

AGENDA ITEMS FOR MARCH 15, 2011

The meeting begins at 4:30 p.m. in the Courthouse Annex

Call to Order-----Donald L. Hartley, Sr., Chairman
Approval of Minutes-----Donald L. Hartley, Sr., Chairman
Final Agenda -----"Sonny" Timmerman, Secretary

1.0 OLD BUSINESS (PUBLIC HEARING OPEN)

1.1 Old Business Items

2.0 NEW BUSINESS

2.1 Consent Agenda Item (None)

2.2 Ordinances (two for Riceboro and Riceboro Masterplan)

- Riceboro Masterplan
- Riceboro Gateway(s) Overlay Ordinance
- Amendments to the Manufactured Home Ordinance and to District Requirements

2.3 Rezoning Petition

Hinesville

a) **Rezoning Petition 2011-004-H.** Request submitted by Nila M. Carter, owner, on behalf of Brian L. Carter, applicant to rezone 0.58 acres of land, more or less, from C-2 (General Commercial District) to C-3 (Highway Commercial District) at the intersection of Carter Street and W Oglethorpe Hwy in order to update an existing billboard.

b) **Rezoning Petition 2011-006-H.** Request has been submitted by The City of Hinesville to zone 1.00 acre of land, more or less, from R-4 (Liberty County: Mobile Home Park Residential District) to MH (City of Hinesville: Manufactured Home Park District) for an existing manufactured home park. In conjunction with this zoning request, annexation proceedings have also been initiated by The City of Hinesville.

Liberty County

c) **Rezoning Petition 2011-005-LC.** Request submitted by Gary Phillips, owner, to rezone 2.98 acres of land, +/-, from R-1 (Single Family Residential District) to B-2 (General Commercial District) for the purpose of constructing billboards. This property is described as LCTM- Parcel 281A-023 and is located off of Isle of Wright Road and adjacent to Interstate Hwy I-95.

Midway

d) **Conditional Use Petition 2011-007-M.** Request submitted by Viola Denise Williams, applicant, to allow church use for an existing structure at 12814 E Oglethorpe Hwy in Midway, further described as LCTM-Parcel 242D-008. Property owners are Jimmy and Lucile Smiley.

PUBLIC HEARING CLOSED

2.4 Site Plans, Preliminary and Final Plats

- a) Site Plans (None)
- b) Preliminary Plats (None)
- c) Final Plats
 - Oak Grove Subdivision (Carol Guyett) off of Live Oak Church Road consisting of 30 lots.
- d) Other: General Development Plan for Independence
 - Request by ACME Development and Quinnco Companies for General Development Plan (GDP) approval for **Independence Tract H**, which is a Multifamily (Apartment)/Development consisting of 408 dwell. units on 25.66 upland acres on the West side of 15th Street just North of Governor's Quarters.

3.0 GENERAL PUBLIC COMMENTS

4.0 OTHER COMMISSION BUSINESS

Presentation on **RLIUPA (Religious Land Use and Institutionalized Persons Act)** that was passed by Congress in 2000

4.1 Executive Director's Report

5.0 ADJOURN

Liberty Consolidated Planning Commission

CHAIR

Donald L. Hartley, Sr.

VICE CHAIR

Jack Shuman

ASST. VICE CHAIR

Al Padrick

SECRETARY

Sonny Timmerman

COMMISSIONERS

Sarah Baker

Don Emmons

Marshall Kennemer

Lynn Pace

Joseph Pittman

Durand Standard

The Liberty Consolidated Planning Commission met on March 15, 2011 at 4:30 PM in the Liberty County Annex Building. The Meeting was called to order by Chairman Don Hartley. The agenda was approved with moving the RLUIPA presentation to 4.0. The minutes from the previous meeting were approved.

COMMISSIONERS PRESENT:

Durand Standard

Don Emmons

Don Hartley

Lynn Pace

Sarah Baker

OTHERS PRESENT:

H.E. "Sonny" Timmerman, Executive Director

Rachel Hatcher, Transportation and Land Use Planner

Debra Attical, Zoning Administrator

Gabriele Hartage, Assistant Zoning Administrator

Alissa Davis, Planning Assistant

Abe Nadji, Director of Engineering

Curles Butler, Engineering Inspector

Jeff Ricketson, FSGMP Director

Donna Shives, Recording Secretary

ABSENT:

Marshall Kennemer

Jack Shuman

Joseph Pittman

Al Padrick

OLD BUSINESS (PUBLIC HEARING OPEN)

NEW BUSINESS

Consent Agenda Item

Rezoning Petition 2011-006-H. Request has been submitted by The City of Hinesville to zone 1.00 acre of land, more or less, from R-4 (Liberty County: Mobile Home Park Residential District) to MH (City of Hinesville: Manufactured Home Park District) for an existing manufactured home park on Kelly Drive, further described as LCTM-Parcel 048A-004. In conjunction with this zoning request, annexation proceedings have also been initiated by The City of Hinesville.

