

BRYAN COUNTY PLANNING & ZONING COMMISSION MEETING AGENDA

Meeting Date: May 18, 2021 Meeting Time: 6:30 p.m. Commissioner's Meeting Room 42 N. Courthouse St. Pembroke, GA 31321 And GO TO MEETING <u>https://global.gotomeeting.com/join/608668053</u> Or Call in

United States: <u>+1 (571) 317-3122</u>

Access Code: 608-668-053

#### I. CALL TO ORDER

- II. APPROVAL OF MINUTES
- III. PLANNING AND ZONING COMMISSION PUBLIC HEARING ITEMS
  - 1. Comprehensive Plan Amendment, Tibet Creek Investors requesting a Comprehensive Plan Amendment to amend the North Bryan County Character Areas and Future Land Use Map, by changing the classification of the property located at 7309 E Hwy 280, Ellabell, from Community Crossroads to Rural Residential Transitioning. PIN# 025032.
  - 2. Z#241-21, Tibet Creek Investors, George Guyett, requesting a rezoning for the Preserve at Black Creek for the use of a 50 lot single family residential subdivision. The property is currently zoned RR-1 and they are requesting R-15. Property located at 7309 E Hwy 280, Black Creek. PIN# 025032.
- IV. ADJOURNMENT

Please note that agenda items may not be considered in the exact order listed, and all times shown are tentative and approximate. Documents for the record may be submitted prior to the meeting by email, fax, mail, or in person. For questions about the agenda, contact Planning at ayoung@bryan-county.org or (912) 653-5252. The meeting is accessible to the disabled. If you need special accommodations to attend or participate in the meeting per the Americans with Disabilities Act (ADA), please contact Planning at (912) 653-5252. This information can be made in alternative format as needed for persons with disabilities.

#### Posted: May 11, 2021



### BRYAN COUNTY PLANNING & ZONING COMMISSION and BOARD OF ADJUSTMENT MINUTES Meeting Date: April 20, 2021 Meeting Time: 6:30 p.m.

- Attendees: Joseph Pecenka, II, Chairman Boyce Young, Vice Chairman Ronald Carswell Michelle Guran Stacy Watson Stephanie Falls
- Absent: Alex Floyd
- Staff: Audra Miller, Community Development Director Amanda Clement, Planning Manager Ashley Young, Planning Technician

#### I. CALL TO ORDER

Chairman Pecenka called the meeting to order at 6:30 p.m.

#### II. APPROVAL OF MINUTES

Commissioner Falls made a motion to approve the March 16, 2021 Minutes, and a second was made by Commissioner Carswell. Vote 5:0, motion carried.

#### III. PLANNING AND ZONING COMMISSION

- 1. Z#243-21, Buckel Design Group, LLC, on behalf of Drayton-Parker Companies, LLC, requesting a rezoning for the use of a warehouse. The property is currently zoned C-I and they are requesting I-2. Property is located at 10820 E. Hwy 280, Ellabell. PIN# 030002.
  - a. Commissioner Watson made a motion to open the public hearing. A second was made by Commissioner Young. Vote 5:0, motion carried.

- b. Ms. Clement presented the request. She stated the concept plan showed the property was compatible with the Comprehensive Plan and the overall zoning scheme within the area. She concluded that staff recommended approval of the rezoning with the following conditions:
  - i. A final Site Development Plan shall be submitted to the County for approval in accordance with Section 114-419 of the Unified Development Ordinance.
  - ii. The developer shall enter into a Water and Sewer Agreement with the County prior to site development plan approval.
  - iii. The developer shall enter into a Traffic Mitigation Agreement with the County prior to site development plan approval.
  - A Minor Subdivision application for the 12.45-acre tract shall be submitted to the County in accordance with Article IV. Division 1. "Minor Plats" of the Unified Development Ordinance, prior to commencing any land disturbing/constructions activity associated with this site.
- c. David Buckel, Buckel Design Group, and Daniel Ben-Yisrael, Drayton-Parker Companies, LLC, spoke in favor of the request.
- d. Commissioner Guran made a motion to close the public hearing. A second was made by Commissioner Carswell. Vote 5:0, motion carried.
- e. Commissioner Falls made a motion to recommend approval of Z#243-21 with the Staff recommendations. A second was made by Commissioner Young. Vote 5:0, motion carried.

Items 2-3. Z#244-21 and CUP#172-21, Honia Anderson with Black Creek Collision, LLC, requesting a rezoning and conditional use to permit a paint and body shop in the "B-2" zoning district.

- a. Ms. Clement advised the Commission that Items 2 and 3 on the agenda were associated, and recommended to keep the public hearing open to cover both items.
- b. Commissioner Carswell made a motion to open the public hearing. A second was made by Commissioner Watson. Vote 5:0, motion carried.
- c. Ms. Clement presented the requests and recounted the applicant's previous application to rezone the subject property to "B-2" in June 2019. She explained that staff recommended denial at that time, and that the property was ultimately rezoned to the "B-1" Neighborhood Commercial Zoning District in order to accommodate their described use for a "hobby shop". She stated a building permit for the commercial building to serve as the "hobby shop" was issued and under construction, but that the applicant had since revealed that they desired to use the commercial building for an automotive paint and body shop. She concluded, that staff recommended denial of the rezoning request, as they did in 2019, since the rezoning to "B-2" did not improve the overall zoning scheme and no substantial zoning changes had been made within the last two years. She further stated that if the rezoning is denied, then the conditional use should be

denied as well. However, if the rezoning is approved, then the conditional use should be considered with the following condition:

- The development and operation of the automotive paint and body shop must comply with the specific use standards governing "Automobile Repair, Heavy" facilities as stipulated in Section 114-722 of the Unified Development Ordinance.
- d. Commissioner Guran made a motion to close the public hearing. A second was made by Commissioner Young. Vote 5:0, motion carried.
- 2. Z#244-21, Honia Anderson with Black Creek Collision, LLC, requesting a rezoning for a paint and body shop. The property is currently zoned B-1 and they are requesting B-2. Property is located at 209 Bill Futch Rd., Black Creek. PIN# 02500101.
  - a. Commissioner Young made a motion to recommend denial of Z#244-21. A second was made by Commissioner Watson. Vote 5:0, motion carried.
- 3. CUP#172-21, Honia Anderson with Black Creek Collision, LLC, requesting a Conditional Use to allow for a paint and body shop. Property is located at 209 Bill Futch Rd., Black Creek. PIN# 02500101.
  - a. Commissioner Young made a motion to recommend denial of CUP#172-21. A second was made by Commissioner Falls. Vote 5:0, motion carried.

#### VI. ADJOURNMENT

Commissioner Watson made a motion to adjourn at 7:07 p.m., and a second was made by Commissioner Young. Vote 5:0, motion carried.

Approved on this \_\_\_\_\_\_ day of \_\_\_\_\_\_, \_\_\_\_ by action of the Commission.

Joseph Pecenka, Chairman

ATTEST:

Secretary to the Commission

#### **BRYAN COUNTY PLANNING & ZONING COMMISSION**

#### COMPREHENSIVE PLAN AMENDMENT

Public Hearing Date: May 18, 2021

REGARDING THE APPLICATION OF: Tibet Creek	
Investors, LLC, requesting a Comprehensive Plan	Staff Report
Amendment to amend the North Bryan County	
Character Areas and Future Land Use Map, by changing	By: Amanda Clement
the classification of the property located at 7309 E Hwy	
280, Ellabell, from "Community Crossroads" to "Rural	Dated: May 11, 2021
Residential Transitioning". PIN# 025032.	

### I. Application Summary

**Requested Action:** Public hearing and consideration of a Comprehensive Plan Amendment to amend the North Bryan County Character Areas and Future Land Use Map, by changing the classification of the property located at 7309 E Hwy 280, Ellabell, from "Community Crossroads" to "Rural Residential Transitioning". PIN# 025032.

