



GLPC AGENDA ITEM # 5 JULY 26, 2021

Deannexation Request by Uvalde Land Company File #: VA-2021-16

Uvalde Land Company LLC, represented by James Warren, is requesting to **deannex** 310 acres from the City of Valdosta. The subject property is the City portion of the “Cherry Creek Wetlands Mitigation Bank” property which is located between the Withlacoochee River and the Cherry Creek residential neighborhoods. The applicant’s stated reason for the deannexation is to use it “for wildlife management and recreational use”. Pursuant to State law, the Lowndes County Commission has already adopted a Resolution formally “consenting” to the deannexation, however the final decision for such deannexations rest with the City Council. It should be noted that the property is currently zoned R-15 in the City, and there has been no discussion of any proposed zoning for this property in Lowndes County, and a rezoning application has not yet been submitted to County staff.

The property is located within the **Parks / Recreation / Conservation (PRC)** and the **Linear Greenspace / Trails (LGT)** Character Areas on the Future Development Map of the Comprehensive Plan which supports both residential and conservation-related zoning districts. The property is adjacent to the unincorporated area of Lowndes County. Deannexation of this property would not create any “islands” of incorporated area and it is therefore eligible for consideration under State law.

Brief history. The subject property was part of a family farm estate that would later be sold off and eventually developed into the Lake Laurie, Cherry Creek Hills, and Cherry Creek North subdivisions that we know today. These subdivisions slowly started developing about 50 years ago on individual parcels - primarily around the shoreline of the central lake (Lake Cleve, a.k.a. Cherry Creek Lake). Most all of the property was annexed into the City in the 1970’s and it continued developing as the early phases of the now-existing subdivisions. The only portions that remained in the County were these few small pockets of land (individual homesites) around the lake (and these were later annexed into the City as part of the “Islands Annexation” in 2006). The bulk of the remaining undeveloped land (including the subject property) was conveyed to the University of Georgia (UGA) and then later sold to local developers in 1994. In 2001, the subject property was included as part of the developers’ creation of the ‘Cherry Creek Wetlands Mitigation Bank”, and this was later conveyed to the UGA “Arch Foundation” in 2007. The applicant acquired the subject property from the Arch Foundation in March 2020.

Deannexation requests are reviewed and processed in a similar manner as annexation, but in reverse. As required by State law, the applicant has already received a Resolution of support from the Lowndes County Commission consenting to the deannexation (see attached). However, just like an annexation request, the final decision for deannexation rests with the Valdosta City Council and the decision is purely discretionary. Deannexation requests are very rare, and the last such request was by Scott Houser in 2013 (Stallings Road) which was unanimously denied by City Council. Previous to that, the latest request was an approval in 1998 (5 acres along Lloyd Jackson Rd).

Many of the same factors and rationale considered for an annexation, are also considered for a deannexation. In this case, these reduce down to two main areas: land use and “potential development” as it relates to physical access, and City provision of utilities and other services. Because any future bridge crossing of the Withlacoochee River in this area would be extremely unlikely, and this property being located wholly on the east side of the river bank, any access to this property must come from the east side of the river --- which means “through the city limits”. This would hold true for ANY form of development access, public/landowner access, public utilities, fire/police protection, or emergency medical response. Lowndes County is simply not able to provide any of these in an adequate manner from the west side of the river. In terms of the existing R-15 zoning, wildlife management and passive recreation are already Permitted Uses in the City R-15 zoning (as long as there is no discharge of a firearm). Additional recreational uses (active) might also be available in the City’s “E-R” zoning, either as a Permitted Use or with a CUP approval. Therefore, based on the applicant’s stated intentions, staff does not recognize any legitimate or sufficient reason why this property should be deannexed – particularly

since the property has been in the city limits for more than 40 years and the applicant has only owned the property for barely the past 1 year.

Furthermore, it should be pointed out and emphasized that the applicant still has NOT petitioned nor discussed any requested Zoning designations with Lowndes County planning staff. It is believed that the County's "Conservation (CON)" zoning classification would be the most logical choice, since that is the designation on the remaining county-portion of the Mitigation Bank property and is the same zoning that elsewhere follows the boundaries of the river floodplain. However once deannexed, the City of Valdosta has no jurisdiction or purview over what the approved County zoning would be.

Nonetheless, the main question in reviewing any deannexation request is "Why?" and there is simply no compelling adequate reason(s) which support this particular request. If the property is truly to remain undeveloped and in a primarily natural state like it has for the past 40+ years, then leaving it in the city limits is clearly the best choice. This is particularly true if for no other reason than the City's access and protective services, and "if" there should be any form of a development proposal for this property (or a portion thereof) in the future. And because of these same reasons, staff would further encourage the applicant to go ahead and ANNEX the remaining portion of the Mitigation Bank property so that all of the property would be under one jurisdiction. This would also serve as a logical means of "rationalizing the City boundaries" by making the property lines along the River channel match the city limits line, like it does in many other places.

Staff Recommendation: Find inconsistent with the Comprehensive Plan and recommend **denial** to the City Council. Staff also formally recommends that the applicant pursue voluntary annexation of the remaining portion of the "Cherry Creek Wetlands Mitigation Bank" property.

Planning Analysis & Property Information

Applicant / Owner:	Uvalde Land Company (James Warren).		
Request:	Deannex 103 acres back into unincorporated Lowndes County		
Property General Information			
Size & Location:	The City portion of the “Cherry Creek Wetlands Mitigation Bank” property totaling 310 acres located between the Withlacoochee River and the Cherry Creek residential neighborhood..		
Street Address:	< no street address assigned >		
Tax Parcel ID:	Map # 0072 Parcel # 031	City Council District:	5 Councilman Carroll
Zoning & Land Use Patterns			
		Zoning	Land Use
Subject Property:	Existing:	R-15	Vacant, undeveloped (<i>Withlacoochee River floodplain</i>)
	Proposed:	??	Wildlife Management, recreational use
Adjacent Property:	North:	CON	Vacant, undeveloped (<i>Withlacoochee River floodplain</i>)
	South:	R-15	Single-family neighborhood (Cherry Creek Hills)
	East:	R-15	Single-family neighborhoods; Cherry Creek Hills, Cherry Creek North
	West:	R-15	Vacant, undeveloped (<i>Withlacoochee River floodplain</i>)
Neighborhood Characteristics			
Historic Resources:	There are no known historic resources in the area.		
Natural Resources:	Vegetation:	Forest – mostly natural, wetlands	
	Wetlands:	There are jurisdictional wetlands on the subject property as part of the “wetlands mitigation bank”.	
	Flood Hazards	Most of the property is located within the current FEMA designated 100-year floodplain	
	Groundwater Recharge:	There is a designated groundwater recharge area immediately west of the subject property	
	Endangered Species:	There are likely to be some endangered species in the wetlands areas.	
Public Facilities			
Water & Sewer:	There are currently no existing Valdosta water or sewer services near the subject property, other than a few points of proximity to Ridge Road and South Lakeshore Drive.		
Transportation:	The only points of direct access is a 40' segment along the South Lakeshore Drive right-of-way (local street), and along the west side of the “closed” portion of Ridge Road where it crosses the weir.		
Fire Protection:	Fire Station # 5 (N Oak Street Ext) = approximately 2.4 miles to the SE		

Comprehensive Plan Issues

Character Area: Parks / Recreation / Conservation

Description: Undeveloped, natural lands with significant natural features including floodplains, wetlands, watersheds, wildlife management areas and other environmentally sensitive areas not suitable for development of any kind. This area also includes land reserved for neighborhood, community and regional parks.

Development Strategy: The natural, rural character should be maintained by not allowing any new development and promoting use of conservation easements. Roadways in these areas should be widened only when absolutely necessary. Roadway alterations should be carefully designed to minimize the visual impact. These areas should be promoted for passive-use tourism and universally designed recreational destinations. In urban areas, the natural character should be maintained while permitting community use through parks and multi-use trails..

Character Area: Linear Greenspace / Trails

Description: Areas of protected open space that follow natural and manmade linear features for recreation, transportation, and conservation purposes and link ecological, cultural and recreational amenities.

Development Strategy: Linear greenspaces and trails should be linked into a pleasant network of accessible greenways, set aside for pedestrian and bicycle connections between schools, churches, recreation areas, community centers, residential neighborhoods and commercial areas. These greenways will provide safe, efficient pedestrian linkages and give all users an opportunity to enjoy the natural environment. They may also serve as an alternative transportation network, accommodating commuting to work or shopping as well as recreational biking, skateboarding, walking, and jogging.

Supplemental Regulations in the LDR Applicable to the Proposal

< none >

Development Review Comments

The following comments are provided by the reviewing departments and are only intended to provide the developer with useful information for planning purposes. This list should not be considered all inclusive as additional items may appear during the plan review process.

Building Plan Review: No comments.

Engineering: No comments or concerns with the deannexation.

Fire: No comments

Landscape: No comments

Utilities: No comments or concerns.

Public Works: No comments

Attachments:

Deannexation application
Consent Resolution from Lowndes County
Zoning Location Map
Future Development Map
Aerial Map
Boundary Survey



Application for Deannexation

CITY OF VALDOSTA PLANNING AND ZONING DIVISION

VA-2021- 16

This is an application for voluntary deannexation into the unincorporated area of Lowndes County.
All properties listed in a single application must be contiguous and currently within the City of Valdosta.

*Applicant / Owner UVIALDE LAND CO. [James Warren]
 Telephone Number 229-740-1802 Email Address James@Jw4utilities.com
 Mailing Address P.O. Box 3471 VALDOSTA GA 31604

Has the applicant made any campaign contributions over \$250 to any local government official of the City of Valdosta? YES NO

Date of required Pre-Application Meeting with City Planning & Zoning staff: _____

*Note: If applicant is not the owner as listed on the Property Deed, include a notarized letter from the owner(s), including phone number and address, authorizing the applicant to act on their behalf.

PROCEDURE

Pre-Application Meeting Required

Schedule a required pre-application meeting with City of Valdosta Planning & Zoning staff to take place before the application deadline (see below) by calling the Planning & Zoning office at (229) 259-3563

Lowndes County Consent Resolution

Pursuant to O.C.G.A. 36-36-22, all requests for deannexation must first receive an approved Consent Resolution from the Lowndes County Commission. A copy of this Resolution must be included with this Deannexation application as a required attachment

Application Requirements

All applications must be complete and include required supporting documents. Incomplete applications will not be accepted.

Application Deadline

Applications are due by 5:00 p.m. on the 25th day of the month. When the 25th falls on a weekend or holiday, applications are due the next business day. Complete Applications submitted by the deadline will be heard by the Greater Lowndes Planning Commission (GLPC) approximately four weeks following the application deadline and by the City Council approximately six weeks following the deadline. For example, an application submitted on March 25th will be heard at the April Planning Commission meeting and the May City Council meeting.

Application Submission

Return one copy of this completed application and all supporting documents to:
City of Valdosta Planning & Zoning Division
City Hall Annex
300 N. Lee Street | P.O. Box 1125 Valdosta, GA 31603-1125

Application Public Hearings

Applications will be heard at two public hearings as follows: (1) by the GLPC for a recommendation at their regular meeting held the last Monday of each month at 5:30 p.m. at the Lowndes County Board of Commissioners Building (325 W. Savannah Avenue), and then (2) by the Valdosta City Council for a final decision at their regular meeting held the Thursday following the first Sunday of each month at City Hall (216 E. Central Avenue).

Application Representation

The applicant or authorized representative should attend the public hearing to support the Application and answer any questions.

Lowndes County Rezoning

If the deannexation is approved, then contact Lowndes County Planning Department regarding their rezoning process.

PROPERTY INFORMATION

PROPERTY ADDRESS (OR GENERAL LOCATION IF NO ADDRESS ASSIGNED):

Withlocochee River

TAX MAP/PARCEL ID#: 0072-031 ACREAGE: 530.24

Why is deannexation requested?

to use for wildlife management, and
rec. use as it is in a mitigation bank
1/2 Has no Development use.

Date of Lowndes County Commission meeting (to approve the Deannexation Consent Resolution): 4/13/21

Questions may be directed to City of Valdosta Planning and Zoning Office at:

Phone: (229) 259-3563 | Fax: (229) 259-5450
 P.O. Box 1125 | 300 N. Lee Street | Valdosta, GA 31603-1125

RESOLUTION CONSENTING TO DEANNEXATION

WHEREAS, OCGA § 36-36-22 grants governing bodies of municipal corporations authority to deannex an area of the existing corporate limits thereof upon application of the owner of the land proposed to be deannexed and a resolution of the governing authority of the county in which the property is located consenting to the deannexation; and

WHEREAS, a portion of the property of Uvalde Land Company, LLC depicted on the plat of survey attached hereto as Exhibit 1 is located within of the corporate limits of the City of Valdosta; and

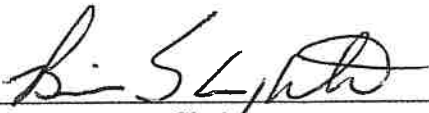
WHEREAS, Uvalde Land Company, LLC desires to deannex that portion of the property of Uvalde Land Company, LLC depicted on the plat of survey attached hereto as Exhibit 1 located within of the corporate limits of the City of Valdosta;

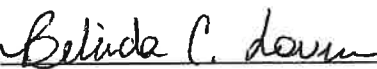
NOW THEREFORE, pursuant to OCGA § 36-36-22, the Board of Commissioners of Lowndes County, Georgia, does hereby resolve to, and does hereby, consent to the deannexation by the City of Valdosta of that portion of the property of Uvalde Land Company, LLC depicted on the plat of survey attached hereto as Exhibit 1 located within of the corporate limits of the City of Valdosta.

