



Lee County / Leesburg / Smithville Planning Commission

CHRIS GUARNIERI, CHAIRMAN CLAY GRIFFITH, VICE CHAIRMAN
CHAD ARNOLD, MIKE MCVEY, JIM QUINN, JASON SHEFFIELD, RICKY WATERS

Georgia law requires that all parties who have made campaign contributions to any member of the Lee County Board of Commissioners, Leesburg City Council or Smithville City Council, in excess of two hundred fifty dollars (\$250) within two 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 days prior to the public hearing file a campaign contribution report with the Lee County/Leesburg/Smithville Planning Commission.

AGENDA

August 5, 2021

**T. Page Tharp Governmental Building
Opal Cannon Auditorium
6:00 P.M.**

- I. CALL MEETING TO ORDER**
- II. READING OF GEORGIA LAW REGARDING CAMPAIGN CONTRIBUTIONS**
- III. APPROVAL OF MINUTES – June 3, 2021**
- IV. NEW BUSINESS**

ZONING APPLICATION

Lanier Engineering, Inc. (Z21-005): has submitted an application to the Lee County Planning Commission requesting to rezone a total of 24.011 acres from C-2 (General Commercial District) to R-2 (Multi-Family Residential District). The property owner is Oakland Plantation Partners, LLC. Parcel number 176 230 001 of land being part of Land Lot 229,230 of the Second Land District of Lee County, Georgia.

Rosalyn Jordan Kirk (Z21-006): has submitted an application to the Lee County Planning Commission requesting to rezone a total of 89.433 acres from R1 & R3 (Single Family Residential District) to AG (Agricultural District). The property owner is Rosalyn Jordan Kirk Parcel number 119 029 001 of land being part of Land Lot 29 of the First Land District of Lee County, Georgia.

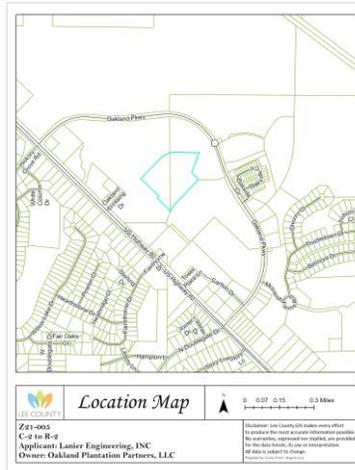
Exact legal description of the property is on file at the Lee County Planning, Zoning and Engineering Department, 102 Starksville Avenue North, Room 202, Leesburg, GA 31763 and can be reviewed along with any other information regarding this request between 8:00 a.m. and 5:00 p.m. Monday through Friday.

The Lee County Planning Commission will conduct a public hearing on the zoning request on **Thursday, August 5, 2021 at 6:00 p.m.** at the T. Page Tharp Governmental Building, Opal Cannon Auditorium, 102 Starksville Avenue North, Leesburg, GA. The Planning Commission will forward its recommendation to the Lee County Board of Commissioners.

The Lee County Board of Commissioners will conduct a public hearing on **Tuesday, August 10, 2021 at 6:00 p.m.** with a final vote on **Tuesday, August 24, 2021 at 6:00 p.m.** at the T. Page Tharp Governmental Building, Opal Cannon Auditorium, 102 Starksville Avenue North, Leesburg, GA.

- V. OLD BUSINESS**
- VI. ADJOURNMENT**

**STAFF ANALYSIS AND REPORT
RE-ZONING APPLICATION Z21-005**



OWNER: Oakland Plantation Partners, LLC

APPLICANT: Lanier Engineering, Inc.

LOCATION: Adjacent to Greystone Apartments
Oakland Parkway & US 82 W/Oakland Crossings Drive

CURRENT ZONING/USE:
Zoning: C-2 (General Business District)
Use: Vacant

PROPOSED ZONING/USE:
Zoning: R-2 (Multi-Family Residential District)
Use: Phase III of Greystone Apartments

ZONING/ADJACENT LAND USE:
North: R-1 (Single-Family Residential District); R-2 (Multi-Family Residential District)
Land Use: Undeveloped residential land
South: C-2 (General Business District)
Land Use: Hog ‘n Bones; Salt Lick; Oakland Pharmacy; Dental Partners
East: C-2 (General Business District); C-1 (Neighborhood Business District); R-1 (Single-Family Residential District)
Land Use: Groves Subdivision; Jask Properties; Pool Brothers; Oaks @ Oakland; Best Buddies Day Care; Dr. Howard; Security Bank
West: C-2 (General Business District); R-1(Single-Family Residential District)
Land Use: Medical Associates; PhaRxmhouse; Undeveloped land; Fire Station; Hickory Grove Storage

MEETING INFORMATION:
Location: 102 Starksville Avenue N, Opal Cannon Auditorium, Leesburg, GA
Planning Commission: Thursday, April 2, 2020 at 6:00 P.M
Board of Commissioners: Public Hearing/Voting: Tuesday, August 10/24 at 6:00 P.M.

RECOMMENDATION: **APPROVAL**

BASIC INFORMATION

Lanier Engineering, LLC submitted an application to rezone 24.011 acres from C-2 (General Business District) to R-2 (Multi-Family Residential District) and included a preliminary development plan for Greystone III apartments, consisting of 14 two-bedroom carriage units, 56 three-bedroom townhomes and 63 single-family three bedroom homes. Amenities will include a community clubhouse with swimming pool, nature trail, pickle ball and tennis courts. Construction of the project is proposed to be completed by July 2024.

PHYSICAL CHARACTERISTICS AND INFRASTRUCTURE

The property does not lie in the 100 year floodplain. Public water and sewer are available in this area and will be connected during development process. Oakland Crossings Drive will be extended to provide access to the Greystone III development, which will connect with internal roads to Greystone I and II, as part of the private gated community. Greystone will have access from Oakland Parkway and Oakland Crossings Drive.

RELEVANT ZONING HISTORY

Subject property was part of a large, multi-parcel tract, originally owned by Carlton Company, Inc.; inherited by 3 Sisters, Inc.; and subsequently sold to Oakland Plantation Partners, LLC in November 2003. The original multi-parcel tract was zoned AG-1 (Active Agricultural District) and a master plan was created for the entire property. In 2004, subject property was rezoned to C-2 (General Business District). Adjacent and nearby properties included in the original multi-parcel tract, were rezoned from AG-1 (Active Agricultural District) to C-1 (Neighborhood Business District), C-2 (General Business District), R-1 (Single-Family Residential District) and R-2 (Multi-Family Residential District) in 2004, consistent with the master development plan. Property is subdivided and rezoned, as necessary, to meet the site requirement for each new development in the area, providing a mix of residential and commercial uses including various retail businesses, restaurants or personal services/medical providers, and institutional uses consisting of senior living, child care and religious institutions.

Subject property was part of a C-2 (General Commercial District) parcel fronting US 82, of which Founding Members Holding Co, LLC purchased approximately 9 acres from Oakland Plantation Partners in 2013. In 2014, Medical Associates Properties, LLC purchased 2.17 acres and constructed a medical office in 2015. Shana and William Sullivan purchased .93 acres in 2019 and constructed the PhaRxmhouse in 2020. The residual 6.03 acre tract remains vacant. Oakland Crossings Drive was constructed to provide access to Medical Associates, PhaRxmhouse and the residual tract.

PLANNING CONSIDERATIONS

Will the zoning proposal permit a use that is suitable in view of the use, development and zoning of adjacent and nearby property?

Rezoning from C-2 (General Commercial) to R-2 (Multi-Family Residential) will allow for expansion of Greystone Apartments to encompass a third phase. Oakland Parkway area consists of complimentary and compatible residential, commercial, and institutional uses.

What is the effect on the property value of the subject property should the existing zoning be retained?

Subject property has a reasonable economic value under the existing C-2 (General Business District) designation, which allows for retail or service establishments, wholesale, storage buildings, warehousing, distribution facilities, commercial greenhouses and nurseries, indoor shooting ranges, churches, clubs and fraternal organizations, hospitals, clinics, nursing homes or group homes, child care facilities, mortuaries and crematoriums.

