

**HARRIS COUNTY PLANNING COMMISSION**  
**REGULAR SESSION**  
February 21, 2018  
7:00 PM

Board Members Present: John Britt, Chance Carlisle, John Brent, Matthew Newberry, Ken Napier. Member Absent: Chad Kimbrough, Chris Lintner. Staff Present: Brian Williams, Community Development Director; Nancy McMichael, Recording Secretary.

1. **CALL TO ORDER.** Chairman Britt called the meeting to order.
2. **MINUTES.** The motion to approve the minutes of the September 20, 2017, Regular Session and Work Session was made by Mr. Carlisle, seconded by Mr. Brent, and passed unanimously. (No meetings in October, November or December 2017 and January 2018.)
3. **ORGANIZATION OF COMMISSION.** The vote on Chairman, Vice-Chairman and Secretary occurred after the motion and second were made for all three positions, as follows:
  - A. **Chairman.** The motion to reappoint John Britt as Chairman was made by Mr. Carlisle and seconded by Mr. Newberry.
  - B. **Vice-Chairman.** The motion to reappoint Chad Kimbrough as Vice Chairman was made by Mr. Carlisle and seconded by Mr. Newberry.
  - C. **Secretary.** The motion to reappoint Mr. Lintner as Secretary was made by Mr. Brent and seconded by Mr. Newberry.

Following the above nominations and seconds, all three motions passed unanimously.

4. **OLD BUSINESS**
  - A. **Decisions of Harris County Board Commissioners.** The following action was taken by the Board of Commissioners:

October 3, 2017:           Approved withdrawal of the application of SBC (Standing Boy Creek) Farms, LLC, to rezone 337.6 acres from A-1 to R-1.
5. **NEW BUSINESS**
  - A. **Preliminary and Final Plats Schedule for 2018.** The motion to approve the 2018 schedule for preliminary and final plats was made by Mr. Brent, seconded by Mr. Napier, and passed unanimously.
  - B. **Preliminary Plat: Christopher Whitley, 135.68 acres; 4 proposed lots.** Morgan Marlowe, representing Christopher Whitley, appeared before the Commission to discuss this Preliminary Plat. Discussion included that each of the four lots have the required 50' of road frontage for platting purposes but all will share a common driveway for which an agreement will be drawn. Following discussion, the motion to approve was made by Mr. Carlisle, seconded by Mr. Newberry, and passed unanimously.
6. **PUBLIC HEARING @ 7:15 PM**
  - A. **Explanation of Public Hearing Procedures.** Chairman Britt explained the procedures regarding the scheduled Public Hearings.

B. **Application of Elizabeth Blume for a Special Use Permit for a Dog Training Center and Park on 7.89 acres on Map 056, Parcel 101, Land Lots 41 & 63, Land District; current use residence and farm; proposed use for dog training center and park; property located at 15515 GA Hwy 18, Pine Mountain, and zoned A-1 (Agricultural & Forestry).** Chairman Britt called the Public Hearing to order and read the specifics of the application. Elizabeth Blume, applicant, appeared before the Commission and said that she opened a dog training center and park five years ago on leased property; that she has now purchased property and wants to relocate her business to the new property. In response to questions from the Commission, Ms. Blume said that on a normal day there are six to eight dogs and on weekends maybe more; that she holds AKC and UKC trials for which there may be 30 to 40 people in attendance with dogs kenneled when they are not performing; that she has no plans to board animals; that she is usually open about six days a week from 9 AM to 5 PM with an occasional evening class; that 20-30 cars can be parked on site at one time; that trials usually start around 9 AM and end about 4:30 or 5:00 PM; and that dog owners are required to pick up after their dogs and themselves, and those that do not are not permitted to return. Chairman Britt asked if anyone wished to speak in favor of this SUP application.

Paula Kelly, who lives in LaGrange, appeared before the Commission and said that she has used Ms. Blume's facilities since 2013; that her dogs have learned to be more social as a result of visiting the dog park; and that she is in favor of the training center and park because of what the facility can provide to others.

Martha Hartley, citizen who lives on GA Highway 18, appeared before the Commission and said that she is in favor of the application; that it will be good for the community; and is very much in favor of such a use on this property.

Jane Bradley, citizen who lives in the area, appeared before the Commission and said that this is an important need for dogs to learn obedience and social skills; that she is in favor of the business; and that it will be of service to the community.

Mary Mullins, citizen who lives in the area, appeared before the Commission and said that she is in favor of the business and that she also speaks for her family.

Dave Topor, citizen who lives in Waverly Hall, appeared before the Commission and said that he has been using the dog park (at its former location) for three years; that it's a wonderful place for dogs and people to socialize; that the business does and will bring revenue to the county; and it will bring much to the community.

There being no further comments in favor, Chairman Britt asked if anyone wished to speak in opposition. There being none, he asked Ms. Blume for further comments.

Ms. Blume said that the home on the property has been in the Champion family for over 100 years and she plans to renovate same to bring it back to the way it used to be. In response to questions from the Commission, Ms. Blume said that when she received approval for her former location, the Board of Commissioners limited her to having 30 dogs on the property at any given time; and that a limit of 30 dogs is reasonable. Discussion included that the former location was on three acres, while the subject property is on almost eight acres.

There being no further comments on questions, Chairman Britt closed the Public Hearing and asked for a motion.

The motion to recommend approval of this Special Use Permit was made by Mr. Newberry and seconded by Mr. Napier. Discussion included that perhaps a limit of 50 dogs should be included

as a condition. Mr. Newberry amended his motion to approve with a limit of 50 dogs at any given time, and Mr. Napier amended his second. The motion to recommend approval with a limit of 50 dogs at any given time passed unanimously.

C. **Application of Joey M. Loudermilk for a Special Use Permit for Educational Farm Tours, Farmers Market and Farm Dinners on 254.29 acres on Map 080, Parcel 001, Land Lots 195, 222, 226 & 227, Land District 18; current use agricultural and farm; proposed use for education farm tours, farmers market & farm dinners; property located at 150 Mayo Road, Ellerslie, and zoned A-1 (Agricultural and Forestry).**

Chairman Britt called the Public Hearing to order and read the specifics of the application. Daniel Hord, manager of TurnTime Farm, and Joey Loudermilk, applicant, appeared before the Commission. Mr. Hord said that since June 2016 they have had a few farm tours and have a market not realizing they were in violation of the Zoning Ordinance; that this Special Use Application is for the purpose to legally be able to offer educational farm tours, a farmers market and to host farm dinners; that they do not charge for the farm tours; that in the farmers market they will sell products raised on the farm as well as other local products; that they have not yet hosted a farm dinner but may do so in the future. In response to questions, Mr. Hord said they first gave a farm tour to his children's school class, and when they realized that many children have no idea of what a farm looks like, they opened the farm up to the general public; that the tours take about 40 minutes and the guests are told about the operating aspects of the farm and about each animal; that farm dinner would be to show off the farm, and at the most would be once a quarter as allowed by the ordinance; that he has talked to a few of the neighbors and some of them are also farm customers, but he has received no adverse feedback; that probably no more than 50 people would attend a farm dinner, which would more than likely be over by 9:00 PM. There was a brief discussion regarding the traffic on Georgia Highway 85 and the possible impact of the tours and dinner on the traffic.

There being no further comments, Chairman Britt asked if anyone wished to speak in favor of this Special Use Permit application.

Wayne Means, citizen who lives adjacent to the subject property, appeared before the Commission and said that he and his family visit the subject property quite often; that he has no objections to the tours, market or dinners; that the tours give children an opportunity to see a working farm; and that he is in favor of the application.

There being no further comments in favor, Chairman Britt asked if anyone wished to speak in opposition to this Special Use Permit application.