MOTION: Durand Standard made the Motion to Approve with staff recommendation LCPC Standard Conditions (see attached addendum).

SECOND: Don Emmons

VOTE: Unanimous

Ordinances

The Riceboro Masterplan

Jeff Ricketson gave the presentation. The Plan offers several options for placement of a new Town Center. A Legacy Loop, featuring Historic sites was included. Riceboro adopted the plan this month.

Riceboro Gateway(s) Overlay Ordinance

This would be an amendment to the Riceboro Zoning Ordinance. After discussion, Chairman Hartley asked for a Motion.

MOTION: Durand Standard made the Motion to Approve as written.

SECOND: Don Emmons

VOTE: Unanimous

Amendments to the Manufactured Home Ordinance and to District Requirements

Gabriele Hartage gave the presentation. This amendment would only allow Class and Class B manufactured homes in Riceboro. Manufactured homes are allowed in A-1, AR-1, R-2 (only doublewides), R-2A, R-3, and R-4. Manufactured homes are not allowed in R-1. After discussion, Chairman Hartley asked for a Motion.

MOTION: Don Emmons made the Motion to Approve.

SECOND: Sarah Baker

VOTE: Unanimous

Rezoning Petition

Hinesville

Rezoning Petition 2011-004-H. Request submitted by Nila M. Carter, owner, on behalf of Brian L. Carter, applicant to rezone 0.58 acres of land, more or less, from C-2 (General Commercial District) to C-3 (Highway Commercial District) at the intersection of Carter Street and W Oglethorpe Hwy in order to update an existing billboard.

WITHDRAWN BY APPLICANT MARCH 7, 2011

Liberty County

Rezoning Petition 2011-005-LC. Request submitted by Gary Phillips, owner, to rezone 2.98 acres of land, +/-, from R-1 (Single Family Residential District) to B-2 (General Commercial District) for the purpose of constructing billboards. This property is described as LCTM- Parcel 281A-023 and is located off of Isle of Wight Road and adjacent to Interstate Hwy I-95.

Alissa Davis gave the presentation. The Petitioner is requesting rezoning for the purpose of erecting two or three billboard advertising signs. A preliminary plat for this property, formerly known as Jones Creek subdivision was approved 2008. Development was not initiated within 18 months, and site plans would have to be resubmitted to the Planning Commission. The Liberty County Comprehensive Plan recommends adopting regulations to restrict the number, scale and design of billboards. This area is considered a developed residential area in the Liberty County Comprehensive Plan. A domino effect could be caused. GDOT is not favorable of rezoning for the sole purpose of the issuance of outdoor advertising permit. This could be considered spot zoning. If approved, this zoning would solely benefit the owner of the land, and failed to benefit the adjoining property owners the public in general. The County Ordinance requires 500 feet between billboards. Staff has received several phone calls and a

letter objecting to this rezoning. Staff recommendation is Disapproval. Mark Nobles, with Mark Nobles Outdoor Advertising, spoke on behalf of the Petitioner. They are requesting to install two 15'-20' billboards that would only be visible to I-95 and would have a vegetated buffer. He stated this would be good for the economy because they would advertise local businesses. Gary Phillips, Petitioner, stated the power lines are on the other side of the highway and this would restrict any land use for billboard, so this could not cause a domino effect. After discussion, Chairman Hartley asked for a Motion.

MOTION: Lynn Pace made the Motion to Disapprove.

SECOND: Sarah Baker

Commissioner Standard asked how the property would be buffered; red tips would be dense and will screen the area.

VOTE: Lynn Pace, Sarah Baker and Don Emmons voted to Disapprove.

Durand Standard Voted Against The Disapproval.

The motion did not pass; this will go to the governing body with no recommendation.

Midway

Conditional Use Petition 2011-007-M. Request submitted by Viola Denise Williams, applicant, to allow Church use for an existing structure at 12814 E Oglethorpe Hwy in Midway, further described as LCTM-Parcel 242D-008. Property owners are Jimmy and Lucile Smiley.

Gabriele Hartage gave the presentation. Per the Petitioner's narrative, they would like to have Bible study, weekly Church services on Sunday and other nightly engagements. From time to time there will be tutoring services, addictive behavior classes, singles meeting and other services as needed. Since Churches have a protective zone against alcohol beverage sales, this will restrict the types of businesses allowed to locate there to some degree. There is commercial as well as residential uses close by. It could cause a domino effect. Staff Recommendation is approval with LCPC Standard and Special Conditions:

- Since this property is located within the Midway Gateway Corridor, submittals to the Gateway Design Review Board are required if proposed improvements to the property exceed 50 % of the assessed tax value.
- Per Ordinance, off-street parking areas shall be of a hard surface and clearly marked; 1 for each 4 seats of maximum seating capacity

Commissioner Emmons stated there was a service road proposed for the front of the property. The Petitioner was present. Daniel Wedincamp, adjacent property owner, spoke in opposition. He has plans for a convenience store and this would limit who would purchase the property. Viola Williams, Applicant, stated the services Sunday morning would be from 10:00 – 1:00 ; this is a new Church starting up. Commissioner Emmons stated that this is not what the intent of the Interstate Corridor Zoning/Gateway Overlay Ordinance was; it is not a good use, as this will be a key intersection. The State Law concerning alcohol distances was discussed. After discussion, Chairman Hartley asked for Motion.

