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**ASST. VICE CHAIR**

Lynn Pace

**SECRETARY**

Jeff Ricketson



**COMMISSIONERS**

Sarah Baker

Alonzo Bryant

Andrew Williams

Marshall Kennemer

Phil Odom

Durand Standard

December 16, 2015

The Liberty Consolidated Planning Commission met on Tuesday, December 15, 2015, in the Historic Courthouse, 100 Main St., Hinesville, GA. Jack Shuman, Chair, called the meeting to order. A Motion was made by Tim Byler to approve the minutes from the November 17, 2015 meeting with one change. Marshall Kennemer was listed as being present at the November meeting when he was in fact absent. Kelly made note of the change. The motion was seconded by Phil Odom. The motion passed unanimously. Chairman Shuman asked for a motion to accept the final agenda. Motion was made by Marshall Kennemer and seconded by Alonzo Bryant. Motion passed unanimously. The public was notified of the meeting; the agenda was posted in accordance with Georgia Law.

**COMMISSIONERS PRESENT:**

Jack Shuman

Phil Odom

Alonzo Bryant

Durand Standard

Timothy Byler

Lynn Pace

Marshall Kennemer

Andrew Williams

**ABSENT:**

Durand Standard

**OTHERS PRESENT:**

Jeff Ricketson, Executive Director, Secretary

Kelly Wiggins, Executive Assistant

Abe Nadji, Engineer

Gabby Hartage, Zoning Administrator

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 (PUBLIC HEARING OPEN)**

**2.0 NEW BUSINESS**

**2.1** Consent Agenda Items (None)

**2.2** Ordinances (None)

## HINESVILLE

**3.1 Rezoning Request 2015-053-H.** A rezoning petition has been filed by John Mills on behalf of Grace Baptist Church to rezone 4.5 acres of land, more or less, from O-I (Office Institutional District) to O-C (Office Commercial District) at 1406 Airport Road, further described as LCTM-Parcel 038D-001.

Gabby presented this rezoning petition to the Commission. The church would like to place a larger sign on their property and the current zoning does not allow for one. Gabby presented the rendering of the sign they plan to install.

**RECOMMENDATION:** Approval with standard conditions.

MOTION: Marshall Kennemer with standard conditions

SECOND: Tim Byler

VOTE: Unanimous

**This petition will go before the Hinesville City Council on January 7, 2015 at 3:00 P.M.**

## LIBERTY

**3.2 Rezoning Petition 2015-054-LC.** A rezoning petition has been filed by Dryden Enterprises Inc., owner, to rezone a combined 9.54 acres of land, more or less, from R-1 (Single-Family Residential District) to A-1 (Agricultural District) for a borrow pit off of Brigdon Road and Islands Hwy, further described as LCTM-Parcels 286-017, 286-018, 286-041, and 286-042.

Gabby presented this rezoning petition to the Commission. The property was originally zoned AR-1 and A1. Gabby presented a drawing of the pit on the property. The pit will be approximately thirty feet deep. Gabby indicated that this would not be in keeping with the Comprehensive Plan. The Comprehensive Plan has this area listed at single family residential and a borrow pit is agricultural use. It is, however, considered a temporary use. Once the job is exhausted, the pit will have to be reclaimed. This can have an adverse effect on nearby properties. Gabby pointed out to the Commission that there is an ordinance pertaining to borrow pits with regulations.

**RECOMMENDATION:** Approval with the conditions that the owner comply with the regulations for borrow pit.

Commissioner Pace asked Gabby to go back to the map. Pace stated that there is another borrow pit close by, and was concerned about the Way House. Trent Long from T. R. Long Engineering came forward and used the map on the monitor to point out where the Way house is located. Trent stated that there is a borrow pit close by that belongs to Mr. Dykes and that Jay Jones used to have one near the area as well, but it is now a duck pond for the Dorchester Hunting Club. Trent explained that the property was originally divided into lots for Mr. Dryden's family members to use to build their home. Danny and Mary Creasy live in the house located there and the existing borrow pit that created a pond for the Creasy's to use. Mr. Dryden has removed some dirt over the years and after some time it became bigger and got to the point that there must be a permit for the borrow pit. The family members since then have declined to build there. Mr. Dryden would like to rezone property to use as a borrow pit. Trent Long is representing Mr. Dryden and stated that Mr. Dryden is not selling the dirt, rather he is using it for other

