

**DAWSON COUNTY BOARD OF COMMISSIONERS
VOTING SESSION MINUTES – MAY 16, 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 Davis; County Clerk Cloud; and interested citizens of Dawson County.

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

INVOCATION: Chairman Thurmond

PLEDGE OF ALLEGIANCE: Chairman Thurmond

ANNOUNCEMENTS:

Chairman Thurmond announced that county offices would be closed on May 27, 2019, for the Memorial Day holiday.

APPROVAL OF MINUTES:

Motion passed 4-0 to approve the Minutes of the Work Session held on May 2, 2019. Nix/Satterfield

Motion passed 4-0 to approve the Minutes of the Voting Session held on May 2, 2019. Gaines/Fausett

APPROVAL OF AGENDA:

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

- Addition of No. 5 under New Business:
 - Application for Parade and Assembly - *Ride for Kids, Pediatric Brain Tumor Foundation*

Satterfield/Fausett

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 19-02 - Jerry Fouts has made a request for rezoning subject to County Commission approval. He seeks to change the current zoning of RA (Residential Agriculture) to CHB (Commercial Highway Business) for the construction of a mini storage facility with 48 units. The subject property is located at TMP 081-007. (Tabled from the April 18, 2019, Voting Session)

Interim County Attorney Davis read aloud proposed stipulations for ZA 19-02.

Attorney Jonathan Beard of Miles Hansford & Tallant in Cumming, Georgia, representing the applicant, said he wished to clarify a point of confusion from the April 18, 2019, Board of Commissioners (BOC) meeting when ZA 19-02 was discussed; he said the subject property was 8.89 acres. Beard also discussed the proposed stipulations.

No public hearing for ZA 19-02 was held on May 16, 2019; the public hearing for ZA 19-02 was held on April 18, 2019.

Motion passed 3-2 to approve ZA 19-02 with the following stipulations:

1. Exterior colors shall be earth tone in nature to include variations of cream, beige and light brown;
2. Developer shall construct and maintain an entrance that meets all applicable requirements of Dawson County for commercial development and all MUTCD requirements deemed necessary by the Public Works director;
3. Applicant will construct and maintain a six-foot high chain link fence along the perimeter of the storage facility area. Applicant will further construct a vegetative screen on the exterior (outward side) of the chain link fence on the front of the property along Shoal Creek Road consistent with a landscape plan that must be presented and approved in writing by the Dawson County Planning director. The purpose of the chain link fence and the vegetative screen is to promote security and to ameliorate the visual impact of the structures on the subject property for the benefit of adjoining properties and the road;
4. Applicant shall install and maintain security cameras around the storage facility area;
5. Exterior lighting fixtures shall be the box type and situated so that light is directed only downward. The fixtures shall be no closer than five feet of the perimeter of a parking lot. Fixtures shall be no more than 25 feet high and shall be designed so as to minimize light spillage to no more than one foot candle along the boundary of the property;
6. Gate access hours shall be limited to 7 a.m. to 11 p.m. Sunday through Thursday, and 7 a.m. to 12 a.m. Friday and Saturday. The gate shall function in a manner that does not make audible noise that is capable of being heard off the subject property;
7. Use of the property shall be limited to the proposed ministorage facility and the number of storage units shall never exceed 96 units;
8. The storage facility shall be located east of the existing residence on the subject property, with the specific siting of any storage building to be approved in writing by the Dawson County Planning director prior to issuance of any permit for construction of any storage building. There shall be no outdoor storage of any kind on the subject property - including, but not limited to - no storage of boats, ATVs, personal watercraft, or vehicles. "Outdoor storage" shall be interpreted to mean any storage of any kind that is not fully enclosed such that the item being stored is not visible from the outside;
9. The development of the subject property shall meet all applicable county specifications for commercial standard of development regulations and all other applicable rules and regulations of the county; and

10. With the exception of one existing home, which may be maintained for purposes of an office for the business, all other existing structures on the subject property (including, but not limited to, the chicken house that exists partially on the subject property and partially on an adjoining parcel) shall be demolished in their entirety and properly removed within no more than six months upon the issuance of the first Certificate of Occupancy for any storage units on the subject property.

Nix/Fausett- Commissioner Gaines and Commissioner Satterfield voted against the motion and Chairman Thurmond voted in order for the item to pass

ZA 19-03 - Linda Dunlavy on behalf of Etowah Water & Sewer Authority has made a request to rezone property located at TMP 087-001 from RA (Residential Agricultural) to RPC (Residential Planned Community). The development would consist of 288 +/- lots with 78 percent to remain in open space.

Planning & Development Director Jameson Kinley said the applicant wishes to rezone 305 acres off of Dawson Forest Road. He said the application is in compliance with the county's Land Use Resolution. Kinley said the Planning Commission recommended approval of the application with the following stipulations:

1. There shall be a maximum of 288 lots; and
2. A minimum of 50 percent of the development shall remain in open space.

Etowah Water & Sewer Authority (EWSA) General Manager Brooke Anderson, representing the applicant, said the subject property is located west of Dawson County Middle School and Riverview Elementary School. The tax map currently shows the parcel as 945 acres that currently is used as spray fields and water treatment facilities; the 305 acres that the applicant seeks to rezone would come from that parcel. Anderson said the development would include 288 lots, minimum lot sizes of 5,500 square feet and a minimum of 50 percent of the subject property in open space. Amenities within the development would include a swimming pool and tennis courts. Anderson said that there would be no access from the development onto Highway 9 and that the applicant has had discussion with the Board of Education (BOE) to install sidewalks from the development to the schools for walkability; Anderson said the BOE was acceptable to the idea. Anderson said a traffic study was performed as part of the rezoning application and it showed an increase in traffic but indicated the roads can handle the increase with no effect to the level of service. Sewer exists on the subject parcel and water would be extended by the developer when needed, according to Anderson. Anderson cited several examples of Residential Planned Communities that exist in Dawson County, including Gold Creek, Chestatee, Dawson Forest Manor, Big Canoe, etc. Anderson said EWSA hosted a town hall meeting at its office on April 9, 2019, to which the applicant invited adjacent property owners of the subject property to view the concept plan. Anderson said two property owners attended the meeting and that the response was mostly positive.

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

None spoke in favor of the application.

The following spoke against the application:

- Kim Woods, Dawsonville
- Travis Bradley, Dawsonville
- Rick Dangar, Dawsonville
- Zack Sundell, 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 3-2 to approve ZA 19-03 with the following stipulations:

1. There shall be a maximum of 288 lots;
2. A minimum of 50 percent of the development shall remain in open space;
3. Interior sidewalks shall be constructed within the development;
4. Land on the north side of the Etowah River shall remain undisturbed;
5. The developer shall work with the area's schools concerning pedestrian traffic;
6. Homes within the development shall be a minimum of 1,800 square feet;
7. Based on the Georgia Department of Transportation traffic study, the current level of service shall be maintained on surrounding roads; and
8. There shall be a 100-foot setback buffer on the Dawson Forest side of the development.

Gaines/Satterfield- Commissioner Fausett and Commissioner Nix voted against the motion and Chairman Thurmond voted in order for the item to pass

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.

Planning & Development Director Jameson Kinley noted the definition of a Mixed Use Village, established primarily to encourage the development of mixed use developments consisting of both residential and commercial property. The Mixed Use Village district is intended to encourage the development of large tracts of land as planned, mixed-use communities; encourage flexible and creative concepts in site planning; preserve the natural amenities of the land by encouraging scenic and functional open space areas; and provide for an efficient use of land, according to Kinley. The county's Land Use Resolution requires 500 to 1,000 acres for a Mixed Use Village, as well as 2.8 units per acre and a minimum of 30 percent of the property in open space. Kinley said ZA 19-05 is a two-part process. Part 1 entails a concept plan, which includes: proposed uses; number of units per use; designated areas of use; open space, amenities, road systems and access points; proposed name of development; location of all wetlands and streams as those terms are defined under state and federal law; and public and private streets. Part 2: if ZA 19-05 is approved, the applicant would come back before the BOC for a master plan approval, at which time other functions would be laid out. The developer and / or property owner shall submit the proposed master development plan for any phase to be constructed before a land disturbance permit is approved by Dawson County.

Kinley said ZA 19-05 was submitted in February, at which time the proposed development included 974 acres; one property owner backed out and the proposed development now includes 776 acres. The proposed development stretches from Lumpkin Campground Road to Etowah River Road, crossing the Etowah River. The development's proposed buildings are more than 35 feet tall and, based on the county's Land Use Resolution, the Mixed Use Village is the only

zoning class that allows that building height, with BOC approval, said Kinley. With the nature and size of the proposed Etowah Village development, Kinley said a Developments of Regional Impact (DRI) and traffic study was completed by the Georgia Mountains Regional Commission; no comments were returned from surrounding counties, and the traffic study noted several points of interest to be addressed by the project's engineer.

Kinley said the Planning Commission recommended denial of the application.

Engineer Corey Guthrie of Ensite Civil Consulting, representing the applicant, said the proposed Etowah Village development is nearly 777 acres with 250 acres of that being green space. The developer has been working on the project for a couple of years to ensure the best use of space and property, according to Guthrie. Guthrie described the development in "pods." Pods A, B, C and D are near Georgia Highway 400. Proposed for Pod A: 338,000 square feet of retail with lofts above, 242,000 square feet of Class A office space and a site for a fire station; Pod B: a performing arts and convention center; Pod C: a 300-room luxury hotel comparable to the Grove Park Inn in Asheville, North Carolina, a tourist center and a Chinese garden; Pod D: active adult, detached living homes; Pods E and F: a continuing care retirement community; Pods G and H: single-family residences on ½-acre-plus lots for those who work in the office space or at area hospitals; and Pod I: across the river, an active adult community with a clubhouse for those age 55 and older and a 40-acre county park comparable to the size of Rock Creek Park with a canoe launch. Guthrie said phasing of the project would be based on market conditions. Guthrie said the applicant understands the proposed development would have a great impact on streams, rivers and roads, adding that it will affect nine intersections within the county; he said the applicant has spent nearly two years attempting to minimize those impacts as much as possible.

John Moores of architectural firm Wakefield Beasley & Associates, representing the applicant, said his firm has completed projects like The Battery, Atlantic Station, Halcyon and the Avalon. He said Wakefield Beasley is a locally-focused, right-sized development firm known for creating spaces where people can gather and enjoy time with friends and family and participate in activities. Moores said architectural details are important, and Wakefield Beasley wants to incorporate local design elements to Etowah Village.

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 against the application:

- Rod Bishoff, Dawsonville
- Frances Ray, Dawsonville
- Johnny Burt, Dawsonville
- Vanessa Hutching, Dawsonville
- Dava Hudgins, Dawsonville
- Hugh Stowers Jr., Dawsonville
- Patrick Urrutia, Dawsonville
- Tracey Burnette, Dawsonville
- Nick Tatum, Dawsonville
- Renee Duren, Dawsonville
- Morgan Voyles, Dawsonville

- Anton Demidov, Dawsonville
- Susan Muenchen, Dawsonville
- Dwayne Messerschmidt, Dawsonville
- Beth Martin, Dawsonville
- Dwight Roberts, Dawsonville
- Nick Baggett, Dawsonville
- Claire David Sharp

The following spoke in favor of the application:

- Gregg Zubay, Dawsonville
- Tony Passarello, Dawsonville
- Bette Holland, Dawsonville
- Mike Garcia, Dawsonville
- Ken Grosch, Dawsonville
- Randy Wells, Dawsonville
- Arthur Siriani, Norcross
- Larry Anderson, 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 4-0 to table ZA 19-05 for 30 days (nearest Board of Commissioners Voting Session, June 20, 2019). Gaines/Satterfield

VR 19-03 - Landbridge Development LLC is requesting a variance to the Land Use Resolution Article III, Section No. 306.F.7 Maximum Units per Building - No more than 12 units shall be permitted to form any one single building.

Planning & Development Director Jameson Kinley said the variance request was brought before the Planning Commission in conjunction with its corresponding zoning application. Kinley said the Planning Commission recommended denial of VR 19-03; he said the applicant wishes to appeal the Planning Commission's variance denial.

Applicant Gary Hammond of Landbridge Development said allowing 16-unit buildings will lessen the impact to green space since no additional buildings would be necessary and free up construction monies to be spent on amenities, etc. He said buildings would not exceed two stories, with eight units per floor. The project would include a total of five buildings with 80 total units.

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 VR 19-03. Satterfield/Gaines

PUBLIC HEARING:

Land Use Resolution Update (2nd of 2 hearings. 1st hearing was held on May 2, 2019)

Interim County Attorney Davis said the board had before it an ordinance that would be an amendment to the existing Land Use Resolution. There are three components to the amendment, according to Davis.

1. Article III, Section 309 R-A Residential Agricultural / Residential Exurban – proposing to delete subsection 309 (B)(1) in its entirety and replace it with the following: Residential subdivisions where lots are less than five (5) acres in size. Notwithstanding the foregoing, this prohibition shall not prevent a “subdivision” resulting in the creation of exactly two lots from the original lot that is subdivided.
2. Article III, Section 309 R-A Residential Agricultural / Residential Exurban – proposing to delete subsection 209(C)(1) in its entirety and replace it with the following: Minimum lot size: 1.5 acres or such size as determined to be necessary for the protection of public health, safety and welfare by the Dawson County Health Department, whichever is greater. Notwithstanding the foregoing, the minimum lot size for residential subdivisions shall be five (5) acres unless the subdivision constitutes the subdivision of a single parcel into exactly two (2) parcels. Minimum lot width at building line: 175 feet. Minimum depth: 200 feet.
3. Article VI, Section 606 Non-conforming Uses – proposing to delete subsection 606(F) in its entirety and replace it with the following: For commercial and business purposes, a legal non-conforming status is proven by possession of a valid, legally obtained, Dawson County Business License within the past 12 months. Notwithstanding the foregoing sentence, such legal non-conforming status, solely based on the possession of a business license, shall no longer be recognized for any business license issued or renewed after the date of this enactment on May 16, 2019.

Chairman Thurmond opened the hearing by asking if there was anyone present who wished to be heard on the Land Use Resolution Update.

The following spoke on the Land Use Resolution Update:

- Jane Graves- Dawsonville, Georgia, thanked the board “for looking at this change in the business license ordinance because it does cause problems in certain residential areas where people have kept a business license but have not continued their nonconforming use and have tried to potentially sell properties based on having this so-called ability to have a commercial entity there.” Graves said she would appreciate the board approving that particular change in the Land Use Resolution.

Chairman Thurmond asked if there was anyone else present who wished to be heard on the Land Use Resolution Update and, hearing none, closed the hearing.

Motion passed 4-0 to table the following proposed amendments to the Land Use Resolution indefinitely:

Article III, Section 309 R-A Residential Agricultural / Residential Exurban – proposing to delete subsection 309 (B)(1) in its entirety and replace it with the following: Residential subdivisions where lots are less than five (5) acres in size. Notwithstanding the foregoing, this prohibition shall not prevent a “subdivision” resulting in the creation of exactly two lots from the original lot that is subdivided.

Article III, Section 309 R-A Residential Agricultural / Residential Exurban – proposing to delete subsection 209(C)(1) in its entirety and replace it with the following: Minimum lot size: 1.5 acres or such size as determined to be necessary for the protection of public health, safety and welfare by the Dawson County Health Department, whichever is greater. Notwithstanding the foregoing, the minimum lot size for residential subdivisions shall be five (5) acres unless the subdivision constitutes the subdivision of a single parcel into exactly two (2) parcels. Minimum lot width at building line: 175 feet. Minimum depth: 200 feet.

Gaines/Satterfield

Motion passed 4-0 to approve to amend the Land Use Resolution to eliminate the ability of a commercial business to use the possession of a business license as evidence of legal nonconforming status; specifically, in Article VI, Section 606 Non-conforming Uses, by deleting subsection 606(F) in its entirety and replacing it with the following:

For commercial and business purposes, a legal non-conforming status is proven by possession of a valid, legally obtained, Dawson County Business License within the past 12 months. Notwithstanding the foregoing sentence, such legal non-conforming status, solely based on the possession of a business license, shall no longer be recognized for any business license issued or renewed after the date of this enactment on May 16, 2019.

Nix/Fausett

UNFINISHED BUSINESS:

Consideration of RFP #333-19 - Design-Build Services for Fire Services – Station 9 (Tabled from the May 2, 2019, Voting Session)

Motion passed 4-0 to approve RFP #333-19 - Design-Build Services for Fire Services; to accept the proposals submitted and to award a contract to CT Darnell Construction, not to exceed the amount of \$1,562,405, which will be funded from Special Purpose Local Option Sales Tax (SPLOST) VI.

NEW BUSINESS:

Consideration of IFB #340-19 - On-Call Full-Depth Reclamation Services

Motion passed 4-0 to approve IFB #340-19 - On-Call Full-Depth Reclamation Services; to accept the bids received and to award a one-year contract to ShepCo for on-call Full-Depth Reclamation at quantity prices submitted with two one-year optional renewals. Satterfield/Nix

Consideration of Proposed Agreement with Rotary Club for Outdoor Project at Rock Creek Park

Motion passed 4-0 to approve a Proposed Agreement with the Rotary Club for an Outdoor Project at Rock Creek Park. Gaines/Fausett

Consideration of Request to Transfer Facility Responsibility of Station 2 Community Room

Motion passed 4-0 to table the Request to Transfer Facility Responsibility of Station 2 Community Room until additional information is received. Gaines/Nix

Consideration of Resolutions Authorizing the Disposition of Certain County Properties by Sealed Bid in Accordance with O.C.G.A § 36-9-3(a)

Motion passed 4-0 to approve the Resolutions Authorizing the Disposition of Certain County

Properties by Sealed Bid in Accordance with O.C.G.A § 36-9-3(a). Fausett/Satterfield

Consideration of Application for Parade and Assembly - Ride for Kids, Pediatric Brain Tumor Foundation

Motion passed 4-0 to approve the Application for Parade and Assembly - Ride for Kids, Pediatric Brain Tumor Foundation. Nix/Satterfield

PUBLIC COMMENT:

None

ADJOURNMENT:

APPROVE:

ATTEST:

Billy Thurmond, Chairman

Kristen Cloud, County Clerk