

April 20, 2021

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**STATE OF GEORGIA
COUNTY OF HENRY**

The Henry County Board of Commissioners held a Regular Board Meeting at 6:30 p.m. on Tuesday, April 20, 2021. This meeting was held via teleconference. Henry TV has streamed this online at the county website, as well as streamed Charter/Spectrum Channel 180 and Facebook Live. Those present on the teleconference were:

Carlotta Harrell, Chair
Johnny Wilson, District I Commissioner
Dee Clemmons, District II Commissioner
Greg Cannon, District III Commissioner
Vivian Thomas, District IV Commissioner
Bruce Holmes, District V Commissioner

Also joining the call: Cheri Hobson-Matthews, Patrick Jaugstetter, County Attorney; and Stephanie Braun, County Clerk

INVOCATION

Don Ash, E-911/EMA Director led the invocation.

PLEDGE OF ALLEGIANCE

The Pledge was recited.

CALL TO ORDER

Carlotta Harrell, Chair, had called the meeting to order and called upon the County Clerk to read the following Proclamation into the record:

PROCLAMATION

Stephanie Braun, Clerk, Henry County read the following into the record:

***PROCLAMATION
CRIME VICTIMS' RIGHTS WEEK
April 18-24, 2021***

WHEREAS, being a victim of crime and navigating the Criminal Justice System can be a frightening and confusing experience; and

WHEREAS, progress and improving the treatment of crime victims has been made through the efforts of thousands of victims and survivors who have turned their own experiences into a force for positive changes, ensuring that others can receive justice, meaningful assistance and compassionate treatment; and

WHEREAS, since the passage of the Victims of Crime Act of 1984 and through the dedicated work of advocates, lawmakers and victim service providers, there is a growing array of services and resources available to victims and their loved ones; and

WHEREAS, the Henry County District Attorney's and the Henry County Solicitor's Office have both established Victim Services Departments within their agencies and expanded their outreach to victims, witnesses and survivors including hiring advocates who specialize in crimes against children, domestic violence and juvenile crime; and

WHEREAS, victim advocates, prosecutors, investigators and staff are working together to honor the rights of victims including the right to be heard and to be treated with fairness and respect while meeting their needs to generate trust, compassion and understanding not only in the Criminal Justice System but in their communities; and

WHEREAS, these dedicated professionals are serving all victims of crimes especially those from groups that often have less access to healing services and avenues to justice; and

WHEREAS, the National Crime Victims' Rights Week provides an opportunity to recommit in ensuring that accessible, appropriate and trauma-informed services are offered to all victims of crime; and

WHEREAS, the Henry County District Attorney, the Henry County Solicitor General and their offices as well as law enforcement agencies in Henry County are hereby dedicated to supporting victims and survivors in the aftermath of crime, building trust among families, corroborating with other service providers and engaging our community in response efforts;

NOW THEREFORE, BE IT PROCLAIMED by the Henry County Board of Commissioners that April 18-24, 2021 shall be known as NATIONAL CRIME VICTIMS' RIGHTS WEEK in Henry County and they reaffirm this County's commitment to maintaining and expanding victim services and a Criminal Justice response that assists all victims of crime during Crime Victims' Week and throughout the year. The Board wishes to express its sincere gratitude and appreciation to those community members, victim service providers and Criminal Justice professionals who are committed to improving our response to all victims of crime so that they may find relevant assistance, support and justice.

CONSENT AGENDA

Chair Harrell called for the Cheri Hobson-Matthews, County Manager, to read the Consent Agenda items into the record, as follows:

Consent Agenda for Tuesday, April 20, 2021:

Public Works

- A. Resolution awarding bid for Sidewalk Trip Hazard Mitigation and ADA Compliance as an Annual Contract to Georgia Safe Sidewalks, LLC of Lawrenceville, GA in the amount of \$262,725 (Presenter: David Simmons, CE III, DOT)(Exhibit 1) *Resolution 21-137*

Emergency Management Agency

- A. Resolution approving Statewide Mutual Aid Agreement between Henry County Board of Commissioners, and Georgia Emergency Management Agency (Presenter: Don Ash, EMA Director) (Exhibit 2) *Resolution 21-138*

- B. Resolution of the Board of Commissioners approving Intergovernmental Agreement with Georgia Department of Public Safety for use of communications tower space for communications system (Presenter: Don Ash, EMA Director) (Exhibit 3) *Resolution 21-139*

Leisure Services

- A. Resolution awarding bid RFQ#73-21 to PDH Systems for the purchase of lighting, audio, visual at the Locust Grove Recreation Center in the amount of \$45,730.49 using funds from the Capital Improvement Plan (Presenter: Jonathon Penn, Cluster Lead - Leisure & Public Services) (Exhibit 4) *Resolution 21-140*
- B. Resolution approving the lease of tractor equipment necessary to operate the golf course from AG PRO LLC for a five-year term in the amount of \$44,882.200 using funding available in budget (Cotton Fields Golf 6149 - Rental of Equipment 55500140 522320) to lease the equipment available on State Contract (Source Well #032119-JDC) (Presenter: Jonathon Penn, Cluster Lead - Leisure & Public Services) (Exhibit 5) *Resolution 21-141*
- C. Resolution approving the lease of tractor equipment necessary to operate parks and athletic facilities from AG PRO LLC for a five (5)-year term in the amount of \$24,296.80 using funding available in budget (Park Areas 6220 - Rental of Equipment 10003150 522320) to lease the equipment available on State Contract (Source Well #032119-JDC)(Presenter: Jonathon Penn, Cluster Lead - Leisure & Public Services) (Exhibit 6) *Resolution 21-142*

ADDED ITEM

Resolution approving Agreement between District 4 Public Health and Henry County, GA for EMT services to staff the Henry County COVID 19 Vaccination POD for Emergency Preparedness Services at the Atlanta Motor Speedway *Resolution 21-143 (not typed but approved)*

This ends the Consent Agenda

Johnny Wilson, District I Commissioner made a motion to approve; **Dee Clemmons, District II Commissioner** seconded the motion. The motion carried (6-0-0).

