# DAWSON COUNTY BOARD OF COMMISSIONERS VOTING SESSION AGENDA – THURSDAY, DECEMBER 15, 2022 DAWSON COUNTY GOVERNMENT CENTER ASSEMBLY ROOM 25 JUSTICE WAY, DAWSONVILLE, GEORGIA 30534 TO IMMEDIATELY FOLLOW THE 4:00 PM WORK SESSION

# A. ROLL CALL

# **B. OPENING PRESENTATION**

- 1. Recognition of Ms. Anne L. Styles
- C. INVOCATION AND PLEDGE OF ALLEGIANCE
- D. ANNOUNCEMENTS

# E. APPROVAL OF MINUTES

- 1. Minutes of the Work Session held on December 1, 2022
- 2. Minutes of the Voting Session held on December 1, 2022
- F. APPROVAL OF AGENDA
- G. PUBLIC COMMENT

# H. ZONINGS

- 1. ZA 22-23 Jim King requests to rezone TMP 111-116 from RSR (Residential Sub-Rural) and CHB (Commercial Highway Business) to CIR (Commercial Industrial Restricted) for the purpose of developing a 319,000-square-foot office / warehouse space.
  VR 22-24 Jim King requests 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 feet instead of 100 feet.
- 2. ZA 22-24 Jim King requests to rezone TMP 113-043-043 from CHB (Commercial Highway Business) to CIR (Commercial Industrial Restricted) for the purpose of developing office / warehouse space.
  VR 22-26 Jim King requests to vary from the Dawson County Land Use Resolution Article IV, Section 400.A Setback reduction of 25 feet instead of 100 feet for a building setback of 75 feet.
- 3. ZA 22-25 Perry Betterton requests to rezone TMP 104-058 from RA (Residential Agriculture) to CHB (Commercial Highway Business) for the purpose of opening a retail trailer sales business.
  - <u>VR 22-27</u> Perry Betterton requests to vary from the Dawson County Land Use Resolution Article IV, Section 400.C.2.d light pole height.

# I. NEW BUSINESS

- Consideration of Request to Set Budget for Radio System Upgrade Construction Services RFP
- 2. Consideration of Request for Approval of FY 2023 State Public Defender Contract

- 3. Consideration of Request for Approval of FY 2023 Public Defender Intergovernmental Agreement Between Dawson and Hall Counties
- 4. Consideration of Request by Emergency Services to Use Remaining Special Purpose Local Option Sales Tax VI Funds
- Consideration of RFP #408-22 A & E Services for an Emergency 9-1-1 / Emergency Operations Center Building
- 6. Consideration of Proposed Changes to the Dawson County Employee Handbook Concerning Merit and Longevity Adjustments for Employee Evaluations
- 7. Consideration of 2023 Board of Commissioners Vice Chair Appointment
- 8. Consideration of Board Appointments:

# a. Development Authority

- i. Brian Trapnell- reappointment (Term: January 2023 through December 2026)
- ii. Carroll Turner- reappointment (Term: January 2023 through December 2026)
- iii. Lynn Jackson- *replacing Tara Hardwick* (Term: January 2023 through December 2026)

# **b.** Joint Development Authority

- i. Mandy Power- reappointment (Term: January 2023 through December 2026)
- ii. Carroll Turner- reappointment (Term: January 2023 through December 2026)
- iii. Kevin Herrit- *replacing John Drew* (Term: January 2023 through December 2026)

# c. Planning Commission

- i. Steve Sanvi (Chairman Appointee)- *reappointment* (Term: January 2023 through December 2024)
- ii. Jason Hamby (District 1)- *reappointment* (Term: January 2023 through December 2024)
- iii. John Maloney (District 2)- *reappointment* (Term: January 2023 through December 2024)
- iv. Shelton Townley (District 3)- *replacing Tim Bennett* (Term: January 2023 through December 2024)
- v. Neil Hornsey (District 4)- *reappointment* (Term: January 2023 through December 2024)

# d. Tax Assessors

i. Jo Ann Overstreet Hause- *reappointment* (Term: January 2023 through December 2027)

# J. PUBLIC COMMENT

# K. ADJOURNMENT

\*An Executive Session may follow the Voting Session meeting.

# DAWSON COUNTY BOARD OF COMMISSIONERS WORK SESSION MINUTES – DECEMBER 1, 2022 DAWSON COUNTY GOVERNMENT CENTER ASSEMBLY ROOM 25 JUSTICE WAY, DAWSONVILLE, GEORGIA 30534 4:00 PM

Those present were Chairman Billy Thurmond; Commissioner Sharon Fausett, District 1; Commissioner Chris Gaines, District 2; Commissioner Tim Satterfield, District 3; Commissioner Emory Dooley, District 4; Interim County Manager Vickie Neikirk; County Attorney Angela Davis; County Clerk Kristen Cloud; and interested citizens of Dawson County.

# **NEW BUSINESS**

- 1. Presentation of Request to Retire Sheriff's Office K9 Robby- Sheriff Jeff Johnson *This item will be added to the December 1, 2022, Voting Session Agenda.*
- 2. Presentation of Request to Set Budget for Radio System Upgrade Construction Services RFP- Sheriff's Office Chief Deputy Major Greg Rowan This item will be placed on the December 15, 2022, Voting Session Agenda.
- 3. Presentation of Request for Approval of FY 2023 State Public Defender Contract-Public Defender Brad Morris / Assistant Public Defender Sarah Willis *This item will be placed on the December 15, 2022, Voting Session Agenda.*
- 4. Presentation of Request for Approval of FY 2023 Public Defender Intergovernmental Agreement Between Dawson and Hall Counties- Public Defender Brad Morris / Assistant Public Defender Sarah Willis This item will be placed on the December 15, 2022, Voting Session Agenda.
- 5. Presentation of Request to Use Remaining Special Purpose Local Option Sales Tax VI Funds- Emergency Services Director Troy Leist This item will be placed on the December 15, 2022, Voting Session Agenda.
- 6. Presentation of FY 2023 Department of Human Services / Deanna Specialty Transportation Contract- Senior Services Director Dawn Johnson This item will be added to the December 1, 2022, Voting Session Agenda. Senior Services Director Dawn Johnson announced that Dawson County Transit received the Georgia Department of Transportation Frank J. Hill Award for Excellence in Rural Public Transportation.
- 7. Presentation of Annual Capital Improvements Element Update Adoption- Planning & Development Director Sharon Farrell

  This item will be added to the December 1, 2022, Voting Session Agenda.
- 8. Presentation of Veterans Memorial Park Pool Maintenance and Repair- Parks & Recreation Director Matt Payne

  This item will be added to the December 1, 2022, Voting Session Agenda.

- 9. Presentation of IFB #411-22 Rock Creek Park Ballfields Renovation- Parks & Recreation Director Matt Payne / Purchasing Manager Melissa Hawk *This item will be added to the December 1, 2022, Voting Session Agenda.*
- 10. Presentation of RFP #408-22 A & E Services for an Emergency 9-1-1 / Emergency Operations Center Building- Purchasing Manager Melissa Hawk *This item will be placed on the December 15, 2022, Voting Session Agenda.*
- 11. Presentation of Renewal of Recycling Contract for FY 2023 with Waste Management-Interim County Manager Vickie Neikirk / Purchasing Manager Melissa Hawk *This item will be added to the December 1, 2022, Voting Session Agenda.*
- 12. Presentation of Proposed Changes to the Dawson County Employee Handbook Concerning Merit and Longevity Adjustments for Employee Evaluations- Commissioner Tim Satterfield

This item will be placed on the December 15, 2022, Voting Session Agenda.

13. Presentation of 2023 Board of Commissioners Vice Chair Appointment- Chairman Billy Thurmond

This item will be placed on the December 15, 2022, Voting Session Agenda.

14. Presentation of Board Appointments:

# a. Development Authority

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# d. Tax Assessors

i. Jo Ann Overstreet Hause- *reappointment* (Term: January 2023 through December 2027)

This item will be placed on the December 15, 2022, Voting Session Agenda.

- 15. County Manager Report

  This item was for information only.
- 16. County Attorney Report

  County Attorney Davis had no information to report and requested an Executive Session.

<u>APPROVE</u> :	<u>ATTEST</u> :
Billy Thurmond, Chairman	Kristen Cloud, County Clerk

# DAWSON COUNTY BOARD OF COMMISSIONERS VOTING SESSION MINUTES – DECEMBER 1, 2022 DAWSON COUNTY GOVERNMENT CENTER ASSEMBLY ROOM 25 JUSTICE WAY, DAWSONVILLE, GEORGIA 30534 IMMEDIATELY FOLLOWNG THE 4:00 PM WORK SESSION

**ROLL CALL:** Those present were Chairman Billy Thurmond; Commissioner Sharon Fausett, District 1; Commissioner Chris Gaines, District 2; Commissioner Tim Satterfield, District 3; Commissioner Emory Dooley, District 4; Interim County Manager Vickie Neikirk; County Attorney Angela Davis; County Clerk Kristen Cloud; and interested citizens of Dawson County.

# **OPENING PRESENTATIONS:**

<u>Dawson County Chamber of Commerce and Office of Tourism Development Update- Chamber of Commerce President and CEO Mandy Power</u>

Dawson County Chamber of Commerce President and CEO Mandy Power gave a Chamber of Commerce and Office of Tourism Development Update with a PowerPoint presentation.

<u>Development Authority of Dawson County (DADC) Quarterly Update- DADC Chairman Brian</u> Trapnell

Development Authority of Dawson County (DADC) Chairman Brian Trapnell gave a DADC Quarterly Update with a PowerPoint presentation.

# **INVOCATION AND PLEDGE OF ALLEGIANCE:** Chairman Thurmond

# **ANNOUNCEMENTS:**

None

# APPROVAL OF MINUTES:

Motion passed 4-0 to approve the Minutes of the Work Session held on November 17, 2022. Gaines/Fausett

Motion passed 4-0 to approve the Minutes of the Voting Session held on November 17, 2022. Fausett/Satterfield

# APPROVAL OF AGENDA:

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

- Addition of a New Business section following Public Hearings to include the following six items:
  - o Request to Retire Sheriff's Office K9 Robby
  - FY 2023 Department of Human Services / Deanna Specialty Transportation Contract
  - o Annual Capital Improvements Element Update Adoption
  - Veterans Memorial Park Pool Maintenance and Repair
  - o IFB #411-22 Rock Creek Park Ballfields Renovation
  - o Renewal of Recycling Contract for FY 2023 with Waste Management

Dooley/Gaines

# **PUBLIC COMMENT:**

None

# **PUBLIC HEARINGS:**

# <u>Proposed Property Maintenance Ordinance (1st of 1 hearing)</u>

Chairman Thurmond opened the hearing by asking if there was anyone present who wished to be heard on a Proposed Property Maintenance Ordinance and, hearing none, closed the hearing.

Motion passed 4-0 to approve a Proposed Property Maintenance Ordinance. Gaines/Satterfield

# Amendments to the Litter Control and Solid Waste Management Ordinance (1<sup>st</sup> of 1 hearing)

Chairman Thurmond opened the hearing by asking if there was anyone present who wished to be heard on Amendments to the Litter Control and Solid Waste Management Ordinance and, hearing none, closed the hearing.

Motion passed 4-0 to approve Amendments to the Litter Control and Solid Waste Management Ordinance. Fausett/Satterfield

Amendments to the Abatement of Nuisance Property Ordinance (1st of 1 hearing) Chairman Thurmond opened the hearing by asking if there was anyone present who wished to be heard on Amendments to the Abatement of Nuisance Property Ordinance and, hearing none, closed the hearing.

Motion passed 4-0 to approve Amendments to the Abatement of Nuisance Property Ordinance. Satterfield/Gaines

# **NEW BUSINESS:**

# Consideration of Request to Retire Sheriff's Office K9 Robby

Motion passed 4-0 to approve a Request to Retire Sheriff's Office K9 Robby and transfer him to his handler, Zach Smith. Satterfield/Gaines

# <u>Consideration of FY 2023 Department of Human Services / Deanna Specialty Transportation</u> <u>Contract</u>

Motion passed 4-0 to approve a FY 2023 Department of Human Services / Deanna Specialty Transportation Contract. Gaines/Satterfield

# Consideration of Annual Capital Improvements Element Update Adoption

Motion passed 4-0 to approve an Annual Capital Improvements Element Update Adoption by way of a resolution. Fausett/Dooley

# Consideration of Veterans Memorial Park Pool Maintenance and Repair

Motion passed 4-0 to approve Veterans Memorial Park Pool Maintenance and Repair. Work will be performed by American Pool for \$45,573, and funds will come from General Fund's fund balance. Satterfield/Fausett

# Consideration of IFB #411-22 - Rock Creek Park Ballfields Renovation

Motion passed 4-0 to approve IFB #411-22 – Rock Creek Park Ballfields Renovation; to accept the offer received and award a contract to HEC Construction Solutions in the amount of \$149,989.50. Funds will come from Special Purpose Local Option Sales Tax VI. Fausett/Dooley

Consideration of Renewal of Recycling Contract for FY 2023 with Waste Management

Motion passed 4-0 to terminate a Recycling Contract with Waste Management and use funds saved for a new recycling process currently being designed. Gaines/Fausett

None

# **ADJOURNMENT:**

# **EXECUTIVE SESSION:**

Motion passed 4-0 to enter into Executive Session to discuss litigation and personnel. Fausett/Satterfield

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

<u>APPROVE</u> :		<u>ATTEST</u> :	
Billy Thurmond, Chairman	1	Kristen Cloud	d. County Clerk

# Dawson County Rezoning Application

APPLICANT INFORMATION (or Authorized Representative)
If applicant is other than owner, enclosed Property Owner Authorization form must be completed.

Printed Name: Jim King
Address: 131 Prominence Court, Suite 230 Dawsonville GA 30534
Phone (Listed/Unlisted):
Email (Business/Personal):
Status: Owner Authorized Agent Lessee Option to purchase
I have
If not, I agree $lacktriangle$ /disagree $lacktriangle$ to schedule a meeting the week following the submittal deadline.
Meeting Date: Applicant Signature:
REQUESTED ACTION & DETAILS OF PROPOSED USE
Rezoning to: C-IR Special Use Permit for:
Proposed Use: Multi-Use Business Park consisting of a variety of Commercial and Industrial Uses
Existing Utilities: Water Sewer Gas Electric
Proposed Utilities: Water Sewer Gas Electric
RESIDENTIAL
No. of Lots: (acres) No. of Units:
Minimum Heated Floor Area:sq. ft. Density/Acre:
Type: Apartments Condominiums Townhomes Single-family Other
ls an Amenity Area proposed:; if yes, what?
COMMERCIAL & INDUSTRIAL
Building area: 319,000 Square Feet No. of Parking Spaces: 326 Spaces

# Property Owner/ Property Information

Name: Deer Run Partners, LLC & Crownway Properties, LLC					
Street Address of Property being rezoned: Ga 400 & Stowers Rd					
Rezoning from: RA 8	CHB to: C-IR	Total acrage be	ing rezoned: 32.1		
Directions to Property (if no address):					
	oximately 2 miles north oes not include the co		operty lies at corner of Ga 400		
Subdivision Name (if	applicable): N/A		Lot(s) #:		
Current Use of Prope					
transportation studie Commission. This ad	es and additional review lds several weeks to the on County's Georgia 4	Yes If yes, the application with the Georgia Mounton e review and processing.  O Corridor Guidelines and processing and processing.	ins Regional Planning		
	hin the Georgia 400 Co	orridor? <u>yes</u> (yes,	/no)		
If yes, what section?	North South				
		OPERTY ZONING CLASSIFIC	ATION:		
North RA	South RA	East <u>RA</u>	West RA		
Future Land Use Map	Designation: C-HB ar	nd C-OI			
Access to the develo	opment will be provide & Stowers Rd	ed from: Type of Surface: _^	sphalt		
	faunds H H famile	10	2		

# **Applicant Certification**

I hereby request the action contained within this application relative to the property shown on the attached plats and site plan and further request that this item be placed on both the Planning Commission and Board of Commissioners agenda(s) for a public hearing.

I understand that the Planning & Development staff may either accept or reject my request upon review. My request will be rejected if all the necessary data is not presented.

I understand that I have the obligation to present all data necessary and required by statute to enable the Planning Commission and the Board of Commissioners to make an informed determination on my request. I will seek the advice of an attorney or a land use professional if I am not familiar with the zoning and land use requirements.

I understand that my request will be acted upon at the Planning Commission and Board of Commissioner hearings and that I am required to be present or to be represented by someone able to present all facts. I understand that failure to appear at a public hearing may result in the postponement or denial of my rezoning of special use application. I further understand that it is my responsibility to be aware of relevant public hearing dates and times regardless of notification from Dawson County.

I hereby certify that I have read	the above and that the above information as well as the attached
information is true and correct.	

Signature

Witness

Jim King

Date 09/08/2022

Date 09/08/2022

# DISCLOSURE OF CAMPAIGN CONTRIBUTIONS (APPLICANT(S) AND REPRESENTATIVE(S) OF REZONING)

Pursuant to O.C.G.A. Section 36-67 A-3.A, the following disclosure is mandatory when an applicant or any representation of application for rezoning has been made within two (2) years immediately preceding the filing of the applicant's request for rezoning, campaign contributions aggregating \$250.00 or more to a local government official who will consider the application for rezoning.

It shall be the duty of the applicant and the attorney representing the applicant to file a disclosure with the governing authority of the respective local government showing the following:

•	
١.	Name of local official to whom campaign contribution was made:
	N/A
2.	The dollar amount and description of each campaign contribution made by the opponent to the local government official during the two (2) years immediately preceding the filing of the application for the rezoning action and the date of each such contribution.
	Amount \$ Date:
	Enumeration and description of each gift when the total value of all gifts is \$250.00 or more made to the local government official during the two (2) years immediately preceding the filing of application for rezoning:
	Cion of the of Applicant (Decreased with a of Applicant
	Signature of Applicant/Representative of Applicant Date
	BY NOT COMPLETING THIS FORM YOU ARE MAKING A STATEMENT THAT NO DISCLOSURE IS REQUIRED
	This form may be copied for each applicant. Please attach additional sheets if needed.
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# NOTICE OF RESIDENTIAL EXURBAN/ AGRICULTURAL DISTRICT (R-A) ADJACENCY

Agricultural districts include uses of land primarily for active farming activities and result in odors, noise, dust and other effects, which may not be compatible with adjacent development.

Future abutting developers in non RA land use districts shall be provided with this "Notice of RA Adjacency" prior to administrative action on either the land use district or the issuance of a building or occupancy permit.

Prior to administrative action the applicant shall be required to sign this waiver which indicates that the applicant understands that a use is ongoing **adjacent** to his use which will produce odors, noise, dust and other effects which may not be compatible with the applicant's development. Nevertheless, understanding the effects of the adjacent RA use, the applicant agrees by executing this form to waive any objection to those effects and understands that his district change and/or his permits are issued and processed in reliance on his agreement not to bring any action asserting that the adjacent uses in the RA district constitute a nuisance) against local governments and adjoining landowners whose property is located in an RA district.

This notice and acknowledgement shall be	e public record.	
Applicant Signature: Jim King	in in	Digitally algned by Jim Kling DN: cn=Jim King, a, cu, emeil=jim@kingconsulting.into, c=US Date: 2022.09.08 12:04:54 -05:00*
Applicant Printed Name: Jim King	V \	
Application Number:	l,	
Date Signed: 09/08/2022		
Sworn and subscribed before me  this day of terriber, 20 =	_	
{Notary Seal}	EXPIRITED TO TAKE TO THE TOTAL SOLUTION COLUMN TO THE TAKE TO THE TAKE TO THE TAKE T	SOLATION SOL
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# Property Owner Authorization

I/we, Jim King , hereby swear that I/we own
the property located at (fill in address and/or tax map parcel #):
Street Address of Property being rezoned: Ga 400 @ Stowers Rd
TMP#: 111 116
as shown in the tax maps and/or deed records of Dawson County, Georgia, and which parcel will be affected by this request.
I hereby authorize the person named below to act as the applicant or agent in pursuit of the rezoning requested on this property. I understand that any rezone granted, and/or conditions or stipulations placed on the property will be binding upon the property regardless of ownership. The under signer below is authorized to make this application. The under signer is aware that no application or reapplication affecting the same land shall be acted upon within six (6) months from the date of the last action by the Board of Commissioners.
Printed Name of applicant <u>or agent:</u> <u>Jim King</u>
Signature of applicant or agent: Jim King  Digitally signed by 5m King Disc co-slim King, o, oz., emish ging ging consulting info, o-US Delete: 2022.09 08 12:21:46 - 05007  Date: 09/08/2022
Printed Name of Owner(s): Jim King for Deer Run Partners, LLC & Crownway Properties, LLC
Signature of Owner(s): Jim King Decrealing Ming, o. ou, official-liping Management Ming, o. ou, official-liping Management Ming, o. ou, official-liping Management Ming, or out of the circum Ming, or out of the
Mailing address: 131 Prominence Court, Suite 230
City, State, Zip. Dawsonville, GA 30534
Phone (Listed/Unlisted):
Sworn and subscribed before me this
(The complete names of all owners mustible listed; if the owner is a partnership, the names of all partners must be

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listed; if a joint venture, the names of all members must be listed. If a separate sheet is needed to list all names, please identify as applicant or owner and have the additional sheet notarized also.)

# LETTER OF INTENT

The applicant requests a Rezoning for Parcel Number: 111 116 from Commercial Hwy Business (C-HB) & Agricultural (AG) to Commercial Industrial Restricted (C-IR), in order to develop a Business Park on 32.1 acres approximately one-half mile north of SR 53 on Lumpkin Campground Rd. The property is currently zoned C-HB (Commercial Highway Business) which prior to 2020 allowed this type development. The County's 2020 amendment to the Commercial Ordinances, removed this use and transferred it to the newly established C-IR ordinance. It is bordered on all sides by agricultural property; however, the ultimate use of these properties will also be commercial, as they front on Ga 400. The bulk of the property is designated as Commercial-Highway Business on the Future Land Use Plan with the frontage on Stowers Rd designated as Office and the proposed development is in conformance with this use. Office/Flex Space will front on the western end of Stowers Rd to transition from the more intensive uses to the residential and agricultural uses further down Stowers Rd. As stated, the Countyinitiated zoning ordinance revisions adversely affected the existing usability of this property by removing the land use that was planned and originally permitted for this property. According to the Steinberg Act (O.C.G.A. § 36-66-1 through § 36-66-6), these property rights should be reinstated.

In addition to the Rezoning Request, the applicant also request relief from the front setback and the minimum parking requirements. A small corner of the proposed 100,000 sf manufacturing facility encroaches into the current setback. Many variances down to 75' have already been granted along Ga 400.

The proposed end-user for this development does not generate a tremendous amount of public traffic, primarily only employees. For this reason, we request a variance from the minimum parking requirement to 1space per 1,000 sq feet in lieu of the required 1 space per 500 sq feet.

The proposed development will add to the County's tax base, as well as, generate jobs and a significant increase to the tax revenue.

Consense Properties, Ltd.

Discouncy Park

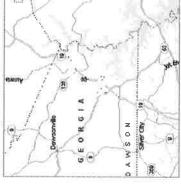
Conference of Salary

Park

Conference of Salary

Discouncy Park

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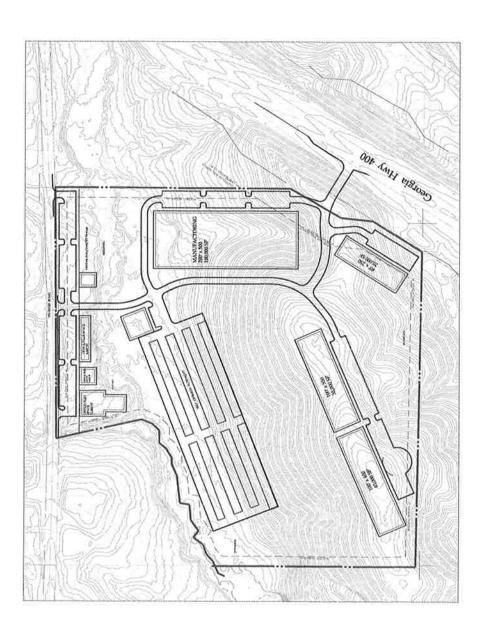


# ITE DAT

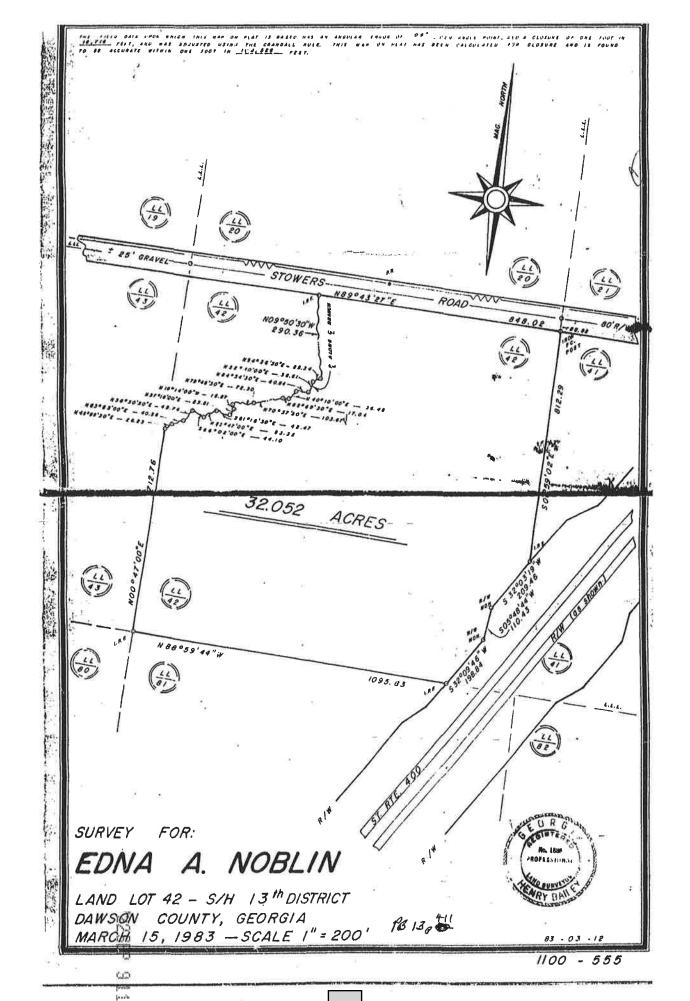
SITE AREA: 32.1 ACRES
TOTAL BUILDING AREA: 300,000 Sq Pr
TOTAL PARKING: 305 Spaces
EXISTING ZONING: RA & CHB
PROPOSED ZONING: C-IR
PROPOSED VARIANCE: Reduce 100'
S/B to 75' along Ga 400.

The proposed uses shown are conceptual and subject to change upon mark conditions. The proposed use is a Bushics Park.

2022-09-01



DAWSON BUSINESS PARK



# **Owner Information**

DEER RUN PARTNERS LLC 131 PROMINENCE CT SUITE 230 DAWSONVILLE, GA 30534

# **Payment Information**

 Status
 Paid

 Last Payment Date
 09/24/2021

 Amount Paid
 \$7,325.07

# **Property Information**

Parcel Number 111 116

**District** 1 DAWSON COUNTY UNINCORPORATED

 Acres
 32.05

 Description
 LL 42 LD 13-S

 Property Address
 STOWERS RD

 Assessed Value
 \$323,760

 Assessed Value
 \$323,760

 Appraised Value
 \$809,400

# **Bill Information**

 Record Type
 Property

 Tax Year
 2021

 Bill Number
 3822

 Account Number
 38065

 Due Date
 12/01/2021

# **Taxes**

 Base Taxes
 \$7,325.07

 Penalty
 \$0.00

 Interest
 \$0.00

 Total Due
 \$0.00

# **CONSTRUCTION & DEVELOPMENT SCHEDULE**

Entitlement Process: October 2022 – March 2023

Engineering Design: April 2023 – October 2023

Land Development Ph1: October 2023 - October 2024

Vertical Construction Ph1: October 2024- September 2025

Land Development Ph2: October 2025 - April 2026

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The proposed development will add to the County's tax base, as well as, generate jobs and a significant increase to the tax revenue.

# **DAWSON COUNTY VARIANCE APPLICATION**

	**This portion to be comp	leted by Zoning	Administrator**	
VR	Tax Ma	p & Parcel # (	ГМР):	
Current Zoning:	Commis	ssion District #	•	
Submittal Date:	Time:	am/pm	Received by:	(staff initials)
Fees Assessed:	Paid:			
Planning Commission Mee	eting Date:			
APPLICANT INFOR	RMATION (or Authorize	ed Representat	ive)	
Printed Name: Jim	King			
Address: 1311	Prominence Court, Suite	230 Dawso	onville, GA 30534	
Phone: Listed Unlisted		Email:	Business	
A 4	Authorized Agent [			ase
Notice: If applicant is other	er than owner, enclosed P	roperty Owner	r Authorization form	n must be completed.
I have // have not _	participated in a F	Pre-application	meeting with Plann	ing Staff.
If not, I agree/dis	sagreeto schedul	e a meeting the	week following the	submittal deadline.
Meeting Date:				
PROPERTY INFOR			1	
Street Address of Property	SW Corner of Ga 40	0 & Stowers I	Rd	
Land Lot(s): 42	District: _	13th	Section	South-half
Subdivision/Lot:	) )	Buildin		(if applicable)
 	, 1			
*,,\(\)   		5		

Directions to the Property:		Ga 400 North approximately 2 miles north of SR 53 on West side. Property lies				
-	corner of Ga 400 8	& Stowers Rd, but do	es not include the c	orner parcel.		
REQUESTED ACTIO			<del></del>			
A Variance is requested fro Resolution/Sign Ordinance.	om the requirements of /Subdivision Regulat	of Article # See Below cions/Other (circle one).	Section #	of the Land Use		
If other, please describe: A	urticle VI Section 607.1.	A- Vary to 1 space per 10	000 sf of Gross Floor A	rea		
Type of Variance requested	l:			<del></del>		
[ ] Front Yard [ ] Side	Yard [ ] Rear Yard	d variance of	feet to allow th	ne structure to:		
[ ] be constructed; [ ] r	emain a distance of _	feet fro	om the:			
[ ] property line, [ ] r	oad right of way, or	other (explain	below):	5.		
Vary excessive Parking Require						
Vary sSetback Requirement instead of the required dista						
Lot Size Request for a r						
Sign Variance for:						
] Home Occupation Vari	ance to operate:			business		
Other (explain request)	: Vary from the require	d parking spaces. User of	does not need that man	y spaces		
If there are other variance re	equests for this site ir	n past, please list case #	and nature of variance	ce:		
Variances to standards and coverage, height, and other evinages:	er quantitative requi	rements may be grant	ted if, on the basis	of the application,		
Describe why a strict an unnecessary hardship:	The current Parking R excess of impervious parking inloluding mar	Requirements for Industria surface that will not be us ny at 1 space per 2000 so	al Uses are over-burden sed. Many Metro Count of t of building area. We	some and create an ties require far less are requesting		
		t. The 100' setback is managed in the set of				
	1°1°20	6				

_				
2.	Describe the exceptional and extraordinary conditions applicable to this property which do not apply to other properties in the same district: <a href="Described above in #1">Described above in #1</a>			
_				
3. an	Describe why granting a variance would not be detrimental to the public health, safety, morals or welfare d not be materially injurious to properties in the near vicinity:			
It	would actually be more beneficial because it would require less impervious asphalt payed area.			
4.	Describe why granting this variance would support the general objectives within this Resolution:			
	Because we would be providing sufficient parking for the proposed uses instead of a large expanse of addtional			
	parking lot that would go unused. As far as the Buffer Reduction, we are maintaining the 100' Buffer in all but one small section near our entrance where it is impossible to adhere to the 100 ft. Many variances have been granted			
	to the Ga 400 Buffer down to 75' along entire frontages and we are requesting only a small section.			

Submit clear explanation of all four questions above. You may add sheets if necessary.

(Variances should not be granted if the need arises as a result of action by the applicant or previous owner.)

# **PROPERTY OWNER AUTHORIZATION**

I / weJim King for Deer Run Partners, LLC & Crownway Properties, LLC hereby swear that I / we						
own the property located at (fill in address and / or tax map & parcel #):						
Tax Parcel #113 116, Ga 400 & Stowers Rd, Dawson County GA						
as shown in the tax maps and / or deed records of Dawson County, C by this request.	Georgia, and which parcel will be affected					
I hereby authorize the person named below to act as the applicant of on this property. I understand that any variance granted, and / or binding upon the property regardless of ownership. The under application. The under signer is aware that no application or real acted upon within 6 months from the date of the last action by the Boundary in the second secon	conditions placed on the property will be signer below is authorized to make this pplication affecting the same land shall be					
Printed name of applicant or agent: Jim King						
Signature of applicant or agent:	Date:					
Printed Name of Owner(s): Deer Run Partners, LLC & Crownwa	ay Properties, LLC					
Signature of Owner(s):	Date 09/08/2022					
Sworn and subscribed before me this day of day of day of and day of day of day of						
Notary Public Vil	SHERRY					
My Commission Expires: 13.15.2023	GEORGIA 12-15-2028					
(Seal)	12-15-2028 ON COUNT					
(The complete names of all owners must be listed, if the owner is a be listed, if a joint venture, the names of all members must be listed.	partnership, the names of all partners must ed. If a separate sheet is needed to list all					

names, please identify as applicant or owner and have the additional sheet notarized also.)

# **APPLICANT CERTIFICATION**

I hereby request the action contained within this application relative to the property shown on the attached plats and site plan and further request that this item be placed on both the Planning Commission and Board of Commissioners agenda(s) for a public hearing.

I understand that the Planning & Development staff may either accept or reject my request upon review. My request will be rejected if all the necessary data is not presented.

I understand that I have the obligation to present all data necessary and required by statute to enable the Planning Commission and Board of Commissioners to make an informed determination on my request. I will seek the advice of an attorney if I am not familiar with the zoning and land use requirements.

I understand that my request will be acted upon at the Planning Commission and Board of Commissioner hearings and that I am required to be present or to be represented by someone able to present all facts. I understand that failure to appear at a public hearing may result in the postponement or denial of my special use or rezoning application. I further understand that it is my responsibility to be aware of relevant public hearing dates and times regardless of notification from Dawson County.

I hereby certify that I have read the above a true and correct.	and that the above information	as well as the attached information is
Signature of Applicant or Agent:	wn	Date:
Signature of Witness: Fur	my Dal	Date: 9.09.2026
************	**************************************	***********
Notice: This section only to be completed	if application is being withdraw	vn.
I hereby withdraw application #:		
Signature:	Date:	<del></del>

# Withdrawal of Application:

Withdrawals of any application may be accommodated within the Planning & Development office if requested before the Planning Commission agenda is set. Therefore, withdrawals may not be made after ten (10) days prior to the scheduled Planning Commission meeting hearing, unless accompanied by written request stating specific reasons for withdrawal. This withdrawal request is to be published in the legal organ prior to the meeting. Following that written request and publication the Commission will vote to remove the item from the agenda at the scheduled hearing. Please note that should the withdrawal be denied, the item will receive deliberation and public hearing with a decision by the Commission. Further the applicant is encouraged to be present at the hearing to substantiate reasons for withdrawal. Please note that no refund of application fee may be made unless directed by the Board of Commissioners.



# ZA 22-23 & VR 22-24

# **GEORGIA 400 Business Park**

Planning Commission Meeting November 15, 2022 Board of Commission Hearing December 15, 2022

# **Applicant Proposal**

The applicant is seeking to rezone 32.1 acres of property located along Georgia Highway 400 and Stowers Road from C-HB (Commercial Highway Business) and RSR (Residential Sub-Rural) to C-IR (Commercial Industrial Restricted) for the purpose of developing industrial warehouse space, manufacturing space and office uses. The applicant is also seeking a reduction of the front building setback along Georgia 400 to accommodate the proposed structures and a reduction of the number of parking requirements.

Applicant	Jim King obo Deer Run Partners, LLC & Crownway Properties, LLC	
Amendment #	ZA 22-23 & VR 22-24	
Request	Rezone Property from C-HB and RSR to C-IR Vary from Land Use Resolution Article IV, Section 400.A; and Article VI 607.I.A	
Proposed Use	Develop an industrial warehouse/office park.	
Current Zoning	C-HB & RSR	
Future Land Use	C-IR	
Acreage	32.1 (approximately 13.74 acres of Commercial Highway Business)	
Location	Georgia Hwy 400 and Stowers Road	
Commercial Square footage	300,000+ square feet	
Road Classification	Arterial State Highway	
Tax Parcel	111-116	
Dawson Trail Segment	n/a	
Commission District	3	
DRI	Yes, #3819	
Planning Commission Recommendation	Denial	

Direction	Zoning	Existing Use
North	RSR	Residential
South	C-IR	Vacant
East	RSR	Residential
West	RSR	Residential/Vacant

According to the Comprehensive Plan and accompanying Future Land Use Plan, the subject property is identified as Commercial Light Industrial. Industrial districts are established where some light industrial operations such as warehousing and low intensity manufacturing can occur without objectionable impacts such as noise, vibration, smoke, dust, gas, fumes, odors, and radiation and that do not create fire or explosion hazards or other objectionable conditions. They are to be located in areas with close proximity to arterial highways and/or adjacent access roads, with particular attention paid to traffic patterns and schedules for any heavy freight vehicles. Where possible, these uses should include compatible passive use greenspaces and possible pedestrian connections to adjacent development if appropriate.

# The desired development pattern should seek to:

- Locate employment centers in areas with ample sewer capacity, with direct access to major arterials
- Provide suitable transitions to surrounding residential uses
- Locate employment centers on land that has good access to GA 400 and other high-capacity highways, utilities and infrastructure
- Create a network of interconnected streets and parking lots
- Incorporate sidewalks, crosswalks and bike paths as appropriate
- Require dedicated right-of-way
- Limit driveway spacing along the highway frontage and align driveways where needed to improve traffic flow
- Encourage shared driveways and inter-parcel access for adjacent commercial uses
- Encourage shared parking lots between uses
- Ensure environmental protection

Land Uses: Light Industrial / Warehousing / Research & Development Centers

# **County Agency Comments:**

Engineering Department: See Traffic Study review.

Environmental Health Department: No comments as of 11.9.2022

Emergency Services: No comments as of 11.9.2022

# **Etowah Water & Sewer Authority:**

Water is available at Stowers Road for domestic use.

Upgrades and extensions will be required-designed and installed per EWSA specs and funded by the developer/owner. Upgrades and extensions will be required for sewer service designed and installed per EWSA specs and funded by the developer/owner"

# **Planning and Development:**

The northern portion of the Georgia 400 corridor is transitioning to a suburban character; however, it is a primary corridor for the North Georgia mountains. Development design within this area of Dawson County should endeavor to retain a scenic character through landscaping and architecture. Development of commercial industrial uses, should be compatible with the visual quality of this portion of the corridor.

Staff is supportive of the Industrial flex space/warehouse/ office uses; however not the establishment of an open storage facility.

After reviewing all relevant information, should the Planning Commission recommend approval of this rezoning request, staff recommends the stipulations:

### **Permitted Commercial Land Uses.**

- 1. Professional, Scientific, and Technical Services
- 2. Warehouse flex space
- 3. Office Space
- 4. Medical Manufacturing
- 5. Warehouse and Storage

### **Prohibited Uses.**

- 1. Superstores
- 2. Cement Manufacturing
- 3. Food Manufacturing
- 4. Tobacco Product Manufacturing
- 5. Leather and Allied Product Manufacturing
- 6. Paper Manufacturing
- 7. Petroleum and Coal Products Manufacturing
- 8. Storage of hazardous materials
- 9. Automobile Sales or storage
- 10. Home Centers (Home Depot, Lowe's, etc...)
- 11. Gasoline Stations
- 12. Warehouse Clubs
- 13. Fast Food / Drive-Ins

### Variances.

12/1/2022

If the Board finds that there are exceptional or extraordinary circumstances or conditions applicable to the property involved or to the intended use of the property; staff offers the following:

- 1. The setback variance (Sec. 121-164), if granted, shall be limited to the portion of the structure as described in the application and not be extend beyond the minimum necessary for that single structure.
- 2. The parking ratio variance, (Sec.121-170) mixed-use projects have a large variability in parking demand. At the expense of the applicant a parking generation should be submitted to validate the parking demand prior to or concurrently with the land development permit application. The parking generation study shall be performed by an engineering firm. Staff is supportive of less impervious surface providing flexibility in design (stormwater area and undisturbed acreage).

# **Development Standards.**

- 1. There shall be no less than a 75' undisturbed buffer, plus an additional 25' setback from the tributary to the Etowah River.
- 2. Constrained (unbuildable) lands shall be placed in open space; constrained land includes the following categories:
  - (a) Slopes over 45 percent of at least 7500 square feet contiguous area.
  - (b) The 100-year floodplain.
  - (c) Area of land in stream buffers as required by federal, state or local zoning stipulations.
- 3. Grading for storm water detention ponds shall not encroach into any buffer.
- 4. Poured concreted retaining walls visible from public right-of-way must be faced with stone or brick.
- 5. Land leveling and grading activity cannot commence without an approved associated land development plan. Sculpting an area of land, i.e., pad grading, without approved plans for a specific project is prohibited.
- 6. The developer shall employ a third-party erosion control monitoring firm for the project. The firm shall be responsible for inspection of construction sites and implementation of Stormwater and Erosion Control Ordinances. The firm shall provide weekly reports on all active permits to Dawson County.

# Transportation.

- The site plan is conceptual in regards to the implementation of entry and exit points (i.e., driveways, entrances or exits,) along roadways. The exact locations of project entry and exit points must be determined by the Georgia Department of Transportation and the County Engineer or designee.
- 2. Only a single driveway shall be permitted on Stowers Road close to SR 400; the developer shall be responsible for all improvements and mitigation measures for the section of Stowers Road between a single driveway and SR 400 as necessary.
- 3. Owner/Developer shall dedicate right-of-way to accommodate required new deceleration lanes to improve the section of Stowers Road as determined by the Department of Engineering, or designee, prior to approval of any land disturbance permit.
- 4. The internal roadway connections shall be designed to require truck traffic to use the right in/right-out driveway on State Road 400.

### Landscaping.

1. There shall be a minimum 30-foot-wide buffer (natural undisturbed, planted, or both) . The buffer shall provide a visual screen for at least 60 percent of the length of the property frontage.

- 2. All landscape design required in this resolution or the land use resolution shall incorporate a minimum of forty percent (40%) evergreen plantings (trees, shrubs, and groundcovers). All plant material must be Georgia native.
- 3. Landscape plans depicting plant materials to be used to mitigate development impacts along the northern and southern project boundary shall be submitted at the time of application for development permits. The plans shall include the required buffers necessary for screening.
- 4. Buffers in which vegetation is nonexistent or is inadequate to meet the screening requirements of this resolution shall be planted with supplemental plantings so as to provide an effective visual screen.
- 5. Supplemental plantings shall consist of evergreen trees, shrubs, or a combination thereof native to the region. All trees planted shall be a minimum of six feet in height at the time of planting and shall be a species that will achieve a minimum height of 20 feet at maturity.

# Photo of the Property:



# THE PLANNING COMMISSION SHALL MAKE ITS RECOMMENDATIONS BASED ON THE FOLLOWING CRITERIA:

- (1) The existing uses and classification of nearby property;
- (2) The extent to which property values are diminished by the particular land use classification;
- (3) The extent to which the destruction of property values of the applicant promotes the health, safety, morals, or general welfare of the public;
- (4) The relative gain to the public, as compared to the hardship imposed upon the individual property owner;
- (5) The suitability of the subject property for the proposed land use classification;
- (6) The length of time the property has been vacant under the present classification, considered in the context of land development in the area in the vicinity of the property; and
- (7) The specific, unusual, or unique facts of each case, which give rise to special hardships, incurred by the applicant and/or surrounding property owners.

• See DNR correspondence regarding environmental impact.

# Engineering Services Dawson County

Case #: ZA 22-23 7 VR 22-24 Owner: Dee Run Partners, LLC & Crownway Properties, LLC

Applicant: Jim King

Subject Property(s): Ga Hwy 400 S. & Stowers Rd, PID: 111 116, LL 42 LD 13-S

Present Zoning: RA & C-HB Proposed Zoning: C-IR

**TRAFFIC ISSUES:** 

County road(s) providing access: <u>Stowers Road</u> Nearest major thoroughfare: <u>Ga Hwy 400 S</u>

Width of road at property: 20 ft. pavt. @ 80 ft row Distance to major thoroughfare: Approx. 0.17 mi

Description of access road(s): Paved to gravel road

- 1. Is the proposed access to the development adequate? Yes (Access off of Ga. Hwy 400 also appears to be planned)
- 2. What is the current condition of this road? (traffic flow, geometry, etc.). Road appears to be in good condition fronting subject property. Traffic volume appears to be low.
- 3. If current conditions are inadequate, please answer the following:
- a. Are improvements planned? (see Traffic improvement plan) Yes (Property is currently undeveloped)
- b. Estimated time frame? Construction & Development Schedule October 2022 April 2026
- c. Estimated cost? Unknown
- 4. Will these improvements create a safe condition for the proposed development? <u>Will need to see construction plans</u>

If not, what additional improvements will be required? (i.e., traffic light study, additional right-of-way, etc.) <u>Unknown at this time</u>

ADDITIONAL REMARKS: No additional remarks at this time

### **WATERSHED/EROSION ISSUES:**

Is the property in a floodplain or wetland? <u>Unknown</u>
In what watershed is the project located? <u>Coosa-North Georgia Watershed</u>
What streams are likely to be affected? Is it a trout stream? <u>Unknown</u>
Any additional remarks? <u>No additional remarks at this time</u>

Signature of personnel completing form: <u>Leffery L. Hahn</u>

Public Works Director



# Memorandum

To: Sharon Farrell, Dawson County Planning & Development

From: Abdul Amer, PE, PTOE, A&R Engineering, Inc.

Date: October 11<sup>th</sup>, 2022

Subject: GA 400 Business Park Traffic Study Evaluation | A&R 22-205



The purpose of this memorandum is to provide a professional evaluation of the traffic impact study that was completed for the GA 400 Business Park development by KCI Technologies Inc., dated September 2022. After reviewing the study, I agree with the methodology of data collection, growth rate, trip generation and traffic operations analysis. The results of the existing, no build and build traffic operations as reported in the study have been completed per industry standards. I do not have comments on the study methodology or results. However, I do have some comments regarding the condition of Stowers Road and the intersection of SR 400 and Stowers Road.

The development proposes one right-in/right-out driveway on SR 400 and three full access driveways on Stowers Road. It appears that Stowers Road is a narrow residential roadway that is approximately 18 to 19 feet in width. Since the proposed development includes 319,100 sq ft of manufacturing, flex space and self-storage space, it is expected that there will be truck traffic associated with the development. I am concerned about the ability of the pavement width and cross section of Stowers Road to handle potential truck traffic from the proposed development. The road condition should be further studied to determine if any improvements are required to this section of Stowers Road. To minimize impact of truck traffic on Stowers Road, I recommend consideration of the following:

- 1. Reduction in number of driveways on Stowers Road to one driveway at a location closer to SR 400
- 2. Improve internal roadway connections on site to encourage the use of the right-in/right-out driveway on SR 400, especially by trucks
- 3. Improve the section of Stowers Road between the driveway and SR 400 as necessary

The intersection of SR 400 and Stowers Road is currently at an acute angle with a small radius return for traffic turning right from Stowers Road onto southbound SR 400. With increase in



traffic, including truck traffic, on Stowers Road, the right turn movement can be difficult given the acute angle and high speeds (>55 mph) on SR 400.



Figure 1: Intersection of Stowers Road and SR 400



Figure 2: Eastbound Approach (Stowers Road)

I understand that there may be limitations with right of way availability, grade challenges, and existing guardrail at the Stowers Road approach. If feasible, it is recommended that a channelized right turn lane with a larger radius return is provided on Stowers Road at this intersection.



# MEMORANDUM

TO:

Sharon Farrell, Director

Dawson County Planning and Development

Other Interested Parties

FROM:

Adam Hazell, AICP, Planning Director

DATE:

October 24, 2022

SUBJECT:

DRI Project Review, Dawson County

PROJECT: DRI-3819, Ga. 400 Business Park

The Georgia Mountains Regional Commission (GMRC) has completed the review of the project identified above. Based on comments received and staff analysis of this project, conducted in accordance with the Georgia Department of Community Affair's Procedures for the Review of Developments of Regional Impact, the GMRC finds that the proposed action does not present any potential adverse inter-jurisdictional impacts, however, some outside comments received during the process should be reviewed and considered by the County before proceeding. Please note that this finding is advisory only and assumes the project will proceed as presented to the GMRC and will comply with all applicable local, State and federal rules and regulations.

Copies of the staff review, any comments from interested stakeholders and any recommendations have been included with this memo. They should be considered and addressed by the local government in its final determination and review/permitting procedures for the finding to remain as stated.



## DRI # 3819 – Ga 400 Business Park STATEMENT OF FINDING

Based on the information provided, comments received, a review of the local comprehensive plan and prevailing DRI review criteria, the GMRC staff analysis finds that this project does not present any potential adverse inter-jurisdictional impacts, however, some outside comments received during the process should be reviewed and considered by the County before proceeding. The finding assumes the project will proceed as presented to the GMRC and only if the project complies with all applicable local, State and federal rules and regulations and if the following advisory comments and recommendations are considered and addressed.

### **Summary of Staff Review**

- The proposal calls for approximately 100,000 square feet of manufacturing space, 137,400 square feet of flex space, and 81,700 square feet of self-storage space.
- The development sits at the intersection of GA 400 and W. Stowers Rd., approximately 2.5 miles north of the GA 400 commercial power centers anchored by the North Georgia Premium Outlets. While much of the GA 400 corridor south of the intersection with SR 53 has seen development built or proposed, there has been some activity in the northern reaches, as well, including further north into Lumpkin County (where a new medical facility will be constructed). The subject property is within a suburbanizing portion of the county and has been targeted by local plans for comparably scaled (mostly residential) activity. An extension of wastewater utilities will be needed for the project, however the Etowah Water and Sewer Authority has the capacity to service the development. *No regional concerns regarding utilities*.
- The overall proposal assumes approximately 39% impervious surface coverage, the rest being a combination of preserved greenspace, detention areas, and buffering. There is no indication of environmentally sensitive areas on the property, but there are some steep slopes and extensive land disturbance is expected. The County will need to be certain of erosion and sedimentation control measures during the construction process, and be mindful of flood mitigation for the resulting development. According to the application, the proposal "Detention and water quality features will be constructed per GA Storm water Manual." Assuming compliance with all applicable federal, State and local regulations, there are no regional concerns regarding environmental protection.
- The site is located along the south side of Stowers Road and to the west of GA 400. Access to the site is proposed at four driveways: three along Stowers Road, each with one entry lane and one exit lane, and one along GA 400 with a right-in/right-out driveway and a right-turn deceleration lane along GA 400. Traffic analyses provided with the



application project trip generation from the development to be approximately 1,264 vehicle trips per day, at least some of which would be freight vehicles. Peak hour traffic is projected to be about 137-175 vehicles per hour.

While the project is within a currently rural setting, the intersections along GA 400 like that for Stowers Rd. are expected to become nodes for increasing traffic flow: As GA 400 is an arterial highway along this corridor much of the roadway features a dividing median and limited curb cuts to maintain higher speed levels. This means almost all traffic exiting the development to travel northward on GA 400 would have to do so via the Stowers Rd. intersection. Given the prospect of increasing traffic along this portion of Stowers Rd., the GMRC recommends that the County and the developer review the potential for limiting left-turns for vehicles exiting the property onto Stowers Rd. to only one or two of the access points. (The County may wish to consult GDOT engineers for guidance.) This would mitigate the prospects of multiple vehicles trying to turn against traffic, particularly in such a short space that comes within 1,000' of the GA 400 intersection.

There are no regional concerns regarding traffic or transportation infrastructure, but the County is encouraged to review this development in conjunction with GDOT personnel and with thoughts about intersection improvements at the noted locations.

*Note:* Comments from outside parties were received that raised concerns not identified by the GMRC staff. The County and the developer are encouraged to read through these comments and contact the commenting organization directly to address their concerns.



CONSISTENCY REVIEW	
Is the proposed DRI compliant with	Comment
The GMRC Regional Plan?	Yes
Other State or regional plans for the area?	Yes
Applicable Service Delivery Agreements and/or land use management measures?	Yes
Projected capacity for utilities and services?	Yes
Are there any potential inter-jurisdictional conflicts identified by the GMRC?	No significant or standing conflict was raised or identified by staff.

## **Outside Comments Received**

(Copies of full comments can be found as submitted attached to this report.)

• Georgia Dept. of Natural Resources



## DEVELOPMENTS OF REGIONAL IMPACT

## Comments Form

Project Name: <b>Ga</b>	. 400 Busines	ss Park	Project I.D.:	DR	I-3819
Name of Commenti	ng Organization:	GA DNR, Wildlife Reso	ources Division, W	ildlife C	onservation Section
Address: 2067 U	JS 278				
Social	Circle, Georgia				
30025					
Contact Person:		sistant Chief			06-557-3223
		e affected by the proposed	-		Yes No
The proposed de attached letter.	evelopment could n	egatively affect several sp	ecies with state and	d federal	protections. See
Form Completed By	v: Brett Albanese	e	Titl	le: <u>As</u>	ssistant Chief, WCS
Signature:			Dat	te:	
Mail Comments to:	Adam Hazell Planning Direc P. O. Box 172 Gainesville, G	ctor 0		E-mail	O: 770.538.2617 F: 770.538.2625 l: ahazell@gmrc.ga.gov
Comments Due By:	October 11, 2	022			



MARK WILLIAMS COMMISSIONER

TED WILL DIRECTOR

29 September 2022

Mr. Adam Hazell, Planning Director Georgia Mountains Regional Commission P.O. Box 1720 Gainesville, GA 30503

Dear Mr. Hazell,

Thank you for the opportunity to comment on DRI-3819, the Georgia 400 Business Park near Dawsonville. The project is located along an unnamed tributary to the Etowah River in the Upper Etowah watershed. The confluence with the Etowah is less than two stream miles downstream of the project site. The Etowah River is listed as a high priority watershed in the Georgia State Wildlife Action Plan due to the presence of many aquatic species with high conservation priority. Specifically, the federally endangered Amber and Etowah Darters, the federally threatened Cherokee Darter, the state endangered Frecklebelly Madtom (which has been proposed threatened under the federal Endangered Species Act), the state endangered Coosa Chub, and the state threatened Etowah Crayfish are known from the waterbodies immediately downstream of the proposed development.

The development will add a significant amount of impervious surface to a steeply sloped area, which increases surface runoff into streams. Potential impacts include sedimentation and chemical pollution, erosive flooding, and reduced groundwater recharge. In addition to standard best management practices, we recommend increasing minimum buffer widths on tributary streams to 50' and utilizing constructed wetland designs with native vegetation in stormwater management areas. Further, minimizing the amount of impervious surfaces or using alternative construction materials that allow for infiltration will reduce the impact of the proposed development.

Nearby records also indicate that the area may include suitable habitat for the federally threatened (proposed endangered) Northern Long-eared Bat and the proposed federally endangered tri-colored bat, in addition to a number of other state listed plants and animals (Georgia Biodiversity Portal, 2022). We recommend completing surveys for bats to determine if any roost trees are present on site. Survey recommendations can be found on our website at <a href="https://gadnr.org/BatSurveyGuidance">https://gadnr.org/BatSurveyGuidance</a>

Thank you for considering our comments. Please don't hesitate to contact us for additional information or technical support.

Sincerely,

Brett Albanese, PhD

Brett W. alboner

Georgia Department of Natural Resources. 2015. Georgia State Wildlife Action Plan. Social Circle, GA: Georgia Department of Natural Resources. Available online at <a href="https://georgiawildlife.com/WildlifeActionPlan">https://georgiawildlife.com/WildlifeActionPlan</a>

Georgia Department of Natural Resources. 2022. Georgia Biodiversity Portal. Search for rare species in your area, get range maps, find species profiles with photographs and more. Available online at www.georgiabiodiversity.org.

## BOARD OF DAWSON COUNTY COMMISSIONERS MEETING HELD SEPTEMBER 18, 2008

## APPROVAL FORM

#### PUBLIC HEARING OF LAND USE CHANGE REQUEST

We, the Dawson County Board of Commissioners, do hereby APPROVE the following Land Use Change Request:

**REQUEST:** ZA 08-09

Applicant's Name: Crownway Properties, LLC

Applicant's Address: 4460 Commerce Drive, Buford, Georgia Location: GA Hwy 400 and West Stowers Road.

TMP: #111-116

From: R1 (Single Family Residential)

To: CHB (Commercial Highway Business)
Property Usage: Proposed Commercial-Retail Development

This approval is based upon the following factors that we believe will/will not:

A. Affect the property values of surrounding property.

B. Affect the health, safety or general welfare of the public.

C. Impose special hardships on the surrounding property owners.

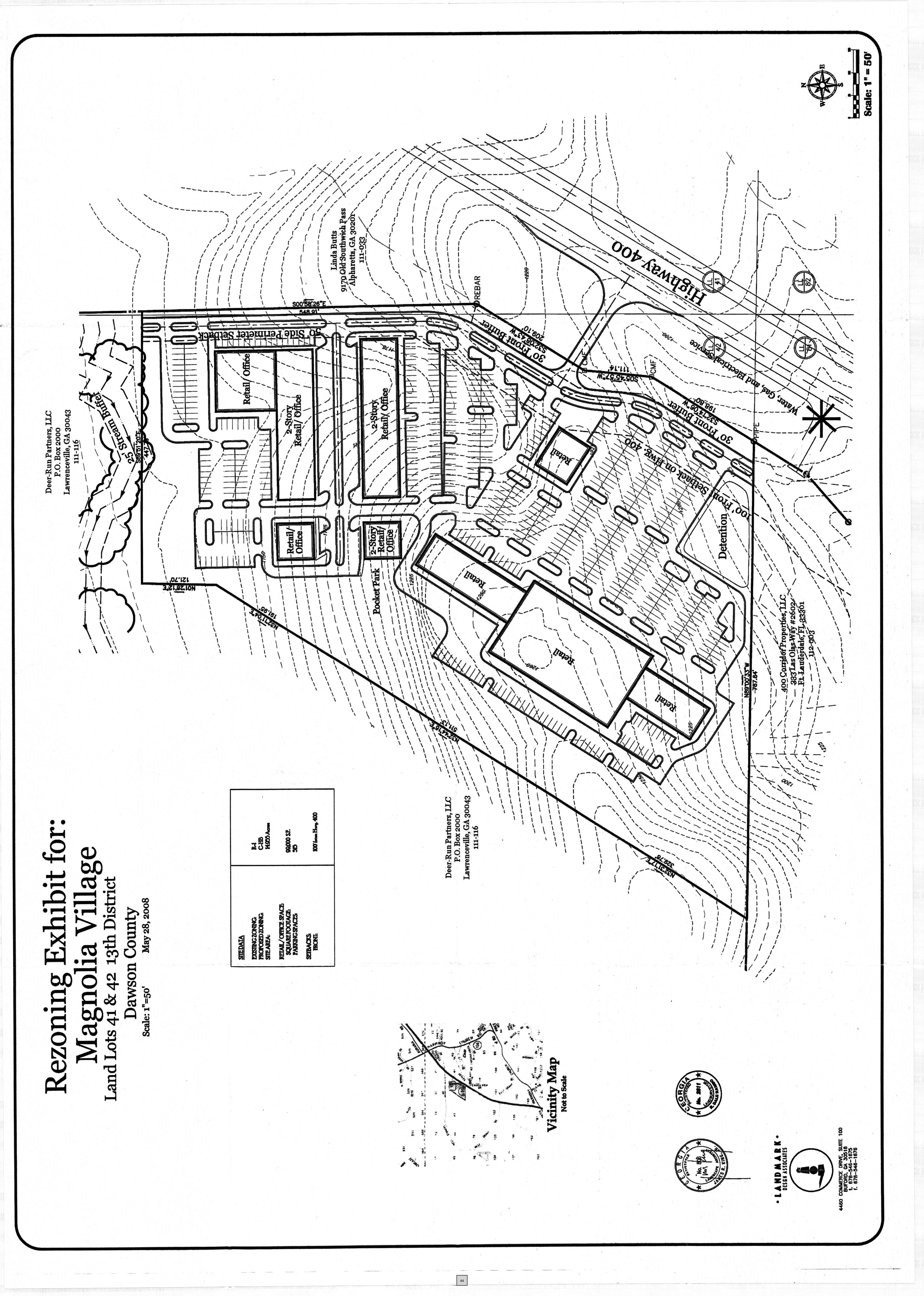
D. The subject property is suited for the proposed land use.

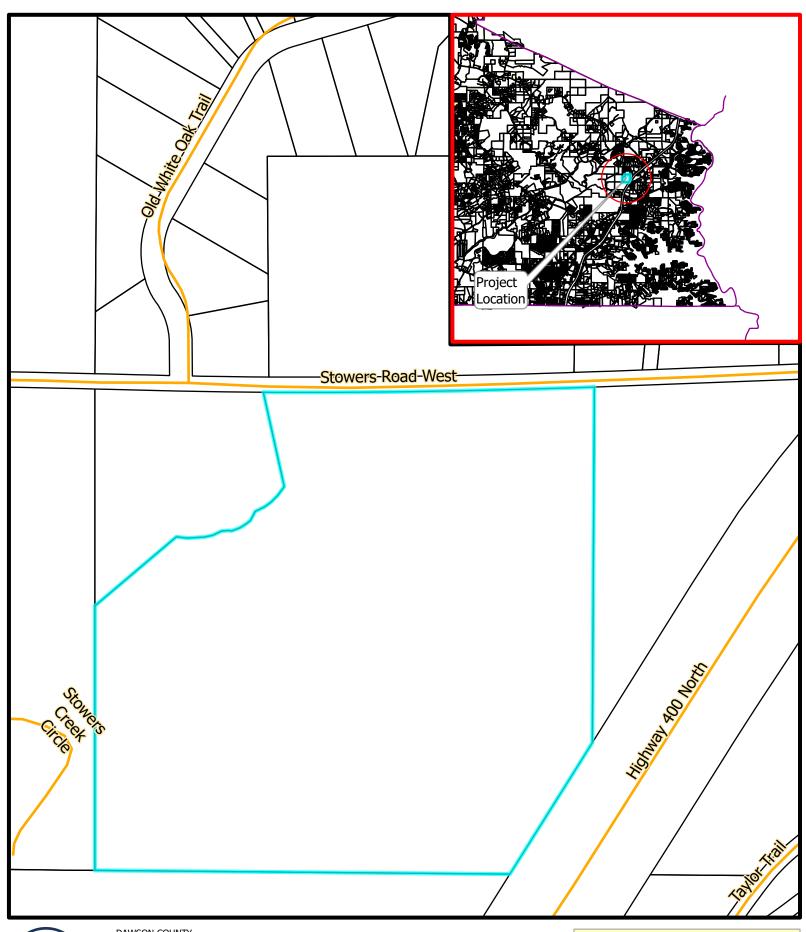
This approval is, however, subject to the following stipulations and/or modifications:

- 1. 50' undisturbed vegetative buffer around the south, west and northern perimeter of the site;
- 2. Post development storm water flows off the land will be less than prior development flows, these flows shall be calculated;
- 3. The applicant will adhere to the Dawson County Storm Water Regulations adopted at the time of the ground disturbance permits issued;
- 4. This approval is site specific and is contingent on the plans submitted dated August 1, 2008.

Davida Simpson, County Clerk

Date







DAWSON COUNTY DISCLAIMS ANY RESPONSIBILITIES, LIABILITIES OR DAMAGES FROM THE USE OF THIS MAP. THIS MAP IS ONLY FOR DISPLAY PURPOSES.

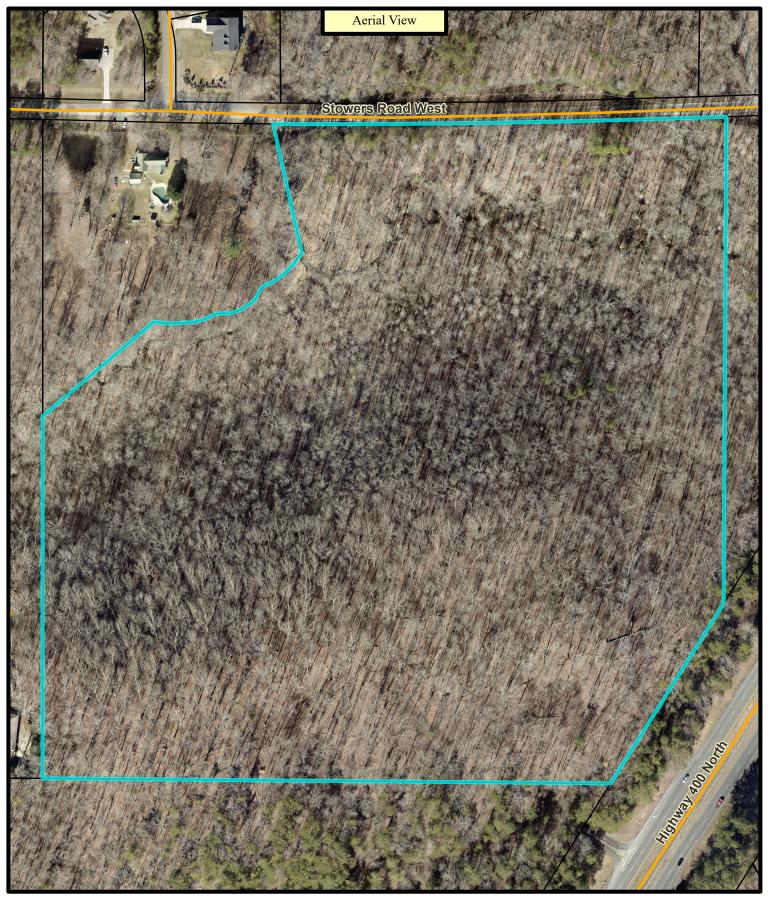


**Dawson County** 

Planning and Development

Staff ort: Exhibit

Parcel #: 111-116 Current Zoning: RSR & CHB FLU: LI Application #:ZA 22-23 &VR 22-24





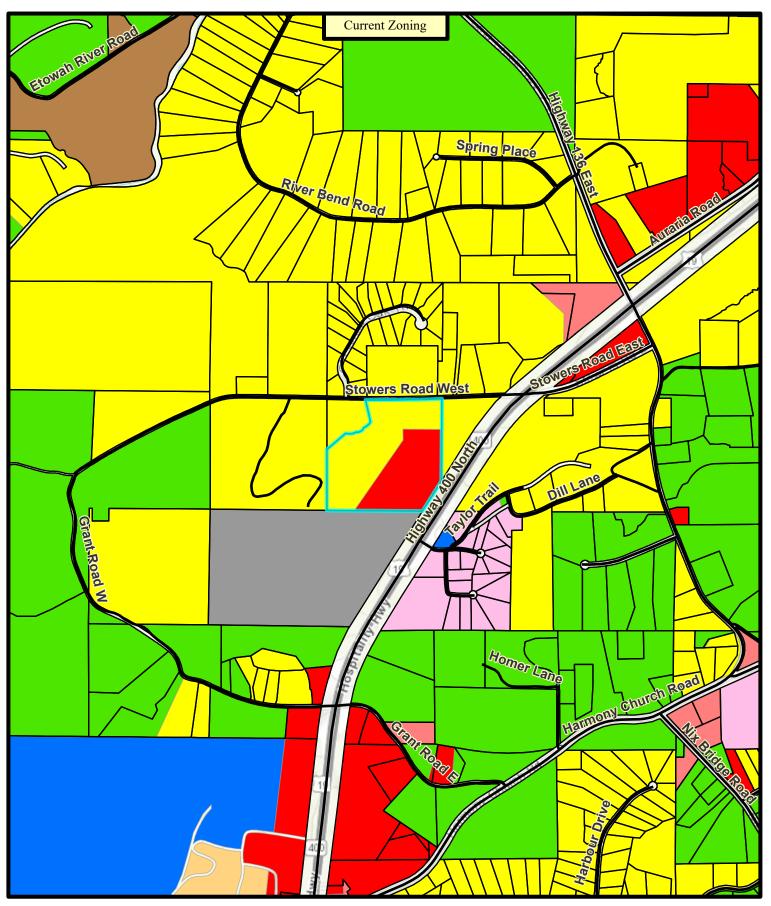
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**Dawson County** 

Planning and Development

Report

Parcel #: 111-116 Current Zoning: RSR & CHB FLU: LI Application #:ZA 22-23 &VR 22-24





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**Dawson County** 

Planning and Development

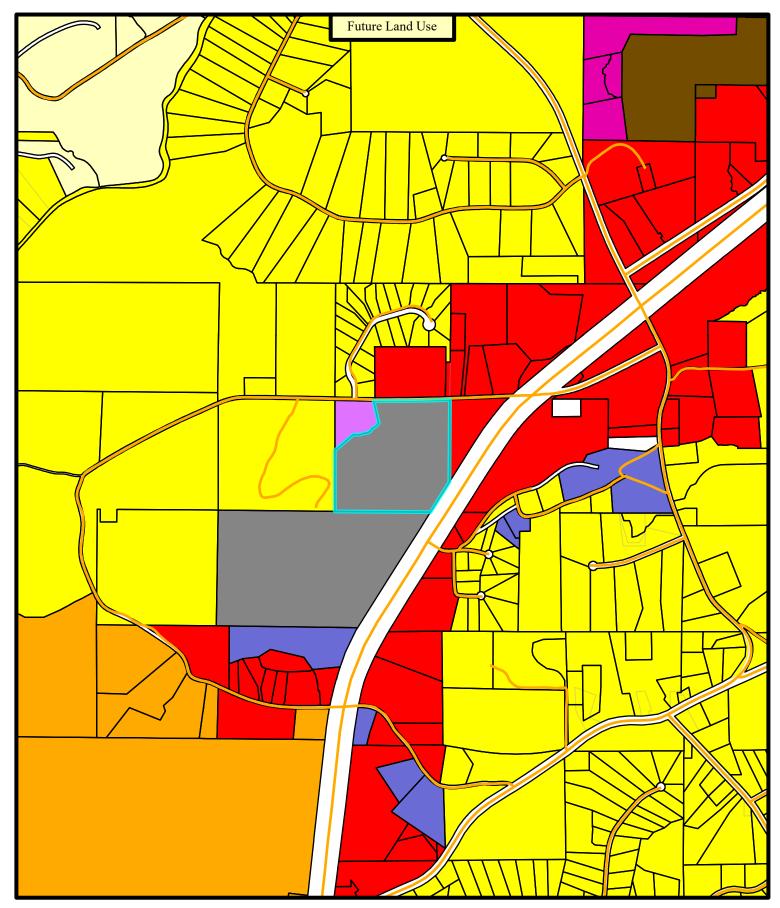
47
Report

Parcel #: 111-116

Current Zoning: RSR & CHB

FLU: LI

Application #:ZA 22-23 &VR 22-24





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**Dawson County** 

Planning and Development

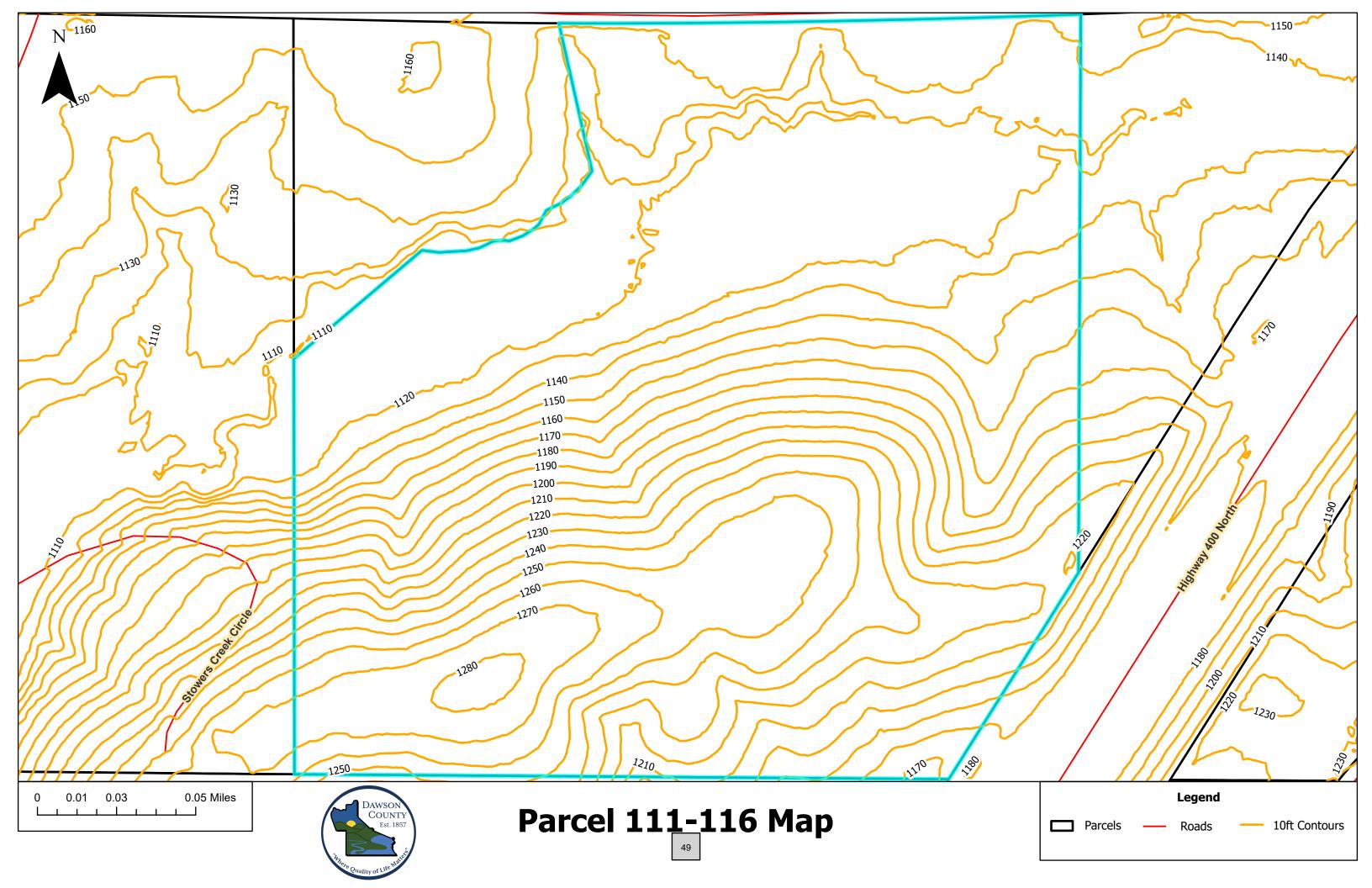
Report

Parcel #: 111-116

Current Zoning: RSR & CHB

FLU: LI

Application #:ZA 22-23 &VR 22-24



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. Hornsey/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.

#### DAWSON COUNTY PLANNING COMMISSION MEETING HELD NOVEMBER 15, 2022 DAWSON COUNTY GOVERNMENT CENTER

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.

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.
- 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

#### DAWSON COUNTY PLANNING COMMISSION MEETING HELD NOVEMBER 15, 2022 DAWSON COUNTY GOVERNMENT CENTER

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 a	at 7:28 p.m.
Jason Hamby, Vice Chairman		Date
Attest: Harmony Gee		Date

## Dawson County Rezoning Application

	(C)
FOR STAFF USE ONLY	87
DATE & TIME STAMP	effects
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APPLICANT INFORMATION (or Authorized Representative)

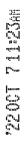
If applicant is other than owner, enclosed Property Owner Authorization form must be completed.

Printed Name: Jim King
Address:
Phone (Listed/Unlisted):
Email (Business/Personal):
Status: Owner Authorized Agent Lessee Option to purchase
I have $\square$ / have not $ olimits$ participated in a Pre-application meeting with Planning Staff.
If not, I agree $lackbreak{I}$ /disagree $lackbreak{\Box}$ to schedule a meeting the week following the submittal deadline.
Meeting Date: Applicant Signature:
REQUESTED ACTION & DETAILS OF PROPOSED USE
Rezoning to: C-IR Special Use Permit for:
Proposed Use: Multi-Use Business Park consisting of a variety of Commercial and Industrial Uses
Existing Utilities: Water Sewer Gas Electric
Proposed Utilities: Water Sewer Gas Electric
RESIDENTIAL
No. of Lots: (acres) No. of Units:
Minimum Heated Floor Area:sq. ft. Density/Acre:
Type: Apartments Condominiums Townhomes Single-family Other
Is an Amenity Area proposed:; if yes, what?
COMMERCIAL & INDUSTRIAL
Building area: 54,500 Square Feet No. of Parking Spaces: 270 Spaces

## Property Owner/ Property Information

Name: Kilough Ventures, LL	.C		% **** B.		
Street Address of Property	being rezoned: Go	a 400 just north of the old Kr	oger Shopping Center		
Rezoning from: CHB to: C-IR Total acrage being rezoned: 16.2					
Directions to Property (if no	address):				
Ga 400 North approximate	ely 1/4 mile north of	SR 53 on East side.			
Subdivision Name (if applic	able): N/A		_ Lot(s) #:		
Current Use of Property: Vo	acant				
Does this proposal reach I transportation studies and Commission. This adds seve	additional review b	by the Georgia Mountains R	n will require Regional Planning		
Please refer to Dawson Cou to answer the following:	unty's Georgia 400	Corridor Guidelines and Mo	aps		
Does the plan lie within the	Georgia 400 Corri	dor? <u>yes</u> (yes/no)			
If yes, what section? 🚺 N	lorth South				
SUI	RROUNDING PROPE	RTY ZONING CLASSIFICATION	ON:		
North C-HB Sc	outh C-HB	East RMF	West C-HB		
Future Land Use Map Desig	nation: <u>C-HB</u>	Harris History and the second			
Access to the developmen Road Name: <u>Ga 400</u>	•	rom: Type of Surface: <u>Aspho</u>	alt		

## **Applicant Certification**



I hereby request the action contained within this application relative to the property shown on the attached plats and site plan and further request that this item be placed on both the Planning Commission and Board of Commissioners agenda(s) for a public hearing.

I understand that the Planning & Development staff may either accept or reject my request upon review. My request will be rejected if all the necessary data is not presented.

I understand that I have the obligation to present all data necessary and required by statute to enable the Planning Commission and the Board of Commissioners to make an informed determination on my request. I will seek the advice of an attorney or a land use professional if I am not familiar with the zoning and land use requirements.

I understand that my request will be acted upon at the Planning Commission and Board of Commissioner hearings and that I am required to be present or to be represented by someone able to present all facts. I understand that failure to appear at a public hearing may result in the postponement or denial of my rezoning of special use application. I further understand that it is my responsibility to be aware of relevant public hearing dates and times regardless of notification from Dawson County.

	ertify that I h		e above and that th	e above information as well as the attached
Signature	Jim King	w	,	Date 10/06/2022
Witness	Julie Epp	guarie ?	Gop	Date 10/06/2022

## DISCLOSURE OF CAMPAIGN CONTRIBUTIONS (APPLICANT(S) AND REPRESENTATIVE(S) OF REZONING)

Pursuant to O.C.G.A. Section 36-67 A-3.A, the following disclosure is mandatory when an applicant or any representation of application for rezoning has been made within two (2) years immediately preceding the filing of the applicant's request for rezoning, campaign contributions aggregating \$250.00 or more to a local government official who will consider the application for rezoning.

It shall be the duty of the applicant and the attorney representing the applicant to file a disclosure with the governing authority of the respective local government showing the following:

1.	Name of local official to whom campaign contribution was made:
	N/A
2.	The dollar amount and description of each campaign contribution made by the opponent to the local government official during the two (2) years immediately preceding the filing of the application for the rezoning action and the date of each such contribution.
	Amount \$ Date:
	Enumeration and description of each gift when the total value of all gifts is \$250.00 or more made to the local government official during the two (2) years immediately preceding the filing of application for rezoning:
	Signature of Applicant/Representative of Applicant Date

## BY NOT COMPLETING THIS FORM YOU ARE MAKING A STATEMENT THAT NO DISCLOSURE IS REQUIRED

This form may be copied for each applicant. Please attach additional sheets if needed.

# NOTICE OF RESIDENTIAL EXURBANA AGRICULTURAL DISTRICT (R-A) ADJACENCY

Agricultural districts include uses of land primarily for active farming activities and result in odors, noise, dust and other effects, which may not be compatible with adjacent development.

Future abutting developers in non RA land use districts shall be provided with this "Notice of RA Adjacency" prior to administrative action on either the land use district or the issuance of a building or occupancy permit.

Prior to administrative action the applicant shall be required to sign this waiver which indicates that the applicant understands that a use is ongoing **adjacent** to his use which will produce odors, noise, dust and other effects which may not be compatible with the applicant's development. Nevertheless, understanding the effects of the adjacent RA use, the applicant agrees by executing this form to waive any objection to those effects and understands that his district change and/or his permits are issued and processed in reliance on his agreement not to bring any action asserting that the adjacent uses in the RA district constitute a nuisance) against local governments and adjoining landowners whose property is located in an RA district.

This notice and acknowledgement shall be	pub	ic	record.		
Applicant Signature: Jim King	in	n	Digitally eigned by Jim King DN: cr=Jim King, o, ou, emali≃jim@kingconsuldng.lnfo, c≃US Date: 2022.09.08 12:04:54-05:00°		
Applicant Printed Name: Jim King					
Application Number:					
Date Signed:			<del></del>		
Sworn and subscribed before me					
this 7th day of 0 + 16, 20 22	<u>.</u> ,				
Notary Public					
My Commission Expires: Tune 10 2024					
STILLE KAY MASSISSION					

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## Property Owner Authorization

Kilouah Ventures II.C	
I/we, Kilough Ventures, LLC the property located at (fill in address and/or ta	, hereby swear that*1/we own x map parcel #1:
•	
Street Address of Property being rezoned: East S	de of Ga 400 north of Dawson Village
TMP#: 113 043 044	
as shown in the tax maps and/or deed records of the beat the beat the tax maps and/or deed records of the state of the tax maps and/or deed records of the state of the tax maps and/or deed records of the state of the tax maps and/or deed records of the state of the	of Dawson County, Georgia, and which parcel will
rezoning requested on this property. I understo stipulations placed on the property will be bind under signer below is authorized to make this	to act as the applicant or agent in pursuit of the and that any rezone granted, and/or conditions or ing upon the property regardless of ownership. The sapplication. The under signer is aware that no land shall be acted upon within six (6) months from missioners.
Printed Name of applicant <u>or agent:</u> Jim K <mark>i</mark> ng	
Signature of applicant <u>or agent</u> :	Date:
Printed Name of Owner(s): Kilough Ventures, LLC	
Signature of Owner(s):	
Mailing address:	
City, State, Zip. <sup>A</sup>	
Phone (Listed/Unlisted):	
Sworn and subscribed before me this	(Notary Seal)  AUBLIC  OF THE 10, 200
(The complete names of all owners must be listed; if the	e owner is a partnership, the names of all partners must be

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listed; if a joint venture, the names of all members must be listed. If a separate sheet is needed to list all names, please identify as applicant or owner and have the additional sheet notarized also.)

## LETTER OF INTENT

The applicant requests a Rezoning for Parcel Number: 113 043 044 from Commercial Hwy Business (C-HB) to Commercial Industrial Restricted (C-IR), in order to develop a Business Park on 32.1 acres approximately one-quarter mile north of SR 53 on Ga Hwy 400. The property was rezoned to C-HB (Commercial Highway Business) which prior to 2020 allowed this type development. The County's 2020 amendment to the Commercial Ordinances, removed this use and transferred it to the newly established C-IR ordinance. It is bordered on the north, east and south by property zoned C-HB and to the east by R-MF which was rezoned along with this tract as part of a mixed use development. The property is designated as Commercial-Highway Business on the Future Land Use Plan. As stated, the County-initiated zoning ordinance revisions adversely affected the existing usability of this property by removing the land use that was planned and originally approved for this parcel. According to the Steinberg Act (O.C.G.A. § 36-66-1 through § 36-66-6), these property rights should be reinstated.

In addition to the Rezoning Request, the applicant also request relief from the front setback. The commercial facilities adjacent to Ga 400 encroach into the current setback. Many variances down to 75' have already been granted along Ga 400.

The proposed use for this development is identical to the previously approved use and therefore the previously approved DRI and traffic study are still applicable for this rezoning and a new DRI review is not warranted.

The proposed development will add to the County's tax base, as well as, generate jobs and a significant increase to the tax revenue.

## **CONSTRUCTION & DEVELOPMENT SCHEDULE**

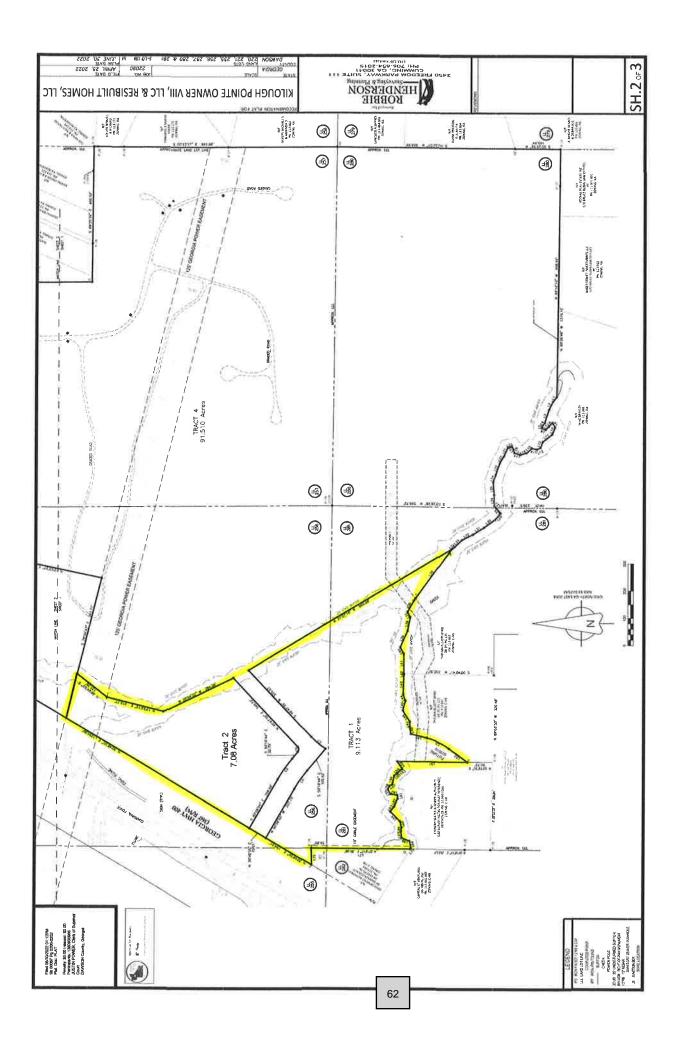
Entitlement Process: October 2022 – January 2023

Engineering Design: January 2023 – October 2023

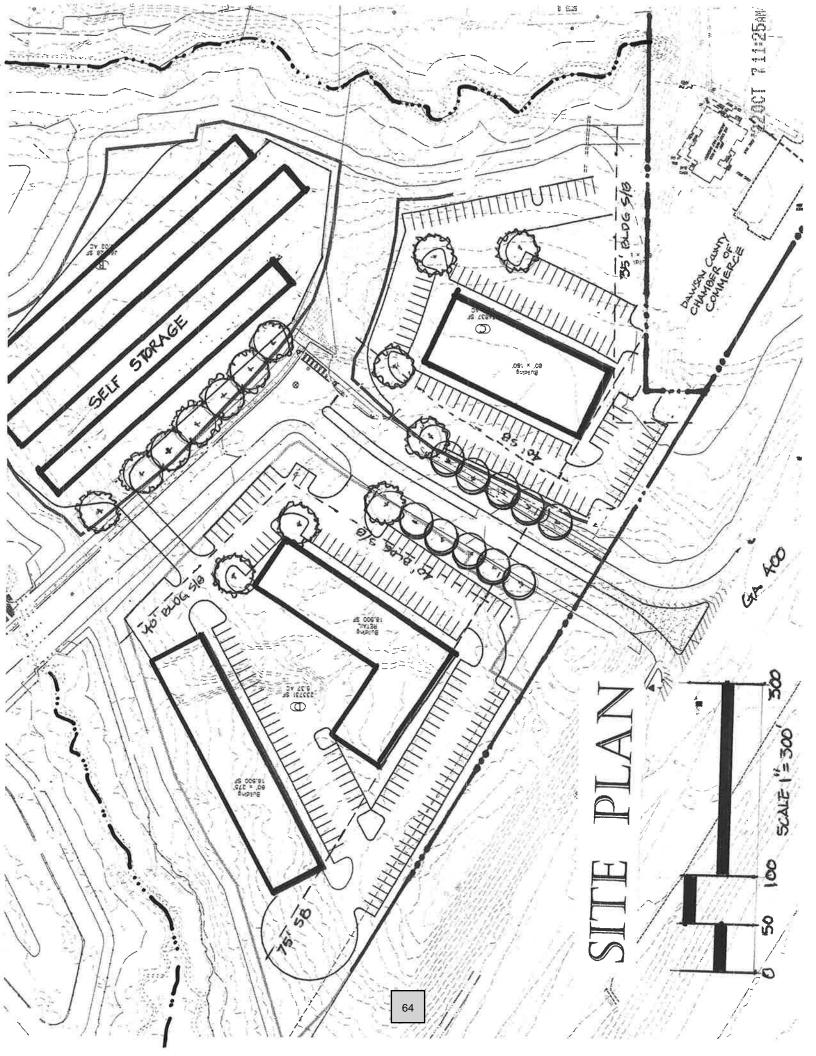
Land Development Ph1: October 2023 – October 2024

Vertical Construction Ph1: October 2024- September 2025

Land Development Ph2: October 2025 – April 2026







## **DAWSON COUNTY VARIANCE APPLICATION**

	**This po	rtion to be comp	leted by Zoning	Administrator**			
VR	<del></del>	Tax Ma	p & Parcel # (	ГМР):			
Current Zoning:		Commission District #:					
Submittal Date:		Րime։	am/pm	Received by:	(staff initials)		
Fees Assessed:							
Planning Commission	Meeting Date:						
APPLICANT INI	FORMATIO	N (or Authorize	ed Representat	ive)			
Printed Name:	Jim King						
Address:							
Phone: Listed Unlisted			Emaii:	Business			
Status: [ ] Owner	Authorized	Agent	] Lessee	[ ] Option to purch	nase		
Notice: If applicant is	s other than owi	ner, enclosed P	roperty Owner	r Authorization for	m must be completed.		
I have /have	not pa	rticipated in a F	Pre-application	meeting with Planr	ning Staff.		
If not, I agree	_/disagree	to schedule	e a meeting the	week following th	e submittal deadline.		
Meeting Date:	· ·	Applica	nt Signature:	way			
PROPERTY INF	ORMATION		$\bar{x}$	}			
Street Address of Prop	perty:Ga 400	just north of	Dawson Villag	ge (Old Kroger)	:		
Land Lot(s): 256 & 2	281	District: _	13th	Section	South-half		
Subdivision/Lot:			Buildin	Permit #:	(if applicable)		

Directions to the Property: Ga 400 North approximately 1/4 mile north of SR 53 on East side.
Directions to the Property:  Ga 400 North approximately 1/4 mile north of SR 53 on East side.
REQUESTED ACTION
A Variance is requested from the requirements of Article # V Section # 400.A of the Land Use Resolution/Sign Ordinance/Subdivision Regulations/Other (circle one).
If other, please describe:
Type of Variance requested:
Front Yard [ ] Side Yard [ ] Rear Yard variance of feet to allow the structure to:
[ ] be constructed; [ ] remain a distance of feet from the:
[ ] property line, [ ] road right of way, or [ ] other (explain below):
Vary Setback Requirement along Ga 400 (Article IV. Section 400. A) from 100' down to 75 feet.
instead of the required distance of required by the regulations.
[ ] Lot Size Request for a reduction in the minimum lot size from to
[ ] Sign Variance for:
[ ] Home Occupation Variance to operate:business
[ ] Other (explain request):
If there are other variance requests for this site in past, please list case # and nature of variance:
Variances to standards and requirements of the Regulations, with respect to open area, setbacks, yard area, lot coverage, height, and other quantitative requirements may be granted if, on the basis of the application, investigation, and other evidence submitted by the applicant, all four (4) expressly written findings below are made:
Describe why a strict and literal enforcement of the standards would result in a practical difficulty or unnecessary hardship:  The 100' setback is excessive and it is impossible to adhere to. We are only requesting the variance on 2 out of 8 Parcels fronting Ga400. Many variances have previously been greated to 35 ft.
Parcels fronting Ga400. Many variances have previously been granted to 75 ft.

्रिक्ताना व्यापानी
2. Describe the exceptional and extraordinary conditions applicable to this property which do not apply to other properties in the same district: <a href="Described above in #1">Described above in #1</a>
3. Describe why granting a variance would not be detrimental to the public health, safety, morals or welfare and not be materially injurious to properties in the near vicinity:
Described in #1 above
4. Describe why granting this variance would support the general objectives within this Resolution:
we are maintaining the 100' Setback on 5 of 8 Commercial Parcels. The 2 parcels that we are requesting are needed Many variances have been granted to the Ga 400 Setback down to 75' along entire frontages

## Submit clear explanation of all four questions above. You may add sheets if necessary.

(Variances should not be granted if the need arises as a result of action by the applicant or previous owner.)

# Control Contro

## **PROPERTY OWNER AUTHORIZATION**

I / we Kilough Ventures, LLC	hereby swear that I / we
own the property located at (fill in address and / or tax map & parcel #):	6
Tax Parcel #113 043 044, Ga 400, Dawson County GA	
as shown in the tax maps and / or deed records of Dawson County, Georgia, and v by this request.	which parcel will be affected
I hereby authorize the person named below to act as the applicant or agent in puron this property. I understand that any variance granted, and / or conditions publication upon the property regardless of ownership. The under signer below application. The under signer is aware that no application or reapplication affacted upon within 6 months from the date of the last action by the Board of Communication of the last action by the Board of Communication.	placed on the property will be we is authorized to make this fecting the same land shall be
Printed name of applicant or agent: Jim King	
Signature of applicant or agent:	Date:
Printed Name of Owner(s): Kilough Ventures, LLC	
Signature of Owner(s):	Date 10/06/2022
Sworn and subscribed before me this	
Notary Public	
My Commission Expires: June 10 2024  (Seal)  (Seal)  (Seal)  (Seal)  (Seal)  (Seal)  (Seal)  (Seal)	
(The complete names of all owners must be listed, if the owner is a partnership, the listed, if a joint vehicus, the names of all members must be listed. If a separate of the complete names of all members must be listed.	the names of all partners must rate sheet is needed to list all

names, please identify as applicant or owner and have the additional sheet notarized also.)

## APPLICANT CERTIFICATION

I hereby request the action contained within this application relative to the property shown on the attached plats and site plan and further request that this item be placed on both the Planning Commission and Board of Commissioners agenda(s) for a public hearing.

I understand that the Planning & Development staff may either accept or reject my request upon review. My request will be rejected if all the necessary data is not presented.

I understand that I have the obligation to present all data necessary and required by statute to enable the Planning Commission and Board of Commissioners to make an informed determination on my request. I will seek the advice of an attorney if I am not familiar with the zoning and land use requirements.

I understand that my request will be acted upon at the Planning Commission and Board of Commissioner hearings and that I am required to be present or to be represented by someone able to present all facts. I understand that failure to appear at a public hearing may result in the postponement or denial of my special use or rezoning application. I further understand that it is my responsibility to be aware of relevant public hearing dates and times regardless of notification from Dawson County.

true and correct.	bove information as well as the attached information is
Signature of Applicant or Agent:	Date: 10/06/2022
Signature of Witness Mul Employee	Date: 10 09 2021
**************************************	
Notice: This section only to be completed if application	is being withdrawn.
I hereby withdraw application #:	
Signature:	Date:

## Withdrawal of Application:

Withdrawals of any application may be accommodated within the Planning & Development office if requested before the Planning Commission agenda is set. Therefore, withdrawals may not be made after ten (10) days prior to the scheduled Planning Commission meeting hearing, unless accompanied by written request stating specific reasons for withdrawal. This withdrawal request is to be published in the legal organ prior to the meeting. Following that written request and publication the Commission will vote to remove the item from the agenda at the scheduled hearing. Please note that should the withdrawal be denied, the item will receive deliberation and public hearing with a decision by the Commission. Further the applicant is encouraged to be present at the hearing to substantiate reasons for withdrawal. Please note that no refund of application fee may be made unless directed by the Board of Commissioners.



#### ZA 22-24 & VR 22-26

Kilough Ventures, LLC by Jim KING Planning Commission Meeting November 15, 2022 Board of Commission Hearing December 15, 2022

#### **Applicant Proposal**

The applicant is seeking to zone the property from C-HB to C-IR, the application states the reason for the request is due to a change in the Dawson County Land Use Resolution of 2020 that no longer allows for the use of warehouse space in the Commercial Highway Business land use district. The applicant is also requesting a variance to the front building setback requirement of parcels on the GA 400. They are proposing a reduction of 25' from the required 100' for a building setback of 75'.

Applicant	Kilough Ventures, LLC / Jim King	
Amendment #	ZA 22-24 & VR 22-26	
Request	Rezone Property from C-HB to C-IR;	
	25' front setback reduction along the GA 400	
Proposed Use	Warehouse space	
Current Zoning	С-НВ	
Future Land Use	С-НВ	
Acreage	16.26	
Location	Georgia Highway 400 and Commerce Drive	
Commercial Square footage	54,500	
Road Classification	Arterial State Highway	
Tax Parcel	113-043-044	
Dawson Trail Segment	n/a	
Commission District	3	
DRI	Yes; part of the Kilough Pointe Project ZA 19-21 and ZA 19-22	
Diamina Commission		
Planning Commission Recommendation		
Recommendation		
	Approval with Stipulations	

Direction	Zoning	Existing Use
North	С-НВ	Vacant Land in Development
South	С-НВ	Retail center
East	RMF	Multi Family in Development
West	CPCD	Medical Offices

According to the Comprehensive Plan and accompanying Future Land Use Plan, the subject property is identified as Commercial Highway. Development in this area includes developed or undeveloped land on both sides of lands designated along Georgia 9 and 400. This area includes retail centers, office and employment areas usually located on large tracts of land with campus or unified development, mixed use activity centers, multi-family development, light industrial and other associated uses.

#### The desired development pattern should seek to:

- Locate employment centers in areas with ample sewer capacity, with direct access to major arterials; Provide suitable transitions to surrounding residential uses
- Establish a grid pattern of public streets with block lengths between 300 and 600 feet
- Locate employment centers on land that has good access to GA 400 and other high-capacity highways, utilities and infrastructure
- Emphasize connectivity with adjacent subdivisions and/or commercial developments in the layout of new developments; Create a network of interconnected streets and parking lots
- Provide safe facilities for pedestrians, school buses, and bicyclists using the road right-of-way
- Create safe, convenient pedestrian and bicycle connections to neighborhoods and subdivisions that are adjacent to the commercial corridors; Incorporate sidewalks, crosswalks and bike paths; Require dedicated right-of-way; Limit driveway spacing along the highway frontage and align driveways where needed to improve traffic flow
- Encourage shared driveways and inter-parcel access for adjacent commercial uses
- Require residential subdivisions accessing the highway to be interconnected and to provide at least two entrances; Encourage shared parking lots between uses
- Relate road alignment to topography; Ensure environmental protection

#### **Land Uses**

Parks, Recreation and Conservation • Urban Residential • Multi-family Residential • Office Professional • Commercial Highway • Light Industrial • Campus-style Business Park • Urban Activity Center •

**Zoning Districts** RMF (multi-family residential 6 units per acre density neutral) • C-OI (Office Professional) • C-HB; C-PCD (Commercial) • C-IR (Light Industrial) • Georgia 400 Corridor Design Overlay

#### **County Agency Comments:**

Engineering Department: Please see attached comments.

Environmental Health Department: No comments returned as of 11.1.2022

Emergency Services: No comments returned as of 11.1.2022

Etowah Water & Sewer Authority: "Upgrades /extensions required for water and sewer lines. Both shall be designed and installed per EWSA specs at the developer/owner's expense."

Planning and Development: The zoning for this development was approved on December 19, 2019. The mix of uses within this development of commercial, light industrial, office, and residential is appropriate in this area. The infrastructure for the residential portion of the development is currently under construction. Although this area of the corridor has suburbanized it is still a primary corridor to the mountains of North Georgia and should have visual and functional design that creates an attractive setting for people to conduct business and live.

After reviewing all relevant information, should the Planning Commission recommend approval of this rezoning request, staff suggests the following stipulations:

- 1. Commercial development shall be limited to the following uses: Flex Space, Climate Controlled Self Storage and Class A or B office space.
- 2. Fast food restaurants and drive-thru sales are prohibited;
- 3. When the required inter-connect is provided to Commerce Drive, as found in the zoning stipulations of ZA19-21, all non-conforming signage shall be removed.
- 4. The commercial area is to be developed in phases. If disturbed, vegetation must be replanted prior to the issuance of the first final plat.
- 5. A minimum of a 25-foot undisturbed buffer along Highway 400 shall be maintained in the commercial area until such time that this area is to be developed, then this buffer can be disturbed however it must be planted back at 25 feet in width.
- 6. The development must meet the Highway 400 Corridor architectural guidelines.

#### Variances.

Variances to standards and requirements of this chapter, with respect to land use standards and requirements specified for each district may be granted only if, on the basis of the application, investigation, and evidence submitted by the applicant, all four expressly written findings below are made:

- (1) That a strict or literal interpretation and enforcement of the specified standard or requirement would result in practical difficulty or unnecessary hardship; and
- (2) That there are exceptional or extraordinary circumstances or conditions applicable to the property involved or to the intended use of the property which do not apply generally to other properties in the same district; and
- (3) That the granting of the variance will not be detrimental to the public health, safety, or welfare or materially injurious to properties or improvements in the near vicinity; and
- (4) That the granting of the variance would support general objectives contained within this chapter.

# THE PLANNING COMMISSION SHALL MAKE ITS RECOMMENDATIONS BASED ON THE FOLLOWING CRITERIA:

- (1) The existing uses and classification of nearby property;
- (2) The extent to which property values are diminished by the particular land use classification;
- (3) The extent to which the destruction of property values of the applicant promotes the health, safety, morals, or general welfare of the public;
- (4) The relative gain to the public, as compared to the hardship imposed upon the individual property owner;
- (5) The suitability of the subject property for the proposed land use classification;
- (6) The length of time the property has been vacant under the present classification, considered in the context of land development in the area in the vicinity of the property; and
- (7) The specific, unusual, or unique facts of each case, which give rise to special hardships, incurred by the applicant and/or surrounding property owners.

# Photo of Property: taken from GA 400.



# Engineering Services Dawson County

Case #: ZA 22-24 & VR 22-26 Owner: Kilough Ventures, LLC Applicant: Jim King

Subject Property(s): Ga Hwy 400 N. approx. ¼ mi N. of SR 53 on E. side, PID: 113 043 044

Present Zoning: <u>C-HB</u> Proposed Zoning: <u>C-IR</u>

#### **TRAFFIC ISSUES:**

County road(s) providing access: None
Nearest major thoroughfare: Ga Hwy 400 N

Width of road at property: North bound 24 ft. of pavt. @ 110 ft overall row Distance to major thoroughfare:

Approx. 123 ft to eop

Description of access road(s): State Road Ga Hwy 400 N

- 1. Is the proposed access to the development adequate? Yes (No entrance off of Hwy 400, undeveloped)
- 2. What is the current condition of this road? (traffic flow, geometry, etc.). Road is in good condition. N. bound Hwy traffic flow.
- 3. If current conditions are inadequate, please answer the following:
- a. Are improvements planned? (see Traffic improvement plan) Yes, will need construction plans
- b. Estimated time frame? Construction & Development: October 2022 thru April 2026
- c. Estimated cost? Unknown at this time
- 4. Will these improvements create a safe condition for the proposed development? <u>Unknown at this time, will need design review.</u>

If not, what additional improvements will be required? (i.e., traffic light study, additional right-of-way, etc.)

**ADDITIONAL REMARKS:** No additional remarks at this time.

#### **WATERSHED/EROSION ISSUES:**

Is the property in a floodplain or wetland? Unknown

In what watershed is the project located? Middle Chattahoochee Watershed

What streams are likely to be affected? Yes, appears to be a stream meandering along the south and east property boundary. Is it a trout stream? Unknown

Any additional remarks? No additional remarks at this time

Signature of personnel completing form: Leffery L. Hahn

Public Works Director



Billy Thurmond Chairman

Sharon Fausett Commissioner District One

Chris Gaines Commissioner District Two

Tim Satterfield Commissioner District Three

Julie Hughes Nix Commissioner District Four

David Headley County Manager

Kristen Cloud County Clerk

Dawson County Government Center 25 Justice Way Suite 2213 Dawsonville, GA 30534 Phone 706-344-3501 Fax 706-344-3889

# DAWSON COUNTY BOARD OF COMMISSIONERS

# APPROVAL FORM

# PUBLIC HEARING OF LAND USE CHANGE REQUEST MEETING HELD December 19, 2019

We, the Dawson County Board of Commissioners, do hereby **APPROVE** the following Land Use Change Request:

REQUEST: ZA 19-22

Applicant's Name: Jim King- Ensite Civil Consulting, LL

Applicant's Address: 131 Prominence Ct. Suite 230 Dawsonville, GA 30534

Location: Hwy 400 North/Kilough Church Road

TMP: 113-051, 113-044-008, 113-043, 113-043-044

Purpose: Rezone property from R-A to C-HB

Property Usage: Shopping/Retail, Office and Warehouse Flex Space

## With the following stipulations:

- 1. The developer shall be responsible for a traffic study to be performed before the last final plat and any recommendations from that traffic study shall be implemented, to include the connection to the former Kroger shopping center:
- 2. The development shall be developed in general accordance with the site plan approved with this rezoning;
- 3. The two flex spaces labeled "G" an "H" shall be the only two buildings that are able to utilize the northernmost proposed driveway on to Highway 400;
- 4. Commercial development north of the power line in buildings labeled "E" through "H" shall be limited to the following uses: Flex Space, Retail, Climate Controlled Self Storage and Class A or B office space. Fast food restaurants and drive-thru sales are prohibited;
- 5. The commercial area is to be developed in phases. The phases not being built are to be left undisturbed until such time that they are to be constructed unless needed to balance earthwork in other phases. If disturbed, they must be replanted according to condition planting specifications within these stipulations. A minimum of a 25-foot undisturbed buffer along Highway 400 shall be maintained in the commercial area until such time that this area is to be developed;
- 6. All utilities shall be placed underground;
- 7. Development shall have covenants that require maintenance of the landscaped entrance area, open space and amenity areas by a mandatory Homeowners Association; 8. A minimum of 100 feet undisturbed buffer shall be maintained adjacent to Kilough
- 8. A minimum of 100 feet undisturbed buffer shall be maintained adjacent to Kilough Church Road;
- 9. No construction traffic shall use Kilough Church Road throughout the entirety of this project for any reason;
- 10. In areas along the Highway 400 frontage where an undisturbed buffer is less than 50 feet between the edge of pavement and the development is not maintained, 6-foot caliper canopy trees (oaks, maples, elm, etc.) shall be planted a minimum of 30 feet on center



Billy Thurmond Chairman

Sharon Fausett Commissioner District One

Chris Gaines Commissioner District Two

Tim Satterfield Commissioner District Three

Julie Hughes Nix Commissioner District Four

David Headley County Manager

Kristen Cloud County Clerk along the right of way. In addition, minimum 24- to 30-inch-tall shrubs shall be planted a minimum of 4 feet off center in a double row; and

11. The development must meet the Highway 400 Corridor guidelines.

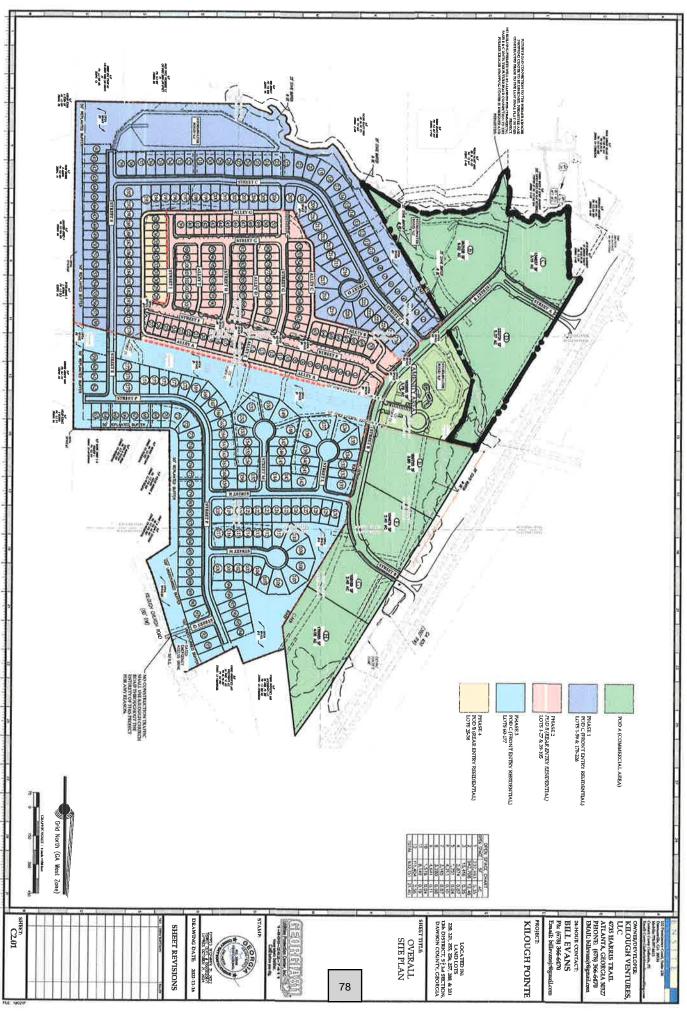
The request will not:

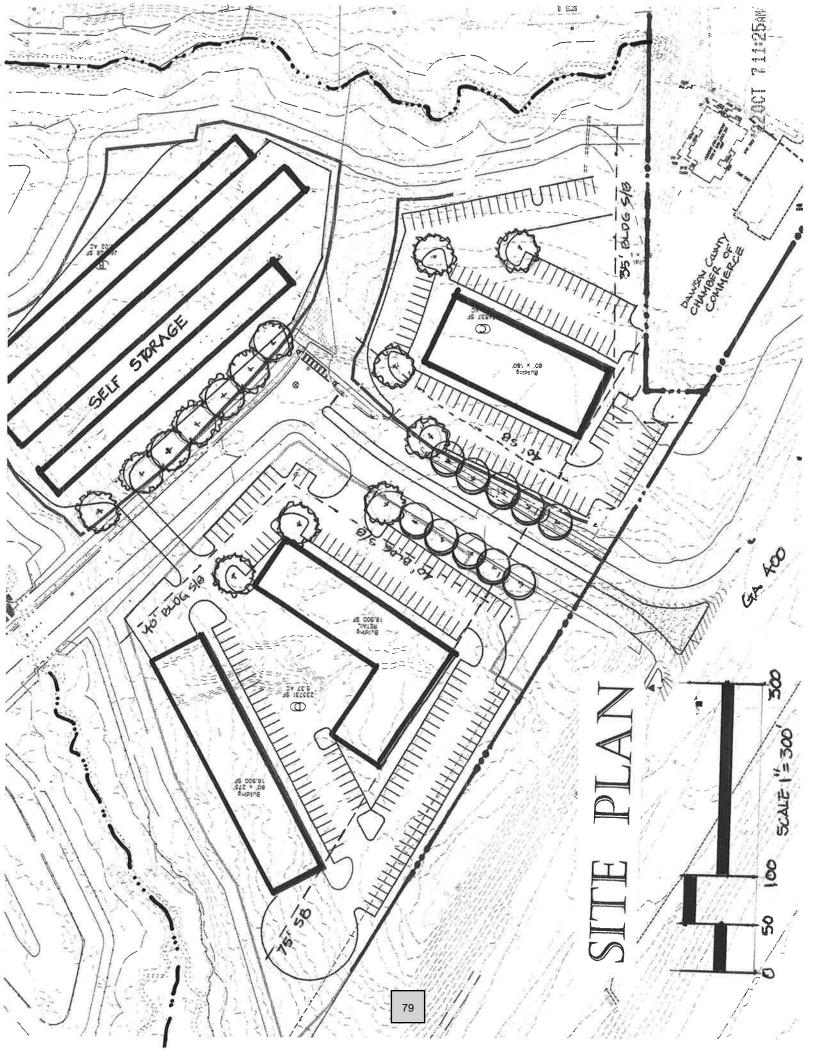
- A. Affect the property values of surrounding property.
- B. Affect the health, safety or general welfare of the public.
- C. Impose special hardships on the surrounding property owners.

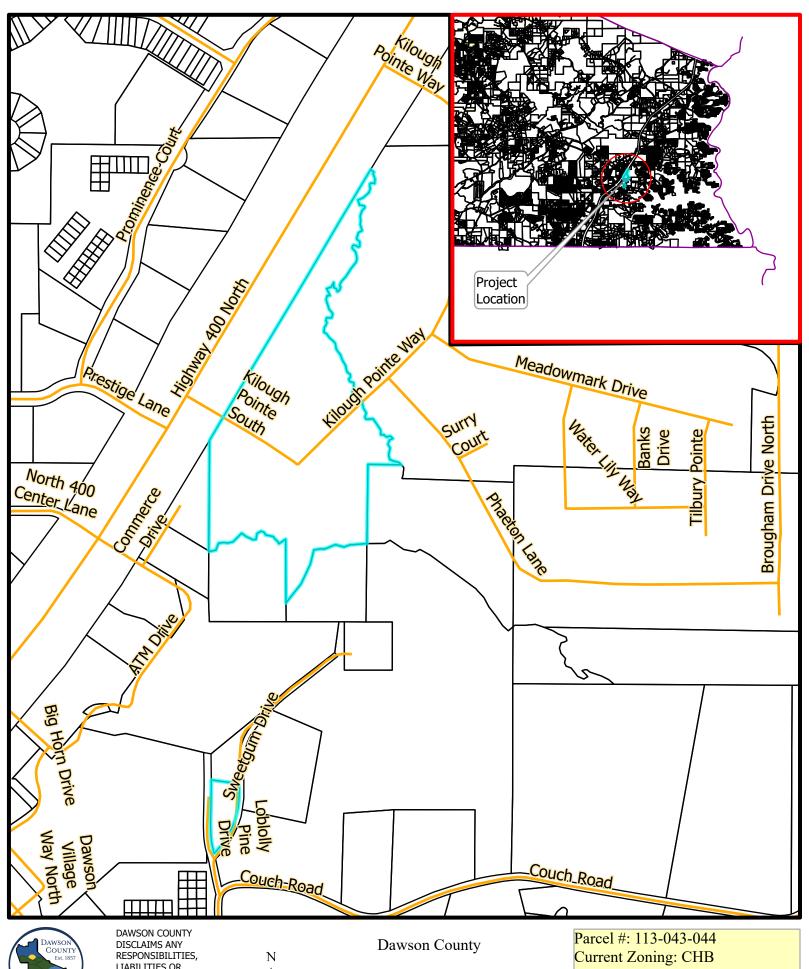
The subject property is suited for the proposed	land use.
Billy Thurmond Chairman	Date

cc: Jarrard & Davis, LLP., County Attorney Harmony Gee, Zoning Administrator Sallie Ledbetter, Tax Assessor's Office

Dawson County Government Center 25 Justice Way Suite 2213 Dawsonville, GA 30534 Phone 706-344-3501 Fax 706-344-3889









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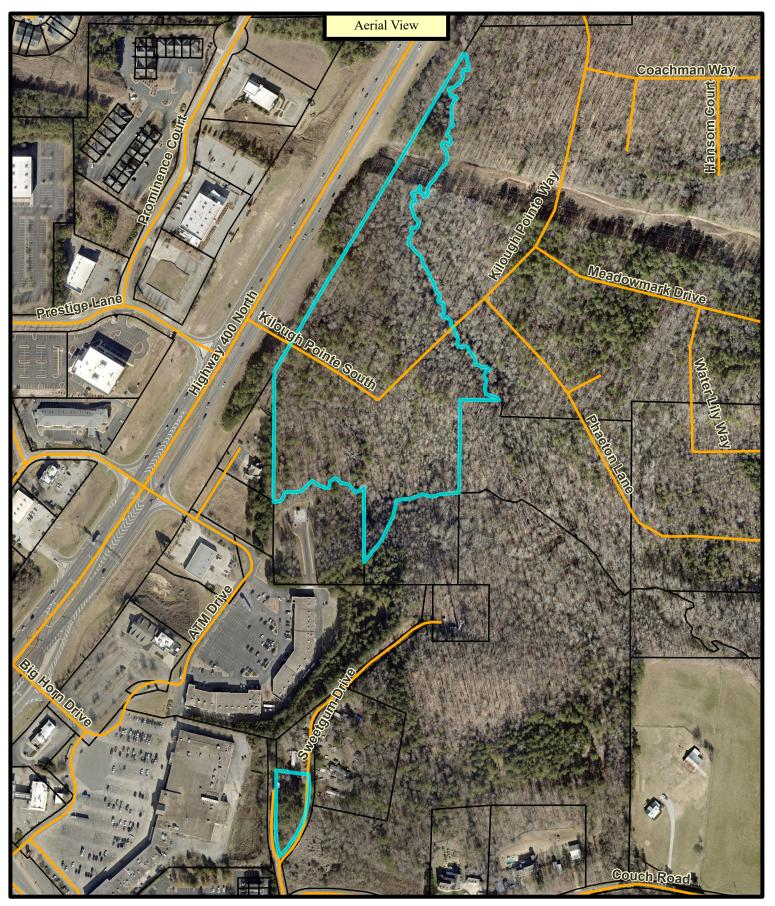
Planning and Development

Stafl report: Exhibit

FLU: CHB

Application #:ZA 22-24 &VR

22-26





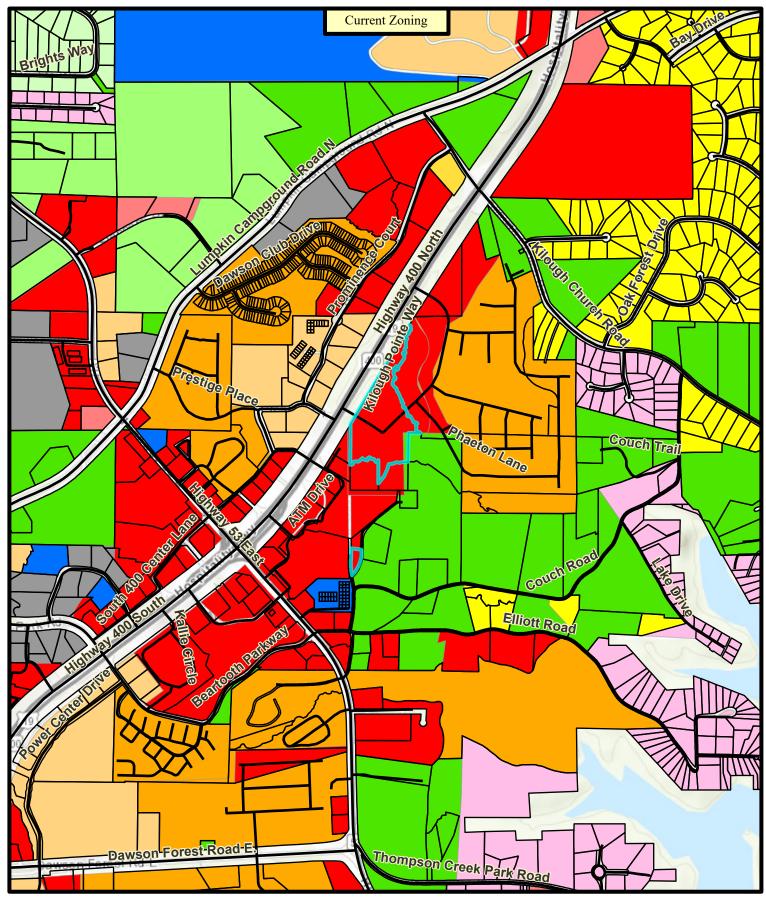
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**Dawson County** 

Planning and Development

Report

Parcel #: 113-043-044 Current Zoning: CHB FLU: CHB Application #:ZA 22-24 &VR 22-26





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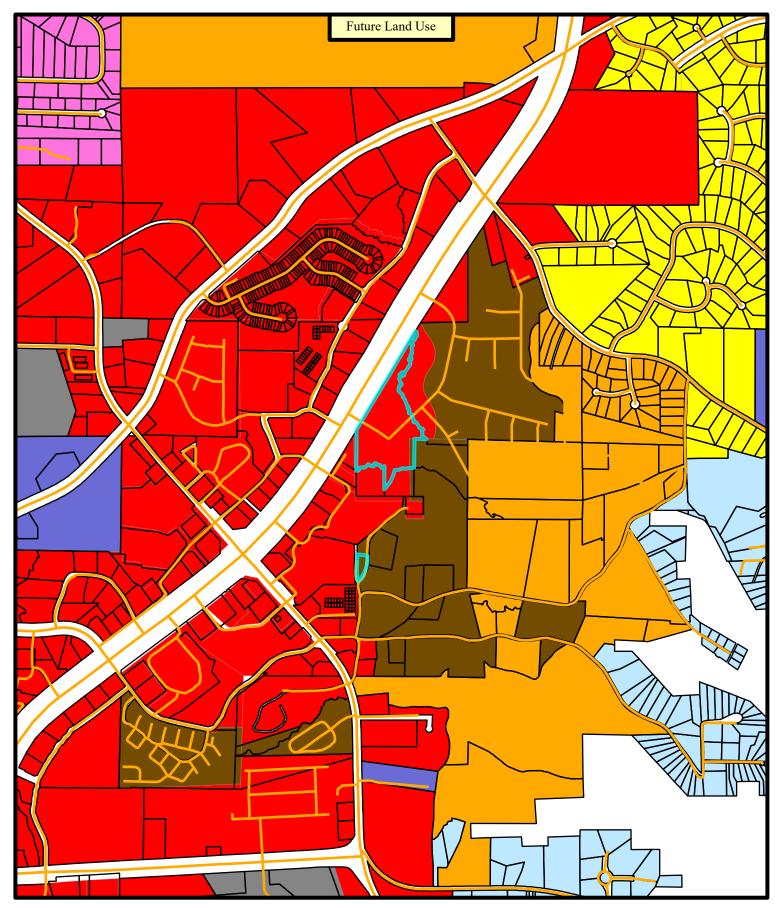
**Dawson County** 

Planning and Development

Report

Parcel #: 113-043-044 Current Zoning: CHB FLU: CHB

Application #:ZA 22-24 &VR 22-26





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**Dawson County** 

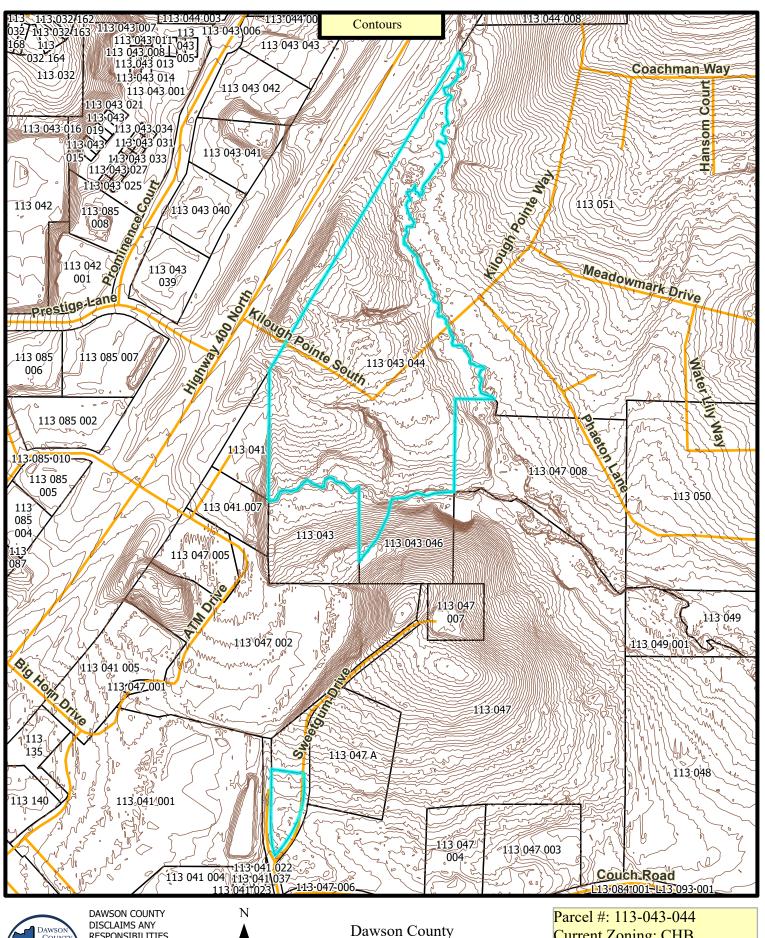
Planning and Development

Report

Parcel #: 113-043-044 Current Zoning: CHB

FLU: CHB

Application #:ZA 22-24 &VR 22-26





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Planning and Development

...Report

Current Zoning: CHB FLU: CHB Application #:ZA 22-24 &VR 22-26

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. Hornsey/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.

#### DAWSON COUNTY PLANNING COMMISSION MEETING HELD NOVEMBER 15, 2022 DAWSON COUNTY GOVERNMENT CENTER

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.

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.
- 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

#### DAWSON COUNTY PLANNING COMMISSION MEETING HELD NOVEMBER 15, 2022 DAWSON COUNTY GOVERNMENT CENTER

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 d	liscuss, the meeting was adjourned a	at 7:28 p.m.
Jason Hamby, Vice Chairman		Date
Attest: Harmony Gee		Date

# Dawson County Rezoning Application (AMENDMENT TO DISTRICT MAP)

FOR STAFF USE ONLY				I
DATE & TIME STAMP				
	72200T	4A	11:0	4 <sub>68</sub> i
	No. day No. Mar. 2	9, 2	I. J. "	25,511.1

# **APPLICANT INFORMATION (or Authorized Representative)**

# Property Owner/ Property Information

Name: Holly Betterton	1		
Street Address of Pro	perty being rezoned: $\frac{396}{1}$	62 Highway 53 E, Dav	wsonville, GA 30534
	to: <u>C-HB</u>		
Directions to Property	(if no address):		
Subdivision Name (if a	applicable): N/A		Lot(s) #: <u>N/A</u>
Current Use of Proper			
transportation study of	each DRI thresholds? no and additional review by as several weeks to the re	the Georgia Mounto	ains Regional Planning
Please refer to Dawso to answer the followin	n County's Georgia 400 ( g:	Corridor Guidelines o	and Maps
Does the plan lie with	in the Georgia 400 Corri	dor? <u>no</u> (ye	es/no)
If yes, what section?	North South	4)	
	SURROUNDING PROPE	RTY ZONING CLASSIF	CATION:
North C-HB	South <u>VC</u>	East RA	West RA
Future Land Use Map	Designation: CC		
Access to the develo Road Name: <u>Highway</u>	pment will be provided fr / 53 E	rom: Type of Surface:	Paved

# **Applicant Certification**

12200T1411001m

I hereby request the action contained within this application relative to the property shown on the attached plats and site plan and further request that this item be placed on both the Planning Commission and Board of Commissioners agenda(s) for a public hearing.

I understand that the Planning & Development staff may either accept or reject my request upon review. My request will be rejected if all the necessary data is not presented.

I understand that I have the obligation to present all data necessary and required by statute to enable the Planning Commission and the Board of Commissioners to make an informed determination on my request. I will seek the advice of an attorney or a land use professional if I am not familiar with the zoning and land use requirements.

I understand that my request will be acted upon at the Planning Commission and Board of Commissioner hearings and that I am required to be present or to be represented by someone able to present all facts. I understand that failure to appear at a public hearing may result in the postponement or denial of my rezoning of special use application. I further understand that it is my responsibility to be aware of relevant public hearing dates and times regardless of notification from Dawson County.

information is true and correct.		
Signature Sen Boros	Date 10/14/2022	
Witness Leven Solu Chalo	Date 10 14/22	

I hereby certify that I have read the above and that the above information as well as the attached

# DISCLOSURE OF CAMPAIGN CONTRIBUTION \$ 00 T 14 11:01 AM (APPLICANT(S) AND REPRESENTATIVE(S) OF REZONING)

Pursuant to O.C.G.A. Section 36-67 A-3.A, the following disclosure is mandatory when an applicant or any representation of application for rezoning has been made within two (2) years immediately preceding the filing of the applicant's request for rezoning, campaign contributions aggregating \$250.00 or more to a local government official who will consider the application for rezoning.

It shall be the duty of the applicant and the attorney representing the applicant to file a disclosure with the governing authority of the respective local government showing the following:

<ol> <li>Name of local official to whom campaign contribution was made:</li> </ol>				
	N/A			
2.	The dollar amount and description of each campaign contribution made by the opponent to the local government official during the two (2) years immediately preceding the filing of the application for the rezoning action and the date of each such contribution.			
	Amount \$ Date:			
	Enumeration and description of each gift when the total value of all gifts is \$250.00 or more made to the local government official during the two (2) years immediately preceding the filing of application for rezoning:			
	Per Bara 10/14/2022			
	Signature of Applicant/Representative of Applicant Date			

# BY NOT COMPLETING THIS FORM YOU ARE MAKING A STATEMENT THAT NO DISCLOSURE IS REQUIRED

This form may be copied for each applicant. Please attach additional sheets if needed.

# Property Owner Authorization

'220C11411:**0**1m

I/we, Holly Betterton the property located at (fill in address and/or tax ma	hereby swear that I/we own p parcel #):
Street Address of Property being rezoned: 3962 Highv	vay 53 E
TMP#: 104-058	
as shown in the tax maps and/or deed records of Dobe affected by this request.	awson County, Georgia, and which parcel will
I hereby authorize the person named below to ac rezoning requested on this property. I understand stipulations placed on the property will be binding u under signer below is authorized to make this ap- application or reapplication affecting the same land the date of the last action by the Board of Commission	that any rezone granted, and/or conditions or upon the property regardless of ownership. The plication. The under signer is aware that no d shall be acted upon within six (6) months from
Printed Name of applicant or agent: Perry Betterton	, obo Better Dump Trailers
Signature of applicant <u>or agent</u> :	_Date:_
Printed Name of Owner(s): Holly Betterton	***************************************
Signature of Owner(s):	Date: 10/14/2022
Mailing address:	
City, State, Zip	
Phone (Listed/Unlisted):	WILL ORIA FORM
Sworn and subscribed before me this 14 day of 000 , 2022.  Levery Fublic  My Commission Expires: 1011 24	PUBLIC OCTOBER 6 201 CO.

(The complete names of all owners must be listed; if the owner is a partnership, the names of all partners must be listed; if a joint venture, the names of all members must be listed. If a separate sheet is needed to list all names, please identify as applicant or owner and have the additional sheet notarized also.)

# Letter of Intent

Applicant: Better Dump Trailers

Subject Property: 2.816 acres with frontage on Highway 53 E, Parcel 104-058

Current Zoning: RA – Residential Exurban / Agricultural

Proposed Zoning: C-HB – Highway Business Commercial District

Proposed Use: Retail Trailer Sales

Application: Rezoning from RA to C-HB

ROW Access: Direct access to Highway 53 E

## PROPOSED USE

The applicant proposes to conduct retail trailer sales and sell produce/boiled peanuts on the property. The proposed use will include a gravel area for trailer and produce sales.