IT IS SO RESOLVED, this 13th day of April, 2021.



BOARD OF COMMISSIONERS OF LOWNDES COUNTY

By: 
Bill Slaughter, Chairman

Attest: 
Belinda C. Lovern, Clerk

VA-2021-16 Zoning Location Map

Uvalde Land Co.
Deannexation Request

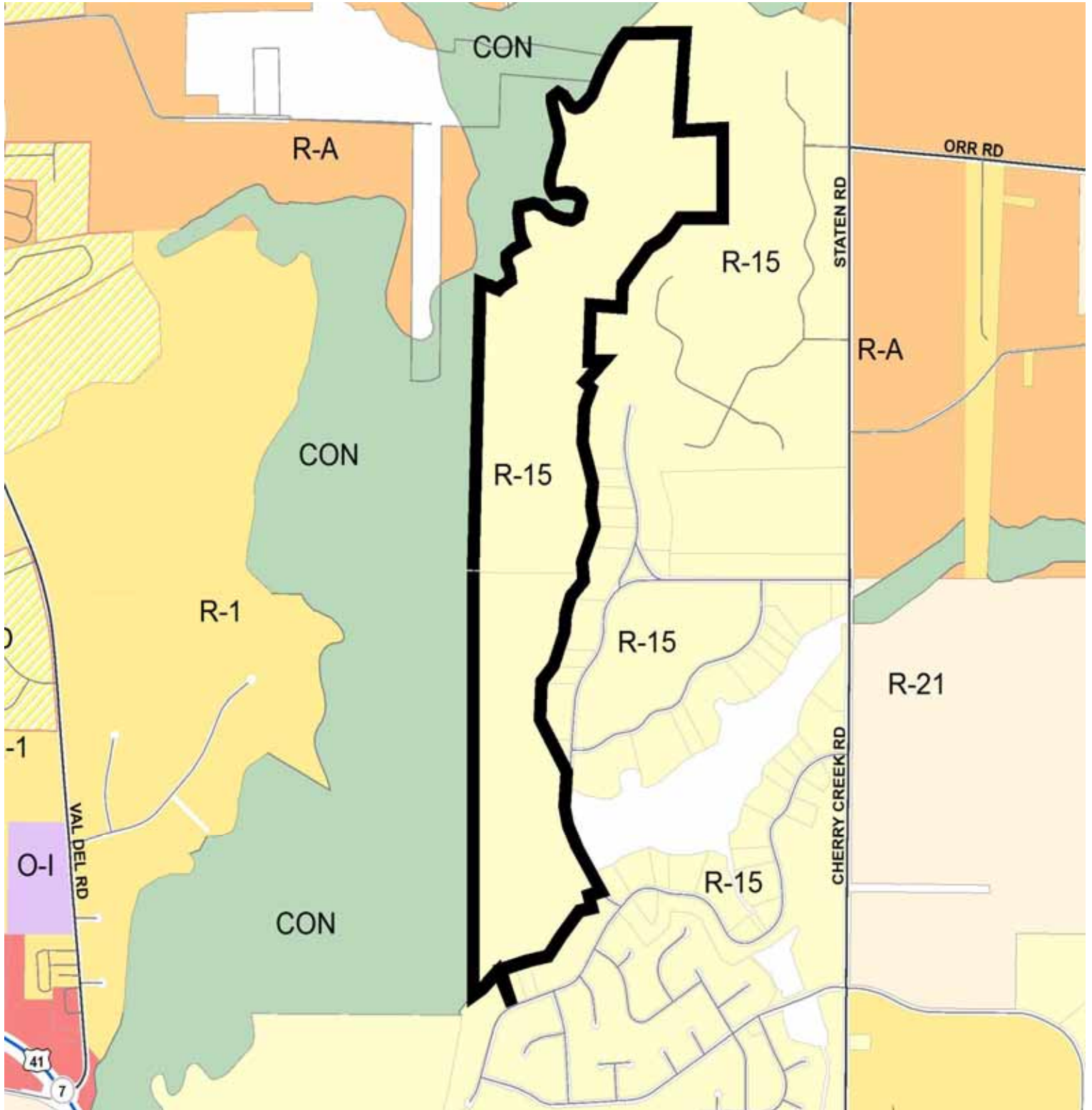
Withlacoochee River – Cherry Creek
Tax Map: 0072 Parcel: 031

