

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

February 26, 2018

The Liberty Consolidated Planning Commission met on Tuesday, February 20, 2018, 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 January 16, 2017 meeting. Tim Byler seconded the motion. Motion passed unanimously. Chairman Shuman asked for a motion to accept the final agenda. Tim Byler made a motion to approve the agenda and Marshall Kennemer seconded the motion. Motion passed unanimously. The public was notified of the meeting and the agenda was posted in accordance with Georgia Law.

COMMISSIONERS PRESENT:

Jack Shuman

Andrew Williams

Lynn Pace

Durand Standard

Tim Byler

Alonzo Bryant

Marshall Kennemer

Phil Odom

ABSENT:

Sarah Baker

LCPC STAFF PRESENT:

Kelly Wiggins, Executive Assistant

Gabby Hartage, Zoning Administrator

Jeff Ricketson, Executive Director

Abe Nadji, Engineering Director

Alan Seifert, Planner II

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 (None)

3.0 REZONING PETITIONS AND OTHER ZONING-RELATED ITEMS

LIBERTY COUNTY

3.1 Home Occupation 2018-004-LC. An application has been submitted by Kimberly Bacon, owner, to allow a Type (B) Home Occupation for a dog boarding facility at the residence located at 321 Janelle Lane, further described as LCTM-Parcel 360C-046.

Alan presented this home occupation to the Planning Commission. Alan explained that the property does not have road frontage but an access easement. The applicant has also requested to install a sign for location purposes. Alan pointed out on a map the neighbors that do not oppose the operation of a dog boarding business and the neighbors that are opposed. A video of the road to the property provided by Barry Wilkes was also shown for the Planning Commissioners. (Video was approximately 2 minutes long.) Alan also presented evidence of petitions in support of the business provided by Kimberly Bacon and petitions from neighbors opposing the business provided by F. Barry Wilkes. Alan explained that the way the Liberty County zoning ordinance reads leaves the discretion of the sign up to the Liberty County Board of Commissioners; therefore, the LCPC staff is not making a recommendation on the sign. Chairman Shuman asked if this business required a state license of any kind. Alan stated that he does not know the answer to that but can look into it. Chairman Shuman asked if anyone knew the answer. Commissioner Pace stated that a kennel does require a Department of Agriculture license but is only sure about horse kennels and is not sure if dogs are part of that requirement. Alan stated that to the applicant's knowledge a state license is not required. Commissioner Odom stated that the applicant is not aware of the state's requirements. Commissioner Odom stated that the requirements are located in Title 4 chapter 11 of the Official Code of Georgia Annotated. It gives details of what must be done. In addition, a doggie day care, if I am reading this correctly, falls under the terms of kennel for profit, for any monetary exchange.

Kimberly Bacon, applicant, came forward to address the Planning Commissioners. Kimberly Bacon stated that she wanted to elaborate a little bit more. She stated that she does not keep dogs full time. She stated that she had one at this time and would not have another one until March. She stated that the closest neighbor to her house was located three tenths of a mile. Chairman Shuman asked Kimberly Bacon if she had an area fenced in for the dogs. She stated that she has two acres fenced in and she has goats and chickens. She pulled up all the business licenses around her and there is a horse barn located at 8 tenths of a mile from her that is currently operating a similar business. Chairman Shuman asked Kimberly if she had a business license now. Kimberly stated that she was told this is her first step. She has to go before the Planning Commission and then be approved by the LCBOC. Commissioner Standard stated that he wanted to be sure that he was clear, is Ms. Bacon currently keeping a one dog now? Kimberly stated she is watching one, but cannot charge a service fee so it is free. Until she is approved, she cannot charge any type of service fee.

