

CHAIR
Jack Shuman
VICE CHAIR
Timothy Byler
ASST. VICE CHAIR
Lynn Pace
SECRETARY
Jeff Ricketson



COMMISSIONERS
Sarah Baker
Alonzo Bryant
Andrew Williams
Marshall Kennemer
Phil Odom
Durand Standard

August 18, 2017

The Liberty Consolidated Planning Commission met on Tuesday, August 15, 2017, in the Historic Courthouse, 100 Main St., Hinesville, GA. Jack Shuman, Chairman, called the meeting to order. A motion was made by Durand Standard to accept the minutes from the July 18, 2017 meeting. Tim Byler seconded the motion. Motion passed unanimously. Chairman Shuman asked for a motion to accept the final agenda. Jeff Ricketson explained that the preliminary plat for the country club subdivision needed to be added to the agenda. A motion was made by Durand Standard and seconded by Marshall Kennemer to accept the agenda with the addition. Motion passed unanimously. The public was notified of the meeting and the agenda was posted in accordance with Georgia Law.

COMMISSIONERS PRESENT:

Marshall Kennemer
Lynn Pace
Andrew Williams
Alonzo Bryant
Jack Shuman
Tim Byler
Durand Standard
Phil Odom
Sarah Baker

ABSENT:

LCPC STAFF PRESENT:

Jeff Ricketson, Executive Director, Secretary
Kelly Wiggins, Executive Assistant
Gabby Hartage, Zoning Administrator
Curles Butler, Inspector
Alan Seifert, Planner II
Abe Nadji, Engineer

Chairman Shuman asked the public to disclose prior to speaking at the podium if they had contributed more than \$250.00 to any elected official who would be voting on these zoning matters.

1.0 OLD BUSINESS (OPEN PUBLIC HEARING)

2.0 NEW BUSINESS

2.1 Consent Agenda Items (None)

2.2 Ordinances and Resolutions

2.2.1 Ordinance 2017-03. Amendment to Hinesville special permit uses section. (Appendix A, Section 905).

Jeff Ricketson presented this ordinance amendment to the Planning Commission. Hinesville City Council wishes to amend the ordinance to read that the same business (person) cannot apply for a special permit use more than one time within a 12-month time period. Commissioner Durand Standard stated, "That in the past we have approved special use permits for events such as a circus and so what I am reading here is that you can have only one circus or special event on the property if I am reading this correctly." Jeff stated what it means is that if you ask for a special permit use and the city council turns you down, you then have to wait a year before you can come back. You cannot come back to the next meeting and ask for it again. Durand states that the language reads "upon approval or denial," so if we approve it and they come back and want a second circus and it says pertaining to the property then I interpret it to be restrictive of one time per year. Phil Odom states "per parcel." Phil states "the way is reading is hypothetically if the "American Legion" wanted to put on three circuses a year and have the need for three special permits from three different vendors, they only get one. Therefore, we are denying them the right." Jeff Ricketson states I think you are right. I think you are reading that correctly. The way it is presented with approval or denial and you get a permit, do not come back in and ask for another permit on the same property. Durand stated, "I know we do not do these that often as we have done in the past, but it seems restrictive. If it was a denial, I understand. I struggle with it being approved and then if you want another event on that property you would not be able to have it." Jeff Ricketson stated but the special permit use is limited. It predominately applies to business such as C-2. Chairman Shuman asked for clarification if the situation allowed for denial on one special permit use request but the person applied for a special use permit for the same property for a different event. Jeff stated that he thinks Jack is correct. If you came back with something different then this would apply. Jack stated it would not be fair to have one wait just because one application had been denied. Tim Byler stated, "That it should read for the same purpose for the same event." Tim stated that one event that comes to mind is there is property on E. G. Miles that does a tent revival every six months and this would prohibit them from having it more than once a year. Chairman Shuman stated that he thinks this needs to be completely re-worded, I understand what they are trying to say and I am in total agreement. Jeff stated that is why they referred it to you. The ordinance requires the City Council to refer to the Planning Commission for the amendment to the ordinance. Jeff stated that the Planning Commission could send it back to the Hinesville City Council with whatever recommendations you would like if you would like to recommend a change of words.

Phil Odom made a motion to recommend that we return this to city council. It does not meet the standards of our comprehensive plan. They need to rewrite it. Motion was seconded by Lynn Pace.

Chairman Shuman asked if anyone wanted to speak in favor or opposition of this request. No one came forward. Tim Byler asked if the Planning Commission wanted to send the language back to the Council. **It was decided to inform the Hinesville City Council of the following: that the word “approval” concerns us; that the section that states “same property’ without the word “same purpose” concerns us; change of ownership in the property concerns us.**

With no more discussion. The vote was unanimous.

3.0 REZONING PETITIONS AND OTHER ZONING-RELATED ITEMS

HINESVILLE

3.1 Variance 2017-021-H. An application has been filed by Obro, Inc, for a 12” side yard setback variance (6” on either side of the residences) for properties zoned R-3 (Single-Family Dwelling District) on Wilson Avenue, FKA 110, 112, and 200 Wilson Ave, further described as LCTM-Parcels 055D-106, 055D-107 and 055D-108.