Applicant:	Tibet Creek Investors
	George Guyett
	PO Box 2217
	Hinesville, GA 31310
Engineer:	T.R. Long Engineering, P.C.
	Brandon Purcell
	114 North Commerce Street
	Hinesville, GA 31313
Owners:	Larry and Brenda Buice
	7309 US Hwy 280 E
	Ellabell, GA 31308

#### Applicable Regulations:

• The State of Georgia, Title 36. Local Government Provisions Applicable to Counties and Municipal Corporations, Chapter 66. Zoning Procedures, Georgia Code O.C.G.A. 36-66

• Bryan County Unified Development Ordinance, Article III, Division 1. Comprehensive Plan Amendments

#### **II.** General Information

**1. Application:** A comprehensive plan amendment application was received by the Director on April 23, 2021. After reviewing the application, the Director certified the application as being generally complete on April 23, 2021.

- **2. Notice:** Public notice for this application was as follows:
- A. Legal notice was published in the Bryan County News on April 29, 2021.
- B. Notice was sent to Surrounding Land Owners on N/A
- C. The site was posted for Public Hearing on N/A

**3. Background:** The subject property is located in the northeast corner of the intersection at Pevey / Toni Branch Road and U.S. Highway 280. The total project area consists of 49.89 acres, which is mostly wooded and undeveloped, with the exception of one existing single-family residence. The submitted conceptual site plan shows approximately fifty half-acre lots, three new roads, and a community well site to serve the development.

The Comprehensive Plan Character Areas and Future Land Use Map of North Bryan County adopted in July of 2018, and amended on March 10, 2020, shows the subject site as being primarily within the "Community Crossroads" character area. The "Community Crossroads" character area anticipates future development to allow for small retail and commercial components to provide day-to-day goods and services to the surrounding residential uses. This character area recommends rezoning to "B-1" Neighborhood Commercial. The applicant has submitted an associated rezoning application (Z#241-21) to rezone the property from "RR-1" to "R-15", which is not consistent with the "Community Crossroads" classification. Therefore, the applicant has submitted this Comprehensive Plan Amendment to amend the Character Areas and Future Land Use Map designation from "Community Crossroads" to "Rural Residential Transitioning", to accommodate the rezoning request.

**5. Exhibits**: The following Exhibits are attached hereto as referenced. All application documents were received at the Bryan County Community Development office on April 23, 2021, unless otherwise noted.

#### "A" Exhibits – Application Materials:

A-1 Comprehensive Plan Amendment Criteria Form

#### "B" Exhibits – Bryan County Supplements

B-1 Future Land Use Map

### III. Analysis Under Article III, Division 1. Comprehensive Plan Amendments, Section 114-304:

In determining whether the proposed amendment should be approved, the P&Z Commission and Board of Commissioners shall consider if the change is needed to address:

1. **Appropriateness:** Amending the Comprehensive Plan is the appropriate mechanism to address the matter presented and the proposed amendment does not raise policy or land use issues that would be more appropriately addressed in another manner, e.g., during the County's five or ten-year update, through the implementation schedule of the CIP, etc.

**Staff Findings:** The Comprehensive Plan was last updated in July of 2018, and subsequently amended on March 10, 2020 in order to address increasing demands from developers to permit smaller lot development in the north end of the County. As a result, this amendment established the "Rural Residential Transitioning" character area to provide limited opportunities for denser residential development to occur as the County balances the desire to retain its rural character with the pressure for suburban development. The plan identified two locations for this character area: the first along Wilma Edwards Road and the second along Carlos Cowart Road, in between Toni Branch Road, Highway 280, and Highway 204. At the time of the Comprehensive Plan update and subsequent amendment, the County had no plans to expand water and sewer services within this area, and it was noted that future developments within these areas were likely to be served by private systems.

Since Bryan County is in the so-called yellow-zone as it relates to the Georgia Environmental Protection Division's (EPD) Coastal groundwater management plan, permitted withdrawals are limited in order to minimize the effects of saltwater intrusion on the Floridan aquifer, which supplies fresh groundwater to the coastal region. This constraint is an important factor in the consideration of where and how development should occur. With this in mind, the "Rural Residential Transitioning" area was established to give clear boundaries for this type of development in order to manage the extent of private systems in the north end of the County and to guide future discussions should the County decide to expand water services to this area. Therefore, permitting the expansion of this character area to increase the land area available for this type of development should raise policy and land use issues related to the allocation of water supplies and potential service areas. Generally, staff finds these type of issues to be better addressed through the County's 5-year update and in coordination with the County's Capital Improvements Program.

2. **Original Errors or Omissions:** Whether there was error or omission in the adoption of the Comprehensive Plan, or in the supporting premises and findings.

**Staff Findings:** The applicant has indicated that the property is not suitable for development under the "Community Crossroads" character area, due to lacking access and visibility from Highway 280. The applicant has also noted that the site is located adjacent to the "Rural Residential Transitioning" character area and is in close proximity to existing residential subdivisions. Even though staff acknowledges these site conditions, they are generally not interpreted to result in an error to the plan since the property can still develop under its existing zoning.

3. **Subsequent Events**: Whether events subsequent to the Comprehensive Plan adoption have invalidated portions of the Plan, changed the character of the County, or demonstrated new information.

**Staff Findings:** Staff has not identified any events or changing conditions that have occurred since March of 2020 that would invalidate the Land Use Element of the Comprehensive Plan or the Character Areas and Future Land Use Map.

4. **Need for Amendment:** The need for processing the amendment prior to a routine Comprehensive Plan update.

**Staff Findings:** The applicant has identified the need for single family housing in North Bryan County to be the reason for processing the amendment prior to a routine Comprehensive Plan update. This is also necessitated by the associated rezoning request to rezone the property to "R-15" in order to permit smaller lots sizes.

#### **IV. Staff Recommendation**

Staff recommends denial of the Comprehensive Plan Amendment because the proposed amendment raises policy and land use issues related to the allocation of water supplies and potential service areas, which are better addressed through the County's 5-year update and in coordination with the County's Capital Improvements Program.

#### V. Planning & Zoning Commission Recommendation

**Recommendation:** The Commission may recommend that the comprehensive plan amendment be granted as requested, or it may recommend that the comprehensive plan amendment be denied.

The Commission may continue the hearing for additional information from the applicant, additional public input or for deliberation.

Motion Regarding Recommendation: Having considered the evidence in the record, upon motion by Commissioner \_\_\_\_\_\_, second by Commissioner \_\_\_\_\_\_, and by vote of \_\_ to \_\_, the Commission hereby recommends approval as proposed/approval with conditions/denial of the proposed rezoning.

# "A" Exhibits – Application

### Bryan County Board of Commissioners

Community Development Department



### IMPACT ANALYSIS FOR COMPREHENSIVE PLAN AMENDMENTS

The standards below shall be considered for any Comprehensive Plan amendment. Applicants must complete this form and include with their application. Attach additional sheets as needed.