Freddie Durrence came forward to speak on behalf of the applicant. Mr. Durrence stated that he has lived in Liberty County all his life. Kimberly is his stepdaughter and Kaden, the twelve year old with her is his granddaughter. Mr. Durrence stated that the granddaughter is watching dogs to help pay for her college. He stated that this business is not a kennel as described. Mr. Durrence

stated that this is a weekend business for her to operate. Mr. Durrence stated that there is not a licensed dog boarding business in Hinesville, but he has seen a lot of them on Facebook and in the Tell-N-Sell that do not have a license. Mr. Durrence stated that he does not understand the licensing process but understands that there is a need for people to pay their share of the tax money and good luck trying to find the rest of them in the county that are not paying. Mr. Durrence stated that he is not there to squeal on others. He stated sometimes people call into the office and help the County. Many people come to the coast for the weekend. It is a community thing and more people like the facility and would like to have something where you can trust to leave their dog or cat with a responsible person. You do not want to put them in Savannah, Jesup or Richmond Hill. I think this would be an advantage for the Liberty County people. That is what I have to say.

Allen Pearson came forward to speak on behalf of the applicant. Mr. Pearson stated that he wanted to elaborate on some of the things that have been mentioned. As far as how separated our property is, we do have to drive past the property in front of us. We have no way of any of the animals or dogs we watch having access to his property. It is fenced in all the way around. We never let them roam free. We do have two acres fenced in where they do roam. Mr. Pearson stated that one of the biggest issues he had is Friday when we were made aware of the opposing petition going around. We tried to stay local when we began this process basically with those who it would directly impose anything at all, which is right near our property the surrounding areas. We never ventured out further because we did not think it would affect anybody 3 or 4 miles away from our house. In speaking with those, there were several individuals that did sign the opposing petition. We went through that just to give them our side and we were told numerous times, there was a lot of speculation on what exactly we were trying to attempt to do to the extent that we were trying to make commercial property to develop at trailer park. Or that we intended to expand and build a large building and basically turn it in to a humane society. None of which is the case. We have a small house. We do have a large piece of property. We never intend on doing anything more than one or two in our house that we can maintain on a regular basis. We have no intention of letting them roam free. When they are outside, someone is out there with them. Mr. Wilkes, who lives in front of us, is a weekender. He does not live there full time. Therefore, we do not have anyone that is directly in contact with our property, if something did happen or someone got loose, that is a lot of area to try to cover to try to find somebody's dog. So we do have areas that are fenced in just to maintain that. Everyone that we have spoken with, even some that signed the opposing petition, they actually requested us to watch their dogs, cause once they found out what we intended to do, what our intent was, they were glad to potentially have that type of service in their area. Many of them do go to Richmond Hill to board their dogs as well. That is the only thing we are asking. We are trying to provide a service to our local community because nobody has that access. Most of our customers are repeat. A lot of people that are contacting us now did not know about us until this petition started. Word has gotten out and there are a lot more requests because word is getting out. And it's not for them to be in a cage. It is for them to be just as they are in their own house: Taken care of inside a home. Not left for the entire night for someone to come in the next morning to let them out and in whenever they need to. Everyone we have spoken to is in full support, even the ones that signed both petitions. That kind of lets you know there that they saw both sides of the story and they did sign both petitions. So what we are asking for is really leniency towards that. Just really understand what the situation is, what the intent is. It is not for a commercial business, just a small in-home business that is it. Commissioner Odom stated to Mr. Pearson, "You say your intent is not to have a commercial business. Correct? And you talked about the potential for growth. We give you this occupation for these two or three dogs, but then you have 20 full-time all the time. That is growth. That is potential. We are the Planning Commission. We do what is legal, what the Comp plan says and to look to the future. You have the potential for growth, you just said so. So you are running a business. It might be a touchy feely family business to begin with, but it

