

LOWNDES COUNTY BOARD OF COMMISSIONERS
AGENDA ITEM

SUBJECT: Rezoning Case REZ-2017-02

DATE OF MEETING: March 14th 2017

BUDGET IMPACT:

Regular Meeting (x)
Work Session (x)
Recommendation (x)
Policy/Discussion ()
Report ()

FUNDING SOURCE:

() Annual () SPLOST () Capital (X) N/A

ACTION REQUESTED ON:

REZ-2017-02 Calles, Alexandria St
R-10 and CON to ~~E-A~~ R-A and CON, Well and Septic, ~13 acres

HISTORY, FACTS AND ISSUES:

This case represents a change in zoning on a ~13 acre property from Conservation (CON) and Suburban Density Residential (R-10) zoning to Residential-Agricultural (R-A) and CON zoning¹. Generally, the proposed boundaries are ~6.6 acres west of the existing drainage ditch to be rezoned R-A and the remainder of the property east of the drainage ditch (~7 acres) to remain zoned CON. The proposed boundaries of the R-A and CON zoning are depicted on the attached applicant proposal. The main motivation for the request is so that the property owner has the ability to have livestock and develop the property residentially. It should be noted that the property owner also owns three additional properties in the area. Two of those properties (2755 Alexandria and 2757 Alexandria) are adjacent to the western border of the subject property and serve as the applicant's residence and a residence for other family members. The subject property possesses road frontage on Alexandria St. Alexandria St is a county maintained paved local road². It is also worth noting that there are differences in where the road frontage is shown for the subject property. The survey shows it to the south end and the tax parcel information shows it to the north end. Currently, staff believes that it possesses road frontage at both locations. Typical traffic flow capacity of a local road is between 750 and 1,500 AADT³. Concerning the 2030 Comprehensive Plan Future Development Map, the subject property is within the Park/Recreation/Conservation Character Area and the Urban Service Area. Per Comprehensive Plan guidance E-A and CON zoning are currently listed as permitted zoning districts within that Character Area while R-A zoning is not. Planning believes, due primarily to the proximity of the neighboring residences and residential development and the character of the surrounding community that R-A is a better fit for the subject property than E-A. With the above and below factors in mind planning recommended an alternative proposal of R-A and CON zoning (Attached) and believes that it is overall consistent with the goals and policies of the comprehensive plan but only partly consistent with the Future Development Map.

With this request the following factors should be considered: the presence of multiple water resources on the subject property (100 year Flood Plain, Drastic Groundwater Recharge Area, Wetlands, and two streams/drainage ways), the presence of the Valdosta Regional Airport (VLD) Overlay (Height Restrictions), and the balance of the comprehensive plan, the adjacent and nearby residences, and the

¹ It should be noted that after the February GLPC meeting the applicant's agent changed their request from ~13 acres of Estate Agricultural (E-A) zoning to a request that would split zone the property R-A and CON.

² Road classifications are determined by the Lowndes County Thoroughfare Plan.

³ Per GDOT definition the Annual Average Daily Traffic (AADT) is the average number of vehicles that pass by a counter during a 24-hour period in a certain year.

development plans of the property owner. It should also be noted that the relationship with the neighbor directly to the south, Mr. McMaugh, is not a positive one. Within the last 3-6 months the Calles family has had to address multiple accusations based on complaints filed on them to the following divisions/agencies: Lowndes County Code Enforcement, Lowndes County Animal Welfare, GA EPD, GA Department of Agriculture, DFCS, the Humane Society, the Lowndes County Sheriff's Office, the Valdosta/Lowndes County Chapter of the Southern Christian Leadership Conference, the Lowndes County Board of Health, and the Lowndes County Attorney's Office. Additional documentation from most of these divisions/agencies has been attached. At least 7 of those 10 divisions/agencies have involved Mr. McMaugh as the complainant/accuser. The TRC reviewed this application and recommended/noted the following:

Division with Recommendation	Planning	Zoning	Engineering	Utilities
	Approval with Conditions	Approval	Approval	Approval
	Health	Fire/Rescue	Inspections	
	Approval	Approval	Approval	
Recommended Conditions with (Source)	<ol style="list-style-type: none"> 1. The proposed rezoning boundaries of R-A zoning and CON zoning be consistent with the planning proposal within the LCBOC agenda packet (~2.5 acres of R-A and ~11.1 acres of CON). 2. The R-A zoning boundaries shall be required to be surveyed and fenced by May 15th 2017. 			

During the January GLPC meeting the case resulted in a recommendation to table it by an 8-0 vote. The motivation for the tabling seemed to center on the fact that an updated survey showing the recently available delineated wetlands was not available to present yet and other overall general requests for further information (Wetlands allowances, Conservation Zoning Use Allowances, Conservation Covenant Allowances, etc.). No public hearing was held on the item by the GLPC during their January meeting. At their February regular meeting, the LCBOC discussed this case and ultimately recommended to table it until their March 14th regular meeting by a 4-0 vote. The motivation for the tabling seemed to center on allowing for additional time to further understand the issues presented by the applicant's agent and the opposition as well as obtaining a recommendation on the case from the GLPC. The LCBOC did hold a public hearing on the case and the applicant's agent and one other individual spoke for the case and one adjacent neighbor spoke against it. During the February GLPC meeting the case resulted in a recommendation of denial by a 4-2-1 vote. Commissioner Raker and Commissioner Ball voted against the motion. Commissioner Sandlin abstained. Concerning, the public hearing the applicant's agent spoke for the request and one adjacent neighbor and one concerned citizen spoke against it. Since the last LCBOC meeting the major updates to the case are the following: a site visit to the subject property by Planning and Engineering Staff, the February GLPC recommendation and public hearing, the additional and/or updated materials within the LCBOC packet, and the change in the request from E-A zoning to a combination of R-A and CON zoning.

OPTIONS:

1. Approve 2. Approve with Conditions 3. Table 4. Deny

RECOMMENDED ACTION: GLPC: Option #3 Denial

TRC: Options #1 or #2 Approval or Approval with Conditions

DIVISION: Planning

Contributing Staff: Jason Davenport 

Trinni Amiot

Molly Stevenson

Sharon Griffith

VALOR


County Manager

Action by the Board: _____