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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

January 19, 2016

The Liberty Consolidated Planning Commission met on Tuesday, January 19, 2016, 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 December 22, 2015 meeting. Phil Odom seconded the motion. The motion passed unanimously. Chairman Shuman asked for a motion to accept the final agenda. Motion was made by Tim Byler 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  
Sarah Baker

ABSENT:

Marshall Kennemer  
Andrew Williams

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)

### 3.0 Tabled Items

#### LIBERTY

**3.1 Rezoning Petition 2015-054-LC.** Request by Dryden Enterprises to rezone a combined land area of 9.54 acres, 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. The properties are further described as LCTM-Parcels 286-017, 286-018, 286-041, and 286-042.

Gabby Hartage presented this rezoning to the Commission. This rezoning was presented at the Planning Commission meeting in December and was tabled at that time. Gabby stated that along with this rezoning, the Commission would need to approve the specific use of excavation and make a recommendation to the Liberty County Board of Commissioners. The property is located across from the Dorchester Village Civic Center. Chairman Shuman asked the Commissioners if they remembered this petition from last month's agenda and all of the Commissioners stated yes. Commissioner Odom asked Gabby who the property owner was on one of the parcels. Gabby stated that Dryden Enterprise's owned it. Commissioner Odom asked if the other parcel he pointed out belonged to the Liberty County Industrial Authority and Gabby stated that is correct.

**RECOMMENDATION: Approval with standard conditions.**

Chairman Shuman asked for anyone in favor of the rezoning to come to the podium to speak. Trent Long, Engineer for Dryden Enterprises, came forward. Mr. Long explained that the drainage was of concern to the citizens and he pointed out that the drainage would start at the cross drain that is underneath Islands Highway and then the drain discharges across Mr. Dryden's property and then travels in a NE direction and crosses under Sunbury Road just past Target and then into the river. Mr. Long stated that technically there is a little more than an acre worth of clearing that is there and the pond is less than a half-acre. Mr. Long stated that when they started the excavation they were under the assumption that they were less than an acre and they did not need a permit. They understood it to be part of the original basin of the subdivision. Mr. Long stated that EPD likes to see visually the area being excavated. EPD came to the job site and they were pleased with the excavation work. Since then EPD has been back to the site for a second visit, based on the complaints that were made here at LCPC and to EPD. EPD was satisfied with what they inspected and are ready to issue a permit once the rezoning takes effect. Mr. Long pointed out that there will not be a constant flow of dump trucks coming to and from the property, nor would there be a constant pumping of water. This borrow pit will be used on an as needed basis for development. Mr. Long stated that they are complying with the EPD regulations and are attempting to be good neighbors to the community. Chairman Shuman asked Mr. Long to point out the cross drain to him. Chairman Shuman pointed out that the drainage would always be located on Mr. Dryden's property and then drain on the Industrial Authority's property. Mr. Long stated that is correct.

(Technical difficulty with the screen for the audience.)

Commissioner Odom asked Mr. Long if the second piece of property belonged to Mr. Dryden and Mr. Long stated to Commissioner Odom that the piece of property you are referring to does not belong to Mr. Dryden. Commissioner Odom stated that the cross drain will be on the other property owners parcel not Mr. Dryden's and Mr. Long stated that is incorrect. Commissioner Odom disagreed with Mr. Long. Mr. Long stated that he would go

back to the parcel and reevaluate. Mr. Odom stated that water does not drain away from the pipe, it pools there. Commissioner Byler asked Mr. Long about the stockpiling of dirt at the location and the affect it would have on the residents driving by each day. Mr. Long stated that there are many factors that are involved. He cannot state how long it would be used. It could be from 1 year to over 10 years. Mr. Long stated that they do intend to leave a very wide buffer although there are some places that you can see through. The result is to have a nice pond behind a couple of houses. Commissioner Pace asked if there would be push back from the timber owners from the saturated ground. Mr. Long said no, it is already naturally wet in that location.

Mr. Claude Dryden (property owner) came forward to speak on behalf of the borrow pit. Mr. Dryden stated that he is following the county ordinances and the state ordinances and is not trying to do anything outside the scope of the regulations. EPD did come to the site and checked all aspects of the drainage issue. Mr. Dryden stated that he was not in any way trying to exceed what is allowed. His daughter lives right next door to the borrow pit. Mr. Dryden stated that he was asked to stop due to the complaints and he did. He is trying to be a good neighbor. Mr. Dryden stated that there is another borrow pit two driveways down on Islands Highway and the dirt is stockpiled there, so he did not see where he was violating any of the ordinances. His intent is to dig the pond for his family to enjoy and to use the dirt from the pond to develop the houses he has under development. Commissioner Odom asked if the lot on the north side of Islands Highway belonged to him or one of his daughters. Mr. Dryden stated no, his daughter lives on Brigdon Road. Commissioner Odom asked if Mr. Dryden would clean out the culvert so that water would not pool. Mr. Dryden said if that were something he needs to do, he would be happy to do so.