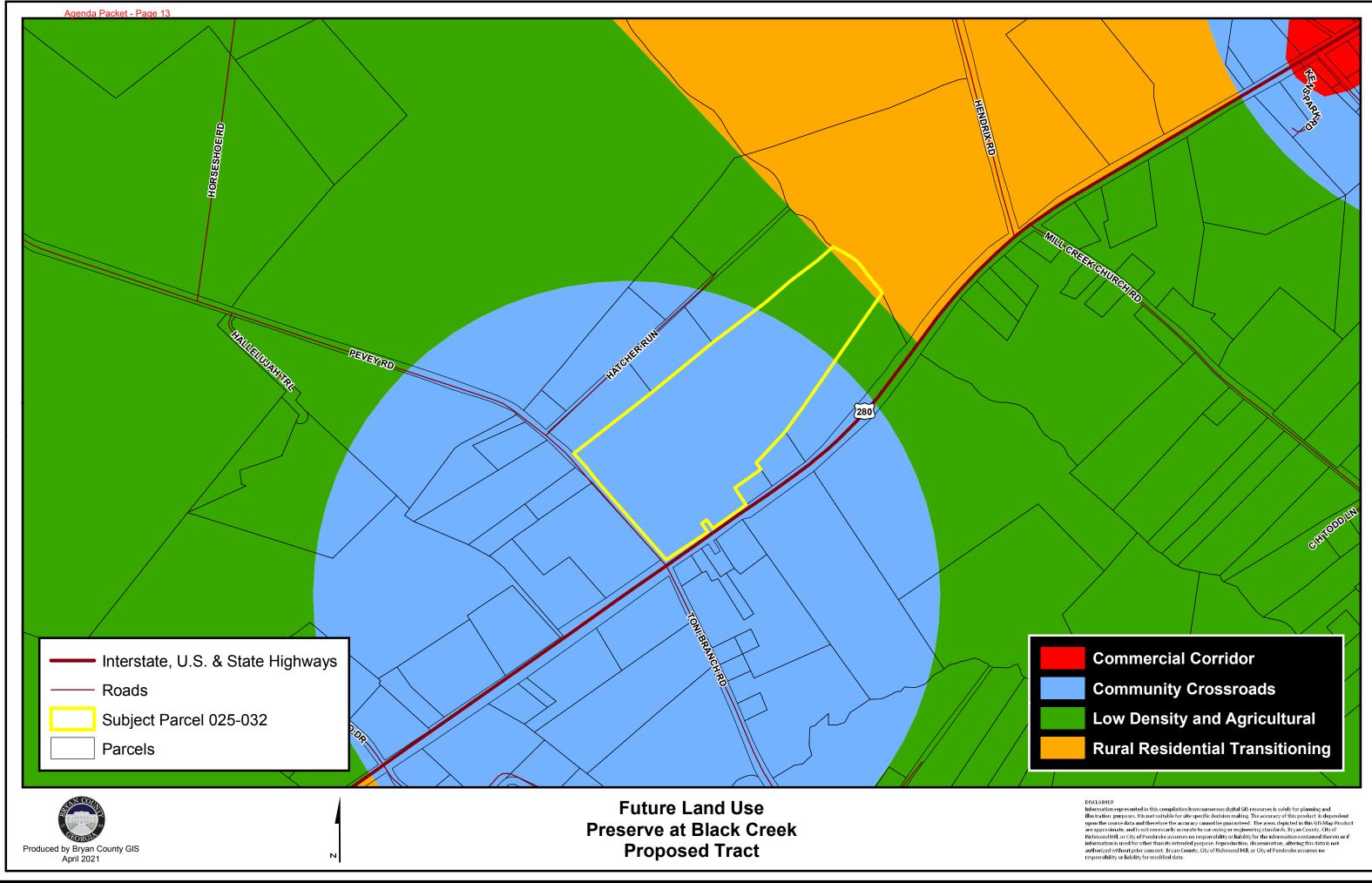
1. Amending the Comprehensive Plan is the appropriate mechanism to address the matter presented and the proposed amendment does not raise policy or land use issues that would be more appropriately addressed in another manner, e.g. during the County's five or ten-year update, through the implementation schedule of the CIP, etc.

2. Whether there was an error or omission in the adoption of the Comprehensive Plan, or in the supporting premises and findings.

3. Whether events subsequent to the Comprehensive Plan adoption have invalidated portions of the Plan, changed the character of the County, or demonstrated new information.

4. The need for processing the amendment prior to a routine Comprehensive Plan update.

# "B" Exhibits – Bryan County Supplements



#### **BRYAN COUNTY PLANNING & ZONING COMMISSION**

#### CASE Z#241-21

#### Public Hearing Date: May 18, 2021

REGARDING THE APPLICATION OF: Tibet Creek	
Investors, LLC, requesting the rezoning of 48.1 acres,	Staff Report
PIN# 025-032, in unincorporated Bryan County,	By: Amanda Clement
Georgia. The applicant is requesting the property be	by: Andrida cicinent
rezoned to the "R-15", Single Family Residential, from	Dated: May 11, 2021
its current "RR-1", Rural Residential District zoning.	

#### I. Application Summary

**Requested Action:** Public hearing and consideration of a zoning map amendment for Bryan County. The application by Tibet Creek Investors, LLC, proposes to change the "RR-1" Rural Residential District zoning for PIN# 025-032, in unincorporated Bryan County, to "R-15" Single Family Residential District.

Applicant:	Tibet Creek Investors George Guyett PO Box 2217 Hinesville, GA 31310
Engineer:	T.R. Long Engineering, P.C. Brandon Purcell 114 North Commerce Street Hinesville, GA 31313
Owners:	Larry and Brenda Buice 7309 US Hwy 280 E Ellabell, GA 31308

#### Applicable Regulations:

- The State of Georgia, Title 36. Local Government Provisions Applicable to Counties and Municipal Corporations, Chapter 66. Zoning Procedures, Georgia Code O.C.G.A. 36-66
- Bryan County Unified Development Ordinance, Article III, Division 2. Code Text/Map Amendments (Rezonings)
- Bryan County Unified Development Ordinance, Article V, Division 5. Residential Districts

### **II. General Information**

**1. Application:** A rezoning application was received by the Director on January 28, 2021. After reviewing the application, the Director certified the application as being generally complete on April 21, 2021, upon completion of a Traffic Impact Assessment review.

2. Notice: Public notice for this application was as follows:

A. Legal notice was published in the Bryan County News on April 29, 2021.

B. Notice was sent to Surrounding Land Owners on May 3, 2021.

C. The site was posted for Public Hearing on May 3, 2021.

**3. Background:** The subject property is located in the northeast corner of the intersection at Pevey / Toni Branch Road and U.S. Highway 280. The total property area consists of 49.89 acres, from which approximately 48.1 acres are to be rezoned. The remaining 1.78 acres will be left zoned as "RR-1". The site is mostly wooded and undeveloped. The submitted conceptual site plan shows approximately fifty half-acre lots, three new roads, and a community well site.

**5. Exhibits**: The following Exhibits are attached hereto as referenced. All application documents were received at the Bryan County Community Development office on January 28, 2021, unless otherwise noted.

#### "A" Exhibits- Application:

A-1 Authorization of Property Owner
A-2 Disclosure Statement
A-3 Impact Analysis for Rezoning Requests Form
A-4 Concept Plan
A-5 Water Utility Management Service Letter (received April 19, 2021) **"B" Exhibits- Agency Comments:**

B-1 Development Review Committee Comments

#### "C" Exhibits- Bryan County Supplements

- C-1 Overview Map
- C-2 Location Map
- C-3 Notification Map
- C-4 Zoning Map

#### "D" Exhibits- Public Comment:

#### None Received

## III. Analysis Under Article III, Division 2. Code Text/Map Amendments (Rezonings), Section 114-313:

In its review of an application for a zoning map amendment, staff and hearing bodies shall consider the following criteria. No single factor is controlling except for criterion 1. If the request is not consistent with the Comprehensive Plan, the application shall be denied unless the applicant submits an application for Comprehensive Plan Amendment and such request is approved. For all other criteria, each criterion must be weighed in relation to the other criteria. The Hearing Body shall not consider any representations made by the applicant that, if the change is granted, the rezoned property will be used for only one of the possible uses permitted in the requested classification. Rather, the Hearing Body shall consider whether the entire range of permitted uses in the requested classification is more appropriate than the range of uses in the existing classification.

1. **Consistency.** Whether the proposed amendment is consistent with the adopted Comprehensive Plan and helps carry out the purposes of this UDO.

**Staff Findings:** The Comprehensive Plan Character Areas and Future Land Use Map of North Bryan County adopted in July of 2018, and amended on March 10, 2020, shows the subject site as being primarily within the "Community Crossroads" character area. The "Community Crossroads" character area anticipates future development to allow for small retail and commercial components to provide day-to-day goods and services to the surrounding residential uses. This character area recommends rezoning to "B-1" Neighborhood Commercial. The request to rezone the property to "R-15" is therefore not consistent with the current Future Land Use Map designation. The applicant has submitted an associated application for a Comprehensive Plan Amendment to amend the Future Land Use Map designation from "Community Crossroads" to "Rural Residential Transitioning" in order to accommodate the requested rezoning.

2. **Compatibility with Neighboring Lands.** Whether the proposed reclassification is compatible with or would negatively impact the overall character or land use pattern on an abutting property or neighborhood near the subject property.

**Staff Findings:** The overall character and land use pattern within the area is rural and comprised of low-density residential neighborhoods and large, single-lot development. The intent of the "R-15"

Single Family Residential district is to provide areas for medium to low-density single-family and duplex development. It is the intent that centralized water systems and public or community sewage systems serve this district in order to permit minimum lot sizes of 15,000 square feet. The Bryan County Comprehensive Plan and Future Land Use Map envisions the "R-15" zoning district to be located within the "Rural Residential Transitioning" character area, which is primarily located along Wilma Edwards Road and along Carlos Cowart Road in between Toni Branch Road, Highway 204, and Highway 280, where similar developments have already occurred. The primary zoning district along Pevey Road, remains "A-5" Agricultural.

3. Adequacy of Public Facilities and Services. Whether public facilities and services, including, but not limited to, roads, parks and recreational facilities, police and fire protection, schools, stormwater drainage systems, water supplies, wastewater treatment, and solid waste services, are adequate to serve projected demands from development allowed by the amendment.

#### Staff Findings:

- a) Roads: The primary road providing access to this site is Pevey Road, which is a County maintained, dirt road. The main access off Pevey Road which will serve the proposed subdivision will be via a new asphalt road located approximately 200 feet north of the intersection of Highway 280, and a secondary emergency access will be provided further up on Pevey Road. Based on the conceptual site plan and Traffic Impact Assessment, Pevey Road is to be paved for the entire length of the proposed subdivision frontage and a right turn lane is recommended to be provided along Highway 280. Improvements at the intersection of Highway 280 and Pevey Road will require Georgia Department of Transportation (GDOT) approval.
- b) Parks and Recreational Facilities: Hendrix Park provides public recreation facilities for North Bryan County.
- c) Police and Fire Protection: The Bryan County Sheriff's Office and Bryan County Emergency Services provide police and fire protection for the subject property.
- d) Schools: Lanier Primary, Bryan County Elementary, Bryan County Middle, and Bryan County High Schools currently serve North Bryan County residents.
- e) Stormwater drainage systems: According to the application materials, the site will be designed in accordance with the Bryan County Stormwater Management ordinance.

- f) Water Supply: At present, there is no public water service within the vicinity of this site. Service to the development is planned to be provided by a privately owned community water system, managed by Water Utilities Management. It is noted, however, that the County retains first right of refusal to be the water system provider.
- g) Wastewater Treatment: At present, there is no public sewer service for the treatment of wastewater within the vicinity of this site. The development's wastewater will be treated through individual on-site septic systems with drain fields. According to the applicant, the initial soil investigations show adequate soils for the proposed use of septic systems. However, a complete soils analysis will need to be completed and reviewed by the Department of Environmental Health in order to determine the adequacy of soils on individual lots.
- 4. Adverse Impacts. Whether the proposed reclassification will adversely affect known archaeological, historical, cultural or environmental resources; negatively impact water or air quality; negatively impact ground water recharge areas or drainage patterns; or increase soil erosion or flooding.

**Staff Findings:** The FEMA F.I.R.M. maps identify a portion of this property as being located inside a Special Flood Hazard Area, Zone AE. In addition to this, the site backs up to Mill Creek. Any future development of the site would need to be planned in order to not adversely affect these environmentally sensitive areas.

5. **Suitability as Presently Zoned.** Whether the property is suitable for authorized uses as presently zoned.

**Staff Findings:** The current zoning of the property is "RR-1" Rural Residential District, the purpose of which is to provide for large-lot single-family development in a rural environment. The existing "RR-1" district allows residential subdivisions to develop at a density of one (1) dwelling unit per acre, and the property appears to be suited for this use.

6. **Net Benefits.** Whether the relative gain to the public exceeds the hardships imposed upon applicant by the existing zoning restrictions.

**Staff Findings:** The application materials do not offer substantial evidence regarding the relative gain to the public or the hardships imposed upon the applicant by the existing zoning restrictions.

7. **Development Plans.** Whether the applicant has plans for development of the property. Applications for multifamily or non-residential zoning classifications carry a rebuttable presumption that such

rezoning shall adversely affect the zoning scheme unless a concept plan is submitted with the application.

**Staff Findings:** The applicant has presented a conceptual master plan for planning purposes only. The concept plan depicts a 50-lot residential subdivision, with three new roads, and a community well site.

8. **Market Demand.** Whether there is projected demand for the property as currently zoned, which may be determined by the length of time the property has failed to produce income or be used productively as zoned, or whether there are substantial reasons why the lot cannot be used in accordance with the existing zoning classification.

**Staff Findings:** According to the applicant, the lot was previously used as an agricultural tree farm with the trees having last been harvested in 2013. Since that time the property has not been income producing. Under the current zoning of "RR-1", the property could be further developed as a rural subdivision with one (1) acre lots. The applicant did not offer substantial reasons as to why the 48.1 acres cannot be used for this purpose in accordance with the existing zoning classification; only implying that the property would serve a greater purpose to the owner and the County if able to develop into smaller lots.

9. **Health, Safety, and Welfare.** Whether the proposed map amendment bears a substantial relationship to the public health, safety or general welfare.

**Staff Findings:** The intent of the "R-15" Single Family Residential district is to provide areas for medium to low-density single-family and duplex development. Having these districts locate within the "Rural Residential Transitioning" character areas, as envisioned in the County's Comprehensive Plan, promotes the long-term interest of the County by providing appropriate locations for denser residential development patterns to occur.

#### **IV. Staff Recommendation**

Staff recommends denial of the rezoning request because it is not consistent with the Land Use Element of the Comprehensive Plan and the North Bryan County Character Areas and Future Land Use Map. However, should the Commission find that the associated request to amend the Comprehensive Plan is in the best interest of the County, then staff recommends approval subject to the following condition:

1. The water system shall be developed as a public water system. The timing and cost for the installation of the facilities shall be established through a water service agreement prior to the approval of a preliminary plat.

#### V. Planning & Zoning Commission Recommendation

**Recommendation:** The Commission may recommend that the rezoning be granted as requested, or it may recommend approval of the rezoning requested subject to provisions, or it may recommend that the rezoning be denied.

The Commission may continue the hearing for additional information from the applicant, additional public input or for deliberation.

Motion Regarding Recommendation: Having considered the evidence in the record, upon motion by Commissioner \_\_\_\_\_\_, second by Commissioner \_\_\_\_\_\_, and by vote of \_\_ to \_\_, the Commission hereby recommends approval as proposed/approval with conditions/denial of the proposed rezoning.

# "A" Exhibits – Application

	(PROPERTY OWNER* Exhibit A-1
I, <u>Cally</u> <u>K</u> . <u>Buice</u> , being duly sworn age deposes and states; That he/she is the owner of application, as is shown in the records of Bryan Con	
They authorize the person named below to act as app applications/permits for their property.	licant or representative in the pursuit of the following
Comprehensive Plan Amendment	🖆 Rezoning
□ Conditional Use Permit	□ Variance
$\Box$ Site Plan	□ Administrative Appeal
Planned Development	□ Subdivision
□ Administrative Relief	
I hereby authorize the staff of the Bryan County Comm which are the subject of this application. Name of Applicant:	unity Development Department to inspect the premises
Address: Po Box 2217	
City: Hinesville GA	
Telephone Number: 912-977-1694 Ema	george@allcustomgutters.net il:
2 R. In	1/26/2021
Signature of Owner	Date
<u>Lanny R. Buice</u> Owners Name (Print)	
Personally appeared before me	
<u>Larry R. Buice</u> Owner (Print)	
Who swears before that the information contained in this	s authorization is true and correct to the best of his/her
knowledge and belief.	
This Day 27 Of for huary 2021	(Notary Seal)
COUNT	Page <b>1</b> of <b>2</b>

Z:\APPLICATIONS, FORMS AND PROCEDURES\Zoning Forms\Owners Authorization Forms Evolve\Authorization by Property Owner CUP 10-22-2020.docx

Agenda Packet - Page 23	<b>o</b> <i>u</i>	
	ge Guyett	
Address: PO Box 2217		
	State:	Zip Code: 31310
Telephone Number:	1694 george@a	Ilcustomgutters.net
8-X.h		1/26/2021
Signature of Owner		Date
LARRY R. Buice		
Owners Name (Print)		
Personally appeared before me		
Larry R. Buice Owner (Print)		
Who swears before that the information knowledge and belief. This Day $27765$ or A of $27766$	n contained in this authorizati	on is true and correct to the best of his/her
Allerer Comm. Exp. 09/14/24 Notary Public	Pifeo	(Notary Seal)
*IF THERE ARE MULTIPLE OWNERS OF TH AUTHORIZATION FORM.	HE PROPERTY, EACH OWNER MU	JST COMPLETE AND EXECUTE AN

### Agenda Packet - Page 24 AUTHORIZATION BY PROPERTY OWNER\*

I, <u>Brenda C. Buicce</u>, being duly sworn upon his/her oath, being of sound mind and legal age deposes and states; That he/she is the owner of the property which is subject matter of the attached application, as is shown in the records of Bryan County, Georgia

They authorize the person named below to act as applicant or representative in the pursuit of the following applications/permits for their property.

Comprehensive Plan Amendment	🖆 Rezoning
□ Conditional Use Permit	□ Variance
□ Site Plan	$\Box$ Administrative Appeal
Planned Development	□ Subdivision

 $\Box$  Administrative Relief

I hereby authorize the staff of the Bryan County Community Development Department to inspect the premises which are the subject of this application.

Name of Applicant: George Guyett		
Address: Po Box 2217		
City: Hinesville State	GA	Zip Code: 31310
Telephone Number: 912-977-1694	george@allcustomgut Email:	tters.net
Brenda C. Buice		1/26/2021
Signature of Owner	]	Date
Signature of Owner Brenda C. Brice Owners Name (Print)		
Personally appeared before me		
Brenda C. Buice		
Owner (Print)		
Who swears before that the information contained knowledge and belief.	l in this authorization is true a	and correct to the best of his/her
This Day 27 <sup>th</sup> TERESA Deleter Poortarian Notary Public	<u>20</u> 81	(Notary Seal)

Agenda Packet - Page 25		
Name of Representative: George Gu Address: PO Box 2217	ıyett	
	e: GA Zip Cod	de: 31310
Telephone Number: 912-977-1694	george@allcustomgutters.net	
Brinda C. Bile	1/26/2	021
Signature of Owner	Date	
Brenda C. Buile Owners Name (Print)		
Personally appeared before me		
Brenda C. Buice Owner (Print)		
Who swears before that the information contained knowledge and belief.	ed in this authorization is true and correct	t to the best of his/her
This Day 27 Comm. Exp. OP 424 Comm. Exp. OP 424 Notary Public	<u>2021</u> (Nota	ry Seal)

\*IF THERE ARE MULTIPLE OWNERS OF THE PROPERTY, EACH OWNER MUST COMPLETE AND EXECUTE AN AUTHORIZATION FORM.

Agenda Packet - Page 26 Bryan County Board of Commissioners

Exhibit A-2



Community Development Department

#### **DISCLOSURE STATEMENT**

Title 36, chapter 67A-3 of O.C.G.A. requires that when any applicant for rezoning action has made, within two years immediately preceding the filing of the applicant's application for the rezoning action, campaign contributions aggregating \$250.00 or more to a local government official who will consider the application, to file a disclosure report.

No, I have not made any campaign contributions to County Officials voting on this application exceeding \$250 in the past two years.

Yes, I have made campaign contributions to County Officials voting on this application exceeding \$250 in the past two years.

To Whom: \_\_\_\_\_

Value of Contribution:

Date of Contribution: \_\_\_\_\_

I have read and understand the above and hereby agree to all that is required by me as the applicant.

Signature of Applicant

Agenda Packet - Page 27

### **Bryan County Board of Commissioners**

**Community Development Department** 



#### **DISCLOSURE STATEMENT**

Title 36, chapter 67A-3 of O.C.G.A. requires that when any applicant for rezoning action has made, within two years immediately preceding the filing of the applicant's application for the rezoning action, campaign contributions aggregating \$250.00 or more to a local government official who will consider the application, to file a disclosure report.

✓ No, I have not made any campaign contributions to County Officials voting on this application exceeding \$250 in the past two years.

Yes, I have made campaign contributions to County Officials voting on this application exceeding \$250 in the past two years.

To Whom: \_\_\_\_\_

Value of Contribution:

Date of Contribution:

I have read and understand the above and hereby agree to all that is required by me as the applicant.

<u>Brinda C. Brice</u> Signature of Applicant

Agenda Packet - Page 28

### Bryan County Board of Commissioners

**Community Development Department** 



#### **DISCLOSURE STATEMENT**

Title 36, chapter 67A-3 of O.C.G.A. requires that when any applicant for rezoning action has made, within two years immediately preceding the filing of the applicant's application for the rezoning action, campaign contributions aggregating \$250.00 or more to a local government official who will consider the application, to file a disclosure report.

▶ No, I have not made any campaign contributions to County Officials voting on this application exceeding \$250 in the past two years.

Yes, I have made campaign contributions to County Officials voting on this application exceeding \$250 in the past two years.

To Whom:

Value of Contribution: \_\_\_\_\_

Date of Contribution: \_\_\_\_\_

I have read and understand the above and hereby agree to all that is required by me as the applicant.

. Sur

Signature of Applicant

### T. R. Long Engineering, P.C.

114 North Commerce Street Hinesville, Georgia 31313 (912) 368-5664 Office (912) 368-7206 FAX



308 Commercial Drive, Suite 100 Savannah, Georgia 31406 (912) 335-1046 Office (912) 335-1642 FAX

January 28, 2021

Bryan County Board of Commissioners Community Development Department 66 Captain Matthew Freeman Dr., Suite 201 Richmond Hill, GA 31324

Re: Project Narrative for Rezoning Request Tax Parcel 025 032 Ellabell, Georgia

Dear Bryan County Community Development Department,

On behalf of the developer we respectfully request the rezoning of Parcel 025 032 from the current zoning of RR-1 "Rural Residential 1" (formerly AR-1 "Agriculture Residential") to the proposed zoning of R-15 "Single Family Residential" per the latest UDO classifications revised December 08, 2020.

The site contains 49.89 acres per the latest plat dated February 19, 2018 by Michael Jim Gardner. The site is located at the intersection of U.S. Highway 280 East and Pevey Road. The site is bounded by Pevey Road to the West, U.S. Highway 280 and parcels 0261002, 0261001 and 025034 (all zoned RR-1) to the south, parcels 02503101, 02503102 and 02503103 (all zoned A-5) to the North, and wetlands/parcel 25035 (zoned A-5) to the East.

The proposed development will consist of approximately 50 half acre single family dwelling units served with an onsite community water system and septic system plus one existing developed lot consisting of a house, water well and septic. The site will be accessed from Pevey Road, an existing dirt road, which will be asphalt paved to a point just beyond the proposed site entrance.

Should you have any questions, comments or need additional information please contact us.

Sincerely,

Brandon Purcell, P.E.

## T. R. Long Engineering, P.C.

114 North Commerce Street Hinesville, Georgia 31313 (912) 368-5664 Office (912) 368-7206 FAX



308 Commercial Drive Savannah, Georgia 31406 (912) 335-1046 Office (912) 335-1642 FAX

#### Impact Analysis for Rezoning Request of Parcel 025 032 in Ellabell, Georgia

- 1) Whether the proposed reclassification is in conformance with the comprehensive plan.
  - Yes, the site is located adjacent to the "Rural Residential Transitioning" character area as shown on the Character Areas-North map.
- 2) Whether the proposed reclassification improves the overall zoning scheme and helps carry out the purposes of this ordinance.
  - Yes, the zoning reclassification improves the overall zoning scheme for rural residential in that the project fits the counties plan for the area.
- 3) Whether the proposed reclassification is compatible with or would negatively impact the overall character and land use pattern or a particular piece of property or neighborhood within one mile of the subject lot.
  - The proposed zoning reclassification is compatible with the surrounding properties for now and the future.
- 4) The adequacy of public facilities and services intended to serve the lot proposed to be reclassified, including, but not limited to, roads, parks, and recreational facilities, police and fire protections, schools, stormwater drainage systems, water supplies, wastewater treatment, and solid waste services.
  - > The services are adequate to serve the lots proposed to be reclassified.
    - Roads The site will be accessed off the currently dirt Pevey Road. Pevey Road will be upgraded to asphalt starting at US Highway 280 and end at a point just beyond the proposed subdivision entrance. The surrounding roads appear to be adequate for access to the site.
    - ii) Parks The proposed site will contain a park for the proposed community.
    - iii) Recreational Facilities Bryan County seems to have ample recreational facilities.
    - iv) Police The existing police force appear to adequate to service this site.
    - v) Fire protection The subdivision water system will be designed per the Bryan County ordinance for fire protection.
    - vi) Schools The site will produce approximately 26 students which should not overburden the existing schools.
    - vii) Stormwater drainage systems- The site will be designed per the Bryan County ordinance.
    - viii)Water supply An on-site community water well will be provided to service the subdivision.