Zoned: R-15



** Map NOT to scale

Map Data Source: VALOR GIS July 2021



VA-2021-16 Future Development Map

Uvalde Land Co.
Deannexation Request

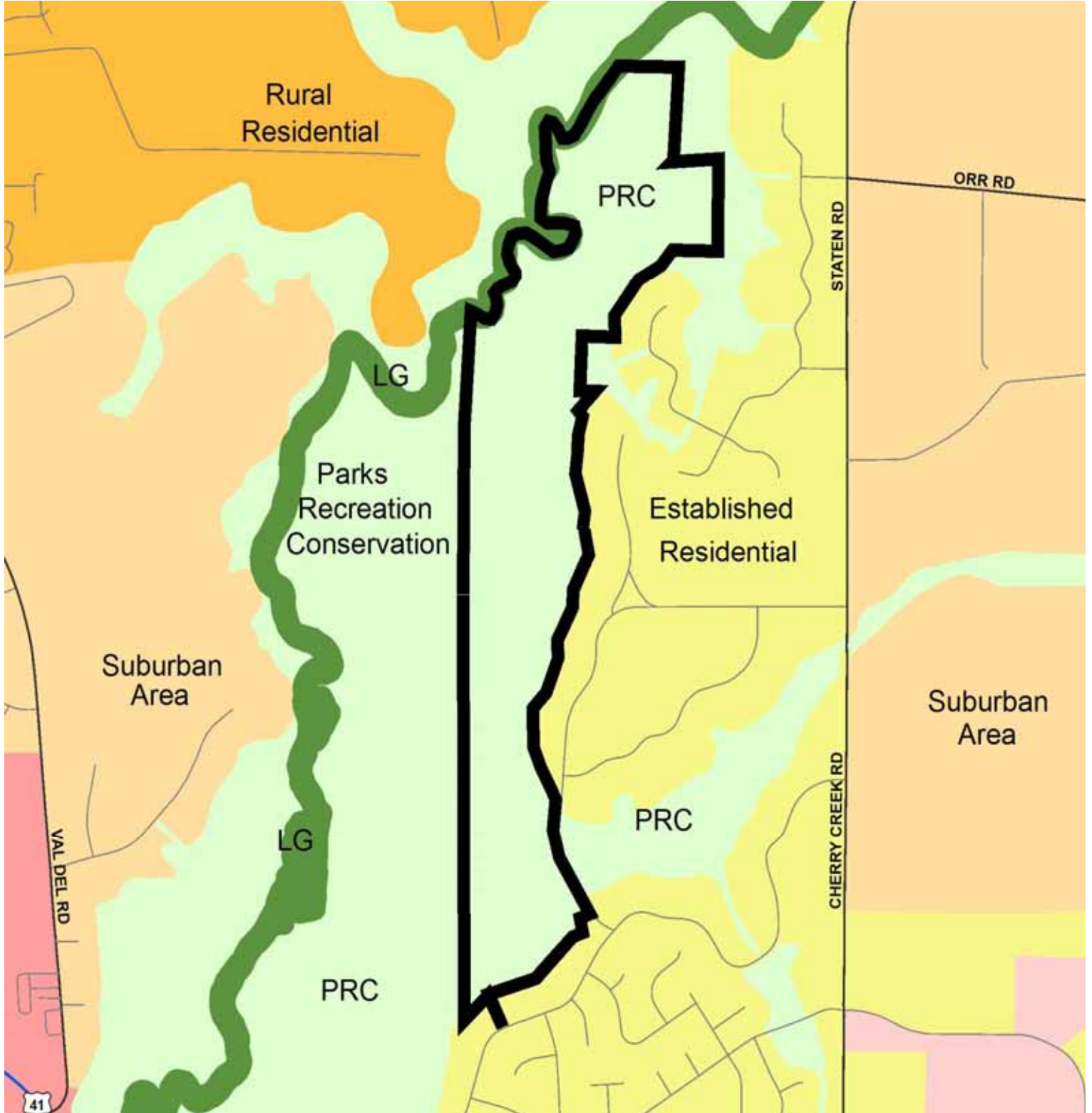
Withlacoochee River – Cherry Creek
Tax Map: 0072 Parcel: 031

Character Area: PRC



** Map NOT to scale

Map Data Source: VALOR GIS July 2021



VA-2021-16 Aerial Location Map

Uvalde Land Co.
Deannexation Request

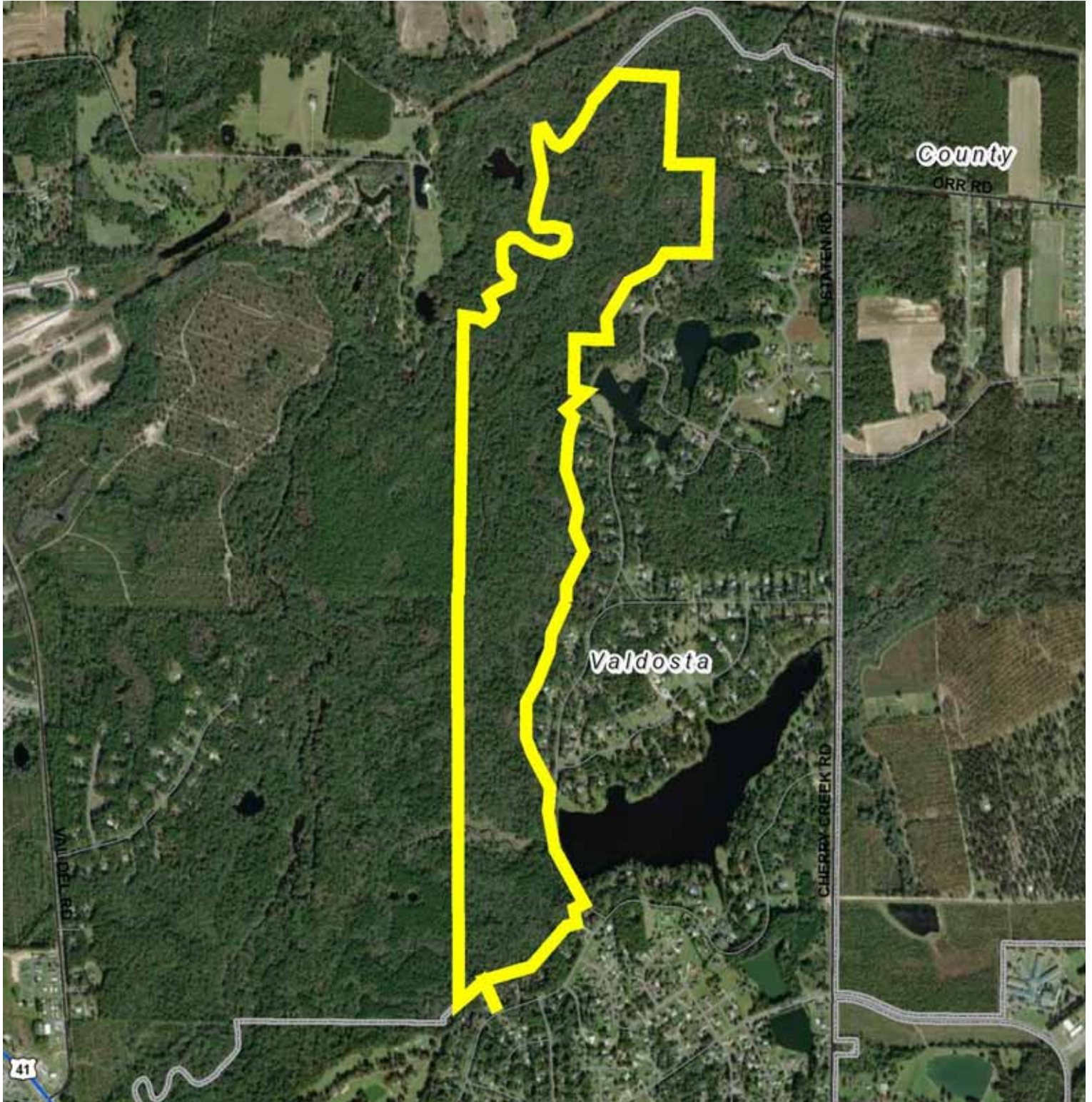
Withlacoochee River – Cherry Creek
Tax Map: 0072 Parcel: 031

