

HARRIS COUNTY PLANNING COMMISSION REGULAR SESSION

November 15, 2023

7:00 PM

Members Present: Gene Weldon, Mark Harris, Nancy McMichael, Paul Dasher, Becky Langston,. Members Absent: Jarrod Lloyd, Tommy Hutcherson. Staff Present: Brian Williams, Community Development Director; Andrea Dzioba, Recording Secretary; Lee Walton, Consultant.

1. **CALL TO ORDER.** Chairman Gene Weldon called the meeting to order.
2. **MINUTES.** The motion to approve the minutes of the September 20, 2023 Regular Session was made by Mr. Harris, seconded by Mrs. Langston, and passed with four in favor (Weldon, Harris, Langston, McMichael) and one abstention (Dasher).

3. **OLD BUSINESS**

A. **Decisions by Board of Commissioners of October 3, 2023**

- (1) Application of Harris County Board of Commissioners to Amend the Text of the Unified Development Code, Articles 2, 3, 4, 5, 11 and 12.

The Board did not take any action on the Application to Amend the Text of the Unified Development Code, Articles 2, 3, 4, 5, 11, and 12 pending further review of the concerns discussed.

4. **NEW BUSINESS**

- A. **Preliminary Plat (Renewal) - The Orchards at Mulberry Grove - Plat 3 (172 Lots); Location - South of GA Hwy 315 and Mountain Hill Road Intersection, Fortson, Ga.; Developer - SMB Land, LLC.** Chris Rogers, Engineering Manager at Barrett-Simpson, Inc., appeared before the Commission to provide information and respond to questions. He advised that they are currently under construction for the first cut of this phase and estimated completion of this phase is mid-February. He further stated that there were no changes to the preliminary plat.

Chairman Weldon recessed the meeting until the public hearings are held at 7:03 p.m.

Chairman Weldon called the meeting back into order at 7:15 p.m.

5. **PUBLIC HEARINGS at 7:15 p.m.**

- A. **Explanation of Public Hearing.** Chairman Weldon explained the procedures involved for the Public Hearing.
- B. **Application of Scott O'Neal, to rezone a 3.65-acre parcel, located on Map 058, Parcel 032, Land Lot 163, Land District 21st; Rezoning from A-1 (Agricultural/Forestry) to C-4 (Highway Commercial); Current use is undeveloped/wooded; proposed use is for future growth of an existing business and storage; property located adjacent to and south of 834 Hamilton Pleasant Grove Road, Hamilton, GA.** Chairman Gene Weldon called the Public Hearing to order and introduced the proposed application. Scott O'Neal, Applicant, appeared before the Commission to provide information and respond to questions. Mr. O'Neal stated that he would like to extend the zoning for future use for his landscaping business, Outdoor Detail, but plans to use it as storage for now.

Chairman Weldon asked if there was anyone that would like to speak in favor of this application. There being none, Chairman Weldon asked if any one would like to speak in opposition to the application. There being none, Chairman Weldon closed the public hearing at 7:19 p.m.

A motion to approve the Application to Scott O'Neal, to rezone a 3.65-acre parcel, located on Map 058, Parcel 032, Land Lot 163, Land District 21st from A-1 (Agricultural/Forestry) to C-4 (Highway Commercial); property located adjacent to and south of 834 Hamilton Pleasant Grove Road, Hamilton, GA with conditions recommended by the Staff and the added condition that the vegetated buffer be 10 feet as follows: 1) future property use under C-4 must be consistent with the applicant's stated intent to use the property for expansion of tree and landscape maintenance business purposes and associated storage; 2) the adjacent residential property to the south should be screened by maintain a 10-foot vegetated buffer along the southern property line adjacent to the neighboring property to the extent possible; and 3) parking areas for vehicles or equipment, other than vehicles parked for less than 72 hours, shall be screened by opaque fencing and landscaping was made by Mrs. McMichael, seconded by Mrs. Langston, and passed unanimously.

- C. **Application of Chad and Taylor Buckley, to rezone a 22.337-acre parcel, located on Map 084, Parcel 112A, Land Lots 126 and 127, Land District 18th; Rezoning from R-1 (Low Density Residential) to A-1 (Agricultural/Forestry); Current use is a residence; proposed use is a residence and homestead/farm; Property located at 286 Abberly Lane, Ellerslie, GA.** Chairman Gene Weldon called the Public Hearing to order and introduced the proposed application. Chad Buckley, one of the Applicants, appeared before the Commission to provide information and respond to questions. Mr. Buckley stated that they would like to breed chickens and rabbits for personal use.

Chairman Weldon asked if there was anyone that would like to speak in favor of this application. There being none, Chairman Weldon asked if any one would like to speak in opposition to the application. There being none, Chairman Weldon closed the public hearing at 7:31 p.m.

The motion to approve the Application of Chad and Taylor Buckley, to rezone a 22.337-acre parcel, located on Map 084, Parcel 112A, Land Lots 126 and 127, Land District 18th from R-1 (Low Density Residential) to A-1 (Agricultural/Forestry); property located at 286 Abberly Lane, Ellerslie, GA was made by Mrs. McMichael, seconded by Mr. Dasher, and passed with four in favor (McMichael, Dasher, Weldon, Harris) and one in opposition (Langston).

- D. **Application of Matt Avery, to rezone 6.6 acres of a 174.28-acre parcel, located on Map 016, Part of Parcel 049, Land Lots 64 and 65, Land District 19th, Rezoning from R-1 (Low Density Residential) to C-4 (Highway Commercial); Current use is undeveloped/wooded; proposed use is for an office and commercial use of an existing building for business; property located 600 ft southwest of the intersection of the intersection of Teel Circle and GA Hwy 219, Fortson, GA.** Chairman Gene Weldon called the Public Hearing to order and introduced the proposed application. Matt Avery, Applicant, appeared before the Commission to provide information and respond to questions. Mr. Avery said that he would like to use the large existing building to park equipment and plans to pave the driveway from the road to the gate.

Chairman Weldon asked if there was anyone that would like to speak in favor of this application. There being none, Chairman Weldon asked if any one would like to speak in opposition to the application. There being none, Chairman Weldon closed the public hearing at 7:43 p.m.

The motion to approve the Application of Matt Avery, to rezone 6.6 acres of a 174.28-acre parcel, located on Map 016, Part of Parcel 049, Land Lots 64 and 65, Land District 19th from R-1 (Low Density Residential) to C-4 (Highway Commercial); property located 600 feet southwest of the intersection of the intersection of Teel Circle and GA Hwy 219, Fortson, GA with conditions recommended by Staff and the added condition that the vegetated buffer be 10 feet as follows: 1) future property use under C-4 must be consistent with the applicant's stated intent to use the property and existing 10,000 square foot building for commercial/office use specified as operation of a tree care and maintenance business with parking for business vehicles/equipment; 2) the adjacent residential property to the north should be screened by establishing and maintaining a 10-foot vegetated buffer along the northern property line adjacent to the neighboring property to the extent possible; and 3) parking areas for vehicles or equipment, other than vehicles parked for Mrs. McMichael, seconded by Mr. Dasher, and passed unanimously.

- E. **Application of Mark Strozier, to rezone 8.0 acres of a 1536.93-acre parcel, located on Map 049, Parcel 051, Land Lot 44, Land District 19th; Rezoning from A-1 (Agricultural/Forestry) to R-1 (Low Density Residential); Current use is undeveloped/wooded; proposed use is for single family residential; property located at 8010 GA Hwy 315, Cataula, GA.** Chairman Gene Weldon called the Public Hearing to order and introduced the proposed application. Mark Strozier, Applicant, appeared before the Commission to provide information and respond to questions.

Chairman Weldon asked if there was anyone that would like to speak in favor of this application.

Jim and Amanda Moore, 324 Highnote Drive in Cataula, stated that they plan on purchasing the property and maybe building a house on it. They stated that they live across the street.

Chairman Weldon asked if any one would like to speak in opposition to the application. There being none, Chairman Weldon closed the public hearing at 7:55 p.m.

The motion to approve the Application of Mark Strozier, to rezone 8.0 acres of a 1536.93-acre parcel, located on Map 049, Parcel 051, Land Lot 44, Land District 19th from A-1 (Agricultural/Forestry) to R-1 (Low Density Residential); property located at 8010 GA Hwy 315, Cataula, GA was made by Mrs. Langston, seconded by Mr. Harris, and passed unanimously.

- F. **Harris County Board of Commissioners to amend the text of the Unified Development Code, Articles 2, 3, 4, 5, 11 and 12.** Chairman Gene Weldon called the Public Hearing to order and introduced the proposed application. Lee Walton, Consultant, appeared before the Commission to provide information and to respond to questions. Mr. Walton stated that the prior recommendation was discussed by the Board of Commissioners and that some language has been added in response to their concerns. He said that there was discussion about agritourism in general and proposed revisions to 309.05 to allow farm dinners twice per month instead of twice per quarter. Also, he said that language was added related to standards for cluster mailbox units as that language did not adequately exist and the County Attorney added procedural language to Article 11.

Brian Williams, Community Development Director, informed the Commission that the Board of Commissioners also wanted to reduce the division of property to immediate family members from 3 acres down to 2 acres. Mrs. Langston inquired as to where it was in the information provided. Mr. Walton advised that it was mistakenly omitted from Article 5 but the language will be included in Section 501.03(a)(3)(b) and that it should have been included in what was provided. Mr. Williams advised that they will add that language back into the proposed amendments.

Chairman Weldon asked if anyone wished to speak in favor of this application. There being none, he asked if anyone wished to speak in opposition to this application.

Morgan Marlowe, citizen who lives on GA Hwy 18 in Pine Mountain, appeared before the Commission and said "I want to be clear...that is not what the Commissioners asked for in agritourism. They asked me to redo it like resort - require a master plan with no restrictions. That's what they asked for."

Mr. Walton said that on the topic of agritourism master plan that the provision was already in the Unified Development Code.

Mr. Marlowe said, "That was not what they asked me to do. They asked me to put it in there with the master plan only with no restrictions. Because we can't seem to understand that when there is a master plan that you don't have to go through the text amendment process. I have been told that twice now. So let me understand here, you made all the changes that the Commissioners requested specifically except for agritourism?" He wanted to know where in the code that it says that there are no restrictions. Mr. Marlowe said that the attorney was going to write the language. He said that a master plan is suggested and recommended but not required. He said that they should require a master plan in agritourism. Mr. Marlowe stated that he was told multiple times that he needed to do text amendments.

Mr. Walton read the language in Section 309 Agritourism out loud for those in attendance. He said that those uses listed and retained in agritourism are listed due to Special Use Permits previously issued for those types of uses.

There being no additional speakers Chairman Weldon closed the Public Hearing at 8:29 p.m.

Additional discussion of the Commission included the language to be added/changed in agritourism to clarify the intent and to make it clearer.

A motion to approve the amendments to the text of the Unified Development Code, Articles 2, 3, 4, 5, 11 and 12 with the addition of the change to 501.03(a)(3)(b) [to change the minimum lot size from 3 acres to 2 acres] and new wording added to 309.03(c) to clarify that the intent of the agritourism master plan was for an approved master plan to determine the allowable uses and conditions of use and that 309.03(c) shall read as follows:

“A master planned approach that includes multiple agritourism uses on a farm is encouraged. In order to follow this approach, an approved Agritourism Master Plan is required. Agritourism uses and associated facilities included in an approved master plan shall determine the allowable uses and conditions of use. Applicants proposing multiple agritourism uses shall follow the requirements of Section 309.10. Following approval of an Agritourism Master Plan, an applicant may choose the timing to implement agritourism uses approved in the master plan.”

was made by Mrs. McMichael, seconded by Mrs. Langston, and passed unanimously.

6. **ADJOURNMENT**. There being no further business to discuss, the motion to adjourn was made by Mrs. McMichael, seconded by Mr. Langston, and passed unanimously. The meeting was adjourned at 8:39 p.m.

Gene Weldon, Chairman

Andrea R. Dzioba, Recording Secretary