



Lee County - Leesburg - Smithville Planning Commission

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

MEETING MINUTES

May 2, 2024 at 6:00 P.M.

Opal Cannon Auditorium

T. Page Tharp Governmental Building

102 Starksville Avenue North

Leesburg, GA 31763

Members Present: Chairman Jason Sheffield, Vice-Chairman Jim Quinn, Commissioners Johnny Golden, Kyle Luckie, Mike McVey, and Charlie Barner

Members Absent: Commissioner Shirley Stiles

Staff Present: Interim Director Joey Davenport, Assistant Director Amanda Nava, and Office Manager/
Planning Assistant Kara Hanson

I. CALL TO ORDER

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

II. ACKNOWLEDGEMENT OF GEORGIA LAW REGARDING CAMPAIGN CONTRIBUTIONS

Commissioner Mike McVey read the Georgia Law regarding campaign contributions.

III. NEW BUSINESS

(A) None

IV. APPROVAL OF MINUTES

(A) **Approval of the minutes from the April 4, 2024 Planning Commission meeting.**

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

V. PUBLIC HEARINGS

ZONING APPLICATION

(A) **Wetherald Behavioral Health (Z24-004)** has submitted an application to the Lee County Planning Commission requesting to rezone a total of 12.391 acres from R-1 (Single-Family Residential District) to C-4 (General Business District). The property owner is CG Boyd Properties, LLC. The subject property is located at 552 US HWY 82 West, parcel number 017A002, in Land Lot 191 of the Second Land District of Lee County, Georgia.



Public Hearing Discussion

Staff Presentation

Assistant Planning Director Amanda Nava began the presentation by briefing the commissioners on the staff report as follows, parcel 017A002 is currently zoned R-1 and the applicant desires to rezone to C-4 for a private school for children and young adults with autism and related disabilities. The property fronts US Hwy 82 W and is a just over 12 acres. The planning staff recommends the rezoning of the subject property from R-1 to C-4 with conditions considering the potential impacts on the adjacent residential properties. The conditions would be to not allow personal care homes, child-welfare facilities, and hospital use. Additionally, C-4 requirements include protective screening when adjacent to residential zoning districts.

Public hearing was opened by Chairman Jason Sheffield at 6:03 P.M.

Applicant Presentation

Applicant was present and available for additional questioning. No presentation was provided.

Public Opposition

With no further comments or questions from the audience, the Public Hearing was closed at 6:11 P.M.

Commission Discussion

Commissioner Johnny Golden asked the applicant Mrs. Danielle Wetherald if her business was a nonprofit organization, and if any fees or tuition is charged to the students. She concurred that they are a non-profit organization, and tuition is charged. He then requested additional information about the Bright from the Start exemption and inquired if any State jurisdiction's or State guidelines were required. She replied that they were currently in the process of getting qualified for a program which will ensure they follow the standards of education and expectations that would pertain to their client/student population. Chairman Jason Sheffield asked if there were going to be any expansions or developments in the future. Mrs. Wetherald explained only cosmetic improvements will be done to the original building. The question was then asked about the access to the property in which Mrs. Wetherald stated there are two driveways. The school will allow entrance from Winifred and the exit will be on US Highway 82 W.

Recommendation

Vice-Chairman Jim Quinn made a **MOTION** to **APPROVE** the rezoning from R-1 to C-4 with the proposed conditions, seconded by Commissioner Mike McVey. The **MOTION** was unanimous with remaining Commissioners voting yea.

CONDITIONAL USE APPLICATION

- (A) **The Emergency Response Department (Z24-005)** has submitted an application to the Lee County Planning Commission requesting a conditional use to allow a communications tower and related appurtenances, being greater than 100 feet in height. The property owner is Lee County Board of Commissioners. The subject property is located at 2345 US 19 North, Smithville (Fire Station #4); parcel number 020003, in Land Lot 38 of the Thirteenth Land District of Lee County, Georgia and is located in the AG-1 zoning district.

