



LEE COUNTY BOARD OF COMMISSIONERS

T. PAGE THARP GOVERNMENTAL BUILDING

102 STARKSVILLE AVENUE NORTH, LEESBURG, GEORGIA 31763

Tuesday, February 11, 2025 AT 4:30 PM
KINCHAFOONEE CONFERENCE ROOM

WWW.LEE.GA.US

MEETING MINUTES
Special Called

COUNTY COMMISSIONERS

Luke Singletary, Chairman District 2

Chris Guarnieri, Vice-Chairman District 4

Dennis Roland, Commissioner District 1

Billy Mathis, Commissioner District 3

George Walls, Commissioner District 5

COUNTY STAFF

Christi Dockery, County Manager

Heather Jones, Co-County Assistant
Manager

Joey Davenport, Co-County Assistant
Manager

The Lee County Board of Commissioners met in a special called session on Tuesday, February 11, 2025. The meeting was held in the Kinchafoonee Conference Room of the Lee County T. Page Tharp Governmental Building in Leesburg, Georgia. Those present were Chairman Luke Singletary, Vice-Chairman Chris Guarnieri, Commissioner Dennis Roland, Commissioner Billy Mathis, and Commissioner George Walls. Staff in attendance were County Manager Christi Dockery, Co-County Assistant Manager Heather Jones, and Interim Planning Director/Co-County Assistant Manager Joey Davenport. Chairman Singletary called the meeting to order at 4:30 PM.

1. CALL TO ORDER
2. INVOCATION
3. PLEDGE OF ALLEGIANCE
4. NEW BUSINESS

A) Discussion of various ordinances in Lee County.

AGRICULTURE LOTS

Assistant Planning Director Amanda Nava-Estill stated that staff researched other Georgia county ordinances. She stated that the lot sizes vary by county and the highest acreage that was found was 40 acres. Ms. Nava said that there is a county with several districts in the agricultural district, such as the regular agricultural district, the conservation district, and the rural residential district.

Chairman Singletary stated that he was unsure if the Board wanted to add something like the rural residential district or change the minimum lot size for agriculture. Chairman Singletary stated that he has received calls from citizens that have inherited 25 acres but would only like a smaller portion of that acreage. They would like to be able to give part of their property to family. He said he was unsure if they would like to make it rural residential but change the tax liability from agricultural to residential. Chairman Singletary asked the Board if they had any opinions on the current 25-acre minimum. Commissioner Mathis stated that the reason for the 25-acre minimum was to preserve the integrity of the northern part of the County. They did not want the northern part of the County to look like the southern with subdivisions everywhere. Chairman Singletary stated that with the rural residential district, it would be less likely for someone to sell it to a developer, since it would change your taxes. Interim Planning Director Joey Davenport stated that if that change was adopted, some citizens would be happy who want have a nice-sized property but not 25 acres, however it could make some citizens unhappy. Chairman Singletary stated the possibility of doing a 5-acre or 10-acre minimum, to avoid splitting a 25-acre lot into 1-acre lots. Mr. Davenport said to keep in mind that you can't rezone one area and not another, you can't get into spot zoning. Chairman Singletary stated

that he discussed it with Ms. Nava-Estill about it being done in the past. He asked that if you have a rural residential district, would it not be able to be among agriculture and it not be spot zoning. Mr. Davenport stated that he would suggest input from County Attorney Jimmy Skipper, but he is not saying that it can't be done. However, when that was done, there was most likely no county-level zoning law in place. Mr. Davenport stated that he can suggest looking into a text amendment to change the current ordinance that exists currently and possibly relaxing the conditional use permits to allow less acreage. Commissioner Roland stated that he does not have a problem with the 25-acre minimum. However, he has a problem with families that have owned land for many years and not being able to sell their land as much as land on Highway 82. He suggested grandfathering in, which means that you must own a piece of property for 25 years before being able to divide it. This would stop developers from being able to go in and divide land up.

Chairman Singletary mentioned doing the text amendment that would reduce the regulations for AG. He asked if that would create a bigger problem making it 10 acres. Ms. Nava-Estill stated that they would probably receive an influx to the planning department of minor subdivisions applications. Commissioner Guarnieri asked if it has always been 25-acres. Commissioner Roland stated that it began around an acre then moved up from there. Commissioner Walls stated that after land was sold in the area, previous Board members made it so that anything north of 32 was to be kept 25 acres to help keep it agricultural. Commissioner Guarnieri stated that if they reduce agriculture, then it would infiltrate residential areas in the agricultural areas. County Manager Christi Dockery stated that with doing that, it would cause services to be harder to provide. Commissioner Guarnieri stated he would like to leave agriculture alone and work something else out. Ms. Nava-Estill stated that the 25-acre requirement was in the ordinance back in 1994. Commissioner Walls stated that there was an amendment made that if you had, for example, 28 acres, you could do a one-time split and sell 3 acres as long as the remaining parcel was 25 acres. Mr. Davenport stated that there is no longer a one-time split in the ordinance. Chairman Singletary said that you can divide it more than once as long as you maintain 25 acres. He stated that he just wanted the Board to consider adding the rural residential zoning for citizens that would like to split their 25-acre lot. Mr. Davenport said that if the lot size for agriculture was changed to 10, then if he had a 30-acre lot with the right road frontage, then a developer could come in to buy that property and split it into minor subdivisions. This could end up causing drainage problems, and there is very little in the ordinance regarding this issue as opposed to a major subdivision.

MINING

Assistant Planning Director Amanda Nava-Estill stated that she looked into surrounding areas. Many of them do allow mining in agricultural districts, with most needing conditional use permits. Some counties only allow it in their mining districts, which is also conditional use. Ms. Nava-Estill stated that mining is currently not a permitted use in the Lee County Code of Ordinance. She said that according to EPD, there is only one mine in the county that happened in the past. Commissioner Mathis said that you can't approve anything that you don't allow. Commissioner Walls stated that with mining, once they take the topsoil off the land, then it is not good anymore. Commissioner Guarnieri asked what will happen to the mine that is currently operating. Ms. Nava-Estill stated that she believes it is grandfathered in. Commissioner Walls asked what happens to the creek when mining is done close to it. Ms. Nava-Estill stated that EPD has many requirements to prevent anything from happening, but she will research more in depth and provide more information.

ANIMALS IN RESIDENTIAL DISTRICTS

Assistant Planning Director Amanda Nava-Estill discussed the current ordinance for chickens or fowl in residential areas. In surrounding counties, staff found in many cities and counties that it is strictly prohibited in residential districts, while in others they have stricter requirements on how many are allowed and that they must be contained in a coop. Commissioner Guarnieri stated that he

has received several complaints in his district. He stated that he spoke with Code Enforcement, and they informed him that there are no limitations, the chicken coop just needs to be twenty-five feet off of your property line. Ms. Nava-Estill informed the board that the current ordinance for having chickens in a residential district is a conditional use, not a permitted use. The Board has to approve a conditional use permit in certain districts for certain animals. Commissioner Guarnieri asked how many conditional use permits were issued for the areas he receives complaints regarding. Ms. Nava-Estill stated that she has never received a conditional use permit application for chickens. Code Enforcement can use the nuisance ordinance if it is an issue in situations where the chickens/fowl are causing problems. Ms. Nava-Estill said that she feels like having the nuisance ordinance is a good starting point, unless the Board would like to add in any additional limits or standards. Commissioner Guarnieri stated that he would like communication between Code Enforcement and Planning regarding these conditional uses and ordinance. Commissioner Guarnieri stated that he does not have a problem with chickens unless it is affecting another citizen. Commissioner Walls stated that he had received complaints about chickens running around and a rooster waking people up. Commissioner Mathis stated they could make it to where chickens must be in a coop. Ms. Nava-Estill stated that they can educate the public on the ordinance. Commissioner Mathis stated that they can leave it as conditional use and write tickets if the chickens become a problem.

R-1 LOT SIZE REQUIREMENTS

Assistant Planning Director Amanda Nava-Estill stated that looking into surrounding counties, she found many residential 1-acre lot requirements for other counties similar to our R-1 districts. There are several different types of subdivisions but most fall under the 1-acre. Some counties even have a minimum square foot for homes that can be built in an R-1 district. Chairman Singletary stated that they could make water and sewer requirements be three quarters of an acre. Interim Planning Director Joey Davenport stated that the basic requirements that have been listed are two acres for well and septic and one acre for water and sewer. Commissioner Mathis asked how many houses you can put on a property if you have water and sewer. Mr. Davenport stated that the basic requirement is three per acre. Commissioner Mathis asked if they would be able to do away with the ordinance that allows three houses an acre. Chairman Singletary suggested lots must be three quarters of an acre. Commissioner Mathis suggested repealing the ordinance and stating that if water and sewer is available, the most allowed should be two houses per acre. Chairman Singletary stated two houses would allow for a half-acre lot. Commissioner Mathis asked how the Board felt about repealing the ordinance since it is confusing. It is currently set at three houses per acre and making it two. Mr. Davenport discussed a subdivision that was just done with 3 quarter-acre lots. Chairman Singletary discussed the gated subdivision on Oakland Parkway. Commissioner Mathis stated that there needs to be a separate zoning for zero lot lines. Chairman Singletary stated that zero lot lines could be conditional use and have a minimum square footage. Chairman Singletary clarified that they are currently looking to do no more than two houses per acre or no less than a half acre.

