

**STATE OF GEORGIA
COUNTY OF HENRY**

The Henry County Board of Commissioners held a Regular Public Meeting ***in-person*** on Tuesday, August 17, 2021, 6:30 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 I Commissioner
Dee Clemmons, District II Commissioner
Greg Cannon, District III Commissioner
Vivian Thomas, District IV Commissioner
Bruce Holmes, District V Commissioner

Also in attendance: Cheri Hobson-Matthews, County Manager; Patrick Jaugstetter, County Attorney; Stephanie Braun, County Clerk; and Nathifa Cunningham, Deputy County Clerk

INVOCATION

The Invocation was given.

PLEDGE OF ALLEGIANCE

The Pledge was recited.

CALL TO ORDER

Carlotta Harrell, Chair, called the Regular Meeting of the Henry County Board of Commissioners for Tuesday, August 17, 2021 to order. The Chair advised that all masks are to be worn unless speaking at the podium.

PROCLAMATION

Stephanie Braun, Clerk, Henry County read the Proclamation into the record as follows:

**Proclamation recognizing the retirement of Henry County State Court Judge,
Honorable Ben W. Studdard III**

WHEREAS, Ben W. Studdard has been Chief Judge of the State Court of Henry County, Georgia, since 1999, and prior to his election as judge, he had a general law practice in McDonough for more than 14 years; and

WHEREAS, he is a frequent lecturer at seminars on criminal law and other subjects, and is the author of Daniel's Georgia Criminal Law Practice, Daniel's Georgia Criminal Evidence and Daniel's Georgia Criminal Law Practice Forms, which are published annually by Thomson Reuters West; and

WHEREAS, Judge Studdard is a former President of the Council of State Court Judges of Georgia and has chaired numerous committees and projects designed to improve court processes in the state. In 2002, he helped organize the Georgia Jury Summit, where state leaders and national experts met to discuss improvements in the Georgia system; and

WHEREAS, Judge Studdard is currently assisting to lead a program sponsored by the U.S. Department of State wherein judges from the State of Georgia are providing training to judges from the nation of Georgia on court processes, specifically the implementation of criminal jury trials; and

WHEREAS, Judge Studdard is a graduate of Mercer University's College of Liberal Arts and School of Law, where he graduated cum laude, and where he was a member of the prestigious Law Review; and

WHEREAS, he is a lifelong resident of Henry County where he lives with his wife, Sherri, and together they have four children; when not dispensing justice, he can often be found running or playing his saxophone;

NOW THEREFORE, BE IT PROCLAIMED, that the Henry County Board of Commissioners expresses its sincerest appreciation to Chief Judge Ben W. Studdard and recognizes and honors him for his long and distinguished career in public service to the citizens of Henry County.

This 17th day of August, 2021

(RE) APPOINTMENT

Resolution for Re-appointment of *Major Jason Bolton, HCPD*, with term to expire on 8/21/2024

Greg Cannon, District III Commissioner made a motion to approve; **Johnny Wilson, District I Commissioner** seconded the motion. The motion carried (6-0-0).

(Resolution 21-257)

CONSENT AGENDA

Cheri Hobson-Matthews, County Manager, presented the Consent Agenda as follows:

Leisure Services

- A. Resolution to approve one house structure and one storage structure on County property declared as surplus at Nash Farm Park 24 Babbs Mill Road Hampton, Georgia 30228 (Presenter: Jonathon Penn, Cluster Lead - Leisure & Public Services) (Exhibit 1) (*Resolution 21-258*)

Police Department

- A. Resolution for the acceptance of a donation from Paradise Empowers Inc. in the amount of \$1,000 for the Henry County Police Department K-9 Unit (Presenter: Sgt. Nick Jackson, K-9 Handler/HCPD)(Exhibit 2) (*Resolution 21-259*)

Fire Department

- A. Resolution approving the repair of Henry County Fire Rescue 5, 2020 Dodge 4500 Ambulance (Asset #8876) at an estimated cost of \$120,687.31 (Presenter: Interim Fire Chief Jonathan Burnette)(Exhibit 3) (*Resolution 21-260*)

SPLOST

- A. Resolution approving the contribution of fixed assets to the Henry County Water Authority (HCWA) in the amount of \$47,437.00 and authorizing the Chair or County Manager to execute all necessary documents for conveyance of fixed assets relating to the new Fire Line at the Nash Farm Cultural Arts Center (Presenter: Lynn Planchon, SPLOST Project Manager)(Exhibit 4) (*Resolution 21-261*)

Vivian Thomas, District IV Commissioner made a motion to approve the Consent Agenda; **Commissioner Cannon** seconded the motion. The motion carried (6-0-0).

