

Chairman Jason Sheffield, Vice-Chairman Jim Quinn, Kyle Luckie, Renea Miller,
Shirley Stiles, Johnny Golden, Charlie Barner

Meeting Minutes
February 6, 2025 at 6:00 p.m.
Opal Cannon Auditorium
T. Page Tharp Governmental Building
102 Starksville Avenue North
Leesburg, GA 31763

Members Present: Vice-Chairman Jim Quinn, Commissioners Kyle Luckie, Shirley Stiles, Johnny Golden, Charlie Barner, and Renea Miller

Members Absent: Chairman Jason Sheffield

Staff Present: Assistant Director Amanda Nava-Estill, GIS Manager Kacee Smith, and Office Manager/Planning Assistant Kara Hanson

I. CALL TO ORDER

Vice-Chair Jim Quinn called the meeting to order at 6:00 p.m.

II. ACKNOWLEDGMENT OF GEORGIA LAW REGARDING CAMPAIGN CONTRIBUTIONS

Vice-Chair Jim Quinn read the Georgia law regarding campaign contributions.

III. NEW BUSINESS

(A) Welcoming of the new appointed Planning Commissioner Renea Miller.

Vice-Chairman and other commissioners welcomed the new appointed Renea Miller to the Planning Commission.

(B) Announcement of reappointment of Charlie Barner.

Assistant Director Amanda Nava-Estill announced that the City of Smithville had reappointed Charlie Barner to the Planning Commission to serve another 4 year term.

IV. APPROVAL OF MINUTES

(A) Approval of the minutes from the January 9, 2025, Planning Commission Meeting

Johnny Golden made a **MOTION** to **APPROVE** the minutes. Seconded by Kyle Luckie. The **MOTION** was unanimous with remaining commissioners voting yea.

V. PUBLIC HEARINGS

VARIANCE APPLICATIONS

(A) Lawanda Burns (Z25-001) has submitted an application to the Lee county Planning Commission requesting a variance from Section 18.177 (a) (1), of the City of Smithville Code of Ordinances, to remove a legal non-conforming double wide manufactured home to replace it with a single wide manufactured home. The property is zoned R-1 (Single-Family Residential District), located at 129 Pine Street, Smithville, at parcel number 008D120, in Land Lot 67 of the Sixteenth Land District of Lee County, Georgia.

Public Hearing Discussion

Staff Presentation

Office Manager/Planning Assistant Kara Hanson presented the staff report. She informed the Board that staff had received a variance application for Mary Holley at 129 Pine Street in the City

of Smithville, the location is zoned R-1. The applicant requires a variance to allow the replacement of an existing non-conforming manufactured home structure with a smaller manufactured home structure placed in the same location as previous. The Smithville zoning ordinances addresses non- conforming buildings and uses with the Section 18.177 (a) (1). In this case the property homeowner has an existing manufactured home that is understood to qualify as a non-confirming use. The staff recommends approval of the exceptional replacement of the existing manufactured home with a new manufactured home within the same footprint. **She added that when staff received this case assistant director Amanda Nava-Estill reached out to the City of Smithville attorney who requested that they apply for a variance.**

Vice-Chair opened the public hearing at 6:02 p.m.

Applicant Presentation

Applicant was present and available for any questioning.

Public Supporters

None

Public Opposition

None

Commission Discussion

The commissioners held a brief discussion on this matter. The official and full recording of this meeting is filed and available in the Planning and Zoning office.

Commissioner Charlie Barner made a **MOTION** to **APPROVE** the requested variance to remove a legal non-conforming double wide manufactured home to replace it with a single-wide or double-wide manufactured home, seconded by Shirley Stiles. The **MOTION** was unanimous with remaining commissioners voting yea.

VI. REZONING APPLICATIONS

(A) Lanier Engineering, Inc. (Z25-002) has submitted an application to the Lee County Planning Commission requesting to rezone a portion of the 14.5 acres from C-1 (Neighborhood Commercial District) and R-1 (Single-Family Residential District) to C-2 (General Business District). The property owner is Artesian Holdings, LLC and the applicant is Lanier Engineering, Inc. The subject property fronts Marlow Lane just southwest of U.S. Hwy 82 W, parcel number is 029B020, in Land Lot 262 of the Second Land District of Lee County, Georgia.