Aerial Imagery ~ 2019



** Map NOT to scale

Map Data Source: VALOR GIS July 2021





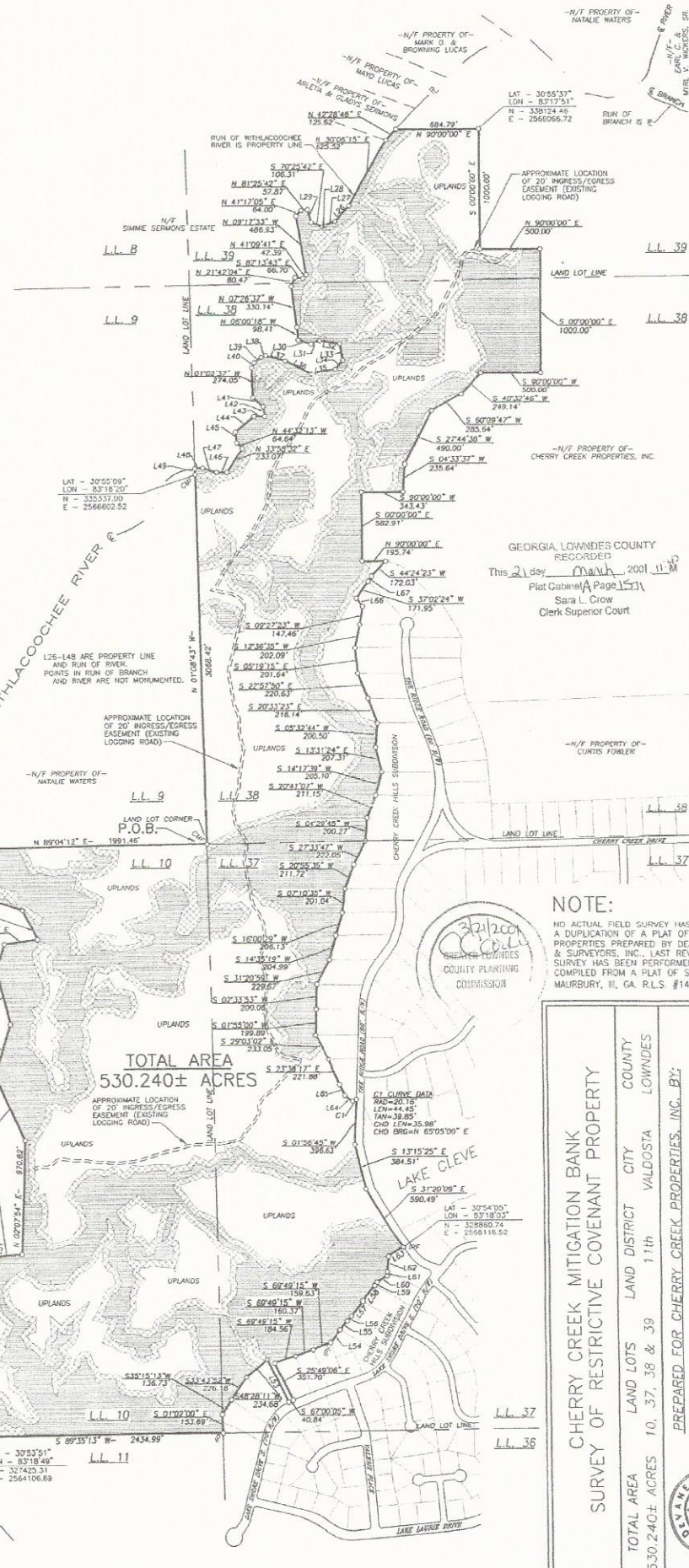
VICINITY MAP

NOT TO SCALE

LINE DATA

LINE L1 THROUGH L25 ARE NOT APPLICABLE TO THE SUBJECT PROPERTY AND ARE NOT SHOWN IN THE FOLLOWING TABLE.

LINE	BEARING	DISTANCE
L26	N 41°37'10" E	175.74
L27	N 65°57'49" E	192.40
L28	N 71°39'23" E	20.98
L29	S 142°1'09" E	113.85
L30	N 75°34'07" W	111.85
L31	S 71°25'17" W	84.24
L32	N 81°37'02" W	170.05
L33	N 10°36'21" W	134.41
L34	N 39°19'41" E	100.87
L35	N 78°49'15" E	208.72
L36	S 87°04'14" E	250.93
L37	S 73°28'55" E	169.82
L38	N 70°37'09" E	40.21
L39	N 48°58'05" E	76.89
L40	N 23°33'46" E	46.35
L41	N 48°31'55" W	112.64
L42	N 08°26'53" W	84.34
L43	S 89°41'36" E	50.36
L44	N 81°00'49" E	198.05
L45	N 08°39'26" W	86.05
L46	S 89°53'58" E	86.85
L47	S 71°58'59" E	119.03
L48	N 85°22'00" E	65.45
L49	N 01°08'43" W	49.16
L50	N 89°04'12" E	52.00
L51	S 13°48'11" W	174.60
L52	S 62°39'43" E	129.99
L53	N 25°49'06" W	405.23
L54	S 40°59'00" W	132.23
L55	S 40°39'34" W	97.58
L56	S 39°56'14" W	56.41
L57	S 40°02'10" W	153.50
L58	S 39°57'22" W	153.46
L59	S 39°22'54" W	32.56
L60	S 58°05'33" W	96.57
L61	S 04°48'08" W	36.07
L62	S 04°48'08" W	122.39
L63	S 58°32'54" W	147.06
L64	S 53°09'15" E	80.00
L65	S 25°20'06" E	101.60
L66	S 46°21'00" E	83.62
L67	S 36°29'20" W	47.38



REFERENCE

THESE BEARINGS HEREON HAVE BEEN CALCULATED FROM AN ACTUAL FIELD SURVEY AND ARE BASED UPON THE RE-SUBDIVISION PLAT OF CHERRY CREEK HILLS SUBDIVISION, SECTION 10, FOUND IN PLAT BOOK 36, PAGE 284 AND OTHER MATERIAL OF RECORD, LOWNDES COUNTY, GA.

