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Timothy Byler  
ASST. VICE CHAIR  
Lynn Pace  
SECRETARY  
Jeff Ricketson



COMMISSIONERS  
Sarah Baker  
Alonzo Bryant  
Don Emmons  
Marshall Kennemer  
Phil Odom  
Durand Standard

June 17, 2014

The Liberty Consolidated Planning Commission met on Tuesday, June 17, 2014, in the historic Courthouse, 100 Main St., Hinesville, GA. Jack Shuman, Chair, called the Meeting to order. A Motion was made by Don Emmons to approve the minutes from the May 20, 2014 meeting, seconded by Alonzo Bryant; the motion passed unanimously. The public was notified of the meeting; the agenda was posted in accordance with Georgia Law.

COMMISSIONERS PRESENT:

Jack Shuman  
Don Emmons  
Timothy Byler  
Phil Odom  
Alonzo Bryant  
Marshall Kennemer  
Lynn Pace  
Sarah Baker

ABSENT:

Durand Standard

OTHERS PRESENT:

Jeff Ricketson, Executive Director  
Gabriele Hartage, Zoning Administrator  
Melissa A. Jones, Planner II  
Joey Patenaude, Planner I

**OLD BUSINESS (PUBLIC HEARING OPEN)**

**Old Business Items.** None.

**NEW BUSINESS**

**Consent Agenda Items.** None

**Ordinance.**

An ordinance was presented by Jeff Ricketson to amend land use maps in the Liberty County Consolidated Comprehensive Plan 2030. The ordinance would provide an update to the area delineated as the Flemington Subarea Future Land Use; the subarea includes the City of Flemington and portions of the unincorporated county. Liberty County Commissioners and Flemington City Council have both

approved the concept of updating the proposed map. If approved by the planning commission, the map will go before the County Commissioners and City Council for approval.

The ordinance was recommended for approval by the LCPC staff.

MOTION: Tim Byler recommended APPROVAL for the above ordinance change.

SECONDED: Don Emmons.

VOTE: Unanimous. The motion passed.

## **Rezoning Petition and Other Zoning Related Petitions**

### **Liberty County**

**CONDITIONAL USE 2014-012-LC.** A conditional use application has been filed by Mary C. Hines, owner, to operate a child care center on E. Oglethorpe Highway approximately 1,600 feet east of the intersection with Leroy Coffey Highway. The property is zoned AR-1 (Agricultural Residential District) and is further described as LCTM-Parcel 120-079 (portion thereof).

Joey Patenaude gave the presentation. The parcel was subdivided from a property of 5.53 acres, with approximately one acre set aside for the development of the child care center. The surrounding properties are zoned AR-1 and A-1, with the exception of the property located at the intersection of U.S. 86 and SR 94 zoned B2. Patenaude shared a letter from the Georgia Department of Transportation that stated that only one drive would be allowed for the parcel. A sketch of the proposed building showed the entrance of the center would be located in the rear of the building. Patenaude informed the commissioners that the building would have to meet Liberty County Building and Licensing requirements.

A letter of opposition from Marjory Varnedoe was read. Varnedoe opposed the child care center because the property is zoned for residential use and she felt that it should stay that way. She was concerned that the proposed center would cause competition for a new child care center being developed by St. Peters AME Church and customers of the child care center would park on her property.

Byler explained to Varnedoe that the proposal was not to change the zoning of the parcel but to allow a child care center which is allowed in the AR-1 zoning district; however, it would be considered a conditional use. Emmons wanted clarity on where Varnedoe's property was located. Varnedoe explained that her family property was across the highway from the proposed center. Phil Odom pointed out that the letter from GDOT was dated June 6, 2013, which was over a year so the letter has expired. Contact with GDOT would need to be made to address the driveway.

The staff recommended approval with standard conditions.

MOTION: Don Emmons recommended APPROVAL of the conditional use with standard conditions and a provision that a confirmation of agreement/contract between the two property owners is developed in regards to joint use of the driveway.

SECONDED: Lynn Pace

VOTE: (7) In-favor. (1) Abstained-Sarah Baker. The motion passed.

## City of Hinesville

**SPECIAL PERMIT USE 2014-014-H.** A special permit use application was filed by Bishop Jimmie Smiley and Pastor Lucile Smiley, of the Trinity Missionary Baptist Temple, Inc. to establish a cemetery adjacent to the sanctuary at 1016 Love oak Drive, further described as LCTM-Parcel 047A-146. The property consists of eight acres of land, more or less, and is zoned R-4 (single-family dwelling district).

Gabriele Hartage gave the presentation. Hartage shared a letter from the Dorchester Funeral Home that stated that there were no restrictions for a church to have its own cemetery. Hartage stated that there was a buffer up behind the homes due to the existing trees; however, the church would have to have a 10-foot buffer. Byler asked what precautions needed to be made since the property was located in the flood zone. Hartage said that she spoke with the coroner and that as a precaution the graves should be dug about 48 inches and a steel plate should be placed on the top of the casket. Hartage informed the planning commission that there is another cemetery located in the flood zone in the county.

A letter of opposition from property owner Leo Nolasco was shared with the commission. Nolasco was in opposition to the cemetery due to it causing a decline in the value of his property. J. W. Shaw, Chairman of the Trustee at Trinity stated that the church has put up a vegetative buffer in the past, but it was cut back by the city due to the cleaning of the drainage. Pastor Smiley stated that the cemetery would not be visible unless you drove onto the church grounds. Chairman Shuman informed Shaw that he would need to get with the city on how to address the cutting of the buffer.

The staff recommended approval with standard conditions.

MOTION: Tim Byler. I recommend approval with standard conditions.

SECONDED: Lynn Pace.

VOTE: Unanimous. The motion passed.

## Liberty County

**Variance 2014-017-LC.** A variance application has been filed by Billy E. West, owner, to build an accessory structure in front of his house at 847 Screven Fork Road, further described as LCTM-Parcel 125-003. The property is zoned AR-1 (Agricultural Residential District), and consists of 6.40 acres of land, more or less.

Joey Patenaude made the presentation. Due to the odd shape of the parcel, county drainage easement, and drain field on the property, the staff recommended approval with standard conditions.

MOTION: Phil Odom. I recommend approval with standard conditions.

SECONDED: Marshall Kennemer.

VOTE: Unanimous. The motion passed.

## Hinesville

**Rezoning Petition 2014-018-H.** A rezoning petition has been filed by Amy Priest for Michael J. Sharkey, owner, to rezone 0.99 acres of land, more or less, from O-I (Office Institutional District) to C-2 (General Commercial District) to allow wall signage that is currently concealed to remain in place. The property is located at 510 E. Oglethorpe Highway, which is further described as LCTM-Parcel 056B-148.

Gabriele Hartage gave the presentation. The property was originally a residence; it is currently being used for a dermatology office. Dr. Sharkey has been at the location since 1994, last year he repurposed letters to be used for signage attached to the building. Under the current zoning, O-I, the letters are too large; however, the size of the letters would be allowed in the C-2 zoning.

Lynn Pace vehemently disagreed against the rezoning of a parcel to allow a larger sign. Jack Shuman was concerned with zoning around the parcel in question.

Amy Priest spoke in favor of the rezoning. Priest stated that she has been trying to get the issue resolved for over a year. Georgia Dermatology currently has a sign in front of the office; however, due to the damaging of the sign, it has had to be replaced six times. Priest said that since there are large trees in front of the office and since the building sits so far back off the road, clients have trouble finding the office. Priest was concerned with trying to move forward with seeking a variance for the sign as she has been told in the past that this would allow her rights that are denied to others.

Billy Edwards spoke in opposition to the rezoning. Edwards felt that the parcel was zoned correctly, since the zoning O-I allows for smooth transition to a residential neighborhood. If the parcel is rezoned to C-2, it could allow a business such as Walgreens or a convenience store to come in at a later time. Edwards felt that the sign ordinance may need to be addressed instead of rezoning due to an issue with signage size.

The staff recommended disapproval of the rezoning petition, a recommendation of approval of a variance to the sign ordinance with standard conditions was suggested by staff.

**MOTION:** Don Emmons. I recommend disapproval of the rezoning request 2014-018-H.

**SECONDED:** Lynn Pace.

**VOTE:** (2) in favor Emmons, Pace. (6) opposed, Shuman, Byler, Kennemer, Odom, Baker, Bryant. The motion failed.

**MOTION:** Tim Byler. I recommend disapproval of the rezoning request 2014-018-H; I recommend approval of a variance to the sign regulations due to visibility impairments caused by existing trees and significant distance to the right-of-way.

**SECONDED:** Marshall Kennemer.

**VOTE:** Unanimous. The motion passed.

**Rezoning 2014-019-H.** A rezoning petition has been filed by Berry Engineers, LLC, agent for Wilma Gaskins, owner, and Polestar Development, LLC, to rezone 5.33 acres of land, more or less, from R-1 (Single-Family Dwelling District) to C-2 (General Commercial District) for a grocery store and gasoline pumps with a small kiosk. The property is located at 1422 W. Oglethorpe Highway, further described as LCTM-Parcel 061A-031.

Gabriele Hartage gave the presentation.

Lynn Pace questioned what would happen to the existing buffer. Hartage stated that Topi Trail already has an existing vegetative buffer; however, there will be a 37 ft. planted vegetative buffer. Jack Shuman stated that the majority of people would use Topi Trail as the main access to the grocery store and not Meloney Drive. Phil Odom stated his concern about the 120 ft. of existing foliage and what would be done to keep it; he was also concerned about the type of buffer provided between the development and the residents that lived on Brittney Lane. Pace was concerned about the lighting, especially if the store were to be open 24 hours.

Joel Osteen spoke for the applicant. Osteen stated that the layout of the development would provide the least amount of impact on the neighborhood. The trees that are in the interior will be saved. Osteen informed the commissioners that the property was resurveyed and that the vegetative buffer on the Topi Trail side will be 32ft. not 37ft. There will be a fence behind the homes on Brittney Lane, which will have understory (brushes, small trees, plants).

Tom Ratcliffe raised concerns about the development. Ratcliffe was concerned about the heavy use that will be placed on Brittney Lane and the possible issues that will be caused for the residents that live in the first three homes on Topi Trail. He stated that there may need to be some additional research done to ensure that all of the property is owned by Gaskins. Ratcliffe was neither in favor or opposed to the development, he wanted to ensure that all of the concerns of the residents were addressed.

Cleotis London lives in the Pebble Creek subdivision and felt that measures were being taken to protect Brittney Lane and Topi Trail; however, he thought that Meloney Drive would have traffic issues. London was also concerned about the decrease of property value. Renee Clear spoke in opposition to the development. Clear was concerned about the increase in traffic and noise, decline of property value, damage to the ecosystem since some of the trees would be removed. She stated that there would be other environmental issues, such as pollution from vehicles and people and gas seepage into the air from gas tanks.

Clarence Clear II spoke in opposition to the development. Clear stated that the development would make the neighborhood unsafe for the children that live there and that play on the streets. Thomas Melvin opposed the development. Melvin stated that he did not want to stop the progress because he knew that it would ultimately happen; however, he wanted to know what would be done to control the noise. Melvin wanted to know how tall the fence would be that is proposed. Melvin stated that there needed to be at least a 15 foot fence. Melvin was also concerned with drainage.

Wilbert McCullough spoke in opposition to the development. McCullough was concerned about the lighting. He lives in a two-story home and was concerned that if the grocery store was open for 24 hours it may interfere with his sleeping. He also questions the amount of noise that would come from the development.