will grow. You just said that, "you have been caught." Mr. Pearson stated that currently he is at home full time due to shoulder surgery. Recently we lost an 18-year-old dog and we are not ready for the commitment of owning another dog. So this gives us a way to interact with animals doing something we enjoy doing. Commissioner Odom asked Mr. Pearson if he is drawing compensation sitting for these animals. Mr. Pearson stated yes. Commissioner Pace stated that a home occupation is a small thing, but there are limits. I know I am always afraid when I zone something for the future, but this is not a rezoning, it is a home occupation. Commissioner Pace how much can this business expand and still be a home occupation? Jeff Ricketson stated there are limits in the ordinance on how much you can expand. There cannot be any evidence showing from the outside that there is a business-taking place there. Commissioner Pace stated so the home occupation states that you cannot really tell looking from the outside. So there are restrictions. And when you apply for the agricultural license, you state how many animals you are getting a license for. Commissioner Byler spoke up and stated that he has a home occupation for tuning and repairing pianos. The home occupation ordinances states that the entire home occupation has to be no more than 25% of the interior of the house. I am not sure how that weighs out. I am saying this because when you go to chase these things down that may come up. I believe that part of the responsibility of the council has always been that when somebody is coming before us and asking for something we put in front of the applicant the potential that you got to go to zoning and then to only get to the other side of zoning and then find out you've got A,B,C,D,E, and F that I can't do. Now you have spent time, money, and energy and trying to make all that happen. I am concerned about how this would zone out because if they start measuring out the property and saying you got more than 25% of the dwellings tied up that is something that could affect it.

F. Barry Wilkes came forward to speak in opposition of the home occupation. Barry passed a package of paperwork to each Planning Commissioner. Mr. Wilkes stated that it is unfortunate that he is here today. Barry stated he really does not want to be here. He stated that when he suffered two heart attacks back in 2015, I made a promise to myself that I wouldn't be anywhere where I did not enjoy being anymore and I definitely would be somewhere that I consider to be borderline in controversial. Barry stated that he prayed about this and I have seeked counsel from friends. I do not have a choice to be here to be honest with you. I have given you some handouts; mostly I will go through those and give you some bullet points. I try to keep a good relationship with my neighbors. I do not mess with them and if their ox is in a ditch, I try to help them out. You will see from my presentation tonight, I have been a pretty good steward. However, this situation is one where I will have to say somethings I really do not want to have to say. I have to say them because you need to understand the full crux of what this implication is. They try to make this sound like a mom and pop operation, but is far from that. With the help of the Heritage Bank, my wife and I, Janelle, who is sick today and cannot be with us, had an opportunity to buy nine acres of land. What I call our mini farm down on Colonel's Island. We bought it from Lynn Pullman. Our dream was and continues to be to have a place away from the hustle and bustle where we can go down and live quietly, have a few horses, grow our own vegetables and just sit on our porch by a fire pit and enjoy life. We love nature and God's creations and there is plenty of them down there. For health reason, Janelle and I retired. Now we spend a lot of time at what we call our refuge. We have horses; we tend the garden and care for our horses and we piddle with one project or another. That farm has been great joy to me. To tell you what Jimmy Floyd told me, he said, "Barry, that property will save your life at some point in time." Barry stated that Mr. Floyd was probably right, because that is where I get my greatest joy. But the joy has been interrupted; it has been infringed upon for over a year now as Ms. Bacon and Mr. Pearson have been running an illegal dog boarding business. Now, today there are some things that they said that I am not going to address. I am just going to stick with my presentation to you. But what Ms. Bacon is asking you to decide this afternoon is ultimately is whether she should be allowed profit at our expense and detriment. And in my opinion

