



## MINUTES

### PLANNING COMMISSION REGULAR MEETING

SEPTEMBER 3, 2019  
7:00 P.M.

**PRESENT FOR MEETING:** Bo Dotson, Mark Wilkinson, Peter Traudt and Scott Stroud; Planning Secretary Beth Rider; Planning Director Phyllis Ayers;

Mark Wilkinson called the regular meeting to order and welcomed those present.

#### I. ROLL CALL AND PLANNING CHAIR ANNOUNCEMENT AND PROCEDURES

A copy of the announcements and procedures for the hearing were made available for those present. Ms. Rider called roll with the following present: Bo Dotson, Mark Wilkinson, Peter Traudt, and Scott Stroud; Ms. Barbara Payne was absent.

#### II. APPROVE AGENDA

A motion was made by Peter Traudt, seconded by Bo Dotson to approve agenda as presented. **Motion carried unanimously.**

#### III. APPROVE MINUTES

##### 1. AUGUST 6, 2019 – REGULAR MEETING

A motion was made by Peter Traudt, seconded by Bo Dotson to approve minutes as presented. **Motion carried unanimously.**

#### IV. HEARING ON TEXT AMENDMENTS, REZONING, MAP AMENDMENTS, CONDITIONAL USES AND VARIANCES

1. VARIANCE REQUEST FROM TONY HICKS APPLICANT, PROPERTY OWNER RAY CIVITTS 758 HWY 184 N. PARCEL 022A 006. SUBJECT PROPERTY IS CURRENTLY ZONED AS COMMERCIAL GENERAL. THE PROPOSED ACTION TO BE TAKEN IS A 15' VARIANCE REQUEST TO PLACE A NEW BUILDING WITH 10' SETBACKS SIDE AND BACK

Ms. Ayers stated this property is .56 acres which is grandfathered in because it is less than 1 acre the current land use is to sell honey, it is in Commercial General and the sale of honey falls in Commercial General. Ms. Ayers stated some information came to light last week that they may need a variance or rezoning. Ms. Ayers opened the floor for anyone wishing to speak in favor of the request. Mr. Ray Civitts said he was bringing this before the commission because he is mostly Internet-based sales. Mr.

Civitts stated he is mostly selling the goods through mail, UPS and FedEx they are the most common shipping methods and he ships coast-to-coast. Mr. Civitts stated his building has been commercial general since it was constructed in the 1970's; the property is a little over a half acre. Mr. Civitts stated the proposed building has a roof structure which is 16 feet high which is no greater than the height of the building that is already there. Mr. Civitts stated they have not been obnoxious or detrimental to the community, they have operated in a safe environment, with an internet based company they have a call center and they field calls from all over the United States. They ship honeybees and hives nationwide and we are the largest seller of honeybees on the East Coast and in the Midwest. We also have customers that drive the end from Chicago, Maine and Miami and they stay here in the local Simmons Bond Inn. We have well over nine employees full-time and 14 employees working as seasonal health. Our starting pay starts at three dollars over minimum wage so we are an asset to the community. This year we will break over \$2 million in sales, we are growing at 53% annually. We started this business eight years ago and moved to where we are now four years ago and we have only had one complaint the whole time we have been there and that was the semi that pulled across the embankment and messed up a person's yard; otherwise we have had no other complaints to date. Mr. Stroud asked if he had a site plan or a sketch of how the building would look. Mr. Civitts stated yes, he has an engineering diagram that shows where it will sit with the building. (Mr. Civitts shared the drawing with the Planning Commission). The building will be a metal building that will be used to store merchandise and there is a dock port for potential for whatever my come our way in years to come. Mr. Wilkinson asked who owns the property behind the building. Mr. Civitts stated Oscar Yearwood owns beside him and in the back; the Forest Service owns the left hand side. Ms. Ayers asked if Mr. Civitts could state for the record again what all he is selling. Mr. Civitts stated beekeeping supplies and honeybees. Ms. Ayers asked if he was manufacturing anything there. Mr. Civitts stated, "No". Mr. Wilkinson asked if he was selling bees out of the store. Mr. Civitts stated he brings bees from South Georgia and packs them into one; two, three or four hives and they get shipped out the next day. Mr. Wilkinson stated so the bees and the hives are there for sale too. Mr. Civitts stated yes the hives are manufactured by Taylor Brothers manufacturing they do all the building of our wood out there. Mr. Wilkinson stated you don't put any of it together there, it all comes premade. Mr. Civitts stated yes it is premade. Mr. Civitts stated the only thing they do is make the shipping strips that go across the crates of the honey. Mr. Stroud asked if he had a survey done to identify the property lines. Mr. Civitts stated yes that was done by Kenneth Cash. Ms. Ayers asked for Mr. Civitts if he could explain how he has an easement for the septic. Mr. Civitts stated this is a historical easement this went back to the 70s or 80s. Ms. Ayers stated we have a copy that was recorded in the clerk's office and you're still using that easement and does the Yearwood's that just brought the property know about that. Mr. Civitts stated yes, we have discussed it. Mr. Civitts stated that was well before his time that it was an antique shop there and Woodman of the World. Mr. Civitts stated when the Pruitt's owned the property it was subdivided and the house was abandoned. Ms. Ayers stated she would open the floor for anyone else that would like to speak in favor of the request.

Ms. Kendra Guest stated she resides in Toccoa and stated she has worked at Mountain Sweet Honey for three years, it is an honest company and he is a good man to work for. We keep our building very nice grass is always cut and flowers are planted, we clean up mess and it is not an eyesore by no means for the community. There are a lot of people that come out to hike the trail and tell us they have heard about us and ask how to get to Currahee. We employ local people and just want to say we do good work. The only time we are ever there after five is when we have our bees, we are never loud if you didn't see people moving around you would not know we were there. Thank you. Ms. Ayers asked if there was anyone else that would like to speak in favor of the request no one else spoke. Ms. Ayers asked if there was anyone that would like to speak in opposition of the request.

Jean Poole and Reed Poole; Ms. Poole stated she and her husband purchased the property across from Mr. Civitts when they were 25 years old and worked on it and paid for it and built a house about 12 years ago and their plans were to come back and retire in their hometown. About five years ago Mr. Civitts and his then wife Julie bought the property across the street and Ms. Poole walked over to see

what they were doing because she did not know what was going on because the building was vacant. Mr. Civetts told her he bought the property and they were processing honey. Ms. Poole asked him at that time if there would be live bees on the property and he told her no, there would be no live bees and no hives; all they would do is harvest the honey the bees produced, put it in a machine and spin it out and put it in jars. Ms. Poole stated since then she has sat in her swing and has watched them in their suits take bees into that building and he has also poured a concrete slab over there with a loading ramp which is on the southwest side and he has a lean-to on that building and he does construction on that property because she knows what a pneumatic hammer sounds like; he has six to eight going at a time. This business of closing at five is bunk because on Saturday nights they will be there until eight or nine o'clock nailing what she believes to be as bee boxes. She stated her concern first of all she and Reed are business people; Reed was in education and she ran a small business for 27 years and was a hairdresser for 37 years. Ms. Poole stated she is not against anybody in this town for making a living and making an honest living and thought his business was wholesome when he first told her about it, but since then he has built an empire which is wonderful for him but he only has half an acre. She stated her concern is the trucks that come in and out of that property, if you are coming from Tate's Creek they pull into the opposite lane and back that tractor-trailer rig which they have ran over my property and they back it in there, someday there's going to be a horrible accident there. Ms. Poole stated she hopes it is not her or her husband that is taken out when it does happen. He is too small to build what he's trying to build over there. Ms. Poole stated that he is right he has not been a nuisance to me, he has improved the property, and we embraced him when he first came here but what he is trying to do now he is pushing the borders. We don't feel he should be able to do that because it is a residential area. He also teaches over there and he didn't tell you that, sometimes there are 25 cars or more over there. Ms. Poole stated she was concerned about the safety there. Mr. Poole stated he was all for small business, he helped his dad load trucks and glad he worked for a small business. The issue is the safety, with the trucks coming over the hill on 184; they are asking you for the huge warehouse to put more stuff in. They already don't have the capacity to back a truck in safely without running on our property or blocking the highway, it is a matter of when something happens. There is manufacturing there on the site, we see it on Saturday nights with people working there late. On Commercial Business District section 1103 item 1 the lot size is a minimum of 1.5 acres or greater and assume you will abide by that unless it is grandfathered in. Ms. Ayers stated yes the lot size; March of 2014 was when the Land Use was passed so anything that did not meet the district requirements is grandfathered in. Mr. Poole stated even though he is really below what the intent was he is wanting more and he can't handle what he has now and wants to make it bigger. Mr. Poole stated the side setback is 25 feet and the rear is 25 feet; additional 30 feet setback is required did we forget about that; where residential property abuts a commercial property. Ms. Ayers stated when the application was filled out and after she asked the question, she viewed it in her mind was they are just adding on an addition and selling honey so what they are looking at from me was based on that information. Mr. Poole stated they have been told things in the short time they have not been there that is not true. We have had an incident with trash they leave it out on Friday and they don't pick it up until Monday and it gets strewn and we have gone and picked it up. We are just saying this does not need to be approved. Ms. Poole asked how will this building affect my property if we got ready to sell it. The sewage is not my concern that would be the Yearwood's. Ms. Poole stated they have already graded, and ordered the building and believe that someone has put the cart before the horse and this does not need to happen. No one else spoke in opposition.