****This ends the Consent Agenda****

REGULAR AGENDA

COUNTY MANAGER COMMENTS

Disparity Study Update

Ms. Hobson-Matthews presented updates. The Board authorized this study and she presented that the evaluation committee is scheduled to meet on August 27, 2021 at 10:00 a.m. They will review proposals and provide recommendation to the Board. Once the Board awards the contract, a notice to proceed will be done to get the disparity study done and results as it pertains to current purchasing policy.

There were no questions.

Aquatic Center Update

Ms. Hobson-Matthews then moved to the Aquatic Center. The location was selected on the south side of Jodeco Road and found a challenge in determining when the property would be conveyed to the county which has not been done as of today's date. If the property is not conveyed, the contractor design can be placed upon any property that could be determined by the property consultant. She explained that bids were reviewed for design with interviews held by the committee. The contractor has been selected and will be brought before the Board on the September 8, 2021 meeting.

Commissioner Thomas asked when the Board will have input on the design; **Ms. Hobson-Matthews** responded that once a consultant is selected, there will be meetings with the Board to get that input on designs. There is an aquatic center consultant and the team which will meet with the Board will actually do the design.

Dee Clemmons, District II Commissioner asked what happened to the purchase of the property; **Ms. Hobson-Matthews** responded that the property was conveyed to Mr. Jeff Grant two (2) weeks ago. The property has not yet been conveyed to the county as the documents of recording were recently located and restrictions and covenants were found; clean title must be obtained prior to accepting this property. **Patrick Jaugstetter, County Attorney** added that the property contains 10 acres for the site. The documents that conveyed title from the original owner to Mr. Grant's company referenced the 250

acres, with restrictions and covenants. He explained this in some detail and added that the surveys are requested to confirm whether or not the property to be conveyed to the county is subject to those restrictions. There is also a mortgage on the property and it is unknown as to whether or not that is applicable to the property to be conveyed to the county. He stated that these must be resolved prior to the property conveyance to Henry County. The District II Commissioner stated that the property has not yet been donated to the county as of yet; Mr. Jaugstetter confirmed that the county does not yet own this property.

Commissioner Thomas asked what the original deadline was to get the property; **Ms. Hobson-Matthews** responded that it was sixty (60) days and noted that it has passed. There is still no clear title information prior to conveyance of this property. The District IV Commissioner is fielding concerns from citizens on why this is taking so long and whether or not other property will be considered as site for the Aquatic Center.

There were no further questions.

Emergency Rental Assistance Program (ERAP)

Ms. Hobson-Matthews remarked that there are 1,700 people currently connected to the program application, with 516 people who have started the process but have not yet completed the application. Assistance is being provided to complete that process and 142 applications are pending review to ensure all information is provided, with 260 denials by committee, with reasons being from non-COVID-19 related, or non-rent related. Approximately 351 applications have been paid out, totaling \$2.66 million dollars, with other applicants able to catch up on other expenses and therefore no longer needing rental assistance.

There were no questions.

COVID-19 Update

Ms. Hobson-Matthews provided updates on a county level with a large number of positive cases and yielded the presentation to the Emergency Management Agency Director. Some mitigation factors have been reinstated due to the increasing number of cases within the county as well as temperature checks at entrances to county facilities. Vaccinations of employees are encouraged; however, less than 15% of county employees have been vaccinated as of today's date. The COVID-19 testing site has started a 5-day week schedule as well with a need to get more people vaccinated and less people tested.

Don Ash, E-911/EMA Director, approached to present the modified schedule for vaccinations. He presented the report from 8/17/21 with the total number of cases statewide and countywide. He then presented the transmissions of COVID-19 cases in the schools, along with a prediction modeling data sheet. He then turned the presentation over to the Chief Nursing Officer of Piedmont Henry.

Paula Butts, MSN, Chief Nursing Officer at Piedmont Henry Hospital approached and presented updated numbers as of 30 minutes prior to her appearance before the Board of Commissioners (BOC). She presented information on expansion of number of beds within the hospital during the latest surge of COVID-19 positive cases with all elective surgeries having ceased for now; other modifications to treat critical patients and otherwise minor illness patients have been implemented as well. She spoke on the importance of vaccination, even though it is not FDA-approved, but she countered that there are drugs used for treatment in the hospital that are not FDA-approved either and until herd immunity status is achieved, this will get worse.

Chair Harrell asked if Piedmont Henry is on diversion; **Mr. Ash** stated it is on diversion and the numbers presented by Ms. Butts were more recent and Piedmont Henry is on total diversion, with no ED, ICU or Med-Surge capacity, but so is every other hospital in surrounding jurisdictions.

There were no further questions.

Declaration of State of Local Emergency

Ms. Braun read the following into the record:

Order Clarifying Declaration of State of Local Emergency

WHEREAS, on August 3, 2021 and pursuant to authority vested in the Chair of the Henry County Board of Commissioners by §34434 of the Code of Henry County, Georgia and in response to the resurgence of the delta variant of the COVID-19 virus issued a Declaration of State of Local Emergency for Henry County; and

WHEREAS, the Chair of the Henry County Board of Commissioners has been vested with certain powers to act under circumstances of local emergency pursuant to §34434 of the Code of Henry County; and

WHEREAS, in the judgment of the Chair and the Henry County Board of Commissioners with advice from the Henry County Emergency Management Agency the additional protective measures set forth below are responsible and appropriate to combat the continued spread of COVID-19 and to protect the health, safety and welfare of the community;

NOW THEREFORE, pursuant to the authority vested in me by local and state law, the Chair of the Henry County Board of Commissioners reaffirms that a local state of emergency exists; and

IT IS FURTHER ORDERED that pursuant to the powers granted by §34434 of the Code of Henry County are as follows:

- 1. All participants in sporting and all recreational events sponsored by Henry County Parks & Recreation must adhere to all COVID guidelines adopted from time to time by the Henry County Parks & Recreation Department.*
- 2. All guests and patrons entering any Henry County park or recreation facility must, prior to entry, be screened for COVID symptoms, including without limitation, a high fever.*
- 3. All guests and patrons entering any Henry County park or recreation facility must, at all times, wear a proper face covering in such a manner so as to completely cover the participant's mouth and nose.*
- 4. All scheduled events (for purposes of this Order, a scheduled event is an event in which a county park or facility has been reserved by a third party for a private function to take place, either wholly or partly indoors) at a Henry County Parks & Recreation facility must adhere to the following requirements:*
 - a. A list of all guests shall be provided to the Henry County Parks & Recreation Department no later than twenty-four (24) hours prior to the scheduled event;*

- b. Each guest shall, upon arrival at the event, provide to Henry County Parks & Recreation Department proof of a negative COVID test administered within seventy-two (72) hours of the commencement of the scheduled event.*
- 5. The maximum capacity of each Henry County Parks & Recreation facility shall be limited to 60% of its normal authorized capacity.*
- 6. Until further order of the Chair, no large events or gatherings hosting 250 people or more shall be permitted or authorized on property or facilities owned by Henry County.*

IT IS FURTHER ORDERED this Order shall remain in effect for the duration of the Declaration of State of Local Emergency.

This 17th day of August, 2021

BOARD OF EDUCATION

Resolution providing for the levy and collection of an annual ad valorem tax to provide funds for the payment of principal of and interest on \$210,000,000 in aggregate principal amount of Henry County School District General Obligation Bonds, Series 2021 (Presenter: Will White, Smith, Welch, Webb & White)(Exhibit 5)

Will White, Smith Welch Webb & White, LLC noted that this is the last part of the SPLOST-VI approved earlier in 2021. This includes projections and economic downturns experienced. He gave an overview of the bonds that had been sold and the Resolution deals with the closing documents in the unlikely event that collections are not made, the ad valorem taxes would be paid.

There being no questions or comments from the Board, **Commissioner Wilson** made a motion to approve; **Commissioner Cannon** seconded the motion.

Commissioner Thomas asked for more details in collecting \$210 million dollars; **Mr. White** corrected the Commissioner by stating that the bonds total \$210 million dollars. The projects need to be started like the Dutchtown High School addition is needed. In order to start sooner, the general obligation bonds pay for the construction and the bonds get paid off by the collections over a 5-year period. The Resolution states that if the ad valorem taxes have to be transferred from the school system to the bonds, the Board of Commissioners will know and the Tax Commissioner will continue to collect taxes.

There being no further discussion, the motion carried (6-0-0).