Martha Dykes spoke in opposition of the borrow pit. Ms. Dykes stated that she was required to be 100 feet from the road and the current development does not look as though it is 100 feet. Ms. Dykes wanted to know if they are proposing to bore under the road. Chairman Shuman stated that the cross drain is already there. Ms. Dykes stated that she has lived there for over 11 years and has never seen the drain. Chairman Shuman stated that the drain is not visible under the road. Ms. Dykes stated that there is no way to pump enough water out, dig down, and dry the dirt. Ms. Dykes says this is not feasible. She states that this would cause a mosquito infestation and this would be a nightmare. Ms. Dykes states there has to be another way to do this. She suggested gaining an easement from the other property owners. Possibly use the collapsible pipe.

Ronda Durney came forward to speak in opposition. She brought a copy of nine pictures she took of the area. She asked someone to demonstrate to her where the water is supposed to drain. Mr. Long showed Ms. Durney the drainage route. Ms. Durney explained each of the pictures and the standing water that never drains even when there is no rain for a long period. Ms. Durney stated that the improper actions of Dryden Enterprises have been purposeful and an accomplished business man should know what is allowed. Ms. Durney stated that no land disturbing permit had been granted and a rezoning has not been approved and Dryden Enterprises has been excavating without the proper documents. Ms. Durney called the state and she was told that an affidavit was signed saying that they have proper zoning which is why the process was in effect, obviously it was not. This information came from Kelly Adams at the state office. No permit has been issued. Numerous tests have to be conducted on the water before it can be discharged to the river. According to the administrative assistant at the county road department, no culvert permit had been applied for nor issued. The actual access to the pit itself is illegal. The owner is not allowed to install the culvert.

The owner must pay for the culvert to be installed by the county. Numerous protected Oaks seem to be on the property and should be preserved. This property is currently zoned residential and has greater value. If the property is zoned agricultural, the county will lose tax dollars. Additionally there may be some ditches that need to be maintained. Ms. Durney stated that she thinks the Army Corps of Engineers should be involved in this excavation. She believes that there does not necessarily need a permit from them but they should be notified. She believes that Dryden Enterprises needs to act in a legal manner. She is asking Liberty County to continue to monitor this project to insure legal operation.

Jim Cooler came to speak in opposition of the borrow pit. Mr. Cooler stated that he lives in that area and he is on the Board of Directors for the Dorchester Civic Center. At 2109 Islands Highway, there is a thin piece of property that is owned by someone else and the water will drain to this property. He once excavated his property and at that time did not know what the excavation would do to his property, but he feels that the excavation killed his oak trees. He feels that the borrow pit will devalue his property. When he first moved, there this area was a swamp. Somewhere around 15 years ago it dried up and the mosquito problem was resolved. His issues are that the area will be saturated again, the mosquito problem will persist, and this will affect the outdoor activities of Dorchester Center. Commissioner Pace asked Mr. Cooler to point out the location of this property.

Barbara Martin spoke in opposition of the borrow pit. She is the head of the Board of directors at Dorchester Civic Center. A group of citizens worked for 7 years to restore this school. The drainage will go right behind the center causing the water to pool and will have an adverse effect on the activities of the school. Mrs. Martin stated that there are many people that come from out of the area to use the school. She stated that they are very proud of the work they have accomplished at the school and do not want to see any issue affect the school.

Wendy Bush spoke in opposition of the borrow pit and has concerns about the traffic and the noise. She moved to the coast to enjoy the quiet and beauty of the coast. She also feels that the borrow pit will decrease the value of her property. Ms. Bush stated that the dirt piled up is an eyesore.

Trent Long came forward to respond to a few of the concerns made by the public. Mr. Long stated that it is feasible to operate without running a 24-hour pump. The Army Corp of Engineers permit is not required. Chairman Shuman asked Mr. Long if this drains properly and Mr. Dryden has the water drain in the place it is supposed to drain, will this cause in any way a burden on the Dorchester School. Mr. Long stated it should not. Commissioner Pace stated that there would be similar access to make sure that the ditch is open. Mr. Long stated yes and that they would speak with the Development Authority and the timber company that is responsible for clogging the drain and address the issue. Mr. Long stated that they were going to make sure that all the water on Mr. Dryden's property flows the correct way. Commissioner Pace stated that it is worrisome to her that no matter what Mr. Dryden wants to do, you don't have access to making sure the drainage is flowing correctly on what is not your property....Mr. Long stated that is one reason why he keeps pointing out that the elevation of the drainage is lower than the borrow pit property. It is the natural drainage way and is lower than the pipes that cross Island Highways. Commissioner Pace asked if the discharge form there would stay on the Development Authority's property until it gets to Sunbury Road or crosses that. Mr. Long stated that somewhere in that location the property line transfers from being the development authority to being the FORD property.

Commissioner Pace asked if the wetlands were protected wetland and Mr. Long stated they are not protected. Commissioner Odom stated that according to Google Earth, this goes into one of the retention ponds at Tradeport East. It will be mitigated before it is released into the marsh. Mr. Long stated that there is also a large sediment basin located at the site

and this basin will move as the pit is dug. Most of the sediment you see on the side of the road is sediment from the ditch. Mr. Long pointed out the area of the pond and the sediment basin location on the map of the parcel.

(The power goes out, due to Georgia Power issue)

Kelly proceeded to see what happened to the power and call Jerry Johnson with Maintenance. Gabby took notes in her absence.

Commissioner Byler stated that his concern is that dealing with the zoning. Zoning is supposed to protect several things. It is supposed to protect the development of what the Commission is trying to do and he feels that the pond Mr. Dryden is developing is in keeping with the mission of the Commission. Our mission is to protect the residents. And when I listen to the residents talk, what I am hearing them say is that Mr. Dryden is asking for forgiveness rather than permission when starting this process and allowing this process to go beyond the acre. The concerns are the culvert in the ditch without a permit. If we make this shift and go back to agricultural and it goes through the county, what protection under agricultural, do the citizens, have for such things as the drainage ditch? What happens if it backs up again? Who will be responsible for this? Who will make certain that this does not turn into a mess? Chairman Shuman stated that he understands his concern. Chairman Shuman stated that he understood that all the necessary permits were obtained and asked Mr. Long if this statement is correct. Mr. Long stated that the only permit they are waiting on is the EPD. If you are referring to the Land Disturbance permit, that permit is not required for a surface mine. Commissioner Byler brought up several points about the water and drainage. Mr. Ricketson pointed out to the Commission that the only zoning category that allows for a borrow pit is agricultural zoning. Chairman Shuman asked for a motion. Commissioner Odom made a motion to approve the rezoning with standard conditions and one added special condition. He stated the special condition to be that Mr. Dryden works with the Liberty County Public Works Department and the Liberty County Development Authority for all discharge waters to go through their lands. Commissioner Pace stated that she did not think we could not require that either of those two departments to abide by this condition. Mr. Ricketson stated that the condition could require Mr. Dryden to work with those entities but we could not require those entities to work with Mr. Dryden. Commissioner Odom stated that we are an advisory panel, and I am advising Mr. Dryden to do so.

MOTION: Phil Odom with standard conditions and special condition that Mr. Dryden work with the Development Authority and the Public Works Department to have the water discharge on their property.

SECOND: Durand Standard

VOTE: Unanimous

**This petition will go before the LCBOC on February 2, 2016 at 6:00 P.M.**

**(Recess to investigate power issue)**

#### **4.0 REZONING PETITIONS AND OTHER ZONING RELATED ITEMS**

## LIBERTY

**4.1 Rezoning Petition 2015-055-LC.** Request by A.G. Wells, agent for HCLM, LLC, to rezone 19.05 acres of land, more or less, from PUD (Planned Unit Development) to A-1 (Agricultural District) off Luke Road, further described as LCTM-Parcels 182-002.