Mr. Civetts asked if he could respond to some of the issues the Poole's brought before the commission. Mr. Civetts stated first he would address the garbage; when they leave at 5:00 p.m. no one is at the building until Monday at 9:00 a.m. the garbage has already been picked up at 5:00 a.m. so that is the reason why. Mr. Civetts stated he took pictures this afternoon (September 3) at the property as it stands including the Poole's property in which there is no damage done. Mr. Civetts stated we have pictures of the store and you can see it is all in good order. Ms. Poole is correct that she did come over when we

first purchased the property and introduced herself; she is also correct in saying that is what we started out with at selling honey; we only utilized about 10% of the building at that time and realized that was a business model that was not going to work. Mr. Civitts stated they have made some operational changes and didn't feel it was his duty to broadcast what those changes are for competitive reasons. He stated he does have competitors like every business has. She was not informed of those changes and we have had honeybees on the property since day one. (Mr. Civitts showed pictures of the property to the commission). There was one time that she did come over upset that the truck driver had messed up her property, that was March 2015 and that is the only complaint from the Poole's. Mr. Civitts stated he has never had a complaint with any of the other neighbors. Mr. Civitts stated they have already done the grading because they have to get ready for Christmas, he stated this is so important to them because if this doesn't happen they have to move, there is nowhere in Stephens County for him to relocate. He stated he has already been with Tim Martin and he cannot go into Hayestone Brady because he has small retail and that is not allowed; it would be well over two years before he could re-open in another location. Mr. Stroud asked how many trucks he gets in a week. Mr. Civitts stated he gets one semi at the most per week, during bee season there are ten weeks, we get a lot of phone calls between 500-600 calls a day; people want to know where their shipment is or reschedule. Mr. Stroud one semi per week average but busier during the bee season. Mr. Civitts stated we are trying to get stocked up for the season we have shipments on their way from Pakistan, China and Korea we have to have a place to put these, we do not have enough room. Mr. Wilkinson stated the question is during your busy time how many semis would you have in a week. Mr. Civitts stated it would still be one per week at the max, during this time of the year we may get one every two to three weeks and that is not even a full semi. Mr. Stroud asked if DOT had ever been out to look at the entrance. Mr. Civitts stated yes. Mr. Stroud asked if he had a commercial entrance drive plan. Mr. Civitts stated it was grandfathered in on Hwy 184 with DOT there was no special Ingress-Egress on that side. Mr. Wilkinson asked if he could get a tractor trailer in without backing it in off the highway. Mr. Civitts stated what they were doing now is we have a roundabout that people can pull in and the semi's have been pulling in one side and backing in. Mr. Wilkinson asked why would there ever be a reason for the tractor trailer to be on their property was that a driver's incompetence? Mr. Civitts stated it was a driver out of South Atlanta that had never been up here before, an inexperienced driver will vary off at that point it was about 2 ½ feet off the property. Mr. Wilkinson asked if the Yearwood's were ok with what he is doing and if he had talked with Oscar. Mr. Civitts stated he has not gotten any negative feedback and he talked with Oscar about two months ago. Mr. Civitts stated he did try to buy the property. Mr. Poole stated on a personal note you stated you had not heard from us, he stated Mr. Civitts would not look him in the eye and walked away so they never had an opportunity to address that. Mr. Civitts stated there is a lot of he said she said and he has no reason to lie. She has come to him both times and he has never seen Mr. Poole until tonight, we have never had any law enforcement out saying they were doing anything illegal, we are honest and upright and we do what we say we are going to do. Mr. Wilkinson stated we have heard enough and we are only a recommending board. Ms. Poole asked again about a commercial sewage. Ms. Ayers stated he has gotten what they needed from the Health Department we have a copy of that. Mr. Wilkinson has for an explanation for the air guns they are hearing, Mr. Civitts stated the process is he purchases honey bees from South Georgia and he brings them back on his trailer; he unloads them and crates them so that is what the staple guns are on the outside of the building is to staple the individual packages of bees together in one, two, three, four or five hives together and those are shipped the next day by the postal service or UPS. Mr. Wilkinson asked if he has a gun that clamps those together what are you using. Mr. Civitts stated they are staples. Mr. Wilkinson asked if he was using a cardboard box or wooden boxes. Mr. Civitts stated wooden boxes and they are already in a wood box when we bring them in. Mr. Dotson stated that is just your packaging. Mr. Civitts stated yes that is so we can ship them.

2. VARIANCE REQUEST FROM RUSSELL AND AUDREY PARKER, 404 N. HOLCOMB DRIVE (LOT 37 KIMBERLY ESTATES, 63 PARKER HILL DRIVE). PARCEL 071L 021. SUBJECT PROPERTY IS CURRENTLY ZONED AS RESIDENTIAL SINGLE. THE PROPOSED ACTION TO BE TAKEN IS TO PLACE A SECOND RESIDENCE ON PROPERTY.

Ms. Ayers stated there are two acres and currently the requests are for the second residence on the lot because they have custody of their grandchildren and they need more room. The recommendation is to approve as long as the placement of the second residence meets all other requirements. Ms. Ayers opened the floor for anyone that would like to speak in favor of the request.

Ms. Audrey Parker stated she lives at 63 Parker Hill Drive, she has gotten custody of her grandkids and they need a bigger mobile home with more room for the children. Her daughter helps her with the grandkids and she will be staying in the mobile home currently on the property. Ms. Parker stated she had gotten her soil sample and should be getting her septic permit soon. Ms. Ayers opened the floor for anyone else wishing to speak in favor of the request. Ms. Pat Webb stated she resides in Toccoa Georgia she was speaking on behalf of Ms. Parker. She stated the Parkers have taken on a huge responsibility; they have lived in their current residence for about 24 years and they just need more space for the children and it would serve them well. Ms. Ayers asked if anyone else would like to speak in favor of the request no one else spoke in favor. Ms. Ayers asked if anyone would like to speak in opposition of the request, no one spoke in opposition.

3. REZONING REQUEST FROM THOMAS YARBERRY, JR., 1634 RIDGELAND RD, EASTANOLLEE, GA. PARCEL 046 051. SUBJECT PROPERTY IS CURRENTLY ZONED AS RESIDENTIAL SINGLE. THE PROPOSED ACTION TO BE TAKEN IS TO REZONE PROPERTY TO AGRICULTURE RESIDENTIAL FOR GARDENING AND FARM ANIMALS

Ms. Ayers stated this is 2.75 acres and it houses a residence and he would like to plant a garden, house a chicken coop, add a barn and shed for personal use; it is in a mixed use area and the recommendation is to approve. Ms. Ayers opened the floor for anyone wishing to speak in favor of the request.

Mr. Yarberry stated they want to have a garden and the kids want a few chickens, no chicken house. Ms. Ayers asked if anyone else would like to speak in favor of the request no one else spoke in favor. Ms. Ayers asked if anyone would like to speak in opposition of the request, no one spoke in opposition.

4. REZONING REQUEST FROM MICHAEL HOWARD, 253 ALFRED CAMP ROAD. PARCEL 033 007A. SUBJECT PROPERTY IS CURRENTLY ZONED AS RESIDENTIAL SINGLE. THE PROPOSED ACTION TO BE TAKEN IS TO REZONE PROPERTY TO AGRICULTURE RESIDENTIAL TO COMBINE WITH PARCEL 033 007

Ms. Ayers stated we currently have 8.12 acres that houses a residence, 033 007 is zoned Agricultural Residential and contains a poultry house and a structure and is 41.39 acres the combination will be a total of 49.51 acres; the recommendation is to approve. Ms. Ayers opened the floor for anyone wishing to speak in favor of the request. Mr. Mike Howard stated this property was together forever, he separated it in 2001 to take advantage of some cheaper money. Mr. Howard stated he is asking the board to place it back together it's not touching anybody he would like to have it back with the 41 acres to put in Conservation Use. Ms. Ayers asked if anyone else would like to speak in favor of the request, no one else spoke in favor. Ms. Ayers asked if anyone would like to speak in opposition of the request, no one spoke in opposition.

5. REZONING REQUEST FROM PETITIONER ADRIAN SHERIFF, PROPERTY OWNER DEWEY SHERIFF, AVALON ROAD. PARCEL 055 095. SUBJECT PROPERTY IS CURRENTLY ZONED

AS AGRICULTURE INTENSIVE. THE PROPOSED ACTION TO BE TAKEN IS TO REZONE 3.04 ACRES TO AGRICULTURE RESIDENTIAL FOR A SINGLE FAMILY RESIDENCE

Ms. Ayers stated we started with 21.72 acres there is a survey for 3.04 acres because it was Agriculture Intensive it has to be a 10 acre minimum; they are asking to rezone the 3.04 acres.

Ms. Ayers opened the floor for anyone wishing to speak in favor of the request. No one spoke in favor or opposition.

Ms. Ayers closed the public hearing.

## V. COMMITTEE REPORTS

No Committee Reports

## VI. OLD BUSINESS

## VII. NEW BUSINESS

1. VARIANCE REQUEST FROM TONY HICKS APPLICANT, PROPERTY OWNER RAY CIVITTS 758 HWY 184 N. PARCEL 022A 006. SUBJECT PROPERTY IS CURRENTLY ZONED AS COMMERCIAL GENERAL. THE PROPOSED ACTION TO BE TAKEN IS A 15' VARIANCE REQUEST TO PLACE A NEW BUILDING WITH 10' SETBACKS SIDE AND BACK

Ms. Ayers stated if you decide you prefer to postpone this for an application that is filled out with more research done we can do that. Ms. Ayers stated she believes the advertisement said sales of honey which is different from what has been said tonight.

Mr. Scott Stroud stated the issue is the entrance of the State highway with the trucks coming in and for him personally he stated he would like to see a DOT review of the area as far as the traffic coming in and the entrance is safe with a site distance plan by an engineer and maybe a decel lane. Mr. Stroud stated his recommendation is to postpone. Ms. Ayers stated as the Planning Director she would agree with that based on the information provided. Mr. Wilkinson stated he knew at one time they manufactured honey and had about 40 beehives on his property they couldn't make a living at that so they quit; they don't have any beehives on his property now. Mr. Wilkinson stated everything they do now even the honey they buy and resale. Mr. Wilkinson stated he did not have a problem with them getting everything they need in order the way it needs to be. Mr. Wilkinson stated his problem being a business owner himself, he stated he didn't know if Phyllis was misled or not but it is her recommendation to approve this variance also. Mr. Wilkinson stated we have these rules and he was on this board and this book is not perfect and know that. Mr. Wilkinson asked Mr. Hicks how far along he was on the building and if it was in the process. Mr. Hicks stated they have it on hold right now. Mr. Wilkinson asked how much money Mr. Civetts would be out if this doesn't go through. Mr. Hicks stated if it falls through about \$9,000.00 to \$10,000.00. Mr. Hicks stated if he doesn't do anything to change it the State will not get involved; if he changes the entrance the State will come in. Mr. Stroud stated at this point it probably needs to be changed it was designed for cars and not transfer trucks going in. Mr. Hicks stated that is just like Mark's place when it was built, his business is not like it was then.

Scott Stroud made a motion to postpone pending a DOT traffic engineer report that it is a safe site distance for that type of business, Bo Dotson seconded the motion. **Peter Traudt opposed. The motion carried 2-1.** Mr. Wilkinson stated he could vote to make it a tie but he is not going to do that; we will postpone and we will need these answers quickly.

Peter Traudt questioned changing the entrance to the property, there will not be enough room to do a State certified deceleration lane; the length of the property is not wide enough to permit that and don't think his goals for growth is that ambitious. Mr. Traudt stated more than likely his next step would be to move off that property to somewhere else. Mr. Traudt stated this building could probably help you more than hurt you. Ms. Poole asked how is that. Mr. Traudt stated by containing some of that activity that bothers you. Ms. Poole stated you are saying move his manufacturing inside. Mr. Traudt stated no, clean it up as far as presentation; he stated he admires what the Poole's have done he watched the beginning of their home and he also admires what Mr. Civetts has done. We need to be positive for good business and he doesn't necessarily see Mr. Civetts business as a bad business. Mr. Traudt stated he is not opposed to what he is trying to do and he does not think making a motion and delaying this, we are not going to get a deacceleration lane. Ms. Poole stated maybe he could possibly take his gates and do something different and maybe he could get the trucks in there. He said they were backing in, Ms. Poole stated she has not seen that, we are seeing them parked in the road. Ms. Poole stated they were getting all on her property and it is hard to get grass to grow, the truck backs in over her property. Mr. Wilkinson asked if it was her property or is State right-of-way. Ms. Poole stated she cuts it but it is the state right-of-way.

2. VARIANCE REQUEST FROM RUSSELL AND AUDREY PARKER, 404 N. HOLCOMB DRIVE (LOT 37 KIMBERLY ESTATES, 63 PARKER HILL DRIVE). PARCEL 071L 021. SUBJECT PROPERTY IS CURRENTLY ZONED AS RESIDENTIAL SINGLE. THE PROPOSED ACTION TO BE TAKEN IS TO PLACE A SECOND RESIDENCE ON PROPERTY.

A motion was made by Bo Dotson, seconded by Peter Traudt to approve the variance request. **Motion carried unanimously.**

3. REZONING REQUEST FROM THOMAS YARBERRY, JR., 1634 RIDGELAND RD, EASTANOLLEE, GA. PARCEL 046 051. SUBJECT PROPERTY IS CURRENTLY ZONED AS RESIDENTIAL SINGLE. THE PROPOSED ACTION TO BE TAKEN IS TO REZONE PROPERTY TO AGRICULTURE RESIDENTIAL FOR GARDENING AND FARM ANIMALS

A motion was made by Scott Stroud, seconded by Bo Dotson to approve the rezoning request. **Motion carried unanimously.**

4. REZONING REQUEST FROM MICHAEL HOWARD, 253 ALFRED CAMP ROAD. PARCEL 033 007A. SUBJECT PROPERTY IS CURRENTLY ZONED AS RESIDENTIAL SINGLE. THE PROPOSED ACTION TO BE TAKEN IS TO REZONE PROPERTY TO AGRICULTURE RESIDENTIAL TO COMBINE WITH PARCEL 033 007

A motion was made by Peter Traudt, seconded by Bo Dotson to approve rezoning request. **Motion carried unanimously.**

5. REZONING REQUEST FROM PETITIONER ADRIAN SHERIFF, PROPERTY OWNER DEWEY SHERIFF, AVALON ROAD. PARCEL 055 095. SUBJECT PROPERTY IS CURRENTLY ZONED AS AGRICULTURE INTENSIVE. THE PROPOSED ACTION TO BE TAKEN IS TO REZONE 3.04 ACRES TO AGRICULTURE RESIDENTIAL FOR A SINGLE FAMILY RESIDENCE

A motion was made by Bo Dotson, seconded by Peter Traudt to approve rezoning request. **Motion carried unanimously.**

## VIII. ADJOURNMENT

A motion was made by Scott Stroud, seconded by Peter Traudt to adjourn the meeting at 8:12 p.m.  
**Motion carried unanimously.**

Approved this \_\_\_\_\_ day of \_\_\_\_\_, 2019

\_\_\_\_\_  
Chairperson

Attest:

\_\_\_\_\_  
Beth Rider, Planning Clerk