

Lincoln County Planning Commission Meeting

December 8th, 2008 - 5:30 p.m.

The Lincoln County Planning Commission met in regular session on Monday, December 8th, 2008 at 5:30 pm in the Conference Room of the Planning and Zoning Department building. Those present were Herbert Moxley, Chairman, District Four; Coleman Kennedy, Vice-Chairman, District Three; Commissioner Bill Parker, District One; Britt Hammond, County Attorney; Meg Burg, Planning and Zoning Director and Denise Cunningham, Planner.

1.

Call Meeting to Order

Chairman Moxley called the meeting to order.

2.

Invocation

Chaplain Barney Aycock, III opened the meeting with prayer.

3.

Pledge of Allegiance to the Flag

Chairman Moxley led in the Pledge of Allegiance to the Flag.

4.

Declaration of a Quorum

Quorum was confirmed by Chairman Moxley.

5.

Approval of Minutes

On motion by Commissioner Aycock and seconded by Vice-Chairman Kennedy, the board voted unanimously to approve the minutes from the previous meeting.

6.

Preliminary Plat Extension Request

for: "The Retreat at Lake Thurmond"

Applicant: Tommy Lee and Clay Antonakis (owners)

Located off of GA HWY 378 (McCormick Hwy)

(Tax Map 45/Parcel 051)

Chairman Moxley opened the meeting with a request for a preliminary plat extension request for a PUD Development "The Retreat at Lake Thurmond" which is known as (Tax Map 45/Parcel 051) located off of the McCormick HWY. Mr. Clay Antonakis was present to answer any questions from the committee. The preliminary plat

determination and variance request was approved in September 2007. Mr. Antonakis stated that they are still moving forward with the project, but due to the economic downturn we face many difficulties. They are requesting an extension to continue working on the development. Vice-Chairman Kennedy confirmed with Mr. Antonakis that the extension is for one year. There were no other questions from the committee. Chairman Moxley called for a motion to approve the extension with the same conditions as previously approved in September 2007 as follows:

Director Burg stated the previous minutes approved were with the following conditions:

Variance request:

1. Cul-de-sac length - (1400 ft. instead of the maximum 1200 ft.)
2. Side set-back variance – (5 ft. instead of 10 ft.)

Terms set forth:

Pursuant to Lincoln County Land Development Code 34-134 ©, this Preliminary approval constitutes approval only of the proposed widths and alignments of streets and the dimensions and shapes of lots, subject to the final approval of the county health department. Applicant has proven by clear and convincing evidence that all requirements specified in Lincoln County Land Development Code 34-135(a) have been satisfied.

1. Subject to the final approval of the signed written infrastructure agreement with sewage and water between the City of Lincoln and Lincoln County Board of Commissioners.

On a motion by Vice-Chairman Kennedy and seconded by Commissioner Aycock, the board voted unanimously to recommend a (1) year extension for the PUD development known as “The Retreat at Lake Thurmond.”

7.

**Preliminary Plat Extension Request
for a Residential Subdivision: “Riverbirch Plantation”
Applicant: Richard Brown (owner)
Located off Ben Lane (Chamberlain Ferry Area)
(Tax Map 46/ Parcel 064 & 065)**

Chairman Moxley proceeded with the next item for Preliminary Plat Extension Request for a residential subdivision known as Riverbirch Plantation (Tax Map 46/Parcel 064 & 065) owned by Richard Brown located off of Ben Lane. Mr. Brown stated that due to the drop of our lake level, he is requesting a (1) year extension to continue the

subdivision. There were no questions from the committee. Chairman Moxley called for a motion with the previously approved conditions as follows:

Pursuant to Lincoln County Land Development Code 34-134 ©, this Preliminary approval constitutes approval only of the proposed widths and alignments of streets and the dimensions and shapes of lots, subject to the final approval of the county health department. Applicant has proven by clear and convincing evidence that all requirements specified in Lincoln County Land Development Code 34-135(a) have been satisfied.

On motion by Commissioner Parker and seconded by Vice-Chairman Kennedy, the board voted unanimously to approve the (1) year extension with conditions for the residential subdivision known as “Riverbirch Plantation.”

8.

