

**DAWSON COUNTY BOARD OF COMMISSIONERS
VOTING SESSION MINUTES – DECEMBER 17, 2020
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 Chris Gaines, District 2; Commissioner Tim Satterfield, District 3; County Attorney Paul Frickey; County Clerk Kristen Cloud; and interested citizens of Dawson County. District 1 Commissioner Sharon Fausett, District 4 Commissioner Julie Hughes Nix and County Manager David Headley were not present.

INVOCATION: Chairman Thurmond

PLEDGE OF ALLEGIANCE: Chairman Thurmond

ANNOUNCEMENTS:

Chairman Thurmond announced that the next regularly scheduled Board of Commissioners meeting would be held on January 21, 2021.

APPROVAL OF MINUTES:

Motion passed 3-0 to approve the Minutes of the Work Session held on December 3, 2020. Satterfield/Gaines

Motion passed 3-0 to approve the Minutes of the Voting Session held on December 3, 2020. Gaines/Satterfield

APPROVAL OF AGENDA:

Motion passed 3-0 to approve the agenda with the following changes:

- Addition of No. 7 under New Business:
 - Request for Approval of FY 2021 Legacy Link Contract Addendum No. 1
- Addition of items c. and d. under No. 5 (Consideration of Board Appointments) under New Business:
 - Parks & Recreation: Tony Keller- reappointment (Term: January 2021 through December 2024); and Spencer Wright- reappointment (Term: January 2021 through December 2024)
 - Development Authority: Dennis Fedoruk- replacing Mike Ball (Term: January 2021 through December 2024)

Gaines/Satterfield

PUBLIC COMMENT:

None

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 normal program, 10 minutes is given to those who wish to speak in favor of or opposition to with some redirect, time permitting.

ZA 20-08 - Fox Creek Properties requests to rezone TMP 112-109, 104-065, 112-019, 112-013, 113-057-002 and 112-018 from RA (Residential Agriculture), RPC (Residential Planned Community), CHB (Commercial Highway Business), CPCD (Commercial Planned Community Development) and COI (Commercial Office Institution) to Mixed Use Village for the purpose of developing single-family, multi-family, retail/commercial/office, hotel, and light industrial uses (Georgia 400 and Lumpkin Campground Road).

Planning & Development Director Jameson Kinley said Fox Creek Properties seeks to rezone just more than 500 acres at the corner of Lumpkin Campground Road and Highway 400. “This is the third time in the past two years that the board has heard a request of this nature in regards to this property with some sort of variation,” said Kinley. He added that, when looking at a mixed-use village zoning classification for the first time, the Planning department examines seven different criteria, including: proposed uses; number of units per use; designated areas of use; open space, amenities, road systems and access points; location of wetlands and streams; public and private streets; and name of the development. Kinley discussed the current zoning density compared to the proposed zoning density. “Mixed-use village is defined in our comprehensive plan as a ‘live, work, play’ community that is centered around a village center with civic open space,” he said. “The most important idea of the mixed-use village is the idea of public space, which is accessible by walking or bike paths and feathered density surrounding the center. Mixed-use villages should be a balance of jobs and housing in a creative, planned community with corner stores, specialty boutiques and small grocers.” Kinley added, “It is in the opinion of the Planning department that this plan does a good job of providing an environmentally friendly concept while checking the boxes for the requirements for the mixed-use village zoning classification. However, at its core, it doesn’t really provide that village center that is described within our comprehensive plan as a ‘live, work, play’ community.” Kinley said the Planning Commission recommended approval of the request with the stipulation that the applicant work with staff in regards to a timeline for the development of the industrial component in conjunction with the residential component, so that the residential component would not be developed without some type of commercial component. Kinley said the applicant sent an email to the Planning department requesting to withdraw the application without prejudice.