Gabby Hartage presented this rezoning petition to the Commission. Mr. Wells would like to rezone this parcel in order to develop a subdivision up to 13 lots. In the presentation there is a note referring to the minor subdivision exception of the Liberty County ordinance. If property is subdivided, there are certain standards that have to be met. There has to be paved road, curb, and gutter. The LCBOC can grant an exception for a minor subdivision. Gabby stated that this rezoning could cause a domino effect. Chairman Shuman asked for anyone that was in favor of the rezoning to speak. Mr. A. G. Wells came forward and explained that he is the manager of HCLM. He stated that he would like the property to be rezoned. This parcel was first designated to be part of the Habersham Development but since the economy has affected this particular neighborhood, the parcel will not sell as it stands today. Mr. Wells stated that he is not asking the Commission to approve the subdivision plans because he has not submitted one. Mr. Wells stated that he submitted a sketch with the parcel divided for the use of her, himself and the health department, because there will need to be septic tanks on the property. Mr. Wells states that he would like this to be rezoned and believes the PUD is expired. As it stands today, there is nothing he can do with the property. Commissioner Pace stated that the right of way of Luke Road would have to be wider. It would need a 60-foot right of way. Can this be done? Mr. Wells stated that this is not a subdivision plan. He only submitted it as a sketch. Mr. Wells said that he would work with the county to make the road the best it can be. Commissioner Odom stated that Mr. Wells is asking to have the property changed from PUD to A-1 for the future. He is not asking to have a development there on the A1, just a reclassification. Chairman Shuman asked Mr. Wells if this was correct and Mr. Wells stated that is all he needs at this time. Chairman Shuman asked Gabby if this was correct and she stated that she did not know what would be done with the property in the future. Chairman Shuman stated that once the Commission rezones the property then he could come in and develop a subdivision. Mr. Ricketson stated that Mr. Wells could come in and do that administratively. Gabby stated that he would need a variance for the road. Commissioner Pace stated that it regulates a certain amount of residences off a public road. Gabby said you can have an exception on the paving part of the road but there is no exception to the right of way. Mr. Wells stated that he is not asking for subdivision approval, he only wants rezoning so that there is a way to use it. Commissioner Pace stated if it was just one lot, and Mr. Wells interrupted and said it is one lot, 19.05 acres. Gabby said if it were just one lot then there would not be a problem. Commissioner Pace stated that because he wants to have 10 separate lots....Mr. Wells said he does not want 10 lots. He only wants a rezoning. Chairman Shuman stated that if the Commission rezones it, there is the possibility that you can develop it as a subdivision or some other use without having to come back before this body of government. Commissioner Standard stated that Mr. Wells would still have to come back because he would not be complying with the right of way. Mr. Ricketson stated that he disagreed. He has read this code extensively and if this property is rezoned, it would not meet the definition of a subdivision and he would be able to cut off one-acre lots and sale that one acre at a time. It will look like a subdivision.

MOTION: Lynn Pace made a motion to disapprove

SECOND: Sarah Baker

VOTE: 3 opposed, 4 in favor. Motion passed by majority.

**This petition will go before the LCBOC on February 2, 2016 at 6:00 P.M.**

## RICEBORO

**4.2 Rezoning Petition 2015-056-R.** Request by Alfreida D. Walthour, owner, to rezone 1.06 acres of land, more or less, from AR-1 (Agricultural Residential District) to B-2 (General Commercial District) for a convenience store/gas station at the intersection of EB Cooper Hwy and Barrington Ferry Road, further described as LCTM-Parcel 166b-009.

This rezoning petition was presented to the Commission by Gabby Hartage. This rezoning would not be in keeping with the comprehensive plan or the master plan of Riceboro. The Riceboro Master Plan calls for this area to remain conservation/residential. The pumps are proposed to be on the E.B. Cooper side with access provided from both Barrington Ferry and Highway 119. Gabby stated that is a busy intersection. This would be spot zoning and could cause a domino effect. Chairman Shuman asked about this same piece of property we approved a conditional use for last year, and Gabby stated that the former storeowner paved a part of the parking lot.

Alfreida Walthour came forward to speak. She stated that she bought the property last year. She attends one of the churches across the street and she feels that the store will have a positive impact on the area. At this time, there are just several abandoned buildings there. Twenty years ago, it was a store and she would like to provide more options to the residents of Riceboro. Ms. Walthour stated that she would like to open the store for income, but also to provide 2 to 3 full time jobs in the area. She stated that the future plans are for residential but she cannot imagine anyone building a house on this property that is located at a busy intersection.

### **RECOMMENDATION: Disapproval**

Commissioner Pace stated that she has sympathy because it would certainly be an improvement to what is currently there. She is apprehensive because it is going against what the City of Riceboro has already set as their plans. If the City of Riceboro decides to approve the rezoning once it goes before their council, then that would be their decision. Commissioner Byler stated that while listening to Ms. Walthour speak about the improvements to Barrington Ferry Road and the traffic, this could be a huge pitfall for Ms. Walthour if GDOT does not agree to the access to the property.

