

LOWNDES COUNTY BOARD OF COMMISSIONERS
MINUTES
REGULAR SESSION
TUESDAY, DECEMBER 10, 2002
5:30 P.M.

Commissioners Present:

Rodney N. Casey, Chairman
Joyce E. Evans, District 1
Richard C. Lee, District 2
G. Robert Carter, District 3, Vice Chairman

Chairman Casey called the meeting to order at 5:30 p.m.
Commissioner Lee gave the invocation.
Chairman Casey led the Pledge of Allegiance to the Flag.

Minutes

The minutes presented for approval were from the Work Session of November 25, 2002 and the Regular Session of November 26, 2002. Motion by Commissioner Lee to approve the minutes with the minor corrections noted at the Work Session, second by Commissioner Carter. Motion carried.

Special Presentation to Marcus Campbell

Chairman Casey presented Marcus Campbell, Finance Director, with a framed print of the Lowndes County Courthouse in honor of his sixteen years service to Lowndes County. Mr. Campbell will be retiring on December 31, 2002. The Commissioners commended Mr. Campbell for his commitment and service to the citizens of Lowndes County.

Citizens Wishing to be Heard

Christopher Hill, 3821 Spruce Drive, stated that he wanted to follow-up on his previous request for assistance to reduce excessive speeding on Spruce Drive. Mr. Hill stated that there was still a serious problem about the speeding. According to Mr. Hill, the completion of the installation of median dividers had reduced the amount of traffic in the afternoon, but there was still a problem in the morning. Charlie Clark, County Engineer, committed to plan a traffic calming solution and present that to the residents.

Public Hearing – Rezoning Ordinances for Adoption

#02-1089 – LO-2002-50 – Larry Dean, A-U to C-H, 6032 Peterson Road – Motion by Commissioner Lee to table the rezoning case for thirty days at the request of the applicant and the citizens in opposition to the case, second by Commissioner Evans. Motion carried.

#02-1097 – LO-2002-57 Daniel Bennett, A-U to S-A, 5970 Wiggins Road – Alan Sloan, Comprehensive Planner, Comprehensive Planner, stated that Daniel J. Bennett is requesting to rezone 8.643 acres from Agricultural Use (A-U) to Suburban Agricultural (S-A). Subject property is located at 597 Wiggins Road, south of U.S. Highway 84 and east of Unincorporated Naylor. The applicant plans to subdivide and sell 4 acres of the property.

The subject property is located in the Rural Service Area (RSA). This property is located off of an unpaved road. The applicant plans to develop the property to meet the S-A requirements, which would allow less than 5 acres. Each lot would have to be served by

an individual well and septic tank. Allowing the use of S-A zoning in this area should be prohibited.

The Planning Commission found the request inconsistent with the Comprehensive Plan and recommended denial.

No one spoke in opposition to or in favor of the request.

Motion by Commissioner Evans follow the recommendation of the Planning Commission and staff and deny the request, second by Commissioner Lee. Motion carried.

#02-1098 – LO-2002-58 – William Dwight Carver, Special Exception for a Gun Repair Shop – Alan Sloan, Comprehensive Planner, stated that William D. Carver is requesting a Special Exception for the establishment of a rural home occupation in an Agricultural (A-U) zoning district. The subject property is located at 3614 Newsome Road, along the west side of Grover Hicks Road. The property currently contains two manufactured homes, storage buildings and a garage. The applicant is proposing to operate a gun repair shop in the existing 14'x16' storage building.

The Planning Commission found the request consistent with the Comprehensive Plan and recommended approval.

No one spoke in favor of or in opposition to the rezoning request.

Motion by Commissioner Carter to approve the request, second by Commissioner Lee. Motion carried.

#02-1099 – LO-2002-59 – Harold Hagan, C-H to R-C on Loch Laurel Road – Alan Sloan, Comprehensive Planner, stated that Harold Hagan is requesting to rezone 6 acres from Highway Commercial (C-H) to Cluster Residential (R-C). Subject property is located between Loch Laurel Road and Pikes Pond Road, adjacent to Old Valdosta-Bellville Road. The applicant proposes to develop 27 residential lots.

The property is located within the Urban Service Area (USA) of the Comprehensive Plan and depicted as Residential in the Future Land Use Map. The property is located in an area with mixed zoning uses consisting of mobile homes, commercial and single-family site-built homes. Rezoning of this property would be a down zoning from a much higher intensive use. R-C zoning would be more appropriate for this area. A maximum of 12 units per acre is allowed in a R-C zoning district, which would allow 72 units on a 6-acre tract. However, the applicant is only proposing 27 cluster/single-family units with 1,200 square feet of heated space for each dwelling. Water service is available at the site but sewer service will have to be determined prior to any permitting.

The Planning Commission reviewed this at their November regular meeting and recommended tabling for one month to allow staff and the applicant to address density issues of the proposed development.

Against the Request:

Keith Barrett, 4944 Princess Drive, expressed concerns about the small size of the lots and units and felt that the proposed development did not represent the character of the

area and indicated that he and the other residents of his neighborhood would like to maintain the characteristics of their neighborhood.

Lee Barrett, 4905 Princess Drive, stated that his neighborhood was a nice, quiet neighborhood and that he felt the traffic increase from the proposed development would have a negative impact on his neighborhood.

Dewayne Carson, 5015 Cypress Lake Drive, expressed concerns about having so many units on a small piece of property. Mr. Carson also voiced his concerns about possible increase in traffic and potential health issues. Mr. Carson requested that if the Commissioners were to approve the request, they limit the number of units to twelve or less.

Tom Stump, 4860 Loch Laurel Road, stated that he sold the property to the Southern Baptist Convention for a Church, but the property was offered for sale by the Convention about two years ago. Mr. Stump stated he would like for the proposed development to have fewer units.

Owen Prince, 4916 Princess Drive, stated that he would like to have less dense zoning than R-C and would prefer to have residential zoning similar to the zoning in his neighborhood.

Tammy Purvis, 4921 Princess Drive, expressed concerns about erosion and traffic. Ms. Purvis also stated that there were drainage issues with another development by Mr. Hagan and that she was concerned about potential erosion and possible traffic issues for the proposed development.

Speaking For the Request:

Scott Alderman, 4803 Springbrook Drive, requested action, not tabling, on the request and for the Commissioners to follow the Planning Staff's recommendation and approve the request. Mr. Alderman stated if the requested zoning is not approved, then the property should remain Commercial. Mr. Alderman noted that he felt the residents had a right to object to the rezoning, but not to dictate what would be done with the property. Mr. Alderman presented comparable, recent sales and a letter from a reputable appraiser stating that the development would not devalue adjacent properties. Mr. Alderman continued by stating that not everyone could live in a big, expensive home and that the proposed development would provide homes for residents who might not otherwise be able to own a home. According to Mr. Alderman, the Southern Baptist Convention purchased the property in 1987 from the Stump family for \$120,000.00 and the proposed sale price to Mr. Hagan is less than that amount. Continuing, Mr. Alderman stated that Mr. Hagan planned to spend approximately \$100,000.00 of his own money to run sewer lines to serve not just his proposed development, but also other property in the area. Mr. Alderman noted that the Planning Commission had recommended approval of the request. Mr. Alderman cited statistics showing that the development would be beneficial to Lowndes County and reiterated that he was not interested in R-10 zoning.

The Commissioners discussed various aspects of the rezoning request.

Motion by Commissioner Carter to deny the request, second by Commissioner Evans. Motion carried. Commissioner Lee voted in opposition.

#02-1100 – LO-2003-60 – Terry Dees, A-U to C-H on U. S. Highway 41, South – Alan Sloan, Comprehensive Planner, stated that Terry Dees is requesting rezoning of 5.731 acres from Agricultural Use (A-U) to Highway Commercial (C-H). The subject property is located in south central Lowndes County along the west side of US 41, just southwest of the intersection of US 41 and Newsome Road. The property is currently vacant and the applicant is proposing to develop the property with an office/warehouse. The subject property is located within the Rural Service Area (RSA) of the Comprehensive Plan, and depicted as Agriculture/Forest on the Future Land Use Map.

This portion of US 41 is predominantly rural with scattered residences, churches and a few commercial uses. The C-H zoning to the north was rezoned many years ago and most of the properties remain vacant. This area is not planned for commercial development and is miles away from public water and sewer services. The property is located within a groundwater recharge area, contains poorly drained soils, and is in proximity to a wetland area. Use of a septic system in this area is a poor environmental policy. Development of this type should be located in an area planned for such commercial growth. Development along this portion of US 41 should not happen until adequate services are in place to support the growth.

A portion of a 2-acre tract located north and adjacent to this site was rezoned for commercial by the Lowndes County Commission in October of 2000 (File #LO-2000-64) with RDC Planning Staff and the Greater Lowndes County Planning Commission having recommended denial. Staff is still of the opinion that commercial zoning is not warranted for this area without the adequate infrastructure in place.

PLANNING COMMISSION ACTION

Planning Commission found the request consistent with the Comprehensive Plan, and recommended approval. Rational included commercial trends have been established along Highway 41 South. The Planning Commission recommended that the Comprehensive Plan be amended to include this area in the Urban Service Area.

Speaking Against the Request: None.

Speaking For the Request: Bill Langdale, 10006 North Patterson Street, an attorney representing the applicant stated that:

1. The Planning Commission recommended approval of the request.
2. His client owns the 2 acres that were rezoned C-H in October 2000 and he needs more land for his commercial usage.
3. The property is located on one of the major four-lane corridors in Lowndes County.
4. Commercial development in this area is prevalent on U.S. 41 in Lowndes County.
5. The price of the property is considerably less than the cost of property in other Commercial properties, such as North Valdosta Road.
6. Alan Rigdon, Soil Scientist, was employed to assess the property and he found that the property is suitable for individual septic tank systems.

7. Bryan Aultman appraised the property and stated that the highest and best use of the property was commercial. The property was purchased in the 1950's by Seaboard Coastline Railroad for an industrial park.
8. This area is a wonderful area for small businessmen to locate.

Mr. Langdale urged the Commissioners to approve his client's request.

Motion by Commissioner Carter to approve the request, second by Commissioner Lee.
Motion carried.

#02-1101 – LO-2002-61 – Curtis Wade A-U to R-1, Highway 135 North in Naylor, Alan Sloan, Comprehensive Planner, stated that Curtis Wade is requesting to rezone 1 acre from Agricultural Use (A-U) to Single-Family Residential (R-1). Subject property is located on Highway 135 North, just southeast of October Lane. The applicant is requesting rezoning to allow construction of a single-family site-built home. The subject property is located in the Rural Service Area (RSA) of the Comprehensive Plan and depicted as Agricultural/Forest on the Future Land Use Map.

This property was subdivided by warranty deed in 1995 and the owner needs rezoning to allow development of the property. Even though the Comprehensive Plan calls for this property to be Agricultural/Forest, the use of single-family residential has already been established in the area with adjacent lots to the north and south being rezoned to R-1.

The Planning Staff and Planning Commission found the request consistent with the Comprehensive Plan, and recommended approval. Rationale for the motion included: the request is consistent with the Comprehensive Plan and is depicted as Agricultural/Forest, and items 1 through 10 of the Standards for the Exercise of Zoning Power.

No one Spoke in Favor of or in Opposition to the Request.

Motion by Commissioner Lee to approve the request, second by Commissioner Evans.
Motion carried.

#02-1102 – LO-2002-62 – Scott Houser, Special Exception for a Mini Warehouse on Vinnie Road – Alan Sloan, Comprehensive Planner, stated that Scott Houser is requesting a Special Exception for the establishment of two mini-storage buildings in a Rural Commercial (C-R) zoning district. The subject property is located at the northwest intersection of Bemiss Road and Vinnie Drive. The subject property is located within the Rural Service Area (RSA) of the Comprehensive Plan and depicted as Public Institution & Agriculture/Forest on the Future Land Use Map. This property is also located within the Moody Activity Zone (MAZ).

The applicant is proposing to construct two 40'x80' mini storage buildings that are allowed in a C-R zoning district by Special Exception. Applicant will have to adhere to all developmental standards including buffering and landscaping as described in Section 3-16 and 3-18 of the Lowndes County Zoning Ordinance. Staff is of the opinion that mini-storage warehouses would not have an adverse effect on the property, if proper buffering and landscaping were applied.

Planning Commission reviewed this at their November regular meeting and found it consistent with the Comprehensive Plan, and recommended approval.

Speaking in Opposition to the Request: None

Speaking in Favor of the Request: Scott Houser, 4 North Sawgrass Circle, urged the Commissioners to approve his request and stated that he intends to fully comply with all requirements. Mr. Houser stated that he felt the mini-storage facility would benefit Lowndes County Citizens.

Motion by Commissioner Lee to approve, second by Commissioner Carter. Motion carried.

#02-1103 – LO-2002-63 – Cathie Felix, Special Exception for an Accessory Building in RTL – Alan Sloan, Comprehensive Planner, Stated that Cathie and Glade Felix are requesting a Special Exception to allow the placement of an accessory building on a separate lot in a Residential Twin Lakes (RTL) zoning district. The subject property is located at 5820 Dykes Pond on the north side of the pond. The property currently contains a screened porch. The County Commission recently amended the Accessory Structures portion of the Zoning Ordinance to allow accessory structures on adjacent lots by Special Exception

The Planning Staff found that the rezoning would not have a negative effect on the property or adjacent property.

Planning Commission reviewed this at their November regular meeting and found it consistent with the Comprehensive Plan and recommended approval.

Speaking in Opposition to the Request:

Kern Walcher, 5994 Dykes Pond Road, stated that there was a shack that had previously been on the property and had been torn down, but that an aluminum building had already been moved on the property connected to an existing screen porch. Mr. Walcher stated that while he was unsure of the intent of the property, it looked like it was set up to live in. Mr. Walcher stated that he felt he was speaking for some of the other property owners around the lake who are opposed to having another shack on the lake, against RTL zoning. Mr. Walcher expressed concerns about the property not being encompassed into the adjacent lot because the property owners might want to sell the property and if there is a shack already on the property perhaps someone might use it as a living structure.

Speaking in Favor of the Request:

G. L. Felix, 5818 Dykes Pond Road, stated that he purchased the property earlier this year and thought they could use the existing building as a storage facility, but that it had deteriorated to the extent that it was unusable. Mr. Felix stated that they had purchased a pre-built storage facility to use instead. Mr. Felix noted that he is renovating his home on the adjacent property and would not want to devalue his property. The building has no plumbing or electrical hook-ups and they intend to use it as storage only.

Ron Williams, 5820 Dykes Pond Road, stated that he had no problems with the request for a special exception and felt that Mr. & Ms. Felix were upgrading the property.

Motion by Commissioner Carter to approve the request, second by Commissioner Lee.
Motion carried.

#02-1104 – LO-2002-64 – Charles Bennett, A-U to R-15, Skipper Bridge Road and Darian Drive – Alan Sloan, Comprehensive Planner, Charles Bennett is requesting to rezone 74.08 acres from Agricultural Use (A-U) to Single-Family Residential (R-15) for the purpose of developing a 78 lot single-family residential development. The property is located within the Urban Service Area (USA) of the Comprehensive Plan and depicted as Residential on the Future Land Use Map.

An R-15 residential development (Spring Hill Subdivision) is located north of the subject property and a previously approved R-15 subdivision is in the final platting stage. R-15 zoning allows 15,000 square feet minimum lot size. However, the Lowndes County Health Department may require lots to be a minimum of 30,000 square feet. The final layout of the lots will be determined prior to permitting. Water is available to the site but County sewer is not currently available. The County Engineering Department has requested that the owner/developer contact their office for further review.

Planning Commission found the request consistent with the Comprehensive Plan and recommended approval.

Speaking Against the Request: Donald Crawford, 3506 Engberg Avenue, stated that he owned adjacent property and that he was neither for nor against the rezoning. Mr. Crawford pointed out emphatically that his family and others in the community were engaged in farming and would like to emphasize that this was a farming community utilizing everything available to a farmer including insecticides, chemicals, livestock, etc.

Speaking For the Request: None

Motion by Commissioner Lee to approve the request, with the condition that the County hold the trust deed on the private water system and when County water is available, then the County provides the water to the entire development, second by Commissioner Evans.
Motion carried.

#02-1105 – 22`002-65 – Gail Williams, A-U to S-A on James Road – Alan Sloan, Comprehensive Planner, stated that Gail Williams is requesting rezoning of 1 acre of an approximately 49-acre site from Agriculture Use (A-U) to Suburban Agriculture (S-A). Subject property is located in the vicinity of 2485 James Road. The applicant makes this request for financing and deeding purposes. The subject property is located within the Urban Service Area (USA) of the Comprehensive Plan, and depicted as Residential on the Future Land Use Map.

The Planning Commission found the request consistent with the Comprehensive Plan and recommended approval.

No One Spoke in Favor of or in Opposition to the Request.

