

LOWNDES COUNTY BOARD OF COMMISSIONERS  
COMMISSION AGENDA ITEM

SUBJECT: Lake Park Annexation and Rezoning of Register Property

Work Session/Regular Session

DATE OF MEETING: February 10, 2020

BUDGET IMPACT:

FUNDING SOURCE:

( ) Annual

( ) Capital

(X) N/A

( ) SPLOST

( ) TSPLOST

COUNTY ACTION REQUESTED ON: Lake Park Annexation and Rezoning of Register Property

---

HISTORY, FACTS AND ISSUES: The Board of Commissioners has received the attached notice of petition to Lake Park to annex and rezone property referred to as the Register property. The property is bounded on the south by Highway 41 (a state highway), on the east by Lake Park Road (a city street), on the west by 4-H Club Road (a city street), and on the north by 4-H Club Road (a county road).

The Board of Commissioners rezoned the property in 2017 to R-10 subject to conditions including minimum lot size of 14,250 square feet and that all lots face interior roads.

The petitioner's proposed zoning would remove the condition that all lots face interior roads. It requests lots fronting 4-H Club Road and Long Pond Road be allowed to front these streets. This would result in driveways on the portion of 4-H Club Road that is a county road.

The last page of the documents delivered to the County is a conceptual site plan. On this site plan, six lots face the county road portion of 4-H Club Road. Six other lots adjoining the county road portion of 4-H Club Road face interior cul-de-sacs. The application itself, however, requests lots fronting 4-H Club Road be allowed to front the street.

Georgia statute permits the Board of Commissioners to object to the annexation because of a material increase in burden upon the county directly related to the proposed change in zoning or infrastructure demands related to the proposed change in zoning. For an objection to be valid, the proposed change in zoning must result in a change to a significantly different allowable use and differ substantially from the existing uses permitted pursuant to the county's zoning ordinance.

An objection must be delivered to Lake Park by certified mail or statutory overnight delivery (which includes FedEx) to be received by Monday, February 24 (30 days from receipt of the notice to the Board of Commissioners).

If the County objects, the objection will be referred to a five-person arbitration panel which shall receive evidence and argument and render a binding decision. The panel may establish conditions or mitigating measures. The decision of the panel is subject to limited appeal to superior court.

Georgia statute also provides the county, city, and property owner shall negotiate in good faith throughout the proceedings and may at any time enter into a written agreement governing the annexation.

- OPTIONS:
1. Decline to object
  2. Object
  3. Object subject to conditions which would satisfy the County's objection

RECOMMENDED ACTION: Board's pleasure

DEPARTMENT: County Manager

DEPARTMENT HEAD: Joseph Pritchard

ADMINISTRATIVE COMMENTS AND RECOMMENDATIONS: