



Lee County - Leesburg - Smithville Planning Commission

CHAIRMAN JASON SHEFFIELD, VICE-CHAIRMAN JIM QUINN
JOHNNY GOLDEN, KYLE LUCKIE, MIKE MCVEY, TONYA MYRICK, SHIRLEY STILES

AGENDA

April 6, 2023 at 6:00 P.M.

Opal Cannon Auditorium

T. Page Tharp Governmental Building

102 Starksville Avenue North

Leesburg, GA 31763

- | | PAGE(S) |
|--|---------|
| I. CALL TO ORDER | |
| II. ACKNOWLEDGEMENT OF GEORGIA LAW REGARDING CAMPAIGN CONTRIBUTIONS | |
| III. NEW BUSINESS | |
| (A) Welcome of new member Tonya Myrick. | |
| IV. APPROVAL OF MINUTES | |
| (A) Approval of the minutes from the March 2, 2023 Planning Commission meeting. | 1 - 6 |
| V. PUBLIC HEARINGS | |
| <u>ZONING APPLICATION</u> | |
| (A) <u>Deer Trace Development, LLC. (Z23-003)</u> has submitted an application to the Lee County Planning Commission requesting to rezone a total of 1.69 acres from R-1 (Single Family Residential) to C-1 (Neighborhood Business District). The property owner is Deer Trace Development, LLC. The subject property, located at 100 Bermuda Lane, lies in Parcel 029D 104 in Land Lot 266 of the Second Land District of Lee County, Georgia. | 7 - 19 |
| (B) <u>George McIntosh</u> has submitted a request to the Lee County Planning Department to convert one lot at a total of 3.26 acres from greenspace/common space to a buildable lot. This property is Parcel 025 038 in Land Lot 90 of the Second Land District of Lee County, Georgia. The applicant proposes to swap two (2) other non-buildable lots in the same subdivision, Parcel Numbers 025 039 (2.5 acres) and 025 040 (2.52 acres), both lying in Land Lot 71 of the Second Land District of Lee County, Georgia, for the proposed lot, which is currently reserved as greenspace/common space. | 20 - 22 |
| VI. UNFINISHED BUSINESS | |
| NONE | |



VII. ANNOUNCEMENTS

The Lee County Board of Commissioners will conduct a public hearing on the zoning requests on **Tuesday, April 11, 2023 at 6:00 p.m.** and a final vote on **Tuesday, April 25, 2023 at 6:00 p.m.** in the Opal Cannon Auditorium of the T. Page Tharp Governmental Building, located at 102 Starksville Avenue North, Leesburg, Georgia 31763.

VIII. ADJOURNMENT

Agenda subject to change without notice

Meetings of the Planning Commission and the Board of Commissioners are open to the public. Georgia law requires that all parties who have made campaign contributions to any member of the Board of Commissioners in excess of two hundred fifty dollars (\$250) within two (2) years immediately preceding the filing of this request, and who desire to appear at the public hearing in opposition to the application, shall, at least five (5) days prior to the public hearing, file a campaign contribution report with the Lee County Planning Commission.

Persons with special needs relating to handicapped accessibility or foreign language interpretation should contact the ADA Coordinator at (229) 759-6000 or through the Georgia Relay Service (800) 255-0056 (TDD) or (800) 355-0135 (voice). This person can be contacted at the T. Page Tharp Building in Leesburg, Georgia between the hours of 9:00 a.m. and 4:00 p.m., Monday through Friday, except holidays, and will assist citizens with special needs given proper notice of seven (7) working days. The meeting rooms and buildings are handicap accessible.

NOTICE OF PUBLIC HEARING

Lee County – Leesburg – Smithville Planning Commission

ZONING APPLICATION

Deer Trace Development, LLC. (Z23-003) has submitted an application to the Lee County Planning Commission requesting to rezone a total of 1.69 acres from R-1 (Single Family Residential) to C-1 (Neighborhood Business District) or C-3 (Commercial Recreation District). The property owner is Deer Trace Development, LLC. The subject property, located at 100 Bermuda Lane, lies in Parcel 029D 104 in Land Lot 266 of the Second Land District of Lee County, Georgia.

George McIntosh has submitted a request to the Lee County Planning Department to **convert** one lot at a total of 3.26 acres from greenspace/common space to a buildable lot. This property is Parcel 025 038 in Land Lot 90 of the Second Land District of Lee County, Georgia. The applicant proposes to swap two (2) other non-buildable lots in the same subdivision, Parcel Numbers 025 039 (2.5 acres) and 025 040 (2.52 acres), both lying in Land Lot 71 of the Second Land District of Lee County, Georgia, for the proposed lot, which is currently reserved as greenspace/common space.

Exact legal descriptions of the property are on file at the Lee County Planning, Zoning and Engineering Department, 102 Starksville Avenue North, Room 202, Leesburg, GA 31763 and can be reviewed along with any other information regarding this request between 8:00 a.m. and 5:00 p.m. Monday through Friday.

The Lee County Planning Commission will conduct a public hearing on the zoning requests on **Thursday, April 6, 2023 at 6:00 p.m.** in the Opal Cannon Auditorium of the T. Page Tharp Governmental Building, located at 102 Starksville Avenue North, Leesburg, Georgia 31763. The Planning Commission will forward its recommendation to the Lee County Board of Commissioners.

The Lee County Board of Commissioners will conduct a public hearing on the zoning requests on **Tuesday, April 11, 2023 at 6:00 p.m.** and a final vote on **Tuesday, April 25, 2023 at 6:00 p.m.** in the Opal Cannon Auditorium of the T. Page Tharp Governmental Building, located at 102 Starksville Avenue North, Leesburg, Georgia 31763.

Meetings of the Planning Commission and the Board of Commissioners are open to the public.

Georgia law requires that all parties who have made campaign contributions to any member of the Lee County Board of Commissioners in excess of two hundred fifty dollars (\$250) within two (2) years immediately preceding the filing of this request, and who desire to appear at the public hearing in opposition to the application, shall, at least five (5) days prior to the public hearing, file a campaign contribution report with the Lee County Planning Commission.

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Lee County - Leesburg - Smithville Planning Commission

JOHNNY GOLDEN, KYLE LUCKIE, MIKE MCVEY, JIM QUINN,
JASON SHEFFIELD, SHIRLEY STILES

MEETING MINUTES
March 2, 2023 at 6:00 P.M.
Opal Cannon Auditorium
T. Page Tharp Governmental Building
102 Starksville Avenue North
Leesburg, GA 31763

Members Present: Johnny Golden, Kyle Luckie, Mike McVey, Jim Quinn, and Jason Sheffield

Members Absent: Shirley Stiles

Staff Present: Christi Dockery, Kaitlyn Good, Meagan Matechak (via phone), and Lee Walton (via phone)

I. CALL TO ORDER

Commissioner Jason Sheffield called the meeting to order at 6:02 p.m.

II. ACKNOWLEDGEMENT OF GEORGIA LAW REGARDING CAMPAIGN CONTRIBUTIONS

County Manager Christi Dockery read the Georgia Law regarding campaign contributions.

III. NEW BUSINESS

(A) Welcome of new members Johnny Golden and Kyle Luckie.

(B) Selection of a Chairperson of the Planning Commission for 2023.

Commissioner Jim Quinn made the **MOTION** to **APPOINT** Commissioner Jason Sheffield as Chairperson of the Planning Commission for 2023, seconded by Commissioner Kyle Luckie. The **MOTION** was unanimous with Commissioners Johnny Golden and Mike McVey voting yea. **Commissioner Jason Sheffield is Chairman of the Lee County - Leesburg - Smithville Planning Commission for 2023.**

(C) Selection of a Vice-Chairperson of the Planning Commission for 2023.

Commissioner Mike McVey made the **MOTION** to **APPOINT** Commissioner Jim Quinn as Vice-Chairperson of the Planning Commission for 2023, seconded by Commissioner Johnny Golden. The **MOTION** was unanimous with Commissioner Kyle Luckie and Chairman Jason Sheffield voting yea. **Commissioner Jim Quinn is Vice-Chairman of the Lee County - Leesburg - Smithville Planning Commission for 2023.**



IV. APPROVAL OF MINUTES

(A) Approval of the minutes from the December 1, 2022 Planning Commission meeting.

Commissioner Jim Quinn made the **MOTION** to **APPROVE** the minutes as presented, seconded by Commissioner Kyle Luckie. The **MOTION** was unanimous with Commissioners Johnny Golden and Mike McVey voting yea.

V. PUBLIC HEARINGS

ZONING APPLICATION

- (A) Starksville, LLC. (Z22-005)** has submitted an application to the Lee County Planning Commission requesting to rezone a total of 36.78 acres. The property owner is Mossy Dell, Inc. and the request includes four (4) tracts, as follows: Tract 1 (3.07 acres) requesting to be rezoned from AG-1 (Active Agricultural District) to C-2 (General Commercial), Tract 2 (4.90 acres) requesting to be rezoned from AG-1 (Active Agricultural District) to R-2 (Multi-Family Residential), Tract 3 (6.79 acres) requesting to be rezoned from AG-1 (Active Agricultural District) to C-2 (General Commercial), and Tract 4 (22.02 acres) requesting to be rezoned from AG-1 (Active Agricultural District) to R-1 (Single-Family Residential District). All lots being part of Parcel Number 037C 276 and Land Lot 83 of the Second Land District, City of Leesburg, Lee County, Georgia.

Chairman Jason Sheffield opened the public hearing at 6:11 p.m. and read the application into the record.

Public Hearing Discussion

Staff Presentation

Meagan Matechak (via phone) summarized the provided staff report, stating staff's recommendation is denial, with an emphasis on runoff concerns and the fact that much of the property is wetlands.

Applicant Presentation

Bobby Donley, Lanier Engineering, summarized the property and application. Mr. Donley also addressed concerns related to the wetlands, stating that precautions have been taken and will continue to be taken.

Public Opposition

George Johnson
Steve Phillips
Coni Grebel
Steve Gross
Dennis Roland
Tommy Clifton

Commission Discussion

Commission members voiced concerns over the application in the following areas: environmental concerns, property values, traffic, and general public safety concerns. Specific concerns discussed



were how the area is mostly wetlands, the amount of water and runoff that already exists in the area and the prospective increase of such once construction begins, current traffic concerns and the potential increase of such during the construction phase as well as once established, and the effect on area property values.

With no further comments or questions from the Commission or audience, the Public Hearing was closed.

Recommendation

Commissioner Jason Sheffield made a **MOTION to APPROVE** the rezoning application from Starksville, LLC. (Z22-005) with the condition that only the tracts to be rezoned to C-2 were approved, seconded by Commissioner Mike McVey. The **MOTION** failed with Commissioners Johnny Golden, Kyle Luckie, and Jim Quinn voting no.

Commissioner Johnny Golden made a **MOTION to DENY** the rezoning application from Starksville, LLC. (Z22-005), seconded by Commissioner Kyle Luckie. The **MOTION** was unanimous with Commissioners Mike McVey, Jim Quinn, and Jason Sheffield voting yea.

CONDITIONAL USE APPLICATIONS

- (B) **Starksville, LLC. (Z23-001)** has submitted an application to the Lee County Planning Commission requesting a conditional use to allow for construction of self-storage units for a total of 6.29 acres. The property owner is Mossy Dell, Inc. and the request includes portions of two (2) of the aforementioned tracts, as follows: Tract 1 (1.83 acres) and Tract 3 (4.46 acres), both having been requested to be rezoned from AG-1 (Active Agricultural District) to C-2 (General Commercial). Both tracts being part of Parcel Number 037C 276 and Land Lot 83 of the Second Land District, **City of Leesburg**, Lee County, Georgia.

Chairman Jason Sheffield opened the public hearing at 7:24 p.m. Commissioner Mike McVey read the application into the record.

Public Hearing Discussion

Staff Presentation

Meagan Matechak (via phone) summarized the provided staff report, stating that the same comments apply to this item and the staff's recommendation is denial.

Applicant Presentation

Bobby Donley, Lanier Engineering, summarized the application and project, noting that this application is really dependent on what the City of Leesburg decides to do about the previous item.

Public Opposition

Coni Grebel

With no further comments or questions from the Commission or audience, the Public Hearing was closed.



Recommendation

Commissioner Jim Quinn made a **MOTION** to **APPROVE** the conditional use application from Starksville, LLC. (Z23-001) should the City of Leesburg grant approval for the previous rezoning application, seconded by Commissioner Mike McVey. The **MOTION** carried with Commissioners Mike McVey and Jason Sheffield voting yea and Commissioner Johnny Golden voting no.

- (C) **Langford & Associates, Inc. (Z23-002)** has submitted an application to the Lee County Planning Commission requesting a conditional use to allow for construction of a residential dwelling. The property owner is Stuart Franklin and the Parcel Number is 042 004. The lot is a total of 6.201 acres and is currently zoned AG-1, being part of Land Lot 3 of the 14th Land District, **Lee County**, Georgia.

Chairman Jason Sheffield opened the public hearing at 7:37 p.m. and read the application into the record.

Public Hearing Discussion

Staff Presentation

Meagan Matechak (via phone) summarized the provided staff report, stating staff's recommendation is approval.

Applicant Presentation

Stuart Franklin summarized the application, stating he owns approximately 85 acres and is wishing to split 6.201 acres from that total acreage on which a residence is already built so as to clearly separate the residential property from the planted pines.

Commission Discussion

Clarification was sought from the Commission as to why a previous similar application was recommended for denial, yet this application was recommended for approval. Meagan Matechak (via phone) stated that to complete a division of land zoned AG, per code, there must be a remaining 25 acres; this applicant property abides by that code whereas the previous applicant property did not.

With no further comments or questions from the Commission or audience, the Public Hearing was closed.

Recommendation

Commissioner Jim Quinn made a **MOTION** to **APPROVE** the conditional use application from Langford & Associates, Inc. (Z23-002), seconded by Commissioner Mike McVey. The **MOTION** was unanimous with Commissioners Johnny Golden and Mike McVey voting yea.

TEXT AMENDMENT

- (D) An ordinance to amend **Chapter 70, Article V, Section 70-162 (T23-001)** of the **Lee County Code of Ordinances** with respect to permitted uses that may be located in an R-1 Single-Family Residential District; to provide authority for the construction of accessory structures located in an R-1 Single-Family Residential District where the



accessory structure is located or to be located upon a vacant lot adjacent to a lot which has constructed on it a single-family residence and the single-family residence is owned by the owner of the adjacent lot where the accessory structure is to be located; to provide for acreage limitations; to provide for additional restrictions; to provide for repeal of conflicting ordinances; to provide for an effective date; and for other purposes.

Chairman Jason Sheffield opened the public hearing at 7:46 p.m. and read the application into the record.

Public Hearing Discussion

Staff Presentation

Lee Walton (via phone) and County Manager Christi Dockery summarized the text amendment and respective changes to the existing ordinance, stating staff's recommendation is approval. The current ordinance states that a property owner can build an accessory structure on the same parcel as their home as long as it doesn't exceed half the square footage of the lower level of their home. The proposed ordinance, which has been discussed publicly by the Board of Commissioners, keeps the current provision and adds an amendment stating that if a property owner has a home on one lot and an adjoining lot that is exceeding one (1) acre, an accessory structure may be built on that adjoining lot without the requirement of a house.

With no further comments or questions from the Commission or audience, the Public Hearing was closed.

The Planning Commission discussed suggesting the acreage requirement be 1.25 acres, as that is the lot size required for sewer and water. The amendment states the lot must exceed 1 acre in size.

Recommendation

Commissioner Jim Quinn made a **MOTION** to **APPROVE** the proposed text amendment, seconded by Commissioner Kyle Luckie. The **MOTION** was unanimous with Commissioners Johnny Golden and Mike McVey voting yea.

VI. UNFINISHED BUSINESS

NONE

VII. ANNOUNCEMENTS

The Leesburg City Council will conduct a public hearing and final vote on the zoning request and conditional use application on **Tuesday, March 7, 2023 at 6:00 p.m.** at Leesburg City Hall, located at 107 Walnut Avenue North, Leesburg, Georgia.

The Lee County Board of Commissioners will conduct a public hearing on **Tuesday, March 14, 2023 at 6:00 p.m.** and a final vote on **Tuesday, March 28, 2023 at 6:00 p.m.** on the conditional use application and proposed text amendment in the Opal Cannon Auditorium of the T. Page Tharp Governmental Building, located at 102 Starksville Avenue North, Leesburg, Georgia.



VIII. ADJOURNMENT

Commissioner Kyle Luckie made a motion to **ADJOURN**, seconded by Commissioner Jim Quinn. The **MOTION** was unanimous with Commissioners Johnny Golden and Mike McVey voting yea. The meeting adjourned at 7:58 p.m.

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LEE COUNTY
CITY OF LEESBURG
CITY OF SMITHVILLE

ZONING APPLICATION

Owner: DEER TRACE DEVELOPMENT LLC C/O Sreenivas Sappati
Address: 135 Quail Pines Dr, Leesburg, GA 31763

Daytime Phone #: _____ Email: _____

Address or location of the property: Parcel# 029D 104 (100 BERMUDA LN, Albany, GA 31707).

In order that the general health, safety and welfare of the citizens may be preserved, and substantial justice maintained, I (We) the undersigned request in connection with the property hereinafter described:

Present Zoning R-1 Present Use of Property: Residential Single Family Home

Proposed Zoning: C-1 or C-3 Proposed Use of Property: Neighborhood Bus District or Recreational Dist

266 Land Lot Number _____ Land District _____ 1.69 # of Acres

The subject property is described as follows:
LOT 15 GRAND ISLAND S/D SEC. I.

Recorded in Plat Cabinet "D" Slide D-151 in Clerk of Court, Lee County, GA

ALSO ATTACH: (18 COPIES REQUIRED) Plat of property, including vicinity map

Legal description Containing Metes and Bounds

DISCLOSURE

_____ I (owner) have made campaign contributions having an aggregate value of \$250.00 or more, or made gifts having an aggregate value or \$250.00 or more to an official of (Lee County, City of Leesburg, City of Smithville) (circle one) within two (2) years of application.

I (owner) have NOT made campaign contributions having an aggregate value of \$250.00 or more, or made gifts having an aggregate value or \$250.00 or more to an official of (Lee County, City of Leesburg, City of Smithville) (circle one) within two (2) years of application.

I hereby certify that I am the owner and/or legal agent of the owner, in fee simple of the above-described property.

WITNESS Shailaja Sappati

OWNER Sreenivas Sappati-Biyyani

DATE 03/08/2023

DATE 03/08/2023

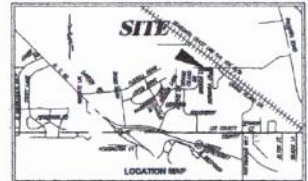
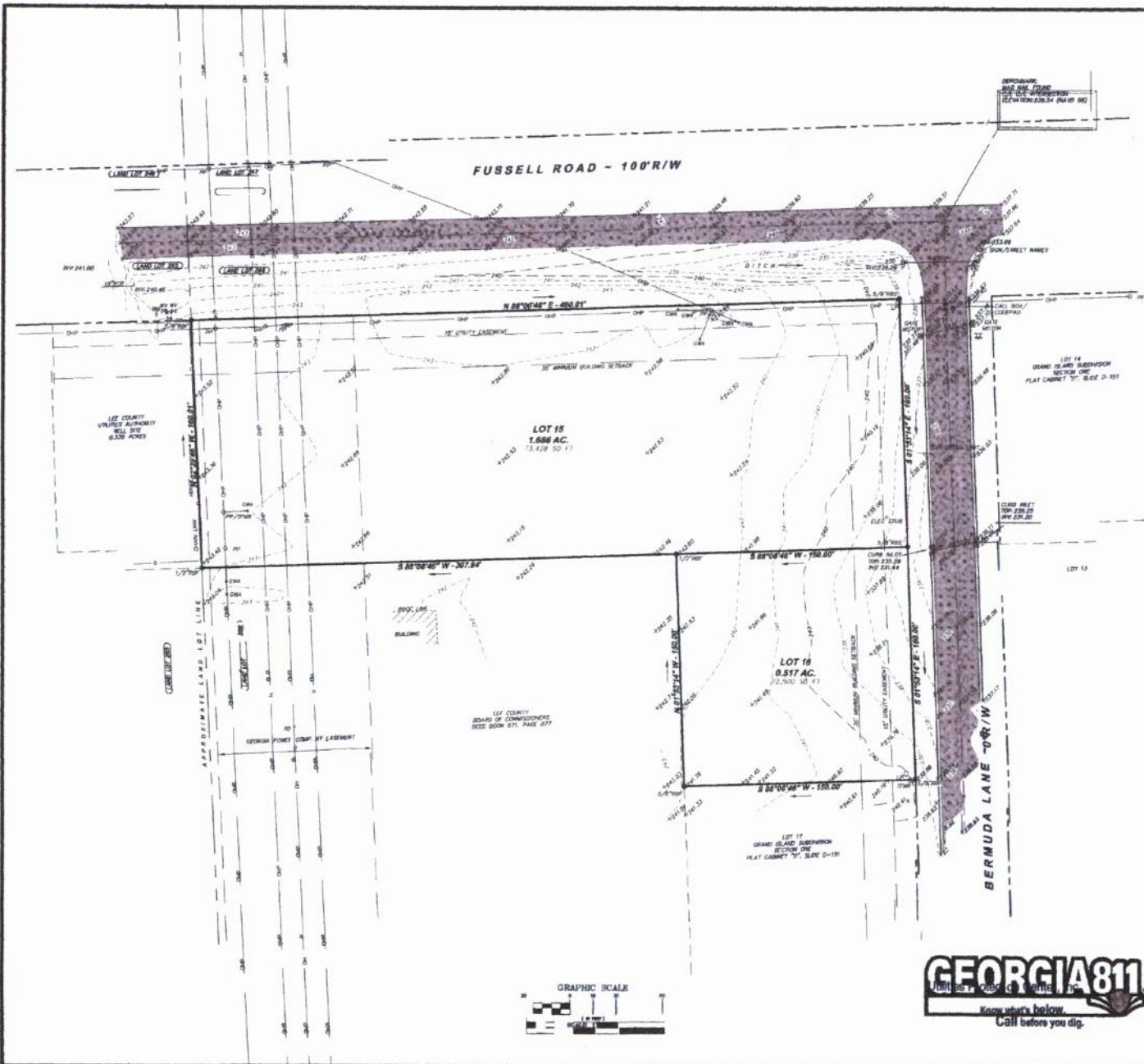
Application Fee: _____ Date Paid: _____ Received by: _____

In my absence, I authorize the person named below to act as the applicant in the pursuit of action for the application.

Applicant Name: Sreenivas R Sappati-Biyyani

Address: 135 Quail Pines Dr, Leesburg, GA 31763

Phone #: _____ Email: _____



THIS SURVEY WAS MADE USING A LEICA TCA 1130 ROBOTTIC TOTAL STATION TO OBTAIN LINEAR AND ANGULAR MEASUREMENTS.

THE FIELD DATA UPON WHICH THIS MAP OR PLAT IS BASED HAS A GLOBAL PRECISION OF ONE FOOT IN 30,000 FEET AND AN ANGULAR PRECISION OF 0.00005 DEGREES. NO CORRECTIONS FOR AIRSPEED, WIND, OR REFRACTION FOR ANGLE POINT, AND WAS ADJUSTED USING COMPASS RULE.

THIS MAP OR PLAT HAS BEEN CALCULATED FOR CLOSURE AND IS FOUND TO BE ACCURATE WITHIN ONE FOOT IN 174,450 FEET.

THERE IS NO KNOWN NATIONAL GEODESIC SURVEY ADJUSTMENT WITHIN ONE FOOT OF ANY POINT ON THE PROPERTY PLATED, OR ANY POINT OF REFERENCE THEREON.

IN MY OPINION THIS PLAT IS A CORRECT REPRESENTATION OF THE LAND PLATED AND HAS BEEN PREPARED BY COMPETENT MEANS AND ACCORDING TO THE STANDARDS AND REQUIREMENTS OF LAW.

NOTES:

- TOTAL AREA IN TRACT = 1.686 ACRES.
- THIS PROPERTY LOT 15 IS ZONED "O1".
- THE SHOWN BUILDING SETBACK LINES ARE AS FOLLOWS:
FRONT = 10'
REAR = 10'
SIDE = 10'
- A 12' UTILITY EASEMENT IS RESERVED DOWN EACH SIDE LOT LINE.
- THERE IS A 12' UTILITY EASEMENT ADJACENT TO ALL STREET RIGHT-OF-WAYS.
- THERE IS A 30' SHOWN BUILDING SETBACK ADJACENT TO ALL STREET RIGHT-OF-WAYS.
- THIS PROPERTY IS IN FLOOD ZONE "X" AS PER FLOOD INSURANCE RATE MAP FOR LEE COUNTY, GEORGIA AND INCORPORATED AREAS, PAGES 238 OF 300 AS SHOWN ON MAP DATED 11/17/2006 WITH AN EFFECTIVE DATE OF SEPTEMBER 2, 2006.
- ZONE "X" DESIGNATED AREAS IS DETERMINED TO BE OUTSIDE THE 500 ANNUAL CHANCE FLOOD LINE.
- REFERENCE PLAT FILED "GRAND ISLAND SUBDIVISION SECTION ONE" PREPARED BY MARSHBURY ENGINEERING CO., DATED MAY 20, 2008, AND RECORDED IN PLAT CABINET "D", SLIDE D-136.
- SURVEY WORK COMPLETED JULY 4, 2012.

UTILITY NOTE

THE LOCATION OF UNDEGROUND UTILITIES AS SHOWN HEREON ARE BASED ON AERIAL PHOTOGRAPHS AND RECORD DRAWINGS PROVIDED BY THE SUBMITTER. LOCATION OF UNDEGROUND UTILITIES / STRUCTURES MAY VARY FROM LOCATION SHOWN HEREON.

ADDITIONAL BURIED UTILITIES / STRUCTURES MAY BE ENCOUNTERED. NO EXCAVATIONS WERE MADE DURING THE PROGRESS OF THIS SURVEY TO LOCATE BURIED UTILITIES / STRUCTURES.

BEFORE EXCAVATIONS ARE BEGUN, ONE THREE HOURS' ADVANCE NOTICE TO THE UTILITIES PROVIDER SHOWN AT 1-800-368-7441 PRIOR TO ANY EXCAVATION IN ORDER THAT UNDEGROUND UTILITIES MAY BE LOCATED AND PROTECTED.

LEGEND

CONTOUR LINE	---	173
SPOT ELEVATION	x	173.00
WATER GAGE, WELLS & METERS	--- ---	10' W
FIRE HYDRANT	⊕	
AERIAL ELECTRIC LINE	—x—	
IRON REBAR FOUND	⊕	D-6/27/08
IRON REBAR SET	⊕	8/1/07/08
CONCRETE FOUNDMENT FOUND OR SET	⊕	CHP
POWER POLE / LIGHT WIRE	⊕	
LIGHT POLE	⊕	
ELECTRIC TRANSFORMER	⊕	CHP
IRON	⊕	
CHAIN LINK FENCE	—o—o—	



NO. 15, E. 1/4 OF SEC. 07, T. 10 N., R. 10 W.