what she is asking you to do also is going to have a profound effect on Colonels Island because I believe is if you grant this conditional use for the purposes she wants you are going to see a bunch of those in the Colonels' Island area. There has already been several in the past couple of years and I think you are going to see even more. I want you to know that my wife and I love pets. We have two dogs. We have one we got out of the animal shelter and spent six thousand dollars on her health and we have another we spent three thousand dollars on trying to save her life. So we love animals. We have two horses on our farm and I spend a lot of money on those horses. Additionally, we do not oppose any person being able to do what they want to with their property if what they do is legal and if what they do does not adversely affect the rights of the property of another person. If Ms. Bacon's petition for conditional use is granted it is going to impact our right to the quiet enjoyment of our property. I will address that again. "It is going to adversely affect our quiet enjoyment of our property." It already has. For over a year, we have had ongoing issues because of the business that they are running. And she has run this business without a county business license even after being notified informally and formally by a county code enforcement officers to quit operating the illegal business. And without proper licensing by local and state agencies that approves boarding facilities. Quiet enjoyment of property is important. It is guaranteed by the law and it is something that each of you that own property is something that each of you should really be concerned about. It means that you have the right when you own property to be able to enjoy that property without nuisances and interference from others. Now we talk about the petitions that have been signed. I think we have sixty of so signatures on the petitions that we have. There are some that are not in proximity to the property but they were people that are concerned about Colonels Island. When you get right down to it because of the location of our property to the easement that Ms. Bacon uses for ingress and egress to her property, there is nobody on Colonels Island that is directly and immediately impacted by Ms. Bacon's for profit business endeavor as my wife and I. When you saw the video up here, I took that video. As you were going in on the left hand side, you see my property. When I turn the camera the first time that is where my property starts. It runs for almost twelve hundred feet on that easement. I will talk more about the easement in just a moment. You also saw our house there. You also saw our property. My personal property. My tractors.. My farm equipment, all the things that we have. You also saw a barn there where my horses are and the pasture where my horses are out in the pasture. I did that so you could get a good view of that. Then when you look to the right there, you see Anglers Edge Subdivision, which has 46 lots and 2 lots have been sold, and 44 lots are available for sale now. As you go on down, there is Magnolia Place, which is a 26 residence mobile home park right off of Ms. Bacon's property. We have more to lose and already have consequently suffered. Barry stated that if this application is recommended for approval by you, it means that Ms. Bacon's right to profit is more important than our right to quiet enjoyment of our property. It wrongs us while also abridging our rights and legally creating what Georgia defines as a private nuisance. A private nuisance is an unreasonable, unwarranted or even unlawful use of a property in a manner that substantially interferes with another property owner's enjoyment of his or her property. By law the only time that a Government entity or agency has the right to create a public nuisance that interferes with a property owners right for the quiet enjoyment of his or her property, in doing so is when, for the public good and best interest of citizens. Let me say that again. "the only time that a government entity has the right to create a private nuisance that interferes with the quiet enjoyment of his or her property is when doing so is for the public good and not in the best interest of the individual for private gain or profit. This power can only be asserted through a formal legal condemnation proceeding and not through the zoning process. I do not believe that the zoning process is a place where you condemn people's property. There are numerous decisions by the Georgia Supreme Court that provide that private property cannot be physically harmed or its value impaired in a negative way however socially the desired the conduct without payment being made for the harm done. In other words, if you are going to condemn my property you got to pay me

something for it and that essentially what you are going to be doing here tonight if you recommend this or if the County Commission approves it. And I will explain more why in just a moment. Definitely approval of Ms. Bacon's application impacts our property. We acquired our property over fifteen years ago. Years before I acquired my property, Mr. Holman sold the property now that belongs to Ms. Bacon to his good friend John Parks. Many of you may remember John Parks. And as buddies do, he thought in his mind, I will give John Parks an easement on this agricultural easement property so he can get back and forth to his house, and then utility lines can be located on his property. That easement is now what is called Janelle Lane. By the way, Ms. Bacon does not live on Janelle lane. She uses a Lake Pamona address, not Janelle Lane. That easement is a dirt lane known as Janelle lane that runs along the westerly portion of my property. You saw it. It goes straight through my property and goes to her property and turns left and goes back to a road on her place. And as you saw on the video, my house is about 80 feet from that easement. There is also a fence there now. I had to put a fence there to keep people from coming into my yard. Another expense I had to bear. I had to put a gate in to keep people from coming into my yard after I put the fence up. We own the land and we pay taxes on it. Last year I think I paid over two hundred dollars just for the lane itself in taxes. Anyone going to Ms. Bacon's property has to go across that easement and as they do they pass directly by my house. The fact that they do worries us. I will further explain that in a moment. In the summertime, automobiles stir up dust, when it rains the lane becomes muddy and vehicle traffic creates deep ruts, which takes me have to get out on my equipment and maintain the road so it is passable so we can get to our property. Even though Ms. Bacon enjoys the easement, I am the only one that maintains it. I have had to purchase dirt to cover the ruts and potholes and constantly have to use my equipment for maintenance. And in the eleven years that she has lived there, had her property, neither she nor her significant other have ever done any maintenance work on the lane or offered to help with expenses to maintain it. Unfortunately, this is an onus that we have to bear because we have to get to our property. But I don't think this once needs to be increased by increasing the amount of traffic that is on that easement, which her request would do. When the easement that is being used was granted, and this is important (unintelligible) because all of a sudden you put her uses of that easement under the vail of county sanctioned zoning ordinances, which further abridges our rights as property owners. Ms. Bacon advertises her business on the internet and she invites anyone in the world to her property and unfortunately to our property. I think that we can all agree, and I am pretty sure that we all can that the internet is praying grounds for criminal activity. There is no assurance; I think she uses one or two websites to get customers. There is no assurance that those websites that she uses to drum up business won't attract persons with criminal intentions because Ms. Bacon does not know anything about those people she invites. Nor does she know their intentions. I have provided y'all several articles that benefit the horrific things that can happen to people that invite persons using the internet into their homes for doing business. I have also provided articles, which advise you against doing so. And I can't imagine that she or her significant other would want to do so, particularly sense they live in one of the remotest, most isolated areas on the island. And you saw where they live. They live all the way down that lane back up in a pocket. Could you imagine if somebody had bad intentions and they wanted to go back in there and do something terrible to them? Barry stated he is concerned about that as well. On numerous occasions, persons invited by Ms. Bacon to her illegal dog boarding business have come in uninvited onto my property, into my yard, entering in through closed gates. Gates that I had closed. Meaning do not come on this property. And even onto my front porch which alarmed and gave Janelle and I great concern about them being there. Especially since, we did not know what their intentions were being there. We did not know them, so definitely that worried us. Others have stopped on the lane, honked their horn while I was in my garden or in my yard and motioned for me to come to them so I could give them directions to where their property is to go to board dogs. Then recently my nephew came to visit me. He pulls up to my gate there and was approached by Mr. Pearson asking my nephew if he was there to board dogs. So

