

Cherry Creek Hills Property Owners Association
826 S. Lakeshore Drive
Valdosta, GA. 31605

Greater Lowndes County Planning Commission
325 West Savannah Ave.
Valdosta, GA. 31601

RE: De-annexation Request by Uvalda Land Company
File # VA-2021-16

Dear Planning Commission Members:

The Cherry Creek Hills Property Owners Association opposes the de-annexation request referenced above. There are many reasons that support a denial of the request and we would like to highlight a few for your consideration.

The 310-area tract under consideration is bounded on the west by the Withlacoochee River and on the east by three subdivisions: Lake Laurie, Cherry Creek Hills and Cherry Creek North. The development of these single-family home subdivisions began over 50 years ago.

During the planning of Cherry Creek North, a tract of wetlands consisting of 530 acres was surveyed and established as the *Cherry Creek Mitigation Bank*. The 310 acre subject property under consideration is included within the *Cherry Creek Mitigation Bank*. (See land plat recorded in Plat Cabinet A, page 1501, dated March 21, 2001, records of Clerk of Court).

The *Cherry Creek Mitigation Bank* was established by the developers of Cherry Creek North to allow for the sale of wetland credits. To qualify as wetland credits the owners placed permanent conservation restrictions on the property. However, we cannot rely on these restrictions to protect our residential neighborhoods should a change in the status of the 310 acre tract occurs, and thus open a potential for a change in land use.

Even with conservation restrictions in place, logging is permitted, as well as sand mining and some residential building development in the higher land areas.

There are only two road access points to this property. The southern point of access is a 30-foot lot on South Lakeshore Drive between the homes located at 950 S. Lakeshore Dr. and 954 S. Lakeshore Dr., both single family homes.

The second point of access is through Cherry Creek North's private streets. Cherry Creek North's roads are private and maintained by the homeowners. However, if de-annexation is permitted, the Uvalde Land Company cannot be stopped from using residential streets to access the land.

If de-annexation is allowed heavy truck traffic is possible over these subdivision streets to access the entire 530-acre tract. Log trucks and dump trucks are two examples of commercial vehicles that may pass over these residential streets. Commercial vehicle traffic will cause a

disruption of every one's enjoyment of their homes and neighborhoods. These small subdivision roads will be destroyed by heavy truck traffic. Log trucks or dump trucks will prevent families and children from using the neighborhood streets for recreation and will create safety problems.

Land use agreements adopted by our local governments are important to consider in this matter. The 2016 Greater Lowndes County Comprehensive Plan provides land use and water use goals and guidance. The Plan calls for the "managing of the Region's water resources in a manner that preserves and protects private property rights. (See *Regional Water Plan Goals*, par. 3, p. 8).

The Plan also emphasizes the need to "Protect, maintain, and identify opportunities to enhance water quality and river basis flows. (See *Regional Water Plan Goals*, par. 8, p. 9).

Allowing the de-annexation of 310 acres of wetlands will violate these goals.

The Plan recognizes that "current growth trends will eventually lead to degradation of natural greenspace." "Areas where natural processes would be endangered by development (i.e., floodplains, wetlands, groundwater recharge areas, etc.) should be conserved." (See *Natural Resources*, p. 50).

A vote to deny this request is consistent with and upholds the commitments made in our Plan that states a "community needs more preservation of natural and conservation lands, greenery, and the urban forest within the City, on both private and public lands." (*Natural Resources*, sec. 6.3, p. 51).

A vote to deny the de-annexation request will support these goals, will protect three large housing subdivisions and will support the residents that relied on these wetland areas remaining wetlands.

Thank you for your consideration.

Sincerely yours,



James G. Tunison, Jr.,
President, Cherry Creek Hills Property Owners
Association

July 22, 2021

Matt Martin, Valdosta City Planner

Dear Matt,

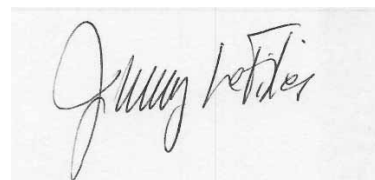
This letter is about the "Deannexation Request by Uvalde Land Company, File #: VA-2021-16".

