone from R-80 (Residential 80,000 square feet) to R-2 (Two-Family Residential). The intent is to build duplexes for rental property. The property consists of 4 acres and is located on Bryan Court. The Planning and Zoning Commission unanimously recommended approval of the rezone request with the following conditions: (1) all lots must have internal access to proposed paved road; (2) if units are to be sold independent of the attached unit then there must be minimum of 15000 square foot lot for each half of the unit; and (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. No one signed up to speak on the request. Ms. Rachel Edwards was present to make the presentation.

Ms. Edwards stated that the applicant did not have any problems with the conditions. The units will not be for resale because this is a personal investment.

Commissioner Simmons offered a motion to approve the rezone request with the conditions stated above. Commissioner Jackson seconded the motion and it carried unanimously.

Ms. Tatum stated that Ken and Lisa Daniels, as agent for Scott Brookins, submitted an application to the Bulloch County Zoning Department requesting a

conditional use. The intent of the request is to operate a collision repair shop. The property consists of 5.17 acres and is located on Highway 80 East. The applicant has also submitted an application requesting a variance. The intent of the variance is to be able to use a well instead of tapping into a non-existent water system. The 5.17 has been divided out from the "Clara Brannen Estates." The Planning and Zoning Commission unanimously recommended approval of the conditional use request with the acceptance of condition #1, 4, 6, 7, 9, 10, 11, 12 and the applicant getting with the staff and working out the other conditions prior to the BOC meeting: (1) before any building permit is issued, a copy of a deed or other acceptable legal description shall be delivered to the Planning and Zoning office certifying that each land owner has consented to the proposed joint access; (2) a 40 foot undisturbed planted buffer will be required along the east property line for the purpose of minimizing the impact to Bulloch Memorial Gardens. The buffer shall require the installation of Leyland Cypress or similar plant material from the proposed front building line to a point at least 20 feet from the rear building line; (3) facade building material shall be brick veneer, stucco (or EIFS), wood, hardi-plank or metal, or any combination, thereof. Pre-engineered metal siding will be permitted only on walls not readily visible from Highway 80 East; (4) all access, driveway and parking areas serving the general public shall be paved; (5) all vehicles shall be stored in the rear of the property and not visible from Highway 80 East. A wooden or solid fence, or a chain link fence with a privacy slat of an earth tone color at least eight (8) foot in height, shall be placed around the entire storage area; (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) any changes with regard to access of the site shall be coordinated with the Georgia Department of Transportation. A deceleration lane/acceleration taper shall be designed and constructed based on GDOT standards; (9) all automotive repairs and work will be done in the building or behind the building; (10) uses of this property will be limited to automotive collision repair and no other HC uses will be permitted without a conditional use permit; (11) signage shall be limited to one (1) ground sign with a landscaped base; (12) a storm water management plan showing no off-site negative impacts shall be submitted for approval by the county engineer. Ms.

Tatum stated that pursuant to the Planning and Zoning Commission recommendation, some of the above-referenced recommendations have been revised as follows: (1) before any building permit is issued, the GDOT must approve any driveway permit for either joint or exclusive access to the property. If joint access is approved, a copy of a deed or other acceptable legal description shall be delivered to the Planning and Zoning office certifying that each land owner has consented to the proposed joint access; (2) all entry into repair bays shall be from the west side of the building only, thereby relieving the need for a planted buffer next adjacent to the property of Bulloch Memorial Gardens. The existing planted buffer on the Bulloch Memorial Gardens side of the property line is sufficient in combination with the bay entry condition; (3) façade building materials proposed by the developer as shown on the proposed schematic drawing are sufficient, provided the colors of the building are earth tone in character; (4) all access, driveway and parking areas serving the general public extending to the boundary of last service bay shall be paved. Crush and run or another hardened surface is acceptable within in the outside storage areas located primarily to the rear of the building; (5) all outdoor vehicle storage shall be within the fenced storage area and not visible from Highway 80 East. A chain link fence eight (8) foot in height shall be placed around the entire storage area and bay service areas (barbed wire top permitted). Privacy slats consisting of earth tone colors are permitted for the portion of chain link fence facing US 80, except for the gates; (6) the developer may place a 24' foot wide security land adjacent to the fence line (either improved or unimproved). The western edge of the 24' security lane shall consist of planted trees sufficient to create a visual buffer of the fence from westbound US 80, extending from approximately 10' feet behind the front building line extending to the rear building line, just behind the last bay, according to a plan to be approved by the zoning administrator; (7) same as original; (8) delete this condition; (9) same as original; (10) same as original; (11) same as original; and (12) same as original. Mr. Daniels was present to make the presentation.

Mr. John Dotson stated that the applicants agreed with the revised recommendations.

Commissioner Thompson offered a motion to approve the conditional use request and variance request. Commissioner Smith seconded the motion and it carried unanimously.

Ms. Tatum stated that Scott Joyner, as agent for Inman Miller, has submitted an application with the Bulloch County Zoning Department requesting a rezone from R-40 (Residential 40,000 square residential) to R-3 (Multi-Family Dwellings). The intent of the request is to build duplexes. The property consists of 24.78 acres and is located on Cawana Road. The Planning and Zoning Commission recommended with a 5 to 1 vote denial of the rezone request. Five people signed up to speak on the request. Mr. Scott Joyner was present to make the presentation.

Mr. Joyner asked for the matter to be tabled so that he may get together with the residents in Bradford Place and explain exactly what he is trying to do.

A few comments were made that Mr. Joyner had plenty of time to present his case to the surrounding residents and that the matter should be heard tonight and not tabled. Mr. Joyner stated that he had promised several residents that were not present that he would ask to table the matter and not present it tonight. He wasn't prepared and his attorney was not present. He also stated that his attorney said that it was not unusual to be granted a table request. Ms. Tatum explained that if he had asked to withdraw or table this matter 10 days before the deadline, then he wouldn't have had to appear before the Board tonight. Given the fact that he missed the deadline, it's up to the discretion of the Board to grant one.

Commissioner Smith offered a motion to deny the rezone request. Commissioner Simmons seconded the motion. Commissioner Tankersley called for a point of order and stated that the Board could not deny or approve a rezone request without having a public hearing on the matter so everyone that wanted to speak could have they say. The motion was withdrawn from the floor.

Commissioner Jackson offered a motion to table the matter until the next night meeting. Commissioner Thompson seconded the motion. The motion failed with a 2 to 4 vote. Commissioners Gibson, Simmons, Smith and Tankersley voted against the motion.

The Board proceeded with the public hearing.

Mr. Joyner stated that the property is already zoned to build something similar to Talon's Lake. He would like to have it rezoned so that he could build upscale townhomes on the property. Each building would be priced around \$300,000. He presented pictures of the type of town homes he wanted to build. They would be 2 or 3 bedroom townhomes with a garage.

Ms. Tanice Woodcock spoke in favor of the rezone. She stated that she was initially against the development until Mr. Joyner thoroughly explained to her what he was trying to build. She stated that either way something was going to be built on that parcel and she would rather see upscale townhomes than have another Talon's Lake sitting across from Bradford Place.

Ms. Laura Regassa spoke against the request.

Mr. Dave Bacon spoke against the request. He stated that the Board wouldn't like to see town homes built across from their homes.

Mr. Charles Goodrich spoke against the request. He does not want to see a high density development across the street. He also has a concern about safety on Cawana Road and property values.

Dr. Fred Pounds spoke against the request. He felt there was not enough land to accommodate the plans for the development.

Mr. Alan Thornton spoke against the request. He was also concerned about the traffic along the road.

Commissioner Tankersley offered a motion to deny the rezone request. Commissioner Simmons seconded the motion and it carried unanimously.

Ms. Tatum stated that JBS Properties submitted an application to the Bulloch County Zoning Department requesting a rezone from PDR (Planned Development Residential) to R-2 (Multi-Family Dwelling). The intent of the request is to develop multi family dwellings. The property consists of 8.67 acres and is located on Langston Chapel Road. The Planning and Zoning Commission unanimously recommended approval of the rezone request with the following conditions except #2 which they are to get with County staff about prior to the BOC meeting: (1) to enhance access management, driveways along Langston Chapel road from any building lot in the proposed subdivision will be permitted. All approved residential lots shall have building