I definitely don't enjoy having my family and friends having to worry about being greeted by someone soliciting their business. I also have two people here tonight. Dave Pulley and Justin Crosby. If you want to, I can bring them up. They can tell you that this is not just a once in a while occurrence. This happens on a regular basis. They have experienced it, I have experienced it. Colonels Island, y'all know where Colonels Island is and how remote it is. It is a long way from the nearest Sheriff office. And I can tell y'all, we have had to call the Sheriff's office one time years ago. It is about 14 miles if anybody from the sheriff's office is in Midway. Most of the time they are not, so if you can get someone there in thirty minutes, you are very fortunate. So the fact that they are luring people off the internet to come to their house worries me greatly. Additionally, there is two residential areas that I mentioned to you. Anglers Edge subdivision and Magnolia Place. I talked with Mr. A.G. Wells. He cannot be here tonight. He is sick. He is the legal representative of the estate of Bobby Collins. Mr. Collins is the owner of Anglers Edge Subdivision. Mr. Collins died last year. He now has an estate with his daughter, son and his wife. Mr. A. G. Wells represents them. Mr. Wells did tell me that he would contact y'all if he could. I do not know why he did not or if he just was not able, but he says that the family is definitely opposed to this application being approved. Barry stated that he states that on behalf of Mr. A.G. Wells but if the Commission needs to confirm that with Mr. Wells, I will do that for you at a later date and time. Ms. Bacon and Mr. Pearson have already showed a lack of regard for county ordinance. He stands up here and told you all things that he was going to do and not going to do. Well, he ran a business for over a year without a license. He would not have stopped doing that and he has not stopped yet. As late as yesterday, he was boarding dogs. Chairman Shuman stated to Barry, "You are going to have to cut this pretty soon." Barry stated he was going to stop in just a minute. Barry stated that they would not have stopped running this business if it was not for him calling Joey Brown and asking if they had a business license. The Chief code enforcement officer of the county sent a stop order letter and that is when they finally stopped. They had been orally asked to stop before that. And I put a copy of the cease and desist letter in your file there. And I am going to stop with this, they also told me and came to see me at my home and told me that they are going to continue boarding dogs but without payment. For the sake of time, if this application is recommended for approval, their dog boarding operation is going to be impossible to police. I can tell y'all that whether they keep two dogs or twenty dogs no one is going to know because county code enforcement people have so much to do they are not going to police this. The traffic is going to be worse on my lane. I am going to have more financial responsibility for it. There are going to be more problems, more problems and more problems. And my argument to you is this. You cannot condemn my property for private gain for somebody else. In an essence, what it amounts to is that you would be doing that. Now I pray tonight that y'all will not do that. That y'all recommend that this application not be approved because I believe it will have profound effect on not only me but also on Colonels Island. But before you decide, I ask you to ask yourself one question, and this would be the question you would always ask. If you were us, Janelle and Barry Wilkes, would you want this application approved. I think I know the answer to that.

Commissioner Pace stated to Barry, "You said that you have been personally affected. Now that just refers to your easement that you gave to your friend. Barry stated that he did not give an easement. The easement was already there whenever I purchased the property. Commissioner Pace stated that the easement allows access to the property. Barry stated yes for agricultural, residential purposes only. Commissioner Pace stated yes, but this is not a rezoning. I am not opposed to what you are saying but we have to deal with what is legal and a home occupation can be granted to this owner. This is not a rezoning thing. Nothing is being rezoned. Barry stated that his argument is that he does not believe you can give conditional use on this because that easement does not permit conditional use. It would have to be for a purpose that is agricultural or residential. Dog boarding is not agricultural or residential. Commissioner Pace stated that they would have to get an agricultural

license. Barry stated yes and that is not the only license that they have to get. Barry stated that he did not mean to be argumentative, I see where you are going, but my position is that why would you do this. Why would you allow people to profit at our expense and have to take care of this road and maintain it all for them to make money off of it and with all the inconveniences that I have incurred. Commissioner Pace stated that she was not arguing that you have had expenses fixing the road. Barry stated that ordinarily I think that when y'all have these kind of conditions, you have people wanting to do it on public roads. Most people are using a public road. This is not a public road. It is a private road that I own that they just have a right to go across, back and forth. Commissioner Pace started to talk, but Chairman Shuman asked if there were any more questions. Commissioner Odom stated that he had a question. Commissioner Odom stated you talk about ingress and egress and that is was already in existence. It was in existence for agricultural and residential. You have the intent of the law and the letter of the law. The intent of the law in the original breakdown for your purchase was for agricultural not for a business on that agricultural site. Barry stated, that is my argument, yes sir. Commissioner Odom stated, "thank you sir." Barry stated that he does apologize to y'all. Ordinarily I would probably be better, but I have been suffering with this problem and it is tough for me. I just have to tell you. I apologize. Chairman Shuman asked Mr. Pooley if he wished to speak. Mr. Pooley stated no. Ms. Bacon stated that she wished to come back and speak. She stated that Barry stated that they were in violation when Paul Zechman and Tony Mullis sent me my letter. They did come out to the house some time during the summer. She stated that Mr. Zechman stated keep doing what you are doing, because of where I was. He did not see any kennels. Then apparently another complaint was filed and they sent me my letter and then I went through the process of getting my business license when I got that letter. But when they first came out, Paul Zechman said, "ok, y'all just keep doing what you are doing." I do not think we even had a dog at that time when he came out. Commissioner Byler asked Ms. Bacon if she currently had a business license. She stated no sir that is what I am here for. Commissioner Byler stated I have a concern. Something that Mr. Wilkes said prompted me to go back and look at this site that we use when board our dogs. Ms. Bacon stated, Rover. Commissioner Byler said yes and here is my concern. You stated you are not receiving any monies for dealing with dogs. Ms. Bacon stated no, in the description on the site it states that I am in the process of obtaining a business license. Commissioner Byler stated, I understand that but I am also looking at the reviews here. You have a ton of reviews that have come up from Thanksgiving all the way to the end of January. It continues to go on. You have not charged any of those people. Ms. Bacon stated I have not charged any of those people. You can look at my text messages that state to them I am in the process of getting a business license, I cannot charge a fee. Commissioner Byler stated the other part of this in what I am looking at, coming back to what was stated when Alan was up here and a conversation that Phil had with him, just looking at Rover, which is only one site there are over 43 reviews already punched through. Ms. Bacon stated, yes but we have been doing it for a while and we did not know that we had to have a license. Commissioner Byler stated that is not my point. My point comes back to what Mr. Odom was saying. Your business is growing. It is not a dog or two. You have already in a very, very short period of time received 43 reviews. That means there is already a lot of traffic back there and by the time you get this up and running this doesn't turn into a couple of dogs here and there, a home business the way its being portrayed. It is a couple of dogs a night, a couple of dogs a day. You can charge 18 dollars for an overnight stay and charge 28 dollars for a daytime stay. Come and pick you dog up, cars in and out, at least two to three or four people that nobody knows. I can kind of understand the concerns that are being presented because when I am hearing y'all present this, just from a personal aspect, I hear oh my daughter is going to watch somebody's dog but what I am looking at when I look at just one website that I pulled up in the middle, and I love the fact that you are doing that. I mean we have to board our dogs and we take our dogs to Ellabelle but I have been on Rover to deal with our dogs to work through this But this tells me that without even getting up and moving, not charging for the dogs, the letter of law is I