I am James Holt LeFiles ("Jimmy"). I am a lifelong resident of Valdosta and I have lived at 3561 River Chase Drive since 1993. My back property line is the Withlacoochee River, so my property is directly adjacent to the Cherry Creek Wetlands Mitigation Bank that Mr. Warren (owner of Uvalde) wants to deannex into the county.

- 1) As all are aware, Mr. Warren's business is land development. Common sense dictates that his stated reasons for deannexation are likely not his long-term goals. As a matter of fact, he does not even need deannexation to use the property for these purposes; he only must get permission from the city per the city ordinances. He obviously has other purposes in mind.
- 2) The property is not currently zoned by the county, so deannexation would leave the property without any zoning restrictions, which would allow Mr. Warren to exploit the property as he wishes legally. This property was set as a Mitigation Bank years ago as a result of an in-depth analysis that determined that the property needs to be maintained in an undisturbed state to
 - a) provide effective drainage and to protect the adjoining properties from erosion and flooding. Commercial activities of interest to Mr. Warren, such as logging and mining and residential development, are prohibited by the original Cherry Creek Mitigation Instrument, unless approved by the Army Corp of Engineers on the basis that it would improve the quality of the habitat. Deannexation would place the property under the more lenient oversight of the county vs city and increase the potential for destruction activities.
 - b) Provide habitat for endangered species such as the wood stork, bald eagle, red cockaded woodpecker, and many other species of concern that live on this property. My children, and now my grandchildren, have a great appreciation for nature largely because of their experiences growing up on this river.
- 3) Unlike city property, there is no noise ordinance in the county. If deannexation is approved, Mr. Warren would be able to establish a shooting range or other highly noisy activities and the adjoining property owners have no recourse to stopping the noise, thus forcing us to accept a reduced quality of life in our neighborhoods as well as reduced property value.

I strongly urge the Planning Commission to deny this self-serving, ill-planned deannexation request.

Sincerely,

A handwritten signature in black ink that reads "Jimmy LeFiles". The signature is written in a cursive, slightly slanted style. The background is a light gray, textured surface.



Andy W. Ganas Construction, Inc.

Office/Fax: (229) 242-2299
Cell (229) 251-4622

3613 Northridge Drive
Valdosta, GA 31602

Matt Martin
@ mattmartin@valdostacity.com

July 23, 2021

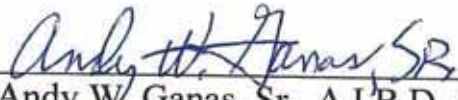
Dear Matt,

I just received an email from Jimmy LeFiles about a re-zoning of some property that a Mr. Warren wants to develop.

I live in the River chase Subdivision off of the Val Del Road. I design & build residential & commercial projects in the Valdosta area for over 42 years. I was born & lived in Valdosta all my life. I have lived in River Chase the last 27 plus years. I very much do not agree with the rezoning of this property as was explained to me, at the present.

I understand that a meeting scheduled for Monday 26, 2021 at 6:30 pm. I plan to be at this meeting to learn more about the rezoning effort.

Sincerely,



Andy W. Ganas, Sr. A.I.B.D. / CPBD
Designer / Builder

7-23-21

Philippians 4:13

Attn: Matt Martin, Valdosta City Planner

Reference: "Deannexation Request by Uvalde Land Company, File #: VA-2021-16".

Commissioners & City Council Members,

My name is Ashley LeFiles Hart. I am a fourth-generation Valdostan and I live with my husband and young son at 1055 Ridge Rd., Cherry Creek Subdivision. Our back property boundary abuts the Cherry Creek Wetlands Mitigation Bank (CCMB) and I am writing you to request that you vote against the deannexation of this land to Lowndes County as requested by Mr. James Warren of Uvalde Land Company.

Mr. Warren cites "conservation, wildlife management, and recreation" (i.e. discharge of firearms/hunting) as the reasons for his request. I feel hunting by firearm would be extremely unsafe, considering that our pool, where my son swims almost daily, is less than 50 yards from the property boundary we share. In addition, the county is lacking a noise ordinance. Despite my personal objections, under section 70-6 of the Valdosta Code of Ordinances, Mr. Warren may already request permission from the city to hunt with firearms on the property. This begs the question, if he doesn't need it deannexed to hunt, what is his unstated intent?

The CCMB was formed to compensate for ecological and habitat destruction in the wetlands abutting Cherry Creek Hills at the damming of Lake Cleve. The sole purpose of CCMB is environmental restoration and conservation. This tract of land houses endangered woodstorks, Indigo snakes, and gopher tortoises, and many other federally and state endangered or threatened species of animals, plants, insects, and invertebrates.

Mr. Warren's current business dealings revolve around activities associated with destruction of natural resources (utilities, sand excavation, development) rather than conservation. I feel it would be optimistically naive to believe that Mr. Warren has no plans to attempt to exploit this land for profit. He may intend to harvest trees or excavate sand from the property. Either of these activities would have detrimental impacts on the ecosystems, erosion and flood control, the health of the river, species dependent upon the habitat, and abutting or adjacent property values.

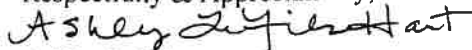
As no zoning exists or has been proposed for this property if deannexed to the county, Mr. Warren could effectively take advantage of the opportunity to clear cut, excavate, or exploit the land as he pleases with no oversight or little resistance from the county.

As I understand it, the CCMB was slated for conservation, across time and ownership, as dictated in the CCMB Final Instrument (Lowndes County deed book 1981, pg 271) by the US Army Corps of Engineers (USACE). The CCMB's Final Instrument is legally bound to the land through deeds (Lowndes book 3953, pg 67 & book 6653, pg 715). This instrument strictly governs the use of the land and is explicit in its covenants & restrictions. Being under their jurisdiction, any future activities or projects involving this land can only be initiated with prior approval from the USACE Interagency Review Team.

The continued existence of this land in its current natural state is paramount to our local ecosystems, wildlife, and the quality of life of the city and county residents surrounding it.

I thank you for your time. I hope that you will take all of this into consideration in your recommendation or vote on this matter.

Respectfully & Appreciatively,

 Ashley LeFiles Hart 7.23.2021

Ashley LeFiles Hart

**J. Bernard and Carmella Braswell
3520 River Chase Drive
Valdosta, Georgia 31602**

M E M O R A N D U M

TO: Greater Lowndes Planning Commission (GLPC)
% Matt Martin, City of Valdosta, Director of Planning and Zoning

FROM: J. Bernard and Carmella Braswell

DATE: July 23, 2021

SUBJECT: PROPOSED DE-ANNEXATION REQUEST BY JAMES WARREN
UVALDE LAND COMPANY-FILE VA-2021-16

Regarding the proposed de-annexation request recently submitted, this statement is written to address our opposition to the proposed request as adjacent property owners and the potential negative effects this request imposes.

First of all, we would like to take the opportunity to thank the City of Valdosta staff and the Greater Lowndes Planning Commission for their service to our community. We certainly realize that this work can often be a “thankless” act of service and its intention can often be mistaken.

Regarding the proposed de-annexation, we oppose this request primarily due to its inconsistency with the Comprehensive Plan. Too often, the Comprehensive Plan is used as a guide to ensure that land(s) are developed appropriately given its nature, developability, and the effects to surrounding development. This section of the City of Valdosta/Lowndes County has been protected from any type of development for many, many years, and, rightfully so. The intention to purchase the subject property remains suspect, as we all are aware of the applicant’s history to “develop” property. We have resided in the River Chase Subdivision for about ten (10) years, and the nature that resides in this area is phenomenal. Development of land is inevitable - the main point to consider in this case is the “appropriate” development of land. The GLPC and the Valdosta Mayor-Council have an opportunity to carefully review this request and its impact on its citizenry.

We respectfully, along with our neighbors, request that you recommend denial of the de-annexation request as recommended by staff.

Respectfully Submitted,
J. Bernard and Carmella Braswell

From: Clyde Tomlinson <cwtomlinson57@gmail.com>

Sent: Wednesday, July 21, 2021 12:12 PM

To: Tim Carroll <tcarroll@valdostacity.com>; Lauren Hurley <lhurley@valdostacity.com>

Subject: Cherry Creek Wetlands Deannex

To: Valdosta Mayor-Council and Greater Lowndes Planning Commission

We are submitting a formal complaint regarding the de-annexation of the Cherry Creek Wetlands Mitigation Bank property adjacent to our property,

Uvland Land Company owner purchased this land under the City of Valdosta zoning and provisions with full knowledge. In addition, property owners adjacent to the wetlands do not have any full disclosure of the "intentions" for the de-annexation. We therefore request that the de-annexation be denied.