Rezoning Request from A-3 to M-1 (Special Use)

Applicant: Billie Black

Owners: Cooper and Jackie Cliatt

For the purpose of an animal shelter

Located on GA HWY 47

Chairman Moxley moved to the last item on the agenda for a Rezoning Request From A-3 to M-1 (Special Use) for a animal shelter to be located on the Augusta HWY (Tax Map 54/ Parcel 064 and 065) property owned by Cooper and Jackie Cliatt with Mrs. Billie Black applying for the request. Director Burg addressed the committee and attendants with the description of what “Special Use Zoning” means as follows:

Sec. 34-382. Special uses.

Some zoning districts permit certain uses only upon approval of the planning commission. These uses are identified in this chapter as special uses and such uses may be allowed under special conditions. The granting of a special use does not constitute a permanent change in zoning or use. The special use may be forfeited if it does not meet the criteria provided in this section. Generally, a special use shall be compatible with the applicable zoning district under special conditions.

(1) *Special use approval.* Special uses shall be permitted subject to an approval by the planning commission according to procedures established in section 34-384. The required review shall determine whether the uses conform to the standards set forth in subsection (2) of this section.

(2) *Special use standards.* The special use shall be approved if it meets all the following factors:

a. A rezoning to a more intensive zoning district, which contains that use as a use by right, would not be appropriate for the property.

b. The location and character of the special use shall be compatible with the community development pattern and consistent with the needs of the neighborhood.

c. The special use will not be injurious to the use and enjoyment of the natural environment or of other property in the immediate vicinity, or diminish and impair property values within the surrounding neighborhood.

d. The special use will not increase state or local expenditures in relation to the cost of servicing or maintaining neighborhood properties.

(3) *Additional conditions and development standards.* The planning commission may impose any additional conditions and development standards, along with the grant of the special use, as may be necessary to protect the health, safety and welfare of surrounding landowners, neighborhoods and workers. The planning commission may require as part of its approval, the following conditions:

a. Planted or screen buffers to reduce adverse or potentially adverse effects on adjoining properties.

b. Limitation of street access ways, parking areas and loading docks.

c. The rearrangement of structures on the development site.

d. Increases in maximum building height.

e. Increases in the district requirements for lot size and building line setbacks, but not a reduction of these requirements.

f. Limitations on the hours of business operation when it can be shown that proposed operational times would cause an adverse effect on adjoining, existing uses.

g. Specified distances from existing residential, public, or institutional developments.

In no case, however, shall the planning commission exempt any special use from meeting the minimum lot and structure requirements of the zoning district in which the proposed use is to be located.

(Ord. No. 48, § 13-2, 1-9-2003)

Mr. Cooper Cliatt, owner of the property, and Mrs. Billie Black, applicant/buyer (contingent upon approval of rezoning request) was present for the meeting. Mrs. Billie Black (known as the “Kitty Lady”) addressed the committee and stated that she has been

rescuing cats for several years in Lincoln County which is how she met with Barbara Glazman who is the co-founder and president of “Happy Tails” located in Appling, GA. Mrs. Glazman was looking for more property to expand the animal shelter and Mrs. Black is working with her to locate a animal shelter here in Lincoln County. She contacted Mr. Cooper Cliatt to see if he had any property for sale on the south side of Cliatt’s Crossing which would be close for volunteer workers driving from Augusta. Mrs. Glazman of “Happy Tails” informed the attendees that her organization is a non-profit and volunteer based shelter. It is a “No Kill” shelter. She was formerly a school administrator and worked with special needs student. This would be a great job experience for special need students to work with animals. If approved, this would be a great opportunity to establish a low cost spray and neuter clinic. The manufactured home could be set up as a reception and clinic. This shelter would be a great service to the county. Chairman Moxley addressed the public to see who would like to comment on the proposed shelter. Director Burg stated that a lot of the people present were here to get the facts.

