

**DAWSON COUNTY BOARD OF COMMISSIONERS
VOTING SESSION MINUTES – JUNE 20, 2019
DAWSON COUNTY GOVERNMENT CENTER ASSEMBLY ROOM
25 JUSTICE WAY, DAWSONVILLE, GEORGIA 30534
6:00 PM**

ROLL CALL: Those present were Chairman Thurmond; Commissioner Fausett, District 1; Commissioner Gaines, District 2; Commissioner Satterfield, District 3; Commissioner Nix, District 4; County Manager Headley; Interim County Attorney Hamilton; County Clerk Cloud; and interested citizens of Dawson County.

Motion passed 4-0 to come out of Executive Session. Gaines/Satterfield

INVOCATION: Chairman Thurmond

PLEDGE OF ALLEGIANCE: Chairman Thurmond

ANNOUNCEMENTS:

Chairman Thurmond announced that the next Board of Commissioners (BOC) meeting would be held Tuesday, July 2, 2019, due to the Fourth of July holiday.

APPROVAL OF MINUTES:

Motion passed 4-0 to approve the Minutes of the Work Session held on June 6, 2019. Nix/Fausett

Motion passed 4-0 to approve the Minutes of the Voting Session held on June 6, 2019. Fausett/Gaines

APPROVAL OF AGENDA:

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

- Addition of Nos. 7, 8 and 9 under New Business:
 - RFP #338-19 - Veterans Memorial Park Pavilion, Playground and Multi-Purpose Field
 - Request for Contract Assignment by Professional Probation Services Inc.
 - FY 2020 Legacy Link Contract

Satterfield/Nix

PUBLIC COMMENT:

None

ZONINGS:

Chairman Thurmond announced that if anyone had 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 normal program, 10 minutes will be given to those who wish to speak in favor of or opposition to with some redirect, time permitting.

ZA 19-05 - Dawson Village Partners has made a request to rezone property located at TMP 112-019, 113-057-002, 112-109, 104-065, 104-028, 104-029, 112-018 and 104-027 from CHB (Commercial Highway Business), RA (Residential Agriculture), RPC (Residential Planned Community), CPCD (Commercial Planned Community Development) and COI (Commercial Office/Institution) to Mixed Use Village. (Tabled from the May 16, 2019, Voting Session)

Planning & Development Director Jameson Kinley said the applicant made changes to the proposed plan since May 16, 2019, when ZA 19-05 was brought before the BOC. He said the applicant submitted an updated zoning application.

Jim King of Ensite Civil Consulting in Dawsonville, Georgia, representing the applicant, said the applicant revised the proposed plan based on comments received during the public hearing in May. He said “everything west of the Etowah River” that “seemed to be a highly contentious point” was removed from the plans. Additionally, King said the updated plan does not include a public entrance from Highway 53 East and that the entrance would be gated and used only for emergency personnel and emergency vehicle access. He said the revised plan reduces density from 2.8 units per acre to 2.4 units per acre.

No public hearing for ZA 19-05 was held on June 20, 2019; a public hearing for ZA 19-05 was held on May 16, 2019.

Motion passed 4-0 to table ZA 19-05 until the July 18, 2019, BOC Voting Session, at which time there will be another public hearing. Fausett/Nix

ZA 19-06 - PR Acquisitions LLC requests a Residential Planned Community Master Plan and zoning condition update for TMP 107-013 pursuant to zoning case ZA 06-10.

Planning & Development Director Jameson Kinley said the subject property is located at the corner of Harry Sosebee Road and Lumpkin Campground Road. He said the applicant does not seek to change the current density but, rather, reconfigure the units that previously were approved. He said the applicant seeks to amend some of the stipulations. Kinley read aloud the original stipulations and noted the applicant’s proposed changes to those stipulations.

Michael Miller of Piedmont Residential in Woodstock, Georgia, representing the applicant, said there are 17 stipulations to the original rezoning in 2006 based on the site having a private wastewater treatment facility, “which is no longer necessary.” He said the applicant seeks to revise the conditions and remove those that are no longer relevant. He said the applicant proposes to realign Harry Sosebee Road and tie it into the planned traffic circle at the intersection of Lumpkin Campground Road, at the applicant’s cost. Miller said the applicant also met with a neighbor regarding a fence and said the applicant and neighbor reached a private agreement about a fence along the property boundary.