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?

If the zoning proposal is denied, there should be no gain to the health, safety, morals or general welfare of the public.

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, fire protection, public health facilities, or emergency medical services?

As part of State Law, www.georgiaplanning.com/planners/dri, developments exceeding certain thresholds must be reviewed by the Regional Commission for their potential regional impacts (Development of Regional Impact, DRI). Greystone I and II developments were reviewed and analyzed for possible interjurisdictional impacts. A finding of “No Conflict” was determined and that the development was in the best interest of the State. A new DRI application for Greystone III is currently in the review process and it is anticipated to receive a similar analysis.

Impact on the School System: A presumption of limited impact on the school system from the proposed development based on the following research: per demographic information on existing leases in Greystone Apartments I and II, consisting of 288 units, there are 38 children between the ages of 0-17. It is estimated that there would be 13 children per 100 units. Accordingly, Phase III proposes 133 units which could provide housing for approximately 17 children between the ages of 0-17.

Impact on Utilities: Public water and sanitary sewer are available to the property and will be connected as development occurs.

Impact on Transportation Network: Staff estimates that the impact of the rezoning on the surrounding transportation network would be as follows:

Oakland Crossings Drive is considered a local road and will be extended to provide primary access for the development. Secondary access will be provided through the existing Greystone Apartments via Oakland Parkway (local road). Both roads intersect with US 82/520, which is classified as a Principal Arterial; GDOT traffic count in 2019 identified 23,000 vehicles as average daily traffic. According to **Trip Generation, 10th Edition, 2019**, a single family home could generate approximately 9.44 daily trips per dwelling; a townhome could generate 5.44 daily trips per dwelling; and a carriage unit could generate 7.32 daily trips per dwelling. Based on these estimates, 63 single family homes, 56 townhomes and 14 carriage units could generate 1,002 weekday daily trips. US 82/520 supports a traffic capacity of 39,800 vehicles and has the capacity to support the proposed development. Traffic volume data is not available for Oakland Parkway or Oakland Crossings Drive.

Road Improvements: According to the FY 2018-2021 Transportation Improvement Program and the Dougherty Area Regional Transportation Study: 2045, no state or federally funded projects are proposed for US 82/520, or Oakland Parkway. However, Oakland Crossings Drive will be extended with private funding to provide access to proposed development.

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

Yes. The Oakland Area is a mixed use planned development with both single-family and multi-family residential, commercial (banks, retail, medical services) and institutional (churches, child care, senior living) uses. The uses are compatible and complimentary to one another, sharing roadways, infrastructure and community services. A mix of land use types is beneficial in the provision and cost of community services.

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

Subject property is compatible and harmonious for the proposed expansion of Greystone.

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

There should be no adverse effect to the existing use or usability of adjacent or nearby property.

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

No.

Would the change create an isolated district unrelated to the surrounding districts, such as “spot zoning”?

No. The area consists of R-2 (Multi-Family Residential) and C-2 (General Business) zoning districts.

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

No.

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

No.

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

Increased demand for residential uses continues within the unincorporated area of the county. Appropriate sites outside of the protected agricultural land in northern Lee County are difficult, if not unattainable in today’s market. Phased residential subdivisions continue with high demand and an expeditious development process, while infill lots of older subdivisions are being purchased and developed, as well. Single and multi-family housing demand is greater than the current supply for both buyers and renters. Greystone I and II maintained a waiting list throughout the construction process, and remains active. There are limited multi-family residential uses within the county: Creekwood, Spring Lake and Lee Village apartment complexes; Park Senior Village, Forrester Senior Village and Westover Senior Village (under construction); Stonegate Manor, Woodstone Apartments, and Housing Authority subsidized housing; and various duplexes and quadplexes.

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

Environmental considerations have been evaluated during the pre-development review period and there should be no adverse effects if the property is zoned R-2 (Multi-Family Residential District). The land development and building permit process will ensure that no ecological or pollution impact will result from the expansion of Greystone III.

Is the rezoning proposal in conformity with the policy and intent of the Lee County Leesburg Smithville Comprehensive Plan for Development?

Yes.

RECOMMENDATION

Staff recommends **Approval** to rezone property to R-2 (Multi-Family Residential District) and Approval of the Preliminary Development Plan.

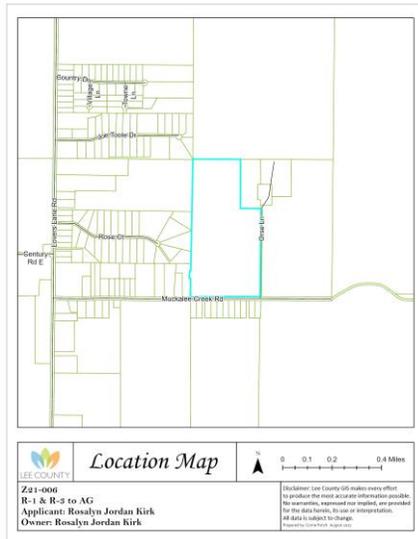
Final development plan. Following the approval of the preliminary development plan, the applicant shall, within six months, submit to the planning commission a final development plan containing in final form the information required in the preliminary development plan. The planning commission shall review and approve the final development plan to see that it is in compliance with the preliminary development plan. The planning commission may approve changes in the final development plan which comply with the following criteria:

- (1) The revised plan contains the same or a fewer number of dwelling units or structures and/or floor area, or*
- (2) The open space is in the same general location and in the same general amount, or a greater amount, or*
- (3) The buildings have the same or less number of stories and/or floor area, or*

(4) The roads and drives follow approximately the same course.

(g) Final approval. No building permits shall be issued until the approval process is complete and all necessary plans, drawings, specifications and other required data have been submitted and approved. No construction may commence until the entire approval process is completed and appropriate permits issued.

**STAFF ANALYSIS AND REPORT
ZONING APPLICATION Z21-006**



OWNER/APPLICANT: Rosalyn Jordan Kirk

LOCATION: Muckalee Creek Road, Parcel 119029001

CURRENT ZONING/USE:
 Zoning: R-1 (Single-Family Residential District); R-3 (Mixed Use Single-Family Residential District)
 Use: Vacant

PROPOSED ZONING/USE:
 Zoning: AG-1 (Active Agricultural District)
 Use: Agriculture/Single Family Homes

ZONING/ADJACENT LAND USE:
 North: AG-1 (Active Agricultural District)
 Land Use: Agriculture
 South: R-3 (Mixed Use Single-Family Residential District)
 Land Use: Vacant
 East: AG-1 (Active Agricultural District)
 Land Use: Agriculture
 West: R-3 (Mixed Use Single-Family Residential District)
 Land Use: Residential Homes & Manufactured Homes

MEETING INFORMATION:
 Location: 102 Starksville Avenue N, Opal Cannon Auditorium, Leesburg, GA
 Planning Commission: Thursday, April 2, 2020 at 6:00 P.M.
 Board of Commissioners: Public Hearing/Voting: Tuesday, August 10/24 at 6:00 P.M.

RECOMMENDATION: APPROVAL

BASIC INFORMATION

Rosalyn Kirk has submitted an application to rezone 89.433 acres from R-1 (Single-Family Residential District) and R-3 (Mixed Use, Single-Family Residential District) to AG-1 (Active Agriculture District). The property is located in the west half of Land Lot 29, 1st Land District, Lee County, fronting Muckalee Creek Road and Orse Lane on Tax Parcel 119029001. Applicant intends to construct a single family home for her immediate family on the parent tract, and subdivide a ten acre parcel for her son's family to build their home.

PHYSICAL CHARACTERISTICS AND INFRASTRUCTURE

The property does not lie in the 100 year floodplain, however, wetlands exist on portions of the parcel. Public water and sewer are not available in the area. Environmental Health approval of well and septic system is necessary.