Thanks,

Clyde and Kathryn Tomlinson

944 S. Lakeshore Drive

Valdosta, GA 31605

From: Frances Brown <sfbisbestmom@gmail.com>
Sent: Thursday, July 22, 2021 5:28 PM
To: Lauren Hurley
Subject: Deannexation of 310 acres from city to county

We are James H and Susan F Brown of 954 S Lakeshore Drive. My husband has had a major stroke and is bedridden at this time. Our property is in contact with the requested property change. We have been told the owner of the property under consideration wishes to hunt on the property (it has abundant deer) and use it for recreational purposes. We adamantly oppose his request to be part of the county rather than the city. I would hate for a bullet to come through the window of our home!!! Please contact me at 229-333-0550 should you need any further information from us. Thank you.

Sent from my iPhone

From: Randy Crosby <rhcrobycc@gmail.com>
Sent: Thursday, July 22, 2021 2:54 PM
To: Matt Martin
Subject: See attached

Mr. Martin, I'm writing on behalf of myself, my wife and son.

We have lived at 3533 river chase dr. for 33 years.

We are strongly opposed to the pending de-annexation request.

We are concerned that if the property is fully brought into the county or classified as wildlife management and rec. use that it may be used eventually for "unintended" purposes such as a sand pit, logging or a hunting tract or hunting lease. Many of our neighbors, their kids and ourselves walk the nature trails along the river. Also many of us fish on the river. Gunfire, neighbors and children don't mix.

We prefer that the tract remain as is and intended, as an wetland area full of federally protected plants and animals.

Sincerely,

Randy, Lori and Justin Crosby

Very satisfied residents of River Chase subdivision for 33 years

July 23, 2021

Matt Martin, Valdosta City Planner

Dear Matt,

This letter is about the "Deannexation Request by Uvalde Land Company, File #: VA-2021-16".

We moved back to Valdosta in 2004 and love our neighborhood (Riverchase Subdivision). The information below is very disturbing that land can be sold to someone without the thought of having any plan of the land usage. This area currently has been inundated with subdivisions with no prior planning to accommodate traffic, fire prevention, etc. We enjoy our home and the surrounding area – we love nature – this "lack of planning" and an "anything goes" approach is very concerning. Our commission should be supporting an environmentally friendly approach to any future developments in the Val-Del area. (population has had to triple from N Valdosta Road and Hahira (including Hwy 41) in the last five years)

I am assuming due to the growth is why we are experiencing sand in our Lowndes County supplied water, I fear it will only get worse. Please disallow this proposal.

- 1) As all are aware, Mr. Warren's business is land development. Common sense dictates that his stated reasons for deannexation are likely not his long-term goals. As a matter of fact, he does not even need deannexation to use the property for these purposes; he only must get permission from the city per the city ordinances. He obviously has other purposes in mind.
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 - b) Provide habitat for endangered species such as the wood stork, bald eagle, red cockaded woodpecker, and many other species of concern that live on this property. My children, and now my grandchildren, have a great appreciation for nature largely because of their experiences growing up on this river.
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I strongly urge the Planning Commission to deny this self-serving, ill-planned deannexation request.

Sincerely,

Melvin A & Vanessa L Plair (229-269-9762 or 6650)

3621 Northridge Drive

Valdosta, GA 31602

From: Amy Woods <amygwoods@bellsouth.net>
Sent: Friday, July 23, 2021 3:53 PM
To: Lauren Hurley
Subject: Cherry Creek VA-2021-16

Good afternoon Ms Hurley,

I can't make the Planning Board Monday night as I will be on a non-refundable vacation. I will try to attend the meeting of the City Council in August 2021 for this issue.

I am opposed to the de-annexation from the City and rezoning into the County of these acres. The applicant should be able to hunt in a portion of the current area as it is as told to me by City Staff. I see no reason for the request.

I also don't know where on the property the applicant wants to hunt as compared to the location of homes.

The City of Valdosta will also lose taxes from the increase of the amount of taxes on this property next year as the value of this the property will increase more than triple from the original purchase price.

Thanks for letting me voice my concerns.

Amy Woods
1339 Winding Ridge Circle
Valdosta, GA 31605
229-560-6183