

February 7, 2023

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**STATE OF GEORGIA
COUNTY OF HENRY**

The Henry County Board of Commissioners held a Special Called Meeting *in-person* on Tuesday, February 7, 2023, 5:30 p.m., at the Henry County Administration Building (Community Room), 140 Henry Parkway, McDonough GA. HenryTV also streamed this live online at its website, as well as Charter/Spectrum Channel 180 and Facebook Live.

Carlotta Harrell, Chair
Johnny Wilson, District 1 Commissioner
Dee Anglyn, III, District 3 Commissioner
Vivian Thomas, District 4 Commissioner
Kevin J. Lewis, Vice Chair/District 5 Commissioner

Also in attendance: Cheri Hobson-Matthews, County Manager; Nancy Rowan, County Attorney; Stephanie Braun, Clerk, Henry County

NOT PRESENT: Dee Clemmons, District 2 Commissioner

INVOCATION

The Invocation was given.

PLEDGE OF ALLEGIANCE

The Pledge was recited.

CALL TO ORDER

Announcement

Carlotta Harrell, Chair, called the Regular Meeting of the Henry County Board of Commissioners for Tuesday, February 7, 2023 at 5:30 p.m. to order.

The following Planning and Zoning items were advertised and posted for the February 7, 2023, Board of Commissioners meeting, but have been postponed by the applicant:

COMP-AM-22-08 (POSTPONED) DRB Group, LLC of Fayetteville, GA requests an amendment to 3 Individuals with disabilities who require certain accommodations in order to allow them to observe and/or participate in this meeting, or who have questions regarding the accessibility of the meeting or the facilities are required to contact the Risk Manager at 770-288-6418 promptly to allow the County to make reasonable accommodations for those persons. the Comprehensive Plan for property located at the southwest corner of the intersection of Highway 81 East and Keys Ferry Road in Land Lots 145, 176, and 177 of the 8th District. The property consists of 244.44+/- acres, and the request is to amend the Future Land Use Map designation from Rural Residential to Low Density Residential. District 1

RZ-22-14 (POSTPONED) DRB Group, LLC of Fayetteville, GA requests a rezoning from RA (Residential-Agricultural) to R-1 (Single-Family Residence) for property located at the southwest corner of the intersection of Highway 81 East and Keys Ferry Road in Land Lots 145, 176, and 177 of the 8th

District. The property consists of 244.44+/- acres, and the request is for a single-family residential subdivision. District 1

COMP-AM-22-09 (POSTPONED) DRB Group, LLC of Fayetteville, GA requests an amendment to the Comprehensive Plan for property located near the southeast corner of the intersection of Kelleytown Road and Airline Road in Land Lot 44 of the 11th District. The property consists of 51.26 +/- acres, and the request is to amend the Future Land Use Map designation from Rural Residential to Low Density Residential. District 3

RZ-22-15 (POSTPONED) DRB Group, LLC of Fayetteville, GA requests a rezoning from RA (Residential-Agricultural) to R-2 (Single-Family Residence) for property located near the southeast corner of the intersection of Kelleytown Road and Airline Road in Land Lot 44 of the 11th District. The property consists of 51.26+/- acres, and the request is for a single-family residential subdivision. District 3

MC-MDP-22-06 (POSTPONED) Wonderland at Frog, LLC of Griffin, GA requests a modification to a Master Development Plan and modification to conditions to modify the configuration and conditions pertaining to the commercial pod of a Planned Development for property located at the southeast corner of the intersection of Highway 155 and Frog Road in Land Lot 174 of the 2nd District. The property consists of 11.5+/- acres, and the request is to modify the configuration and conditions pertaining to the existing commercial pod of a Planned Development for future commercial development. District 1

RZ-21-39 (POSTPONED) DRB Group of Fayetteville, GA requests a rezoning from RA (Residential-Agricultural) to R-2 (Single-Family Residence) (Sewer) for property located at 245 & 375 Locust Road in Land Lots 132, 133, and 156 of the 2nd District. The property consists of 215.25+/- acres, and the request is for a single-family residential subdivision. District 1

PLANNING & ZONING

RZ-22-01 (Public Hearing)

Mandalay Properties, Inc. of McDonough, GA requests a rezoning from RA (Residential-Agricultural) to R-2 (Single-Family Residence) for property located to the south of Patillo Road and to the east of Thurman Road in Land Lots 157 and 158 of the 12th District. The property consists of 23.613+/- acres, and the request is for a single-family residential subdivision. District 2 (Presenter: Kenta Lanham, Planner II)(Exhibit 2)

Kenta Lanham, Planner II, presented the Resolution for the Board and provided an overview along with associated diagrams and renderings for clarification. The proposed Net Density falls in compliance with the 2.0 dwelling units per acre of the Future Land Use Map (FLUM). Staff recommends approval with seventeen (17) conditions. Mr. Lanham pointed out that there is a change to Condition #11, as follows:

11. All homes shall consist of four (4) sides brick or stone, with 20% accent material which may include cement fiberboard. Vinyl shall only be used in soffits or eaves. All gabled and hip roofs shall have eaves at least one (1') foot in depth.

Chair Harrell opened the floor for Public Hearing. Persons wishing to speak in favor of the request, including the applicant, will have a collective total of ten (10) minutes to address the Board. Anyone wishing to speak in favor of this request is to come forward and state their name.

Royce Grant, McDonough, GA, approached representing Mandalay Properties in this request. He asked for a minute to view the Conditions to ensure that applicant agrees to the same conditions presented.

