

LAMAR COUNTY BOARD OF COMMISSIONERS
PUBLIC HEARING
March 21st , 2023
6:00 p.m.

Call to Order

Chairman Traylor called the meeting to order.

Chairman Traylor stated that Georgia Code 36-66-5(a) states that Local governments are required to give equal time to both proponents of each zoning application. In addition, the written procedure states that each side shall have no less than ten minutes per side. Each proponent for or against the zoning will have 10 minutes collectively to speak. If time is permitted, each side will have extended time.

Rezoning from Residential 1 to Agriculture-Residential-Magnolia Trace (Tax Map 052, Parcel 015)

Proponents for the Rezoning.

Fransico Mena of Henry County, Georgia, addressed the board. He requests to change the zoning from Residential 1 (R-1) to Agricultural-Residential (A-R) zoning. Mr. Mena has been working with Planning and Community Development Director Buice (Ms. Buice) and attended the Planning Commission meeting. He doesn't want to build a Church cemetery or a commercial business, but he wants to build his home on this property with livestock such as chickens, cows, goats, sheep, etc. He will work with the local National Resource Conservation Service (NRCS), planning for the livestock and better agricultural management.

Matt Gilbert 2940 Riverside Drive Macon, Georgia. Mr. Gilbert addressed the board and said that his company owns the land and he is a builder and a developer. Mr. Gilbert said that the property has issues related to R-1 zoning. The best way to put this property into use is through homestead usage. The typography of the land has issues, and the cost to develop it would be over a million dollars for 25 lots, and this would not be feasible for his company, so it would be beneficial to change the zoning. The property was on the market for over five years, and no developers purchased it even though they reduced the price. Mr. Gilbert stated that it was foreclosed in 2007, and they bought the remaining lots in Magnolia Trace around 2009 and built houses. The proposed section of the property has been vacant since that time.

Proponents against the Rezoning.

Kevin Brown of 148 Magnolia Trace, Milner, Georgia addressed the board. Mr. Brown stated that this property was developed for Phase II, and the restrictive covenants that would have protected the neighbors were no longer available when the foreclosure happened. Mr. Brown is not personally opposed to the zoning, but the conditions that he

was asking for would limit unfettered development behind a residential subdivision, particularly for those that cannot build a buffer in between them and the property. There is a 50 ft gas easement on the resident's property, and he is one of the residents. Mr. Brown said that this property could not be developed and no buffer or fence can be put on this property with the gas easement, so it is a clear space, and they are not allowed to do anything on this section of the property. He said he would like to have a buffer behind the gas line on the property with a 35-foot vegetative buffer from the property line shared with the R1 zoning. Mr. Brown said that the only access in and out of the property in question is by a 60 ft easement to restrict the nature of the animals the applicant desires to have as long as the property is accessible through a residential subdivision. Mr. Brown realizes that the applicant has dreams and desires to develop this property but the restrictions and conditions that you place on this property for anyone as their development may happen, affects the next owner. Some people may have a desire as to how they will develop the property and if you do not place restrictions on the property the next owner is not bound by the confidence or the promise of the prior owner but only by the conditions that are imposed through zoning. Mr. Brown said that they would like a fence installed on the buffer. They would like the driveway to be paved by 140 ft, which will carry it to the backside of the home, and any portion that is not paved would have some level of vegetative buffer to prevent dirt and dust from coming over onto the neighbor's property. Mr. Brown said that the applicant wants to be a part of the neighborhood with all the benefits. Those benefits should also be afforded to the owners in the subdivision, not to have extraneous uses not similar in condition. Mr. Brown would like for the utilities to be underground. He would also like for there to be a limitation on the number of livestock that the applicant can have on the property, which limits the type of vehicles and traffic going in and out of the subdivision.

Commissioner Lovett addressed Mr. Mena. He stated that the same pipeline runs through his own property, and they have a 50-foot pipeline. They were able to run a fence across but it had to be parallel; therefore, the applicant cannot put a fence on the buffer because there is already a natural 50-foot buffer that cannot be imputed. Each resident, backing up to the pipeline, already has roughly 25 feet of pine trees that act as a vegetative buffer. They have one of the nicest neighborhoods in the community. When you consider livestock, the County currently has in the code, 1 animal per pasture acre unless NRCS approves a pasture plan. Commissioner Lovett said that he saw a proposal from the neighbors where it limited the applicant to 5 animals on 27 acres of pastureland, and from an agricultural standpoint, this is not enough to maintain the property. There would have to be additional equipment that would be necessary to maintain. Mr. Brown said there needs to be some limitations and not unlimited because most of the neighbors fear that once it is rezoned, additional accesses could be given to other adjoining property owners. Commissioner Lovett said the current code would mean five animals on about 27 acres of pastureland. Mr. Brown said that the issue is carrying the animals in and out of the subdivision because there is only one access in and out of the subdivision.

Thomas Meeks of 162 Magnolia Farms Drive, Milner, Georgia addressed the board. Mr. Meeks inquired about the type of animals that the applicant plans to put on the farm. He said that some of these animals put off an odor. He asked if the property is rezoned could

they come back and put a quarter horse racetrack on the property like the one on High Falls Road? Chairman Traylor responded that they could not put in a horse track. He said Mr. Mena mentioned putting sheep, goats, cows, and chickens on the property. Mr. Meeks said that he had lived there for 14 years and wondered what type of farm animals he would have. According to the applicant, Chairman Traylor said this would not be a full-fledged working farm.

Mike Maddox of 120 Magnolia Farms Drive, Milner, Georgia addressed the board. He said that the Board of Commissioners needed to teach the zoning committee how to address the citizens of this County. He said waving your hands and rocking back and forth in the chair, saying things are ludicrous, is unacceptable. The people who came to the zoning meeting had compassion for what was happening. Mr. Maddox said he understood that the applicant wanted to change the zoning for animal purposes. He said that the applicant, in his opinion, wants to change the zoning because he wants to avoid paying the R-1 taxes on the 27 to 29 acres. He said that three years ago, the entire subdivision was not R-1. Mr. Maddox said that this property needs to stay R-1, and the property needs to be developed as Phase 2. Mr. Maddox said that he hates it for Mr. Gilbert and this is the only way he can dump the property, but when the property was up for sale, he was approached by some of the homeowners to buy a couple of acres. Mr. Gilbert said they could buy all of the property are none. Mr. Maddox respectively requested that the zoning not be changed.

Thomas Sparks of 104 Magnolia Farms Drive, Milner, Georgia addressed the board. Mr. Sparks agreed with Mr. Maddox and said it needs to remain under R-1 zoning. He said that the County needs to increase the tax revenue, and everyone who bought into the subdivision expected that to happen. He said there are several farms for sale up and down Chappell Mill Road, and if you want to buy a farm, why subject everyone that has their American dream and home in this community? He said you would have truck traffic coming in and out, and the kids are out there. He said if you have cows, you have to truck them in and out. Mr. Sparks stated that it turns their nice quiet community into an agricultural nightmare for their family and kids. Mr. Sparks said that this is what they wanted and what they bought, and they are upsetting 68 families by allowing this for one person, and he hates it. He asked the board to take this into consideration.

Paul Adams of 186 Magnolia Trace, Milner, Georgia, addressed the board. Mr. Adams said that his home is adjacent to the applicant's farm. He said the only way in and out of the farm was through the neighborhood. It will not increase his property value, and zoning should consider the importance of the surrounding properties. He said that the best-case scenario is that his property value does not change, and the worst-case scenario is that it will be negatively impacted by the animal smells. Mr. Adams said that the gas line runs through his property, which is approximately 50 ft. wide, and half is on his property. He said there is a 25 ft. buffer you can see through. Mr. Adams said he opposed this rezoning and would like the buffer to be stated from the natural gas line easement. Mr. Adams said that he could not plant trees in his back yard and if he did, his yard would wash away. Mr. Adams said this is a neighborhood with only one way in and one way out. He built his house about two years ago and had no idea this could even come into play. He is very disappointed that this is even being considered. Mr. Adams said that he would not have

built here, and this is not good for the County and could happen anywhere in the County with excess property.