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 passed 4-0 to approve the master plan and zoning condition update for ZA 19-06 with the following stipulations:

1. All homes or unit owners within the development shall be required to be members of a Homeowners Association, which will collect dues for continued maintenance of the properties and landscaping;
2. The required minimum heated square footage for homes within the development are as follows:
 - a. Active Adult Quad Units- 800 square feet
 - b. Attached Townhome Units- 1,000 square feet
 - c. Single Family Homes- 1,000 square feet

* The revised site plan does not show any quad units or townhome units, but the applicant would like to reserve the right to change the site plan if future market conditions change. Any site plan changes would have to be resubmitted to the Dawson County Board of Commissioners for approval;
3. The future development tract on the western boundary of the property can only be developed as detached single-family residential to a density of no more than two units per acre; and the final site plan therefore shall be subject to approval by the Board of Commissioners, which shall not be unreasonably withheld or delayed;
4. Variance to allow a density greater than one unit per acre;
5. Density reduction from 403 total units to 338 single-family units and a two-acre commercial corner at the intersection of Harry Sosebee Road and Lumpkin Campground Road. Commercial square footage is not to exceed 25,000 square feet;
6. The following buffers shall be required:
 - Northern boundary- 50-foot buffer that may be disturbed and replanted.
 - Southern boundaries- 50-foot buffer that may be disturbed and replanted.
 - Extreme westernmost boundary- 100-foot undisturbed buffer so long as the adjoining property continues to be zoned agricultural; thereafter, a 50-foot buffer that may be disturbed and replanted.
 - Commercial property- 50-foot buffer along any boundary adjoining any residential zoned property that may be disturbed and replanted, including the requirement that upon the development of the commercial property the outermost 25-foot of said buffer shall be a landscape buffer that shall be planted, bermed and/or fenced where necessary to fill in gaps in the existing plant and tree material so as to provide visual screening to a height of at least six feet around the perimeter of the property, provided that if any fencing is used it shall be erected at least 10 feet inside of the perimeter of the property.
 - The following shall be allowed within any and all of the above buffers: entrances, utility crossings (including stormwater and sanitary sewer), planting of additional trees and shrubs.
7. The commercial parcel to be limited to no more than 25,000 square feet as offered by the applicant;

8. Except as modified by these conditions, all prior stipulations for zoning and those included in the May 16, 2006, letter are to be followed;
9. Commercial development shall conform to all the applicable items of the Georgia 400 Corridor Guidelines; and
10. In accordance with plans to be approved by the county, the developer shall construct a new road, which shall replace Harry Sosebee Road beginning at the westernmost corner of the subject property along Harry Sosebee Road and continuing to a to-be-constructed roundabout at the intersection of Lumpkin Campground Road and Lee Castleberry Road as follows:
 - Developer shall pay for the design of both the realigned portion of Harry Sosebee Road and the future roundabout and shall deliver construction plans to the county for the roundabout no later than July 1, 2019. Such plans shall clearly delineate the limits of construction of the roundabout.
 - Developer shall contribute, at no cost to the county, any required right-of-way, which currently is owned by the developer and which is required for the proposed improvements.
 - Developer shall be responsible for funding and constructing the realigned portion of Harry Sosebee Road in conjunction with the development of the residential portion of the property, which may occur subsequent to construction of the roundabout by the county.
 - The county shall be responsible for funding and constructing the roundabout.
 - If the realignment of Harry Sosebee Road occurs prior to construction of the roundabout, the developer shall connect the realigned Harry Sosebee Road to Lumpkin Campground Road so as to form a full intersection with Lee Castleberry Road. In such case, the developer shall not be required to construct any decel or turn lanes along either Harry Sosebee Road or Lumpkin Campground Road nor any signalization for such intersection.
 - The design of the realigned Harry Sosebee Road shall only require right-turn decel lanes into any entrances of the proposed development within the property.

Gaines/Satterfield

ZA 19-07 - Judd Hughes requests the rezoning of TMP 114-022-006 and 114-022-007 from RA (Residential Agriculture) to RMF (Residential Multi-Family) for the proposed use of a 240-unit apartment development and associated amenities.

Planning & Development Director Jameson Kinley said the subject property is located near the corner of Dawson Forest Road and Highway 53. He said the applicant seeks to rezone 40 acres in order to construct 240 apartment units. Kinley said a DRI (Developments of Regional Impact) study notes two items: traffic flow and retention / water pond; Kinley said traffic flow is addressed in a proposed stipulation and that any retention / water pond issues could be addressed through engineering oversight. Kinley said the Planning Commission recommends approval of application.

Brian Metzler of Penler in Atlanta, Georgia, representing the applicant, said his company currently is under contract with the applicant to purchase a 40-acre tract. Metzler said the proposed project would include 10 two-story buildings with 24 units per building as well as a 4,000-square-foot amenity building (club room and leasing facility). He said a resort-style pool would be located near the amenity building. Metzler said the project would entail more than 50 percent open / green space. He said it would be a “lower intensity” apartment development. “We feel that this project represents a great transition as you have your commercial uses here along Georgia 400 and you move east ... toward your more residential area,” said Metzler. He added that, if the application is approved by the BOC, the applicant plans to make a few “minor” variance requests “viewed favorably by the Planning department” before the Planning Commission at its July 16, 2019, meeting. Metzler said the developer plans to own the project long-term, take an institutional approach to managing the asset and staff the project with four full-time employees, some of whom he expects to live on site. He noted the rental rates of The Crossings of Dawsonville and said his proposed apartments’ rental rates are expected to exceed those. Metzler said the target market is young professionals, including Millennials, working along the Georgia 400 Corridor, as well as some “empty nesters” and retirees. He said he does not expect “much burden on the school system from our project.”

