

The Dawson County Planning Commission meeting was called to order at 6:00 p.m. by Chairman Jason Hamby.

Tim Bennett gave the invocation.

The Pledge of Allegiance was led by Chairman Hamby.

Members present: Tim Bennett, District 3; Neil Hornsey, District 4; and Jason Hamby, District 1 Chairman.

Staff present: Harmony Gee, Zoning Specialist and Sharon Farrell, Planning Director.

Chairman Hamby asked for a motion to approve the minutes from the October 18th, 2022 minutes as prepared. Motion passed by a vote of 2-0 1 abstention. Hornsey/Bennett Hamby

Chairman Hamby asked for a motion to approve the agenda as presented by staff. Motion passed by a vote of 2-0 1 abstention. H o r n s e y / Bennett Hamby

Chairman Hamby announced the requirement that a *statement of disclosure of campaign contributions* of \$250 or more must be completed by anyone who wishes to speak in favor or opposition to any application.

### **New Business:**

#### **Application for Rezoning:**

ZA 22-23 Jim King is requesting to rezone TMP 111-116 from RSR (Residential Sub-Rural) & C-HB (Commercial Highway Business) to C-IR (Commercial Industrial Restricted) for the purpose of developing a 319,000 square feet office/warehouse space.

VR 22-24 Jim King is requesting to vary from the Dawson County Land Use Resolution Article VI Section 607.1.A Reduction of minimum parking requirements of a gross floor area.

Article IV, Section 400.A Setback reduction of 50' instead of 100'

Chairman Hamby asked if there was anyone to speak to the application. Jim King of Dawsonville, Georgia spoke on his own behalf. Mr. King states that he and a business partner purchased the parcel in 2004 approximately. He and his partner rezoned a portion of the property in 2009 to C-HB (Commercial Highway Business) but with the changes to the Land Use Resolution in 2020 most of the uses were removed from C-HB and moved to different zoning classifications. Chairman Hamby asked Mr. King when the property was rezoned what the proposed uses were planned at that time. Mr. King answered that a buyer for the parcel had retail space planned for the development. Vice Chairman Hornsey asked Mr. King about the proposed exits onto Stowers Road. Mr. King stated that as of right now on the concept plan three exits are shown but would be willing to do away with the third that is farthest away from Georgia 400. Mr. King then informed the Board that he had reviewed the staff recommended stipulations but did have concerns with stipulation 9 & 10.

Chairman Hamby asked if there was anyone to speak in favor of the application. Tony Passarello of Dawsonville, Georgia voiced his favor of the rezoning application due to it being consistent with the Comprehensive plan and bringing additional higher wage jobs to the county and diversification of the County's tax digest.

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Chairman Hamby asked if there was anyone to speak in opposition of the application. Arlene McClure, Nate Bednar, Tanya Wallace, Fred Stowers, Doug Powell, and Nick Muldoon all of Dawsonville, Georgia spoke of concerns of: the environment, traffic, safety, streams and the quality of our drinking water, loss of the rural feel to the area, noise and light pollution, "spot zoning", and lack of infrastructure.

Chairman Hamby then closed the Board to discussion. Motion for denial of the request passed by a vote of 2-0 1 abstention Hornsey/Bennett Hamby

Motion for denial of the variance request passed by a vote of 2-0 1 abstention. Hornsey/Bennett Hamby

ZA 22-24 Jim King is requesting to rezone TMP 113-043-044 from C-HB (Commercial Highway Business) to C-IR (Commercial Industrial Restricted) for the purpose of developing office/warehouse space.  
VR 22-26 Jim King is requesting to vary from the Dawson County Land Use Resolution Article IV, Section 400.A Setback reduction of 25' instead of 100' for a building setback of 75'

Chairman Hamby asked if there was anyone to speak to the application. Jim King of Dawsonville, Georgia spoke to the application. He stated that this parcel was rezoned in 2019 to C-HB but with the Land Use Resolution update in 2020 it did away with the proposed use and the parcel is in need of rezoning. He stated that he has presented the exact same scenario last year to the board that was located on Lumpkin Campground Road. Mr. King also told the board that part of the stipulations of the original zoning had "very specific uses" that were allowed "South of the power lines" and he is not seeking to change those uses, only the zoning that now allows those uses.

Chairman Hamby asked if there was anyone to speak in favor of the application. There was none.

Chairman Hamby asked if there was anyone to speak in opposition of the application. There was none.