REGULAR AGENDA

SPLOST

Resolution approving a Budget Amendment and Awarding Bid #21-68 for the resurfacing of ninety-six (96) roads in Henry County, GA to ER Snell Contractor, Inc. in the amount of \$27,433,685 (funded through SPLOST II, III, IV and V respective District resurfacing accounts; DOT LMIG funds; and General Funds if necessary) (Presenter: Roque Romero, SPLOST Transportation Director)(Exhibit 7)

Roque Romero, SPLOST Transportation Director, gave some details on this biggest road project to be done within Henry County. He noted that four (4) sealed bids were received and reviewed. Staff recommended ER Snell Contractor, Inc. in the above-stated amount for roads that are located through all five (5) Districts, as well as recommends approval of the Budget Amendment. He then presented associated lists for each of the Districts.

Vivian Thomas, District IV Commissioner asked if a grading system was used in determining the selected roads for resurfacing, or if the new technology available to the County for such determination was utilized; **Mr. Romero** responded that the rating system, GDOT Pavement Condition Evaluation System (PACES) has been used. For the Henry County Department of Transportation (HCDOT), there is a new system which is computerized, accessing HDTV cameras and driving through the county and checking every single paved/unpaved road, to provide better information to the county. The ratings given to each road is also available to the public. The District IV Commissioner asked if this is used now; Mr. Romero explained that these roads are currently being reviewed by physically driving through them at the present; once the information is gathered, the county will have better information on the conditions of the roads and they will be provided by subdivision, by District, etc. Included will be breakdowns by cost and which roads are in most need of repair/resurface. Once the information is completed, it can be accessed and updated as the resurface/repair is done.

Bruce Holmes, District V Commissioner asked when this will start; **Mr. Romero** responded that if this is approved today, it takes about 2 weeks for needed information to come in, including performance bonding, insurance, etc. Once the project is assigned to his office he will set up the pre-construction meeting in about 3 weeks. A timeline of eighteen (18) months is provided to perform the work upon 96 roads spread throughout 5 Districts. Updates will be provided to the Board once the pre-construction meeting is done and it was noted that the winning vendor is the 2nd largest contractor in the entire State of Georgia, with multiple crews working at the same time. **Ms. Hobson-Matthews** added that there is a website for all SPLOST projects which will show new information when the projects are started and their updates to completion.

There being no further questions or comments, **Greg Cannon, District III Commissioner** made a motion to approve; **Commissioner Holmes** seconded the motion. The motion carried (6-0-0). *Resolution 21-144*

COUNTY ATTORNEY

Resolution by the Board of Commissioners of Henry County setting a qualifying fee in the amount of \$1,050 for the June 15, 2021 Special Election and authorizing publication of same (Presenter: Patrick Jaugstetter, County Attorney)(Exhibit 8)

Patrick Jaugstetter, County Attorney, gave some details on this Resolution for the Board. Georgia law requires that this Board set and publish a qualifying fee which is established by law at the above-stated amount. Once this is adopted, it will be forwarded to the Board of Elections and they will publish the qualification fee, hold the qualifications and conduct the Special Election.

There being no questions or comments, **Commissioner Wilson** made a motion to approve; **Commissioner Cannon** seconded the motion. The motion carried (6-0-0). *Resolution 21-145*

PUBLIC WORKS

Ordinance By the Henry County Board of Commissioners To Adopt Regulations Governing Decorative Signposts and the Placement of Decorative Signposts within County Right-of-Way (Presenter: David Simmons, CE III, DOT) (Exhibit 9)

David Simmons, CE III, Henry County Department of Transportation, gave some details on this Ordinance. The current County Code does not allow for this provision as of yet. Staff has researched comparative jurisdictional policies in place on this; a proposed Code has been developed and he gave an

overview of same. It was noted that the responsibility falls upon the Homeowners' Association (HOA) for maintenance of these signs and decorative posts.

Commissioner Holmes asked if this Ordinance will cover street signs; **Mr. Simmons** responded that typically the stop sign will have the street name assembly above or, alternately, a sign to the side; however, where a County road comes to a State Route, a stop sign cannot be placed but the street name sign can be placed, on a separate post, per standards. The District V Commissioner asked if these would replace any existing posts; Mr. Simmons affirmed same.

There being no further questions or comments, **Commissioner Holmes** made a motion to approve; **Commissioner Thomas** seconded the motion. The motion carried (6-0-0). *Ordinance 21-02*

PLANNING & ZONING

Public Hearing: RZ-21-04

General Holdings Unlimited, LLC of Monroe, GA requests a rezoning from RA (Residential-Agricultural) to R-3 (Single Family Residence) for property located at 1496 Millers Mill Road in Land Lots 27 & 28 of the 11th District. The property consists of 89.01+/- acres, and the request is for a single-family residential subdivision. District 4 (Presenter: Stacey Jordan-Rudeseal, Chief Planner) (Exhibit 10)

Stacey Jordan-Rudeseal, Chief Planner, presented this item to the Board and displayed visual for clarification. Staff recommends approval of R-2S (Single-Family Residential, on Sewer) instead of R-3 (Single-Family Residence). On July 25, 2019, the Zoning Advisory Board (ZAB) approved the Conditional Use for conservation subdivision on this subject property; however, the zoning remains RA (Residential-Agricultural) which prompted the applicant to request change of zoning. ZAB held a hearing on March 25, 2021, also recommended denial of the request but recommending approval of the R-2S with twenty-six (26) conditions, some which have to do with number of lots, esthetics of the buildings/homes, and they are in the Commissioners' exhibit packets.