Susan Jones, citizen who lives directly across the street from the subject property, appeared before the Commission and said that she has lived on her property since 2003; that she understands the farm falls into the guidelines of doing what is necessary regarding erosion plans and sediment plans but her lake is filled with the silt from the runoff from the subject property. She questioned how often the permit will have to be applied for, how many special events are allowed, does it allow unlimited use of special events on the farm, and does the permit make it a commercial venture. In response, Chairman Britt said that once the permit is approved, it is tied to the land, not the owner, and gives the owner the right to host the events until such time as the permit is changed, and Brian Williams, Community Development Director, replied that farm dinners are allowed one time per quarter, the farmers market would operate like a store, and that such uses are allowed on A-1 property. Mrs. Jones asked if conditions could be put on the permit and who imposes such, to which Mr. Williams replied that conditions can be put on the permit, and that the Planning Commission makes a recommendation to the Board of Commissioners, who make the final determination. Mrs. Jones said that the beach in her lake is the result of clear cutting of the property across the street without having any erosion or silt fences which allowed the silt to wash into her lake; that she was told by the former and current Public Works Directors that the silt would eventually build a "horseshoe", which has happened; that when it rains, the new silt stops in the

middle of the “horseshoe”, which will eventually fill up and the pipe under the road will completely clog and the road will collapse; that she understands it is her responsibility and there is nothing she can do unless she wants to spend her life savings in a court of law and she is not planning on doing that, but neither is she going to use her savings to clean out the silt that she did not put there. She asked that, if approved, there be a condition that functions occur during daylight hours only; that there is a hay barn with six to eight lights which light up her entire front yard and front rooms. She continued by saying that all trash and debris should be removed promptly after each event; that there are a lot of coyotes in the area; that she and her husband take care of their property, cut the right of way, and pick up the trash, and she doesn’t want to have to deal with more inconveniences from the farm; that there have been several accidents at the intersection of Mayo Road at Georgia Highway 85; that approval will result in more traffic and more people in the area; that her life has been completely disrupted for the past five years (by the farm); that she would like Commission to consider the other landowners in the area; that she has never spoken to Mr. Loudermilk or met him; and that her family has suffered as a result of TurnTime Farms. In response to questions from the Commission about the sediment control, Mrs. Jones said she had contacted the State and they were very helpful in the beginning, and Mr. Hord was told, on December 23, 2013, that they really needed to put up silt fencing, but three weeks later, there was no further assistance from the State.

There being no further comments in opposition, Mr. Hord and Mr. Loudermilk were asked for rebuttal comments.

Mr. Hord, in response to questions from the Commission, said that the farm surrounds his property on three sides and he lives about a half-mile from the main barn; and that when the property was originally purchased from MeadWestvaco, it had already been clearcut around 2007. He distributed several photos and said that in the photograph dated 2012, it shows the clear-cut land and the beginning of a sediment issue in the lake; that the land was not purchased until 2013, and the island in the land was existing; that because the land was clear-cut, it was decided to use it as pastureland; that the barn site was chosen in direct access to the road for delivery of hay and as an in and out for things needed; that silt fencing was in place; that EPD doesn’t require silt fencing, but they felt it was the right thing to do; that they have made efforts to control the silting; that they acknowledge there has been some additional silting and take partial, but not sole, responsibility of same; that they pick up trash regularly on Mayo Road, not just after tours, and it will be done after any event they have; that with calves, chickens and turkeys, they regularly trap for coyotes, which are a nuisance; that regarding the barn lights, they try not to work at night, but there are times when it is necessary; that limiting farm tours to daylight hours is acceptable; and that they have been in touch with EPD and NRCS and are in compliance with sediment regulations. Discussion included that when and if farm dinners are offered, they should be finished by 9:00 PM; that the barn lighting is not directional, but under the barn eaves, and no additional lighting would be necessary for any event; and that farm tours are usually just before or just after lunch, weather permitting, usually on Saturday, unless it is a school tour.

There being no further comments or questions, Chairman Britt closed the Public Hearing and asked for a motion.

The motion to recommend approval of the Special Use Permit application with the condition that for special events, particularly the farm dinners, that they are finished at or before dusk, was made by Mr. Brent. The motion was seconded by Mr. Napier. Following discussion, which included that a specific time for completion would be better because it gets dark earlier in the winter than in the summer, Mr. Brent amended his motion to approve the SUP application with the condition that any event ends by 9:00 PM, and Mr. Napier amended his second. The motion to recommend approval of the SUP application with the condition that any event ends by 9:00 PM passed unanimously.

- D. **Application of Ann F. Hughston to rezone 147.23 acres on Map 66, Parcel 020, Land Lots 105, 106 & 120, Land District 18; from R-1 (Single Family Residential) to A-1 (Agricultural & Forestry); current use horses, farm land and resident; proposed use the same; property located at 916 Ripshin Road, Ellerslie.** Chairman Britt called the Public Hearing to order and read the specifics of the application. Jack Hughston, representing Ann F. Hughston, appeared before the Commission and said that the property has been a farm all along but the zoning for same is reflected as R-1 and that upon being informed that the property was out of compliance for R-1 property due to the horses, an application was submitted to correct the zoning to A-1. There being no comments or questions from the Commission, no comments in favor of or in opposition to this rezoning application, Chairman Britt closed the Public Hearing and asked for a motion.

The motion to recommend approval of this rezoning application was made by Mr. Carlisle, seconded by Mr. Newberry, and passed unanimously. The Impact Sheets were completed at the request of Chairman Britt who noted that such should have been done before action was taken.

- E. **Applications of Edgar Hughston Builder, Inc., to Rezone adjacent properties (1) 67 acres owned by Thomas W. & Susan C. Lawhorne on Map 032, Parcel 042, Land Lots 36 & 48, Land District 19, from A-1 (Agricultural & Forestry) to R-1 (Single Family Residential), present use residence and farm, proposed use subdivision, property located at 5205 GA Highway 315, Fortson; (2) 152.01 acres owned by Ralph M. and Gloria M. Fitch, Jr., on Map 044, Parcel 025, Land Lots 36 & 37, Land District 19, from A-1 (Agricultural & Forestry) to R-1 (Single Family Residential), present use forest, proposed use residential subdivision, property located on GA Highway 315, Fortson.** Chairman Britt said that both rezoning applications were being heard at the same time since they are adjacent one another and will be part of the same subdivision. He then called the Public Hearing to order, read the specifics of each application. Jack Hughston, representing Edgar Hughston Builder, Inc., and Brandon Bolt, engineer for Edgar Hughston Builder, Inc., appeared before the Commission. Mr. Hughston said that they plan to have 80 homes in the subdivision. In response to questions from the Commission, Mr. Bolt said that the width of the easement is 60'; that the easement is not deeded property; that lot 80 on the subdivision draft is on GA Highway 315 while lots 79 and 1 are from minor street within the subdivision; and that there will be one entrance off GA Highway 315. In response to a question regarding the road width and emergency vehicles, Brian Williams, Community Development Director, said that the road meets County requirements.

There being no further questions or comments, Chairman Britt asked if anyone wished to speak in favor of these rezoning applications. There being none, he asked if anyone wished to speak in opposition.

Jack Massey, citizen who lives on Grantham Drive, appeared before the Commission and said that there are three or four 90 degree turns on Grantham Drive; that he's not really opposed to the building of homes as long as nothing is accessed from Grantham Drive; that there is a lot of school traffic in the morning on Hamilton Mulberry Grove Road and trying to come out of Grantham Drive at that time of day is difficult.

Chris Crosby, citizen who lives on Grantham Drive, appeared before the Commission and said that adding 80 houses will add about 160 kids will cause problems; that Grantham Drive is a small county road; that it would be better to bring the traffic out to Hamilton Mulberry Grove Road; that he moved to the country to not have 180 people move a block away; and that there are safety issues with emergency vehicles now.

Tammy Cantrell, citizen who lives on Grantham Drive, appeared before the Commission and said that Grantham Drive is a small dead end road; that if approved, there will be a lot more traffic coming in and not just from the subdivision, but from others using it as a shortcut. She asked if it would be possible to have two entrances/exits on Highway 315, to which Mr. Williams responded that while there is enough road frontage, it would be difficult, and Chairman Britt said that with 80 houses there needs to be two entrances/exits.

Garrett Ogletree, citizen, appeared before the Commission and said that regarding traffic there will be more than 160 cars, if approved; that every house will probably have dogs; that Grantham Drive is a dangerous road; that a traffic light may be needed; and that the number of homes in the proposed subdivision could be reduced to cut down on the traffic increase.

John Hardin, citizen who lives on Grantham Drive, appeared before the Commission said that no one has seen any drawings of the proposed subdivision, and asked if there is a way to obtain same. Chairman Britt said that an Open Records Request can be made to either Brian Williams, Community Development Director, or Nancy McMichael, County Clerk. Mr. Williams commented that the finished subdivision may not be what is shown on the draft drawing.

Meghan Guenther, citizen who lives on Hamilton Mulberry Grove Road, appeared before the Commission and said that she is concerned with traffic; that the Grove is already planned for the area with mixed use; that the corner of GA Highway 315 and Mountain Hill Road is already congested and difficult to get in and out of; that she is concerned about the need for more schools as a result of the growth in the area and about the easement off Grantham, which is a very small with turns rather than curves and is dangerous; that there have been several accidents at GA Highway 315 and Hamilton Mulberry Grove Road; and that she has problems with Mr. Hughston changing his property from R-1 to A-1 (see item 6D) but rezoning the subject property from A-1 to R-1 for 80 homes.

Keith Seeley, citizen who lives on Cannon Road, appeared before the Commission and said that he is concerned that the cost for the additional school buses, schools, fire hydrants, water lines, and the infrastructure, as a result of this subdivision, will come out of the taxpayers' pockets; that the property will wind up becoming a huge headache to those who have lived in the area for a while; that the additional traffic is not something the citizens want to see; that problems will include more traffic and crimes; and that he is not in favor of rezoning either of the subject properties.

Fred McGowan, citizen who lives on Grantham Drive, appeared before the Commission and said that there are two 90 degree turns on Grantham Drive; and that the road is narrow and dangerous, especially in the mornings and afternoons with school traffic.

Lisa Martin, citizen who lives on Grantham Drive, appeared before the Commission and said that late in the evening, most of the people on Grantham are out walking their dogs and getting exercise; and that people moved to the area to be in the country and they want it to stay the way.

There being no further comments in opposition, Chairman Britt asked Mr. Hughston and Mr. Bolt for rebuttal.

Mr. Bolt said that access on GA Highway 315 will be regulated by GDOT which requires compliance with site distance requirements and turn lanes; that due to the topography, it's not practical to have more than one entrance/exit on GA Highway 315; and the primary access will be from GA Highway 315.

Mr. Hughston said that due to the size of the lots, they could be considered estate lots compared to what is going to go next door (in The Grove); that he is in compliance with the County's rules and regulations regarding subdivisions; that there will be a decel lane off GA Highway 315; that the proposed subdivision will help to bring more commercial growth to the area; and that people want to live in Harris County or he wouldn't be in business. In response to questions from the Commission, Mr. Bolt said that "no through traffic" signs could be installed; that any traffic analysis would go to GDOT and such has not been done. There was discussion regarding traffic analysis, which included that such would not be done unless required by GDOT as part of the permitting process, and that the permit won't be applied for until the rezoning is approved; that a traffic study would be helpful before rezoning from A-1 to R-1; that if such a study was done for The Grove, that information will be provided to the Board of Commissioners; that a traffic study is not part of the County's requirements at this point in time; that the number of lots resulted from the topography, streams, and wetlands; and that a reduction in the number of lots may be the way to go. Mr. Hughston said that the rezoning meets all the County's parameters.

There being no further comments, Chairman Britt closed the Public Hearing and asked for a motion. Mr. Brent asked if there was a third option, other than "yea" or "nay", and Chairman Britt said that no recommendation is considered a "yea".

The motion to recommend approval of both Rezoning applications was made by Mr. Carlisle and seconded by Mr. Newberry. Mr. Napier said that he could not vote on the rezoning due to lack of information he considers necessary, Mr. Brent said that he agrees with Mr. Napier; Mr. Carlisle said the Commission must go by what the County regulations require, and based on the requirements, Mr. Hughston has met those requirements, and Mr. Newberry agreed with Mr. Carlisle. The motion to recommend approval passed with three in favor (Carlisle, Newberry, Britt) and two opposed (Napier, Brent).

- F. **Application of Robert N. Nichols, Managing Member of Ellerslie Plaza, to Amend the Zoning Conditions to allow gasoline sales on 4.077 acres on Map 081, Parcel 176, Land Lot 157, Land District 18, current zoning C-4 with conditions (1) the following uses are prohibited - aircraft sales and service, billiard hall, deer and game processing, freight depots - truck and rail, gasoline sales, radio and TV transmitter or tower, roller skating rink, truck depot, truck sales and service, warehousing, and wholesale; (2) access points shall be reviewed by DOT and subject to the approval of the County Engineer; (3) provide ingress/egress lanes subject to DOT regulations; (4) all buildings shall be brick, rock or masonry on the front and sides, (5) a 50 foot undisturbed buffer along the north side and back of the property; and (6) all roads and parking lots shall be paved.** Chairman Britt called the Public Hearing to order and read the specifics of the application. Robert Nichols, applicant, appeared before the Commission and said that he just wants to amend the zoning conditions on the property to allow gasoline sales. Discussion included that plans are to have a convenience store with gas sales and a nice-looking retail space along GA Highway 85 to provide one-stop shopping, which may include a restaurant, dental clinic, salon, or donut shop; that when the Board of Commissioners put the conditions on the property in 2006, there was no discussion regarding same; and that the conditions originated with the County Planner on staff at that time and the Planning Commission made those same recommendations to the Board of Commissioners, who narrowed them down to six conditions; that gasoline sales will offset construction costs faster; and that the buildings will be either dryvit or split faced block. There being no further comments or questions, Chairman Britt asked if anyone wished to speak in favor of this application.

Curtis Hunter, citizen who lives on Madison Way, appeared before the Commission and said that he is in favor of the application, but he would like to see trash receptacles to help reduce the amount of trash on the roads in the area; and that there is a lot of traffic on Madison Way and he would like to see the entrance off GA Highway 85 rather than Madison Way.

There being no further comments in favor, Chairman Britt asked if anyone wished to speak in opposition to the application.

Richard Irvin, citizen who lives on GA Highway 85, appeared before the Commission and said that his property is adjacent to the subject property; that he is concerned about safety since GA Highway 85 is a highly traveled highway and a gasoline station will increase the traffic off of and onto the highway; that there is enough litter on the roads now and a gasoline station, convenience store, or fast food place will only add to that; and that he hopes the Commission will take his comments into consideration.

There being no further comments in opposition, Chairman Britt asked Mr. Nichols for rebuttal.

Mr. Nichols said that there will be outside trash receptacles; and that he cannot get an entrance off of GA Highway 85 due to there being an existing decel lane. Discussion included that a very small portion of the property is in a flood zone; that permitting for the gas tanks has to go through the State; that there may be a potential for fuel spills; that the next closest station is within three-quarters of a mile; that the fuel tanks are modern; that spill ratio has almost been eliminated other than from the actual delivery truck, which would be human error; that this one may have a blue depth pump for off-road diesel vehicles; and that an 18-wheeler will not fit into the property.

There being no further comments or questions, Chairman Britt closed the Public Hearing and asked for a motion.

The motion to recommend approval was made by Mr. Napier and seconded by Mr. Newberry. Following discussion, the motion passed with four in favor (Napier, Newberry, Britt, Carlisle) and one opposed (Brent).

5. **ADJOURNMENT**. There being no further business to discuss, the motion to adjourn was made by Chairman Britt, seconded by Mr. Carlisle, and passed unanimously.

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John Britt, Chairman

Prepared by:

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Nancy McMichael, Recording Secretary