structures facing internal roads within the subdivision; (2) if units are to be sold independent of the attached unit then there must be a minimum of 15,000 square foot lot for each half of the unit; (3) the access road shall remain as private property and maintained by the homeowners/developers/property owners in perpetuity; (4) the cost of any curb or sidewalk modifications on Langston Chapel Road adjacent to the site shall be borne by the developer; (5) the county engineer shall approve intersection alignment and site distance; (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) install decorative fencing or a landscape buffer at least 6' high along the length of the development on Langston Road for side yard privacy, saving for adequate site distance at the intersection. This can be accomplished by: a) installing a landscaped berm, an evergreen hedge (Leyland cypress, elegans, hollies, etc) with a minimum plant spacing of 6-8' off-center, or a combination thereof; or, b) installing non ornamental canopy trees (maple, dogwood, oak, etc) with a minimum 4" caliper spaced 75' off center mixed with evergreen hedges capable of growing up to 30' at maturity; or, c) another similar buffer plan. The actual fencing or buffer used shall be approved by the Zoning Administrator prior to installation; and (8) if desired, one (1) subdivision style entrance sign shall be permitted outside of the right-of-way, provided the sign is of compatible architectural style to the building, or is landscaped at the base. No one signed up to speak on the request. Mr. Kent Munsey was present to make the presentation.

Mr. Munsey stated that he didn't have a problem with the recommendations.

Commissioner Jackson offered a motion to approve the rezone request. Commissioner Simmons seconded the motion and it carried unanimously.

Ms. Tatum stated that a text amendment was needed for the zoning and subdivision ordinance. Mr. Andy Welch explained that the amendment was needed to clean up some grammatical errors and change a few words around. No major changes were being done. Commissioner Simmons offered a motion to approve the text amendment. Commissioner Jackson seconded the motion and it carried unanimously. See exhibit #2006 - 152.

Sign-in sheets for zoning issues are shown as Exhibit #2006 – 153.

Commissioner Jackson offered a motion to recess for 5 minutes. Commissioner Simmons seconded the motion and it carried unanimously.

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Under Old Business was the discussion of the tower ordinance. Commissioner Thompson asked if you could put stipulations in the ordinance designating where a tower could go. He wanted to see if the tower could be placed closer to the applicant's home than the neighbor's homes. Mr. Charles Brown stated that the County could not directly specify where the tower could go. The last word comes from Federal regulations. He suggested that the County get with David Snavely and ask for some sample ordinances concerning the aesthetics of towers and about applicants trying to force towers on the neighbors.

Under Old Business was the discussion of the Pinemount Subdivision. Commissioner Thompson stated that he has received several phone calls from the residents about the situation of the roads and drainage. He wanted to know if it was legal for the County not to issue any building permits to a developer if he/she has deficiencies with previous subdivisions that are being developed by that developer. Mr. Brown stated that as long as they meet all the requirements in the ordinance they cannot be denied permits because of previous developments.

Under the Consent Agenda were the following items for consideration: (1) an agreement with Nationwide to select funds for the Bulloch County Retirement program – see exhibit #2006 - 154; (2) a lease renewal for USDA Farm Service Agency at the Agriculture Center – see exhibit #2006 - 155; (3) a off-premise alcohol license to T & D Stores Inc. – Tony Lee Nessmith, Sr.; and (4) board appointments: a) CADDA – Mr. Bryan Burke, and b) Keep Bulloch Beautiful – Mr. Bernie Martin and Ms. Sarah Chester. Commissioner Thompson offered a motion to approve the Consent Agenda. Commissioner Simmons seconded the motion and it carried unanimously,

The item under New Business was a discussion and/or action for the jail bid. Mr. Couch stated that they received the results of the bid this afternoon. Pope Construction was the lowest bidder at \$7,534,000.00. The bid came in under budget. He stated that a change order may be needed to expand the kitchen and maybe a roof replacement at the C.I.

Commissioner Simmons offered a motion to approve the bid from Pope Construction for \$7,534,000.00. Commissioner Tankersley seconded the motion and it carried unanimously.

Chairman Nevil asked for any comments from the public or staff.

Reverend Donald Logan spoke to the Board about the re-opening of the pools at Loretta Park and Fair Road. Mr. Couch explained to him that Loretta Park's pool was closed by the Health Department because of the pumps and Fair Road's pool was closed because of mechanical problems. Reverend Logan invited Mr. Couch, along with all the commissioners and the director of parks and recreation, to the NAACP next week for some feedback to several concerns the community has.

Chairman Nevil stated that an executive session was needed to discuss land acquisition and personnel matters. Commissioner Gibson offered a motion to go into executive session to discuss land acquisition and personnel matters. Commissioner Tankersley seconded the motion and it carried unanimously. Commissioners Gibson, Jackson, Simmons, Smith, Tankersley and Thompson voted in favor of the motion. See exhibit #2006 - 156.

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Chairman Nevil asked for other business or comments. Commissioner Gibson offered a motion to adjourn the meeting. Commissioner Simmons seconded the motion and it carried unanimously.