Chairman Hamby then closed the Board to discussion. Motion for approval of the rezoning request passed 2-0 1 abstention. Hornsey/Bennett Hamby

Motion for approval of the variance request passed 2-0 1 abstention Hornsey/Bennett Hamby

ZA 22-25 Perry Betterton is requesting to rezone TMP 104-058 from R-A (Residential Agriculture) to C-HB (Commercial Highway Business) for the purpose of opening a retail trailer sales business.  
VR 22-27 Perry Betterton is requesting to vary from the Dawson County Land Use Resolution Article IV, Section 400.C.2.d light pole height

Chairman Hamby asked if there was anyone to speak to the application. Perry Betterton of Dawsonville, Georgia spoke to the application. Mr. Betterton requests that his 2.8 acres of land located on Highway 53 to be able to sell dump trailers and seasonal produce to C-HB (Commercial Highway Business) and a variance to the height of his existing light pole. Mr. Betterton states that the Planning Department suggest C-CB but he prefers the zoning C-HB and would fit into the character of the area due to the surrounding commercially zoned parcels. Mr. Betterton states that he does not believe that the zoning does not fit with the other commercially zoned parcels that are in close proximity to him. Mr. Betterton then wished to address the staff recommended stipulations. Mr. Betterton stated that on condition 1 he would prefer "under canopy trees" instead of Leland cypresses because he doesn't like those and finds them "ugly". Condition 2 was acceptable. Condition 3 he felt was too restrictive to be limited to what may and may not be sold on his parcel. Condition 4 he prefers the flexibility to be able to sell items in the event of a recession to be able to provide for his family and asked if the other commercially zoned parcels were limited to what they could sell. Condition 5 he was curious as to what steps would be necessary if he wanted to sell something different from what he is requesting. Chairman Hamby explained that he would have to come back before the board to remove that condition. Condition 6 he asked that he would be able to have all of the uses within the C-HB zoning district. Condition 7 was acceptable to him.

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Chairman Hamby asked if there was anyone to speak in favor of the application. There was none.

Chairman Hamby asked if there was anyone to speak in opposition of the application. There was none.

Chairman Hamby then closed the Board to discussion. Motion to approve the rezoning request with the following stipulations passed 2-0 1 abstention. Hornsey/Bennett Hamby

Stipulations:

1. A fifteen (15) foot landscape buffer shall be planted along the frontage of the parcel. Supplemental plantings shall consist of evergreen trees, shrubs, or a combination native to the region. All trees planted shall be a minimum of six feet in height at the time of planting. All shrubs planted shall be a minimum of three feet in height at the time of planting.
2. A sign permit shall not be issued until the 15-foot landscape strip is installed along the frontage of the property.
3. Any revisions to the proposed development of the property, and any changes reflected in a subsequently submitted permit application, shall include a Tree Replacement plan to be approved as part of the new land development permit prior to the commencement of such changed improvements.

Motion to approve the variance request passed 2-0 1 abstention Hornsey/Bennett Hamby

ZA 22-27 Miles, Hansford & Tallant, LLC obo Darsit Patel is requesting to rezone TMP 093-034 from RSR (Residential Sub-Rural) to C-RB (Commercial Rural Business) for the purpose of developing a gas station and convenience store.

Chairman Hamby asked if there was anyone to speak on behalf of the application. Ethan Underwood with Miles, Hansford & Tallant, LLC spoke to the application. Mr. Underwood gave a PowerPoint presentation showing the Board the aesthetic that his client is looking to develop on the proposed gas station. He stated that it would be a smaller structure approximately 2400 square feet in size with the gas pumps being to the front of the parcel. It would be a low intensity commercial use to the parcel that is currently an overgrown barn.

Chairman Hamby asked if there was anyone to speak in favor of the application. There was none.

Chairman Hamby asked if there was anyone to speak in opposition of the application. Mike Turner of Roswell, Georgia spoke of concerns to the parcels that he owns that are adjacent to the proposed gas station of loss of property value, safety of entering and exiting the station onto Highway 53, the well that is on the parcel behind the proposed station, the distance from the school to be able to sell alcohol and lack of information in regards to his questions.

Chairman Hamby asked Mr. Underwood what type of timetable that his client is looking to develop the proposed gas station. Mr. Underwood stated that he would "rather have a slow yes than a fast no" and that he was unaware of Mr. Turner's concerns and questions and would be willing to table the request so that he could speak to Mr. Turner.

Chairman Hamby then closed the Board for discussion. Motion to table the request until the December Planning Commission passed 2-0 1 abstention. Hornsey/Bennett Hamby

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2023 Submittal Deadlines and Planning Commission Meeting Dates was presented by Zoning Specialist Harmony Gee. She stated that due to Zoning Procedure Law changes that were adopted at the last state session and go into effect in July of 2023 the calendar for accepting applications and meeting dates had to be adjusted accordingly.

Chairman Hamby asked for a motion. Motion to accept the dates as presented passed 3-0  
Hornsey/Bennett

Chairman Hamby asked for updates by Planning & Development. Planning Director Sharon Farrell stated that the department is finishing Land Use Resolution updates and those should be before the Board in December. The Impact Fee study has also been completed and should be heard soon as well.

There being no further business to discuss, the meeting was adjourned at 7:28 p.m.

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Jason Hamby, Vice Chairman

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Date

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Attest: Harmony Gee

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Date