construction projects he has underway. Commissioner Pace asked if it would be reclaimed into a fishpond. Trent stated that is correct. The water level is sometimes 6, 8 or 10 feet and would have to be deep to serve as a fishpond. Commissioner Odom asked if you deep dewater this and the excavation part are you going to discharge into the Cay Creek. Trent stated that the water would run down to the existing ditches. Mr. Dryden has a sub basin, the water will gather there, and this would allow time for the sediment to settle before the water flows from the basin. Ms. Ronda Durney came forward and spoke against this rezoning petition. Ms. Durney stated that she and some of the other neighbors are very concerned about the borrow pit. She stated the pit is already being used and the water has no place to drain. The ditches are already full and if this borrow pit is continued there where will flooding. Ms. Durney stated that the LCPC stated that there is nothing historic nearby and that is not true because the Dorchester Civic Center is directly across the street. The dirt piled up is a concern. The equipment coming in and out and the noise it causes are disturbing. They are concerned about the tree cutting. They are concerned about where the water is going to go. She has pictures of the sediment in the ditches from the little bit of water that has been pumped out. She is concerned about how the ditches will be maintained because she called the county road department and she was told that they honestly do not have the resources to come out to clear the ditches as much as it would take to assist with the problem. She disagrees with the affect it will have on nearby residential property. Martha Dykes also came forward to speak about the borrow pit. Ms. Dykes lives two driveways down from this proposed rezoning location and her husband built a borrow pit at this location. She stated that when her husband started his project he was required to get several permits. They were not permitted to pump water into the ditch on Islands Highway. They had to dig a trench and use a different route to pump the water at their own expense. Mrs. Dykes stated that she has witnessed the water coming from that borrow pit. She is also concerned about the length of time Mr. Dryden will be working from that pit. If he has a pump running 24/7 then this ditch will be flooded all the way down. She stated she has a problem with Mr. Dryden having already started without a permit and that there has not been any mention of a long-range plan in place. Commissioner Odom asked her what year the state permit was issued. Mrs. Dykes stated that she could not recall but knew she had to have it renewed on a yearly basis. Commissioner Odom stated that there have been procedural changes over the past few years. Chairman Shuman asked if Mr. Long would like to come forward and explain any of these concerns. Mr. Long stated that it is true that Mr. Dryden put the cart before the horse, but that once they realized that they needed the permit they immediately contacted EPD and applied for their permit and as part of that process they realized the zoning was incorrect and that is why he is here now. He has been waiting for several months to hear back from EPD about their surface mine. Chairman Shuman asked about the concerns that are being discussed about the drainage. Mr. Long stated that he would go back to the site and check on the drainage. Mr. Long stated that this would not necessarily be a site that was being pumped 24/7. Mr. Dryden will stockpile the dirt and use when needed for his other projects. Chairman Shuman asked how close this pit was to the residential houses located in the area. Mr. Long stated that the closest house is Danny and Mary Creasy' s home. Chairman Shuman stated that he also has concerns about the drainage. Mr. Long stated that he would be going back to verify the needed information. Commissioner Williams stated that his question is that they should not be conducting the operation that they are conducting at this time. Mr. Long said yes we need to be rezoned. Commissioner Williams stated that until we approve it and it goes to the Board of Commissioners to approve it then you should cease what you are doing until that time. Mr. Long stated that is correct but that there is nothing that can stop Mr. Dryden from getting what he already has stockpiled at this time. Commissioner Williams stated that is not the point. Once you were aware of the fact that you needed the property rezoned, you continued the operation and continued to pump water into the ditch. Commissioner Williams stated that his intuition tells him that the landowner is going to

continue the operation until it is approved. Mr. Long said that if he needs to contact Mr. Dryden and inform him that he needs to stop digging in the pit then he would certainly do that. Commissioner Byler asked about plans to continue the water drainage. Mr. Long stated that he did the design for Mr. Dykes on his pit and the natural lay of the land goes in that direction towards the back and not towards Islands highway. Commissioner Byler stated that he is concerned about the water from the previous pit being drained to this location and the new pit doing the same, then what happens to the water and the continuing problem that will arise. Mrs. Dykes came forward to state that it has been a long time ago and her husband was attempting to drain the pit water towards Islands Highway but the county stopped him. That is why they had to dig, at their expense, a canal back to Dorchester Village Road. She also stated that she heard Mr. Long say that Mr. Dryden would not pump the water for 24/7. She says that is probably true for the beginning but he will have to later, to keep water out and to be able to dig. The water table is very high and there is no way to pump for just a small period and be able to dig. Commissioner Williams stated that he meant no disrespect but we have things in place that deal with the health and welfare and the safety of the people. That is why we have the Planning Commission in place. To continue the operation after someone has told you what the procedure is, my concern is, that if this Commission approves this, you will go back to operating as you have been. Commissioner Williams stated that is not the right thing to do. Commissioner Williams stated the right thing to do is to follow procedures, get your permit, and get approval from this board and the LCBOC, then start your operation. However, the action that has been going on lately concerns me. Because once EPD told you the procedure, you did not immediately come here. You said that it had been months. "I don't know how long you have been operating like that" "that says to me that regardless of what we say here you are going to do what you want anyway." I am just making it clear that I understand what has been presented here, but the actions tell me everything so I already know how I am going to vote. Chairman Shuman stated it is with the Commission and before I entertain a motion, I would like to state that I agree with Mr. Williams. I am not pleased with this process. I have a concern that they have continued to work after they knew there was an issue. I have serious concern about the drainage. Commissioner Byler asked if this was Mr. Dryden first borrow pit. Does Mr. Dryden know the process? Mr. Long stated that this is the first borrow pit he has developed. Everything else has been part of the development he is working on at that time. Commissioner Pace asked if the county has looked at the ditch. Mr. Long asked if he could say one more thing. Chairman Shuman stated that he had permission. Mr. Long stated that he wanted everyone to understand the schedule and he understands there needs to be a stop. As soon as we realized there was a zoning issue we didn't stop. Chairman Shuman stated "he continued to work." Mr. Long said he did until he got to a stopping point. It was not like months before we realized the issue but it was a bit of a time period and it was bad on our part. Commissioner Byler stated I am understanding what you are saying, my concern Mr. Long is I deal a lot with perception versus reality today. It is very easy to say "well after we found out we weren't supposed to dig we kept digging until we came to a stopping point." I'm coupling that thought with something you said a few minutes ago. That does not preclude him from getting the dirt that he already set. It is very easy from this side of the table to say "ok I need x amount of dirt and I am going to keep digging until I have x yards of dirt and then I'll stop and there is nothing that says I can't go and finish my project." He has positioned himself very well to do what he wants and it does not feel right. Mr. Long said he understands. Commissioner Odom asked if this pit was in excess of one acre. Mr. Long stated he thinks it is a little more. Commissioner Odom pointed out that it is allowed by law to have a borrow pit on property that is up to one acre. Once you exceed one acre you file with EPD. Chairman Shuman asked for a motion. Gabby asked to point out something. She stated that with all the concern about the borrow pit she wanted to stress that today is for the rezoning of the property and the borrow pit will have to be approved also.

Chairman Shuman asked Mr. Long if Mr. Dryden would want the property rezoned if the approval for a borrow pit was denied. Mr. Long stated he was not sure. It was decided to table the issue until Mr. Dryden could appear to answer the questions that the Planning Commissioners are concerned about. Mr. Ricketson pointed out that permitting and inspection of this borrow pit is within the jurisdiction of Liberty County Building and Licensing, not the LCPC.

MOTION: Tim Byler made a motion to table until Mr. Dryden could appear.

SECOND: Alonzo Bryant

VOTE: Unanimous

**4.0 OTHER COMMISSION BUSINESS**

**4.1 DIRECTORS REPORT**

**4.1.1 Update of last month's actions.**

Jeff Ricketson presented the Commission with an update of last month's actions.

The request by Wells Fargo for the ATM was approved by the City of Hinesville. The workshop on Poncell Drive was approved by the LCBOC on November 19, 2015. The request for the setback variance in Gum Branch was approved by the LCBOC on November 19, 2015. The request by Mr. Long for Hartford Estates in Walthourville is still on hold due to some issues that need to be finalized.

**5.0 INFORMATIONAL ITEMS**

**6.0 GENERAL PUBLIC COMMENTS**

**7.0 ADJOURN**

  
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Jack Shuman, Chair

1-19-16  
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DATE

  
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Jeff Ricketson, Secretary to the Board