Motion by Commissioner Evans to approve the request, second by Commissioner Lee.
Motion carried.

Contract for Final Adjusting Change Order for Bemiss Road, Phase II

Motion by Commissioner Lee to approve the change order for Bemiss Road, Phase II as requested, second by Commissioner Evans. Motion carried.

Appointment for Two Seats on the Greenspace Advisory Board

Chairman Casey pointed out that the terms of both Dr. Brad Bergstrom and Mr. Wesley Langdale expire at the end of this calendar year. According to Chairman Casey, both have indicated a willingness to continue to serve on this Board.

Motion by Commissioner Evans to re-appointment both Dr. Brad Bergstrom and Mr. Wesley Langdale to full three year terms on the Greenspace Advisory Board, second by Commissioner Carter. Motion carried.

For Consideration

GADOT Highway Functional Classification Review and Update – Charlie Clark, County Engineer, recommended approval of the review as presented with the deletion of the change on Staten Road from McMillan Road to Skipper Bridge Road. According to Mr. Clark, Staten Road could remain as it is now, a “minor collector” on the Functional Classification, with the current speed limit and not be reclassified as a “local” road.

Motion by Commissioner Lee to approve the list as presented with the modification to Staten Road, second by Commissioner Evans. Motion carried.

Public Safety Radio System Property Purchase Closure – Walter Elliott, County Attorney, noted that the purchase had previously been approved and that the closing is scheduled and no additional action is necessary.

Payment of US Cellular Wireless 911 Costs – Nick Lacey, 911/Emergency Management Center Director, stated that the request was contingent upon the County Attorney’s completion of the contract with US Cellular and to make payment of reasonable costs that are within the criteria established by Lowndes County.

Motion by Commissioner Lee to approve the contract with US Cellular for Wireless 911 costs, to authorize payment of US Cellular reasonable charges and to authorize the Chairman to sign the contract, second by Commissioner Evans. Motion carried.

Reports

Charlie Clark, County Engineer, presented the proposal from Kun-Young-Chiu and Associates, for additional design work for the Staten Road Bridge over the Withlacoochee River as a result of the Department of Transportation Review. Joe Pritchard, County Manager, recommended approval of the design work and proceed with negotiations with members of the legislature and Department of Transportation. Mr. Pritchard noted that action on the additional design work now would allow the project to proceed through the Department of Transportation process while negotiations are taking place.

Motion by Commissioner Lee to approve the additional design work for the Staten Road Bridge over the Withlacoochee, second by Commissioner Evans. Motion carried.

Joe Pritchard, County Manager, requested authorization for the Chairman and the County Manager to negotiate an agreement for the Metropolitan Planning Organization in reference to transportation. After an agreement has been reached, the resolution will be submitted to the Commissioners for approval.

Motion by Commissioner Lee to authorize the Chairman and County Manager to negotiate the agreement and to authorize the Chairman to execute associated, required documents, second by Commissioner Carter. Motion carried.

Joe Pritchard, County Manager, requested approval of the plan he had submitted for the compensation of employees.

Motion by Commissioner Carter to approve the plan, second by Commissioner Evans. Motion carried.

Joe Pritchard, County Manager, presented a quit-claim deed from the County to Thomas D. Adkins Jr. related to the water system for Jimmy Rogers Subdivision. According to Mr. Pritchard, the quit-claim deed had been requested by the Utilities Department. Mike Allen, Utilities Director, assured the Commissioners that the County Attorney had reviewed and approved the quit-claim deed.

Motion by Commissioner Carter, second by Commissioner Lee to approve execution of the quit-claim deed to Thomas D. Adkins, Jr. Motion carried.

Joe Pritchard, County Manager, presented a petition for closure of Little Branch Road, C.R. 145 and requested the Commissioners to accept the petition and authorize advertising for the public hearing.

Motion by Commissioner Evans, second by Commissioner Lee to accept the petition for closure to D. R. 145. Motion carried.

Joe Pritchard, County Manager, presented a resolution accepting infrastructure for McMillan Estates, Phase II, Subdivision and requested approval of the resolution.

Motion by Commissioner Carter to approve the resolution accepting infrastructure for McMillan Estates, Phase II, second by Commissioner Evans. Motion carried.

The meeting adjourned at 700 p.m.

Rodney N. Casey, Chairman

Phyllis B. Waters, County Clerk