EMC ENGINEERING SERVICES, INC.
ONE LINDSEY LANE SUITE 100
MARIETTA, GEORGIA 30067
PHONE: 770.429.1313
FAX: 770.429.1314
WWW: EMCENGINEERING.COM

TOPOGRAPHIC SURVEY
FUSSELL ROAD
PART OF LAND LOT 266, 2nd LAND DISTRICT
LEE COUNTY, GEORGIA
Prepared for: **DEER TRACE DEVELOPMENT, LLC**

PROJECT NO.: 13-091
DRAWING NO.: 13-091-01
DRAWN BY: CLAYTON
SURVEYED BY: PMJ
SURVEY DATE: 7/20/12
CHECKED BY: JMB
SCALE: 1"=30'
DATE: 7/17/2012

SHEET
1
OF 1

© LAND PRODUCTS 2012/13-091 FUSSELL RD TOPOGRAPHIC SURVEY 7/20/12 1:30 PM

March 09, 2023

**LEGAL DESCRIPTION
FOR DEER TRACE DEVELOPMENT, LLC
PROPERTY TO BE REZONED FROM R-1 TO C-1 or C-3**

ALL OF LOT 15, GRAND ISLAND SUBDIVISION, SECTION ONE, AS RECORDED IN PLAT CABINET "D" SLIDE D-151 IN CLERK OF COURT, LEE COUNTY, GEORGIA. SAID TRACT OR PARCEL OF LAND LYING AND BEING A PART OF LAND LOT 266 OF THE 2nd LAND DISTRICT, LEE COUNTY, GEORGIA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE POINT OF INTERSECTION WHERE THE WEST RIGHT OF WAY OF BERMUDA LANE (60' R/W) INTERSECTS THE SOUTH RIGHT OF WAY OF FUSSELL ROAD (100' R/W); SAID POINT IS THE **POINT OF BEGINNING**.

FROM SAID **POINT OF BEGINNING**, RUN S 01° 53' 14" E ALONG WEST RIGHT OF WAY OF BERMUDA LANE (60' R/W) A DISTANCE OF 160.00' TO A POINT; THENCE RUN S 88° 06' 46" W A DISTANCE OF 150.00' TO A POINT; THENCE RUN S 88° 06' 46" W A DISTANCE OF 307.84' TO A POINT; THENCE RUN N 02° 39' 46" W A DISTANCE OF 160.01' TO A POINT ON THE SOUTH RIGHT OF WAY OF FUSSELL ROAD (100' R/W); THENCE RUN N 88° 06' 46" E ALONG SAID RIGHT OF WAY A DISTANCE OF 460.01' TO A POINT; SAID POINT IS THE **POINT OF BEGINNING**.

SAID TRACT CONTAINS **1.686** ACRES



Overview



Legend

-  Parcels
-  Roads

Parcel ID 029D 104
 Class Code Residential
 Taxing District COUNTY UNINCORPORATED
 Acres 1.69

Owner DEER TRACE DEVELOPMENT LLC
 135 QUAIL PINES DRIVE
 LEESBURG, GA 31763
 Physical Address 100 BERMUDA LANE
 Assessed Value \$20000

Last 2 Sales			
Date	Price	Reason	Qual
10/2/2013	0	LE	U
3/18/2013	\$8000	LM	Q

(Note: Not to be used on legal documents)

Date created: 3/13/2023
 Last Data Uploaded: 3/10/2023 8:22:23 PM

Developed by  Schneider
 GEOSPATIAL

Summary

Parcel Number 029D 104
 Location Address 100 BERMUJA LANE
 Legal Description LOT 15 GRAND ISLAND S/D SEC. I
(Note: Not to be used on legal documents)
 Tax District COUNTY UNINCORPORATED (District 03)
 Millage Rate 28.23
 Acres 1.69
 Homestead Exemption No (S0)
 Landlot/District 266 / 02

[View Map](#)

Owner

DEER TRACE DEVELOPMENT LLC
 135 QUAIL PINES DRIVE
 LEESBURG, GA 31763

Land

Type	Description	Calculation Method	Square Footage	Frontage	Depth	Acres	Lots
Residential	Common area/HOA	Lot	0	0	0	0	1

Sales

Sale Date	Deed Book / Page	Plat Book / Page	Sale Price	Reason	Grantor	Grantee
10/2/2013	1665 208	D 151	\$0	Legal	SAPPATI-BIYYANI SREENIVAS R	DEER TRACE DEVELOPMENT LLC
3/18/2013	1614 259	D 151	\$8,000	Vac Land Market Sale	LEDO PROPERTIES	DEER TRACE DEVELOPMENT LLC

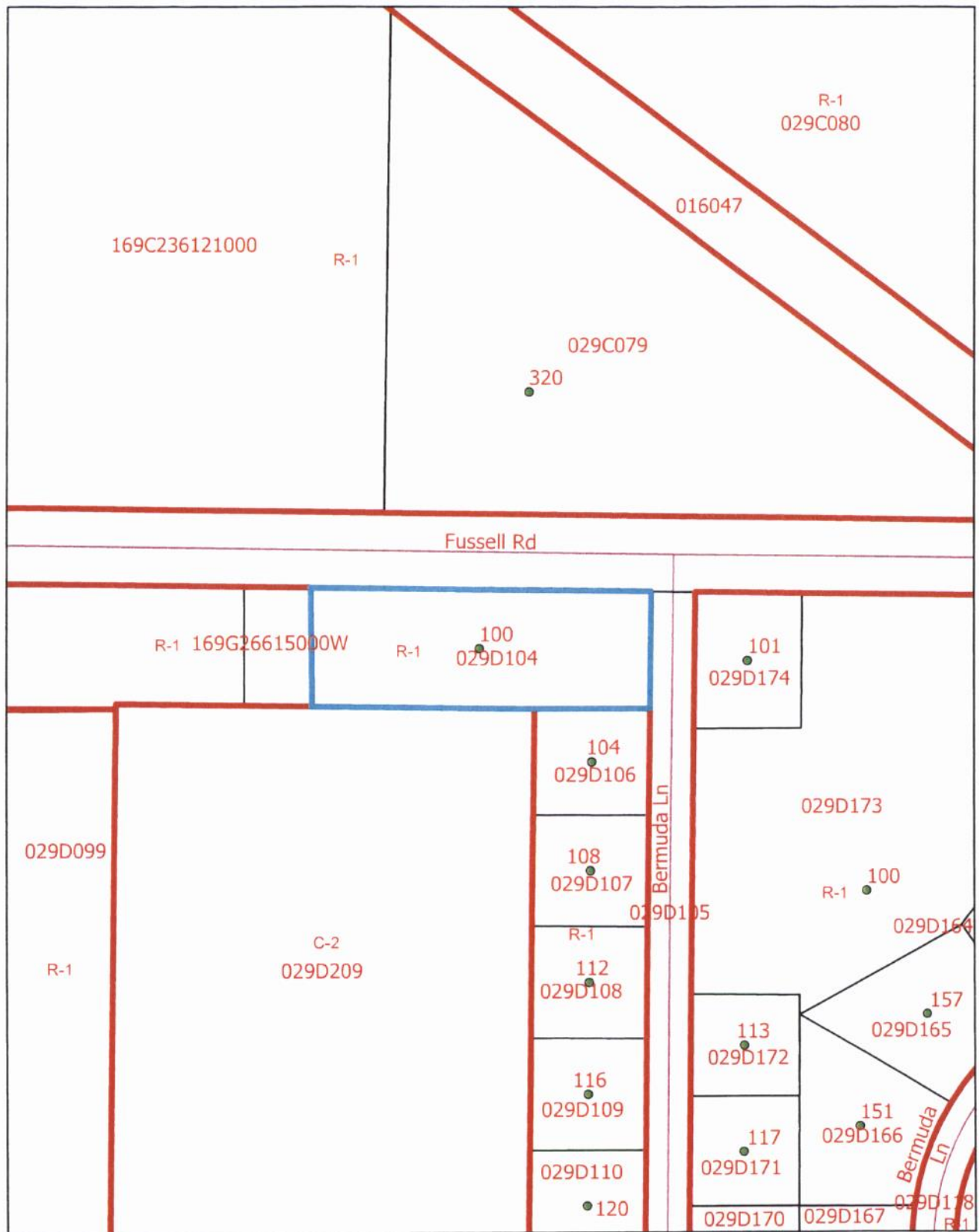
Valuation

	2022	2021	2020	2019	2018
Previous Value	\$20,000	\$20,000	\$20,000	\$20,000	\$20,000
Land Value	\$20,000	\$1	\$20,000	\$20,000	\$20,000
+ Improvement Value	\$0	\$0	\$0	\$0	\$0
+ Accessory Value	\$0	\$0	\$0	\$0	\$0
= Current Value	\$20,000	\$1	\$20,000	\$20,000	\$20,000