Public Hearing Discussion

Staff Presentation

Amanda Nava-Estill presented the staff report. She let the staff know that this is a dual zoned property and that they were requesting to rezone the entire parcel to C-2. She also addressed that the letter of intent did not have a set type of use however they are considering a hotel. She advised that staff recommends denial for the request for rezoning based on the following factors: the Lee County Comprehensive Plan (the subject parcel is designated for both commercial and residential land use in the Comprehensive Plan's future land use map), the commercial future land use category is defined as non-industrial business uses, including retail sales, office, service, and entertainment facilities grouped in one building, shopping center or office building. The residential future land use category is defined as "to correspond primarily to existing neighborhoods but is also proposed for undeveloped areas adjacent to existing neighborhoods" (p. 41). Related to residential housing, a key Comprehensive Plan policy statement reads as follows: "Preserve the character of established neighborhoods and support revitalization efforts to increase housing opportunities and neighborhood stability." Given adjacency to established neighborhoods, the proposed C-2 zoning does not conform to the

policy and intent of the future land use plan. The purpose/intent and many of the allowable uses in C-2 are not compatible with the policy and intent of the Comprehensive Plan to preserve established neighborhoods, whereas the existing C-1 zoning has relative compatibility. It is the Planning Department's opinion that the incompatibility of C-2 zoning adjacent to existing established neighborhoods warrants denial of this rezoning request. She added that if rezoning from C-1 and R-1 to C-2 be approved, the Planning staff would recommend conditions of rezoning to include use restrictions. Considering the potential impacts on the adjacent residences, many permitted uses in C-2 are not compatible with adjacent single family residential uses. These C-2 permitted uses should not be allowed on the subject property is zoned C-2: warehouses, distributing plants, freezers, adult entertainment establishments, indoor shooting ranges, hospital, mortuary, sanitarium, and any C-2 use that requires conditional use approval. As proposed by the applicant, any commercial development on the subject property shall be served by a primary access directly from US Highway 82. Any access from Marlow Lane to a commercial use shall be strictly secondary and shall be distanced from existing residential uses on the same side of Marlow Lane to the extent feasible, as well as buffering. In addition to the minimum requirements of Section 70-86, an undisturbed buffer of minimum 100-foot wide shall be provided adjacent to all existing R-1 zoned properties.

Applicant Presentation

Bobby Donley, with Lanier Engineering, presented. He explained that the parcel was a split zoning, and with the current way it is zoned its 52% C-1 and 48% R-1. The current owners would like to clean up the zoning. The only difference between the possible uses from C-1 to C-2 was for the option of coming back before the board for a conditional use for a hotel should that arise. The Lee County Development Authority did a hotel feasibility study and that really is the only reason the request was for C-2 because C-1 does not allow for a hotel uses.

Public Supporters

Jeff Wiggins
Bobby Donley

Public Opposition

John Clay
Nancy Clay
Anthony Poehler
Lisa Smith
M. Holley
Lawanda Burns
Prince Burns

Commission Discussion

The Commissioners held a discussion on this matter. The official and full recording of this meeting is filed and available in the Planning and Zoning office.

Commissioner Johnny Golden made a **MOTION** to **DENY** the request to rezone the 14.5 acres from C-1 and R-1 to C-2. Seconded by Shirley Stiles. The **MOTION** passed with remaining commissioners voting yea.

VII. CONDITIONAL USE APPLICATIONS

- (A) **Pinewood Solar, LLC (Z25-003)** has submitted an application to the Lee County Planning Commission requesting a conditional use under Section 70-313 (i), of the Lee County Code of Ordinances, to construct transmission poles over 100 feet tall. The property owner is Jimmy C Smith. The subject property consists of 23.28 acres, is zoned AG-1 (Active Agriculture District), and is located at 237 E Lumpkin Road, Leesburg, GA 31763, parcel number 035076, in Land Lot 242 of the Third Land District of Lee County, Georgia.
- (B) **Pinewood Solar, LLC (Z25-004)** has submitted an application to the Lee County Planning Commission requesting a conditional use under Section 70-313 (i), of the Lee County Code

of Ordinances, to construct transmission poles over 100 feet tall. The property owner is Griffith Farms, LLC. The subject property consists of 73.71 acres, is zoned AG-1 (Active Agriculture District), and is located at the intersection of Lumpkin Road E and Smithville Road N, Leesburg, GA 31763, parcel number 035079, in Land Lot 244 of the Second Land District of Lee County, Georgia.

- (C) **Pinewood Solar, LLC (Z25-005)** has submitted an application to the Lee County Planning Commission requesting a conditional use under Section 70-313 (i), of the Lee County Code of Ordinances, to construct transmission poles over 100 feet tall. The property owner is R & S Farms, Inc. The subject property consists of 130.97 acres, is zoned AG-1 (Active Agriculture District), and is located at Lumpkin Road West, Leesburg, GA 31763, parcel number 035100, in Land Lot 244 of the Thirteenth and Fourteenth Land District of Lee County, Georgia.
- (D) **Pinewood Solar, LLC (Z25-006)** has submitted an application to the Lee County Planning Commission requesting a conditional use under Section 70-313 (i), of the Lee County Code of Ordinances, to construct transmission poles over 100 feet tall. The property owner is Michigan Homes. The subject property consists of 202.5 acres, is zoned AG-1 (Active Agriculture District), and is located at U.S. HWY 19 N, Leesburg, GA 31763, parcel number 035113, in Land Lot 245 and 246 of the Thirteenth Land District of Lee County, Georgia.
- (E) **Pinewood Solar, LLC (Z25-007)** has submitted an application to the Lee County Planning Commission requesting a conditional use under Section 70-313 (i), of the Lee County Code of Ordinances, to construct transmission poles over 100 feet tall. The property owner is Wingate WD & Mary E & Cross Creek Plantations, LLC. The subject property consists of 2,000 acres, is zoned AG-1 (Active Agriculture District), and is located between State Route 195 and Old Leslie Road, Leesburg, GA 31763, parcel number 044002, in Land Lots 145,10,176,11,43,44,21,12,20S1/2 of 22 of the Thirteenth and Fourteenth Land District of Lee County, Georgia.
- (F) **Pinewood Solar, LLC (Z25-008)** has submitted an application to the Lee County Planning Commission requesting a conditional use under Section 70-313 (i), of the Lee County Code of Ordinances, to construct transmission poles over 100 feet tall. The property owner is Wingate WD & Mary E & Cross Creek Plantations, LLC. The subject property consists of 689 acres, is zoned AG-1 (Active Agriculture District), and is located at 1305 State HWY 195, Leesburg, GA 31763, parcel number 045001, in Land Lots 145,175, and 208 of the Third Land District of Lee County, Georgia.
- (G) **Pinewood Solar, LLC (Z25-009)** has submitted an application to the Lee County Planning Commission requesting a conditional use under Section 70-313 (i), of the Lee County Code of Ordinances, to construct transmission poles over 100 feet tall. The property owner is Griffith Farms, LLC. The subject property consists of 317.48 acres, is zoned AG-1 (Active Agriculture District), and is located at 608 State HWY 195, Leesburg, GA 31763, parcel number 046001, in Land Lot 016 of the Second Land District of Lee County, Georgia.

Public Hearing Discussion

Staff Presentation

Assistant Director Amanda Nava- Estill presented the staff report.

Applicant Presentation

Kelsey Joyce the senior project manager with NextEra was present. She informed the board that through the design process they realized a need to exceed 100-feet for the pole structures. On the northeast side, there is the Muckalee Creek with critical habitat for mussels that need to be avoided, so poles will need to be taller. On the west and central part of the property, the owners requested that lines entirely avoid or reduce the impact of their irrigational pivots. The larger poles would accommodate landowners. Jonathon Wells with KMC law firm spoke on behalf of the applicant, and was also available for any questions.

Public Supporters

Jonathan Wells
Kelsey Joyce

Public Opposition

Debra Smith
Sam Johnson
Randy Smith
Blake McCranie

Vice-Chair closed the public hearing at 7:09 p.m.

Commission Discussion

The Commissioners held a discussion on this matter. The official and full recording of this meeting is filed and available in the Planning and Zoning office.

Commissioner Kyle Luckie made a **MOTION** to **APPROVE** the conditional use applications Z25-003, Z25-004, Z25-005, Z25-006, Z25-007, and Z25-008. Seconded by Charlie Barner. The **MOTION** passed with remaining commissioners voting yea.

VIII. UNFINISHED BUSINESS

None

IX. ANNOUNCEMENTS

The **Lee County Board of Commissioners** will conduct a public hearing on **Tuesday, February 11, 2025, at 6:00 p.m.**, and a final vote on **Tuesday, February 25, 2025, 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.

The **City of Smithville Council** will conduct a public hearing on **Monday, February 17, 2025, at 6:00 p.m.**, in the Smithville Governmental Building, located at 116 Main Street, Smithville, Georgia 31787.

X. ADJOURNMENT

Commissioner Shirley Stiles made a **MOTION** to **ADJOURN**, seconded by Commissioner Kyle Luckie. The **MOTION** was unanimous with remaining Commissioners voting yea. **The meeting adjourned at 7:10p.m.**

Note: all meetings are audio recorded and are filed in the Planning & Zoning Department

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.