Public Hearing Discussion

Staff Presentation

Assistant Planning Director Amanda Nava presented the staff report as follows, the parcel is located in the AG-1, Active Agriculture District. The applicant desires a conditional use request for a communication tower that is greater than 100 feet for the Lee County Emergency Response Department. Limited paperwork from Motorola shows the fall radius of the tower to be zero, but a full tower report will be required before a permit will be issued. She added that Motorola was there to speak and answer any questions the Board might have. Public hearing was opened by Chairman Jason Sheffield at 6:14 P.M.



Applicant Presentation

Art Harris with Motorola briefed the Planning Commission about the new communications tower. He stated that the tower would need to be 300 foot in order to get the coverage required for the County's emergency response department.

Public Opposition

With no further comments or questions from the audience, the Public Hearing was closed at 6:22 p.m.

Commission Discussion

Chairman Jason Sheffield asked Mr. Harris if 300 foot was a normal height needed for a communications tower. Mr. Harris explained that it really all depends on what is required for the area, but that 300 foot is common and is needed for the Emergency Response Department. Ms. Nava pointed out to the commissioners that there is an aviation clearance letter provided in the packet in regards to the height of the tower. Commissioner Mike McVey asked if this was for County communication. Interim Director Joey Davenport added for clarity that this tower is for the Lee County Emergency Response services, Police, Fire, and EMS. The Northern part of the County is a little spotty and the goal is to fill in those particular areas with a new tower to improve communication. Commissioner Kyle Luckie asked Assistant Director Amanda Nava what the areas to the North, South, East, and West, were zoned and if it was owned by one entity. She informed him that it is all AG, and that the area surrounding was all one piece of land. Commissioner Mike McVey asked if this would also be used for Smithville. Lee County E-911 Director Nikkie Celinski confirmed that it would be used for Smithville as well.

Recommendation

Commissioner Kyle Luckie made a **MOTION** to **APPROVE** the conditional use to allow a communications tower and related appurtenances, being greater than 100 feet in height, seconded by Vice-Chairman Jim Quinn. The **MOTION** was unanimous with remaining Commissioners voting yea.

VARIANCE APPLICATION

- (A) **The Emergency Response Department (Z24-005)** has submitted an application to the Lee County Planning Commission requesting a variance to allow for a reduction of setback requirements for a communications tower and related appurtenances, from the required 50-foot rear setback and 20-foot side setback to a proposed 10-foot setback for the rear and side. The property owner is Lee County Board of Commissioners. The subject property is located at 2345 US 19 North, Smithville (Fire Station #4), parcel number 020003, in Land Lot 38 of the Thirteenth Land District of Lee County, Georgia and is located in the AG-1 zoning district.

Public Hearing Discussion

Staff Presentation

Assistant Planning Director Amanda Nava presented the staff report stating the variance request is for a reduction in setbacks for the communication tower placement. The setback requirements for AG district are 50-foot from the rear and 20-feet from the sides. Due to the nature of the lot they are requesting a reduction of setbacks to 10-feet from the sides and rear. Interim Director Joey Davenport also explained to the Board that there are a couple other mitigating factors which include the septic tank, electrical panel, generator, LP tank, and as you go to the south portion of the parcel there is a retention pond and undevelopable area. Therefore, moving it to the South of the lot is not an option. Ms. Nava again reiterated limited paperwork from Motorola shows the fall radius of the tower to be zero, but a full tower report will be required before a permit will be issued.

Public hearing was opened by Chairman Jason Sheffield at 6:23 P.M.



Applicant Presentation

Applicant was present and available for additional questioning. No presentation was provided.

Public Opposition

With no further comments or questions from the audience, the Public Hearing was closed at 6:26 p.m.

Commission Discussion

No discussion

Recommendation

Vice-Chairman Jim Quinn made a **MOTION** to **APPROVE** the variance application to allow for a reduction of setback requirements for a communications tower and related appurtenances, seconded by Commissioner Charlie Barner. The **MOTION** was unanimous with remaining Commissioners voting yea.