PUBLIC PARTICIPATION:

- **Al Bean – President of the “Concerned Citizens of Lincoln County.**
 - a) **Would you be bringing animals from outside the county into the county?**
(Reply – yes, they would be brought in for adoption)
 - b) **Any euthastiation**
(Reply – No Kill Center – unless it is a vicious dog or sick cat)
 - c) **Location - Not the best place for a shelter. Other areas to consider.**
(Reply – Current volunteer base will be driving out of Appling & Columbia County)
 - d) **Time Frame if approved.**
(Reply – 6 months to open the shelter if approved.)
 - e) **Property Secured**
(Reply – High chain link fencing to secure the animals)

- **Mary Hearst - 3753 Augusta HWY**
 - a) **We have a great neighborhood. Thinks there are better places for shelter.**
 - b) **She is for an animal shelter, but not on the Augusta HWY**
 - c) **Concerned about the looks of the shelter, distance from road & buffers**
 - d) **Smell, noise, and sanitary conditions**
 - e) **Busy intersection**
 - f) **It just doesn't fit.**

- **Cooper Cliatt - 5256 HWY 220, East**

Mrs. Black approached me for property to build an animal shelter. I checked with the county commissioners and there is a need for an animal shelter. I wanted to make sure that zoning would make requirements if approved; no paperwork has been signed for the property. It is contingent upon the zoning. I have the same concerns about the shelter. The county is in need of an animal shelter and this meeting is to determine if the Augusta Hwy fits the location for the shelter.

- **County Attorney Britt Hammond stated that the county has investigated into building an animal shelter for the last four years. The regulations and cost of building the animal shelter would be a great cost to the tax payers of the county. A non-profit organization would save the tax payers money. If the county builds the shelter, it will be a great cost to the tax payers. The same permits will be required and permitted from the State whether it is a non-profit corporation or county maintained.**

- **Mr. and Mrs. Charles Perryman - 343 McCormick Rd – Martinez, GA**
 - a) **Permits from the State will be required for non-profit corporation.**
 - b) **Funding –(Reply) Grants and fund raisers will fund the project.**
 - c) **Happy Tails is a licensed shelter.**

- d) Noise – (Reply) Kennel will be constructed to contain noise.
- **Clarence Bouknight – 6049 HWY 220, West**
 - a) Noise is a major concern.
 - b) Does not want it in his back yard!
 - c) Valuation of Property is a main concern.
- **Alvin Hawes - 2215 White Rock Road**
 - a) Why don't you build it in Columbia County? All of your help lives there.
 - b) Are you going to build it and then get out of it and sell it for a profit?
 - c) I don't think the county needs a dog pound.
- **Mickey Norman – 3661 Augusta HWY**
 - a) I do not want this in my neighborhood.
 - b) Has the land transaction taken place? (Reply – NO, it has not.)
 - c) Would like to see it on County Property. Employ local people.
Reply - (This would cost tax payers. This organization is a non- profit /volunteer based facility.)
- **Judith Wells - 3320 Augusta HWY**
 - a) Son owns property across the road and does not want it.
 - b) Valuation of property will go down. Will not be able to sell property because of animal shelter.
 - c) I never see dogs or cats on my property. I don't want them bringing more abandoned animals into the county.
 - d) County does not have any money. We need to tighten our belt.
 - e) What do you with animals that are not adopted? (They keep them!)
- **John Rhodes – 230 S. Peachtree Street**
 - a) I have animals dumped on me all the time. We need this shelter!
- **Francis Aycock - 3152 Augusta HWY**
 - a) I feel like there are better places in the county for the shelter.
- **Vivian Blonsky – 1037 Poland Road**
 - a) I am against it. If we take the first step, the county will get involved and end up having to take it over.
- **Donald Ezzk – 1147 Sullivan Road**
 - a) Waste – Will this area perk? (Spending millions for Black Jack sewage project) This is a major consideration.
 - b) Noise - This area is to populated.
 - c) Smell
 - d) We need the shelter, but not at this location.

- **Bill Luking – 2950 Augusta HWY**
 - a) Are you going to house large Animals (Horses, etc.)
 - b) How many animals would be on site at any given time?
 - c) The county does need an animal shelter, but the county is not equipped to handle it.
 - d) I would hope that the zoning laws that we have in place would take care of all the possibilities that the facility would generate.
 - e) What do we do about disease and dead animals?
 - f) You have no facility. You use foster homes. Does Lincoln County have zoning for foster homes for animals? You said you are bringing some animals from Columbia County to this shelter. Would that fill up this facility?
 - g) Entrance Corridor you can't put a single wide to live in, but you are considering allowing an animal shelter.
 - h) Tax exempt for over 12 acres (Mrs. Black replied - she would be paying property taxes until the property was paid actually paid for 20 years down the road.)
 - i) Not a backyard issue. County issue. Need in area where it does not impact residences of the county. Need to approach from a county stand point.
 - j) More pets will be left behind due to the economic situation. This problem will continue to grow.

- **Fred Kennedy – 2019 Pineywoods Road**
 - a) Representing Tabernacle Baptist Church
 - b) Majority members are opposed to the location. They agree that we need this facility, but not on the Augusta HWY.

- **Murray Norman – 3661 Augusta HWY**
 - a) Would rather have a mobile home next to him instead of animal shelter.
 - b) Hope zoning laws will prevent locating in my backdoor.

- **Donald Ezzyk – 1147 Sullivan Road**
 - a) This shelter will create a drop off area for animals. This is a busy location.
 - b) Will they be required to get a perk test? Director Meg Burg said that they will have to get permit approvals from the State and from the Lincoln County Health Department. They would have to follow every State, County and Federal laws.

Mrs. Glazman wanted to clarify that Happy Tails does not have a shelter. I have built a facility with my funds on my land and it is used as a foster home. Mr. Ludking stated that the county needs an ordinance restricting how many foster animals you can have on your property. Director Burg replied that we have an ordinance in affect, but we do not go out and count animals on someone's property. It is addressed as complaints

come into our department. The county is not going to go out and count animals at residences unless there is a reason.

Commissioner Aycock asked Mrs. Black and Mrs. Glazman what the minimum requirement was for an animal shelter. He stated that 12.5 acres seemed like a lot of property to rezone for an animal shelter. Mrs. Black stated that Wilkes County had their shelter on 1 acre of land. Commissioner Aycock asked if the County donated property out at the land fill if it would be a problem for the non-profit organization. Mrs. Black and Mrs. Glazman said it could possibly be worked out. Commissioner Aycock stated that 15 people here tonight were against the location for the shelter. My concern is that the 12.5 acres would lead to housing larger animals. Mrs. Black stated that a true humane society would have to take in large animals. Commissioner Aycock stated that the location was the key issue. Vice-Chairman Kennedy stated that the location is a big issue and the public here tonight is against it. We have a lot of animals dropped off in the Pineywoods area. This is a big issue and we do need the shelter in the county. Commissioner Parker says that everyone seems to be in agreement that we do need the shelter, but not on the Augusta HWY. We need to work it out with Mrs. Black and Mrs. Glazman to see if we can get county property for them in an area that would not affect so many residents. I recommend that we need to study this issue more. Vice-Chairman Kennedy motioned to table this zoning hearing for 30 days to review the information we've heard tonight. Mrs. Judith Wells stated that the majority of the people here tonight were the surrounding property owners and were against the rezoning. They will not change their minds on the rezoning. Commissioner Aycock was not in favor of tabling the rezoning when the property owners were against it. The surrounding property owners do not need to come back and go through this again and I make a motion to deny tabling this request. We have already accomplished tonight that it is not wanted on the Augusta HWY. I make a motion that we deny the rezoning request for the animal shelter on the Augusta Hwy. County Attorney Hammond stated that we have two motions on the table and we need to address the motion to table the request. At that time, Vice-Chairman Kennedy withdrew his motion to table the rezoning. Commissioner Aycock addressed Mrs. Black and Mrs. Glazman and went on to say that he was not against the shelter and I think it is a wonderful idea, but he could not approve the location. Commissioner Aycock motioned to deny the rezoning request for an animal shelter on the Augusta HWY and it was seconded by Vice-Chairman Kennedy. The board voted unanimously to deny the rezoning request because it did not meet all the criteria set forth in Lincoln County Land Development Code as specified in Sec. 34-382 Special Uses. County Attorney Hammond informed the public that the final decision would be made by the Board of Commissioners this Thursday, Dec. 11th at the court house.

9.

**PLANNING AND ZONING
DEPARTMENTAL UPDATE AND DISCUSSION**

The commission members then entered into discussion of various zoning issues.

10.

ADJOURN

On motion by Vice-Chairman Kennedy, seconded by Commissioner Parker, the board voted unanimously to adjourn.

Herbert Moxley, Chairman

Denise Cunningham, Planner