



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

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

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

**Members Present:** Jim Quinn, Johnny Golden, Kyle Luckie, Mike McVey, and Tonya Myrick

**Members Absent:** Jason Sheffield and Shirley Stiles

**Staff Present:** Joey Davenport, Sid Walker, Diana Sandoval, Kaitlyn Good, and Christi Dockery

**I. CALL TO ORDER**

Vice-Chairman Jim Quinn called the meeting to order at 6:01 p.m.

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

Interim Planning Director Joey Davenport read the Georgia Law regarding campaign contributions.

**III. NEW BUSINESS**

NONE

**IV. APPROVAL OF MINUTES**

**(A) Approval of the minutes from the April 6, 2023 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 Commissioners Tonya Myrick, Johnny Golden, and Mike McVey voting yea.

**V. PUBLIC HEARINGS**

**ZONING APPLICATION**

**(A) Brittany Land Company, LLC (Z23-006)** has submitted a request to the Lee County Planning Commission to **rezone** two lots at a total of 49.297 acres from AG to R-1 residential. This property is Parcel 025 044 & 026 016 in Land Lot 71 of the Second Land District of Lee County, Georgia.

Vice-Chairman Jim Quinn opened the public hearing at 6:05 p.m. and read the application into the record.



### Public Hearing Discussion

#### Staff Presentation

Interim Planning Director Joey Davenport addressed the commission.

#### Applicant Presentation

Applicant George McIntosh addressed the commission at 6:06 pm.

#### Public Support

None

#### Public Opposition

None

#### Commission Discussion

Vice-Chairman Jim Quinn closed the public hearing at 6:10 p.m.

### Recommendation

Commissioner Johnny Golden made a **MOTION to APPROVE** the zoning application from Brittany Land Company, LLC (Z23-006) with the following condition, as presented on the staff report: The proposed development must reduce impacts on floodplains (and wetlands, if identified) to the extent possible. The **MOTION** was seconded by Commissioner Mike McVey. The **MOTION** was unanimous with Commissioners Kyle Luckie and Tonya Myrick voting yea.

### VARIANCE APPLICATION

**(B) Oakland Plantation Partners, LLC (Z23-007)** has submitted a variance application to the Lee County Planning Commission to allow the following setbacks: 18' front, 10' rear, and 5' side for each lot. This is currently zoned R-2 with a total number of 39.316 acres. This property is located off of Oakland Parkway. This property is Parcel 017D 004.

Vice-Chairman Jim Quinn opened the public hearing at 6:17 p.m. and read the application into the record.

### Public Hearing Discussion

#### Staff Presentation

Interim Planning Director Joey Davenport addressed the commission, stating that Oakland Plantation Partners has submitted a variance request to the required setbacks for the proposed Whisperwood subdivision phases 1 & 2. The staff report notes that this case has conditions that are peculiar to the subject property. This proposed variance request is similar to the previously approved Villa's @ Oakland subdivision property located near this proposed development, and that if granted, the proposed variances from standard R-2 setbacks are not expected to cause substantial detriments to the public interest or impair the purpose or intent of the code of ordinances per Sec. 70-90. Which all the requirements were met.

#### Applicant Presentation

Bobby Donley, Lanier Engineering, addressed the commission, stating that this same variance



request has been previously approved at the "Villas @ Oakland" and it would be the same setbacks that they are now requesting for this proposed new development (Whisperwood).

Public Support

None

Public Opposition

None

Commission Discussion

Commissioner Johnny Golden expressed concern about the side and rear setbacks. Stating that it was close to each house.

Vice-Chairman Jim Quinn closed the public hearing at 6:25 p.m.

Recommendation

Commissioner Kyle Luckie made a **MOTION to DENY** the variance application from Oakland Plantation Partners, LLC (Z23-007), seconded by Commissioner Johnny Golden. The **MOTION** failed with Commissioners Mike McVey, Tonya Myrick, and Jim Quinn voting nay. Application was approved with a 3-2 vote.

TEXT AMENDMENTS

- (C) An ordinance to amend **Chapter 70 of The Code of Ordinances of Lee County (The Lee County Zoning Code)** so as to amend definitions; amend general conditions relating to zoning applications; amend requirements for public hearings and notices for zoning applications for the Planning Commission and the Board of Commissioners; to provide for advertisements of public hearings; to provide for the content of such public notices; to provide for appeals of zoning decisions; to provide for appeals of decisions of the Board of Commissioners granting or denying stand-alone applications for variances and applications for conditional use permits; to provide for other matters relating to such appeals; to provide for the applicability of the county zoning code; to provide for resolution of conflicts between the county zoning code and the state zoning procedures act; to provide for repeal of conflicting ordinances, to provide for an effective date, and for other purposes.

