



Lee County - Leesburg - Smithville Planning Commission

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

AGENDA

March 2, 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 members Johnny Golden and Kyle Luckie. | |
| (B) Selection of a Chairperson of the Planning Commission for 2023. | |
| (C) Selection of a Vice-Chairperson of the Planning Commission for 2023. | |
| IV. APPROVAL OF MINUTES | |
| (A) Approval of the minutes from the December 1, 2022 Planning Commission meeting. | 1 - 5 |
| V. PUBLIC HEARINGS | |
| <u>ZONING APPLICATION</u> | |
| (A) <u>Starksville, LLC. (Z22-005)</u> 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, <u>City of Leesburg</u> , Lee County, Georgia. | 6 - 18 |



CONDITIONAL USE APPLICATIONS

(B) Starkville, 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. 19 - 22

(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. 23 - 28

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. 29 - 30

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 Sharp Governmental Building, located at 102 Starkville Avenue North, Leesburg, Georgia.

VIII. ADJOURNMENT

Agenda subject to change without notice



Life works well here.

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

www.lee.ga.us

ZONING APPLICATION

Starkville, 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.

CONDITIONAL USE APPLICATIONS

Starkville, 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.

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.

Exact legal descriptions of the property are on file at the Lee County Planning, Zoning and Engineering Department, 102 Starkville Avenue North, Room 202, Leesburg, Georgia 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.

TEXT AMENDMENT

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.

The Lee County Planning Commission will conduct a public hearing on the zoning request, conditional use applications, and text amendment on **Thursday, March 2, 2023 at 6:00 p.m.** in the Opal Cannon Auditorium of the T. Page Tharp Governmental Building, located at 102 Starkville Avenue North, Leesburg, Georgia. The Planning Commission will forward its recommendations to the Leesburg City Council and the Lee County Board of Commissioners, respectively.

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 Starkville Avenue North, Leesburg, Georgia.

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Meetings of the Planning Commission, Leesburg City Council, and the Lee County Board of Commissioners are open to the public.

Georgia law requires that all parties who have made campaign contributions to any member of the Leesburg City Council or 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

CLAY GRIFFITH, VICE-CHAIRMAN
MIKE MCVEY, JIM QUINN, JASON SHEFFIELD, SHIRLEY STILES, RICKY WATERS

MEETING MINUTES
December 1, 2022 at 6:00 P.M.
Opal Cannon Auditorium
T. Page Tharp Governmental Building
102 Starksville Avenue North
Leesburg, GA 31763

Members Present: Clay Griffith, Jason Sheffield, Jim Quinn, Shirley Stiles, Ricky Waters

Members Absent: Mike McVey

Staff Present: Christi Dockery, Kaitlyn Good, Meagan Matechak

I. CALL TO ORDER

Vice-Chairman Clay Griffith called the meeting to order at 6:00 p.m.

II. ACKNOWLEDGEMENT OF GEORGIA LAW REGARDING CAMPAIGN CONTRIBUTIONS

Commissioner Jim Quinn read the Georgia Law regarding campaign contributions.

III. APPROVAL OF MINUTES

(A) Approval of the minutes from the July 7, 2022 Planning Commission meeting.

Commissioner Shirley Stiles made the **MOTION** to **APPROVE** the minutes as presented, seconded by Commissioner Jim Quinn. The **MOTION** was unanimous with Commissioners Griffith, Sheffield, and Waters voting yea.

IV. NEW BUSINESS

(A) Acknowledgement of the resignation of Chairman Chris Guarnieri.

Vice-Chairman Clay Griffith acknowledged the resignation of Chairman Chris Guarnieri due to his election to the Lee County Board of Commissioners, stating he served on the Planning Commission for many years, made many contributions, and will be missed.

(B) Approval of the proposed 2023 Planning Commission Meeting Calendar.

Commissioner Jason Sheffield made the **MOTION** to **APPROVE** the proposed 2023 Planning Commission Meeting Calendar, seconded by Commissioner Jim Quinn. The **MOTION** was unanimous with Commissioners Griffith, Stiles, and Waters voting yea.

V. PUBLIC HEARINGS

Vice-Chairman Clay Griffith opened the public hearing at 6:15 p.m., stating that both



applications would be included into one Public Hearing for simplicity of discussion, but would be followed by two distinct votes from the Commission. Vice-Chairman Griffith also stated that the Lee County Board of Commissioners will conduct a public hearing on Tuesday, December 13, 2022 at 6:00 p.m. and a final vote on Tuesday, January 10, 2023 at 6:00 p.m.

Commissioner Jim Quinn read the applications into the record.

(A) CONDITIONAL USE:

SR DeSoto 2, LLC (Z22-004): Connor Echols has submitted an application to the Lee County Planning Commission requesting a Conditional Use for a large scale (1,566 total acres) ground mounted solar energy system as a principal use in the AG-1 (Active Agriculture District). Project is known as SR DeSoto 2, LLC. Of the 1,566 total acres, a total of 944 acres is fenced/ developed area. There are multiple property owners, as follows: Silicon Ranch Corporation, Wherrell 41, LLC., Roger Howell, and John & Eddie Berryhill, collectively, (“Landowners”) of land being part of Land Lots 188, 189, 195, 196, 197, 221, 222, 227, and 228 of the Fourteenth Land District, of Lee County, Georgia. The property involved is presently zoned AG-1.

The Lee County Board of Commissioners will conduct a public hearing on the conditional use request on **Tuesday, December 13, 2022 at 6:00 p.m.** and a final vote on **Tuesday, January 10, 2023 at 6:00 p.m.** in the T. Page Tharp Governmental Building, Opal Cannon Auditorium, 102 Starksville Avenue North, Leesburg, GA.

(B) CONDITIONAL USE:

SR DeSoto 3, LLC (Z22-004): Connor Echols has submitted an application to the Lee County Planning Commission requesting a Conditional Use for a large scale (1,566 total acres) ground mounted solar energy system as a principal use in the AG-1 (Active Agriculture District). Project is known as SR DeSoto 3, LLC. Of the 1,566 total acres, a total of 944 acres is fenced/ developed area. There are multiple property owners, as follows: Silicon Ranch Corporation, Wherrell 41, LLC., Roger Howell, and John & Eddie Berryhill, collectively, (“Landowners”) of land being part of Land Lots 188, 189, 195, 196, 197, 221, 222, 227, and 228 of the Fourteenth Land District, of Lee County, Georgia. The property involved is presently zoned AG-1.

The Lee County Board of Commissioners will conduct a public hearing on the conditional use request on **Tuesday, December 13, 2022 at 6:00 p.m.** and a final vote on **Tuesday, January 10, 2023 at 6:00 p.m.** in the T. Page Tharp Governmental Building, Opal Cannon Auditorium, 102 Starksville Avenue North, Leesburg, GA.

Public Hearing Discussion

Staff Presentation

Meagan Matechak, Planner with WSP and consultant to Lee County, presented the staff analysis report and summarized the presented Conditional Use Applications. Ms. Matechak stated that there is no extreme vegetation disturbance or negative impact on forest land, however some land clearing is still needed. There would be minor effects to animal habitats. Ms. Matechak stated that



grass cover would be utilized for erosion control and sheep grazing would provide a natural fertilizer.

Should the present requests be approved, staff recommends the following **conditions** to be fulfilled at the owner/developer's expense.

1. Design and construction of structures shall meet or exceed the standards indicated on the concept plan, narrative, and other documents submitted with the conditional use application and attached hereto. This condition shall not construe approval of any standard that is not in conformity with the Lee County Code of Ordinances.
2. Design and engineering for land development should ensure that storm water management requirements are met to minimize stormwater runoff and ensure the quality of water exiting the site.
3. The applicant should ensure that low impact construction techniques are utilized to avoid soil compaction during and after construction.

Applicant Presentation

Applicants Tom Harrold, Attorney, Connor Echols, Director of Project Development at Silicon Ranch, and Michael Baute, Silicon Ranch spoke on the project, summarizing the plans and expectations for the expansions in each Phase.

Opposition

Chad Gunter: Spoke on flooding concerns

Jenny Crisp: Spoke on concerns of flooding and wildlife populations/displacement

Don Odom: Spoke on flooding concerns, wildlife populations, traffic and reckless driving

Felix Marbury: Spoke on the bad appearance of the property currently and

Support

Dennis Roland: Spoke on giving the company a chance to finish what they started

The applicants responded to the concerns voiced by the public.

With no further comments or questions from the Commission or audience, Vice-Chairman Clay Griffith closed the Public Hearing at 7:24pm.

Recommendation

Commissioner Shirley Stiles made the **MOTION** to **TABLE** the Conditional Use application for a large scale (1,566 total acres) ground mounted solar energy system as a principal use in the AG-1 (Active Agriculture District) known as SR DeSoto 2, LLC., seconded by Commissioner Jim Quinn. The **MOTION** died with a 2 – 3 vote, with Commissioners Griffith, Sheffield, and Waters voting nay.

Commissioner Ricky Waters made the **MOTION** to **APPROVE** the Conditional Use application for a large scale (1,566 total acres) ground mounted solar energy system as a principal use in the AG-1 (Active Agriculture District) known as SR DeSoto 2, LLC., **with the following conditions** to be fulfilled at the owner/developer's expense: (1) The applicant shall ensure that design and construction of structures shall meet or exceed the standards



indicated on the concept plan, narrative, and other documents submitted with the conditional use application and attached hereto. This condition shall not construe approval of any standard that is not in conformity with the Lee County Code of Ordinances; (2) The applicant shall ensure that design and engineering for land development meets storm water management requirements to minimize stormwater runoff and ensure the quality of water exiting the site; (3) The applicant shall ensure that low impact construction techniques are utilized to avoid soil compaction during and after construction; (4) The applicant shall ensure that monthly water quality testing is conducted per GA EPD standards and send the monthly reports to the County. Any sampling and reporting conducted by GA EPD should also be shared with the County; (5) The applicant should ensure that a wildlife management assessment is conducted to provide a recommendation on mitigation and share all updates on wildlife management with the County on a monthly basis; and (6) The applicant shall complete the abovementioned and have the Phase I project approved per the existing Memorandum of Understanding before Phase II commences. The **MOTION** was seconded by Commissioner Jim Quinn. The **MOTION carried** with a 3 – 2 vote, with Commissioners Griffith voting yea and Commissioners Sheffield and Stiles voting nay.

Commissioner Ricky Waters made the **MOTION** to **APPROVE** the Conditional Use application for a large scale (1,566 total acres) ground mounted solar energy system as a principal use in the AG-1 (Active Agriculture District) known as SR DeSoto 3, LLC., **with the following conditions** to be fulfilled at the owner/developer's expense: (1) The applicant shall ensure that design and construction of structures shall meet or exceed the standards indicated on the concept plan, narrative, and other documents submitted with the conditional use application and attached hereto. This condition shall not construe approval of any standard that is not in conformity with the Lee County Code of Ordinances; (2) The applicant shall ensure that design and engineering for land development meets storm water management requirements to minimize stormwater runoff and ensure the quality of water exiting the site; (3) The applicant shall ensure that low impact construction techniques are utilized to avoid soil compaction during and after construction; (4) The applicant shall ensure that monthly water quality testing is conducted per GA EPD standards and send the monthly reports to the County. Any sampling and reporting conducted by GA EPD should also be shared with the County; (5) The applicant should ensure that a wildlife management assessment is conducted to provide a recommendation on mitigation and share all updates on wildlife management with the County on a monthly basis; and (6) The applicant shall complete the abovementioned and have the Phase II project approved per the existing Memorandum of Understanding before Phase III commences. The **MOTION** was seconded by Commissioner Jim Quinn. The **MOTION carried** with a 3 – 2 vote, with Commissioners Griffith voting yea and Commissioners Sheffield and Stiles voting nay.

VI. UNFINISHED BUSINESS
NONE

VII. ANNOUNCEMENTS
NONE



VIII. ADJOURNMENT

Commissioner Jason Sheffield made a motion to **ADJOURN**, seconded by Commissioner Shirley Stiles. The **MOTION** was unanimous with Commissioners Clay Griffith, Mike McVey, Jim Quinn and Shirley Stiles voting yea. The meeting adjourned at 7:35 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.

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Chairman Date

Kaitlyn Good, County Clerk Date



LEE COUNTY
CITY OF LEESBURG
CITY OF SMITHVILLE

ZONING APPLICATION

Owner: MOSSY DELL, INC.

Address: 697 STATE HIGHWAY 32 WEST

Daytime Phone #: _____ Email: _____

Address or location of the property: STARKSVILLE ST/ROBERT B. LEE DR/PEACH AVE.

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 AG Present Use of Property: VACANT, WOODED
Proposed Zoning: R-1, R-2, C-2 Proposed Use of Property: PARCEL 1 & 3 - COMMERCIAL DEV.
PARCEL 2 - DUPLEX
PARCEL 4 - SINGLE FAMILY

83 Land Lot Number 2ND Land District 36.78 # of Acres

The subject property is described as follows:
PROPERTY OF MOSSY DELL, INC WEST OF NORFOLK SOUTHERN RR TO
PEACH AVENUE

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 _____ OWNER _____

DATE _____ DATE _____

Application Fee: \$3,750.00 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: STARKSVILLE, LLC

Address: P.O. BOX 45, LEESBURG, GA 31763

Phone #: 229-344-4656 Email: JKIRKSEY@WJKIRKSEY.COM

**Legal Description
Rezoning Parcel 1**

All that certain tract or parcel of land situate lying and being part of Land Lot 83 of the Second Land District, City of Leesburg, Lee County, Georgia and being more particularly described as follows:

Begin at the intersection of the north right-of-way of Robert B. Lee Drive (100' r/w) and the east right-of-way of Norfolk Southern Railroad (150' r/w) and go North 21 degrees 58 minutes 48 seconds West along the east right-of-way of Norfolk Southern Railroad a distance of 572.20 feet; go thence South 89 degrees 27 minutes 50 seconds East a distance of 226.68 feet to the west right-of-way of Starksville Street (80' r/w); go thence southeasterly along the west right-of-way of Starksville Street 386.50 feet along the arc of a curve concave to the northeast, having a radius of 4920.00 feet, a chord bearing of South 27 degrees 19 minutes 16 seconds East and a chord distance of 386.40 feet; go thence South 29 degrees 34 minutes 17 seconds East along the west right-of-way of Starksville Street a distance of 216.11 feet to the north right-of-way of Robert B. Lee Drive; go thence North 89 degrees 27 minutes 50 seconds West along the north right-of-way of Robert B. Lee Drive a distance of 204.27 feet; go thence North 22 degrees 05 minutes 27 seconds West a distance of 43.34 feet; go thence North 89 degrees 27 minutes 50 seconds West a distance of 43.34 feet; go thence South 22 degrees 05 minutes 27 seconds East a distance of 43.34 feet to the north right-of-way of Robert B. Lee Drive; go thence North 89 degrees 27 minutes 50 seconds West along the north right-of-way of Robert B. Lee Drive a distance of 48.96 feet to the Point of Beginning.

Said tract or parcel contains 3.07 acres.

**Legal Description
Rezoning Parcel 2**

All that certain tract or parcel of land situate lying and being part of Land Lot 83 of the Second Land District, City of Leesburg, Lee County, Georgia and being more particularly described as follows:

Commence at the intersection of the north right-of-way of Robert B. Lee Drive (100' r/w) and the east right-of-way of Norfolk Southern Railroad (150' r/w) and go North 21 degrees 58 minutes 48 seconds West along the east right-of-way of Norfolk Southern Railroad a distance of 572.20 feet to the Point of Beginning. From this point go North 21 degrees 58 minutes 48 seconds West along the east right-of-way of Norfolk Southern Railroad a distance of 1051.48 feet; go thence North 89 degrees 09 minutes 47 seconds East a distance of 216.19 feet to the west right-of-way of Starksville Street (80' r/w); go thence South 22 degrees 01 minute 25 seconds East along the west right-of-way of Starksville Street a distance of 798.81 feet; go thence southeasterly along the west right-of-way of Starksville Street 261.63 feet along the arc of a curve concave to the northeast, having a radius of 4920.00 feet, a chord bearing of South 23 degrees 32 minutes 49 seconds East and a chord distance of 261.60 feet; go thence North 89 degrees 27 minutes 50 seconds West a distance of 226.68 feet to the Point of Beginning.

Said tract or parcel contains 4.90 acres.

**Legal Description
Rezoning Parcel 3**

All that certain tract or parcel of land situate lying and being part of Land Lot 83 of the Second Land District, City of Leesburg, Lee County, Georgia and being more particularly described as follows:

Begin at the intersection of the north right-of-way of Robert B. Lee Drive (100' r/w) and the west right-of-way of Peach Avenue (80' r/w) and go North 89 degrees 27 minutes 50 seconds West along the north right-of-way of Robert B. Lee Drive a distance of 449.44 feet to the east right-of-way of Starksville Street (80' r/w); go thence North 29 degrees 34 minutes 17 seconds West along the east right-of-way of Starksville Street a distance of 262.50 feet; go thence northwesterly along the east right-of-way of Starksville Street 309.94 feet along the arc of a curve concave to the northeast, having a radius of 4840.00 feet, a chord bearing of North 27 degrees 44 minutes 13 seconds West and a chord distance of 309.89 feet; go thence South 89 degrees 27 minutes 50 seconds East a distance of 726.44 feet to the west right-of-way of Peach Avenue; go thence South 00 degrees 22 minutes 08 seconds West a distance of 500.00 feet to the Point of Beginning.

Said tract or parcel contains 6.79 acres.

**Legal Description
Rezoning Parcel 4**

All that certain tract or parcel of land situate lying and being part of Land Lot 83 of the Second Land District, City of Lessburg, Lee County, Georgia and being more particularly described as follows:

Commence at the intersection of the north right-of-way of Robert B. Lee Drive (100' r/w) and the west right-of-way of Peach Avenue (80' r/w) and go North 00 degrees 22 minutes 08 seconds East along the west right-of-way of Peach Avenue a distance of 500.00 feet to the Point of Beginning. From this point go North 89 degrees 27 minutes 50 seconds West a distance of 726.44 feet to the east right-of-way of Starksville Street (80' r/w); go thence northwesterly along the east right-of-way of Starksville Street 327.66 feet along the arc of a curve concave to the northeast, having a radius of 4840.00 feet, a chord bearing of North 23 degrees 57 minutes 47 seconds West and a chord distance of 327.59 feet; go thence North 22 degrees 01 minute 25 seconds West along the east right-of-way of Starksville Street a distance of 766.76 feet; go thence North 89 degrees 48 minutes 23 seconds East a distance of 1153.57 feet to the west right-of-way of Peach Avenue; go thence South 00 degrees 22 minutes 08 seconds West along the west right-of-way of Peach Avenue a distance of 1020.89 feet to the Point of Beginning.

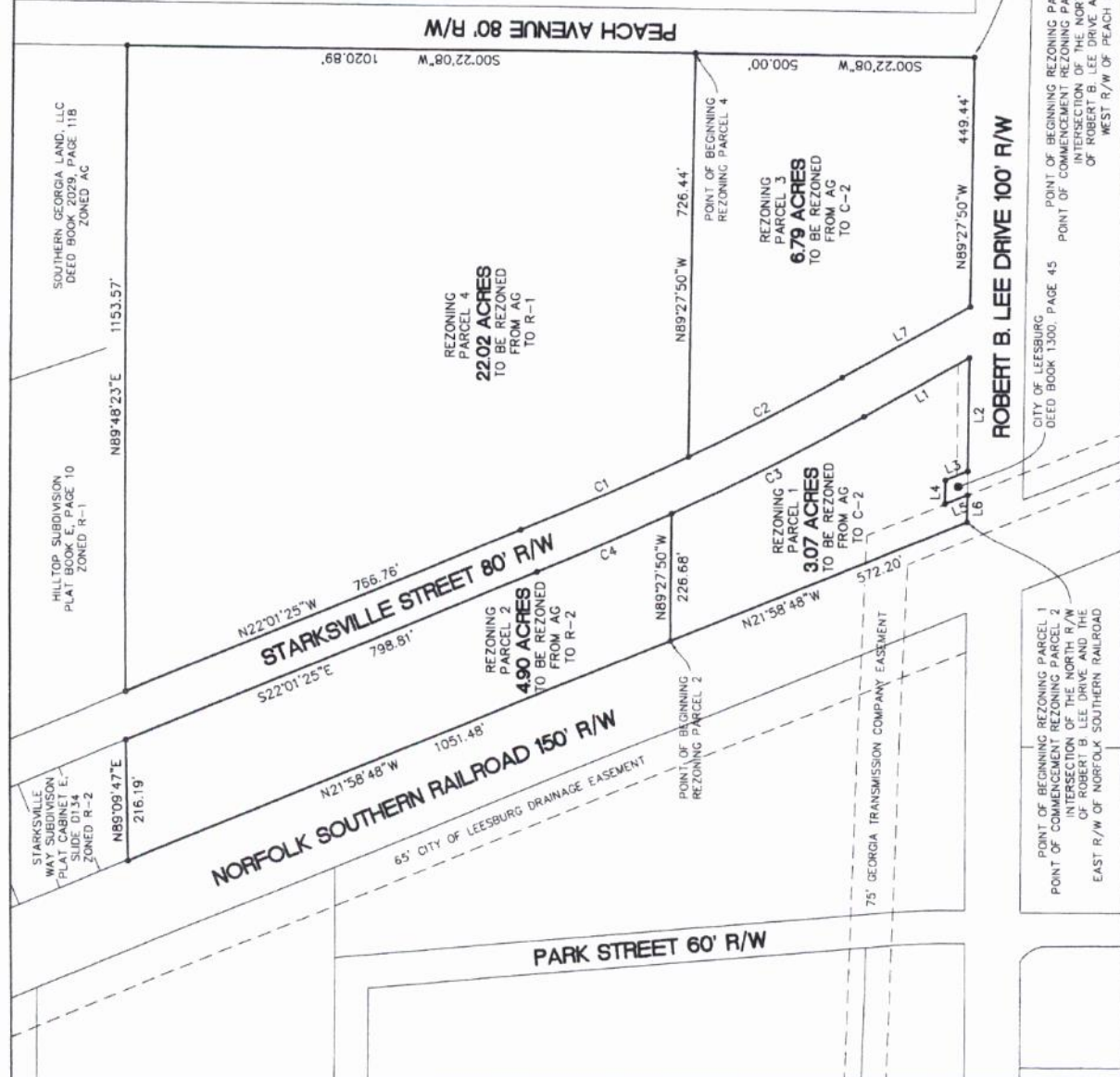
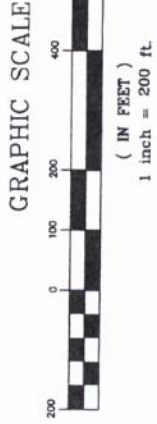
Said tract or parcel contains 22.02 acres.



LINE	DIRECTION	LENGTH
L1	S29°34'17"E	216.11'
L2	N89°27'50"W	204.27'
L3	N22°05'27"W	43.34'
L4	N89°27'50"W	43.34'
L5	S22°05'27"E	43.34'
L6	N89°27'50"W	48.96'
L7	N29°34'17"W	262.50'

CURVE	LENGTH	RADIUS	CHORD BEARING	CHORD DIST.
C1	327.66'	4840.00'	N23°57'47"W	327.59'
C2	309.94'	4840.00'	N27°44'13"W	309.89'
C3	386.50'	4920.00'	S27°19'16"E	386.40'
C4	261.63'	4920.00'	S23°32'49"E	261.60'

- NOTES:
1. PROPERTY OWNER: MOSSY DELL, INC. 687 STATE HIGHWAY 32 WEST LEESBURG, GA 31763
 2. TOTAL PROPERTY ACREAGE = 36.78 ACRES
 3. CURRENT ZONING = AG
 4. PROPOSED ZONING = C-2, R-1, AND R-2
- THE PURPOSE OF THIS DRAWING IS FOR RE-ZONING ONLY



REZONING MAP
PROPERTY OF MOSSY DELL, INC.
 PART OF LAND LOT 83, SECOND LAND DISTRICT
 CITY OF LEESBURG, LEE COUNTY, GEORGIA



LANIER ENGINEERING INC.
 1504 W. THIRD AVENUE ALBANY, GEORGIA
 31707 (229) 438-0522 FAX (229) 438-0921
 EMAIL: GWEEB@LANIER-ENGINEERING.COM

SURVEYED	N/A	SCALE	1" = 200'	PROJ. NO.	21239	DATE	12/09/22	SHEET NUMBER	1 OF 1
DRAWN	DCC	CHECKED	DWG	21239 RZ	SUR DATE	N/A			



LEE COUNTY
Planning Department
Lee County, Georgia
Zoning Staff Report

DATE: 2/2/2023

APPLICATION TYPE: Zoning Application

APPLICANT: Mossy Dell, Inc.

REQUESTED ACTION: Rezoning from AG to R-1, R-2, and C-2 (multiple parcels).

PURPOSE: Develop single-family housing, duplexes, and commercial development on the existing vacant land in respective parcels.

LOCATION OF PROPERTY: Land Lot 78, 2nd District, Starksville St, Robert B. Lee Dr, Peach Ave. (see attached Boundary Survey)

PARCEL SIZE: 36.78 AC total (multiple parcels)

EXISTING CONDITIONS:

Present Zoning and Use of Property: AG - Present use is vacant land.

Adjacent Zoning/Use:

North— R-1, R-2, AG

South— C-2

East— AG

West— C-2

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

MEETING INFORMATION: All meetings are held in the assembly room in the Lee County Administration Building unless otherwise advertised.

Planning Commission (public hearing): /02; 7:00pm
County Commission (public hearing): /02; 6:00pm
County Commission (voting session): /02; 6:00pm

STAFF RECOMMENDATION:

Staff recommends **denial** of the zoning application to change the zoning of the subject property parcels from AG to C-2, R-1, and R-2 based on the following factors. Per the Lee County Comprehensive Plan, the subject parcels are designated as Parks / Recreation / Conservation area in the Comprehensive Plan's future land use map. The conservation area designation includes the parcels north of Robert B. Lee Drive between Park Street West and Lovers Lane Road. This future land use category is defined as areas prone to flooding or that lie in the 100-year floodplain, where development is generally discouraged due to the area's environmental characteristics. The proposed zoning does not conform with the policy and intent of the Comprehensive Plan future land use plan as the plan intends to discourage development, even when development pressure is high, due to the environmental characteristics of the property in this future land use category. While floodplains are not located on the subject property, wetlands are located centrally on all of the subject parcels. The preservation of the wetlands aligns with the intent of the Parks/Recreation/Conservation future land use category. The Comprehensive Plan does not detail compatible zoning districts within this land use area due to the nature of Leesburg's Parks / Recreation / Conservation area. The applicant's proposed plan meets most R-1, R-2, and C-2 zoning requirements. However, the overarching misalignment with the Comprehensive Plan future land use map in this location creates an issue of nonconformity to an extent that warrants the denial of this zoning application. Additionally, the Comprehensive Plan notes that while development is discouraged, that land in the Parks/Recreation/Conservation future land use category can "be utilized for a variety of purposes despite not being able to be fully developed."

For the proposed R-1 and R-2 parcels, confirmation of water and sewer access would be required in order to ensure concept plan compliance with Sections 70-164 and 70-199. The proposed R-2 parcel does not meet the minimum development size of 5.0 acres as stated in Sec. 70-199, so a revision to this parcel size would be required to meet the zoning requirements. Based on these issues with Zoning Code and Comprehensive Plan compliance, staff recommends denial of this zoning application.

If the application is approved, then planning staff recommends the following conditions. First, the proposed R-2 parcel must be revised to meet the minimum parcel size of 5.0 acres. Next, the proposed development for all four of the proposed parcels must reduce impacts on the existing wetlands to the extent possible. Sec. 34-281 notes that streams and wetlands "not only serve natural systems, but directly affect the quality of life of the human environment by providing clean water, a critical element of human health, economy, and general well-being." The Comprehensive Plan supports the conservation of property located in the Parks/Recreation/Conservation future land use area.

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

Current Zoning: AG

Proposed Zoning: R-1, R-2, C-2

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

1. Single-family detached dwellings, except manufactured or mobile homes.
2. Zero lot-line housing if shown on an approved subdivision plat.
3. Accessory buildings or uses customarily incidental to any of the permitted uses, when located on the same lot as the primary dwelling and not involving any business, profession, trade or occupation, provided that all accessory buildings shall conform and be located as required.
4. Churches, provided that the proposed site for a church is not less than three acres, and a complete site development plan is submitted with the application for a building permit.
5. Home occupations.
6. Gardens.
7. Family personal care home (two to four residents).
8. Duplexes.
9. Apartments (multi-family dwellings).
10. Townhouses.
11. Condominiums.
12. Patio houses.
13. Other high-density residential developments.
14. Residential planned unit development.
15. Temporary emergency construction and repair residences.
16. Family personal care home (two to four residents).
17. Any retail or service establishment.
18. Wholesale stores, storage buildings, warehouses, distributing plants, freezers and lockers.
19. Commercial greenhouses and nurseries.
20. Adult entertainment establishments provided all requirements of the county adult entertainment ordinance are met.
21. Indoor shooting ranges provided all applicable federal, state and local government requirements are met.
22. Clubs and fraternal organizations operating not for profit.
23. Hospitals, clinics, sanitariums, nursing homes.
24. Nursery schools, kindergartens or day care facilities provided all state licensing requirements are met.
25. Mortuaries.
26. Family personal care homes (two to six residents); group personal care homes (seven to 15 residents); and congregate personal care homes (16+ residents).
27. Child-welfare facility (16+ residents).

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 R-1, R-2, and C-2 zoning can be suitable with respect to the use, development, and zoning of the adjacent property as the proposed R-1 and R-2 parcels are located adjacent to the R-1, R-2, and AG parcels to the north. The proposed C-2 parcels are adjacent to existing C-2 parcels to the south and west with a buffer due to wetlands between the proposed C-2 and R-1 and R-2 properties. The proposed density increases and changes in use are suitable for the use, development, and zoning of adjacent and nearby properties.

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 residential and commercial zoning would be a likely increase to the property value.

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?

Denial of the rezoning request and preserving the existing AG zoning will result in gains to public health, safety, and general welfare as a result of limiting the potential to develop inhabited structures within the identified wetland area.

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. Land in the vicinity of the property has experienced development, and there is significant infrastructure in the vicinity including roads and a railroad. The subject property has been undeveloped for a long time as currently zoned, however the environmental conditions, including wetlands, are important contributing factors.

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 Starksville Street, Robert B. Lee Drive, and Peach Avenue are expected to be able to accommodate increased traffic volumes. The proposed zoning may 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 parcels are designated in the Parks/Recreation/Conservation area on the Leesburg future land use map. This future land use area is defined as areas that are prone to flooding or that lie in the 100-year floodplain, where development is generally discouraged due to the environmental characteristics of the area. The proposed zoning is not in conformity with the policy and intent of the future land use plan, as the plan intends to conserve the land in this area due to wetlands on the site and nearby floodplains. There are wetlands on the subject site located centrally on all of the subject parcels. The comprehensive plan does not identify R-1, R-2 or C-2 as compatible zoning districts within the parks/ recreation/ conservation area in Leesburg.

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

The subject property is not well suited for the type of development associated with proposed R-1, R-2 and C-2 zoning from an environmental standpoint with respect to the wetlands on the site and nearby floodplains. The subject property is generally suitable for the proposed R-1, R-2, and C-2 zoning per Sections 70-162, 70-197, and 70-382. For the proposed R-1 and R-2 parcels, confirmation of water and sewer access would be required in order to ensure that the concept plan meets Sections 70-164 and 70-199. The proposed R-2 parcel does not meet the minimum development size of 5.0 acres as stated in Sec. 70-199, so a revision to this parcel size would be needed to meet the zoning requirements.

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

The proposed R-1, R-2, and C-2 zoning would not be expected to adversely affect the existing use of adjacent or nearby property due to consideration for adjacent residential and commercial development. The concept plan also shows buffering between proposed R-1 / R-2 and C-2 districts due to wetland areas.

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

As currently zoned AG, there are a number of potential uses for the subject property that would provide some economic value to the property owner. Allowable AG uses that are permitted for this property include grazing, livestock raising, plant nurseries and orchards, sod farming, forest management, raising of crops, small scale solar energy systems, and agricultural products (Sec. 70-312). These uses align with the AG zoning and conditions of the property, including the floodplain area. Additionally, a roadside farm stand of no more than 250 square feet would be allowable along Robert Lee Drive.

