DAWSON COUNTY BOARD OF COMMISSIONERS
VOTING SESSION MINUTES – THURSDAY, APRIL 17, 2025
DAWSON COUNTY GOVERNMENT CENTER ASSEMBLY ROOM
25 JUSTICE WAY, DAWSONVILLE, GEORGIA 30534
IMMEDIATELY FOLLOWING THE 4:00 PM WORK SESSION

ROLL CALL: Those present were Chairman Billy Thurmond; Commissioner Seth Stowers, District 1; Commissioner Chris Gaines, District 2; Commissioner Alexa Bruce, District 3; Commissioner Chad Turkett, District 4; County Manager Joey Leverette; County Attorney Angela Davis; County Clerk Kristen Cloud; and interested citizens of Dawson County.

INVOCATION AND PLEDGE OF ALLEGIANCE: Chairman Thurmond

ANNOUNCEMENTS:
None

APPROVAL OF MINUTES:
Motion passed 3-1 to approve the Minutes of the Work Session held on April 3, 2025. Stowers/Turkett- Commissioner Bruce abstained

Motion passed 3-1 to approve the Minutes of the Voting Session held on April 3, 2025. Stowers/Gaines- Commissioner Bruce abstained

APPROVAL OF AGENDA:
Motion passed 4-0 to approve the agenda with the following change:

- Removal of the Public Hearing item - An Amendment to Section 133-272 of the County Code of Ordinances Related to Road Dedication Requirements - due to the Planning Commission being unable to meet as originally scheduled to hear the item; and
- Under Zonings, move ZA 25-02 ahead of ZA 24-10.

Gaines/Stowers

PUBLIC COMMENT:
None

PUBLIC HEARING:
An Amendment to Section 133-272 of the County Code of Ordinances Related to Road Dedication Requirements (2nd of 3 hearings; 1st hearing was held before the Planning Commission on April 15, 2025, and the 3rd hearing will be held before the Board of Commissioners on May 1, 2025)
This item was removed from the agenda. Following advertising, it will appear on a future Planning Commission agenda and future Board of Commissioners agendas for public hearings.

ZONINGS:

Chairman Thurmond announced that if anyone contributed more than $250 to the commissioners or chairman in the past two years and wished to speak, they would have to fill out a disclosure form, which would be made available to them. Under the normal program, 10 minutes is given to those who wish to speak in favor of or opposition to with some redirect, time permitting.

VA 25-06 – Karen Yost has submitted an appeal request to the proper authorities requesting an appeal of the variance approved by the Planning Commission on March 18, 2025, in which Gary and Cristina Willis were granted a reduction of the east side property line setback for a proposed accessory building approximately 3,500 square feet in size for personal use in the Residential Agriculture (RA) district from 25 feet to 10 feet. This property is approximately 3.1 acres located at 256 White Rock Drive off Abbott Creek Road (vicinity of Jewell Slaton Road) (Parcel 088-016-002).

Planning & Development Director Richard Osborne said the Planning Commission approved on March 18 a variance application (VA 25-02) from Gary and Cristina Willis to build a new personal use accessory building. The variance is to reduce the east side property line setback for the accessory structure from 25 feet to 10 feet; the accessory structure would be approximately 3,500 square feet. "There is varying topography at the proposed building site," said Osborne. "If the building was shifted 15 feet west, it would be further down sloping toward the existing driveway and house. The proposed building would be approximately 300 feet or more from the nearest off-property house." Osborne said neither the Planning Commission nor staff found significant negative impacts to surrounding properties. He said the Planning Commission found that topography was a factor for consideration. "This appeal by Karen Yost is one where the vote by the Board of Commissioners will be to either affirm the decision of the Planning Commission or overturn the decision," said Osborne.

Appellant Karen Yost said, "In order for Mr. Willis to get a variance, he has to show criteria for meeting that variance and conditions of the variance that he gets. So, basically, the criteria can't be a self-created hardship, and I'm here to claim that it's 100 percent a self-created hardship." She displayed images showing property lines, etc. "At this point, this is a completely unwritten variance, and that means there's absolutely no written criteria for why the variance is passed and it also means that there are no conditions legally written for compliance purposes. There's no clarity, no safeguards for me. … We don't know the height [and] we don't know the length [of the proposed accessory structure]. We don't know what materials are going to be used. We don't know when the construction is going to start or going to end. We don't know the amount of lawsuits that could be created over petty misunderstandings…and he's rated residential ag, that's a 25-foot setback; and I'm not, I've got a 10-foot setback. But those are zoning criteria. It hasn't been stated or written anywhere what amount of my property line will be affected by this variance. It's about .2 miles long, but there's nothing that safeguards that." Yost added, "The biggest concern that I have is that my property values could plummet because there would forever [be this] unwritten variance attached to it." She continued, "A future concern is if, at any point, Mr. Willis wants to take this 3.1 acres and incorporate any of his other 23 acres he would fall under the zoning laws of having 15 acres or more, in which he could [have] wedding venues…" Yost said this would mean being required to put in parking spaces. "He could also have a store…that he could sell things out of." She said, "That's really close to my property line. This vote [by the Planning Commission] was 2-1. The one dissenting vote said [the applicant] has other options."

The variance applicant, Gary Willis, said he built an equipment shed in 2001 after moving onto the property in 1999. He said a contractor built the tractor shed 10 feet off the property line intentionally "because that was the setback at the time." He discussed multiple changes and/or improvements he said he's made to the property since that time. "All I'm asking [for] is a setback variance for the right side of the shed to put a roof. If I don't get it, I'm going to put gravel there and I'm going to have a boat and I'm going to have a tractor there because that's where they are. Will they be out of the weather? No. Once again, I believe it's a simple request. I would like to install another shed off the right side to cover that equipment. There is not room in the rest of the building to hold my equipment." He listed many farming-related equipment items he owns. He explained why he chose the particular area of his property to install a shed, citing utilities, topography, etc.

Chairman Thurmond opened the hearing by asking if there was anyone present who wished to speak either for or against the application.

The following spoke in favor of the appeal application:

- Jan Warren, Dunwoody, Georgia

The following spoke in opposition to the appeal application:

- Cristina Willis, Dawsonville, Georgia

Chairman Thurmond asked if there was anyone else present who wished to speak on the application and, hearing none, closed the hearing.

Motion passed 3-1 to affirm the Planning Commission's decision concerning VA 25-02 with a stipulation that the building be based on the submitted specifications. Gaines/Stowers-Commissioner Bruce opposed the motion

ZA 25-02 - GVR Group Dawsonville GA 400 Retail LLC has submitted a request to the proper authorities requesting a Land Use Amendment to zone 4.24 acres of property currently zoned RA (Residential Agriculture/Residential Exurban) to CHB (Commercial Highway Business). This property is located between Stacie Lane, Lee Castleberry Road and Georgia Highway 400 South (Parcel(s) 107-271 and part of 107-082).

Planning & Development Director Richard Osborne said the proposal is to rezone the property from RA to CHB for a proposed commercial complex. The property is in the Georgia 400 Overlay District, he said. The proposal would include a 30,000-square-foot, two-story building with first-floor retail and second-floor office space. Closer to Highway 400, there would be two restaurants - one dine-in and one with a drive-thru. "The proposal is in the Georgia 400 mixed use character area and the proposal is consistent with the comprehensive plan," said Osborne. "The Planning Commission recommended approval; I will note, however, that Public Works provided comments based on access concerns."

Attorney Christopher Light of Lipscomb Johnson LLP, Cumming, Georgia, representing the applicant, said the proposal is a mixture of office, commercial retail, restaurant and potentially an assembly hall/private event space. Light said GVR Group has not yet started marketing the

property so there are no current tenants, but "they do plan to move quickly; all in all, it's just a continuing of the development trend along Georgia 400…"

Chairman Thurmond opened the hearing by asking if there was anyone present who wished to speak either for or against the application and, hearing none, closed the hearing.

Motion was made by Commissioner Gaines and seconded by Commissioner Bruce to approve ZA 25-02 with the following stipulations:

1. Provide a vertical sight distance analysis for the access on Lee Castleberry Road;
2. Provide a deceleration lane on Lee Castleberry Road - requirement of a performance bond for the new lane; and
3. Second access required onto Stacie Lane.

Commissioner Gaines amended his motion, which was seconded by Commissioner Bruce, to include that stipulation No. 3 be subject to feasibility per the county engineer and Georgia Department of Transportation (GDOT).

The amended motion passed 4-0.

The original motion passed 4-0.

ZA 24-10 - Larry Long on behalf of Kolter Homes has submitted a request to the proper authorities requesting a Land Use Amendment to zone 510.14 acres of property zoned RA (Residential Agriculture) and RSR (Residential Sub-Rural) to RT (Residential Town – at 1.74 dwelling unit/per net acre) with the following variances to: 1.) Reduce minimum lot width from 75 feet to 51 feet; 2.) Reduce the minimum front setback from 20 feet to 10 feet, or to a minimum 20 feet measured from back of sidewalk to face of garage; 3.) Reduce the minimum side setback from 10 feet to 3 feet (eave to eave); 4.) Reduce the minimum rear setback from 20 feet to 10 feet; 5.) Reduce the minimum driveway length from 22 feet to 14 feet, with a minimum 20-foot driveway length from back of sidewalk to face of garage; and 6.) Reduce minimum corner lot width from 90 feet to 51 feet, while adding 15 feet of open space along all side streets (Code of Dawson County: Table 121-59 A and Section 121-76, Table 3.2). This property is located approximately 800 feet east of the northeast corner of Georgia Highway 53 and Perimeter Road and approximately 1 mile east of the southeast corner of Perimeter Road and Frank Bruce Road, Dawsonville, Georgia (Parcel ID 093-004-001).

Planning & Development Director Richard Osborne said rezoning from RA and RSR to RT allows up to three dwelling units per net acre; the proposal is 1.74 dwellings per net acre for 785 senior/ age-restricted single-family detached homes, plus amenities. "Approximately 204 acres would be open space, of which 153 acres would be undisturbed; that's a total of approximately 40 percent of land as open space," said Osborne. "The lot sizes would vary from approximately 6,630 square feet to over 10,000 square feet. The actual homes would be from 1,500 square feet heated area minimum to over 2,000 square feet of heated living space." Osborne added, "Based on the type of senior/age-restricted community proposed as well as environmental factors, such as topography/steep slopes as well as floodplain/ creeks/wetlands, the applicant has requested multiple variances. The development name would be Cresswind at Dawson Springs." Osborne said proposed zoning conditions are based on the results of a traffic impact study and an environmental

impact study; input from Public Works, Etowah Water & Sewer Authority, Emergency Services, Board of Education, Georgia Mountains Regional Commission, and planning and zoning staff; input from citizens; and recommendations from the Planning Commission. Osborne read aloud proposed conditions.

Applicant Larry Long, vice president of acquisitions for Kolter Homes, provided company background information, saying it specializes in active adult resort communities. He displayed photos of other Cresswind developments' amenities and homes via a slide deck presentation. In Dawson County, specifically, he said Cresswind would include an 18,000-square-foot club house, resort style pool, 12 pickleball courts, bocce ball courts, a central mail kiosk, and more. He said it would be a gated private community and would maintain its own roads and landscaping. Long said the amenities would be under development early, within the project's second phase. He discussed house plans, which would range in size from approximately 1,500 to 3,100 square feet and priced from about $550,000, with a monthly homeowner's fee of about $300 that goes to landscaping, amenity upkeep, etc. Long said, "Why did we pick this site? … Dawson County – we've got a lot of active retirees that have actually asked us about Dawson County. … We have a lot of people who are in that age cohort that want to live in this area based on proximity to Atlanta and the mountains and all the other things that y'all provide. The other reason is because we like to be near downtowns, or small towns. We kind of like that – to revitalize those towns – but we also like to be close by to have activities, restaurants, things of that nature so [the residents] don't have to drive a long way. And the third thing is we picked this site because you designated on the comp plan for the type of use we're proposing." Long also discussed environmental mitigation, traffic, economic benefits to the county and utility improvements. He said the project would have an 8- to 10-year phased buildout.

Chairman Thurmond opened the hearing by asking if there was anyone present who wished to speak either for or against the application.

The following spoke in favor of the application:

- Mike Turner, Dawsonville, Georgia
- Grady Turner, Dawsonville, Georgia
- Jeff Glover, Cumming, Georgia
- Warren Welch, Dawsonville, Georgia

The following, all of Dawsonville, Georgia, spoke in opposition to the application:

- Susan Muenchen
- Bill Ledbetter
- Jacob McGoff
- Patrick Muenchen
- Sarah Forester
- Stefanie Petrosky
- Anton Demidov
- Steve Gwynn
- Richard Gwynn
- Joseph Ciotti

Chairman Thurmond asked if there was anyone else present who wished to speak on the application and, hearing none, closed the hearing.

Motion passed 4-0 to approve ZA 24-10 with the following stipulations:

1. The development shall not exceed 785 senior/age-restricted residential homes. The age-restriction requirement shall be made part of the Home Owners Association/Property Owners Association (HOA/POA) covenants and enforced by the HOA/POA or its representative;
2. No more than a maximum of 160 Certificates of Occupancy will be issued or approved by Dawson County in any calendar year (12-month period) of the development;
3. The minimum square foot of heated area for each residence is 1,500 square feet;
4. The Fire Protection Impact Fee shall be at the approved rate listed in the Fee Schedule at the time of permitting;
5. The developer shall contribute funds related to Dawson County Emergency Services vehicle and equipment needs as identified in the adopted Department of Community Affairs Capital Improvements Element Amendment Plan document in the amount of $320,000 no later than July 1, 2029;
6. The owner/developer shall provide a 24-foot-wide (or as approved by Dawson County Emergency Services) emergency access easement from the development's road system in the location shown on the master plan. Such access shall be limited by a locked gate requiring a key and/or code to open;
7. Buffers.
    a. Exterior buffer. A minimum 30-foot-wide vegetation buffer shall be maintained where natural vegetation exists. Where sparse or no natural vegetation exists, a landscape strip with evergreen trees 8 feet in height at time of planting shall be installed and maintained around the entire perimeter of the original parcel along any public roadway. The buffer shall be delineated on the final plat and shall not be part of the individual lots.
    b. A 50-foot-wide buffer shall be required along property lines abutting the following parcels: 092-070, 092-069, 093-003, 093-030, 093-062 and 094-017.
    c. Roadway buffer. A minimum 50-foot-wide buffer shall be maintained where natural vegetation exists. Where no natural vegetation exists, two landscape strips of evergreen trees 8 feet in height at time of planting shall be installed and maintained along the development perimeter along Highway 53 and Frank Bruce Road. The buffer and landscape strips shall be delineated on the final plat and shall not be part of the individual lots.
    d. Additional buffering, including berm(s), fencing and/or additional vegetation, may be required within designated buffer areas touching or adjoining single-family residences.
    e. Disturbance or encroachments by ditches, swales, stormwater conveyance systems, stormwater detention ponds, sanitary sewer conveyance systems, and any associated easements shall not encroach into a buffer except as necessary for access and utility crossing. Required stormwater or sanitary sewer pipe

encroachments must encroach into the buffer as close to perpendicular as possible.

f. Grading for stormwater detention ponds shall not encroach into a buffer.

8. No mass grading of the site that is not a phase actively being developed under an approved land disturbance permit shall occur;
9. Any improvements to the water or sewer systems required to meet fire flow or other requirements shall be made as agreed between Etowah Water & Sewer Authority and the developer;
10. Before approving any final plat, the county will issue a maximum of 12 model home permits;
11. Building separation is measured from the overhang of the structure to the property line;
12. All structures must meet fire resistance ratings as specified in Sec. 22-22 of the Dawson County Ordinance regarding fire resistance ratings for structures near lot lines;
13. Roads designed as depicted in the concept plan delineated as Road G, where over 60 typical homesites are located, shall include a passive park of a minimum of 8,000 square feet in size. The passive park shall have a combination of at least two of the following: benches, gazebo, fire ring, pergola or similar features intended for outdoor recreation;
14. The proposed development will require a stormwater pre-design/pre-submittal consultation with applicable county staff;
15. Transportation improvements.
    a. Southbound deceleration lane on Frank Bruce Road into the entrance.
    b. Two dedicated lanes in Driveway No. 1 exit to Highway 53.
    c. Left and right turn lanes from Highway 53 into Entrance No. 1.
    d. If 45 percent or greater of the site plan (number of lots, types of uses) changes, an additional traffic study would be required.
16. Sidewalks and street lighting shall be installed along the entire frontage of Highway 53, as approved by GDOT;
17. Right-of-way or other land dedication to Dawson County. Acceptance by the county shall be contingent on the developer submitting a metes and bounds description of the required right-of-way and transferring title to such land by deed to the county before the issuance of building permits;
18. A performance bond will be required for all work within Frank Bruce Road right-of-way prior to issuance of the applicable land disturbance permit;
19. The applicant must coordinate with GDOT, which will permit all work on Highway 53 at Driveway No. 1;
20. On-street parking shall be prohibited within all portions of the development. This requirement shall be made part of the HOA/POA covenants and enforced by the HOA/POA or its representative;
21. The developer shall contribute $265,000 to road improvements related to the impact of the development, including Frank Bruce Road. The contribution shall be provided when the construction entrance located on Frank Bruce Road is established. In addition, the developer agrees to pay a surcharge of $300 per building permit for roadway improvements;
22. Cresswind at Dawson Springs is seeking relief from runoff reduction requirements due

to the steep terrain, the severity of rock, the lack of natural infiltration accepting natural soils and the desire to disturb as little area as possible on this site to preserve natural open spaces (minimum 30 percent undisturbed). This project shall be exempt from runoff reduction (Green Infrastructure/Low Impact Development - GI/LID) standards but will comply with all standard water quality, channel protection and detention design requirements set forth by Dawson County. In lieu of runoff reduction GI/LID Best Management Practices (BMPs), this development will provide 1.2 inches of water quality, full channel protection and full detention requirements on the site. Additionally, where feasible and at the determination of the developer and engineer, this development will implement GI/LID BMPs;

23. Cresswind at Dawson Springs shall have the option to install palisade walls with rock or vegetative facing, modular block walls or poured-in-place concrete walls with screening as determined by the developer. Walls shall be allowed in exterior buffers. Walls to be designed by a professional engineer and permitted by Dawson County. Wall stabilization grids may extend into easements (access, drainage or other) as necessary. Land development permit/preliminary plat approval is not contingent upon retaining wall design/approval;
24. Resident and Emergency Services access only for the Frank Bruce Road entrance to the community; and
25. Privacy fence required along the shared property line with the Ledbetter family property, parcels 093-062 and 093-030.

Gaines/Stowers

NEW BUSINESS:

Consideration of Violence Against Women Act Grant FY 2025 Award Acceptance

Motion passed 4-0 to approve a Violence Against Women Act Grant FY 2025 Award Acceptance. Gaines/Bruce

Consideration of RFP #468-25 — On-Call Engineering Design and Plan Development Services for Road Improvements

Motion passed 4-0 to approve RFP #468-25 — On-Call Engineering Design and Plan Development Services for Road Improvements; to accept the proposals received and award a contract to Falcon Design, Gresham Smith, KCI Technologies, Precision Planning, Rochester, and Spicer Group - utilizing the hourly rate submitted in the respective responses and utilizing the appropriate fund per road project, by way of either the approved Special Purpose Local Option Sales Tax (SPLOST) VII resolution or Transportation SPLOST resolution. Stowers/Turkett

Consideration of IFB #471-25 — Site Work for Harmony Church Road Property (Fire Station 3, Fueling Center and Potential Recreation Center)

Motion passed 4-0 to approve IFB #471-25 — Site Work for Harmony Church Road Property (Fire Station 3, Fueling Center and Potential Recreation Center); to accept the bids received, award a contract to Martin Contracting in the amount of $922,960 with a 10% county-controlled contingency, and approve $135,655 for fittings and labor to move the Etowah Water & Sewer Authority water lines - for a total of $1,058,615, utilizing SPLOST VII funds. Bruce/Turkett

Consideration of Proposed Redesignation of Vacant Community Development Position from Grade 14 to 11 for Front Counter Permit and License Reviewer

Motion passed 3-1 to approve a Proposed Redesignation of a Vacant Community Development Position from Grade 14 to 11 for a Front Counter Permit and License Reviewer. Stowers/Turkett- Commissioner Bruce opposed the motion

Consideration of Program Management Services for a New Rock Creek Park Gymnasium

Motion passed 4-0 to approve Program Management Services for a New Rock Creek Park Gymnasium; to accept the offer received and award a contract to Ascension Program Management in the amount not to exceed $84,000. Funds will come from Impact Fees. Stowers/Bruce

PUBLIC COMMENT:

None

ADJOURNMENT:

APPROVE:

Billy Thurmond, Chairman

ATTEST:

Kristen Cloud, County Clerk