MOTION: Lynn Pace made the Motion to Disapprove.

SECOND: Don Emmons

VOTE: Unanimous

PUBLIC HEARING CLOSED

Site Plans (None)

Preliminary Plats (None)

Final Plats

Oak Grove Subdivision (Guyett Estate) off of Live Oak Church Road consisting of 30 lots.

The owner Carol Guyett is proposing to final plat the subdivision. This project's infrastructure was completed in 2009. The entrance road, curb & gutter, drainage, water, sewer, and NPRL for this 30-lot Subdivision have been constructed. The remaining work (pavement, lighting, sidewalks, and street trees) will be bonded through a performance bond. Staff recommendation is Approval with Standard and Special Conditions:

- HOA shall be established prior to final plat approval by the City of Hinesville.
- A guarantee of installation in the form of an irrevocable letter of credit for the remaining work (120% for the cost of street sidewalks, pavement, lighting, street trees, as-built documents, etc.) shall be posted prior to putting this item onto City of Hinesville's Council agenda.

Commissioner Pace questioned who the developer was and why the name change; it is Griffin Park Developer. After discussion, Chairman Hartley asked for a Motion.

MOTION: Lynn Pace made the Motion to Approve with the staff recommended Conditions and Special Conditions.

SECOND: Don Emmons

VOTE: Unanimous

Liberty Park fka Settlement Ph 1A-R (64 single family detached lots)

The developer is Quinnco Marne, LLC; Engineer is Thomas-Hutton Engineering company. This is described as a 79 Single Family Residential Subdivision (formerly Independence Settlement Phase IA). The total acreage is 24.06; disturbed acreage is 23.37. It is located on 15th Street. Lot 1 (one lot) and Block 1 (15 lots) have already been final patted. The water, sewer, NPRL, site drainage and paving were completed under a different developer. Pending issues:

- The repair of all sanitary sewer sags greater than 1" in depth.
- Testing of water system and NPRL.

Staff recommendation is approval with standard LCPC Conditions and the following Special Conditions:

- The HOA (Home Owner's Association) shall be established prior to final plat approval by the City of Hinesville.
- A maintenance bond in the form of an irrevocable letter of credit for street pavement and storm drainage system (15% of the cost of street pavement and drainage).
- A maintenance bond in the form of an irrevocable letter of credit for the water and NPRL system (15% of the cost).

After discussion, Chairman Hartley asked for a Motion.

MOTION: Lynn Pace made the Motion to Approve with the staff recommended Standard LCPC Conditions and Special Conditions.

SECOND: Don Emmons

VOTE: Unanimous

Other:

General Development Plan for Independence

This is a request by ACME Development and Quinnco Companies for General Development Plan (GDP) approval for Independence Tract H, which is a Multifamily (Apartment)/Development consisting of 408 dwelling units on 25.66 upland acres. It is located on the West side of 15th Street just North of

Governor's Quarters. The total acreage is 40.44 with 14.78 acres of wetlands. Access will be off of 15th St. and off an entrance road approved as a GDP in 2008. Two entrance signs per entrance are proposed. Amenities are comprised of a clubhouse, pool, and a playground area. Staff recommendation is approval with standard LCPC conditions. After discussion, Chairman Hartley asked for a Motion.

MOTION: Don Emmons made the Motion to Approve with the staff recommended Standard LCPC Conditions.

SECOND: Durand standard

VOTE: Unanimous

Request to build a Church off of Catbird Lane (off Ft. Morris Road) in Liberty County. (informational item)

This item was postponed until our next regular meeting.

GENERAL PUBLIC COMMENTS

OTHER COMMISSION BUSINESS

Presentation on RLUIPA (Religious Land Use and Institutionalized Persons Act) that was passed by Congress in 2000

Gabriele Hartage gave the presentation. The Georgia State Law is in conflict with the Federal Law. This law was passed unanimously by Congress in 2000 after hearings in which Congress found that houses of worship, particularly those of minority religions and start-up Churches were disproportionately actively discriminated against by local land use decisions. Congress also found that, as a whole, religious institutions were treated worse than comparable secular institutions.

Executive Director's Report

A Development Code Workshop is scheduled for tomorrow. Don Hartley stated he was asking Lynn Pace to cover his HAMPO meetings in his absence. He is also asking Don Emmons to cover his Executive Committee for the Governing Board meetings in his absence.

ADJOURN


There being no other business to discuss, a motion was made to adjourn.



Don L. Hartley, Sr., Chairman



Date



Attest: H.E. "Sonny" Timmerman, 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