(Resolution 21-262)

BOARD OF COMMISSIONERS

(Presentation/Discussion Only): Payment to Henry County Water Authority (HCWA) for relocating utilities in Henry County Right-of-Way (Presenter: Cheri Hobson-Matthews, County Manager; and Roque Romero, SPLOST Transportation Director)

Roque Romero, SPLOST Transportation Director approached and provided some background on utility relocation for the Board, which are located inside and outside county right-of-ways. He clarified that if utilities are located inside county right-of-way they pay nothing to be there. When roads are improved, utilities will relocate at their own expense. Utilities located outside county right-of-way, and

there are road projects, the county pays for the relocation because the utilities have purchased that right-of-way easement for their own private use. He explained that the Henry County Water Authority is different in sewer placement in or out of right-of-way. He presented a chart of costs to relocate the Water Authority, further explaining that as of today, there is a difference in what is paid and this is to make the Board aware of how relocations are done with the Water Authority.

There were no questions. *No action was taken.*

PLANNING & ZONING

Public Hearing (COMP-AM-20-05)

J&P Synergy, LLC of McDonough, GA requests an amendment to the Comprehensive Plan for property located at 1664 Highway 20 East in Land Lot 74 of the 7th District. The property consists of 19.998+/- acres, and the request is to amend the Future Land Use Map designation from Industrial to Commercial. District 3 (Presenter: Stacey Jordan-Rudeseal, P&Z Asst. Director) (Exhibit 6)

Stacey Jordan-Rudeseal, Planning & Zoning Assistant Director, presented the Resolution to the Board along with some remarks. He stated that this hearing and the next is for the same property, located on the southwest corner of the intersection of Hwy. 20 and Airline Road. Industrial zoning does not support the applicant's request for rezoning; therefore, he requests changing the designation to Commercial. Mr. Jordan-Rudeseal provided a map for clarification. He noted that this has a scenario of Industrial on one side and Residential on the other; with the pending request (next) to be for rezoning to Commercial. Staff has considered the request, the character of the area, the State Route, and that there is a major road there and hereby recommends denial of the request to change from Industrial to Commercial; however, staff does recommend approval of changing from Industrial to Mixed Use.

Chair Harrell opened the floor for Public Hearing and called for anyone wishing to come forward to make comments, state their name and a total of ten (10) minutes was given to speak.

In Favor

R. Brian Strickland, Partner, Smith Welch Webb & White, LLC

Mr. Strickland approached to speak in representation of the applicant for this request. Applicant will agree to alternate recommendation for Mixed Use instead of Commercial.

Chair Harrell then called for anyone wishing to speak in opposition of this request to come forward, with the same total of ten (10) minutes given to speak.

In Opposition

Patricia Boston

Ms. Boston approached to speak against the request. She cited that there would be too much difficulty and all traffic and 18-wheelers make it nearly impossible for residents to leave their homes, as is the case now; it would get worse with this growth and would further diminish their qualities of life, along with criminal activity increase. She further read from a prepared statement on the impact of developers who do not have the citizens' interests in the growth of the county.

Charles Downey, 557 Heathmoor Drive, McDonough GA 30252

Mr. Downey approached and stated that there was an understanding that Hwy. 20 East would be maintained as scenic with two (2) properties grandfathered. He noted that the subject property was classified as Low Density Residential with an amendment to the Future Land Use Map in 2009 with a classification to Industrial; however, he stated a former BOC member had no recollection of designating that property as Industrial. He finds this in error and therefore opposes the amendment of the FLUM and should stay as Low Density Residential. If this is approved, he requested that a self-storage facility be placed and the existing gas station/convenience store be taken off.

Chair Harrell closed the Public Hearing upon no one else approaching.

Commissioner Cannon remarked that this presents an opportunity to allow the Board to have a say on what goes on in that corner. The county will continue to grow regardless of designation of the subject property. This opportunity allows for determination of minimal structures to be placed there in the hopes of minimizing traffic impact. With that, **Commissioner Cannon** made a motion to approve the request; **Commissioner Wilson** seconded the motion.

Mr. Jordan-Rudeseal asked for clarification; **Commissioner Cannon** clarified that his motion to approve the request with the staff's recommendation of designation to Mixed Use. The motion carried (6-0-0).

(Resolution 21-263)

Public Hearing (RZ-20-10)

J&P Synergy, LLC of McDonough, GA requests a rezoning from RA (Residential-Agricultural) to C-1 (Neighborhood Commercial) and C-3 (Highway Commercial) for property located at 1664 Highway 20 East in Land Lot 74 of the 7th District. The property consists of 19.998+/- acres, and the request is for a neighborhood commercial retail center and a self-service storage facility. District 3 (Presenter: Stacey Jordan-Rudeseal, P&Z Asst. Director) (Exhibit 7)

Mr. Jordan-Rudeseal explained that this is the same from the last Public Hearing. He again presented the map for the Board and to give detail of the property, also pointing out the Residential area and the Industrial area (Simmons Manufacturing). He also referenced the Site Plan, showing Lot A for C-1; Lot B for self-storage; and Lot C, not proposed for any use by the applicant at this time. Staff has evaluated the request, considered the character of the area, considered recommending Mixed Use on the FLUM, and hereby recommends denial of the split zone to C-1 and C-3 but recommends approval of Mixed Use. Zoning Advisory Board held a hearing on May 13, 2021 upholding staff's recommendation and recommended Mixed Use with conditions, with discussion about further conditions (which were displayed for the Board and public viewing). Staff further recommends the conditions stated and three (3) added conditions (8-10).

Mr. Jordan-Rudeseal specified that the staff would recommend approval of Lot A for C-1 uses under the Mixed Use; Lot B (next to Simmons Manufacturing) for any C-1 or C-2 use but only use C-3 for a self-storage facility, as the Overlay District prohibits conventional self-storage/outside storage (boats, RVs, etc.) and that Lot C be limited to R-1 uses (single family) only.

Commissioner Cannon asked for some more information on the signage, lighting requirements; **Mr. Jordan-Rudeseal** responded that the Overlay District requires higher quality along a major road, which would require standards such as 10' sidewalks with pedestrian lighting, street trees, paved

pedestrian connections between the sidewalks and each building. Lots A and B need to meet those standards; however, Lot C would not have to meet that criteria. Ground signage would be limited to 8' in height, but the area of signage is greatly reduced in the Highway Corridor Overlay District. He further clarified further restrictions on appearance of signage for certain portions of the subject property for the Board.

Chair Harrell opened the floor for Public Hearing and called for anyone wishing to come forward to make comments, state their name and a total of ten (10) minutes was given to speak.

In Favor

Brian Strickland, Smith Welch Webb & White, LLC

Mr. Strickland returned to the podium on behalf of the applicant and supported staff's recommendations. Regarding the signage requirement, with the Overlay District in place, the applicant is aware of how the buildings need to look and the use of a common palette of building materials would be maintained to create a consistency in architectural design. The county architect has to sign off on this. Applicant knows how this will look in conformity with the Overlay District; on the outdoor, there is limited access due to the Overlay District requirements as well. Applicant supports staff's recommendations.

Chair Harrell then called for anyone wishing to speak in opposition of this request to come forward, with the same total of ten (10) minutes given to speak.

In Opposition

Charles Downey

Mr. Downey approached again and repeated his objection at a gas station, commercial retail or convenience store on the subject property because it would not fit the character of the area. He would support the self-storage facility if it is designed in character with the appearance of the neighborhood.

Chair Harrell closed the Public Hearing upon no one else approaching.

Commissioner Cannon explained that the structures must complement one another and be pleasing in appearance. They should all have one design style. **Mr. Strickland** understands that this was stressed to applicant, particularly in reference to another project at Bill Gardner and Hwy. 155, which is current requirement of Overlay District.

Commissioner Wilson noted the Site Plan, in order to have this developed, and the plan has to be brought back to the Board for conditions. **Mr. Jordan-Rudeseal** responded that the entire 20 acres would be Mixed Use. There is no objection to the layout of Lots A, B and C. If the Board chooses to approve the Mixed Use according to staff recommendation it would not have to come back to the Board. Lot C could be developed as R-1 portion of Mixed Use; however, Condition 10 addressed the look of the development.

Chair Harrell knows that there are conditions, but she has concerns on residential square footage; **Mr. Jordan-Rudeseal** explained that there is substantial flood plain through Lot C, which is around 7 acres total and therefore a lot cannot be done with Lot C, so a subdivision is not possible, but maybe 1-2 houses with a minimum required 1 acre lot. The Chair noted that there does not seem to be a residential benefit in that Mixed Use designation. **Mr. Jordan-Rudeseal** explained that there would be

development standards from three (3) different zoning districts together which is allowed under Mixed Use in the Unified Land Development Code (ULDC). Mr. Jordan-Rudeseal is not aware of any proposal for Lot C right now.

Commissioner Thomas voiced similar concerns including putting commercial on that Lot C and the Board authorized something that may have been unintended. She asked what would be put on Lot C and that citizens need to know as well. **Mr. Jordan-Rudeseal** referred to the exhibits on Condition #3 which stated that the property would be limited to the stated uses, only C-3 use would be interior access, climate controlled self-storage (on Lot C). The District IV Commissioner wanted clarification of the commercial zoning designations. Mr. Jordan-Rudeseal explained each one (C-1, C-2 and C-3) and what each designation allows for, structure-development wise.

Commissioner Cannon asked if there is any plan for development of Lot C; **Mr. Strickland** responded by showing where the flood plain is on Lot C, which would not allow for commercial use. R-1 has requirements already and can only put 1 house per acre. There is no current Site Plan for a subdivision but there is a new requirement that goes beyond typical R-1 usage. There is a stated condition on materials to be used in character with the appearance of the area. The Board is asked to approve the design that the applicant has initially complied and agreed upon, with the stated limitations placed on each of the lots of what is and is not allowed. The District III Commissioner asked if the Board can approve Lots A and B, and if development is proposed for Lot C, that would have to come back to the Board; Mr. Jordan-Rudeseal responded that can be done at the Board's discretion and would have to be made part of the motion.

Commissioner Cannon made a motion to approve Lots A and B's rezoning and that applicant would have to come back before the Board upon intention of developing Lot C, as well as the previous and added conditions from staff; **Commissioner Wilson** seconded the motion.

Mr. Jordan-Rudeseal asked to read these conditions into the Minutes as follows:

1. The development of the subject property, apart from Lot C, shall be required to comply with the equivalent requirements of the Highway Corridor Overlay District as they may be amended from time to time. The Highway Corridor Overlay District shall not apply to Lot C as shown in the conceptual site plan, dated September 4, 2020.
2. An easement shall be provided to the Henry County Water Authority across the subject property for purposes to include public sewer service. The easement routing shall be provided at locations meeting the approval of the Water Authority at the time development plans are submitted for the project.
3. The subject property shall be developed with substantial compliance of the lot layout of the conceptual site plan, dated September 4, 2020. Lot A of the Mixed Use development shall be limited to those C-1 uses not prohibited by the Highway Corridor Overlay District. Lot B of the Mixed Use development shall be limited to those C-1 and C-2 uses not prohibited by the Highway Corridor Overlay District. The only C-3 use shall be interior access-only climate controlled self-storage. Lot C of the Mixed Use development shall be limited to R-1 uses.
4. 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 GDOT and HCDOT standards.
5. A Traffic Impact Study shall be required; all of the indicated improvements will be required of the developer/owner. The owner/developer shall coordinate with HCDOT regarding all project access.

6. The owner/developer shall preserve property all along Hwy. 20 East and Airline Road for a future right-of-way width of sixty (60') feet from center along the site's frontage.
7. All disturbed areas shall be sodded, except where landscaping is present or installed.
8. All Stormwater management facilities shall be on their own lot and secured by a 5' high fence.
9. Façade materials for all non-residential structures shall meet the requirements of the Highway Corridor Overlay District on all sides. Stucco shall be limited to 40%. Concrete block shall be prohibited as an exterior façade material on any side. Metal shall be prohibited as an exterior façade material on any side.
10. Any single-family residential structure shall include a combination of two (2) or more of the following on all sides: brick, stone, stucco or cement fiberboard provided that the structure shall be consistent with existing homes in the area as determined by Planning & Zoning staff. Vinyl shall only be permitted in the eaves, soffits and fascia.
11. Development on Lot C, as shown in the conceptual site plan, dated September 4, 2020, shall be presented to the Board of Commissioners for site plan approval.

Commissioner Cannon affirmed the stated conditions as part of his motion. The motion carried (6-0-0).

(Resolution 21-264)

Public Hearing (RZ-21-03)

Blue River Development, LLC of Cumming, GA requests a rezoning from RA (Residential-Agricultural) to R-2 (Sewer) (Single-Family Residence) for property located at the southeast corner of the intersection of Highway 20 East and Airline Road in Land Lot 75 of the 7th District. The property consists of 93.69+/- acres, and the request is for a single-family residential subdivision. District 3 (Presenter: Kamau As-Salaam, Planner II) (Exhibit 8)

Mr. Jordan-Rudeseal, appearing for Mr. As-Salaam, approached and presented an overview of the request for the Board. He pointed out that the FLUM calls for Low Density Residential and the proposed development is limited to less than 2 dwelling units per acre. Applicant proposes a conservation subdivision and the layout were approved by Zoning Advisory Board on March 25, 2021 with certain conditions which were posted. Staff evaluated the request, considered the map, considered the character in the area, and other pertinent factors and that the ZAB granted approval for a conservation-type layout. Staff thereby recommends approval with certain conditions. There have been discussions which prompted additional staff-recommended conditions which were displayed on the viewer for the Board and the public. Of note in the changes on conditions, Mr. Jordan-Rudeseal explained the conditions on the buffers and the ZAB recommendation of a 100' buffer on its own lot and the reasons surrounding that recommendation. An additional condition was also recommended regarding Stormwater facilities as well as another condition that each permitted home shall be compatible with existing homes and that Planning & Zoning is authorized to increase square footage and modify design where incompatibility is determined.