Vice-Chairman Jim Quinn opened the public hearing at 6:32 p.m. and read the application into the record.

Public Hearing Discussion

Staff Presentation

Interim Planning Director Joey Davenport addressed the commission, stating the application and proposed definition changes are primarily due to changes in state zoning procedures law that required the county attorney to amend this section of the county ordinance to comply with the new state laws.

Public Support

None



Public Opposition

None

Commission Discussion

Vice-Chairman Jim Quinn closed the public hearing.

Recommendation

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

- (D) An ordinance to amend Section 70-6 of The Code of Ordinances of Lee County relating to definitions under the Lee County Zoning Code so as to revise the definition of “home occupation, residential”; to provide for home occupations to be considered as including articles produced or services offered which are sold or offered for sale at or from the home occupation premises; to delete the limitation on persons who may be employed by home occupations at the location of the home occupation; to provide for the parking of motor vehicles of customers at the location of the home occupation during the time that the home occupation is conducting business; to provide for repeal of conflicting ordinances; to provide for an effective date; and for other purposes.

Vice-Chairman Jim Quinn opened the public hearing at 7:18 p.m. and read the application into the record.

Public Hearing Discussion

Staff Presentation

Interim Planning Director Joey Davenport addressed the commission, stating the current stage of the definition and what the new definition would change for people applying for a home occupation. This would change the requirements for allowable employees, selling good from the home.

Public Support

None

Public Opposition

None

Commission Discussion

Vice-Chairman Jim Quinn closed the public hearing.

Recommendation

Commissioner Kyle Luckie made a **MOTION** to **DENY** the proposed text amendment, seconded by Mike McVey. The **MOTION** passed with Commissioners Jim Quinn and Tonya Myrick voting yea and Commissioner Johnny Golden voting no. This recommendation is based on the broad definition of selling and distributing items from the home with no restrictions.

- (E) An ordinance to amend Chapter 70, Article III, Section 70-94 of The Code of Ordinances of



**Lee County** relating to greenspace, so as to establish the process to determine unbuildable land and undevelopable land; to provide the applicable process to determine the amount of buildable land for purposes of determining the total amount of acreage to be set aside as greenspace; to provide the percentage of the remaining developable land to be served as greenspace where the subdivision is to have county-provided water and sewer systems, where the subdivision is to have wells and septic tanks, and where the subdivision is to have county-provided water and septic tanks; to provide for an effective date; to provide for repeal of conflicting ordinances; and for other purposes.

Vice-Chairman Jim Quinn opened the public hearing at 6:39 p.m. and read the application into the record.

### **Public Hearing Discussion**

#### **Staff Presentation**

Interim Planning Director Joey Davenport addressed the commission, stating the current wording and requirements of the ordinance have become a subject of controversy as well as the required ~~way to~~ calculations for greenspace. Apparently, since the inception of this ordinance, the greenspace has been calculated based on the applicable percentage of the entire acreage of the proposed development, despite the fact that the ordinance clearly states that the calculation for the yield for determining the number of lots shall not contain any undevelopable land.

#### **Public Support**

None

#### **Public Opposition**

Mr. Bobby Donley addressed the commission, stating his concerns over the way the ordinance is currently worded and the unnecessary complexity of the method of calculation for greenspace requirements. Mr. Donley expressed his desire for this ordinance to be re-worded and simplified so that the intent of the ordinance would be easier and clearer to understand and interpret.

#### **Commission Discussion**

The commission discussed recommending a revision including emphasis on changing “or” to “and” at paragraph 3 item 1 and to suggest greenspace requirements be 25% for all developments.

#### **Recommendation**

Commissioner Kyle Luckie made a **MOTION** to **APPROVE** the proposed text amendment with the following amendment: A minimum of twenty-five percent (25%) of the remaining developable land shall be preserved as greenspace regardless of service level. The **MOTION** was seconded by Commissioner Mike McVey. The **MOTION** was unanimous with Commissioners Tonya Myrick and Johnny Golden voting yea.

### **UNFINISHED BUSINESS**

NONE

### **VI. ANNOUNCEMENTS**



## LEE COUNTY

Life works well here

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

### VII. ADJOURNMENT

Commissioner Kyle Luckie made a motion to **ADJOURN**, seconded by Mike McVey. The **MOTION** was unanimous with Commissioners Johnny Golden, Jim Quinn, and Tonya Myrick voting yea. **The meeting adjourned at 7:23 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.