didn't charge. But even through your petitioning process you have already marketed to have customers that are going to come to you so business is still functioning even though we are not doing dollars. This is an indication to me that y'all are not looking to have a small business but something that is going to be paying for college. And we have been doing this for a while and we have kept it restricted to one or two dogs. I cannot manage any more than that and we are not growing. Commissioner Byler stated, this is what I am looking at one or two dogs a day could be up to 30 to 35 cars a week. Theoretically it could be. Chairman Shuman stated, "Let's move on." Mr. Wilkes you can ask a question to us. Mr. Wilkes asked if we were recording that Mr. Zechman, Chief Code Enforcement Officer of Liberty County allegedly told them that it was permissible for them to conduct an illegal activity. Chairman Shuman stated that the entire meeting is being recorded. Commissioner Standard asked on the home occupation, tell me what the business hours are, acceptable business hours. Between 10 and 5. Commissioner Pace stated that the problem she sees with this is that the road will not take it. So you don't have access to the business that is sufficient. That would be the problem that I see. I do not see that we have a problem with the home occupation. They do not have access to the business that is sufficient. Commissioner Odom stated that Ms. Pace makes a good point. There is no reciprocating agreement here.

There was more discussion between the commissioners. Chairman Shuman asked for a motion for the second time.

RECOMMENDATION: Approval with standard conditions.

MOTION: Phil Odom made a motion for the home occupation to be denied.

SECOND: Durand Standard.

VOTE: All in favor: Six

NOT IN FAVOR: Lynn Pace

ABSTAINED: Jack Shuman

This home occupation application will be heard by the LCBOC on March 6, 2018 at 6:00 PM.

RICEBORO

3.2 Rezoning Petition 2018-005-R and Conditional Use 2018-006-R. An application has been filed by Farris Thornton, applicant, on behalf of Gill Land, LLC, and owner, to rezone 0.75 acres of land, more or less, from B-1 (Neighborhood Commercial District) to B-2 (General Commercial District) for a construction office. Property is located at 4834 S. Coastal Hwy, further described as LCTM-Parcel 219A-001. In conjunction with the rezoning, a conditional use has also been filed for construction equipment storage on the same property.

Gabby presented this rezoning and conditional use to the Planning Commission.

RECOMMENDATION: Approval with standard conditions.

MOTION: Tim Byler

SECOND: Andrew Williams

VOTE: Unanimous

The Riceboro City Council will hear this rezoning and conditional use on March 6, 2018 at 6:00 PM.

3.3 Rezoning Petition 2018-007-R and Conditional Use 2018-008-R. An application has been filed by the City of Riceboro, owner, to rezone 13.00 acres of land, more or less, from AR-1 (Agricultural Residential District) to R-2 (Single-, Two-Family Residential District) for a small subdivision (approx. 15 lots) and public buildings. Property is located in Riceboro on South Coastal Hwy next to the youth center and is further described as LCTM-Parcel 220A-004. A conditional use for the same parcel is also applied for to additionally have a development with buildings that house community services, early childhood education services, weatherization, and food service.

Gabby presented this rezoning petition and conditional use to the Planning Commission. Jeff stated the County has received a grant for this building.

RECOMMENDATION: Approval with standard and special conditions: Must provide pedestrian connectivity from the walking trail of the Riceboro Youth Center site to the proposed sidewalk in the subdivision.

MOTION: Marshall Kennemer

SECOND: Durand Standard

VOTE: Unanimous

The Riceboro City Council will hear this rezoning and conditional use on March 6, 2018 at 6:00 PM.

3.4 Special Exception 2018-009-R. An application has been filed by Solamerica Energy, applicant, for a special exception to be allowed to install and operate a solar farm on property in Riceboro located off E.B. Cooper Hwy and further described as LCTM-Parcel 192-001; this parcel takes up a land area of 774.23 acres, more or less. The proposed solar farm will be located on 32 acres of land, more or less, on the south side of EB Cooper Hwy. Property owner is M.F. Martin, III, and trustee.

Gabby presented this special exception to the Planning Commission.

Commissioner Pace asked if this company would be selling power to Georgia Power. Gabby stated that is correct. Jay Bayer stated they are leasing the property from Mr. Martin.

RECOMMENDATION: Approval with standard and the following special conditions:

- **An engineered site plan shall be submitted.**
- **A 50-foot natural buffer around the site shall be retained or planted.**

MOTION: Tim Byler

SECOND: Marshall Kennemer

VOTE: Unanimous

The Riceboro City Council will hear this rezoning and conditional use on March 6, 2018 at 6:00 PM.

4.0 SITE PLANS, PRELIMINARY PLATS & FINAL PLATS

4.1 Final Plat for Cherokee Station Subdivision Phase 1. A request by Dryden Enterprises for final plat approval for 20 single family detached lots.

Abe presented this final plat to the Planning Commission.

RECOMMENDATION: Approval with standard and the following special conditions:

Lighting- commitment letter from Power Company

Lighting transfer acknowledgement from developer

Performance guarantee by letter of credit for primary improvements such as street paving, signage, striping in an amount of **\$ 19,408.80**

Performance guarantee by letter of credit for secondary improvements such as street trees and sidewalks in the amount of **\$ 67,788.00**

Maintenance guarantee by letter of credit for Phase 1 in the amount of **\$ 61,212.80**

MOTION: Durand Standard with standard and special conditions.

SECOND: Phil Odom

OPPOSED: Lynn Pace

VOTE: 6 in favor.

This final plat will go before the Hinesville City Council on March 1, 2018 at 3:00 PM.

4.2 Final Plat for Flemington Oaks Subdivision. A request by RTS Homes for final plat approval for a subdivision consisting of 32 single family detached lots.

Abe presented this final plat to the Planning Commission.

RECOMMENDATION: Approval with the standard and following special conditions:

Lighting- Commitment letter from Power Company and paid fees.

Lighting transfer acknowledgement from developer

Performance guarantee by letter of credit for completion of primary improvements such as street paving, signage, and striping in the amount of **\$ 17,386.80**

Performance guarantee by letter of credit for secondary improvements such as street trees and sidewalks in the amount of **\$ 40,824.00**

Maintenance guarantee by letter of credit for the subdivision in the amount of **\$ 55,767.30**

MOTION: Tim Byler with standard and special conditions

SECOND: Marshall Kennemer

VOTE: Unanimous

This will go before the Flemington City Council on March 13, 2018 at 4:30 PM.

5.0 INFORMATIONAL ITEMS

6.0 GENERAL PUBLIC COMMENTS

7.0 OTHER COMMISSION BUSINESS

7.1 Director's Report

Jeff Ricketson, Executive Director, presented the Planning Commission with an update of last month's actions. Jeff stated the application for the Anderson Feed and Seed to be rezoned was approved on January 23, 2018 with a special condition of a 6-foot high privacy fence. The Outdoor Display Ordinance Public Forum went well. Jeff congratulated Commissioners Pace, Baker and Byler for being reappointed to the Planning Commission for another term.

8.0 ADJOURN

MOTION: Tim Byler

SECOND: Durand Standard

VOTE: All in favor



Jack Shuman, Chairman

3-29-2018

Date



Jeff Ricketson, Secretary to the Board