Chris Harrell of Summit Engineering Consultants in Alpharetta, Georgia, civil engineer for the proposed project, discussed the stormwater management responsibilities for the project - including sediment and erosion control during construction, and ensuring proper water quality and that “any downstream erosion is taken care of” post construction. Harrell said no modifications are being proposed to the floodplain and that his job should be “relatively easy on this site” since the topography is “pretty moderate.”

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:

- Dave Polak, Dawsonville
- John Mock, Dawsonville

The following spoke against the application:

- Paul Hoffman, Dawsonville
- Kevin Dye, Dawsonville

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

Motion passed 3-1 to approve ZA 19-07 with the following stipulations:

1. The property shall be developed as a gated community;
2. The entrance along Dawson Forest Road shall include a minimum of 100 feet of roadway for the future development and interconnectivity of the east outparcels (100 feet back from right of way of Dawson Forest Road or 100 feet of frontage along the road);

3. The developer shall construct a deceleration lane traveling eastbound on Dawson Forest Road prior to the issuance of the first Certificate of Occupancy;
4. The developer shall improve Dawson Forest Road to include a right-hand passing lane prior to the issuance of the first Certificate of Occupancy;
5. The developer is to provide \$250,000 toward the cost of intersection improvements of Dawson Forest Road and Highway 53 before the issuance of a building permit on the property;
6. The developer shall employ a third-party erosion control monitor for the project; and
7. The developer shall consult with the Army Corps of Engineers regarding the project.

Gaines/Nix- Commissioner Satterfield voted against the motion

UNFINISHED BUSINESS:

Land Use Resolution Update (A portion was tabled from the May 16, 2019, Voting Session; Public hearings were held on May 2 and May 16, 2019)

Motion passed 4-0 to deny the Land Use Resolution Update as it relates to Article III, Section 309 R-A Residential Agricultural / Residential Exurban. Fausett/Nix

NEW BUSINESS:

Consideration of Proposal for Dawson County Food Drive Spearheaded by Public Defender's Office

Motion passed 4-0 to approve the Proposal for a Dawson County Food Drive Spearheaded by the Public Defender's Office. Nix/Gaines

Consideration of Request to Build Bocce Ball Courts at Rock Creek Park as Eagle Scout Project

Motion passed 4-0 to approve the Request to Build Bocce Ball Courts at Rock Creek Park as an Eagle Scout Project. Gaines/Fausett

Consideration of Amicalola Electric Membership Corporation Power Easement for Public Works Complex

Motion passed 4-0 to approve the Amicalola Electric Membership Corporation Power Easement for the Public Works Complex. Satterfield/Fausett

Consideration of Request for No Thru Truck Traffic on Blacks Mill Road

Motion passed 4-0 to approve the Request for No Thru Truck Traffic on Blacks Mill Road from Dawson Forest Road to Harry Sosebee Road. Gaines/Fausett

Consideration of Request for Red Rider Road Improvements

Motion passed 4-0 to approve the Request for Red Rider Road Improvements – to make Red Rider Road a one-way road entering from Lumpkin Campground Road South and install speed tables on Red Rider Road. Fausett/Satterfield

Consideration of Board Appointment:

- **Library Board**
 - Gail Smith- reappointment (Term: July 2019 through June 2023)

Motion passed 4-0 to approve the reappointment of Gail Smith to the Library Board with a term of July 2019 through June 2023. Nix/Gaines

Consideration of RFP #338-19 - Veterans Memorial Park Pavilion, Playground and Multi-Purpose Field

Motion passed 4-0 to approve RFP #338-19 - Veterans Memorial Park Pavilion, Playground and Multi-Purpose Field; to accept the bids submitted and to award a contract to Vertical Earth, not to exceed the amount of \$1,966,284.25. Funds will come from Special Purpose Local Option Sales Tax (SPLOST) VI funds, as well as impact fees if allowed. Satterfield/Nix

Consideration of Request for Contract Assignment by Professional Probation Services Inc.

Motion passed 4-0 to approve the Request for Contract Assignment by Professional Probation Services Inc. Fausett/Gaines

Consideration of FY 2020 Legacy Link Contract

Motion passed 4-0 to approve the FY 2020 Legacy Link Contract. Satterfield/Fausett

PUBLIC COMMENT:

Tom Camp- Dawsonville, Georgia, spoke about the Riley Place subdivision. He said he was speaking on behalf of 54 Riley Place residents. Camp said he came before the BOC (in May 2018 regarding ZA 18-01, which was approved with stipulations to allow for an amenities facility and 28 additional townhomes in the subdivision) and spoke in favor of the zoning application and the applicant. Camp said he and other residents are now concerned about the work that is happening in the subdivision. He posed several questions to the BOC regarding whether permissions were given at any time to allow any part of the subdivision to be used as rental property; if any existing water / sewer lines are large enough to handle additions; the existing and proposed swimming pools; the appearance of the homes being constructed; the Homeowners Association; possible guidelines to protect residents from the developer going to the government for housing assistance; street maintenance; and the 1999 zoning versus the 2018 zoning.

ADJOURNMENT:

APPROVE:

ATTEST:

Billy Thurmond, Chairman

Kristen Cloud, County Clerk