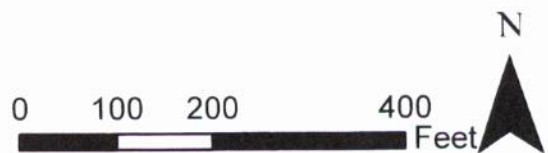
No data available for the following modules: Online Appeals, Rural Land, Conservation Use Rural Land, Residential Improvement Information, Commercial Improvement Information, Mobile Homes, Accessory Information, Prebill Mobile Homes, Permits, Photos, Sketches.

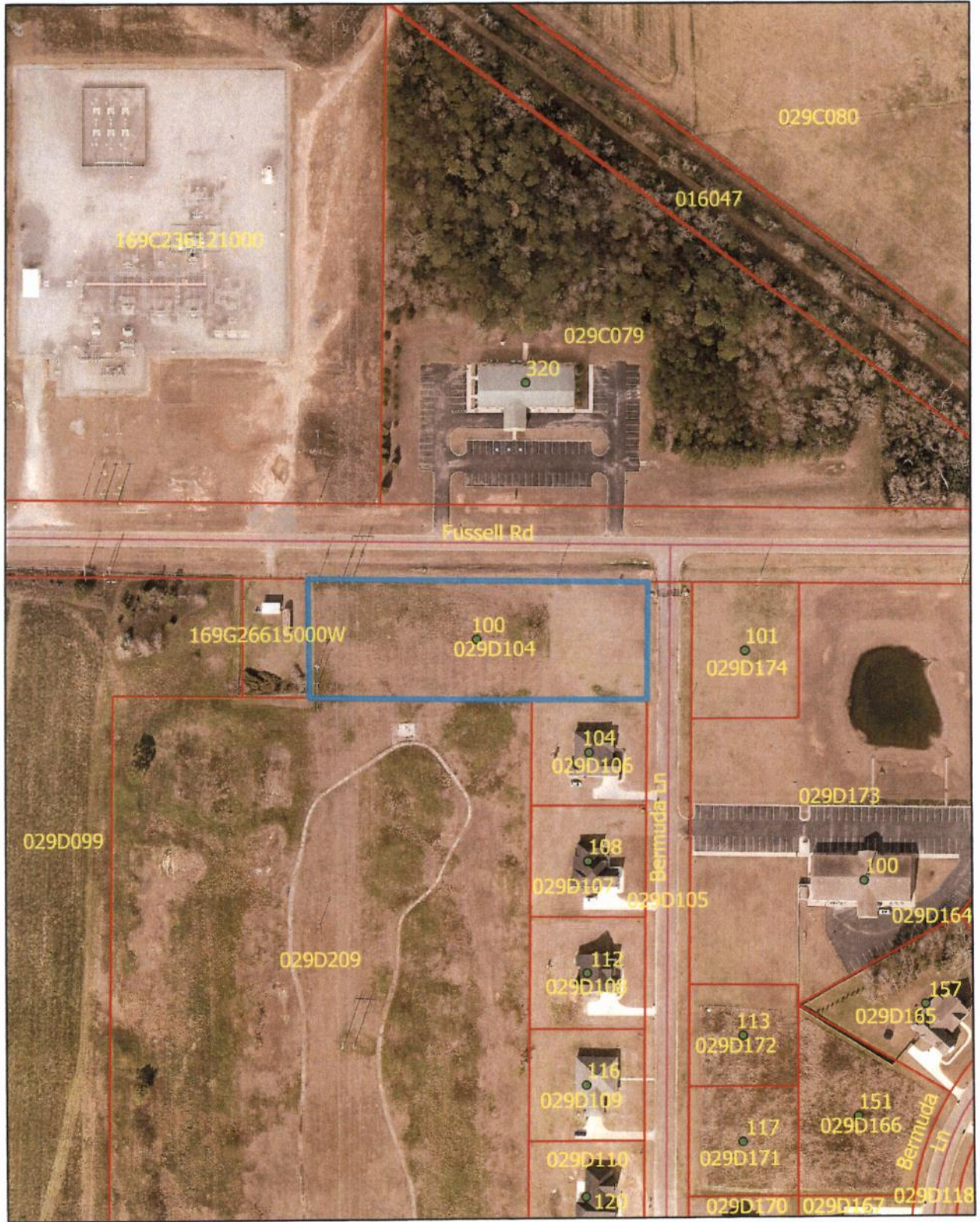
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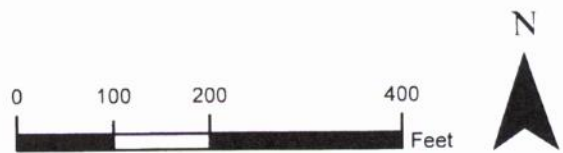


Zoning Case: Z23-003
 Owner: Deer Trace
 Development LLC
 Lot 15, Grand Island
 Subdivision, Sec. 1
 100 Bermuda Land
 Change: R-1 to C-1 or C-1





Zoning Case: Z23-003
 Owner: Deer Trace
 Development LLC
 Lot 15. Grand Island
 Subdivision, Sec. 1
 100 Bermuda Land
 Change: R-1 to C-1 or C-1





LEE COUNTY
Planning Department
Lee County, Georgia
Zoning Staff Report

DATE: 4/6/2023

APPLICATION TYPE:
Zoning Application

APPLICANT: Deer Trace
Development LLC C/O
Sreenivas Sapote.

REQUESTED ACTION:
Rezoning from R-1 to C-1.

PURPOSE: Develop a
neighborhood business
district.

**LOCATION OF
PROPERTY:** 100 Bermuda
Lane, Albany, GA, 31707,
Land Lot 266, 2nd District.

PARCEL SIZE: 1.69 AC

EXISTING CONDITIONS:

Present Zoning and Use of Property: R-1 – Residential single-family home

Adjacent Zoning/Use:

North— R-1
South— R-1 and C-2
East— R-1
West— R-1

Available Public Services: Information about available public services was not included in the application.



MEETING INFORMATION: All meetings are held in the Opal Cannon Auditorium in the T. Page Tharp Governmental Building unless otherwise advertised.

Planning Commission (public hearing): 04/06/2023; 6:00pm
County Commission (public hearing): 04/11/2023; 6:00pm
County Commission (voting session): 04/25/2023; 6:00pm

STAFF RECOMMENDATION:

Staff recommends **denial** of the zoning application to change the zoning of the subject property parcels from R-1 to C-1 based on the following factors. Per the Lee County Comprehensive Plan, the subject parcel is designated as Residential area in the Comprehensive Plan's future land use map. The conservation area designation includes the parcels along Fussell Road and to the north of Fussell Road. This future land use category is defined as "to correspond primarily to existing neighborhoods but is also proposed for undeveloped areas adjacent to existing neighborhoods" (p. 41). The proposed zoning does not conform with the policy and intent of the Comprehensive Plan future land use plan as the plan intends to support residential development in this future land use category and does not include commercial uses. The applicant's proposed plan does not detail the proposed commercial use, so any potential alignment with the adjacent area is not clear. It is the staff opinion that the misalignment with the Comprehensive Plan future land use map in this location, in addition to potential impacts to adjacent residential areas, creates an issue of nonconformity to an extent that warrants the denial of this zoning application.

The application and survey included in the application do not state the intended proposed use of the property beyond stating the proposed zoning district category. Considering the potential impacts of the wide variety of potential commercial uses in C-1 on the many adjacent residences, the proposed use of the property needs to be clarified.

USES ALLOWED IN THE PROPOSED ZONING DISTRICT THAT ARE NOT ALLOWED IN THE CURRENT ZONING DISTRICT:

Current Zoning: R-1
Proposed Zoning: C-1

Uses Allowed Under Proposed Zoning Districts and Not Under Current Zoning:

C-1

1. Barber or beauty shops and similar uses.
2. Custom dress making and tailoring establishments and similar uses.
3. Personal service establishment.
4. Eating or drinking places.
5. Laundry, dry cleaning, coin laundry.

6. Business, professional, or governmental office designed to attract and serve customers or client on premises.
7. Household appliance repair shop without outdoor storage, display, or business operations of any type.
8. Retail store for food, drugs, clothing, etc. with no outdoor storage, display, or business operations of any type.
9. Contractor's office with no outdoor storage, display, or business operations of any type.
10. Veterinarian offices provided there are no outdoor kennels. Runs designed for animal exercise are allowed as long as the animals are kept inside at night.
11. Post office.
12. Medical and/or dental clinics.
13. Other uses similar to the above, subject to the restrictions set forth in section 70-351 of this chapter.
14. Temporary trailer for emergency construction and repair of buildings.
15. Nursery schools, kindergartens or day care facilities provided all state licensing requirements are met.

PLANNING CONSIDERATIONS:

1. **Will the zoning proposal permit a use that is suitable in view of the use, development, and zoning of adjacent and nearby property?**
 Development under the proposed C-1 zoning could potentially be suitable with respect to the use, development, and zoning of the adjacent property as the proposed C-1 parcel is located adjacent to the C-2 parcels to the south. The adjacent C-2 parcel located to the south is a golf course, and all parcels along Ledo Road to the south of the subject parcel are zoned C-2. However, the adjacent parcels to the north, east and west are zoned R-1. Some uses permissible within C-1 would not be highly suitable with respect to potential impact on the adjacent R-1 zoning, use and development.
2. **What is the effect on the property value of the subject property should the existing zoning be retained?**
 The value of the subject property is anticipated to be somewhat affected if the existing zoning is retained as the proposed commercial zoning would likely contribute to an increase to the property value. However, the property has value as currently zoned.
3. **If denied, will the effect on the applicant's property value under the existing zoning be offset by the gain to the health, safety, morals, or general welfare of the public?**
 There are no expected significant gains to the health, safety, morals, or general welfare of the public under the current zoning as compared with development under C-1 zoning.

4. **Has the property been undeveloped an unusual length of time as currently zoned, considered in the context of land development in the vicinity of the property?**

The subject property is vacant land that has not previously been developed. Many similarly positioned properties in the vicinity have developed, some have not.

5. **Will the zoning proposal result in a use which will or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities, schools, police protection, fire protection, public health facilities or emergency medical services?**

The proposed zoning is not expected to cause excessive or burdensome use of existing and nearby roadway infrastructure as Fussell Road is expected to be able to accommodate increased traffic volumes. The proposed zoning could potentially have an impact on the sewer utility if sewer has not been extended to this location.

6. **Is the zoning proposal in conformity with the policy and intent of the future land use plan for the physical development of the area?**

Per the Comprehensive Plan, the subject parcel is included in the Residential area designation on the future land use map. This future land use area is defined as "areas intended to correspond primarily to existing neighborhoods but is also proposed for undeveloped areas adjacent to existing neighborhoods" (p. 41). The residential category details lot sizes of approximately 7,500 SF to 22,000 SF. The proposed zoning is not in conformity with the policy and intent of the future land use plan, as the plan intends to have this area remain as a residential land use. The comprehensive plan states that regulations may differ according to the zoning district, and while it does not identify specific compatible zoning districts, the proposed commercial use is not in alignment with the future land use map.

7. **Is the subject property well suited for the proposed zoning purpose?**

The subject property is somewhat suited for the proposed C-1 zoning per Section 70-346 which states that the neighborhood business district is intended to permit retail business, office, and service uses that are needed to serve adjacent residential areas. For the proposed C-1 parcel, the 1.686-acre lot size meets the requirements for water and sewer utilities per Sec. 70-351 and 70-419. Additionally, C-1 requirements include protective screening of the areas adjacent to or across the street from residential zoning districts (Sec. 70-349 and Sec. 70-420), which is not shown on the concept plan.

8. **Will the zoning proposal adversely affect the existing use or usability of adjacent or nearby property?**

The proposed C-1 zoning could be expected to adversely affect the existing use of adjacent or nearby property due to consideration for adjacent residential development. The concept plan does not detail the proposed use for the

property following the rezoning, which impedes the evaluation of potential adverse impacts on adjacent or nearby property.

9. Does the subject property have a reasonable economic use as currently zoned?

As currently zoned R-1, there are a number of potential uses for the subject property that would provide some economic value to the property owner. Allowable R-1 uses that are permitted for this property include single-family detached dwellings, home occupations, gardens, churches, or family personal care homes (Sec. 70-162). These uses align with the R-1 zoning and conditions of the property.

10. Are there other existing or changing conditions affecting the use of development of the subject property which give supporting grounds for either approval or disapproval of the zoning proposal?

There are no known existing or changing conditions that would be expected to affect the use of the subject property.

11. Would the change create an isolated district unrelated to the surrounding districts, such as "spot zoning"?

The zoning change would create a C-1 parcel adjacent to R-1 parcels to the north, east, and west, with C-2 parcels to the south. The proposed C-1 parcel would be located to the north of the commercial corridor along Ledo Road. Overall, the proposed zoning would not create a spot zoning case, but the proposed C-1 parcel would be located along Fussell Road, which is a residential corridor. As such, the proposed zoning does not generally align with the development trend of the adjacent area.

12. Are the present zoning district boundaries illogically drawn in relation to existing conditions in the area?

The present zoning district boundaries are not illogically drawn based on the existing conditions, development and zoning of the area.

13. Is the change requested out of scale with the needs of the county as a whole or the immediate neighborhood?

The change requested is not out of scale with the needs of the neighborhood area or the city or county in terms of C-1 zoning in general. The proposed development plan included with the zoning application keeps the proposed commercial development parcel generally in similar size with adjacent properties. However, no details are provided regarding a proposed structure to be constructed on the property.

14. Is it impossible to find adequate sites for the proposed use in districts permitting such use and already appropriately zoned?

The proposed zoning is being requested in order to create a neighborhood business district or a recreational district and to add commercial uses.

However, it is planning staff's opinion that it is not impossible to find sites of similar size in districts already zoned C-1 to permit the proposed uses.

15. Would there be an ecological or pollution impact resulting from the proposed zoning if it is granted?

There is not an expected ecological or pollution impact resulting from the proposed zoning as the proposed zoning would develop the existing vacant property into a neighborhood business district or recreational district. During development, all development guidelines will need to be followed to ensure no ecological or pollution impacts occur.

Planning, Zoning & Engineering

Joey Davenport, Interim Planning Director/ Co Assistant County Manager/ Chief Building Official
Randy Weathersby, GIS Manager
Charles Talley, GIS Technician

Tel 229-759-6000 102 Starksville Avenue N www.lee.ga.us
Leesburg, GA 31763



MEMORANDUM

TO: Lee County Planning Commission

FROM: Joey Davenport

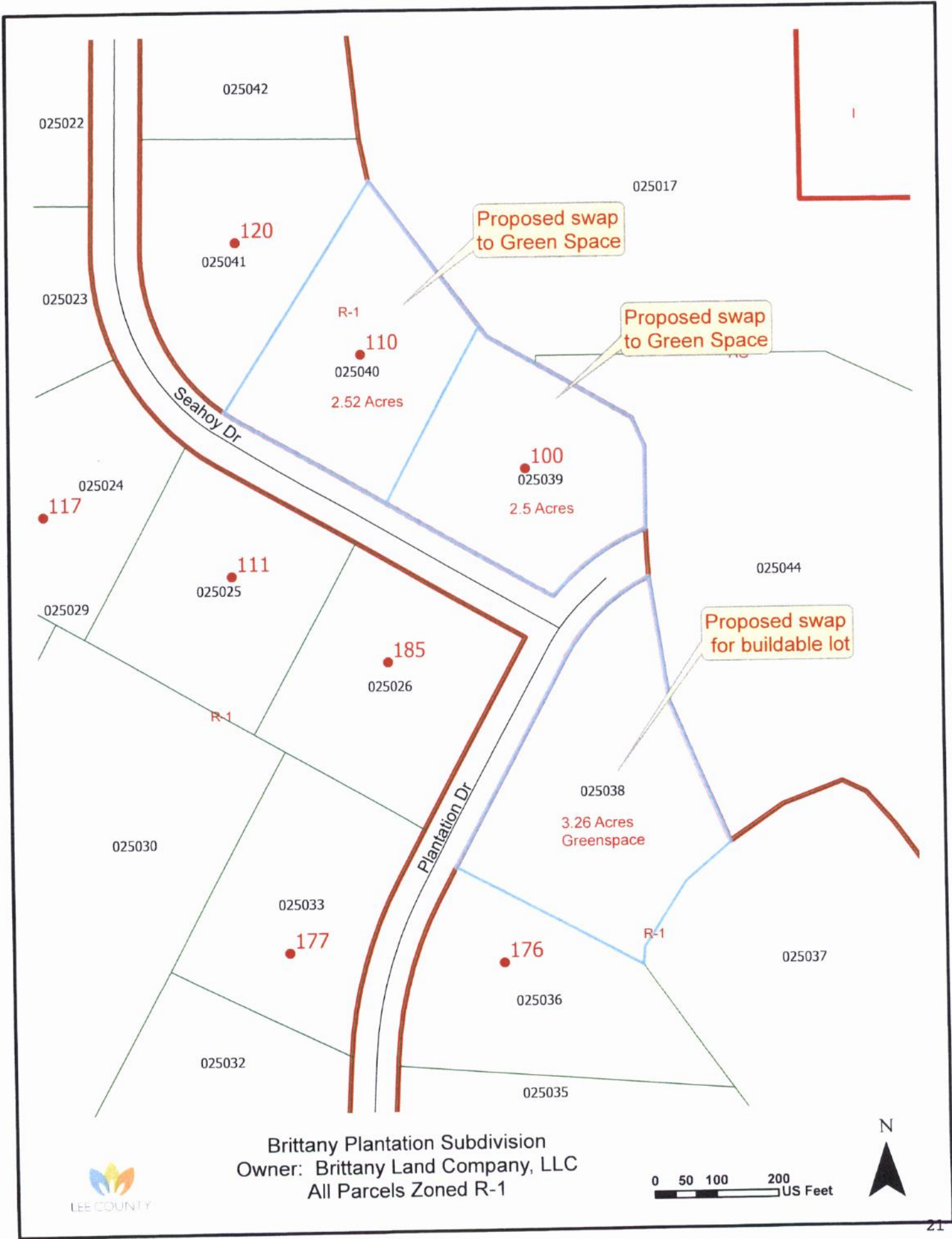
SUBJECT: Request from Mr. George McIntosh Regarding a Proposed Swap of Properties in Brittany Plantation

DATE: April 6, 2023

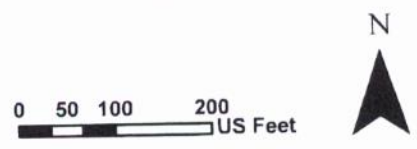
Mr. George McIntosh has submitted a request to the Lee County Planning, Zoning & Engineering Department to convert one lot of 3.26 acres from greenspace/common space to a buildable lot. The property described as Parcel 025 038 in Land Lot 90 of the Second Land District of Lee County, Georgia is currently reserved as greenspace/common space for Brittany Plantation Subdivision.

In exchange for this, Mr. McIntosh proposes to dedicate two (2) other non-buildable lots located in the same subdivision, and across the street from this lot, as greenspace/common space. These properties, Parcel Numbers 025 039 (2.5 acres) and 025 040 (2.52 acres), both lying in Land Lot 71 of the Second Land District of Lee County, Georgia would then be reserved as greenspace/common space.

This request was presented to County Attorney Jimmy Skipper who opined in part the following (paraphrased):
As to 140 Brittany Plantation, the way I read Sec. 58-124(q), if the proposed Lot 140 is already designated as greenspace, it cannot be developed without further approvals. As you know, that is the purpose of the greenspace designation. Under amendments to this code section adopted as of 3/10/2020, there can be no reduction in the approved greenspace, no relocation of the greenspace area, and there cannot be any construction on a property set aside as greenspace unless such reduction, moving and building on the greenspace unless approved by the County. Based upon the foregoing, it would be my suggestion that the applicants request that Lot 140 of Brittany Plantation be converted from greenspace to a buildable lot be referred to the planning commission for review and recommendation to the BOC, and that the BOC have the final decision regarding approval or disapproval of the applicants request.



Brittany Plantation Subdivision
 Owner: Brittany Land Company, LLC
 All Parcels Zoned R-1





Brittany Plantation Subdivision
 Owner: Brittany Land Company, LLC
 All Parcels Zoned R-1

