

LOWNDES COUNTY BOARD OF COMMISSIONERS
COMMISSION AGENDA ITEM

SUBJECT: REZONING CASE REZ-2015-02 Devine Subdivision

DATE OF MEETING: February 10th 2015

Regular Meeting (x)

Work Session (x)

BUDGET IMPACT:

Recommendation (x)

FUNDING SOURCE:

Policy/Discussion ()

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

Report ()

ACTION REQUESTED ON:

REZ-2015-02 Devine Subdivision, Tillman Crossing Rd
R-1 to R-10, County Water and Sewer, ~24 out of ~72 acres

HISTORY, FACTS AND ISSUES:

This request represents a change in zoning on a ~24 acre portion of a ~72 acre subject property. The requested zoning change is from Low Density Residential (R-1) zoning to Suburban Density Residential (R-10) zoning. The motivation for the zoning change is aimed at allowing a residential subdivision with a higher density (~57 lots) than what is currently allowed (~19 lots). The subject property possesses road frontage on Tillman Crossing Rd. Tillman Crossing Rd is a County maintained minor collector. Typical traffic flow capacity of a minor collector road is between 1,500 to 3,000 AADT. 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. Concerning the 2030 Comprehensive Plan Future Development Map the subject property is in the Urban Service Area and depicted as within a Suburban Area Character Area. Per Comprehensive Plan guidance R-10 zoning is listed as an appropriate zoning district within a Suburban Area Character Area. With this request the following factors should be considered: the adjacent residences and residential zoning to the west and south, the differences in lot sizes between the residences to the south (Common range 28,000 sqft to 1+ acres) and the residences to the west (Common range 10,000 sqft to 15,000 sqft), the railroad tract to the east, the small cemetery notation on the subject property (The applicant/developer hired an Archeologist to address this concern), the applicant's plans to establish a ~13,000 sqft minimum lot size, the utilization and location of County water and sewer, the financial investment and attraction of additional investment in the area, and the difference in value between the proposed houses and those on the market or existing to the south. The TRC reviewed this application and overall found it consistent with the Comprehensive Plan and recommended for its approval with 1 condition.

Condition #1 All lots shall front interior roads.

The GLPC heard this request at their January regular meeting and ultimately recommended for its denial by a 7-2 vote. Commissioner Ball and Commissioner Hall voted in opposition. The motion on the request included references to safety, traffic, the proposed lot size, that the proposed change will adversely influence existing conditions in the neighborhood or the community at large (A Standard for Exercising Zoning Power (SEZP) – ULDC 10.01.05(6(e)), and that the proposed change is out of scale with the needs of the neighborhood or Lowndes County (SEZP – ULDC 10.01.05(6(i))).

The main discussion and questioning from the GLPC focused on traffic. The County Engineer was present and addressed multiple questions during the discussion about traffic. The discussion and questions included issues regarding safety, existing traffic congestion, existing traffic conditions when a train is blocking access on Tillman Crossing, potential information regarding crashes or accidents in the area, the existing stacking distance associated with Tillman Crossing, long-term planned Hwy 41

improvement projects (Currently 2021-2025), potential short-term Hwy 41 improvement projects that would help existing conditions i.e. a dedicated left turn lane and deceleration lane, the estimated cost for those short-term 41 improvements (~\$300,000), whether or not it is just to force the proposed 50 lot subdivision to pay for the improvements when compared to the impact that Stone Creek (~600 lots) and Carlton Ridge (99 lots) have on the existing traffic conditions, the difference in traffic between the number of lots allowed with the current zoning and the proposed zoning, the potential delay in EMS response while a train is blocking Tillman Crossing, impacts related to Valwood School, the current lack of traffic related infrastructure to address existing issues, the potential pressure on Lowndes County to improve existing conditions, and whether the positive elements of the proposed subdivision outweigh the traffic concerns. Other discussion and questioning from the GLPC included the history, the total road frontage along Tillman Crossing, whether the proposed change would protect the public health, safety, morality and general welfare of the citizens, the proposed density, the comparison of the Carlton Ridge subdivision to the Stone Creek subdivision (density, landscaping, compatibility, etc.), feedback from existing Stone Creek residents, lot size, and the difficulties the LCBOC will face with this decision.

During the public hearing portion of the request the applicant's engineer spoke for it and four individuals spoke against it. The applicant's engineer focused on the potential economic benefits. Individuals speaking against the request most commonly focused on the traffic (Safety, accidents, congestion, the potential for unreported accidents, car stacking in the shoulders, the proposed timing of improvements, car stacking when a train blocks Tillman Crossing, visibility, and the potential for a delayed EMS response related to train traffic). Other points mentioned by those speaking in opposition included the proposed density, that the proposed zoning is out-of-character, concerns about potential declines in property values, the potential impact on the schools, the precedent for other properties in the area, the availability of water and sewer, the potential stress on public utilities, and the proposed house size. Beyond the public hearing and as of the preparation of this report staff has received approximately 3 phone calls and 3 e-mails in opposition to the case.

Although the TRC did not believe that the following below requirements should be recommended as conditions of approval with the rezoning, they should at least be noted: the subject property has portions within wetlands protection districts (Generally ULDC Section 3.05.00), a small cemetery (Old Tillman Cemetery) is currently shown on the subject property, and a portion of the eastern subject property is within the 41 N Corridor Road Overlay (Generally ULDC Section 4.02.01).

OPTIONS:

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

RECOMMENDED ACTION: TRC Option #2 / GLPC Option #4

DIVISION: Planning

County Planner: Jason Davenport


County Manager

Action by the Board: _____