THE WETLAND BUFFERS SHOWN ARE INTENDED TO BE 50' IN WIDTH AS INDICATED BY MAPS FOR PERMITTING PURPOSES, ON FILE, PREPARED BY CARL SALAFRINO WITH CREATIVE ENVIRONMENTAL SOLUTIONS, INC., DATED MAY 2000.

THE PLATED PROPERTY IS A PORTION OF THE PROPERTY DESCRIBED BY LOWNDES COUNTY TAX ASSESSORS AS TAX MAP V043, PARCEL 001 AND TAX MAP 72, PARCEL 51 WHICH CAN BE FOUND DESCRIBED IN DEED BOOK 1153, PAGE 30 AND PLAT BOOK 38, PAGES 52-55 OF RECORD IN THE OFFICE OF THE CLERK OF COURT, LOWNDES COUNTY, GEORGIA.

THE PROPERTY IS IN ZONE "C" AND IS NOT SUBJECT TO AN SPECIAL FLOOD HAZARD. REFER TO F.E.M.A. COMMUNITY MAP PANEL No. 130469 002D B, DATED JUNE 1, 1982.

TOTAL AREA OF JURISDICTIONAL WETLANDS = 201.0 ACRES
TOTAL AREA OF WETLAND BUFFERS = 97.1 ACRES
TOTAL AREA OF UPLANDS = 232.14 ACRES

WETLANDS, WETLAND BUFFERS AND/OR STREAMSIDE LANDS ARE SUBJECT TO THE JURISDICTION OF THE U.S. ARMY CORPS OF ENGINEERS UNDER THE CLEAN WATER ACT UNDER PERMIT NUMBER 990010930 AND ARE PROTECTED BY A RECORDED DECLARATION OF COVENANTS AND RESTRICTIONS.

LEGEND

CMF	CONCRETE FOUNDATION FOUND
IRF	IRON REBAR FOUND
IPF	IRON PIPE FOUND
JWL	JURISDICTIONAL WETLANDS
WB	WETLAND BUFFERS
U	UPLANDS

NOTE:

NO ACTUAL FIELD SURVEY HAS BEEN PERFORMED. THIS IS A DUPLICATION OF A PLAT OF BOUNDARY SURVEY OF CHERRY CREEK HILLS PROPERTIES PREPARED BY DEAN B. DEVANE, GA RLS #2620, DEVANE ENGINEERS & SURVEYORS, INC., LAST REVISED 21 APRIL 1999. NO ADDITIONAL FIELD SURVEY HAS BEEN PERFORMED. JURISDICTIONAL WETLANDS SHOWN HAVE BEEN COMPILED FROM A PLAT OF SURVEY ON FILE, PREPARED BY RITCHIE M MAURBURY, II, GA. RLS #1495, DATED 8-11-99.

TOTAL AREA
530.240± ACRES

CHERRY CREEK MITIGATION BANK
SURVEY OF RESTRICTIVE COVENANT PROPERTY

PREPARED FOR CHERRY CREEK PROPERTIES, INC. BY:
DEVANE SURVEYING, INC.
DEAN B. DEVANE G.G. RLS #2620
700 N. TOOMBS ST. VALDOSTA, GA, 31601
TEL: (229) 253-8080

TOTAL AREA 530.240± ACRES
LAND LOTS 10, 37, 38 & 39
COUNTY VALDOSTA
CITY LOWNDES

FIELD SURVEY: MARCH 1998
DATE COMPLETED: 20 FEBRUARY 2001
PROJECT No.: 01029-18W
DRAWING: 01029LW-BSD

I HEREBY CERTIFY THAT ALL MEASUREMENTS ARE CORRECT AND WERE PREPARED FROM DATA UNDER MY SUPERVISION. THE FIELD DATA UPON WHICH THIS PLAT IS BASED HAS BEEN OBTAINED FROM A SERIES OF ADJUSTMENT HAS BEEN PERFORMED. THIS PLAT HAS BEEN CALCULATED FOR CLOSURE. FOOT IN 1/10,000 FEET.

DEAN B. DEVANE (229) 253-8080
DEAN B. DEVANE GA. RLS #2620