Randall Baehr spoke in opposition of the development. He stated that initially he was unsure but after hearing the presentation he was against the development. Baehr lives at the corner of Brittney Lane and Topi Trail and thought that the development would decrease the quality of life for the residents. He was concerned that the development would cause his property value to decrease. Wanda Martin spoke in opposition of the development. Martin stated that the property would be great for townhomes, tennis

courts or jacuzzis but not a grocery store. She stated that the grocery store would cause the property value to decline by \$15,000.

Dorothy Cox spoke in opposition against the rezoning. Cox stated that the community was a little gem with the country club and the nice homes and she did not think that the grocery store was needed. Cox felt that it would increase the traffic in the area.

Ben Berry, Civil Engineer with Berry Engineer, spoke for the applicant. Berry stated that a title search had been done on the property and it came back clear but that would look into again. Berry stated that the a traffic study was being conducted; however, previous findings showed that the majority of the traffic would use Meloney Drive not Topi Lane. Berry stated that the developer was working to mitigate the impact that the development would have on the neighborhood. Odom informed Berry that he wasn't sure that all of the property was owned by Gaskins; Odom walked the property earlier and saw two access entries which made him think that there were two different parcels. Odom was concerned about runoff; however, Berry stated that there would be zero percent catchment. Berry did inform the commissioners that at some point the store may decide to open 24 hours; however, at this time that is not the proposal.

Laura Longest was concerned about the traffic and the heavy use of Brittney Lane and Topi Trail. Ratcliffe suggested making Brittney Lane a one-way street. The residents were in agreement with the concept.

Don Emmons stated that he did not think a grocery store would make the property value decline by \$15,000, especially with a mobile home park being there currently. Emmons did feel that additional information was needed before a decision could be made.

The staff recommended approval with standard conditions and the following special conditions:

- The site plan shall not be changed especially in regards to the buffers of existing and planted vegetation on the Topi Trail side (37ft.) and the Brittney Lane side (30ft.).
- Existing canopy trees (e.g. live oaks) in the proposed buffers shall be saved.

MOTION: Don Emmons. I recommend we table the rezoning petition until our July 15<sup>th</sup> meeting so that we can get additional information on the proposed development.

SECONDED: Lynn Pace

VOTE: Unanimous. The motion passed

## **PUBLIC HEARING CLOSED**

### **Site Plans, Preliminary Plats & Final Plats**

Hartage provided information on the final plat for the Preserve at Cinder Hill, Phase 2-B. A formal request will be brought before the commission at a later date.

### **Director's Report**

Ricketson informed Commissioners of the upcoming Fleming meeting to finalize the land use map scheduled for Thursday, June 26<sup>th</sup> at 5:30 at the Living Word Church of God. The commission was updated on the hiring of Kelly Wiggins, Executive Assistant for the LCPC. A report was given on the actions that the commissioners made in May. The City of Hinesville approved the rezoning for the

Retreat at Oakcrest Phase II and III. The applicant for a site in Hinesville withdrew a rezoning and special permit use application for a wrecker service. Liberty County approved a variance for Glenn Stocks for the building of a shed.

**Adjourn**

A motion was made by Phil Odom to adjourn the meeting, seconded by Marshall Kennemer; the motion passed unanimously. The meeting ended at 7:28 PM.

\_\_\_\_\_  
Jack Shuman, Chair

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Date

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Jeff Ricketson, Secretary to the Board

## **Addendum**

### Standard LCPC Conditions:

1. The applicant must obtain all required local, state and federal licenses and permits prior to commencement of any construction
2. All plans, documents, materials, and statements contained or implied in this application are considered to be a condition of this action
3. No change or deviation from the conditions of approval are allowed without prior notification and approval of the Director of the LCPC or the Planning Commission, and the approving governmental authority