

LOWNDES COUNTY BOARD OF COMMISSIONERS  
COMMISSION AGENDA ITEM

SUBJECT: REZ-2024-06 Budd Horace Ave, 1735 Madison Hwy, ~3.0ac,  
CON & C-H to CON & C-H, Well & Septic

DATE OF MEETING: September 9, 2025

Work  
Session/Regular  
Session

BUDGET IMPACT: N/A

FUNDING SOURCE:

- Annual
- Capital
- N/A
- SPLOST
- TSPLOST

COUNTY ACTION REQUESTED ON: REZ-2024-06 Budd Horace Ave, 1735 Madison Hwy,  
~3.0ac, CON & C-H to CON & C-H, Well & Septic

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HISTORY, FACTS AND ISSUES: This request represents a change in the existing boundaries of the CON (Conservation) and C-H (Highway Commercial) zoning to newly proposed boundaries of CON and C-H zoning<sup>[1]</sup>. The main motivations in this case are to bring the current commercial use of the property into compliance and for speculative future commercial use. The property is currently owned by Budd Billboards LLC and represented by the Budd Company. The business operator on the subject property is L and G Diesel Service.

The subject property possesses road frontage on Madison Hwy and Horace Ave, an improved State Maintained Arterial Road and an unimproved County Maintained Local Road. The subject property is also within the Valdosta Regional Airport (VLD) Overlay, and is depicted as Park/Recreation/Conservation (90%) and Community Activity Center (10%) on the Comprehensive Plan Character Area Map. The subject property is within the Urban Service Area but is not close to Lowndes County Water and Sewer. The closest water and sewer are from the City of Valdosta (City Limits Adjacent to the West and South). There is also an Atlanta Gas and Light line along Horace Avenue. The property owners do not want to annex into the City of Valdosta and would like to use well and septic to serve the property.

Within the VLD Overlay, the property is in the Conical Surface Zone, Horizontal Surface Zone, Runway Protection Zone, Transitional Surface Zone, Approach Zone, and Noise Contour Zone. Section 4.02.03 (attached) lists supplemental design standards and restricted uses within these zones.

Part of the northern property line is along Mud Swamp Creek. Around 95% of the property is within the flood plain<sup>[2]</sup> and ~30% has potential wetlands<sup>[3]</sup>. The involvement of FEMA and EPD with the Flood Plain and the Army Corps of Engineers (ACOE) with the wetlands are factors in the development of the subject property. At this point, the applicants have not applied for a flood plain-related application with FEMA or for a jurisdictional wetland determination with the ACOE. Previous owners of the property may have impacted the wetlands depicted in the National Wetland Inventory.

Currently, the property is not zoned for the use, and the office is an unpermitted portable storage

building. The building is fed with unpermitted power and has been retrofitted with a bathroom that appears to have been connected to an unpermitted well and septic system. The compliance history includes complaints and staff conversations that stretch back to February 2024. Most of the staff time since then has been spent working with the property owner and operator addressing issues related to the flood plain, wetlands, and rezoning. This past July, after receiving additional complaints, staff increased their involvement due to the growth of the operation to 50+ vehicles (dominantly semi-trucks) and a lack of substantial progress on the permitting of the subject property. (PRE-2024-11 Notes, 7/18/25 Status E-mail, and Timeline Attached).

Additionally, although the TRC does not believe that conditions of approval are necessary for the following information, it should be noted for future reference that: the supplemental standards for the proposed use will apply – ULDC Section 4.03.11, the minimum buffer area between the Commercial use and the R-10 (East) and CON zoning (North) is 60 feet, which may be decreased by 50% and the buffer landscaping decreased by 25% with the installation of a 6' to 8' opaque fence, the regulations for the VLD overlay will apply to the development of the subject property, and Staff recognizes that communication has been limited and would welcome members of the developer's professional team to weigh in on the proposed development of the subject property (Engineer, Surveyor, Environmental Consultant, etc.).

Staff analyzed the request, the standards governing the exercise of zoning powers set forth in 10.01.05 of the ULDC, and factors most relevant to this application, including the neighboring land uses and lot sizes, the viability of a Well & Septic system, the historic and proposed use of the property, the environmental sensitivity of the site, and the VLD Overlay Standards, and therefore recommends:

A) Tabling:

The Commission could consider tabling the request until:

1. A Jurisdictional Determination has been issued by the ACOE.
2. A Conditional Letter of Map Revision (CLOMR[4]) has been issued by FEMA/EPD.

B) Approval with Conditions: If the Commission is ready to move forward, then they could consider approval with conditions. The current set of draft conditions are as follows:

1. Regarding the CON / C-H zoning boundary:
  - a. The C-H zoning boundary and its allowed uses shall not extend beyond the delineated wetland boundary as approved by the ACOE.

Or, if that boundary is not known at the time of LCBOC consideration, then

- b. The C-H zoning boundary shall extend from the southern end of the property along Horace Avenue to 55' off of the southernmost GIS wetland boundaries.
2. Any vehicular ingress/egress off of Horace Avenue while it is unimproved shall require the property owner/developer to pave the street from that ingress/egress to the nearest paved street. The property owner/developer will be responsible for the design, any acquisition of necessary right-of-

way, relocation of utilities, and construction costs for the paving of the section mentioned above. The paving shall be completed before the issuance of any Certificate of Occupancy (CO) is granted on the subject property.

3. Per GA EPD Floodplain Management, a guardrail shall be installed around the perimeter of anything stored on the property to a height two (2) feet above the flood zone.
  4. A sign and/or billboard shall not be permitted on the property until the commercial use is brought into compliance.
  5. Any lighting located on the property shall be shielded and directed to avoid direct illumination of adjacent residentially zoned properties.
  6. Any loudspeakers, paging systems, or electromagnetic interference generated on or by uses of the property shall be designed, installed and used such that they are not discernible at any abutting residentially zoned property line.
  7. The following list of uses shall not be allowed on the subject property:
    - a. Care Homes
    - b. Transitional Care Facilities
    - c. Agricultural and Farm Operations
    - d. Chicken Coops
    - e. Kennels
    - f. Adult Entertainment
    - g. Animal Care Facilities
    - h. Child Care
    - i. Lodging
    - j. Lounges, Bars, and Nightclubs
    - k. Research and Experimental Laboratories
    - l. Schools & Universities
    - m. Truck Stops
    - n. Telecommunications Towers
3. Deny

At the Planning Commission meeting, the applicant's representative spoke in support of the request, stating they were trying to bring the property into compliance to build a shop for the tenant, and that they understood and were agreeable to staff's conditions. The board had multiple questions about the applicants' compliance history, the ability to build or place structures in a flood plain, and the viability of the site overall to accommodate the current use and potential future uses. Ultimately, the Planning Commission recommended Denial (6-1).

[1] From 1984-1995, the property was zoned entirely F-H (Flood Hazard).

From 1996-2006, the property was split zoned F-H and C-H, the C-H being ~0.75ac. of the 3.0 ac.

From 2006-now, the property is split zoned CON and C-H, the C-H being ~0.75 ac. of the 3.0 ac.

[2] The 2021 FEMA Flood Insurance Rate Maps (FIRM) show ~95% of the property in Flood Zone AE.

[3] The wetlands are a part of the NWI mapped coverage through VALOR GIS (GIS = Geographic Information System).

[4] FEMA's comment on a proposed project that would, upon construction, affect the hydrologic or hydraulic characteristics of a flooding source and thus result in the modification of the existing regulatory floodway, the effective Base Flood Elevations (BFEs), or the Special Flood Hazard Area (SFHA). The letter does not revise an effective NFIP map, it indicates whether the project, if built as proposed, would be recognized by FEMA. Once a project has been completed, the community must request a revision to the Flood Insurance Rate Map (FIRM) to reflect the project. "As-built" certification and other data must be submitted to support the revision request.

- OPTIONS: 1) Approve  
2) Approve with Conditions  
3) Table  
4) Deny

RECOMMENDED ACTION: Deny  
Board's Pleasure

DEPARTMENT: Planning/Zoning

DEPARTMENT HEAD: JD Dillard

ADMINISTRATIVE COMMENTS AND RECOMMENDATIONS: