



## ***Lee County - Leesburg - Smithville Planning Commission***

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

### **MEETING MINUTES**

**March 7, 2024 at 6:00 P.M.**

**Opal Cannon Auditorium**

**T. Page Tharp Governmental Building**

**102 Starkville Avenue North**

**Leesburg, GA 31763**

- Members Present:** Chairman Jason Sheffield, Vice-Chairman Jim Quinn, Commissioners Johnny Golden, Kyle Luckie, Shirley Stiles, and Charlie Barner
- Members Absent:** Commissioner Mike McVey
- Staff Present:** Interim Director Joey Davenport, Assistant Director Amanda Nava, and Office Manager/ Planning Assistant Kara Hanson

#### **I. CALL TO ORDER**

Chairman Jason Sheffield called the meeting to order at 6:00 p.m.

Commissioner Charlie Barner arrived to the meeting at 6:02 p.m.

#### **II. ACKNOWLEDGEMENT OF GEORGIA LAW REGARDING CAMPAIGN CONTRIBUTIONS**

Vice-Chairman Jim Quinn read the Georgia Law regarding campaign contributions.

#### **III. NEW BUSINESS**

##### **(A) Welcoming of new staff member Kara Hanson**

Interim Director Joey Davenport introduced the new Planning staff member Kara Hanson to the board.

#### **IV. APPROVAL OF MINUTES**

##### **(A) Approval of the minutes from the February 1, 2024 Planning Commission meeting.**

Vice-Chairman Jim Quinn made the **MOTION** to **APPROVE** the minutes as presented, seconded by Commissioner Kyle Luckie. The **MOTION** was unanimous with remaining Commissioners voting yea.

#### **V. PUBLIC HEARINGS**

##### **Conditional Use Application**

**(A) Jeffry Peters (Z24-002)** has submitted an application to the Lee County Planning Commission requesting a Conditional Use to subdivide a three-acre portion from the minimum 25-acre parcel, in the AG-1 (Active Agriculture District). This property is in the Fourteenth Land District of Lee County. The total acreage of the lot is 25 acres. Mr. Peters intends to combine the subdivided 22 acres to his adjacent property at 305 New York Road, leaving the existing



dwelling on a three-acre parcel with a minimum of 225 feet of road frontage. This parcel is located in flood zone X. The parcel number is 045 035, at 252 Old Leslie Road, Leesburg, GA 31763.

### **Public Hearing Discussion**

#### **Staff Presentation**

Interim Planning Director Joey Davenport presented the staff report as follows, the parcel is located in the AG-1, Active Agriculture District. The Applicant desires to subdivide the existing 25-acre parcel into two parcels, resulting in one 3-acre parcel. Conditional use approval is required per Sec.70-313 of the Lee County Zoning Ordinance, which allows single-family dwellings or manufactured homes exceeding one per farm operation to be located on a legally subdivided lot on at least three acres with 225 feet of road frontage.

He explained that Martha Jan Phillips currently owns the 25-acre subject property in the AG-1 district. In the AG district, 25 acres is the minimum lot size requirement. There are a couple of provisions that would allow a subdivision of this property. The first being a by right use in which you can subdivide out 10 acres. The second being a conditional use where you can subdivide a minimum of three acres. Both of those provisions have a requirement that 25 acres must remain in the parent tract to meet the minimum AG-1 lot size. In normal circumstances, this request would not have met the standards of a conditional use because the subject property is already at the 25-acre minimum and the application would have been denied at the staff level.

However, the intention of this property owner and the adjacent property owner is to subdivide out three acres per those conditional use provisions under the AG-1 ordinance. The adjacent property owner Mr. Peters, who has approximately 350 acres, intends to recombine that 22 acres with the 350 acres, so there ultimately would not be a creation of a non-confirming lot.

Staff is presenting this to the Planning Commission with a recommendation for conditional approval with the strict requirement that the remaining 22-acres are mandated to be recombined with the adjacent 350-acre tract so as not to create an illegal non-confirming lot in the AG-1 district.

Public hearing was opened by Chairman Jason Sheffield at 6:05 P.M.

#### **Applicant Presentation**

Mr. Jeffry Peters was present. He immediately stated his intention to the Planning Commission his desire to withdraw this application. The current owner of the lot, Martha Jan Phillips, spoke with her accountant before the meeting and based on that conversation no longer desires to proceed with this application at this time.

#### **Public Opposition**

Mr. Sam Johnson questioned the planning commission on their authority to approve minor subdivisions of less than five-acres. Chair Jason Sheffield explained to him that they are a recommending body, and the Board of Commissioners are the ones who have the authority to amend or approve any changes. Mr. Sheffield also stated that the Planning Commissioners are issued a staff report for each case that is based off individual circumstances and the ordinances in the zoning district.

From there, they form their recommendations to the Board of Commissioners.



With no further comments or questions from the audience, the Public Hearing was closed at 6:19 p.m.

#### Commission Discussion

Chairman Jason Sheffield asked Interim Director Joey Davenport due to the withdrawal what the correct procedure would be. Mr. Davenport stated that in his opinion once the applicant expresses his or her wish to withdraw the application that should be the end of the discussion. Once withdrawn there should be nothing further to discuss however, it would be up to the Planning Commission on how they as a body choose to proceed, however, Mr. Davenport suggested that the Planning Commission should not issue a denial after the application has been withdrawn. Vice-Chairman Jim Quinn suggested that the case be tabled until next months meeting and asked that the applicant submit a formal letter withdrawing the request.

#### Recommendation

Vice-Chairman Jim Quinn made a **MOTION** to **TABLE** the conditional use application with the request for Mr. Jeffry Peters to provide a formal letter withdrawing the application, seconded by Commissioner Charlie Barner. The **MOTION** was unanimous with remaining Commissioners voting yea.

#### **VI. UNFINISHED BUSINESS**

None

#### **VII. ANNOUNCEMENTS**

None

#### **VIII. ADJOURNMENT**

Commissioner Kyle Luckie made a motion to **ADJOURN**, seconded by Commissioner Shirley Stiles. The **MOTION** was unanimous remaining Commissioners voting yea. The meeting adjourned at 6:21 p.m.

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.