Chair Harrell then called for persons wishing to speak in opposition of the request, to be given a collective total of ten (10) minutes to address the Board. Anyone wishing to speak in opposition of this request is to come forward and state their name. *No one came forward and the Chair closed the Public Hearing.*

Commissioner Thomas asked why each residence will be on septic; **Mr. Lanham** responded that sewer is not available in that area. The Commissioner asked if there were nearby connections. Mr. Lanham explained that water service is available but public sewer is not. The Commissioner repeated her question on whether or not there was connectivity nearby. **Chair Harrell** responded that she is familiar with the area and that public sewer connection is not available and all of the homes in the area are on septic. Mr. Lanham stated that the Water Authority would require sewer connectivity if it were available within two thousand (2000') feet of the residence. The Commissioner asked if there were updated Code to enforce; Mr. Lanham stated that would go through the Department of Environmental Health. The Commissioner expressed concern about these as septic tanks are known to fail. **Mr. Grant** added that the Department of Environmental Health has requirements for septic placement and a secondary source in case primary sewer would fail.

Chair Harrell asked for the price point of the homes; **Mr. Grant** responded around \$550,000.

Commissioner Anglyn referenced the buffer along Pattillo Road and asked if there are any other buffers around the edges of the property; **Mr. Lanham** responded that there are none. Typical subdivision requirements do not require buffers around the back of the development.

Commissioner Thomas asked if the renderings are accurate; **Mr. Grant** explained that the renderings are not specific to those three (3) but will be adjusted to comply with the conditions. **Mr. Lanham** added that because of Condition #11's specifications and the addition would leave the residences approved by Planning & Zoning staff before the final plat is accepted.

There being no questions or comments from the Board, **Commissioner Anglyn** moved to approve; **Commissioner Wilson** seconded the motion. Motion carried (5-0-0).

Resolution #23-77

RZ-22-12 (Public Hearing)

Eagles Landing Equity Holdings, LLC of Chamblee, GA requests a rezoning from RA (Residential-Agricultural) to C-1 (Neighborhood Commercial) for property located at 235 Springdale Road in Land Lot 3 of the 11th District. The property consists of 7.733+/- acres, and the request is for a commercial development. District 4 (Presenter: Kamau As-Salaam, Interim Assistant Director)(Exhibit 3)

Kamau As-Salaam, Planner III, approached to give details on this Resolution for the Board, providing diagrams for clarification. Commercial development will include a gas station/convenience store, retail space and quick service (fast food) restaurants. The FLUM supports the Mixed Use (MU) designation and is supported by the Supplemental Standards on the Unified Land Development Code (ULDC). The property is within the boundaries of the Highway Corridor Overlay District and will be required to comply with its standards. The building renderings also comply with the standards of the

Overlay District. Staff recommends approval with four (4) conditions as presented, emphasizing that Condition #1 will have to be met before any permits are issued.

Chair Harrell asked what would happen if this is denied; **Mr. As-Salaam** responded that the applicant might do a different plan and discuss same with the BOC if the Board wishes.

Commissioner Thomas stated she has not had conversation with this on determining the growth of this area. She does not support a gas station as there are too many in that area. She noted that there are other developments coming in, with townhomes in the \$400,000 and above price range. She is concerned about the cluttering of the area that will not compliment the growth they seek.

Chair Harrell opened the floor for Public Hearing. Persons wishing to speak in favor of the request, including the applicant, will have a collective total of ten (10) minutes to address the Board. Anyone wishing to speak in favor of this request is to come forward and state their name.

Roger Grant, Columbia Engineering, approached representing the owner/applicant of the property. He related to the Board that all requirements are met and that the proposed development would be attractive to the surrounding area but is willing to discuss further with the Board.

Michael Miller, property owner, stated he had looked at townhomes but there is a stream on the property that would prohibit the development of same. He stated that the other gas stations developed by the architect are very attractive and compliant; traffic impact studies would be performed as well.

Tom Tedrow, design architect, approached and stated that this building will be very high end with compliance to the materials stated in the conditions. An interior designer will work and make the inside state-of-the-art with upgrades that will add much to the area.

Tushar Patel also commented that there will be high-end concept as well as upscale quick service restaurants identified, such as Papa John's, Moe's Southwest Grill, Schlotzky's and Starbucks.

Chair Harrell then called for persons wishing to speak in opposition of the request, to be given a collective total of ten (10) minutes to address the Board. Anyone wishing to speak in opposition of this request is to come forward and state their name. *No one came forward.*

Commissioner Thomas stated that she is protective of the look of the area because of upcoming developments. She noted that there are three (3) other gas stations within half a mile from the subject property. Since she has not had an opportunity to speak with the applicant or developer, and she wishes to have that time, she would move to deny this request. **Mr. As-Salaam** suggested tabling this item until March 21, 2023.

Commissioner Thomas moved to table this item until April 18, 2023; **Commissioner Lewis** seconded the motion. Motion carried (5-0-0).

UPCOMING MEETINGS AND EVENTS

- A. Tuesday, February 21, 2023 at 6:30 p.m. is a regularly scheduled BOC Meeting
- B. Tuesday, March 7, 2023 at 9:00 a.m. is a regularly scheduled BOC Meeting

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ADJOURNMENT

There being no further business to come before the Henry County Board of Commissioners at this time **Chair Harrell** adjourned the meeting. ***Meeting adjourned at 6:06 p.m.***

Carlotta Harrell, Chair

Stephanie Braun, County Clerk