Applicant Kenneth Wood, Peachtree Corners, Georgia, said, “We came before the Planning Commission several times and we’ve refined the plan multiple times...” He discussed the reiterations of the plan, particularly after discussions with the Development Authority and neighbors. “Where we are now: we know we have the right zoning in talking to staff ... We know we can come up with an even more creative plan,” said Wood. “We’ve already got some ideas of what we’ve done in some different developments down in Forsyth [County] to bring in commercial, have more of a green space in the community area. We talked about how [to] situate the potential fire station site” and meet the commercial-residential component stipulation. He said granting the request for withdrawal would allow Fox Creek Properties ample time to revise plans for the proposed development.

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 in opposition of the application:

- Bill Minor, Dawsonville, Georgia
- Bruce Duncil, Dawsonville, Georgia
- Hugh Stowers Jr., Dawsonville, Georgia,
- Sabrina Needy, Dawsonville, Georgia
- Ken Ruffner, Dawsonville, Georgia
- Keith Pagel, Dawsonville, Georgia, submitted a comment in opposition of the application, which was read aloud by Chairman Thurmond

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

Motion passed 3-0 to approve the request for withdrawal of ZA 20-08 without prejudice. Gaines/Satterfield

ZA 20-18 - The Pacific Group requests to rezone TMP 106-053 and 106-052 from RS (Residential Suburban) to RS3 (Residential Suburban 3) for the purpose of developing a 183 residential lot subdivision (Dawson Forest Road).

Planning & Development Director Jameson Kinley said the Pacific Group seeks to rezone 68.5 acres from RS to RS2 for the purpose of developing a 137-lot conservation neighborhood with amenities. The parcels are located adjacent to The Woods development that was approved in 2019. “Mr. Seifert and his associates have made many concessions since submitting their original zoning application and site plan,” said Kinley. “They have met with adjoining property owners, Planning staff and local officials in an attempt to mitigate concerns. The total number of lots have decreased, an amenity area has been added, in addition to increased buffers surrounding the development.” Kinley said the original application and site plan requested 183 lots. He said the Planning Commission recommended denial of the application.

Applicant Kevin Seifert of the Pacific Group said the 61 acres on parcel 106-053 could be permitted for 61 homes, “thus the same sized lots that we’re proposing could be developed today without rezoning, and those homes could be built with zero conditions ... without having to come before this board.” In addition, he said, the lots could have access to Country Crossings, Grizzle Road and “this would also add 61 homeowners who could use the existing amenities of County Crossings.” Seifert listed numerous adjustments and commitments made by the Pacific Group following Planning Commission meetings and based on concerns it heard. He also mentioned numerous conditions the Pacific Group is willing to meet should the rezoning be approved. He said a traffic study and Developments of Regional Impact (DRI) were returned with no significant issues.

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 opposition of the application:

- Jerry Feagin, Dawsonville, Georgia
- Sabrina Needy, Dawsonville, Georgia

- Bruce Duncil, Dawsonville, Georgia
- Ken Ruffner, Dawsonville, Georgia
- Taylor Adkins, Dawsonville, Georgia
- Bob Michaelson, Dawsonville, Georgia
- Doug Hughes, Dawsonville, Georgia

None spoke in favor of the application.

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

Motion passed 3-0 to approve ZA 20-18 with the following stipulations:

1. Total lot count shall not exceed 137 lots;
2. This shall be a conservation design and shall abide by Article X of the Land Use Ordinance;
3. There shall be a minimum 150-foot undisturbed buffer to all properties to the north, west and south of the community as shown on Exhibit C, the Zoning Site Plan. The allowed deviations from the 150 feet are represented on Exhibit C;
4. Carriage-style garage doors with decorative hardware or other embellishments shall be used on all homes and each home shall have not less than a two-car garage;
5. The roofing material used on all homes shall be cedar shake, three-tab architectural-/dimensional-style asphalt shingles or metal as appropriate to the architectural style of each home as determined by the builder;
6. All overhangs, including gables and side gables, will have a minimum of a 12-inch overhang on all sides;
7. The developer shall use a variety of techniques to avoid the monotonous appearance of identical homes. Such techniques may employ, among others, the use of differing front elevations, architectural styles, building exteriors and other similar techniques so that no house is the same as any house directly in front or on either adjacent side of it;
8. All roofs and gables shall be of a pitch no less than 8/12. This condition shall not apply to dormers, porches, bay windows and third-floor retreats;
9. All homes shall have a minimum of two 12-inch house and foundation offsets in the front;
10. Poured concrete retaining walls visible from the right of way must be painted or faced with stone or brick. No wooden retaining walls over 3 feet in height shall be permitted;
11. The exterior materials for all homes shall consist of brick, stone, cement-based lap siding, cement-based siding panels, cedar and/or shake;
12. The front facade of all homes shall have a minimum of 45 percent brick, stone and/or shake with accents, such as but not limited to HardiePlank-lap siding;
13. Homes shall have a minimum heated floor area of 1,800 square feet. At least 75 percent of the homes shall have a minimum heated floor area of 2,200 square feet;
14. All roof vents, pipes and other roof equipment (except chimneys) shall be located on the rear elevations and shall be painted to match the color of the roof;
15. No above-ground swimming pools shall be permitted;
16. No window air conditioning unit may be installed;
17. Developer shall allow Georgia Native Plant Society to rescue any native plants prior to grading the property;
18. Developer shall provide an amenity area with a pool, cabana and playground;

19. Developer shall construct a 4-foot-tall four-board fence to include hog wire running the entire length of the northern shared property line with Country Crossings Recreation Association Inc. This fence shall be located on the property line where the shared property line falls south of the creek and shall be located approximately 50 feet south of the creek where the property line falls north of the creek;
20. Prior to final plat approval, \$1,000 per lot shall be given by the developer to the county for Lumpkin Campground Road improvements; and
21. Entrance on Dawson Forest Road must include a waterfall feature.

Satterfield/Gaines

ZA 20-22 - Jim King on behalf of Piedmont Residential requests to rezone TMP 114-033-005 from RA (Residential Agriculture) to RMF (Residential Multi-Family) for the purpose of developing a 145 semi-detached residential lot subdivision (Dawson Forest Road East).

Planning & Development Director Jameson Kinley said the applicant seeks to rezone 30.48 acres at the corner of Highway 53 East and Dawson Forest Road from RA to RMF for the purpose of constructing a 145-lot semi-detached home neighborhood. Kinley said the development would be situated on the interior portion of the parcel with the outlying road frontage being reserved for future commercial developments. “Residential Multi-Family is an appropriate zoning classification in line with our comprehensive plan,” said Kinley. “The site plan will have to include a second entrance to meet subdivision regulations. The concept of having the residential density behind the potential commercial frontage is in line with the 400 Corridor. Although we would like to see more of an inclusive development to include the commercial as well, this rezoning is just for the interior portion of the property while the rest is to be left vacant.” Kinley added, “It is important to note that the Planning department is in the process of updating the 400 Corridor guidelines. This development will be held to the guidelines that will be in place at the time of development unless otherwise stipulated here.” Kinley said the Planning Commission recommended denial of the application. Kinley said the applicant sent an email to the Planning department requesting to withdraw the application without prejudice.

Applicant Jim King said that, when the initial application came before the Planning Commission, “Piedmont Homes was only buying the central portion of this property, allowing about 300 feet of depth around Dawson Forest Road and 53 for future commercial that he would develop himself. There’s nothing that he could really do with the interior portion so it was going to be a mixed-use development, but we didn’t have any information or any control on the commercial piece,” said King. King said his client, following the Planning Commission meeting, persuaded the property owner that “we would have a much better development if we incorporated the entire property together, and that’s what we plan to do.” He said a comprehensive look will be taken of the entire property, to include both the commercial and residential, with plans to bring a request back before the board.

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 in opposition of the application:

- Jerry Feagin, Dawsonville, Georgia
- Bruce Duncil, 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 3-0 to approve the request for withdrawal of ZA 20-22 without prejudice. Gaines/Satterfield

NEW BUSINESS:

Consideration of Request for Approval of FY 2021 State Public Defender Contract

Motion passed 3-0 to approve the Request for Approval of the FY 2021 State Public Defender Contract. Satterfield/Gaines

Consideration of Request for Approval of FY 2021 Public Defender Intergovernmental Agreement Between Dawson and Hall Counties

Motion passed 3-0 to approve the Request for Approval of the FY 2021 Public Defender Intergovernmental Agreement Between Dawson and Hall Counties. Gaines/Satterfield

Consideration of 2021 Local Maintenance & Improvement Grant Application Approval Request

Motion passed 3-0 to approve the 2021 Local Maintenance & Improvement Grant Application Approval Request. Satterfield/Gaines

Consideration of Request for Funding and Contract with EagleView Imagery

Motion passed 3-0 to approve the Request for Funding and Contract with EagleView Imagery. Gaines/Satterfield

Consideration of Board Appointments:

- Board of Tax Assessors
 - Sam Gutherie- reappointment (Term: January 2021 through December 2025)
- Planning Commission
 - Jason Hamby, District 1- reappointment (Term: January 2021 through December 2021)
 - John Maloney, District 2- reappointment (Term: January 2021 through December 2022)
 - Tim Bennett, District 3- reappointment (Term: January 2021 through December 2021)
 - Neil Hornsey, District 4- reappointment (Term: January 2021 through December 2022)
- Parks & Recreation
 - Tony Keller- reappointment (Term: January 2021 through December 2024)
 - Spencer Wright- reappointment (Term: January 2021 through December 2024)
- Development Authority
 - Dennis Fedoruk- replacing Mike Ball (Term: January 2021 through December 2024)

Motion passed 3-0 to approve the reappointment of Sam Gutherie to the Board of Tax Assessors for a term of January 2021 through December 2025. Satterfield/Gaines

Motion passed 3-0 to approve the following Planning Commission reappointments: Jason Hamby, District 1, for a term of January 2021 through December 2021; John Maloney, District 2, for a term of January 2021 through December 2022; Tim Bennett, District 3, for a term of January 2021 through December 2021; and Neil Hornsey, District 4, for a term of January 2021 through December 2022. Gaines/Satterfield

Motion passed 3-0 to approve the reappointment of Tony Keller and Spencer Wright to the Parks & Recreation board for terms of January 2021 through December 2024. Satterfield/Gaines

Motion passed 3-0 to approve the appointment of Dennis Fedoruk to the Development Authority board for a term of January 2021 through December 2024. Gaines/Satterfield

Consideration of Annexation #C2100043 (Amended)

Motion passed 3-0 to approve for the county attorney to prepare correspondence to the city of Dawsonville asserting a land use objection concerning Annexation #C2100043 (Amended) pursuant to Georgia's annexations statutes based on a material increase in the burden on the county as a result of the increased density and additional infrastructure demands related to the proposed change in zoning and land use of the property to be annexed; the county attorney is directed to work with staff to include in the letter of support for objection based on the information presented at the hearing and details supporting staff's analysis; and the county attorney shall include notice to the city that the county considers the proposed annexation to violate Section 36-36-20 with respect to the subdivision of property in an effort to evade the requirements of annexation of an entire parcel. Gaines/Satterfield

Consideration of Request for Approval of FY 2021 Legacy Link Contract Addendum No. 1

Motion passed 3-0 to approve the Request for Approval of FY 2021 Legacy Link Contract Addendum No. 1. Satterfield/Gaines

PUBLIC COMMENT:

None

Chairman Thurmond and the board recognized outgoing District 4 Commissioner Julie Hughes Nix for her many years of service.

ADJOURNMENT:

EXECUTIVE SESSION:

Motion passed 3-0 to enter into Executive Session to discuss litigation. Gaines/Satterfield

Motion passed 3-0 to come out of Executive Session. Satterfield/Gaines

APPROVE:

ATTEST:

Billy Thurmond, Chairman

Kristen Cloud, County Clerk