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?

The wetland area is an existing condition that is not compatible with proposed zoning and residential and commercial development. There are no known 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 R-2 parcel adjacent to an existing R-2 parcel, and a R-1 parcel adjacent to existing R-1 and AG parcels. The proposed C-2 parcels would be located across Robert B. Lee Dr from existing C-2 parcels. One of the proposed C-2 parcels would be located across Peach Street from an existing AG parcel. Overall, the proposed zoning would not create a spot zoning case, and the proposed zoning generally aligns with the development trend of the adjacent area as a whole.

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 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 R-1, R-2, and C-2 zoning in general. The proposed development plan included with the zoning application places the proposed residential and commercial parcels generally in alignment with adjacent properties and their respective uses.

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 add additional building density to the subject property for the residential parcels and to add commercial uses. However, it is not impossible to find sites of similar size in districts already zoned to permit the proposed uses.

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

There could be an ecological or pollution impact resulting from developing the existing vacant property into single-family housing, duplex housing, and commercial uses in direct proximity to wetlands and near the floodplain to the west of the subject parcels. Should the zoning proposal be approved, all

development guidelines would need to be carefully followed during the development process to ensure no ecological or pollution impacts occur. As the Lee County code notes, it is critical to protect wetlands and streams in order to protect environmental resources which in turn impact the quality of life and health of the community.



LEE COUNTY
CITY OF LEESBURG
CITY OF SMITHVILLE

CONDITIONAL USE APPLICATION

OWNER: MOSSY DELL, INC. (APPLICANT: STARKSVILLE, LLC)

ADDRESS: P.O. BOX 45, LEESBURG, GA 31763

DAYTIME PHONE #: 229-344-4656 EMAIL: JKIRKSEY@WJKIRKSEY.COM

ADDRESS OR LOCATION OF PROPERTY: STARKSVILLE ST/ROBERT B. LEE DR/PEACH AVE.

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 AG Present Use of Property: VACANT
(PROPOSED C-2)

83 Land Lot Number 2ND Land District 6.29 # of Acres

The subject property is described as follows:

PROPERTY OF MOSSY DELL, INC WEST OF NORFOLK SOUTHERN RR TO
PEACH AVENUE

Why are you requesting a conditional use?
TO ALLOW FOR CONSTRUCTION OF SELF STORAGE UNITS

ALSO ATTACH: (1 copy of each) Plat of property, including vicinity map (both plat sizes: 8 1/2 x 11 and 11 x 17)
 Legal description Containing Metes and Bounds

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

WITNESS _____ OWNER _____

DATE _____ DATE _____

Application Fee: 375.00 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: STARKSVILLE, LLC

Address: P.O. BOX 45, LEESBURG, GA 31763

Phone #: 229-344-4656 Email: JKIRKSEY@WJKIRKSEY.COM

**Legal Description
Portion of Rezoning Parcel 1
for which Mini-warehouse Conditional Use is Requested**

All that certain tract or parcel of land situate lying and being part of Land Lot 83 of the Second Land District, City of Leesburg, Lee County, Georgia and being more particularly described as follows:

Commence at the intersection of the north right-of-way line of Robert B. Lee Drive (100' r/w) and the east right-of-way line of Norfolk Southern Railroad (150' r/w) and go North 21 degrees 58 minutes 48 seconds West along the east right-of-way of Norfolk Southern Railroad a distance of 216.50 feet to the Point of Beginning.

From this Point of Beginning, go North 21 degrees 58 minutes 48 seconds West along the east right-of-way of Norfolk Southern Railroad a distance of 355.07 feet; thence leaving said right-of-way line, go South 89 degrees 36 minutes 38 seconds East a distance of 226.44 feet to the west right-of-way line of Starksville Street (80' r/w); go thence southeasterly along the west right-of-way of Starksville Street 371.44 feet along the arc of a curve concave to the northeast, having a radius of 4920.00 feet, a chord bearing of South 27 degrees 14 minutes 00 seconds East and a chord distance of 371.35 feet; thence leaving said right-of-way line, go North 89 degrees 27 minutes 50 seconds West a distance of 263.48 feet to the Point of Beginning.

Said tract or parcel contains 1.83 acres.

**Legal Description
Portion of Rezoning Parcel 3
for which Mini-warehouse Conditional Use is Requested**

All that certain tract or parcel of land situate lying and being part of Land Lot 83 of the Second Land District, City of Leesburg, Lee County, Georgia and being more particularly described as follows:

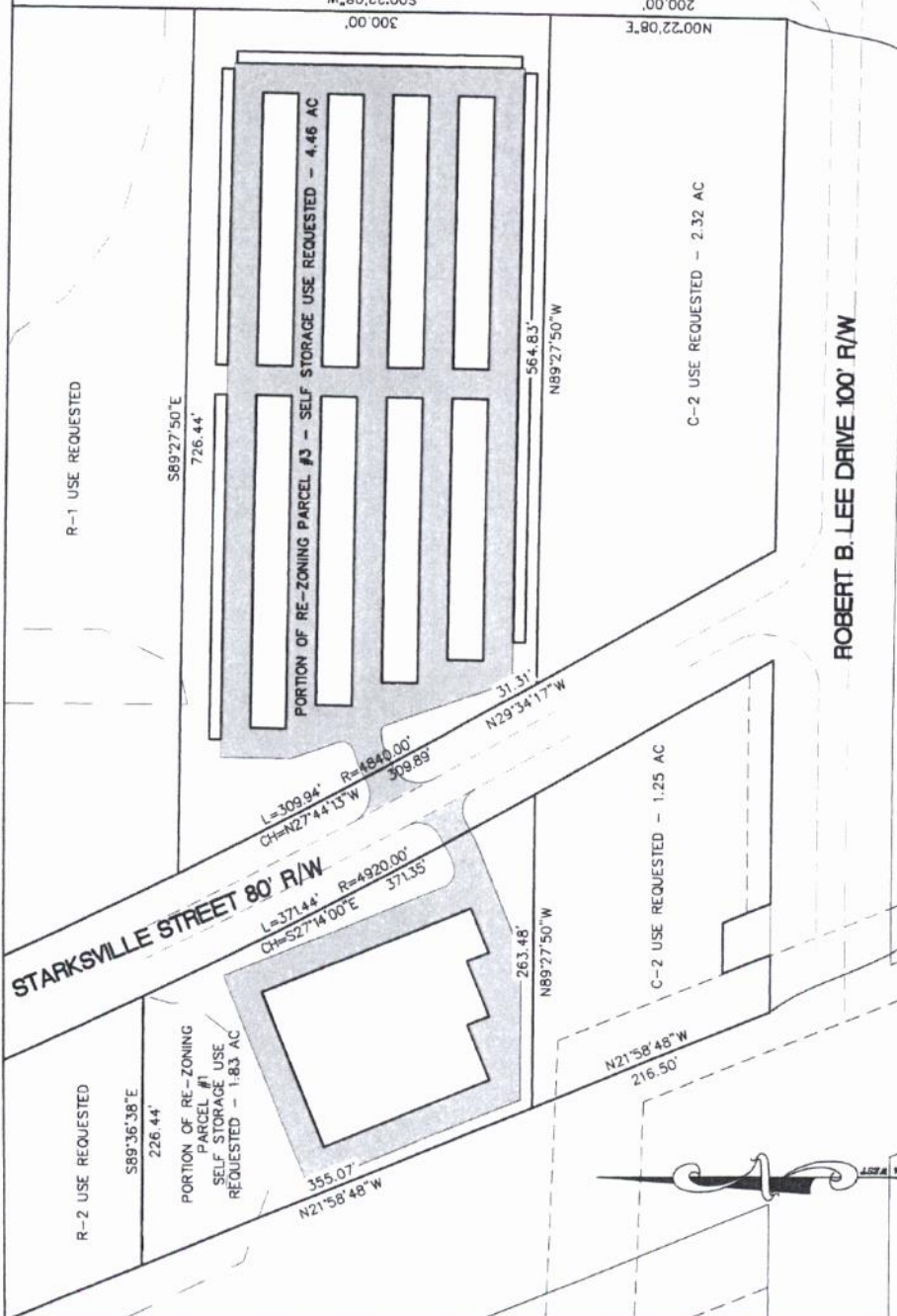
Commence at the intersection of the north right-of-way line of Robert B. Lee Drive (100' r/w) and the west right-of-way line of Peach Avenue (80' r/w) and go North 00 degrees 22 minutes 08 seconds East along the west right-of-way of Peach Avenue a distance of 200.00 feet to the Point of Beginning.

From this Point of Beginning, leaving said right-of-way line, go North 89 degrees 27 minutes 50 seconds West along the north right-of-way of Robert B. Lee Drive a distance of 564.83 feet to the east right-of-way line of Starksville Street (80' r/w); Thence follow said right-of-way line North 27 degrees 34 minutes 17 seconds West a distance of 31.31 feet; thence continue northwesterly along the east right-of-way line of Starksville Street 309.94 feet along the arc of a curve concave to the northeast, having a radius of 4840.00 feet, a chord bearing of North 27 degrees 44 minutes 13 seconds West and a chord distance of 309.89 feet; thence leaving said right-of-way line, go thence South 89 degrees 27 minutes 50 seconds East a distance of 726.44 feet to the west right-of-way line of Peach Avenue; go thence South 00 degrees 22 minutes 08 seconds West along said right-of-way line a distance of 300.00 feet to the Point of Beginning.

Said tract or parcel contains 4.46 acres.



PEACH AVENUE 80' R/W



NOTES:

1. PROPERTY OWNER: MOSSY DELL, INC. 697 STATE HIGHWAY 32 WEST LEESBURG, GA 31763
2. TOTAL PROPERTY ACREAGE (FOR MINI-STORAGE) = 6.29 ACRES
3. CURRENT ZONING = AC
PROPOSED ZONING = C-2 9.86 AC, (INCL. 6.29 AC SELF STORAGE)
R-1 22.02 AC
R-2 4.80 AC

POINT OF COMMENCEMENT CONDITIONAL USE PARCEL INTERSECTION OF THE NORTH R/W OF ROBERT B. LEE DRIVE AND THE WEST R/W OF PEACH AVENUE

POINT OF COMMENCEMENT CONDITIONAL USE PARCEL INTERSECTION OF THE NORTH R/W OF ROBERT B. LEE DRIVE AND THE EAST R/W OF NORFOLK SOUTHERN RAILROAD

GRAPHIC SCALE



MIN-STORAGE CONCEPTUAL DEVELOPMENT PLAN
PROPERTY OF MOSSY DELL, INC.
 PART OF LAND LOT 83, SECOND LAND DISTRICT
 CITY OF LEESBURG, LEE COUNTY, GEORGIA



LANIER ENGINEERING INC.
 1504 W. THIRD AVENUE ALBANY, GEORGIA
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 EMAIL GWEB@LANIER-ENGINEERING.COM

DRAWN	N/A	CHECKED	1" = 200'	PROJ. NO.	21239	DATE	01/06/23	SUR. DATE	N/A	SHEET NUMBER	1 OF 1
DWG	DCC										



LEE COUNTY
CITY OF LEESBURG
CITY OF SMITHVILLE

CONDITIONAL USE APPLICATION

OWNER: Stuart Franklin

ADDRESS: 2201 Hawace Rd Albany GA

DAYTIME PHONE #: _____ EMAIL: _____

ADDRESS OR LOCATION OF PROPERTY: USEY RD Parcel 042 004

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 AG-1 Present Use of Property: _____

3 Land Lot Number 14 Land District 6.201 # of Acres

The subject property is described as follows:

6.201 Acres located in Land Lot 3, 14th Land District, Lee County GA.

Why are you requesting a conditional use? To Construct residential dwelling.

ALSO ATTACH: (1 copy of each) Plat of property, including vicinity map (both plat sizes: 8 1/2 x 11 and 11 x 17)
 Legal description Containing Metes and Bounds

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

WITNESS [Signature]

OWNER [Signature]

DATE 2-2-23

AGENT DATE 2-2-23

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: [Signature]

Address: PO Box 240 Shellman GA 39886

Phone #: 229-310-0421 Email: BILLINGFORD@yahoo.com

**Lee County Planning & Engineering Department
Permit Fee Schedule
Effective March 1, 2022**

SUBDIVISION

GENERAL DEVELOPMENT PLANNo Fee

RESIDENTIAL Zoning District Subdivision fee per subdivided lot

Minor (1 – 3 lots):

Zoning District: R-1, R-1L..... \$127.50

Zoning District: R-2, R-3, R-3L..... \$150.00

Preliminary/Major/Final (4 or more lots):

Zoning District: R-1, R-1L..... \$172.50

Zoning District: R-2, R-3, R-3L..... \$195.00

(½ of total fees paid at preliminary subdivision submittal; remainder paid at final subdivision submittal)

COMMERCIAL Zoning District Subdivision fee per subdivided lot

Zoning District: C-1, C-2, C-3, C-4..... \$270.00

INDUSTRIAL Zoning District Subdivision fee per subdivided lot

Zoning District I-1, I-2..... \$270.00

AGRICULTURAL Zoning District Subdivision fee per subdivided lot

Zoning District AG, AG-1..... \$90.00

LAND DEVELOPMENT APPLICATION FEES

Major Subdivision Base Fee..... \$225.00 Additional Per Lot Fee..... \$ 75.00

Minor & Existing Subdivision Base Fee. \$450.00 Additional Per Lot Fee.....\$105.00

NOI/EPD Fee.....\$80 per disturbed acre

(\$40 per disturbed acre payable to Lee County; \$40 per disturbed acre payable to EPD)

Permits for the City of Leesburg and the City of Smithville are issued by the Lee County Planning & Engineering Department by means of intergovernmental agreement.

Legal Document Recording Fees with Clerk of Court\$25.00
per document made payable to Lee County Clerk of Superior Court

Zoning Certification Letter\$50.00

REZONING APPLICATION FEE based on total acreage to be rezoned						
Acres to be rezoned	0 - 5	5.01 - 10	10.01 - 20	20.01 - 50	50.01 - 100	100.01 or more
R-1 R-3, R-4, AG	\$450	\$675	\$1,200	\$1,500	\$2,250	\$2,625
R-2	\$750	\$1,200	\$1,800	\$2,250	\$3,000	\$3,375
C-1, C-2, C-3, C-4, I-1, I-2	\$900	\$1,500	\$2,100	\$3,000	\$4,500	\$5,250

MISCELLANEOUS APPLICATION FEES

Cell Tower Co-Location..... \$200.00

Cell Tower.....\$500.00

Conditional Use Application.....\$375.00

Subdivision Name Change.....\$187.50

Variance to any Ordinance.....\$150.00/Residential
\$300.00/Commercial

(Zoning, Conditional Use and Variance Applications are due the 10th of each month, or next business day)

Sign permit fee: \$ 0.50 per square foot of each face or minimum fee of \$50.00, whichever is greater.
Banner permit fee: \$30 per 14 day period/up to 6 times per calendar year
Work Prior to Permit Issued: TRIPLE permit fee plus court costs and/or fines

PRINTING/LAMINATING FEES

8 ½ X 11; Black & White - \$.25 per page, Color - \$. 50 per page

8 ½ X 14; Black & White - \$.25 per page, Color - \$. 75 per page



LANGFORD & ASSOCIATES, INC.

3054 Calhoun Street • P.O. Box 240 • Shellman, Georgia 39886
(229) 679-5072 • Fax (229) 679-2160

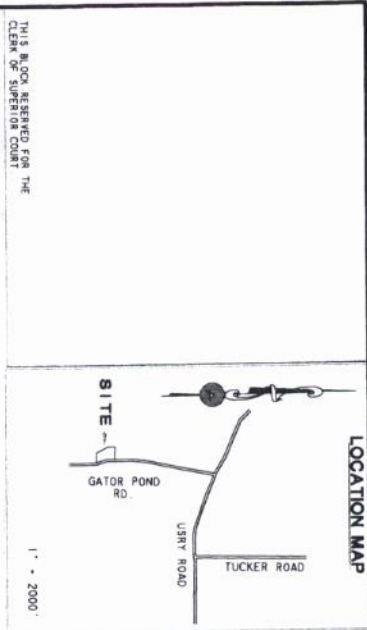
ESTABLISHED
1978

LEGAL DESCRIPTION:

All that certain tract or parcel of land lying and being in Land Lot 3 of the 14 th Land District of Lee County, Georgia, and consisting of 6.201 acres. Said tract or parcel of land being more particularly described as follows:

Commencing at the intersection of the center line of Tucker Road & the center line of Usry Road; thence South 65 degrees 39 minutes 49 seconds West 2,151.25 feet to an iron rebar located on the west margin of that certain county graded road known as Gator Pond Road and being the POINT OF BEGINNING; thence along the west margin of said Gator Pond Road and along a curve to the left, said curve having a delta angle of 12 degrees 02 minutes 40 seconds, a radius of 1,397.04 feet, and an arc distance of 293.68 feet, a chord bearing of South 07 degrees 17 minutes 50 seconds West and a chord distance of 293.14 feet to the point of tangency of said curve; thence continue along the west margin of said Gator Pond Road South 01 degree 16 minutes 30 seconds West 384.25 feet to the point of curvature of a curve to the left, said curve having a delta angle of 02 degrees 52 minutes 52 seconds, a radius of 873.70 feet, and an arc distance of 43.93 feet, a chord bearing of South 00 degrees 09 minutes 55 seconds East and a chord distance of 43.93 feet to a 5/8 inch iron rebar; thence leaving the west margin of said Gator Pond Road North 74 degrees 19 minutes 55 seconds West 250.38 feet to a 5/8 inch iron rebar; thence North 19 degrees 20 minutes 32 seconds West 537.62 feet to a 5/8 inch iron rebar; thence North 05 degrees 26 minutes 02 seconds East 265.83 feet to a concrete monument; thence South 74 degrees 38 minutes 59 seconds East 455.90 feet to the POINT OF BEGINNING.

C:\Users\Bryson\Documents\S. Franklin Legal on 6.201 acres.wpd



LOCATION MAP

AS REQUIRED BY SUBSECTION 101 OF O.C.G.A. SECTION 15-6-67, THIS PLAT HAS BEEN REVIEWED AND APPROVED BY ALL APPLICABLE LOCAL JURISDICTIONS FOR RECORDING AS EVIDENCED BY APPROVAL CERTIFICATES, SIGNATURES, STAMPS, OR STATEMENTS HEREON. SUCH APPROVALS OR AFFIRMATIONS SHOULD BE CONFIRMED WITH THE APPROPRIATE GOVERNMENTAL BODIES BY ANY PURCHASER OR USER OF THIS PLAT AS TO INTENDED USE OF ANY PARCEL FURTHERMORE, THE UNDERSIGNED LAND SURVEYOR PROPERTY SURVEYS IN GEORGIA PLAT COMPLETES WITHIN THE RULES AND REGULATIONS OF THE GEORGIA BOARD OF REGISTRATION FOR PROFESSIONAL ENGINEERS AND LAND SURVEYORS AS SET FORTH IN O.C.G.A. SECTION 15-6-67.

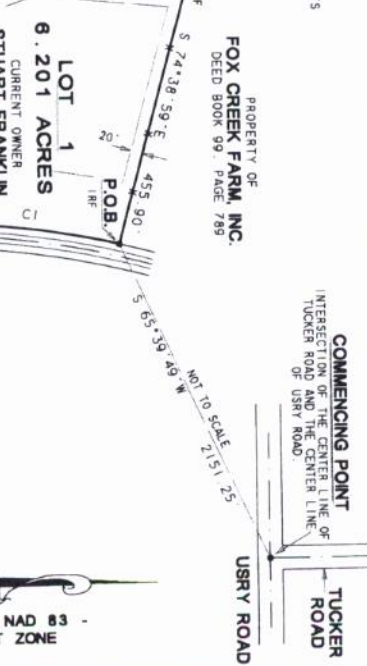
D. SCOTT LANGFORD, GA RLS 3172 DATE: 12-19-2022

ALL LOTS APPROVED BY THE PLANNING COMMISSION MAY NOT BE BUILDABLE LOTS

APPROVED

LEE COUNTY PLANNING DEPARTMENT

DATE: 12-19-2022



NOTES

- TOTAL AREA OF DEVELOPMENT IS 6.201 ACRES.
- THIS PROPERTY IS CURRENTLY ZONED AG-1.
- MINIMUM BUILDING SETBACKS ARE AS FOLLOWS:
AG-1 FRONT: 100' SIDE: 20' REAR: 50'
- LOTS ARE SERVED BY INDIVIDUAL WELLS AND SEPTIC TANKS.
- THE SUBJECT PROPERTY IS LOCATED IN ZONE X AS SHOWN ON THE NATIONAL FLOOD INSURANCE PROGRAM'S FLOOD INSURANCE RATE MAP. COMMUNITY-PANEL NUMBER 131770045D, EFFECTIVE OF DATE OF SEPTEMBER 2, 2009.
- OWNER / DEVELOPER:
STUART FRANKLIN
2201 HANDBURN STREET
ALBANY, GA, 31707
PHONE: (429) 869-0273
- GARBAGE COLLECTION WILL BE BY MEANS OF INDIVIDUAL CONTAINERS ON EACH LOT.
- THE LEAD AGENCIES AUTHORITY HAS CONTROL OVER SEWER FROM ALL LANDS SUBDIVIDED AFTER JULY 27, 1995. OWNERS OF THESE SUBDIVIDED LOTS WILL BE REQUIRED TO IMMEDIATELY CONNECT TO PUBLIC WATER AND SEWER SYSTEMS WHENEVER EITHER BECOMES ACCESSIBLE.
- WETLANDS MAY BE PRESENT IN SOME OF THESE LOTS. WETLANDS ARE PROTECTED BY FEDERAL LAW. BEFORE DISTRIBUTING ANY AREA DESIGNATED AS A WETLAND, CONTACT THE U.S. ARMY CORPS OF ENGINEERS, REGULATORY BRANCH, P. O. BOX 899, SAVANNAH, GEORGIA 31402-0899.
- BEFORE ANY BUILDING ACTIVITY BEGINS, THE LEE COUNTY HEALTH DEPARTMENT MUST APPROVE THE BUILDING SITE. AN INTENSIVE SOIL SURVEY WILL BE REQUIRED IN THE AREA OF CONSTRUCTION TO MAKE CERTAIN THAT SOILS PRESENT ARE SUITABLE FOR INDIVIDUAL SEWAGE DISPOSAL SYSTEMS.

SURVEY NOTES

- LANGFORD & ASSOCIATES, INC. AS THE LAND SURVEYOR WHOSE SEAL IS AFFIXED HERETO DO NOT GUARANTEE THAT ALL EASEMENTS WHICH MAY AFFECT THIS PROPERTY ARE SHOWN HEREON.
- THE FIELD DATA UPON WHICH THIS MAP OR PLAT IS BASED HAS AN AVERAGE RELATIVE ACCURACY OF 0.03 FEET AT THE 95% CONFIDENCE LEVEL. THIS PLAT HAS BEEN CALCULATED FOR CLOSURE AND IS FOUND TO BE ACCURATE WITHIN ONE FOOT IN 823,250 FEET. A TOPCON PS-103A ROBOTIC TOTAL STATION, A JAVAD TRIUMPH L5+ DUAL FREQUENCY RECEIVER, AND A TRIUMPH T-3 BASE RECEIVER WERE USED IN SURVEYING THIS PROPERTY. GPS CORRECTIONS WERE OBTAINED FROM EPOS SOLUTIONS REAL-TIME KINEMATIC NETWORK.
- THERE IS NO KNOWN NATIONAL GEODETIC SURVEY MONUMENT WITHIN 500 FEET OF ANY POINT OF THE PROPERTY PLATTED, OR ANY POINT OF REFERENCE THEREON.
- THE CERTIFICATION, AS SHOWN HEREON, IS PURELY A STATEMENT OF PROFESSIONAL OPINION BASED ON KNOWLEDGE, INFORMATION AND BELIEF AND BASED ON EXISTING FIELD EVIDENCE AND DOCUMENTARY EVIDENCE OF GUARANTEE. THE CERTIFICATION IS NOT AN EXPRESSED OR IMPLIED WARRANTY OR GUARANTEE.
- THIS SURVEY COMPLETES WITHIN BOTH THE RULES OF THE GEORGIA BOARD OF REGISTRATION FOR PROFESSIONAL ENGINEERS AND LAND SURVEYORS AND THE OFFICIAL CODE OF GEORGIA ANNOTATED TOGAL 15-6-67 AS THESE TWO CODES DO NOT CONFLICT. WHERE THE ELEMENTS OF LAW PREVAIL, THE RULES OF SPECIFICATION, THE REQUIREMENTS OF LAW PREVAIL.

MINOR SUBDIVISION PLAT FOR:

STUART FRANKLIN

LAND LOT 3 - 14TH LAND DISTRICT

LEE COUNTY, GEORGIA

DRAWING NO. C-5501 FIELD WORK BY A.S.L. SCALE: 1" = 200' PLAT DATE: 12-19-2022 FIELD SURVEY DATE: 12-01-2022



LANGFORD & ASSOCIATES, INC.
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 SHELLMAN, GA 31788
 TEL: 229-679-5012 FAX: 229-679-2160
 WEB: LANGFORDANDASSOCIATESINC.COM

FIRM CERTIFICATE OF AUTHORIZATION NO. LSP000332



CURVE TABLE

CURVE	Arc	Delta Angle	Chord	Ch Bearing	Radius	Tangent
C1	293.68	127.02° 40'	293.14	S 07° 17' 50" W	1397.04	147.38
C2	43.93	02° 52' 52"	43.93	S 00° 09' 55" E	873.70	21.97

CURVE TABLE

- LEGEND**
- X-X- WIRE FENCE
 - 1/8" IRON REBAR SET
 - 1/8" IRON REBAR FOUND
 - R/W RIGHT OF WAY
 - CMF CONCRETE MONUMENT FOUND
 - MBS MINIMUM BUILDING SETBACK



GRID NORTH - NAD 83 - GEORGIA WEST ZONE



LEE COUNTY
Planning Department
Lee County, Georgia
Staff Report

Minor Subdivision Review – Franklin, Land Lot 3 – 14th District

Application Name: Minor Subdivision Plat
Date: 12/19/2022
Applicant Name: Bryson Langford
Property Owner: Stuart Franklin
Location: Land Lot 3, 14th Land District
Parcel Size: 6.201 acres
Existing Zoning: AG-1

Application Summary

The applicant is submitting a minor subdivision plat to subdivide the existing 85.09-acre parcel (042-004) into two lots to create the proposed Lot 1, which is 6.201 acres. This lot is currently undeveloped and zoned AG-1. The subject parcel is located at Land Lot 3 in the 14th district in Lee County. The proposed 6.201-acre lot is not in compliance with the code of ordinances, which requires a minimum 25-acre lot size in AG-1.

Review Comments Summary

- a. Items below not checked need to be resolved before approval of the final plat.
 - b. There are noted deficiencies of the plat which require revisions, as noted below.
 - c. There is other documentation that must be confirmed by the planning director.
1. The plat shall conform to the following requirements:
- All minor subdivision plats shall meet the land development and road and drainage standards of the county as outlined in chapter 70, chapter 38, and this chapter.
 - The following details ways that the plat does not meet the standards outlined in the county's ordinances:
 - For AG-1, the lot size of 6.201 acres is acceptable for a conditional use per Sec. 70-313.a. In AG-1, a permitted proposed lot size is a permitted use for a lot of 10 acres or more.
 - The minor subdivision plat shall be at a scale no smaller than 200 feet to the inch, unless otherwise approved by the county planner, and prepared by a land surveyor registered in the state.
 - The minor subdivision plat shall be drawn in ink or by computer printer on sheets no larger than 18 inches by 24 inches unless otherwise approved by the planning director.
- The minor subdivision plat and accompanying documentation shall show all existing conditions and shall show all proposals, including the following:
- Proposed subdivision name or identifying title.

- Name of owner of tract or his authorized agent, if any, and the signature and declaration of ownership of the owner.
 - The names of all owners of all adjacent unplatted land.
 - Reference to recorded subdivision plats of adjoining platted land by record names and date.
 - Vicinity map at a scale of not less than one-inch equals one mile showing the relationship of the proposed subdivision to surrounding development. The scale of the vicinity map should be shown as well as the north arrow of the vicinity map.
 - Names and right-of-way width of all roads and other rights-of-way; and similar data for alleys, if any.
 - Location, dimensions, and purpose of easements.
 - Lot lines, lot numbers (consecutively numbered), lot sizes (to the nearest thousandth of an acre), and the area in parks, etc.
 - N/A - If requested by the planning staff, topographic maps of all land subdivided the scale and contour interval to be determined by the planning staff (separate map from recording plat).
 - Minimum building setback lines of all residential lots and all other lots smaller than five acres.
 - Numerical scale, graphic scale, north arrow, and date of plat.
 - All elevations based on sea level datum.
 - N/A - Pertinent soil data, if required by the county health department where the subdivision is not to be served by the community sewerage system. (Separate map from recording plat.)
 - Legal description of the platted area.
 - Primary control points and benchmarks with necessary descriptions and locations of such control points, including all dimensions, angles, bearing and similar data necessary for proper location.
 - Accurate dimensions, bearings or deflection angles, radii and area and central angle of all curves of all lots, tracts, right-of-way lines of streets, easements or other right-of-way.
 - N/A - Purpose for which sites, other than residential lots, are dedicated or reserved.
 - Location and description of monuments.
 - Reference to recorded subdivision plats of adjoining platted land by record names, date and number.
 - Certification by a land surveyor registered in the state to the accuracy of the survey and minor subdivision plat.
 - The location of all areas within the 100-year floodplain as determined by the manager of development services.
 - Acreage of total area to be subdivided.
- The minor subdivision plat shall be submitted in paper and one copy to be in digital form with the .dxf the preferred digital format though DRG and DWG will be accepted.
2. Review and actions for a minor subdivision may be handled administratively by the planning director or his designee after review of the full staff. Within 14 days of certification that the application is complete, or within such further time as consented to by the developer, the planning director or his designee will either approve, deny, request changes in the plat that are necessary for approval, or request that the developer submit the subdivision application to the planning commission for review and action, either approval or denial, at their next regularly scheduled meeting.
 3. After the application has been approved through action or inaction by the planning director or his designee or the planning commission, the planning director or his designee shall affix an appropriate stamp and signature to such approved plat and inform the developer in writing that the plat is ready for recording.

AN ORDINANCE TO AMEND CHAPTER 70, ARTICLE V, SECTION 70-162 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

BE IT ORDAINED by the Board of Commissioners of Lee County, Georgia, it is hereby ordained by authority of the same, that Chapter 70, Article V, Section 70-162, entitled "Permitted Uses", is hereby amended by adding a new subsection, to be known as subsection (h) which shall provide as follows:

- (h) Where an owner of property located in an R-1 Single-Family Residential District owns two (2) or more lots adjacent to each other in an R-1 Residential District, the owner shall, subject to applicable building permit and other building code requirements, be authorized to construct and use accessory buildings or structures constructed or to be constructed on a lot owned by such owner which is adjacent to the lot where the owner's residence is located or to be located in such R-1 Single Family Residential District (i) where the additional accessory structure will be utilized by the owner in connection with the owner's use and occupancy of the owner's adjacent residence and (ii) where the lot upon which the adjacent residence is constructed or is to be constructed exceeds 1 acre. Unless the accessory building or structure is destroyed or demolished, and as long as the lot where the accessory building is located is zoned R-1 Single-Family Residential, any sale, transfer, or conveyance of the adjacent residence to which the accessory building or structure is an accessory shall include a sale, transfer, or conveyance of the lot where the accessory building is constructed to the same buyer or transferee acquiring the residence. Nothing in this subsection shall be construed to affect the construction of accessory buildings on the same lot as the residence in an R-1 Single-Family Residential District in accord with Section 70-162(c).

BE IT FURTHER ORDAINED that all ordinances or parts of ordinances in conflict herewith are hereby repealed.

BE IT FURTHER ORDAINED that this ordinance shall become effective upon the date and time of its adoption by the governing body of Lee County.

SO ORDAINED, effective this _____ day of _____, 2023.

**Board of Commissioners
of Lee County, Georgia**

By: _____
Billy Mathis, Chairman

Attest: _____
Kaitlyn Good, County Clerk

ACTION TAKEN

FIRST READING: _____

SECOND READING: _____

DATE OF ADOPTION: _____