**MOTION:** Tim Byler motioned for disapproval

**SECOND:** Lynn Pace. Chairman asked if there was any discussion and Commissioner Standard stated that he would like to state that his opinion is a bit different. He does not feel that the property could be used for residential and feels that a soft retail business there would be ideal. Commissioner Standard would like the Commission to reconsider and amend the motion. Chairman Shuman asked how Commissioner Standard would like the motion to read. Commissioner Standard stated that they are stipulating disapproval based on Riceboro's land use plan. Commissioner Pace stated that she would agree to that. Commissioner Odom stated that the commission already approved a retail business to be at this location last year and did not see a master plan at that time. Chairman Shuman stated that the comprehensive plan had been adopted after the commission approved the first retail plan.

MOTION: Tim Byler amended his motion to disapprove based on the Riceboro land use plan does not account for this, but a special condition that the City of Riceboro council consider looking at the land use plan.

SECOND: Alonzo Bryant

VOTE: Unanimous

**This rezoning will go before City of Riceboro Mayor and Council on February 2, 2016 at 6:00 P.M.**

### MIDWAY

**4.3 Conditional Use 2015-057-MW.** Request by Jimmy Fullwood, Jr., applicant, to allow for a retail/second-hand store at 13711 E. Oglethorpe Hwy, further described as LCTM-Parcel 265-026.

Gabby presented this conditional use to the Commission. Mr. Fullwood owns the Plunderbox and would like to move the location of his store to the site of Holton's Seafood restaurant. The property owner is Ms. Linda Holton. Gabby pointed out that the City of Midway has a couple of stipulations on the standards of the conditional use. There cannot be any adverse effect on surrounding properties. If there are any buffers, they will be addressed as special conditions.

**RECOMMENDATION: Approval with standard and the following special condition: No outdoor display allowed.**

Gabby stated that he could not have any outdoor merchandise.

Chairman Shuman stated that he would like to save some time due to the quantity of people that would like to speak in favor of the Plunderbox, he is asking for just a couple of speakers because the Commission is in favor of approval.

Jimmy Fullwood came forward as the owner and stated that he wanted to move the store closer to the Interstate to bring more people into the community and to boost his business. Linda Holton came forward and stated that she is retiring and would like to keep the business as a restaurant but has not had any outside interest. Therefore, at this time she would like to have Mr. Fullwood move his business into her building.

MOTION: Phil Odom, approval with standard and special conditions

SECOND: Sarah Baker

VOTE: Unanimous

**This petition will go before the City of Midway Mayor and Council on February 8, 2016 at 6:00 P.M.**

### LIBERTY

**4.4 Zoning Petition 2016-001-LC.** Request by Liberty County to zone 1,933 acres of land, more or less, to A-1 (Agricultural District). Properties are described as LCTM-Parcels 029-027, 030-089, 020-027, 020-028, 028-001, 027-008, 027-006, 026-003, and 020-029.



Gabby presented this petition to the Commission. The owner previously asked Liberty County and the City of Hinesville to consider deannexation of this property and both entities have done so. The deannexation necessitates that the property be zoned. Liberty County has petitioned to zone the property A-1 in keeping with the permanent conservation easement on the property.

**RECOMMENDATION: Approval**

MOTION: Tim Byler  
SECOND: Alonzo Bryant  
VOTE: Unanimous

**This will go before the LCBOC on February 8, 2016 at 6:00 P.M.**

**4.1 DIRECTORS REPORT**

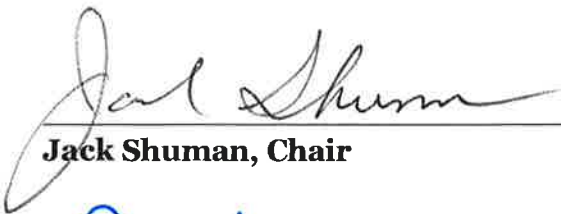
**4.1.1 Update of last month's actions.**

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

The request by Grace Baptist Church to be rezoned from OI to OC was approved on January 7, 2016.

- 4.0 INFORMATIONAL ITEMS**
- 5.0 GENERAL PUBLIC COMMENTS**
- 6.0 ADJOURN**

MOTION: Tim Byler  
SECOND: Phil Odom  
VOTE: Unanimous

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

2-16-16  
\_\_\_\_\_  
**DATE**

  
\_\_\_\_\_  
**Jeff Ricketson, Secretary to the Board**