Jeff presented this variance to the Planning Commission. Jeff stated that the owner proposes to divide the parcel into five 54-foot lots with a 35-foot wide house to be constructed on each. This would leave a 9 ½ feet on each side of each house for the side yard setback and the ordinance requires 10 feet. He is asking for a 6-inch variance on each side of the house in order to put the planned house on each parcel. Both sides of the houses will be 9 ½ feet from the property line. This property will be subdivided from the current three lots to five lots. The owner will be installing a sidewalk in front of this development. Jeff stated that this project has gone before the Design Review Board and they have recommended approval. Phil Odom stated that we are asking to create non-conforming lots. Jeff stated no the lots are conforming; the owner just wants to put this house plan on this lot. Phil asked if this would interfere with fire safety and if the alleyway in the back that belongs to the City of Hinesville would stay that way. Phil asked if there have been plans for abandonment of the alleyway from the City. Jeff stated there was discussion at the Design Review Board meeting about the alley. The City Manager and the Public Works Manager discussed with Mr. Osteen the possibility of conveying this alley to Mr. Osteen in the future and possibly including that into his development. Phil asked how the owners of the new houses would place accessory buildings on the lot. Jeff stated that he does not think this will be a problem for the owner. Mr. Kennemer stated that maybe the City should open up that alley to give access to the homeowners to their own lots. Otherwise, just as Phil has said, the owner will not be capable of getting anything into his back yard. Jeff stated that the alleyway has grown up and you cannot really access through there at this time. Lynn Pace stated that you could not even get a swing set in the back yard without access. Jeff stated that with the 9 ½ feet on one lot and 9 ½ feet on the other lot there would be a total of 18 feet between the houses. Marshall Kennemer asked if the big live oak trees were being removed. Jeff stated that came up at the design review meeting and the owner stated that he is leaving the trees as is.

Nan Flowers came forward to state that she is not opposing the development but has concerns about the alleyway in the back. She asked if she should wait until the Hinesville City Council meeting to discuss her concerns on the alleyway. Ms. Flowers needs to alley to access her back yard. She would not be able to have a tree surgeon or anyone come to do work in her back yard without this access. Jeff stated that in his opinion he would think that going to the City of Hinesville would be the proper place to go. Ms. Flowers stated that she has been told for two

decades that the City planned to abandon the property. Jack asked if they could make recommendation to the City of Hinesville. Jeff stated that the Planning Commission could do so. Kelly Wiggins, owner of 108 Wilson Avenue, stated that she would like the alleyway to remain as it is now as well.

MOTION: Tim Byler with standard conditions

SECOND: Marshall Kennemer

VOTE: All in favor

This variance will go before the Hinesville City Council on August 17, 2017 at 3:00 P.M.

LIBERTY COUNTY

3.2 Conditional Use Permit 2017-023-LC. A conditional use permit application has been filed by Allen Fillingame for a car and carport sales facility at 4254 E. Oglethorpe Hwy, further described as LCTM-Parcel 101-102. Property owner is Hieu Nguyen.

Alan presented this conditional use permit to the Planning Commission. The property is currently zoned B-1 which permits car sales subject upon conditional use approval. Mr. Fillingame will not be making any changes to the site. He is requesting to be able to have up to 25 vehicles and 2 demo carports.

RECOMMENDATION: Approval with standard and the following special conditions:

- 1. Six (6) foot fence required on sides and rear of facility, required per Section 5.7.2 – Conditional uses**
- 2. Demo-carports must meet all requirements for building setbacks (Front 30ft, rear 30ft, side 10ft)**

Phil Odom asked if the applicant planned to conduct repair service on the site. Alan stated that Mr. Fillingame would only be using the property for sales. Allen Fillingame came forward and stated that Muse Collision is located right next door and there is already a fence located there. The back is timberland. He feels it is redundant to him to install a fence that Muse already has installed. The surrounding property owners have no problem with his sales lot. Tim Byler states that Mr. Fillingame makes a valid point. Mr. Kennemer asked if he could use the fence from Muse Collision to solve the issue on one side. Phil Odom stated that he went to the site and Mr. Fillingame would have to bring in equipment to clear the area to install a fence. Andrew Williams asked if the ordinance specifically asks for a 6-foot fence as a buffer or can vegetation be used as a buffer. Alan Seifert stated it requires a fence.

MOTION: Tim Byler with standard and special conditions with a recommendation to the LCBOC to review the special condition in light of the lay out of this property to perhaps grant a waiver for the fence.

SECOND: Phil Odom

Vote: All in favor

This conditional use permit will be heard by the LCBOC on September 5, 2017 at 6:00 P.M.

3.3 Variance 2017-024-LC. Jeff Crutchfield has filed an application for a variance of fifteen feet to the required fifteen-foot side yard setback to be able to make an addition to the existing home at 175 E. 1st Street, further described at LCTM-parcel 281B-039.

Alan Seifert presented this variance to the Planning Commission. Mr. Crutchfield is proposing to construct a carport on the front of the home and a wraparound porch. Alan pointed out that most of the lots within this community are existing non-complying lots.

RECOMMENDATION: Approval with standard and the following special condition: There will be no further additions permitted which would require a variance from adopted zoning ordinances.

MOTION: Phil Odom with standard and special condition.

SECOND: Alonzo Bryant

VOTE: All in favor

This will be heard by the LCBOC on September 5, 2017 at 6:00 PM.

3.4 Rezoning Petition 2017-025-LC. An application has been filed by Sunbury Development Corporation to rezone 1.0004 acre of land, more or less, from AR-1 (Agricultural Residential District) to B-1 (Neighborhood Commercial District) at 862 Coastal Hwy, further described as LCTM-Parcel 187D-035.

Alan presented this rezoning petition to the Planning Commission. The request is to construct a professional office facility on this site. Alan made note that there is a historical marker located directly adjacent to this site for the death location of General Screven.

RECOMMENDATION: Approval with standard conditions.

Jo Coleman came forward to speak in favor of the rezoning. She is the owner of Coastal Counseling, which is located in the Midway mini-mall. She wishes to purchase this property to build a larger counseling center and a wellness center combined. She will keep as many trees as possible.

MOTION: Tim Byler with standard conditions.

SECOND: Marshall Kennemer

VOTE: All in favor

This rezoning petition will go before the LCBOC on September 5, 2017 at 6:00 P.M.

4.0 SITE PLANS, PRELIMINARY PLATS & FINAL PLATS

4.1 Preliminary Plat. Specific development plan for Savannah Commons.

Abe presented this preliminary plat to the Planning Commission. The developer is SEI, LLC, and the engineer is P.C. Simonton and Associates. This is a PUD residential subdivision. Total acreage is 37.9 acres. This development is located in the City of Flemington. The roadway to the development was designed as a collector road and has been approved. The water and sewer will be provided by the City of Hinesville. The maximum homes allowed will be 361.

RECOMMENDATION: Approval with standard and the following special conditions: Traditional neighborhood approval from the City of Flemington. NRCS approval. EPD approval.

Marcus Sack came forward to answer Tim Byler's question about the name of the neighborhood. Marcus stated that the name will be changed on the request of the City of Flemington.

MOTION: Durand Standard made motion to approve.

SECOND: Sarah Baker

VOTE: All in favor

This preliminary plat goes before the City of Flemington on Sept 12, 2017 at 4:30 P.M.

4.2 Preliminary Plat for the Country Club Subdivision.

Abe presented this preliminary plat to the Planning Commission. Claude Dryden is the developer and P.C. Simonton is the engineer. The development is a total of 158 acres. Only 73.43 acres are being disturbed, the rest is wetlands. Access is from Topi Trail and Meloney Drive. The subdivision will consist of 195 single-family lots.

RECOMMENDATION: Approval with standard conditions and special conditions: Before approval from the City of Hinesville, approval from NRCS, EPD and LCPC approval.

Chairman Shuman asked Marcus Sack if the name of this subdivision will be changed as well. Marcus stated that he is waiting on Dryden Enterprises to submit a new name to him. Phil Odom asked what Mr. Dryden planned to do with the wetlands. Marcus said by the time of the final plat he will have a decision.

MOTION: Marshall Kennemer to approve as submitted.

SECOND: Phil Odom

VOTE: All in favor except Lynn Pace who abstained.

This preliminary plat will go before the City of Hinesville Council when special conditions are met.

5.0 INFORMATIONAL ITEMS

5.1 Ordinance Update Project.

Alan presented a PowerPoint to the Planning Commission to explain the process of the update. Alan stated he would go before each of the governments during the month of September to explain the process and have the Council or Commission designate someone from their group to be on the Technical Advisory Committee. The TAC committee will be made up of stakeholders from government officials, public, engineers, and consultants. Phase I will be educating and getting everyone on board. Once in Phase III, the committee will go through each section of the ordinance. Once completed the LCPC staff will bring the final document back to the Planning Commission and then to each government entity for approval. Alan also provided the Commissioners with the timeline. Andrew Williams asked if there would be a legal review or would there be a legal representative to be on the TAC. Alan stated that was discussed but we

will be hard pressed to have an attorney give of his time at no cost. Andrew Williams stated that he would highly advise for there to be a legal review. Phil Odom stated that each entities personal attorney reviews all ordinances before their council accepts the rewrite.

6.0 GENERAL PUBLIC COMMENTS

7.0 OTHER COMMISSION BUSINESS

7.1 Director's Report

Jeff Ricketson presented the Planning Commission with an update of last month's actions. Jeff stated that the Hinesville City Council approved rezoning petition for the development across from Chili's. The PUD in Flemington next to the Performing Arts Center was approved.

8.0 ADJOURN

MOTION: Tim Byler

SECOND: Marshall Kennemer

VOTE: All in favor



Jack Shuman, Chairman

9-19-17

Date



Jeff Ricketson, Secretary to the Board