RELEVANT ZONING HISTORY

Subject property was zoned AG-1 (Active Agriculture District) when the county adopted zoning in 1985. In 2002, William & Shirley Johnson, rezoned property to R-1 (Single-Family Residential District) for the purpose of residential development for family members. Muckalee Creek Road supports mixed use single-family zoned R-3 in 1985 when Lee County adopted zoning districts. These single family dwellings are comprised of site built and manufactured homes located in Robert Barkley Subdivision, Summerlin Crook Subdivision, and Cook Subdivision. Agricultural zoning and uses continue for Edenfield Farms and Muckalee Plantation.

PLANNING CONSIDERATIONS

Listed below are several issues for consideration in evaluating this rezoning application.

Will the zoning proposal permit a use that is suitable in view of the use, development and zoning of adjacent and nearby property?

Mixed use single-family residential development exists along the frontage of Muckalee Creek Road. Large tract agricultural parcels are the predominant land use to the north and east of the subject property. Rezoning to agriculture will be consistent with the area.

What is the effect on the property value of the subject property should the existing zoning be retained?

Subject property has a somewhat limited economic value under the existing R-1 (Single-Family Residential District) zoning due to the lack of public water and sewer, and the existence of wetlands on a portion of the property.

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?

If the zoning proposal is denied, there should be no gain to the health, safety, morals or general welfare of the public.

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, fire protection, public health facilities, or emergency medical services?

The Agricultural Zoning District stabilizes the increases in public expenditures for such public services as roads and road maintenance, police and fire protection, and schools. Standards and densities are intended to preserve the open character of the area and return the property to its original zoning designation, preserving and protecting agricultural areas.

Impact on the School System: Minimal, if any impact on the school system from two single family homes.

Impact on Transportation Network: No traffic data is available for Muckalee Creek Road, a local road. Lovers Lane Road is classified as a major collector road; GDOT traffic count in 2019 identified 2,790

vehicles as average daily traffic with a capacity of 6,300 vehicles. According to **Trip Generation, 10th Edition, 2019**, a single family home could generate up to 9.44 daily weekday trips per dwelling. Based on this estimate, two homes could generate 19 daily weekday trips. Muckalee Creek Road and Lovers Lane Road traffic capacity should be able to support the addition of two single family homes.

Road Improvements: According to the FY 2021-2024 Transportation Improvement Program and the Dougherty Area Regional Transportation Study: 2045, no state or federally funded projects are proposed for Muckalee Creek Road or Lovers Lane Road.

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

Yes

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

Subject property is well suited for open land/conservation uses on the parcel, and abuts existing agricultural properties to the north and east. Applicant intends to subdivide a 10 acre tract to allow her son's family to build a home. In addition, applicant plans to live on the residual 79 acre tract in a site built home. AG-1 (Active Agricultural District) allows for a single-family residence or manufactured home, and a second single family dwelling or manufactured home on a legally subdivided lot on at least 10 acres with 250 feet of road frontage.

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

There should be no adverse effect to the existing use or usability of adjacent or nearby property.

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

No

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

Rezoning to AG-1 (Active Agricultural District) for subject property will not be considered "spot zoning", as the surrounding area to the north and east supports agricultural zoning and uses.

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

The zoning district boundary is logically drawn for the proposed use and consists of 89.67 acres, suitable for agricultural uses.

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

Lee County established the AG-1 (Active Agriculture District) to protect and preserve prime agricultural areas, and to protect and preserve natural resource areas. The proposed agricultural zoning will stabilize increases in public expenditures for community services for the adjoining residential uses. The addition of two single family homes should be compatible with the existing neighborhoods.

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

Agricultural zoning requires a minimum of 25 acres; the subject property consist of more than 89 acres with the majority of its soils considered as prime farmland. Prime agricultural areas are relatively scarce, and should be protected and preserved for agriculture. Typically, once agricultural land is subdivided and rezoned, the likelihood of returning to its agricultural use, is rare.

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

Rezoning for agricultural uses should provide a positive ecological impact by reducing the development density for residential uses.

Is the rezoning proposal in conformity with the policy and intent of the Lee County/Leesburg/Smithville Comprehensive Plan for Development?

Yes

RECOMMENDATION

Staff recommends **approval** to rezone to AG-1 (Active Agricultural District)