- ix) Wastewater treatment The subdivision will utilize septic systems to serve the site. The initial soil investigations show adequate soils for the proposed septic system however a complete soil analysis will be conducted per each lot.
- x) Solid waste services The addition of 51 lots should not overburden the existing solid waste services. The proposed road design should provide adequate maneuverability to service the site.
- 5) Whether the proposed reclassification will adversely affect a known archaeological, historical, cultural or environmental resource, such as water or air quality, ground water recharge areas, drainage, soil erosion and sedimentation and flooding.
  - The proposed zoning reclassification will not adversely affect any known archaeological, historical, cultural, or environmental resources.
- 6) Whether the proposed reclassification will adversely affect the existing uses or usability of adjacent or nearby lots or the preservation of the integrity of a [any] adjacent neighborhoods.
  - The proposed zoning reclassification will not affect existing uses or usability of nearby lots or the preservation of the integrity of any adjacent neighbors.
- 7) Whether the proposed reclassification could adversely affect market values of nearby lots.
  - > The zoning reclassification should not adversely affect the market values of nearby lots.
- 8) Whether the proposed reclassification would require an increase in existing levels of public services, including, but not limited to, schools, parks and recreational facilities, stormwater drainage systems, water supplies, wastewater treatment, solid waste services, roads or police and fire protection beyond the existing ability of the county or board of education to provide.
  - The proposed project should not greatly increase the public services but will, however, help Bryan County with additional tax base and tap fees.
    - i) Schools The site will produce approximately 26 students which should not overburden the existing school capacity.
    - ii) Parks The proposed site will contain a park for the proposed community.
    - iii) Recreational Facilities Bryan County seems to have ample recreational facilities. The addition of 51 lots should not overburden the existing facilities.
    - iv) Stormwater drainage systems The site will be designed per the Bryan County ordinance.
    - v) Water supplies An on-site community water well will be provided to service the subdivision.
    - vi) Wastewater treatment The subdivision will utilize septic systems to serve the site. The initial soil investigations show adequate soils for the proposed septic system however a complete soil analysis will be conducted per each lot.
    - vii) Solid waste services The addition of 51 lots should not overburden the existing solid waste services. The proposed road design should provide adequate maneuverability to service the site.
    - viii) Roads The site will be accessed off the currently dirt Pevey Road. Pevey Road will be upgraded to asphalt starting at US Highway 280 and end at a point just beyond the proposed subdivision entrance. The surrounding roads appear to be adequate for access to the site.
    - ix) Police The existing police force appear to adequate to service this site.

- x) Fire protection The subdivision water system will be designed per the Bryan County ordinance for fire protection.
- 9) Whether there are other existing or changing conditions affecting the use and development of the lot proposed to be reclassified which give supporting grounds for either approval or disapproval of the proposed reclassification.
  - Bryan county is a growing community and the need for single family housing continues to grow.
- 10) The existing uses and zoning of nearby lots.
  - Existing uses of nearby lots are RR-1 "Rural Residential", RR-1.5 "Rural Residential 1.5", A-5 "Agricultural" and B2 "General Commercial". The current land use for the surrounding properties are either residential or wooded in nature.
- 11) The extent to which the value of the lot proposed to be reclassified is diminished by its existing zoning restrictions.
  - Bryan county is a growing community and the need for single family housing continues to grow. The land is more valuable broken into individual lots.
- 12) The extent that any diminished property value of the lot proposed to be reclassified resulting from its existing zoning restrictions promotes the health, safety, morals or general welfare of the public.
  - > The lot should serve to create single-family housing for the residents of Bryan County.
- 13) The relative gain to the public, as compared to the hardship imposed upon petitioner, by the existing zoning restrictions.
  - The gain to the public is that it provides properties to families who want to reside in Bryan County that cannot afford a larger home site.
- 14) The suitability of the lot proposed to be reclassified for its current and proposed zoned purposes.
  - The current use of the property is wooded and is suited to the current zoning. The proposed rezoning will provide single family residential lots which is suitable for growth in the area.
- 15) The length of time the lot proposed to be reclassified has been non-income producing as zoned.
  - The lot was previously used as an agricultural/tree farm. The trees appear to have been last harvested in 2013. Since that time the property has not been producing an income.
- 16) Whether the proposed reclassification would create an isolated district unrelated to adjacent and nearby districts.

- The proposed reclassification would not create an isolated district. The majority of the surrounding properties are zoned either A-5 or RR-1. There are existing single-family neighborhoods located within a mile of the proposed site.
- 17) Whether there are substantial reasons why the lot cannot be used in accordance with this existing zoning classification.
  - The property is a great tract and therefore would be greater served to the owner and Bryan county to change its classification to make it a single-family community.
- 18) Applications for a zoning map reclassification which do not contain specific site plans carry a rebuttable presumption that such rezoning shall adversely affect the zoning scheme.
  - > The proposed site plan is attached to this application.

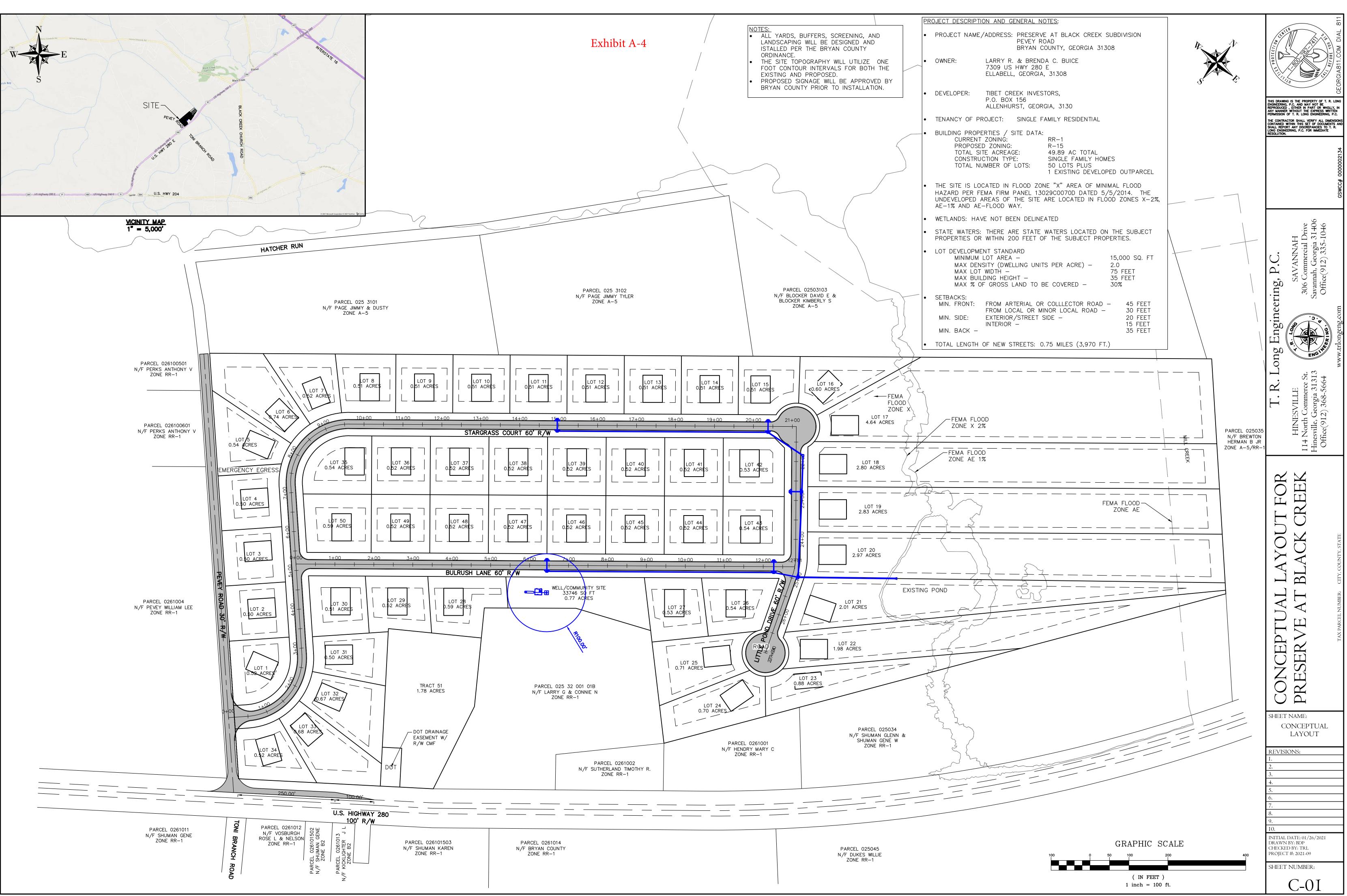


Exhibit A-5



Water Utility Management, LLC

South Atlantic Utilities, Inc. • Chatham Water Company

April 14, 2021

Mr. Daniel Dasher Tibet Creek Investors PO Box 2217 Hinesville, GA 31310

Ref: Preserve at Black Creek

Dear Mr. Dasher:

This letter is to certify that:

- a. Chatham Water Utility has water availability to serve the 50-lot Preserve at Black Creek subdivision, located in Ellabell, GA.
- b. Based on GA EPD approval, Chatham Water Utility can ensure adequate drinking water to serve the Preserve at Black Creek project located in Ellabell, GA.
- c. Chatham Water Utility will accept the Preserve at Black Creek Development as a community water system and agrees to assume ownership and responsibility for the water distribution system and service laterals leading up to the water meter.

Should you have any questions or concerns, I can be reached at ray@waterga.com or 912-721-5581.

Ray Harrington

**Operations Manager** 

Cc: Mr. Don Smith

# "B" Exhibits – Agency Comments

## Bryan County Public Schools - Amanda Clement - aclement@bryan-county.org

#### **Review Comments:**

#### Advisory Comments:

Concept Plan was forwarded to the Bryan County School District on February 16, 2021 for comment, and no comments were received.

## Fire - Robbie Jordan - rjordan@bryan-county.org

#### **Review Comments:**

UDO

As per the below the Fire Chief has approved the use of an emergency access in lieu of secondary street access between lots 4 and 5.

#### Section 114-603. Block Requirements.

(e) Secondary Access Required. For subdivisions with thirty (30) or more single-family, duplex or townhouse lots, or multi-family and manufactured home developments with thirty (30) or more units, secondary road access shall be required. The Fire Chief and Engineering Director may approve the provision of emergency access in lieu of secondary street access for subdivisions or multi-family developments with 100 or fewer dwelling units.

Due to a private well system being used adequate water flows will have to be provided to required hydrants for fire fighting operations.

#### Public Health - Michael May michael.may@dph.ga.gov

#### **Review Comments:**

If the lots of this proposed subdivision will be on septic and/or well, please submit an application, plans, and soil reports for the project to the Bryan County Health Department for review.

## Public Works - Brandon Braziel - bbraziel@bryan-county.org

#### **Review Comments:**

No objection

#### Advisory Comments:

No comment at this time.

## Zoning - Amanda Clement - aclement@bryan-county.org

**Review Comments:** 

#### Advisory Comments:

1. Further review of the proposed development will be conducted in accordance with the County's Unified Development Ordinance and Engineering Design Manual. These documents are available through the county's website, utilizing the following links:

### Exhibit B-1

**DRC Review Complete** 

**DRC Review Complete** 

**DRC Review Complete** 

**DRC Review Complete** 

No Review Done

Engineering Design Manual: https://www.bryancountyga.org/Home/ShowDocument?id=9865

## Engineering - Kirk Croasmun - kcroasmun@bryan-county.org

#### **Review Comments:**

1. Approval by GDOT is required for the proposed road and drainage improvements on US 280.

2. As the County has the right of first refusal to be the water system provider, concurrence must be provided from the Water and Sewer Utility Department in order for the project to be serviced by Water Utilities Management, which in turn must be approved by EPD. Any rezoning approval that may be provided should be conditioned upon the Applicant obtaining the necessary authorizations/approval required for the installation of a water system.

# "C" Exhibits – Bryan County Supplements



Subject Parcel 025-032

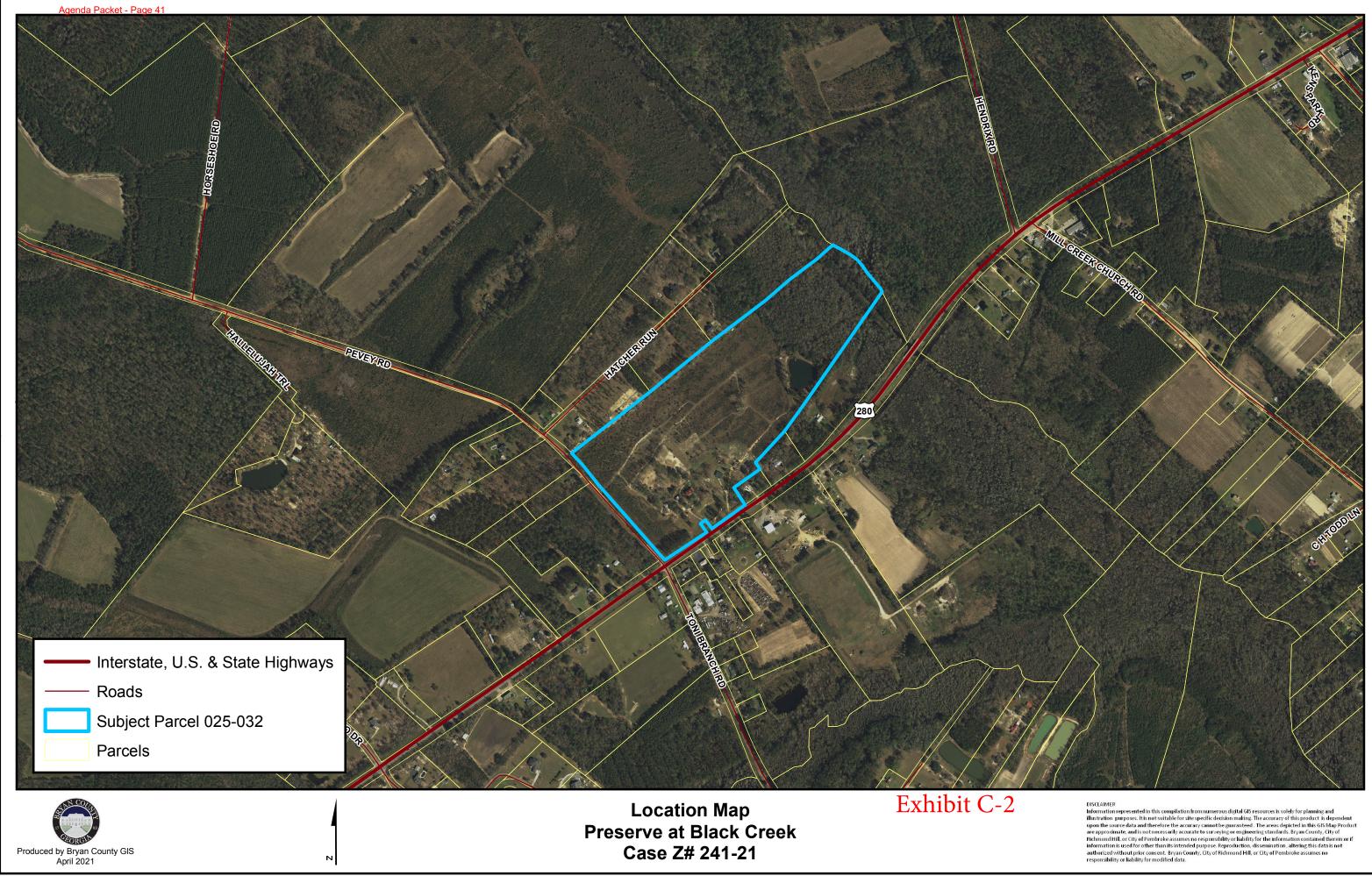
Surrounding Parcels

Produced by Bryan County GIS May 2021

**Overview Map** Preserve at Black Creek Case Z# 241-21

Exhibit C-1

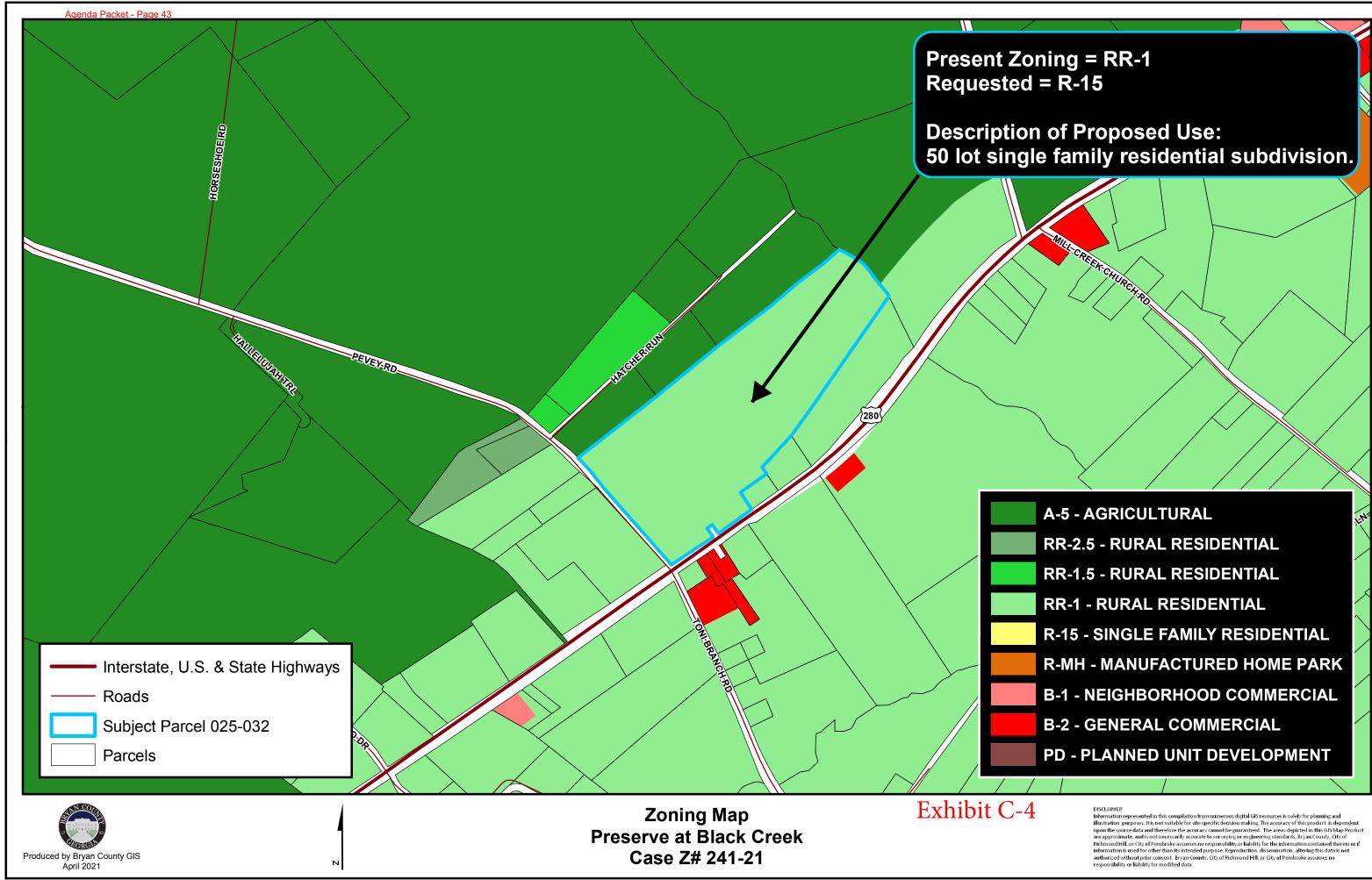
DISCLAIMER Information represented in this o DISCLAIMER Information represented in this compilation from numerous digital GIS resources is solely for planning and illustration purposes. It is not suitable for site specific decision making. The accuracy of this product is dependent upon the source data and therefore the accuracy cannot be guaranteed. The areas depicted in this GIS Map Product are approximate, and is not necessarily accurate to surveying or engineering standards. Bryan County, City of Fichmond Hill, or City of Pembroke assumes no responsibility or liability for the information contained therein or if information is used for other than its intended purpose. Reproduction, dissemination, altering this data is not authorized without prior consent. Bryan County, City of Richmond Hill, or City of Pembroke assumes no responsibility or liability for modified data.



Agenda Pac	sket - Page 42
PARCEL #	OWNER
025 026 01	PERKS ANTHONY V
025 026 02	PERKS ANTHONY V
025 027	JOYCE HERRINGTON FOWLER IRREVOCABLE TRUS
025 029	BLAKE CHRISTINE
025 030	RHODES DUSTIN P. & JESSICA L.
025 031	CORNELL SHAWN E
025 031 01	PAGE JIMMY & DUSTY
025 031 02	PAGE JIMMY TYLER
025 031 03	BLOCKER DAVID E & BLOCKER KIMBERLY S
025 031 05	ANDERSON JENNIFER ANNE
025 032	BUICE LARRY R & BUICE BRENDA C
025 034	SHUMAN GLENN W & SHUMAN GENE W
025 035	BREWTON HERMAN B JR
025 044	BOYD HELEN
025 045	DUKES WILLIE
0261 001	HENDRY MARY C
0261 002	SUTHERLAND TIMOTHY R.
0261 004	PEVEY WILLIAM LEE
0261 005	FISHER TAMMIKA KAYLEIGH
0261 005 01	PERKS ANTHONY V
0261 006 01	PERKS ANTHONY V
0261 006 02	PERKS ANTHONY V
0261 011	SHUMAN GENE
0261 011 01	NEWMAN BLONDEAN S
0261 012	VOSBURGH ROSE L & NELSON
0261 013	KICKLIGHTER J L
0261 014	BRYAN COUNTY
0261 015 02	SHUMAN GENE
0261 015 03	SHUMAN KAREN
0261 015 04	SHUMAN GENE
A DECLARA	
In	iterstate, U.S. & State Highways
R R	oads
	otified Owners
	ubject Parcel 025-032
P	arcels
A AN COLLA	
24 17 (7) (7) (7) (7) (7) (7) (7) (7) (7) (7	
oduced by Bryan Cour	nty GIS
May 2021	, N



DISCLAIMER Information represented in this compilation from numerous digital GIS resources is solely for planning and illustration purposes. It is not suitable for site specific decision making. The accuracy of this product is dependent upon the source data and therefore the accuracy cannot be guaranteed. The areas depicted in this GIS Map Product are approximate, and is not necessarily accurate to surveying or engineering standards. Bryan County, City of Richmond Hill, or City of Pembroke assumes no responsibility or liability for the information contained therein or if information is used for other than its intended purpose. Reproduction, dissemination, altering this data is not authorized without prior consent. Bryan County, City of Richmond Hill, or City of Pembroke assumes no responsibility or liability for modified data.



## "D" Exhibits – Public Comment

None Received