Commissioner Lovett had Mr. Sparks return to the podium. Commissioner Lovett stated that several people, including Mr. Sparks, had spoken about leaving the land undisturbed. Commissioner Lovett asked, "If this is the intention of the neighborhood, what is to become of the property"? Mr. Sparks responded that it would be undisturbed. Commissioner Lovett said that if it was financially unfeasible to develop, then what should happen? Mr. Sparks said everyone takes risks when buying things, and this neighborhood was already established. When the neighborhood was established, they had to follow a series of codes, and when the lots were foreclosed on, the codes fell to the wayside. The people who bought the lots thought that this would only be a residential community without the potential of another horse track like the illegal horse tracks in Lamar County. He said that the biggest fear of the residents is having someone else take control of the property after the applicant owns it and uses it for illegal purposes. It was never designed for trucks to come in and out of the subdivision on a weekly basis. Mr. Lovett asked if the neighbors had collectively tried to buy the entire property. Mr. Sparks said he did not because everyone assumed it would go to Phase II and increase the County's tax dollar and property values. Mr. Sparks stated that there is an R-1 deficiency in Lamar County, there is agriculture everywhere, and this County needs to grow. If it becomes an agricultural community, it is another tax freeze zone that they will have to pay for, and the residents will assume the tax burden. Mr. Sparks said that anyone buying this property should be subjected to the same thing as the residents. Mr. Sparks stated that they do not want the farm animals or the ones they are surrounded by now. Commissioner Lovett said that the applicant is asking for a small agricultural farm and a home, but on the backside of the property, it is heavily agricultural, including a horse facility. Mr. Sparks said that at least six residents are ready to put a for sale sign in their front yard if this zoning is approved.

Commissioner Gilles asked "If this zoning is approved, what is the impact of a trailer coming in and out of the subdivision now and then versus two cars per home coming in and out? Mr. Sparks responded that he would take the gamble.

Vice-Chair Thrash inquired about the original zoning of the Magnolia Trace subdivision. Ms. Buice stated that the original subdivision was zoned Agricultural, which was common because no one rezoned the property; they would get subdivision approval. The code now states that if someone wants a subdivision, they will rezone the property with the subdivision approval. Vice-Chair Thrash said that the R-1 zoning was changed during the Countywide rezoning. Originally the subdivision was zoned A-R. Planning and Ms. Buice stated that if the property was to remain R-1 zoning with only one house, he could still apply for conservation, which is only zoned by acreage.

Commissioner Lovett said that Mr. Mena had previously agreed to a curb cut out at the street, a concrete drive the same length as the neighbors, landscaping on the subdivision side or the pipeline conducive to adjacent homes, no building or agricultural activity on the subdivision side of the property, leave existing natural buffer north of the pipeline except for a 25' drive easement, underground utilities north of the pipeline (utility company

decision), site- built 1400 square feet minimum home, one animal per pasture land unless approved by NRCS, no horse track. Mr. Mena said he would agree to all of these stipulations in writing.

Mr. Brown inquired about the buffer. Commissioner Lovett replied that the applicant agreed to a 35' vegetative buffer from the property line shared with R1.

Rezoning from Agriculture-Residential to Highway Commercial-Tax Map 037, Parcel 010A)-Adam Todd Laney

Ms. Buice explained the rezoning from Agriculture-Residential to Highway Commercial, and the applicant is Adam Todd Laney. This property is on 533 Hwy 36 West (Tax Map 037, Parcel 010A) and the corner of Country Kitchen Road. The corner of the property was zoned High-Way Commercial, but the remaining 5 acres were not, but the entire 5 acres were taxed High-Way Commercial for the last three years.

Public Comments

Adam Laney of 295 Logwall Church Road, Forsyth, Georgia addressed the board. He said this is an office he bought for a roll-off company he owns in Lamar County. Their trucks and containers are off-site on Hwy 341. They are using this as office space for landscape material. When they bought the property, half was zoned commercial, and the other half was zoned agricultural-residential, but currently, he is paying commercial taxes on all of the property. They have no plans of expanding, to have it zoned all commercial. They will not re-located their roll-off business to this site because it is easier for the trucks to come in and out of Hwy 341. Mr. Laney said they had a nice wooden fence installed along the front and the side of the property line.

Discussion of Peddler's Permits/Transient Selling for Food Trucks

Vice-Chair Thrash said that she had heard from several brick-and-mortar businesses who said they have a building they have to maintain and pay commercial taxes. They have different rules and regulations. They do not think it is an even playing field to allow food trucks, and because they were not present at the meeting, she told them she would state this for the record.

Ms. Buice gave a background of the Peddler's Permit and Transient Selling license. She said that Lamar County currently has no regulations, specifically for Food Trucks. There are two sections in the Occupation Tax Ordinance that are broad enough to covert the licensing of the food truck, but one license has a maximum of four times a year, and another is unlimited. The popularity of Food Trucks is coming to Lamar County, and a few are already set up. It is good to have regulations to protect the citizens and business owners. Before preparing a draft to consider, she needs to hear from both sides for a starting point. She has read countless Ordinances from other jurisdictions, such as health regulations, equipment features, food safety, and trash receptacle. Only a few places outside the City limits are zoned commercial or industrial, so that is already self-limiting regarding where

Food Trucks can set up. The Board of Commissioners must decide on the duration, how long per day, which days per week, and how many times per year. Once draft Ordinances are written, another Public Hearing will be scheduled to set clear regulations for those who want to use the service and those who do not. Vice-Chair Thrash asked if they could make the regulation for Food Trucks to be only at Special Events. Ms. Buice stated that yes, they could be just at Special Events.

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Gay Wallace of 142 Magnolia Trace, Milner, Georgia, addressed the board. Mrs. Wallace said that her home is one of the 13 houses that backs up to the gas line. She and her husband bought their home with the understanding that one day the 30 acres behind them would be developed as an extension of the subdivision with more homes like the ones already in the subdivision. Mrs. Wallace said it was very disheartening to learn that a request had been made to change the land behind them that did not align with their established neighborhood. As stated by other residents of Magnolia Farms, they welcome new neighbors, and the Menas would be no exception. They do not welcome changes in zoning that could affect their property values in the future. Mrs. Wallace said that when she attended the Planning Commission meeting, she felt her concerns were unheard and dismissed with a lack of concern for those who have lived in the Magnolia Farms subdivision for years. She said that she thought that they were spoken to in a condescending manner. Mrs. Wallace humbly asked the board to truly hear their concerns and protect the property values of all those concerned and to please let their voice be heard too. Mrs. Wallace concluded that she thought the board was very respectful and that they had listened.

Commissioner Gilles said that she was at the Planning Commission meeting, and everyone she knew had a chance to come to the podium, and they were heard, and some of them spoke for 10 minutes. Commissioner Gilles said it was a long meeting, and she saw something completely different.

Mr. Adams said that they did not argue with the Planning Commission member on the stage but that he was flapping his arms and hands and talking down to the neighbors, and he is not even an elected official. He said it was recommended for approval at the end of the Planning Commission meeting. About 10 minutes later, when they spoke about future planning, Ms. Buice said, "There is so much agriculture in this county who is going to pay for it." Mr. Adams said he could not wrap his arms around this.

Jack Williams of 115 Sweet Bay Circle, Milner, Georgia, addressed the board. He said that he has lived in Lamar County for ten years and did not move here to be next to an agricultural area. He said that on the backside of his property, they do not cause any real problems, but there are noises with the farming, and you can smell the manure. Mr. Williams said that this zoning would change the neighborhood. He said that there are a lot of kids and mothers pushing strollers. Mr. Williams said the traffic would be an area of concern, and he thought other homes would be built on this property. He concluded by saying he does not care for this rezoning.

Adjournment

Vice-Chair Thrash made a motion to adjourn the Public Hearing at approximately 6:55 p.m. Commissioner Fletcher seconded the motion. The motion passed unanimously.

THE LAMAR COUNTY BOARD OF COMMISSIONERS

Ryran Traylor, Chairman

Nancy Thrash, Vice-Chair

Jarrold Fletcher, Commissioner

Jason Lovett, Commissioner

Ashley Gilles, Commissioner

Attest: _____ Carlette Davidson, County Clerk