Ms. Nava-Estill stated that the gated subdivision on Oakland is zoned R-2. Commissioner Mathis asked if they wanted to put the zero lot lines as a conditional use in R-1 or R-2. Chairman Singletary stated that it should be R-1 since it is single-family dwellings and not multi-family. Ms. Nava-Estill stated that in R-2, a permitted use is single-family dwellings. Commissioner Mathis suggested making a separate conditional use in the R-1 ordinance for zero lot lines, repealing the land conservation/greenspace ordinance, and changing the ordinance from three homes an acre to two homes, but not to be less than half an acre. Commissioner Guarnieri asked if they should do minimum square footage in the zero lot line. Commissioner Mathis stated that he was unsure it was legal to do that and would like to discuss it with County Attorney Jimmy Skipper. Chairman Singletary stated that if everyone agrees, then make a separate conditional use for zero lot lines in R-1 or R-2, repeal the land conservation/greenspace ordinance, and change the ordinance from three homes an acre to two homes but no less than half-acre.

CAR WASHSES

Commissioner Mathis stated that there is a current trend of hedge funds buying property across the country and building car washes. The citizen that wrote a letter with concerns has a family-operated car wash. Commissioner Mathis suggested making car washes a conditional use which would eliminate there being one on every corner. Chairman Singletary stated that he is unsure about how they could determine which car washes would be approved then. Commissioner Guarnieri stated it could be by proximity. Chairman Singletary stated that conditional use adds another layer of approval. All were in agreement regarding the conditional use.

MINOR SUBDIVISIONS

Commissioner Mathis stated that the current way of doing minor subdivisions is dividing up a piece of property for a family home or something similar. Recently, there was a situation in district 3 with the land across from the Raceway. This parcel has been R-1 for many years but a portion of it is now shown as C-2 on the zoning map. Commissioner Mathis spoke with Assistant Planning Director Amanda Nava-Estill, and she stated that it was not rezoned however the use changed through a minor subdivision application. He stated that he had received several calls regarding this but was unaware due to it being done administratively. Commissioner Mathis asked that anytime the use of the property or zoning changes that it comes before the Board. Interim Planning Director Joey Davenport stated that there are many legal requirements regarding rezoning a property, and it is not done at a staff level. Ms. Nava-Estill stated that in 1988 the Commission changed that area to C-2, then later it was changed to R-1 but kept the C-2 road frontage. Commissioner Mathis stated they are unsure of the depth of the C-2 and that the property was being used as R-1 until several acres of the property were bought recently. Mr. Davenport stated that many of those properties are dual-zoned due to exceeding a certain amount of depth. Commissioner Mathis stated that he would like these types of changes to come before the Board. Chairman Singletary stated that the property is dual-zoned, meaning that it was not rezoned; it is zoned per the 1998 zoning map. Ms. Nava-Estill stated that they looked back to where it was agricultural in that area, and it was then changed to C-2 in that area. She said that staff has been working on a timeline, and will provide that as soon as possible to the commissioners. Commissioner Mathis asked that the Board be notified if a use changes for an area in the County. Commissioner Guarnieri asked if there was a way for the Board to approve any use changes. Ms. Nava-Estill stated that minor subdivisions currently are administrative approval, but if something comes up, then they can go to the Board. Commissioner Mathis asked to include the Board if a minor subdivision application that has a change in use. Commissioner Guarnieri asked how often the Planning Department typically receives a minor subdivision application that has a change in use. Ms. Nava-Estill stated there has been more on Highway 82 recently and Highway 19 is growing more. She said that they would be providing a rezoning timeline for the parcel in question and get the depth of the C-2 on the Highway 82 lot. Ms. Nava-Estill showed the Board a map from 1988 that shows the area as C-2.

LANDSCAPING

Assistant Planning Director Amanda Nava-Estill stated that while the example ordinance she provided the Board is longer, it covers everything. The current ordinance is smaller and is more complicated. She stated that not everything in this example would apply to Lee County. She would like time to go through and be able to see what could be applied to the current ordinance. Commissioner Guarnieri asked if they have to be specific about the trees. Commissioner Mathis stated that they have had problems with developers just going out and buying any kind of tree. Ms. Nava-Estill stated that some trees may not work with the region. Commissioner Walls asked about the intersections with trees that make you have to pull up far to see past them. Ms. Nava-Estill stated that staff can look into that.

5. **PUBLIC FORUM**
6. **ANNOUNCEMENTS**
7. **ADJOURNMENT**

The meeting adjourned at 5:44PM.

A) The next meeting of the Lee County Board of Commissioners will be February 11, 2025 at 6:00pm.

CHAIRMAN

ATTEST:

COUNTY CLERK