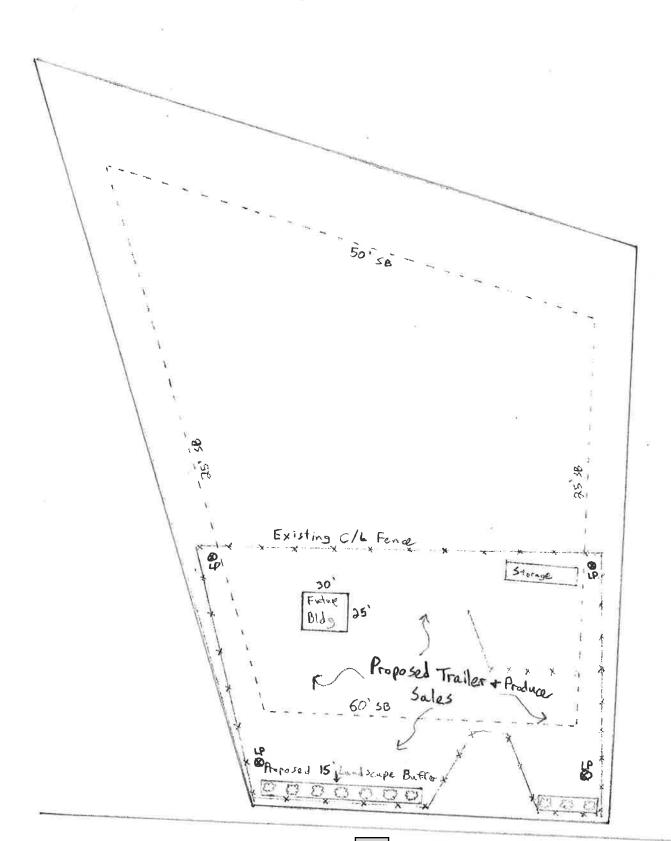
The Applicant has operated an online trailer dealership for the past 5 years. To expand its operations, the Applicant seeks to open a yard where customers can view the trailers for sale.

No manufacturing or repair work is currently planned. There should be no dust, smoke, or odors, and minimal noise. Customer traffic should be minimal (< 20 per day), and should be confined to daytime hours.

The Applicant also plans to sell produce / boiled peanuts on a seasonal basis initially.

Underground electricity is already on the property. The impact on public utilities will be minimal.

There will be approximately 2 part-time employees.





# Construction / Development Schedule

No construction or development is planned other than the landscape buffer. Planting of this landscape buffer should be completed approximately 6 months after rezoning approval. Applicant intends to use existing gravel lot for trailer sales and produce / boiled peanut sales. The only thing changing will be the use.

# NOTICE OF RESIDENTIAL EXURBAN/ 2200T14114024 AGRICULTURAL DISTRICT (R-A) ADJACENCY

Agricultural districts include uses of land primarily for active farming activities and result in odors, noise, dust and other effects, which may not be compatible with adjacent development. 

<u>Future abutting developers in non RA</u> land use districts shall be provided with this "Notice of RA Adjacency" prior to administrative action on either the land use district or the issuance of a building or occupancy permit.

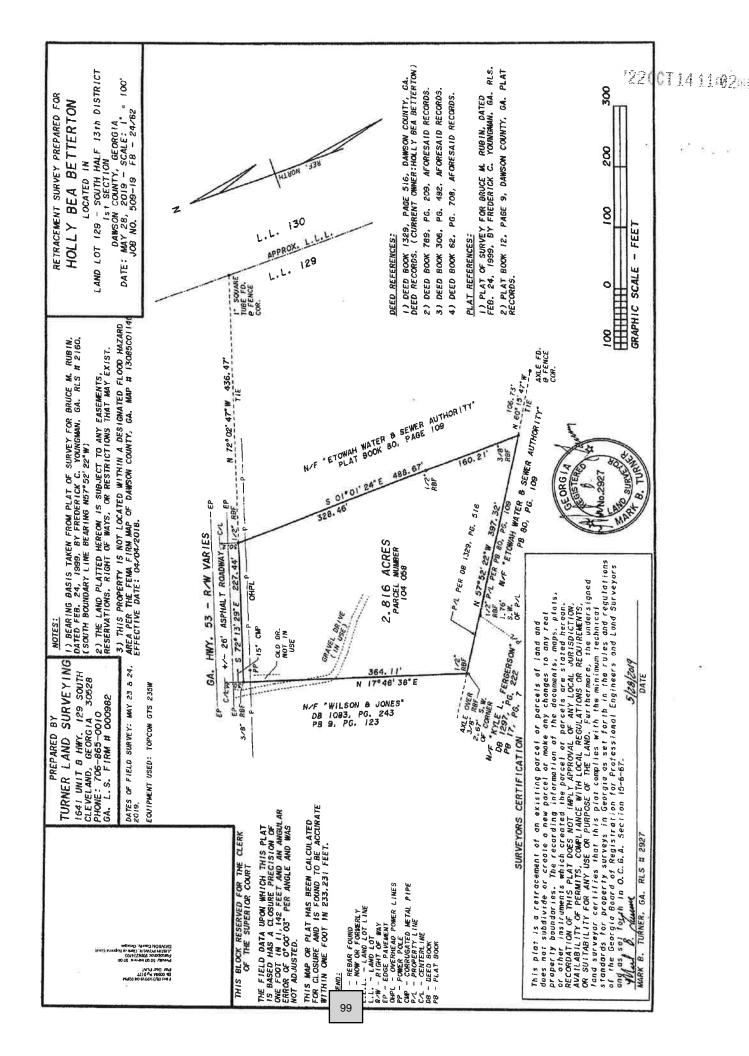
Prior to administrative action the applicant shall be required to sign this waiver which indicates that the applicant understands that a use is ongoing **adjacent** to his use which will produce odors, noise, dust and other effects which may not be compatible with the applicant's development. Nevertheless, understanding the effects of the adjacent RA use, the applicant agrees by executing this form to waive any objection to those effects and understands that his district change and/or his permits are issued and processed in reliance on his agreement not to bring any action asserting that the adjacent uses in the RA district constitute a nuisance) against local governments and adjoining landowners whose property is located in an RA district.

This notice and acknowledgement shall be public record.
Applicant Signature: Sex Botto
Applicant Printed Name: Perry Betterton, obo Better Dump Trailers
Application Number:
Date Signed: 10/14/2022
Sworn and subscribed before me
Lacepucher Seer, 2022.
Notary Public
My Commission Expires: 10 124



# DAWSON COUNTY INDIVIDUAL SEWAGE DISPOSAL SYSTEM PERMIT APPLICATION AND INSPECTION REPORT

PERMIT # 042-88-8-531 DATE PERMIT ISSUED 8-17-83	DATE SYSTEM INSP. 10-6-83
RECEIPT # 449	PROPERTY OWNER & ADDRESS
	Kathy Nichelson
PROPERTY LOCATION	3.1 3.1 3.1 3.1 3.1 3.1 3.1 3.1 3.1 3.1
Hwy. 53 E (just past Gene Porter's store) will be	
on right - before Bud Stephens home.	
Dawson County, Georgia	TELEPHONE None
	SEWAGE CONTRACTOR BUILD - Holbrook
I hereby apply for a permit to install or construct an individual sewage disposal system quirements of the former Georgia Department of Public Health, Chapter 270-5-25, I understand that final inspection is required and hereby promise to notify the Dawson C final cover at 265-2611 or 265-3223.  I further realize and understand that neither this permit nor the final inspection in any way confers any guarantee or warranty of any kind.	county Health Department upon its completion and before applying
Owner or applicant's signature	The state of the s
1 7	Date
A	ance S. T. from well amount of field line:
	50 + Linear ft. 168
2 0	line as installed
A TE F III. Day of US	540 Linear ft. 180
5 No of hadrages as sellens	h of trench 361
	nce between trenches
	ch depth, avg. 36"
8. Building line 18. Dister	nce from foundation 30'
9. Septic tank capacity min	est property line 35+
	rear (side)
1. Dosing tank capacity 20. Distan	nce from well Must be 100' From Field Lives
Site Approved; Approved conditionally; Rejected 10/5/83	Inspector: Daw Fleming
System Approved Approved conditionally; Rejected 10/6/83	Inspector: DON Fleming
EMARKS: When Well installed it will have to be 50 septic TANK AND 100' From Field Lines	DAWSON COUNTY HEALTH DEPARTMENT P.O. BOX 245 DAWSONVILLE, GEORGIA 30534
8' - 35 - 34 Picapose d Montrie	



Printed: 7/19/2022 1:20:00 PM



Official Tax Receipt
Dawson County
25 Justice Way, Suite 1222
Dawsonville, GA 30534
--Online Receipt--

Phone: (706) 344-3520 Fax: (706) 344-3522

Trans No	Property ID / District Description	Original Due	Interest & Penalty	Amount Due	Amount Paid	Transaction Balance
2021 - 1200	104 058 / 1 LL 129 LD 13-S FMV: 61200	\$553,86	\$0.00 Fees: \$0.00 \$0.00	\$0.00	\$553.86	\$0.00
	Totals:	\$553.86	\$0.00	\$0.00	\$553.86	\$0.00

Paid Date: 11/27/2021

Charge Amount: \$553.86

BETTERTON HOLLY BEA



Scan this code with your mobile phone to view this bill



25 Justice Way, Dawsonville, Georgia 30534

<u>APPLICANT INFORMATION</u> (or Authorized Representative)	
Printed Name: Perry Betterton	
Address:	
Contact Email: Sales@DumpTrailer.com Telephone # 678-827-278	36
Status: Owner Authorized Agent Lessee	
PROPERTY INFORMATION	
Street Address of Property:	
3962 Highway 53 E, Dawsonville, GA 30534	
Land Lot(s): 129	-
Subdivision/Lot: <u>N/A</u>	
Building Permit #: (if applicable)	
REQUESTED ACTION  A Variance is requested from the requirements of Article # IV Section # 121  Land Use Resolution/Sign Ordinance/Subdivision Regulations/Other.	-99of the
Front Yard setback Side Yard setback Rear Yard setback variance of	feet to
allow the structure to: be constructed; remain a distance of feet	from the
property line, <b>or</b> other:	
instead of the required distance offeet as required by	y the regulations.
Home Occupation Variance:	
Other (explain request): Light Pale Height	
If there are other variance requests for this site in past, please list case # and nature o	f variance:



25 Justice Way, Dawsonville, Georgia 30534

Variances to standards and requirements of the Regulations, with respect to setbacks, lot coverage, height, and other quantitative requirements may be granted if, on the basis of the application, investigation, and other evidence submitted **by the applicant**, <u>all four</u> (4) expressly written findings below are made:

1. Describe why a strict and literal enforcement of the standards would result in a practical difficulty or unnecessary hardship:

Light poles are already installed and functioning properly

Applicant was unaware of any height limitations when they were installed. Cutting them shorter would be costly, aesthetically unpleasant, and lighting would be uneven.

2. Describe the exceptional and extraordinary conditions applicable to this property which do not apply to other properties in the same district:

Lights were installed to protect agricultural equipment from theft after 3 separate incidents of theft on this property. Most other properties in the same district are occupied on a more consistent basis.

3. Describe why granting a variance would not be detrimental to the public health, safety, morals or welfare and not be materially injurious to properties in the near vicinity:

These lights are actually beneficial to public safety and welfare. One neighbor is water company, who also has outdoor lights; other neighbors are far away and unaffected by the light. Some light on the highway makes driving at night safer.

4. Describe why granting this variance would support the general objectives within the Regulation:

The objective is minimum lighting necessary to insure adequate safety. If light poles were shortened, there would be dark spots, which would be unsafe. Shorter light poles would require more of them for coverage, resulting in more overall light.

Add extra sheets if necessary.



25 Justice Way, Dawsonville, Georgia 30534

#### **List of Adjacent Property Owners**

It is the responsibility of the Applicant to provide a list of adjacent property owners. This list must include the name and address of anyone who has property touching your property or who has property directly across the street from your property. Please note this information should be obtained using the Tax Map and Parcel Number listing of any parcel(s) adjoining or adjacent to parcel where variance or zoning is being requested. Please add additional sheets if necessary.

		Name Address
TMP_104_057	7 1.	Wilson Homer Danny & Patsy E Jones, 3828 Hwy 53 E, Dawsonvil
TMP_104_118	3 2.	Butcher Tony, 209 River Valley Rd, Dawsonville, GA 30534
TMP_104155	<u>5</u> 3.	Etowah Water & Sewer Authority, PO Box 769, Dawsonville, GA
TMP_104059	9 4.	Etowah Water & Sewer, PO Box 769, Dawsonville, GA 30534
TMP_104158	B <sub>5.</sub>	Five Rivers LLC, 2150 Vicki Lane, Cumming, GA 30041
TMP	6.	
TMP	_ 7,	
TMP	8.	
TMP	9.	· · · · · · · · · · · · · · · · · · ·

## **APPLICANT CERTIFICATION**

I hereby request the action contained within this application relative to the property shown on the attached plats and site plan and further request that this item be placed on the Planning Commission agenda for a public hearing.

I understand that the Planning & Development staff may either accept or reject my request upon review. My request will be rejected if all the necessary data is not presented.

I understand that I have the obligation to present all data necessary and required by statute to enable the Planning Commission and Board of Commissioners to make an informed determination on my request. I may seek the advice of a land use professional if I am not familiar with the zoning and land use requirements.



25 Justice Way, Dawsonville, Georgia 30534

I understand that my request will be acted upon at the Planning Commission I am required to be present or to be represented by someone able to present all facts. I understand that failure to appear at a public hearing may result in the postponement or denial of my special use or rezoning application. I further understand that it is my responsibility to be aware of relevant public hearing dates and times regardless of notification from Dawson County.

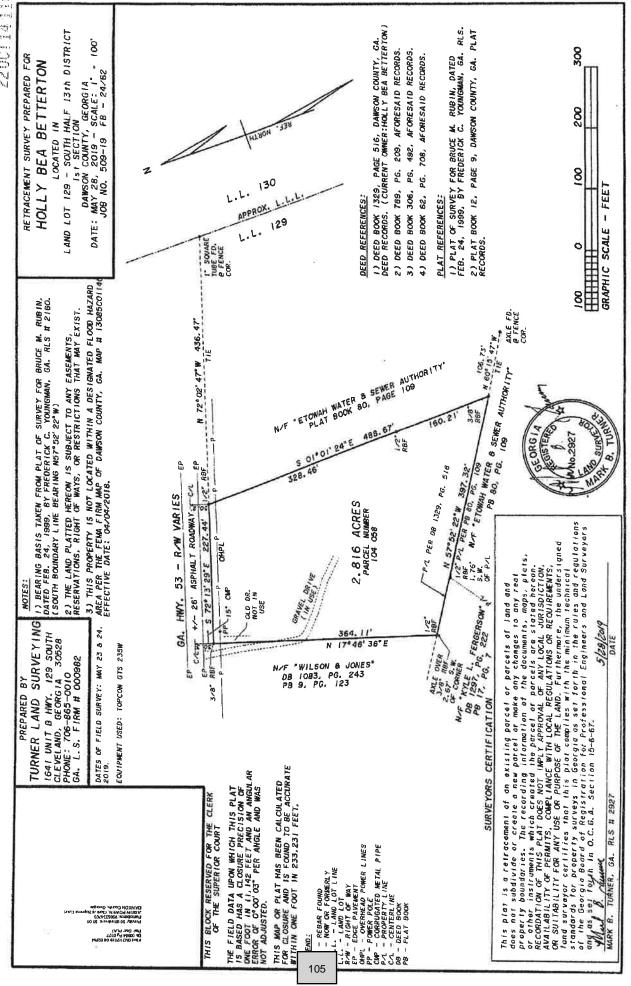
I hereby certify that I have read the above and that the above information as well as the attached information is true and correct.

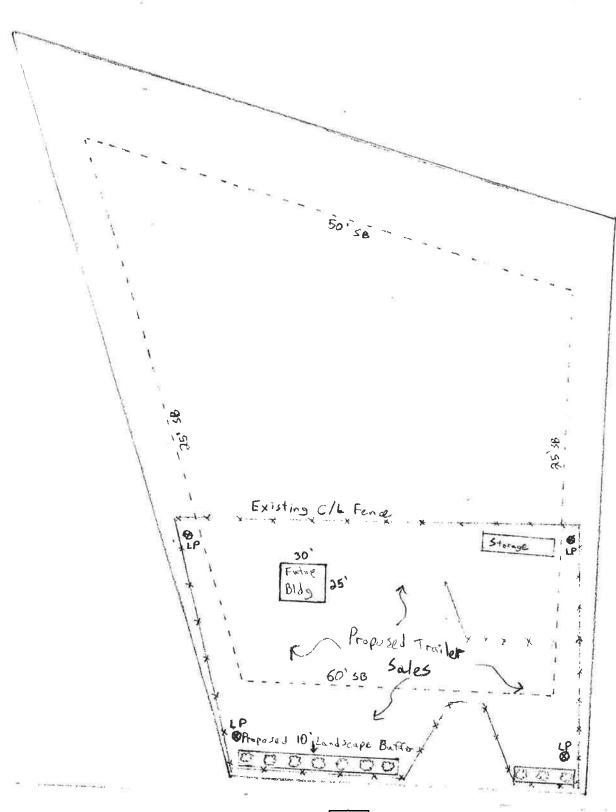
Signature of Applicant or Agent:	Der Botto	
Date: 10/14/2022		

Withdrawals of any application may be accommodated within the Planning & Development office if requested before the Planning Commission agenda is set. Therefore, withdrawals may not be made after ten (10) days prior to the scheduled Planning Commission meeting hearing, unless accompanied by written request stating specific reasons for withdrawal. This withdrawal request is to be published in the legal organ prior to the meeting. Following that written request and publication the Commission will vote to remove the item from the agenda at the scheduled hearing. Please note that should the withdrawal be denied, the item will receive deliberation and public hearing with a decision by the Commission. Further the applicant is encouraged to be present at the hearing to substantiate reasons for withdrawal.

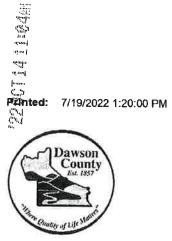
#### THIS SECTION TO BE COMPLETED BY STAFF.

VR 22	Tax Map & Parce	Tax Map & Parcel#				
Zoning:	Commission Dist	trict #:				
Submittal Date:	Time: am/pm	Received by:	(sta	ff initials)		
Fee Paid:	Planning Comm	ission Meeting Date:	/	/ 2022		









Official Tax Receipt Dawson County 25 Justice Way, Suite 1222 Dawsonville, GA 30534 --Online Receipt--

Phone: (706) 344-3520 Fax: (706) 344-3522

Trans No	Property ID / District Description	Original Due \$553.86	Interest & Penalty	Amount Due \$0.00	Amount Paid \$553.86	Transaction Balance \$0.00
2021 - 1200	104 058 / 1 LL 129 LD 13-S FMV: 61200		\$0.00 Fees: \$0.00 \$0.00			
	Totals:	\$553.86	\$0.00	\$0.00	\$553,86	\$0.00

Paid Date: 11/27/2021

Charge Amount: \$553.86

BETTERTON HOLLY REA



Scan this code with your mobile phone to view this bill

Control of the contro

# Hardship & Proposed Resolution

Property is currently zoned R-A. Original intended use of property was a produce stand and boiled peanuts sales. Light poles were erected to prevent theft and ensure safety of stored agricultural equipment.

Applicant wishes to rezone property to C-HB and use property for Trailer Sales. Land Use Resolution limits height of light poles in Commercial Land Use Districts to 35 feet. To the best knowledge of the applicant, light poles are 45' tall on a 2-3' concrete base.

Applicant wishes to obtain a variance to allow existing light poles to remain without modification upon rezoning to C-HB.

DAWSON COUNTY

# 

RMIT# 042-88-8-531 DATE PERMIT ISSUED 8-17-8	<u>.</u>	DATE SYSTEM	INSP.	0-6-83
CEIPT #_449		PROPERTY OW	NER & ADDR	ESS
		Kathy Ni	chelson	
PROPERTY LOCATION				V ***
wy. 53 E (just past Gene Porter's store) w	ill be	123		
on right - before Bud Stephens home.	TIT DC	**		HY STREET
Dawson County, Georgia		TELEPHONE	None	
			-	4 J H IL
hereby apply for a permit to install or construct an individual sewage di				ird-Holbrood
rements of the former Georgia Department of Public Health, Chapter 27 understand that final inspection is required and hereby promise to notify to all cover at 265-2611 or 265-3223. further realize and understand that neither this permit nor the final inspect y confers any guarantee or warranty of any kind.	10-5-25. the Dawson Co	ounty Health Depart	ment upon its	completion and before ap
Karthy Dicle bon		-	8	-17-83
Owner or applicant's signature				
Type water supply:  juindividual 2. community 3. public		nce S. T. from well		
New system 2. Repair 3. Existing		amount of field line		110
Perc rate		- SO.Y	Linear	ft/68
Type facility Malue Home		line as installed		10.0
No of bedrooms or gallons 2 Belroom		of trench	ユーLinear	ft <i>180</i>
Subdivision: yes (no)		nce between trenche	15'	
Lot size		h depth, avg.		
Building line		ice from foundation	1	
Septic tank capacity min.    750 94/lon		st property line		5+
As installed 750 gallon		rear (side)		
Dosing tank capacity 947.			st be 100	From Field L
Site Approved: Approved conditionally; Rejected 10/5/	83	Inspector:	Dow	Fleminy
System Approved; Approved conditionally; Rejected 10/6	100	Inspector:	DON	Flemina
Septic TANK AND 100' From Field LINES	be 50'	DAWSON P.O. BOX	COUNTY HE	ALTH DEPARTMENT
3	7			

#### **Dawson County Department of Planning & Development**

#### **Variances**

**Property Owner Authorization Form** 

This form must be signed by the owner(s) as listed on the deed of record for the subject property. If there is more than one property owner, additional affidavits must be provided. Only an owner or an authorized agent may speak on behalf of the variance at the public hearing.

Owner's Name:	Holly Betterton	
Mailing Address:	<u>,</u>	
Signature of Ow	ner: Joly Betterta	Date: 10/14/2022
Signature of Not	ary: Jary Dueld	Date: 10/14/252 NOTARI BUBLIC OUNTY, GEOLUTIAN COUNTY, COU



#### ZA 22-25 & VR 22-27

#### **Perry Betterton**

Planning Commission Meeting November 15, 2022 Board of Commission Hearing December 15, 2022

#### **Applicant Proposal**

The applicant is seeking to rezone property from R-A (Residential Agriculture) to C-HB (Commercial Highway Business) for the purpose of opening a retail trailer sales business and produce/boiled peanuts. The proposed use will use the existing gravel lot. The applicant is also seeking a variance to the height of the street lights installed on site.

Applicant	Perry Betterton
Amendment #	ZA 22-25 & VR 22-27
Request	Rezone Property from R-A to C-HB;  Vary from the Land Use Resolution Article IV, Section 400 C.2.d
Proposed Use	Dump style pull behind trailer sales; seasonal products.
Current Zoning	Residential Agricultural (RA)
Future Land Use	Crossroads Commercial
Acreage	2.816
Location	3962 Highway 53 East
Commercial Square footage	None proposed at this time
Road Classification	State Road 53
Tax Parcel	104 058
Dawson Trail Segment	n/a
Commission District	2
DRI	No
Planning Commission Recommendation	Approval with stipulations

Direction	Zoning	Existing Uses
North	C-HB & R-A	Residential / Agricultural/Office Commercial
South	VC & C-HB	Residential/EWSA property
East	R-A	Residential
West	R-A	Vacant / Residential

According to the Comprehensive Plan and accompanying Future Land Use Plan, the subject property is identified as Crossroads Commercial. This category is for small node (4-15 acres) of commercial development at intersections primarily in rural/exurban and suburban areas along corridors designated as "scenic." Crossroads Commercial nodes are not appropriate for automobile sales and service establishments or other highway commercial uses. Rather, they are intended to be limited to very small, enclosed retail trade and service establishments serving the immediate area. Crossroads Commercial areas are also subject to design review and approval to ensure their architecture and site design are in keeping with policies for scenic corridors and rural/exurban development character. The desired development pattern should seek to:

- Limit extension of public utilities in these areas
- Enact guidelines for new development that enhance the scenic value of the corridor and addresses landscaping and architectural design
- Consider the use of drainage swales for paved roads in lieu of curb and gutter
- Encourage compatible architectural styles that maintain the regional rural character and do not include franchise or corporate architecture
- Limit parking in front of commercial properties
- Ensure major commercial or employment centers do not encroach on residential development
- Connect to regional network of greenspace and trails, available to pedestrians, bicyclists,
- and equestrians for both tourism and recreational purposes
- Provide pedestrian linkages to adjacent and nearby residential or commercial districts
- Consolidate driveways and use directional signage to clustered developments
- Institute driveway controls and access management standards to facilitate traffic flow
- Separate through-traffic from local traffic

Land Uses	
Parks, Recreation and Conservation	Zoning Districts
• Forestry	• C-RB
Agriculture	• C-CB
Exurban Residential	Scenic Corridors Overlay Districts
Rural Residential	
Suburban and Lakefront Residential	
Office Professional	
Crossroads Commercial	

#### **County Agency Comments:**

**Engineering Department:** Please see the attached memorandum

Environmental Health Department: No comments returned as of 11.8.2022

Emergency Services: No comments returned as of 11.8.2022

Etowah Water & Sewer Authority: "Water available at the site and there is septic only."

**Planning and Development**: Staff is supportive of the property being zoned consistently with the Future Land Use Designation of **C-CB** with conditions. The property owner desires the property be zoned to **C-HB** as cited in the application. The plan delineates a small portion of the property to be utilized for small- scale retail outdoor uses. The letter of intent describes the proposed activities.

#### **Recommended Conditions of Zoning:**

- 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. No other items shall be offered for sale on site other than the pull behind dump style trailers and seasonal products; as delineated on the site plan submitted with the application.
- 4. Prohibited uses:
  - a. Auto Sales or Storage
  - b. Convenience Food Stores
  - c. Construction Contractors with outdoor storage
  - d. Fast-Food/drive-in food services
  - e. Child Day Care Services
  - f. Tire Dealers
- 5. Uses different from those stated in the application, letter of intent, area of operation as delineated on the site plan will be considered a violation of the Land Use Resolution; a land/site development application (in conformance with county ordinances) can submitted for development of permitted uses.
- Permitted Uses: Those uses as allowed within the C-RB and C-CB Land Use Districts; and Professional Offices NAICS Code 541; subject to land/site development permit in conformance with county ordinances being approved.
- 7. 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.

#### **Permitted Uses by Land Use District**

		Permitted Uses by Land Use Distri
CRB	C-CB	С-НВ
Churches	Personal Care Home	Assisted Living
Hardware Stores	Daycare	Nursing Home
Greenhouses/ Nurseries	Nursery School	Continuing Care
Farm Supply Store	Churches	Personal Care
Convenience Store no gas	Hardware Stores	Schools
Fresh Produce Grocer	Greenhouses and Nurseries	Outpatient Medical
Farmers Market	Farm Supply Store	Urgent Care
Gas Station no repair	Convenience Store no gas	General Medical
Commercial Pond	Fresh Produce Grocer	Psychiatric Care
Campground	Campground	Specialty Hospitals
RV Park	RV Park	Campgrounds / RV Parks
	Gas Stations no repair	Family Services
	Specialty Stores	Food Banks
	Farmers Market	Job Counseling
	Retail Bakeries	Daycare/Nursery
	Pharmacies/Drug Stores	Churches
	Beauty Supply	Lodges
	Optical	Auto Broker (no cars)
	Health Supplement	Automotive Parts
	Commercial Fish Pond	Theatres
	Personal Care Stores	Tire Dealers
	Auto Broker (no cars)	Furniture Store
	Sewing	Household Appliances
	Musical Instrument/ Supply	Cellular Stores
	Florist	Music/Electronics
	Pet Supply	Home Center
	Art Dealers	Paint Store
	Catering	Hardware Stores
	Appliance Repair	Flooring
	Furniture/Shoe Repair	Convenience Store no gas
	Barber Shop/Beauty Salon	Fresh Produce Grocer
	Tailors/Dress maker Photo Studio	Farmers Market
	Custom Cabinet Shop	Beer, Wine, Liquor Retail Bakeries
	Custom Wood work	Farm Supply Store
	Custom Wood work	Greenhouses and Nurseries
		Pharmacies/Drug Stores
		Beauty Supply
		Optical
		Health Supplement
		Personal Care Stores
		Gas Stations
		Retail / Stores
		Sports/Hobby
		Sewing
		Musical Instrument/ Supply
		Offices
		Banks
		Rental Centers
		Restaurants
		Medical Offices
		Farm Machinery Sales
		Taxi service
	114	Wholesale Landscape



BUILDING

### **Planning and Development**

25 Justice Way Suite 2322 Dawsonville, GA 30534-3450 Phone: (706)344-3604 Fax: (706)344-3652

**Permit** 

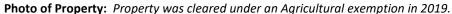
Permit Status: Active Permit Number: ER-9-20-15021

Issue Date: 9/2	29/2020	Expires: 03/	28/2021		Issue	ed By: Miki Mullis
Owner's Name:	Perry BetterTon				Phone	
Permit Type:	Electrical RES			Parcel #	!: 10 <sub>4</sub>	4 058
Work Classifica	tion: METERBASE			Zoning	: F	R-A
Job Address:	3962 Highway 53			Subdivision	<u> </u>	
	Dawsonville, GA 30			Lot		
Contractor(s) BETTERTON		Phone Prir	nary Contract Yes	<u>or</u>	Total Square Feet	. 0
Address:	HWY 53 E , DAWSO	NVILLE GA 30534-	100	1	Total Valuation	
					iotai vaiuation	:0
Additional Info: Re	osa meter base 1 on	er Company: Sawnee Ele	CITIC			
Directions: Resd meter base						
ELECTRICAL, PL	rmed to meet the standard UMBING, MECHANICAL,  AVIT: I certify that all the	is of all laws regulating co WINDOWS, DOORS, RO	nstruction in this OOFING and SW curate and that	all work will be done in cor	that separate permits a	are required for
Fees Due		Amount	Invoid	ce Number	Amt Due	Amt Paid
Electrical Fee Total:		\$40.00 \$40.00	ER-9-2 Total:	20-44517	\$40.00	
Building D	epartment File	е Сору	addition	E: In addition to the require all restrictions applicable to ecords of this county.	ements of this permit, tl o this property that may	here may be y be found in the
APPLICANT ZONING			GOVER	HERE MAY BE ADDITION INMENTAL ENTITIES SU CTS, STATE AGENCIES,	CH AS WATER MANA	GEMENT
			PERMIT	IS NOT VALID UNTIL SI	GNED BY APPLICAN	T AND COUNTY

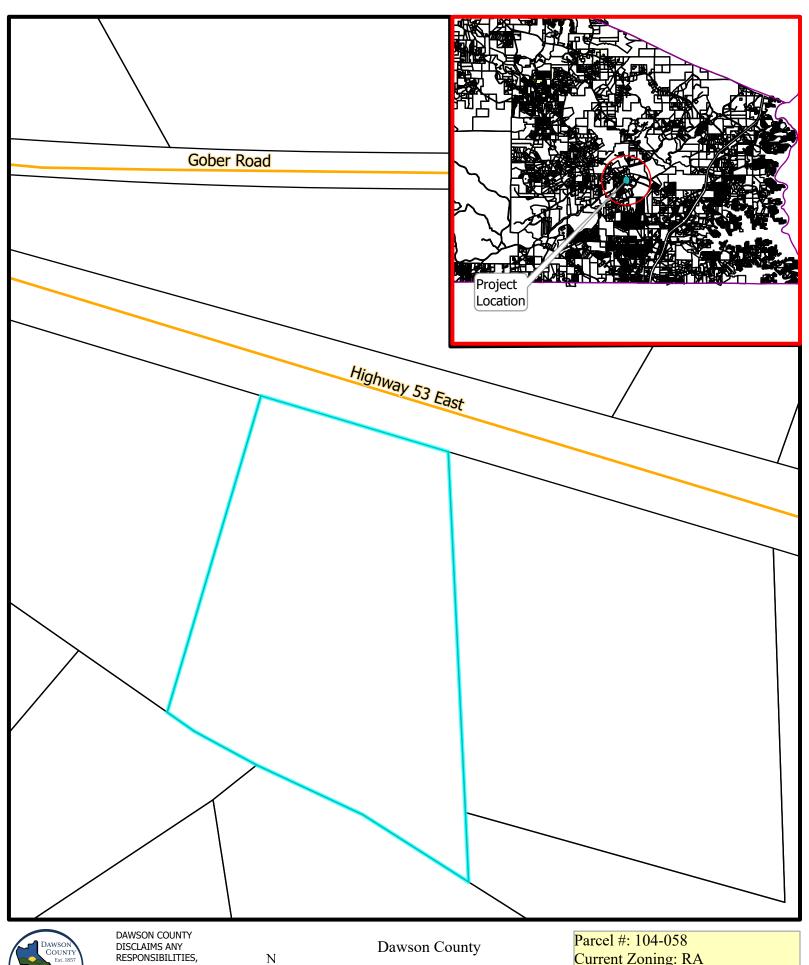
STAFF.

#### THE PLANNING COMMISSION SHALL MAKE ITS RECOMMENDATIONS BASED ON THE FOLLOWING CRITERIA:

- (1) The existing uses and classification of nearby property;
- (2) The extent to which property values are diminished by the particular land use classification;
- (3) The extent to which the destruction of property values of the applicant promotes the health, safety, morals, or general welfare of the public;
- (4) The relative gain to the public, as compared to the hardship imposed upon the individual property owner;
- (5) The suitability of the subject property for the proposed land use classification;
- (6) The length of time the property has been vacant under the present classification, considered in the context of land development in the area in the vicinity of the property; and
- (7) The specific, unusual, or unique facts of each case, which give rise to special hardships, incurred by the applicant and/or surrounding property owners.









DAWSON COUNTY
DISCLAIMS ANY
RESPONSIBILITIES,
LIABILITIES OR
DAMAGES FROM THE USE
OF THIS MAP. THIS MAP
IS ONLY FOR DISPLAY
PURPOSES.



Planning and Development

State Troport: Exhibit

Parcel #: 104-058 Current Zoning: RA FLU: CC Application #:ZA 22-25 &VR 22-27





DAWSON COUNTY DISCLAIMS ANY RESPONSIBILITIES, LIABILITIES OR DAMAGES FROM THE USE OF THIS MAP. THIS MAP IS ONLY FOR DISPLAY PURPOSES.



Dawson County

Planning and Development

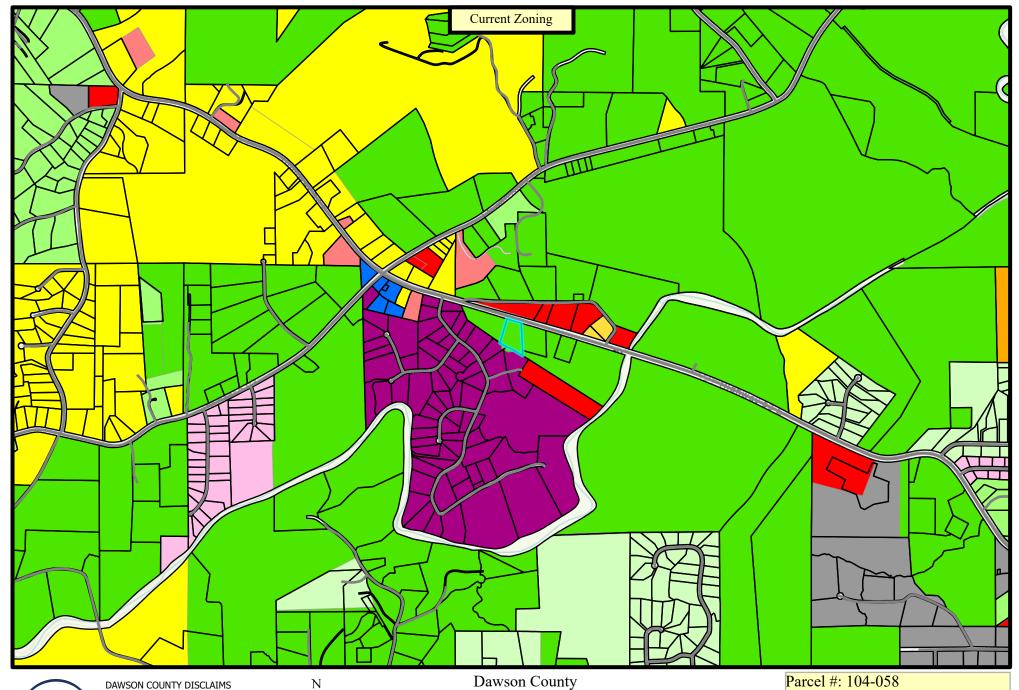
118

Surr Report

Parcel #: 104-058 Current Zoning: RA

FLU: CC

Application #:ZA 22-25 &VR 22-27





DAWSON COUNTY DISCLAIMS ANY RESPONSIBILITIES, LIABILITIES OR DAMAGES FROM THE USE OF THIS MAP. THIS MAP IS ONLY FOR DISPLAY PURPOSES.

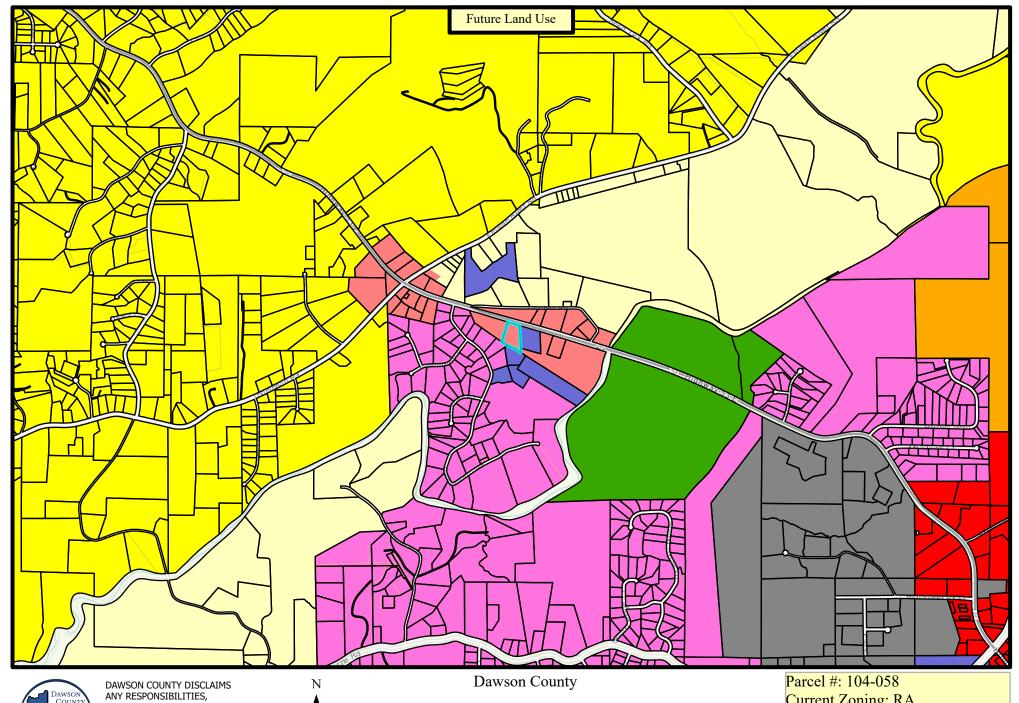
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Planning and Development

Parcel #: 104-058 Current Zoning: RA

FLU: CC

Application #:ZA 22-25 &VR 22-27





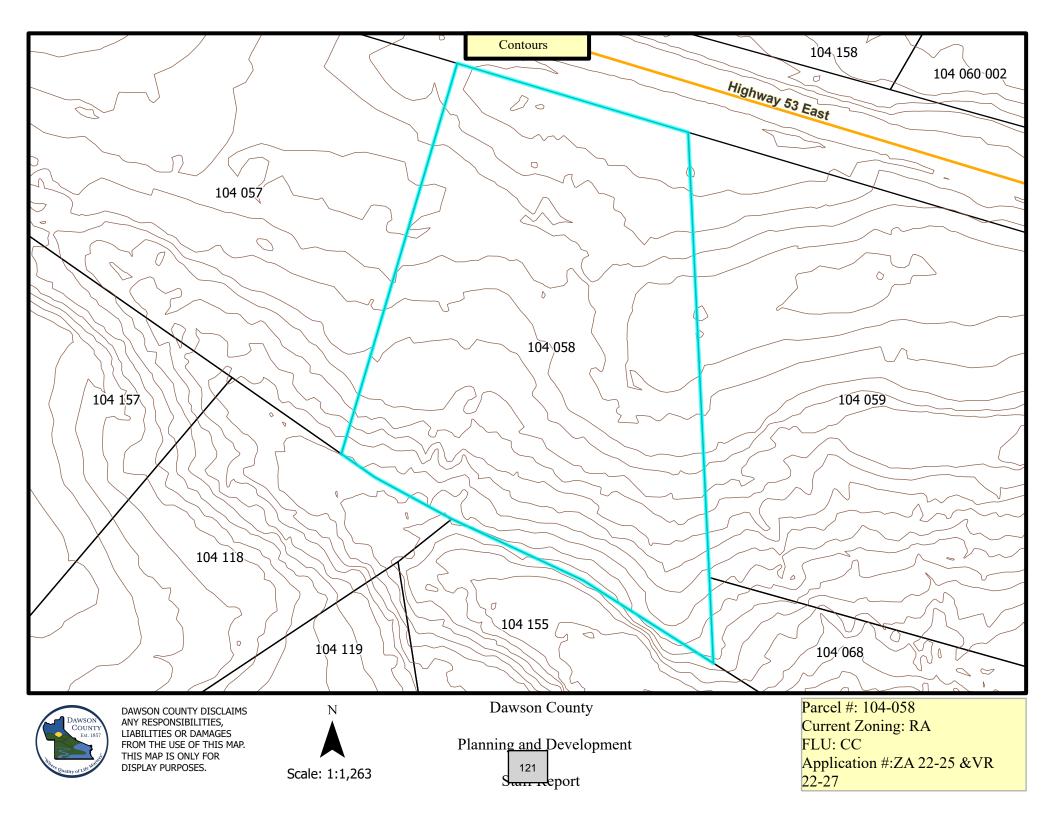
LIABILITIES OR DAMAGES FROM THE USE OF THIS MAP. THIS MAP IS ONLY FOR DISPLAY PURPOSES.

Scale: 1:24,764

Planning and Development

120 Sun Report Current Zoning: RA FLU: CC

Application #:ZA 22-25 &VR 22-27



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. Hornsey/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.

#### DAWSON COUNTY PLANNING COMMISSION MEETING HELD NOVEMBER 15, 2022 DAWSON COUNTY GOVERNMENT CENTER

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.

November 15, 2022 DAWSON COUNTY PLANNING COMMISSION MEETING DAWSON COUNTY GOVERNMENT CENTER

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.
- 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

#### DAWSON COUNTY PLANNING COMMISSION MEETING HELD NOVEMBER 15, 2022 DAWSON COUNTY GOVERNMENT CENTER

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.			
Jason Hamby, Vice Chairman		Date	
Attest: Harmony Gee		Date	



### DAWSON COUNTY BOARD OF COMMISSIONERS AGENDA FORM

Department: El	epartment: EMS/Public Works/Sheriff's Office Work Session: 12/01/202		n: <u>12/01/2022</u>			
Prepared By: Melissa Hawk Voting Session: 12/15/			n: <u>12/15/2022</u>			
Presenter: <u>Greg Rowan</u> Public Hearing: Yes <u>x</u> No			s <u>x</u> No			
Agenda Item Title: Set Budget for the RFP for Construction Services for the Radio System Upgrade			<u>Jpgrade</u>			
was discusse the cost of co contract to F	ebruary 2021 W ed. The BOC di ontracting with a	rected the ther a systems expe	n Public Works ert consultant. (	Director/SPLO On September	te to the current r ST Coordinator to 2, 2021, the BOC the draft plans fr	o determine c awarded a
Current Informa	ation:					
_	neering has co System Upgrad	•	al specification	s for the RFP f	or the Constructi	on Services
Budget Informa	ation: Applicab		cable:	Budgeted: Yes	<u>x</u> No	
Fund	Dept.	Acct No.	Budget	Balance	Requested	Remaining
325					\$3,000,000.00	
	ion/Motion: <u>Stat</u> de Project, utiliz			ard set a budge	t of \$3,000,000.00	0 for the Radio
Department He	ead Authorization	n: <u>Greg Rowa</u> ı	<u>n</u>		Date: <u>11/2</u>	21/2022
Finance Dept.	Finance Dept. Authorization: Vickie Neikirk Date: 11/22/22		22/22			
County Manager Authorization: VLN Date: 11/22/22		22/22				
County Attorney Authorization: Date:						
Comments/Atta	achments:					



### DAWSON COUNTY BOARD OF COMMISSIONERS AGENDA FORM

Department: Pl	artment: PUBLIC DEFENDER Work Session: 12/01/2022			/01/2022		
Prepared By: ISABEL CHAVEZ			Vo	oting Session: 1	2/15/2022	
Presenter: BRAD MORRIS/ SARAH WILLIS		Pub	olic Hearing: Ye	es <u>X</u> No		
Agenda Item T	itle: <u>REQUEST</u>	FOR APPROV	'AL OF FY 2023	STATE PUBLI	C DEFENDER	CONTRACT
Background Inf	formation:					
started opera	ating in Januar state employee	ry 2005) for the s via a contract	DC since the Pu e GPDC to em . The contract co to the state cor	ploy one attorr	ney and one ac mployees' salar	dministrative ies and cost
Current Informa	ation:					
contract rene ("GPDC") for	ws the agreem the new fiscal a	nent between C and calendar ye		and the Georg	ia Public Defer	nder Council
_			Applicable:		·	No
Fund	Dept. 2800	Acct No. 571001-000	\$194,662.00	\$194,662.00	\$194,662.00	Remaining 0
Recommendati	on/Motion: <u>Mo</u>	ve to approve th	ne 2023 Contrac	ct with the GPD	<u>C.</u>	
Department He	ad Authorization	on:			Date:	
Finance Dept.	inance Dept. Authorization: Vickie Neikirk Date: 11/21/22		21/22			
County Manage	County Manager Authorization: VLN Date: 11/21/22		21/22			
County Attorne	County Attorney Authorization: Date:					
Comments/Atta	achments:					
	E NORTHEASTE		AGREEMENT BE IRCUIT AND THE			

# INDIGENT DEFENSE SERVICES AGREEMENT BETWEEN THE CIRCUIT PUBLIC DEFENDER OFFICE OF THE NORTHEASTERN JUDICIAL CIRCUIT AND THE GOVERNING AUTHORITY OF DAWSON COUNTY

**THIS AGREEMENT** is entered into this \_\_\_\_\_ day of \_\_\_\_\_, 2022, between the Circuit Public Defender Office of the Northeastern Judicial Circuit (herein referred to as "the Public Defender Office") and the governing authority of Dawson County, a body politic and a subdivision of the State of Georgia (herein referred to as "the County") and is effective January 1, 2023.

#### WITNESSETH:

**WHEREAS,** the Public Defender Office and the County enter into this agreement to implement the provisions of the Georgia Indigent Defense Act of 2003, as amended, including the provisions quoted below; and

WHEREAS, O.C.G.A. § 17-12-23 (d) provides as follows:

A city or county may contract with the circuit public defender office for the provision of criminal defense for indigent persons accused of violating city or county ordinances or state laws. If a city or county does not contract with the circuit public defender office, the city or county shall be subject to all applicable standards adopted by the council for representation of indigent persons in this state; and

**WHEREAS,** O.C.G.A. § 17-12-25 (b) provides as follows:

The county or counties comprising the judicial circuit may supplement the salary of the circuit public defender in an amount as is or may be authorized by local Act or in an amount as may be determined by the governing authority of the county or counties, whichever is greater; and

WHEREAS, O.C.G.A. § 17-12-26 (c) (4) provides as follows:

Neither the circuit public defender nor any personnel compensated by the state pursuant to the provisions of this article shall be reimbursed from state funds for any expenses for which the person has been reimbursed from funds other than state funds; provided, however, that the governing authority of the county or counties comprising the judicial circuit are authorized to provide travel advances or to reimburse expenses which may be incurred by the person in the performance of his or her official duties to the extent the expenses are not reimbursed by the state as provided in this Code section; and

#### **WHEREAS,** O.C.G.A. § 17-12-30 (c) (6) provides as follows:

The governing authority of the county or counties comprising a judicial circuit may supplement the salary or fringe benefits of any state paid position appointed pursuant to this article; and

#### **WHEREAS,** O.C.G.A. § 17-12-31 provides in subsections (a) and (b) the following:

- (a) The circuit public defender in each judicial circuit may employ additional assistant circuit public defenders, deputy circuit public defenders, or other attorneys, investigators, paraprofessionals, clerical assistants, and other employees or independent contractors as may be provided for by local law or as may be authorized by the governing authority of the county or counties comprising the judicial circuit. The circuit public defender shall define the duties and fix the title of any attorney or other employee of the office of the circuit public defender.
- (b) Personnel employed by the circuit public defender pursuant to this Code section shall serve at the pleasure of the circuit public defender and shall be compensated by the county or counties comprising the judicial circuit, the manner and amount of compensation to be paid to be fixed either by local Act or by the circuit public defender with the approval of the county or counties comprising the judicial circuit.

#### **WHEREAS,** O.C.G.A. § 17-12-34 provides as follows:

The governing authority of the county shall provide, in conjunction and cooperation with the other counties in the judicial circuit and in a pro rata share according to the population of each county, appropriate offices, utilities, telephone expenses, materials, and supplies as may be necessary to equip, maintain, and furnish the office or offices of the circuit public defender in an orderly and efficient manner. The provisions of an office, utilities, telephone expenses, materials, and supplies shall be subject to the budget procedures required by Article 1 of Chapter 81 of Title 36; and

#### WHEREAS, O.C.G.A. § 17-12-35 provides as follows:

A circuit public defender office may contract with and may accept funds and grants from any public or private source; and

**WHEREAS,** the County is a body politic, existing and operating under the laws and Constitution of the State of Georgia with full power to enter into contracts and agreements with other political entities; and

**WHEREAS,** the Public Defender Office is existing under the laws of the State of Georgia and operating under the laws and Constitution of the State of Georgia with full power to enter into contracts and agreements with other entities; and

WHEREAS, it is the intent of the parties to this agreement to provide for the operation of an indigent defense system to assure that adequate and effective legal representation is provided,

independent of political considerations or private interests, to indigent defendants in criminal cases consistent with the standards adopted by the Georgia Public Defender Council. This system and this agreement include the following:

- (1) The provision by the Public Defender Office of the statutorily required services to the County;
- (2) The payment and provision for additional personnel by the County;
- (3) The provision by the County of its pro rata share of the costs of appropriate offices, utilities, telephone expenses, materials, and supplies as may be necessary to equip, maintain, and furnish the office or offices of the circuit public defender in an orderly and efficient manner;
- (4) Travel advances and reimbursement of expenses;
- (5) Salary supplements; and
- (6) The provision for other matters necessary to carry out this agreement.

NOW THEREFORE, in consideration of the mutual covenants and promises contained in the agreement and for Ten Dollars (\$10) and other good and valuable consideration, IT IS AGREED AS FOLLOWS:

#### **ARTICLE 1**

#### STATUTORY PERSONNEL

**Section 1.01 Statutory Staffing.** The Public Defender Office agrees to provide for the Northeastern Judicial Circuit full-time staff for a circuit public defender office or offices consisting of a circuit public defender; an assistant public defender for each superior court judge authorized for the circuit, excluding the chief judge and senior judges; an investigator; and 2 additional persons to perform administrative, clerical or paraprofessional services.

**Section 1.02 Statutory Services.** The Public Defender Office agrees to provide representation to indigent defendants in the following cases:

- (1) Cases prosecuted in the Superior Court of Dawson County under the laws of the State of Georgia in which there is a possibility that a sentence of imprisonment or probation or suspension of sentence of imprisonment may be adjudged;
- (2) Hearings in the Superior Court of Dawson County on a revocation of probation;
- (3) Cases prosecuted in the Juvenile Court of Dawson County in which a child may face a disposition in a delinquency case of confinement, commitment or probation; and
- (4) Direct appeals from a decision in cases described in (1), (2), and (3) above.

**Section 1.03 Conflicts.** The Public Defender Office agrees to provide for legal representation by an attorney who is not an employee of the Public Defender Office in cases described in Section 1.02 in which the Public Defender Office has a conflict of interest.

#### ARTICLE 2

#### ADDITIONAL PERSONNEL AND SERVICES

Section 2.01 Additional personnel and services. The Public Defender Office agrees to provide and the County agrees to pay for the services and personnel described in Attachment A. The parties agree to the terms of Attachment A. Attachment A is incorporated into this agreement by reference. The amount to be paid in Attachment A includes a nonrefundable 5% administrative services fee. Any additional personnel employed by the Public Defender Office pursuant to this section are full-time state paid employees of the Public Defender Office in the unclassified service of the State Merit System of Personnel Administration with all the benefits provided by law to employees in the unclassified service. The additional personnel serve at the pleasure of the Northeastern Judicial Circuit Public Defender. The parties agree that the employment of additional personnel employed by the Public Defender Office pursuant to this section may be terminated by the Public Defender Office if the County does not pay for the cost of these personnel in advance in accordance with this agreement.

Section 2.02 Provision of additional county employees. The County agrees to pay for 50% of the personnel cost for two of the Hall County employees listed in Attachment B. The County agrees to the payment terms as enumerated in a separate intergovernmental agreement between Hall County and Dawson County. These employees are to remain employees of the Hall County. The County is the employer for these employees for all purposes, including, without limitation, compensation and employee benefits, but the employees are under the supervision of the circuit public defender. The circuit public defender shall define the duties and fix the title of these employees and the employees serve at the pleasure of the circuit public defender subject to any applicable County personnel policies. In the event that an employee listed in Attachment B leaves the employment of the County for any reason, whether voluntarily or involuntarily, the Public Defender Office is authorized to employ a person to replace the departed employee under the same terms and conditions as the departed employee (including salary) was employed, subject to the approval of the County, which approval shall not be unreasonably withheld. Attachment B is incorporated into this agreement by reference.

#### **ARTICLE 3**

PROVISION BY THE COUNTY OF ITS PRO RATA SHARE OF THE COSTS OF APPROPRIATE OFFICES, UTILITIES, TELEPHONE EXPENSES, MATERIALS, AND SUPPLIES AS MAY BE NECESSARY TO EQUIP, MAINTAIN, AND FURNISH THE OFFICE OR OFFICES OF THE CIRCUIT PUBLIC DEFENDER.

Section 3.01 Office expenses. The County agrees to pay its pro rata share of the operating expenditures for appropriate offices, utilities, telephone expenses, materials, and supplies to equip,

maintain, and furnish the office or offices of the Public Defender Office. Pro rata shall be the percentage obtained by using the population of the County by the U.S. decennial census of 2020 count as the numerator and the total population of the counties in the Northeastern Judicial Circuit from the same census population as the denominator.

#### **ARTICLE 4**

#### TRAVEL AND REIMBURSEMENT OF EXPENSES

**Section 4.01 Travel and expense reimbursement.** The County agrees to provide travel advances and to reimburse expenses which may be incurred in the performance of the employee's official duties under this agreement by an employee of the Public Defender Office to the extent the expenses are not reimbursed by the state and to the extent the expenses are authorized by the circuit public defender and the County. The County shall provide the Public Defender Office with the information concerning the travel advances and expense reimbursements required by the State Auditor.

#### **ARTICLE 5**

#### SALARY SUPPLEMENTS

Section 5.01 Salary supplements. The County agrees to supplement the salaries of the state employees of the Public Defender Office listed in Attachment C in the amount indicated in Attachment C. The salary supplement for these state employees is paid directly to the employee by the County and all payroll taxes and benefits associated with the salary supplement are paid by the County. The parties to this agreement agree that a state employee who receives a salary supplement pursuant to this Section is a state employee and is under the supervision of the circuit public defender and not of the county and that a state employee who receives a salary supplement pursuant to this Section is not a county employee. The County shall provide the Public Defender Office with the information concerning the salary supplement required by the State Auditor.

#### **ARTICLE 6**

#### **MISCELLANEOUS**

**Section 6.01 Term.** The term of this agreement is 1 year beginning January 1, 2023 and ending December 31, 2023.

**Section 6.02 Maintenance of effort.** The County agrees that it will continue to fund indigent defense for the term of this agreement, at a minimum, at the level of its most recent budgeted level of funding (calendar year 2020) for indigent defense and as part of this support the county agrees to provide the space, equipment and operating expenses necessary to effectively operate the circuit public defender office.

Section 6.03 Severability. Any section, subsection, paragraph, term, condition, provision or other part (hereinafter collectively referred to as "part") of this agreement that is judged, held, found, or declared to be voidable, void, invalid, illegal or otherwise not fully enforceable shall not affect any other part of this agreement, and the remainder of this agreement shall continue to be of full force and effect. Any agreement of the parties to amend, modify, eliminate, or otherwise change any part of this agreement shall not affect any other part of this agreement, and the remainder of this agreement shall continue to be of full force and effect.

Section 6.04 Cooperation, dispute resolution and jurisdiction. (a) The Public Defender Office and the County acknowledge that this agreement may need to be revised periodically to address new or unforeseen matters.

- **(b)** Each party to this agreement agrees to cooperate with the other party to effectuate and carry out the intent of this agreement.
- **(c)** This agreement, and the rights and obligations of the parties, are governed by, and subject to and interpreted in accordance with the laws of the State of Georgia. The parties acknowledge and agree that by law, the exclusive jurisdiction for contract actions against the state, departments and agencies of the state, and state authorities is the Superior Court of Fulton County, Georgia. The Parties further acknowledge that the Fulton Superior Court has a Court sponsored Arbitration and Mediation Program in which the Parties agree to fully participate.

**Section 6.05 Notice.** A notice to a party to this agreement shall be made in writing and shall be delivered by first class mail or personally to the person and at the address indicated below:

Circuit Public Defender Office of Northeastern Judicial Circuit:

H. Bradford Morris, Jr. Circuit Public Defender P.O. Box 390 Gainesville, GA 30503

Governing Authority of Dawson County:

Billy Thurmond, Chairman Dawson County Board of Commissioners 25 Justice Way, 2<sup>nd</sup> Floor Dawsonville, GA 30534

Georgia Public Defender Council Omotayo Alli, Director 270 Washington Street SW, Suite 6079 Atlanta, GA 30334 **Section 6.06 Agreement modification.** This agreement, including all attachments hereto, constitutes the entire agreement between the parties with respect to the subject matter of this agreement and may be altered or amended only by a subsequent written agreement of equal dignity; provided, however, that the parties' representatives identified in Section 6.05 may agree in writing by an exchange of letters or emails prior to the budget revision becoming effective to budget revisions which do not increase or decrease the total dollar value of the agreement. This agreement supersedes all prior agreements, negotiations and communications of whatever type, whether written or oral, between the parties hereto with respect to the subject matter of this agreement.

Section 6.07 Termination. (a) Due to non-availability of funds. In the event that either of the sources of reimbursement for services under this agreement (appropriations from the General Assembly of the State of Georgia, or appropriations from the governing authority of the County) is reduced during the term of this agreement, the Public Defender Office may make financial and other adjustments to this agreement and notify the County accordingly. An adjustment may be an agreement amendment or may be the termination of the agreement. The certification by the director of the Georgia Public Defender Council of the occurrence of reduction in State funds is conclusive. The certification of the occurrence of the reduction in county funds by the person named in Section 6.05 by the County to receive notices is conclusive. The County shall promptly notify the Public Defender Office in writing on the non-existence or insufficiency of funds and the date of termination. The Public Defender Office shall then immediately cease providing the services required hereunder except for any necessary winding down and transition services required under Section 6.08. In lieu of terminating this agreement, the County and the Public Defender Office may make financial and other adjustments to this agreement by amending it pursuant to Section 6.06.

- (b) For cause. This agreement may be terminated for cause, in whole or in part, at any time by either party for failure by the other party to substantially perform any of its duties under this agreement. "Cause" means a breach or default of any material obligation hereunder which default is incapable of cure, or which, being capable of cure, has not been cured within 30 days after receipt of notice of such default (or such additional cure period as the non-defaulting party may authorize). Should a party exercise its right to terminate this agreement under this subsection, the termination shall be accomplished in writing and specify the reason and the termination date. In the event of termination under this subsection the Public Defender Office shall submit a final agreement expenditure report containing all charges incurred through and including the termination date to the County no later than 30 days after the effective date of written notice of termination and the County shall pay the amount due within 15 days of the receipt of the final agreement expenditure report. Upon termination of this agreement, the Public Defender Office shall not incur any new obligations after the effective date of the termination, except as required under Section 6.08. The above remedies contained in this subsection are in addition to any other remedies provided by law or the terms of this agreement.
- **(c) For Convenience.** This agreement may be cancelled or terminated by either of the parties without cause; however, the party seeking to terminate or cancel this agreement shall give written notice of its intention to do so to the other party at least 60 days prior to the effective date of cancellation or termination.

**(d) Post-termination obligations**. After termination of this agreement pursuant to this Section, the Public Defender Office and the County agree to comply with the provisions of Section 6.08 (a).

Section 6.08 Cooperation in transition of services. (a) During or at the end of the agreement. The Public Defender Office agrees upon termination or expiration of this agreement, in whole or in part, for any reason to cooperate as requested by the County to effectuate the smooth and reasonable transition of services for existing clients. This includes but is not limited to the continuation of representation by Public Defender Office where appropriate or required by law, court rule or the State Bar of Georgia ethical standards or the facilitation of the timely transfer to the County of the client records. The County shall compensate the Public Defender for all post-termination or post-expiration services under this subsection. The Public Defender Office shall submit a monthly expenditure report containing all charges incurred during the preceding month on or before the 5<sup>th</sup> day of each month. The County shall pay the amount due within 15 days of the receipt of the monthly expenditure report. This subsection survives the termination or expiration of the agreement.

**(b) Statutory responsibility continuation.** The Public Defender Office and the County acknowledge that both have responsibilities for indigent defense costs under the Georgia Indigent Defense Act of 2003, as amended and that the termination or expiration of this agreement does not relieve either party of their responsibility under the law.

**Section 6.09 Advance of Funds.** The parties agree that advances of funds cannot remain outstanding following agreement termination or expiration and will be reclaimed. The parties agree that upon termination of this agreement, for any reason, all unexpended and unobligated funds held by the parties revert to the party entitled to the funds. The parties agree to reconcile expenditures against advances of funds within 30 days of termination of this agreement.

**Section 6.10 Rollover of Funds**. The County acknowledges that state agencies have a fiscal year from July 1 to June 30. The County agrees to authorize the Georgia Public Defender Council to roll over remaining county funds from the end of one fiscal year to the start of the new fiscal year.

**Section 6.10 Time.** Time is of the essence.

**IN WITNESS WHEREOF**, the parties have each here unto affixed their signatures the day and year first written above.

ATTEST:

	Dawson County
	BY:
	Signature
	Title
ATTEST:	Circuit Public Defender
	BY:
	Signature
	Circuit Public
	Defender
ATTEST:	Consented to:
	Georgia Public Defender Council
	BY:
	Signature
	Director

#### Northeastern Judicial Circuit

#### **ATTACHMENT A – Personnel Expenditures**

#### **Dawson County**

January 1, 2023 – December 31, 2023

The County agrees to pay the Public Defender Office \$196,351.54 in 12 monthly
installments of \$16,362.63. Installments are due to the Georgia Public Defender Standards
Council (GPDSC) on the 15 <sup>th</sup> of the preceding month beginning on December 15, 2022.
Invoices will be sent to the following address:
Installments will be paid directly to GPDSC at the following address:
GPDSC
Attn: Jason Ring
270 Washington Street SW
Suite 6079
Atlanta, GA 30334

The Public Defender Office agrees to use these funds for the purpose of paying the salary and benefits for county funded public defenders and assistants.

NORTHEASTERN CIRCUIT PUBLIC DEFENDER OFFICE												
BUDGET: Calendar Year 2023												
Name	Title		Salary	FICA	R	etirement	H	<b>Iealth Insurance</b>	U	nemployment	Total	
	1 tue	,	Salary	7.65%		32.47%		29.454%		\$31 each	Total	
Luviano,Brenda	TS:Office Admin Generlist (WL)	\$	35,405.28	\$ 2,708.50	\$	11,496.09	\$	10,428.27	\$	31.00	\$ 60,069.15	
Willis,Sarah Elaine	PS: Legal Officer (SP)	\$	74,835.36	\$ 5,724.91	\$	24,299.04	\$	22,042.01	\$	31.00	\$ 126,932.31	
Total		\$	110,240.64	\$ 8,433.41	\$	35,795.14	\$	32,470.28	\$	62.00	\$ 187,001.46	

	Pro	posed Budget	Cu	rrent Budget	Difference		
Personnel	\$	187,001.46	\$	178,391.43	\$	(8,610.03)	
Adm Fee (5%)	\$	9,350.07	\$	8,919.57	\$	(430.50)	
Total	\$	196,351.54	\$	187,311.00	\$	(9,040.54)	



### DAWSON COUNTY BOARD OF COMMISSIONERS AGENDA FORM

Department: Pl	UBLIC DEFENI	<u>DER</u>		Wo	ork Session: <u>12</u>	/01/2022
Prepared By: <u>Is</u>	sabel Chavez			Vot	ting Session: 1	12/15/2022
Presenter: BRA	AD MORRIS/SA	RAH WILLIS		Pul	blic Hearing: Ye	es <u>X</u> No
	Γitle: <u>REQUES</u> WSON AND Η		VAL OF FY 20 S	023 INTERGOV	'ERNMENTAL	AGREEMENT
Background Inf	formation:					
operation on County emp	January 1, 200 loyees, and pu	05 to share the ursuant to the	ounty since the F cost of two em Intergovernment ost of employme	nployees equall ntal Agreement	y. The employe t ("IGA"), Daw	ees are Hall son County
Current Informa	ation:					
•	•		een requested ounty and Hall C			
Budget Informa	ation: Applicab	le: Not	Applicable:	Budgeted: \	Yes X No	
Fund	Dept.	Acct No.	Budget	Balance	Requested	Remaining
	2800	571000-000	101,921.00	101,921.00	101,921.00	0
			ne 2023 IGA witl			
Department He	ad Authorizatio	n:			Date:	
Finance Dept.	Authorization: <u>\</u>	<u>'ickie Neikirk</u>			Date: <u>11/2</u>	21/22
County Manage	er Authorization	ı: <u>VLN</u>			Date: <u>11/2</u>	21/22
County Attorne	y Authorization	:			Date:	
Comments/Atta	achments:					

#### Hall County, Georgia Summary of Estimated Personnel Costs - Public Defender's Office Dawson County IGA for 2023 - Quarterly Billing

<u>Employee</u>	<u>Position</u>	<u>Salaries</u>	Health Ins.	Life Ins. / Disability	Retirement	FICA	Workers' Comp	<u>Total</u>
Tony Cantrell	Chief Investigator	62,702.12	224.04	124.80	1,254.04	4,796.71	969.90	70,071.62
Christopher Van Rossem	Assistant Public Defender	97,854.12	19,368.12	264.96	7,828.33	7,485.84	969.90	133,771.27
		160,556.24	19,592.16	389.76	9,082.37	12,282.55	1,939.81	203,842.89

203,842.89 cf

50% of the Cost - Dawson 101,921.45

Quarterly Installments 25,480.36

#### Notes:

Verified totals to ADP for salary and current benefit elections.

#### INTERGOVERNMENTAL AGREEMENT PUBLIC DEFENDER SERVICES

This Intergovernmental Agreement is hereby made and entered into by and between the Board of Commissioners of Dawson County, the governing authority of Dawson County, and the Board of Commissioners of Hall County, the governing authority of Hall County, as follows:

WHEREAS, Hall County and Dawson County comprise the Northeastern Judicial Circuit; and

WHEREAS, Dawson County has agreed to pay 50% of the personnel costs for an Assistant Public Defender I and an Investigator listed within "Attachment A" of a certain agreement between Dawson County and the circuit public defender office of the Northeastern Judicial Circuit, which is attached hereto and incorporated herein by reference.

NOW, THEREFORE, the parties hereto hereby agree that Dawson County shall pay to Hall County the sum of \$101,921.45 in four (4) equal quarterly installments of \$25,480.36 beginning March 31, 2023 (for the 1<sup>st</sup> quarter of 2023) and continuing through the end of each quarter of 2023 until one-half of the personnel costs for an Assistant Public Defender I and an Investigator are paid.

Thisday of	
DAWSON COUNTY, GEORGIA	ATTEST:
BY: Billy Thurmond, Chairman Dawson County Board of Commissioners	Kristen Cloud, County Clerk
HALL COUNTY, GEORGIA	ATTEST:
BY: Richard Higgins, Chairman Hall County Board of Commissioners	Lisa Ritchie, County Clerk

## ATTACHMENT A TO INTERGOVERNMENTAL AGREEMENT BETWEEN HALL AND DAWSON COUNTIES

	Salaries	Health Ins.	Life Ins.	Retirement	FICA	Workers Comp.	TOTAL
Assist. Public Defender I	\$ 79,552.46	\$ 18,046.92	\$ 251.76	\$ 6,364.20	\$ 6,085.76	\$ 934.97	\$ 111,236.07
Investigator	\$ 57,977.14	\$ -	\$ 332.64	\$ 1,159.54	\$ 4,435.25	\$ 934.97	\$ 64,839.54
TOTAL							\$ 176,075.61
HALF COST FOR DAWSON							\$ 88,037.81

4 quarterly installments : \$ 22,009.45



### DAWSON COUNTY BOARD OF COMMISSIONERS AGENDA FORM

Department: _	Emergency Se			Work	Session: Decei	mber 1, 2022		
Prepared By:	Troy Leist			Voting	Session: Dece	mber 15, 2022		
Presenter:	Troy Leist			Public I	Hearing: Yes _	No <u>X</u>		
Agenda Item T	Title: Use of Rem	naining SPLOS <sup>-</sup>	Γ VI Funds					
Background In	formation:							
budget. Seve	projects that were eral of the items v hould take place Station 1 is in n	were directly rele in order to sta	ated to life-safe	ty needs. Repla ly and for the s	cement of outdated	ated/expired rsonnel and		
Current Inform	ation:							
\$172,650 be The items a	Currently, Emergency Services has approximately \$172,650 left in SPLOST VI. We are requesting that \$172,650 be approved for use on the six capital projects that were requested in the FY 2023 budget. The items are; lifting air bags, extrication equipment, station security upgrades, staff vehicle replacement, Lucas CPR device, and Fire Station 1 upgrades.							
Budget Inform	ation: Applicab	le: Not /	Applicable:	Budgeted: \	Yes No	o		
Fund	Dept.	Acct No.	Budget	Balance	Requested	Remaining		
Recommenda	tion/Motion:	_						
Department Ho	Department Head Authorization: Date:							
Finance Dept. Authorization: Vickie Neikirk Date: 11/21/22								
County Manager Authorization: VLN Date: 11/21/22								
County Attorney Authorization: Dat								
Comments/Att	achments:							



### DAWSON COUNTY BOARD OF COMMISSIONERS AGENDA FORM

Department: E	MS/Sheriff's Of		Work Session: <u>12/01/2022</u>					
Prepared By: N	<u>/lelissa Hawk</u>				Voting Sessio	n: <u>12/15/2022</u>		
Presenter: Mel	<u>issa Hawk</u>			P	ublic Hearing: Ye	es <u>x</u> No		
Agenda Item T	itle: <u>Award RFI</u>	P #408-22 A &	E Services for the	ne EOC/911 Bi	<u>uilding</u>			
Background In	formation:							
Countywide p with a combi \$5,500,000.00	roject, which is t ned \$8,500,000 ). This project a	the new Emerge .00 budget. The long with the ra	ncy Operations Co portions of the	enter/E911 buil SPLOST VII de	. This SPLOST hold ding and radio syst signated toward t nded in full prior	tem upgrade, the center is		
Current Informa	ation:							
-	The County received 4 proposals for the RFP, which opened on October 18, 2022. The highest overall score was received by Jericho Design Group, in the amount of \$271,000.00.							
Budget Informa	Budget Information: Applicable: x Not Applicable: Budgeted: Yes x No Fund Dept. Acct No. Budget Balance Requested Remaining							
325		541200			\$5,500,000.00			
				•	s received and a PLOST VII Fund			
Department He	ad Authorization	on: <u>Greg Rowa</u>	<u>n</u>		Date: <u>11/2</u>	22022		
Department He	Department Head Authorization: <u>Troy Leist</u> Date: <u>11/22/2022</u>							
Finance Dept.	Finance Dept. Authorization: Vickie Neikirk Date: 11/22/22							
County Manager Authorization:VLN Date: 11/22/22								
County Attorne	County Attorney Authorization: Date:							
Comments/Atta	achments:							
Presentation								



# RFP #408-22 A & E Services for the EOC/E911 Building

## Background

❖ The citizens of Dawson County voted to pass SPLOST VII on March 16, 2021.

- This SPLOST holds a Level 2- Countywide project which is the new Emergency Operations Center/E911 building and radio system upgrade, with a combined \$8,500,000.00 budget.
- ❖ The portions of the SPLOST VII designated towards the center is \$5,500,000.00, which have been collected.

❖ The Board of Commissioners approved the budget for the project and the release of an RFP for A & E services on July 7, 2022

## Procurement Approach and Procedure

#### **BID ACCORDING TO POLICY**

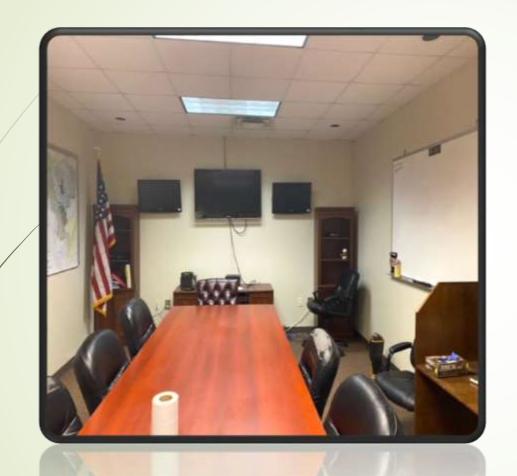
- ✓ Advertised in Legal Organ
- ✓ Posted on County Website
- ✓ Posted on Georgia Procurement Registry
- ✓ Emailed notification through vendor registry
- ✓ Notification through County's Facebook and Twitter accounts
- ✓ Notification through Chamber of Commerce
- ✓ 4 proposals received

#### **Evaluation Committee**

- ♦ Sheriff's Office
  - Major Greg Rowan
  - E911 Director Kristen Bean
- \* EMS
  - Chief Troy Leist
- **❖** Public Works
  - Special Projects Coordinator Chris Turner

❖ Facilitator – Melissa Hawk, Purchasing Manager

# **Current Emergency Operations Center**





# Current Emergency 911 Center





## Scope of Services

- Some of the scope of services include:
  - Ensure that all construction design and specifications meet the local, State and Federal laws, rules and regulations.

There are 3 design phases:

- During the Preliminary Design Phase, the Contractor shall present acceptable conceptual drawing of the facility and site. The Preliminary Architectural Report will be completed during this phase.
- During the Schematic Design Phase, the Contractor shall update the preliminary design with detailed engineering and site drawings, specifications, interior designs and prepare the construction budget.
- During the Final Design Phase, the Contractor shall prepare the final design and engineering documents. The completion of this phase shall be June 30, 2023.
  - During this phase, the Contractor shall prepare working drawings and specifications to be used by the Purchasing Department to solicit bids for the construction of the project.
    - o The documents shall include all civil and site, landscape architecture, architectural, structural, plumbing, mechanical and electrical engineering required for the facility.
- During the Construction Administration Phase, the Contractor will manage the construction and certify the construction payments.

## Offers Received

Description	Hill Foley & Rossi	IPG, Inc.	Jericho Design Group	PGAL
Preliminary Design Phase	\$40,000.00	\$55,220.00	\$30,000.00	\$107,665.00
Detailed Schematic Design Phase	\$85,000.00	\$95,850.00	\$70,000.00	\$134,580.00
Final Design Phase	\$195,000.00	\$151,250.00	\$101,000.00	\$188,400.00
Construction Services Phase	\$85,000.00	\$76,680.00	\$70,000.00	\$107,665.00
CDBG Compliance	\$0.00	\$0.00	\$0.00	\$0.00
GRAND TOTAL	\$405,000.00	\$379,000.00	\$271,000.00	\$538,310.00

# **Summary of Scores**

	COMPANY	COMPANY BACKGROUND AND STRUCTURE	EXPERIENCE & QUALIFICATIONS OF DEDICATED STAFF	PROJECT UNDERSTANDING/ APPROACH TO SCOPE OF WORK	MANAGEMENT PLAN	REFERENCES	TECHNICAL SCORE	Cost/ FINANCIAL	Total SCORE
	Hill Foley & Rossi	65	86	82	59	40	66	10	76
	AUSSI								
]	PG, Inc.	65	90	88	65	42	70	12	82
	Jericho Design Group	63	86	90	65	41	69	20	89
	PGAL	68	86	82	60	39	67	0	67



#### Staff Recommendation

Staff respectfully requests the Board to accept offers received and award a contract to, for the Architectural and Engineering Services for the E911/EOC building, in the amount of \$271,000.00, using SPLOST VII Funds.

Thank you for your time.



Billy Thurmond Chairman

Sharon Fausett Commissioner District 1

Chris Gaines Commissioner District 2

Tim Satterfield Commissioner District 3

Emory Dooley Commissioner District 4

Vickie Neikirk Interim County Manager

Kristen Cloud County Clerk

Dawson County Government Center 25 Justice Way Suite 2313 Dawsonville, GA 30534 Phone 706-344-3501 Fax 706-344-3504

#### DAWSON COUNTY BOARD OF COMMISSIONERS

December 15, 2022

State of Georgia
Department of Revenue
Local Government Services Division

To Whom It May Concern:

This is to certify that Jo Ann Overstreet Hause resides in Dawson County, is at least 21 years of age and holds a high school diploma or equivalent.

Thank you,

Billy Thurmond, Chairman Dawson County Board of Commissioners

#### RESOLUTION FOR THE APPOINTMENT TO THE \_\_\_\_COUNTY BOARD OF TAX ASSESSORS

WHEREAS, there is a vacancy on the Board of Assessors; and						
WHEREAS, the law requires the County Commission must appoint a successor when a vacancy occurs; and						
WHEREAS, the person appointed will serve a term of years;						
NOW THEREFORE BE IT RESOLVED, the County Board of Commiss appoints to the County Board of Tax with this term of office to begin on and expire on						
ADOPTED this day of						
COUNTY BOARD OF COMMISSIONERS						
Chairman						
ATTEST:						
County Clerk						