Commissioner Holmes asked the minimum square feet on the homes; **Mr. Jordan-Rudeseal** pointed out Condition #11 in the exhibit which recommends minimum of 2,800 square feet.

Commissioner Thomas noted that her comments will be reserved to the conclusion of the Public Hearing portion of this case.

Chair Harrell called for anyone wishing to speak in favor of this request, including the applicant, to do so at this time. Ten (10) minutes total is allotted for these comments.

In Favor

Ms. Braun announced Steve Moore and Neil Koelbl were present.

Steve Moore, Moore Bass Consulting, 1350 Keys Ferry Court, McDonough GA spoke in favor and representing the applicant in this request. He presented displays for clarification of the details in the request. The original plan was revised in favor of staff's recommendation of R-2S zoning, which was displayed. Efforts were made to preserve the natural resources and applicant seeks approval.

Ms. Braun notified the Chair that Mr. Koelbl is on the call to speak in favor of this request. **Chair Harrell** called upon the District I Commissioner who had a question for Mr. Moore.

Commissioner Wilson asked if a 2,800 square foot home can be placed on an 80' lot with a side entry; **Mr. Moore** noted that the zoning condition specified 2,500 square feet, to his knowledge. **Mr. Jordan-Rudeseal** clarified that the ZAB recommendation is for 2,800 square feet and there was discussion on whether or not to reduce that; however, the official recommendation stands at 2,800 square feet. Mr. Moore felt that based on the size of the lots and the product type, that 2,500 square feet was appropriate. As far as ranch style built on that type of lot, he deferred to Mr. Koelbl to provide insight from a builder standpoint. The majority of the homes built as 2-story is highly likely; however, in doing so, it will not fit the general area. Mr. Moore added that the two (2) adjacent subdivisions are not compatible because they were built before the sewer line was constructed. However, a few other subdivisions nearby would be compatible with this planned subdivision in lot size and home product. He explained that the proposal is develop homes a bit more modern in keeping with customer preferences. The Commissioner then asked what percentage of the homes will have side-entry garages; Mr. Moore responded that there is no determined number but there are several lots which will offer side-entry garages and the condition specifies "where feasible".

Mr. Koelbl joined the call and pointed out that the homes will be in the \$300,000 range and other subdivision standards had smaller square footage in homes than what is presently proposed. He gave some remarks on the ages of the nearby subdivisions, adding that there will be some ranch homes designed but the market has changed in the last 20 years since the nearby subdivisions were created. **Commissioner Wilson** noted that if home values start at \$300,000 it would be about half of the average value of homes in the other subdivisions next door and across the street. Mr. Koelbl stated he met with a resident in one of those subdivisions back in 2019 who had an appraised value of \$80/square foot. These homes are proposed to be over \$100/square foot. There would not be a chance of any nearby homes losing value, as the appraisal system works on price per square foot.

Commissioner Cannon asked if there was a previous negotiation with the surrounding communities that may have changed in regards to the lot and home sizes. He had heard there was discussion on the 115' lot width and the 2,800 square foot home size. **Mr. Koelbl** responded there were no previous negotiations and the lot width discussion came from the Planning meeting and at that time it was decided that it would not work for the developer's vision of the property, particularly with the Greenspace. The conservation overlay was approved but the size was increased to an average of 15,000 square feet; however, 115' lot width was never agreed upon. **Mr. Moore** added that the width is offered by the base zoning district and is requested tonight; if the rezoning is approved there is a Conditional Use to allow development as a conservation subdivision which would increase the lot size beyond minimum allowable. The District III Commissioner then asked if the developer is willing to negotiate these points with the surrounding communities; Mr. Koelbl responded that there have been negotiations with staff, developer and Commissioners from what was originally requested in 2019. Lot and house sizes were substantially increased from (estimated) minimum of 1,600 back then.

Chair Harrell called for anyone wishing to speak in opposition of this request. **Ms. Braun** advised there was no one signed up for opposition. Public Hearing was then closed.

Chair Harrell referred to Condition #11 and to address the heated square feet of the homes and determine same. **Mr. Jordan-Rudeseal** responded that the recommendations from the ZAB are detailed in those conditions, specifically that #11 designates 2,800 square feet minimum. The applicant proposed reduction of this to 2,500 square feet.

Commissioner Thomas noted that there are a number of conditions that were displayed, but not read into the record. She continued that this development request has come before the Board at least three (3) other times. The concerns of the neighbors were heard as well as concerns from the Commissioners and efforts are made to propose a development that would complement the area. The surrounding

communities were built over 20 years ago when people wanted .5 to 1 acre lot sizes and this is no longer the case. After consulting a real estate expert, the District IV Commissioner stated that the average selling price of a home on a .5 acre lot averaged \$384,000-400,000 and not for \$600,000 (though that may be an asking price). The Commissioner supports the R-2S recommendation as a way to develop this subdivision, moving the number of lots from 144 to 132, using the conservation subdivision which was approved in 2019. Under that, there is more Greenspace to ensure that it is a community being built. None of the homes will back up to each other - rather, they will back up to a private area; no two homes will be back-to-back. The price point starts at \$300,000 and is part of the record. Craftsman-style designs are selling very well and are therefore part of the conditions as well, with a minimum of 2' water table around all the homes with other parts made of mixture materials. On the issue of minimum square feet, the Commissioner stated she supports 2,500 square feet with a recessed garage area and extended driveway to avoid parking on the street. The recessed garage area would be embellished with an overhang and a driveway extended 40' to ensure at least four (4) cars can additionally park in that driveway.

Commissioner Thomas asked the Chief Planner to read those twenty-six (26) Conditions into the record to provide clarity and transparency in an effort to alleviate nearby residents' lingering concerns regarding this request. **Mr. Jordan-Rudeseal** asked if he is to read out the Conditions that were discussed and thus, complied as follows:

1. *The number of lots shall be limited to 132.*
2. *Entrances shall align with existing streets across Millers Mill Road or be shifted to meet the minimum offset required.*
3. *The entrances shall be located such that the minimum intersection sight distance and the minimum spacing requirement are met per the road's posted speed limit, and shall have a deceleration lane and acceleration taper designed and constructed to HCDOT standards.*
4. *The improvements required by the Traffic Impact Study (TIS) shall be the responsibility of the owner/developer. This may include (a) left turn lane(s).*
5. *There shall be a minimum 100' wide landscape buffer all along the Millers Mill Road frontage of the subject property. This buffer shall include wrought iron fencing (or equivalent) and brick columns all along the Millers Mill Road frontage of the subject property.*
6. *There shall be a minimum 50' wide undisturbed buffer all along the perimeter of the subject property.*
7. *Each entrance shall be grand entrances with wrought iron fences (or equivalent) and brick columns giving the impression of a gated subdivision.*
8. *The following shall be required:*
 - a. *Interior streets shall have a minimum five (5') foot wide sidewalks on both sides;*
 - b. *In addition, an eight (8') foot wide sidewalk shall be provided along the property's frontage of Millers Mill Road.*
 - c. *Pedestrian lights and street trees which meet the equivalent standards of the Highway Corridor Overlay District shall be provided within a minimum seven (7') foot wide landscape strip between the back of the curb and the sidewalk interior to the subdivision.*
 - d. *Street lights shall not be required interior to the subdivision.*
 - e. *The HOA/owner/developer shall be responsible for the installation, maintenance, energy and related costs of the pedestrian lights along the property's frontage of Millers Mill Road meeting the equivalent standards of the Highway Corridor Overlay District.*
 - f. *Should the HOA/owner/developer propose for the pedestrian lights to be located within the public right-of-way, the HOA/owner/developer shall enter into an agreement with HCDOT determining the following:*

- i. *Conditions under which pedestrian lights shall be permitted within the public right-of-way*
 - ii. *Responsibilities of the HOA/owner/developer*
 - iii. *Penalties for non-performance*
- 9. *A landscape plan shall be required which exceeds the minimum ULDC requirements.*
- 10. *All disturbed areas shall be sodded, except where landscaping is present or installed.*
- 11. *All homes shall be a minimum of 2,500 square feet.*
- 12. *Each home shall be built on-site.*
- 13. *Each home shall have a minimum two (2)-car garage. Garages shall be side-entry where feasible.*
- 14. *Any front-entry garage shall be recessed by at least one (1') foot from the front dripline of the home, which shall be illustrated on the building plans for Building & Plan Review approval.*
- 15. *Any front-entry garage shall be framed by decorative grand style exterior molding with an overhang, which shall be illustrated on the building plans for Building & Plan Review approval.*
- 16. *Plastic garages shall be prohibited.*
- 17. *All driveways shall be a minimum of forty (40') feet in length measured from the back of the curb with a minimum width of twenty (20') feet.*
- 18. *All homes shall include a covered front porch or stoop.*
- 19. *All homes shall have a minimum two (2') feet masonry water table on all sides.*
- 20. *The homes shall consist entirely of a combination of two (2) or more of the following on all sides: brick, stone, stucco and cement fiberboard, OR four (4)-sided brick on all sides provided that cement fiberboard shall only be permitted as accent material comprising less than 50% of the square footage of the front elevation as determined by the Building & Plan Review Department. Vinyl-based products are only permitted in the soffits, eaves and fascia.*
- 21. *An HOA shall be required.*
- 22. *No more than 5% of the homes shall be rented out at any one time.*
- 23. *A minimum of two (2) playgrounds and one (1) open-air pavilion shall be provided and maintained.*
- 24. *There shall be walking trails as an amenity.*
- 25. *Conservation subdivision lots shall be a minimum of 13,000 square feet with an average of 15,000 square feet.*
- 26. *Conservation subdivision lots shall be a minimum of 80' in width.*

Commissioner Thomas remarked that this is the third time that this development has been proposed in this area and how it will satisfy the surrounding areas. She hopes that these conditions will ensure that and voiced her support to pass this development.

There being no further questions or comments, **Commissioner Thomas** made a motion to approve with the conditions read into the record, as presented; **Commissioner Holmes** seconded the motion. The motion carried 4-2-0.

(Commissioners Clemmons, Thomas, Holmes and Chair Harrell voted in favor; Commissioners Wilson and Cannon voted in opposition) Resolution 21-146

Public Hearing: RZ-20-06

South City Partners, LLC of Atlanta, GA requests a rezoning from RA (Residential-Agricultural) and R-2 (Single-Family Residence) to MU (Mixed Use) for property located at 2080 Jonesboro Road in Land Lots 83 and 110 of the 3rd District. The property consists of 31.1+/- acres, and the request is for a mixed-use development. District 2 (Presenter: Stacey Jordan-Rudeseal, Chief Planner) (Exhibit 11)

Mr. Jordan-Rudeseal gave some details on this request for the Board as well as provided information regarding the phases as noted on the Site Plan. The subject property was zoned RA (Residential-Agricultural) and R-2 (Single-Family Residence); however, the Future Land Use Map (FLUM) calls for MU (Mixed-Use). The applicant requests a rezoning to MU, for both commercial and a multi-family component. The commercial would include offices, retail and restaurants; the residential would be limited to 280 multi-family dwelling units. Staff recommends density be limited to sixteen (16) dwelling units per acre, whichever is the fewer number, along with the total square footage of development shall not exceed 498,600 square feet, on this first phase. This was agreed to by the ZAB as well. Other conditions are listed in the packets. After full consideration of the request, staff recommends approval and the ZAB recommended approval with seven (7) conditions, which were listed in the Commissioners' packets.

Commissioner Wilson asked if this is in line with what is across the street; **Mr. Jordan-Rudeseal** responded that it should be of the same, or of higher quality, than across the street. As far as type of use, it does appear to be similar. The FLUM does support the applicant's request.

Chair Harrell called for anyone, including the applicant, wishing to speak in favor of this request to come forward, allowing a total of ten (10) minutes to address the Board.

In Favor

Ms. Braun announced that there were four (4) people to speak in favor, with one extra speaker (**Gene Morris**) who will be added after the collective 4 - **Will Casaday, Jon Jordan, Greg Hecht** and **Brooks Young**.

Greg Hecht reminded the Board that South City Partners is a local-based award-winning developer (ARC Development Award; ULI Project of the Year Award). He gave a few details in support of the request and the intent for the property, as well as compliance with the FLUM. After some difficulty with sharing the screen for his presentation, Mr. Hecht continued with his presentation to the Board and development proposal for this project.

Will Casaday added some remarks regarding the intent for adding to the continued growth in the County and the positive impacts this project looks to create for that demand. **Mr. Hecht** further added that they hope to be treated in the same fair manner as other projects of a similar type consistent with their equal protection, constitutional and due process rights.

Gene Morris made a few remarks on the request and recalls when the property was farm land; it was decided to become part of the growth in Henry County and hence, the reason South City Partners was considered for development of this parcel. He spoke in favor of this request and regards it as a top quality development with favorable impact.

There being no one else, the Public Hearing was closed.

Commissioner Clemmons remarked that there are still concerns regarding traffic and the impact this development will have. A possible option would be to move the apartments to the Western Parallel side so that traffic comes out on the busy 4-lane road and then to Jonesboro Road, then making the Jonesboro Road side the "townhome" side (fee simple townhomes). The District II Commissioner expects the same level of product as displayed on their website with the amenity packages, to comply with the Overlay District on the Jonesboro Road with sidewalks on the front of the property, which will also help relieve traffic. On the commercial piece, the Commissioner recommended sticking to OI (Office

Industrial) and restaurants and others falling within C-1 (Neighborhood Commercial) zoning which would be of benefit to the community. If the developer is agreeable to this, she will voice her support.

Mr. Hecht remarked that there are a lot of good ideas but does not remember if C-1 zoning allows for a grocery store; he is aware that this is of potential interest to the development. **Mr. Jordan-Rudeseal** stated grocery store is included in C-1 use. **Mr. Casaday** asked if the restrictions on the uses would still be under the Mixed Use zoning with restrictions. **Commissioner Clemmons** stated it would essentially mean just that, and with the grocery store there is a concern of allowing other large retail that should not be allowed there. Leaving the commercial aspect as OI would prevent this. Mr. Casaday then asked how to proceed - whether to seek approval with the stated conditions and then return with a revision later on, or what steps would be appropriate. The District II Commissioner responded that staff would have the Site Plan approval in the conditions and specifically that the apartments would be on the Western Parallel Connector side and the townhomes would come out to Jonesboro with their criteria. Mr. Jordan-Rudeseal further clarified that if the apartments are to be placed on the portion of the developer's land as Phase 2 that was not addressed in the legal description/ad - only Phase 1 was advertised. That particular action would not be taken by this Board today; therefore, it is recommended that this come back. The District II Commissioner asked if this would have to return to ZAB. Mr. Jordan-Rudeseal explained that if applicant asks for rezoning to allow for Phase 2 to be included as part of this action Phase 2 will have to be heard by the ZAB.

Mr. Hecht asked if the recommendation is to have the apartment portion closer to the western side of the present Phase; **Commissioner Clemmons** responded that there is an entrance from the Western Parallel Connector. **Mr. Casaday** added that the confusion may lie with the upper portion that touches the Western Parallel Connector and was left out of this application due to the way that the square footage is calculated by the Atlanta Regional Commission (ARC) and really has nothing to do with the actual footage. The Commissioner specified that this references the 31 acres and moving the apartments close to the Western Parallel Connector and putting the townhomes in the front. The suggestion was to revise the Site Plan, have further discussion to agree upon the Plan and then to follow procedure towards approval from ZAB and the Board of Commissioners (BOC).

Commissioner Clemmons remarked that this has been brought up, returned, revised and brought back again, and would like to have this project moved forward. She called upon the County Attorney to provide insight on how to proceed timely on this. **Mr. Jordan-Rudeseal** recommended that this come back before the Board; as long as this does not have to go back before the ZAB it could be done on May 18, 2021. If this has to go back to add Phase 2 then it has to go back before the ZAB prior to the BOC. The District II Commissioner asked that the Chair be consulted to put this on the Agenda. **Mr. Jaugstetter** stated that if conditions are to be imposed outside of what the application addresses then it would require a new application and the process would have to start over. If there is an application to rezone 31 acres then that is to be voted upon; the additional 10 acres is being discussed and if the applicant intends to zone that 10 acres then the process would need to start over. Shifting the Site Plan would be confusing; but revising the Site Plan on the same zoning request for the property then it should not have to go back to the ZAB but just be tabled by BOC and heard at a later date. The County Attorney recommended a Site Plan that would accurately reflect the details agreed upon by the parties and then come back before the BOC after duly advertisement is done. **Mr. Casaday** asked when a revised Site Plan would be needed. Mr. Jordan-Rudeseal advised that Planning & Zoning can work with applicant to get dates and need time to adequately notify and advertise.

Chair Harrell requested that Planning & Zoning outline in writing what it wants the applicant to do to better deliberate this matter when they return before the Board. **Commissioner Clemmons** specified that only the 31 acres is being discussed today; the R-2 zoning is not being discussed. **Mr. Casaday** stated they will submit a revised Site Plan, or impose the commercial restriction to C-1 on the

31 acres and that the residential portion would be the buffer use between multi-family and Jonesboro Road. **Mr. Jaugstetter** stated he has listened to all the discussion tonight but feels it is still unclear on the intent. What is discussed today has to be written in a resolution and made part of the ZAB minutes. He recommended a Site Plan that includes what the Commissioner wants from the applicant, what Planning & Zoning would approve and go from there.

Commissioner Clemmons made a motion to table this item in favor of the developer working with staff and she to get an agreed upon revised Site Plan presented at a later date; **Commissioner Holmes** seconded the motion.

Commissioner Cannon asked if this can be tabled to come back on the 5/18/21 meeting. **Mr. Jaugstetter** stated that staff would have to work on that to get advertising done in time for this and further recommended that the Board not set a date on this but to instruct staff to bring it back as soon as possible, assuming all legal notice requirements are satisfied.

A motion and a second made to table this item, the motion carried (6-0-0).

Public Hearing: RZ-21-07

Lennar Multifamily Communities of Atlanta, GA requests a rezoning from RA (Residential-Agricultural) to MU (Mixed Use) for property located at 243 Mill Road in Land Lot 114 of the 6th District. The property consists of 42.4+/- acres, and the request is for a mixed apartment and future commercial development. District 2 (Presenter: Stacey Jordan-Rudeseal, Chief Planner) (Exhibit 12)

Mr. Jordan-Rudeseal provided details of this request with a presentation for the Board. He pointed out where the development would be and that it is currently zoned RA (Residential-Agricultural) and is located between property zoned C-3 (Highway Commercial) and R-3 (Single-Family Residence). The FLUM calls for MU (Mixed-Use) on the subject property. Commercial development is proposed on 10 acres along the frontage of Mill Road and the remainder shows apartment complex with 324 dwelling units. Staff took many factors into consideration on both the commercial and residential sides and recommended approval with twelve (12) conditions. Condition #2 is not to include interior corridors: *The development of dwelling units shall be limited to modern resort-style apartments. The property shall be developed as a gated apartment community that shall be maintained and monitored at the property owner's expense.*

Chair Harrell advised that anyone wishing to speak in favor of this request, including the applicant, will have a total of 10 minutes to speak.

In Favor

Ms. Braun announced that **Ray Crocker**, **Julie Sellers** and **Jennifer Taylor** were present to speak in favor of the request.

Julie Sellers spoke in favor of this request and provided information as to the intent of the developer and how it would benefit the area. The applicant noted that the current zoning is not aligned with the FLUM and regarding Condition #2, it was asked to have it slightly modified as presented by the Chief Planner in his remarks. Regarding Condition #11 it was asked that the sidewalk area be done at the same time that the commercial/retail portion is developed. Regarding Condition #12 it is proposed to utilize white painted brick, which is high-end luxury finish and would be preferable to the stated use of stucco; she asked if cementitious siding could be used as it is a higher quality and a more modern look. Ms. Sellers also noted that if a Condition #13 is added, limiting commercial uses, that it would be limited

to allowable uses in C-1 and OI zoning, including restaurants. She then turned the time over to Mr. Crocker.

Ray Crocker presented the Site Plan and gave details on it for the Board as to the intent for development. He also pointed out certain amenities that would be made part of the residential component for the Board. He then pointed out some floor plans and interior designing for the Board as well to show high quality intent for each of the units.

Chair Harrell called for anyone wishing to speak in opposition of this case to come forward, allowing the same total of 10 minutes to speak to the Board.

In Opposition

Ms. Braun announced **Jamal Avery** and **Shandrienne Campbell**.

Jamal Avery spoke in opposition of this request and stated his concerns with impact on traffic and questions of adjacent apartments and/or apartments of like size which are not 100% occupied. If they become fully occupied, there will be an overwhelming number of students within the School System and would put further strain on County services, such as medical services and police services within this area. There is no Mixed-Use that will be here, no fee simple units and no potential for ownership on these units. He strongly opposes this request but if approved, he asked that conditions be added to enforce fee simple homes within this development.

Shandrienne Campbell spoke in opposition of this request. She remarked that the development is on territory specifically for reserved species and is near a creek. Contingencies to consider, however, if approved would be widening Mill Road, adding sidewalks and turn lanes into Rowanshyre and into Peachtree Peddler Market area, fast-tracking a roundabout on Mt. Carmel and Mill Road as the traffic will be hugely impacted with this development as well as other developments pending nearby.

Commissioner Wilson remarked that the County Attorney, the District II Commissioner, the District V Commissioner and District IV Commissioner had a meeting about this property regarding the rezoning; **Mr. Jaugstetter** stated he had a meeting with the stated Commissioners and the developer's representative about the proposal at that time for the owner to donate the rear portion of the property for the then-proposed Aquatic Center. The zoning issue came up but was not discussed at length as the priority was the Aquatic Center. There was discussion after that meeting with Planning & Zoning staff and the applicant to conclude the pre-application meeting.

Commissioner Clemmons stated that the developers were spoken to about the commercial aspect of this request and limiting the residential units to 1- and 2-bedrooms, to having sidewalks and to reflect the intent of Mixed-Use, including sidewalks, street widening - and while there is still a lot of work to meet the obligations to do, it should be stated that the commercial is restricted. She asked the County Attorney how to proceed with this. **Mr. Jaugstetter** stated that if it is not clear what the intent for the property would satisfy the Commissioner and the constituents that this should be tabled until all issues are identified addressed and resolved. The District II Commissioner understands that there are issues pending with the Site Plan; staff recommended approval but the applicant should address those stated areas of concern. She called the applicant forward to see if they would be willing to table the item. **Mr. Crocker** responded that they are willing to accommodate the component preferences and restrictions to satisfy the concerns of the nearby residents, including those that were stated earlier. The applicant would be amenable to tabling this item to further clarify the restrictions and conditions that would be agreed.

Commissioner Clemmons directed the Chief Planner to read the conditions as recommended by the ZAB into the record and is aware that the applicant has a few requested changes, but to read the conditions as recommended by the ZAB. **Mr. Jordan-Rudeseal** complied.

1. *The uses of the subject property shall be limited to resort-style residential, hotel (no extended stay), commercial retail/restaurant and office. The number of total dwelling units shall not exceed 324 or a net density of 16.0 dwelling units per acre, whichever is the fewer number.*
2. *The development of dwelling units shall be limited to modern resort-style apartments. The property shall be developed as a gated apartment community that shall be maintained and monitored at the property owner's expense.*
3. *An amenity package which shall include a resort/athletic style swimming pool, a minimum 3,700 square foot clubhouse and at least one (1) children's playground shall be provided to residents within the apartment community.*
4. *An apartment community landscape plan shall be submitted for approval by the Building & Plan Review Department which shall be substantially similar to that of the apartment community known now or formerly as Canyon Springs.*
5. *Minimum five (5') feet wide sidewalks shall be required all along the south side of the vehicular access from the apartment community to Mill Road.*
6. *A Traffic Impact Study shall be required and applicant shall work with HCDOT to coordinate improvements.*
7. *There shall be no direct access to Mill Road other than main access point.*
8. *The site's access shall meet the minimum spacing requirements per the ULDC and shall be located such that it meets the minimum intersection sight distance requirements per the design speed limit of Mill Road.*
9. *Property owner shall provide an interparcel access easement for vehicular and pedestrian connection along the northern property line near the commercial area for future connectivity.*
10. *The owner/developer shall preserve right-of-way per the latest plan available (including if the latest plan available is a concept plan), plus any additional ULDC roadway requirements as determined applicable by HCDOT as it relates to the improvement of Mill Road, including curb and gutter.*
11. *A minimum eight (8') feet wide sidewalk shall be provided all along the subject property's Mill Road frontage.*
12. *All buildings shall be constructed of a mixture of at least two (2) of the following on all sides: brick, stone, stucco.*

Commissioner Clemmons requested the following to be included as part of the conditions:

- Including "cementitious" material in Condition #12;
- All improvements of the Traffic Impact Study (Condition #6) shall be completed before the Certificate of Occupancy (CO) is given to the building - meaning, no one can move in until the traffic study requirements have been satisfied at the builder's expense;
- Apartment units be restricted to 1- and 2-bedroom units only, but would allow studio apartments;
- Garages will be required at the complex for the residents' parking;
- Must be in compliance with the requirements of the Highway Corridor Overlay District, with street lights all along Mill Road in front of the property;
- Subject to the time it would take to be completed, a roundabout at Mill Road and Mt. Carmel must be in place prior to issuance of the CO.

Thus, **Commissioner Clemmons** made a motion to approve with the staff-recommended conditions and the additional requested conditions listed above; **Commissioner Holmes** seconded the motion. The motion *failed* 3-3-0.

(Commissioners Clemmons, Thomas and Holmes voted in favor; Chair Harrell, Commissioners Wilson and Cannon voted in opposition)

ANNEXATION

AX-21-03

The City of McDonough requests an annexation of property located on Turner Church Road and Highway 155 North in Land Lot 71 and 72 of the 7th District. The property consists of 91.44+/- acres. District 3 (Presenter: Stacey Jordan-Rudeseal, Chief Planner) (Exhibit 13)

Mr. Jordan-Rudeseal presented the details of this request for the Board, referring to the Power Point and the exhibits packet. This property happens to be entirely owned by the City of McDonough. Staff did not identify any apparent grounds for objection to this annexation.

There were no questions or comments from the Board. **No action was taken.**

AX-21-04

The City of Locust Grove requests an annexation for property located on King Mill Court and Highway 42 South, in Land Lots 230, 250, and 251 of the 7th District and Land Lot 246 of the 2nd District. The property consists of 195.9+/- acres. District 1 (Presenter: Stacey Jordan-Rudeseal, Chief Planner) (Exhibit 14)

Mr. Jordan-Rudeseal gave details on this request for the Board. The proposal is to request annexation into the City of Locust Grove with their current zoning (split between RA and M-2). Staff has not identified any apparent grounds for objection.

Commissioner Holmes asked if this is along I-75; **Mr. Jordan-Rudeseal** affirmed same. The District V Commissioner asked how far this was from the Norfolk Southern property and it was responded that this is the Norfolk Southern property.

Commissioner Thomas asked how would the annexations impact Henry County's current Budget and if there are roads in that area on the "96 list" that may need to be removed if these annexations go through. She requested that these be checked and an answer provided at a later time.

Commissioner Holmes recalled a presentation a few months from the Georgia Port Authority and asked if this annexation has anything to do with the proposed inland port. **Mr. Jordan-Rudeseal** stated that as far as the Norfolk Southern property is concerned, he recalled that this property is not intended to be an inland port; being annexed into the City includes a request to maintain the same zoning. A portion of this property is zoned M-2 (Heavy Manufacturing) but the majority is actually RA (Residential-Agricultural) for at least the next 12 months. If this is approved by the Locust Grove City Council, it would need to maintain those same zonings.

Commissioner Clemmons then asked what would happen after 12 months, to the extent of any rezoning, particularly if there should be any concern or if it is up to the City of Locust Grove for zoning determination; **Mr. Jordan-Rudeseal** stated that the County no longer would have the ability to object to any zoning. The City of Locust Grove and Henry County share a FLUM which calls for an industrial land

use. If the owner of the property requests a rezoning that is consistent with that designation (which could be M-1 or M-2) then it is possible the City would consider approval but it could also consider changing the FLUM once this is in the City limits. For the next 12 months, however, it would need to maintain the current zonings.

Commissioner Clemmons asked what the impact on the County would be if the property is zoned M-1. **Mr. Jordan-Rudeseal** responded that it appears the access at the present is through King Mill Court. Going through the existing property it would be possible to access Bethlehem Road and the biggest traffic impact would be at Midlands Industrial Park and potentially Bethlehem Road. If the interchange is built, going south to Bethlehem Road would be well accommodated. The District II Commissioner asked if the industrial traffic would come out from whatever would be built there back into the subdivision if the interchange is not built. **Mr. Jordan-Rudeseal** explained that the subject property, according to the zoning map, is located in the indicated shades that were explained to the Board.

There were no additional questions or comments. ***No action was taken.***

PUBLIC COMMENTS

We welcome citizens to voice their county-related concerns and opinions regarding items which are *listed on this agenda or on the previous regular meeting agenda*. All persons wishing to speak during Public Comment must pre-register with the County Clerk in writing or via email no later than 12:00 p.m. on the day immediately prior to the meeting. Each speaker will have three (3) minutes to speak. No member of the public shall be permitted to make personal, impertinent, slanderous or profane remarks to any member of the Board, staff or general public. Any person who makes such remarks, or who utters loud, threatening, personal or abusive language, or engages in any other disorderly conduct which disrupts, disturbs or otherwise impedes the orderly conduct of any Board meeting shall, at the discretion of the chair or a majority of the council, be barred from further audience before the Board during that meeting.

Ms. Braun announced that there were no Public Comments signed up for this meeting.

APPROVAL OF MINUTES

Commissioner Wilson made a motion to approve the Minutes from *March 9, 2021 (Regular BOC Meeting)*; **Commissioner Thomas** seconded the motion. The motion carried (6-0-0).

COUNTY MANAGER COMMENTS

Ms. Hobson-Matthews provided an update for the Aquatic Center. She turned the call over to the County Attorney for recap of his meeting with the City of Stockbridge legal counsel related to the Intergovernmental Agreement (IGA). The County Manager received a survey of the 10-acre tract of land from the property owner and it was forwarded to the County Attorney. A deed transferring the property is still needed at this time and the request was made to the property owner. The Board's approval of the Aquatic Center authorized sixty (60) days to enact, meaning that the date would be May 8, 2021. Since that is a weekend date, it would be moved to either May 10, 2021 or the Friday prior to May 8th. Once there is an update from either property owner or the deed is received, the County Manager advised she would notify the Board.

Mr. Jaugstetter then provided an update on the IGA with the City of Stockbridge. He prepared the agreement which essentially echoed the Board approved Resolution that designated the Jodeco property for the Aquatic Center and listed the stated Conditions, including the waiver of impact fees and

permit fees, etc. The contract was sent to the City Attorney's office for review. Proposed revisions were received by Mr. Jaugstetter and he is working through those now. Once that is completed, the IGA will then be forwarded to the BOC and County Manager for discussion and review. He went through an overview of some of the revisions proposed in the IGA.

Ms. Hobson-Matthews asked that the Board review the correspondence that the Chair sent out this afternoon regarding the day of service, May 15, 2021, which is also the 200th anniversary of the creation of Henry County. The Chair of the HCBOC and the Chair of the Henry County Board of Education have partnered to identify day of service and were asked to establish two (2) locations for a clean/sprucing up within an identified District; once those areas are identified, the County Manager will move forward with getting participation from volunteers (citizens, employees, etc.).

UPCOMING MEETINGS & EVENTS

- A. Tuesday, May 4, 2021 (Regular BOC Meeting);
- B. Tuesday, May 18, 2021 (Regular BOC Meeting)

Chair Harrell advised that Budget hearings will be conducted at those meetings and there will be a third Public Hearing (Special Called) on May 4, 2021 at 9:00 a.m. These will be *in-person meetings* held in the Administration Building in the Community Room. Individuals may sign up via email by 12:00 noon the day prior to the meeting if they wish to speak during the Public Hearing.

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 9:00 p.m.***

Carlotta Harrell, Chair

Stephanie Braun, County Clerk