TEXT AMENDMENTS

- (A) **(T24-001)** A request to amend the zoning ordinance **Chapter 70, Article III, Section 70-84** of the Lee County Code of Ordinances with respect to accessory building allowance for lots five acres or more, located in Residential Districts.

Public Hearing Discussion

Staff Presentation

Interim Planning Director Joey Davenport explained the differences between the current requirements in Chapter 70, Article III, Section 70-84 and what the staff has presented to them as a text amendment to amend the accessory building allowance for lots five acres or more in residential districts. Staff has received multiple permit requests from Lee County citizens with larger residentially zoned lots wanting accessory structure building permits, however based on the current ordinance they could not be approved due to size limitations in the ordinance. After having two building permit applicants with greater acreage, both zoned residential, the planning staff looked at the ordinance, discussed options with Lee Counties planning consultant, and drafted a proposed text amendment. Planning staff introduced the amendment to the Board of Commissioners and asked for direction on whether to proceed with presentation to the Planning Commission. The Board of Commissioners were overwhelmingly in favor for the text amendment and provided additional suggestions. After that meeting, staff made changes to the draft text amendment based on the suggestions offered by the Board of Commissioners and are now bringing it before the Planning Commission for discussion and recommendations.

Public hearing was opened by Chairman Jason Sheffield at 6:27 P.M.

Commission Discussion

Chairman Jason Sheffield wanted some clarity in the difference between the residential and agriculture district setbacks. Mr. Davenport responded with the required setbacks as listed in the ordinance. Commissioner Kyle Luckie asked how buffers would be regulated in reference to the note from staff in the proposed text amendment. Assistant Director Amanda Nava explained to the Board that site plans are required to be submitted for each permit application. Planning staff will look at the site plan, surrounding area, and other factors to determine if a buffer or additional setback regulations would be required. Mr. Davenport stated this is best done on a case by case basis because each lot can be different. Commissioner Johnny Golden presented his desired changes to the text amendment in regards to the amount of building allowances and the allowable square footage based on acreage.



Discussion amongst commissioners continued. The official and full recording of this discussion is filed and available in the Planning and Zoning office.

Public Opposition

With no further comments or questions from the audience, the Public Hearing was closed at 7:32 p.m.

Recommendation

Vice-Chair Jim Quinn made a **MOTION** to **APPROVE** the Text Amendment with changes to the maximum number of accessory buildings to five for lots 43,561 square feet to five acres, seven maximum number of accessory buildings for lots five acres to 25 acres, and seven maximum number of accessory buildings for lots 25 acres or more. Kyle Luckie seconded the motion with an amendment to Mr. Quinn's motion to include a change in the accessory building square footage for lots 43,561 square feet to five acres to 1,000 square feet for the first five acres, plus 750 square feet for each additional ½ acre, not to exceed a total of 7,000 square feet of floor area, accessory building square footage on lots five acres to 25 acres to 7,000 square feet for the first five acres, plus 250 square feet for each additional acre, not to exceed a total of 12,000 square feet of floor area*, and accessory building square footage for lots 25 acres or more to the maximum total allowable floor area shall be determined in accordance with AG-1 requirements; see section 70-314 Area, Height and placement requirement for Ag-1 zoning. All requirements of Sec. 70-314 shall be met for a total allowable floor area of all accessory buildings to exceed 12,000 square feet* The **MOTION** was unanimous with all Commissioners voting yea to Mr. Luckie's amendments.

VI. UNFINISHED BUSINESS

None

VII. ANNOUNCEMENTS

Chairman Jason Sheffield announced The Lee County Board of Commissioners will conduct a public hearing on **Tuesday, May 14, 2024 at 6:00 p.m.**, and a final vote on **Tuesday, May 28, 2024 at 6:00 p.m.**, in the Opal Cannon Auditorium of the T. Page Tharp Governmental Building, located at 102 Starksville Avenue North, Leesburg, Georgia 31763.

VIII. ADJOURNMENT

Commissioner Kyle Luckie made a motion to **ADJOURN**, seconded by Commissioner Charlie Barner. The **MOTION** was unanimous with remaining Commissioners voting yea. The meeting adjourned at 7:34 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.