Chair Harrell opened the floor for Public Hearing and called for anyone wishing to come forward to make comments, state their name and a total of ten (10) minutes was given to speak.

In Favor

Steve Moore, Moore Bass Consulting

Mr. Moore approached in representation of the applicant and agreed with the presentation given by Mr. Jordan-Rudeseal. He noted that there is a significant reduction in lots from 131 to 114 that are within the stated lot sizes with some notable exceptions to the north of the property. The ZAB approved the rezoning and the Conditional Use to designate conservation subdivision. Applicant is agreeable concerning the buffer. Mr. Moore asked about the 6' privacy fence and whether it should be on the road side of the buffer or the lot side of the buffer. The applicant does have the two (2) accesses, neither of which falls to Airline Road; there are also amenities as proposed to be included. He also gave examples of the proposed homes meeting the requirements and price points to mid-upper \$400k for these homes.

Chair Harrell then called for anyone wishing to speak in opposition of this request to come forward, with the same total of ten (10) minutes given to speak. *No one came forward.*

Chair Harrell closed the Public Hearing.

Commissioner Cannon asked if Georgia Department of Transportation (GDOT) has done its evaluation; **Mr. Moore** stated that they have had preliminary discussions with GDOT and that a Traffic Impact Study will be done, as noted in Condition #1. The engineer will do the ICE (Intersection Control Evaluation) on the locations decided by GDOT to impose the study. The District III Commissioner expressed concern about the people who live in the far northeast corner of any Public Safety vehicle able to get to them and proposed to table this item until the GDOT evaluation is done. Mr. Moore explained that a full design of the subdivision will be needed to get the application filed with GDOT. Upon the display of the site plan, Mr. Moore gave some clarification of the layout and that it is within the Overlay District which has its own layout requirements. He does not know if GDOT will allow those full accesses and it will depend on the results of the Traffic Impact Study. The Commissioner wants GDOT to approve the locations and to see if there is another direction that can come out to Airline Road. Mr. Moore stated that it could be done but it would not be a wise location for access and that Hwy. 20 access was better on the surrounding neighborhoods.

Commissioner Cannon noted that there should be greenery on a conservation subdivision and only sees it on the border of the subdivision. He does not find this appealing and does not believe this would be definitive of a conservation subdivision. **Mr. Moore** explained that the particular shape of this property had constraints with buffer requirements and flood plains needing protection. Applicant did not want to push the development closer to the flood plain which instead needs to be protected. An option could be placing a clearing restriction on some of the back portion of the lots to remain undisturbed, with exceptions for access to utilities.

Commissioner Cannon asked if Mr. Moore could come back with a design that would put green space between the homes. **Mr. Moore** suggested that this could get approved tonight and he could add a condition that would accomplish the Commissioner's request; however, GDOT will not issue anything without going through the process, including the ICE studies and Traffic Impact Study. He proposed a condition to have the last 20-30' centered on the rear of the property lines of the roads that run east/west will be preserved as tree save area which can be enforced by the HOA. The District III Commissioner stated he is not comfortable moving forward. **Chair Harrell** noted that this looks like a football field full of houses. Mr. Moore assured that this is within the Highway Corridor Overlay District.

Commissioner Cannon made a motion to table this item; **Bruce Holmes, District V Commissioner** seconded the motion. The motion carried (6-0-0).

(This request was tabled)

Public Hearing (RZ-21-05)

Arlington Properties of McDonough, GA requests a rezoning from C-2 (General Commercial) and M-1 (Light Manufacturing) to MU (Mixed Use) for property located at 156 Foster Drive in Land Lots 111 & 112 of the 6th District. The property consists of 18.189+/- acres, and the request is for a mixed multi-family residential, office, and commercial development. District 3 (Presenter: Kenta Lanham, Planner II) (Exhibit 9)

Kenta Lanham, Planner II, approached to present the request for the Board. There are a proposed 5,000 square feet of commercial and 4,000 square feet of plaza space. A Traffic Impact Study was done and provided as well. On March 11, 2021, the Zoning Advisory Board recommended approval with conditions. Additional conversations were held since then with additional conditions, shown on the display. Staff reviewed and evaluated the conditions as well as the request and recommends approval with conditions.

Chair Harrell opened the floor for Public Hearing and called for anyone wishing to come forward to make comments, state their name and a total of ten (10) minutes was given to speak.

In Favor

Andrew J. Welch, III, Manager, Smith Welch Webb & White, LLC

Mr. Welch approached in representation of the applicant and gave overview and some details of the proposed development with the amenities. He had a slide presentation shown to the Board as well. He also pointed out where the main parking and entrances would be located as well as presented a rendering of the proposed residential units, interior and exterior. Also displayed were various amenities of the proposed development including Peloton workout areas. The interior designs would feature high-end stainless steel appliances, high-end lighting packages, nickel plumbing fixtures and other luxury designs. The property would be fully gated manned by security officers who will live on the property. Renters would be subject to full background checks prior to admittance. Requirements of the Overlay District such as the 10' wide sidewalks are to be implemented and will continue with this development as well. This is also located across the street from L.A. Fitness, the movie theater and other retail. Applicant is agreeable to the stated conditions as well.

Chair Harrell then called for anyone wishing to speak in opposition of this request to come forward, with the same total of ten (10) minutes given to speak. *No one came forward.*

Chair Harrell closed the Public Hearing and called for questions or comments from the Commissioners.

Mr. Lanham explained that the base of these conditions were proposed by the applicant and meet the conditions originally recommended by staff, with some revision of language and a few additional edits. Conditions #11 and #12 were also added after the ZAB meeting.

Commissioner Cannon requested that the conditions be read into the record. **Mr. Lanham** read as follows:

1. The uses of the subject property shall be limited to residential, commercial retail/restaurant and office. The number of total dwelling units shall not exceed 260 or a net density of 15 dwelling units per acre, whichever is the fewer number.
2. Owner/developer shall prepare and submit to HCDOT a Traffic Impact Study. All indicated improvements shall be required of the owner/developer by HCDOT.
3. There shall be no direct access to Foster Drive other than main entrance drive and a right-in/right-out only drive.
4. The site's entrance drive and right-in/right-out only drive shall meet the minimum spacing requirements per GDOT's driveway manual and shall be located such that it meets minimum intersection sight distance per the design speed limit of Foster Drive. In addition, main entrance shall include a right-turn deceleration lane designed and constructed to HCDOT standards.
5. The owner/developer shall preserve right-of-way per the latest plan available (including if latest plan available is a concept plan), plus any additional roadway requirements as determined applicable by the traffic study required by Condition #2 as it relates to the improvement of Foster Drive, including curb and gutter.
6. A minimum eight (8') foot wide sidewalk, with street lights meeting the standards of the Highway Corridor Overlay District, shall be provided all along the subject property's Foster Drive frontage.
7. An amenity package shall be provided to the residential portion of the development and shall include: a resort pool, clubhouse, and fitness center, spin room with Pelotons, pavilion with TVs, valet trash, and package concierge.
8. The exterior design of the development shall be within substantial compliance to that of the rendering shown in "Exhibit A".
9. Security for the development will include the following: (a) the residential portion of the property will be fully gated and (b) cameras will be used in the common areas.
10. The property's residential unit mixture shall be:
 - a. A maximum of 10% 3-bedroom units
 - b. A maximum of 50% 2-bedroom units
 - c. A minimum of 40% 1-bedroom units.
11. Uses are limited to those proposed in the application. Commercial uses are limited to C-1 (Neighborhood Commercial) uses not otherwise prohibited by the ULDC.
12. All Stormwater management facilities shall be on their own lot and secured by a 5' high fence.

Commissioner Cannon made a motion to approve with the above-stated conditions; **Commissioner Thomas** seconded the motion. The motion carried (6-0-0)

(Resolution 21-265)

PUBLIC COMMENTS

There were none.

APPROVAL OF MINUTES

Commissioner Clemmons made a motion to approve the Minutes from *June 14, 2021(Regular BOC Meeting) and June 29, 2021 (Virtual Called Workshop Meeting regarding T-SPLOST)*; **Commissioner Thomas** seconded the motion. The motion carried (6-0-0).

UPCOMING MEETINGS & EVENTS

- A. Wednesday, September 8, 2021 at 9:00 a.m. , Regular BOC Meeting
- B. Tuesday, September 21, 2021 at 6:30 p.m., Regular BOC Meeting

ADJOURNMENT

There being no further business at this time, **Chair Harrell** adjourned the meeting. ***Meeting adjourned at 8:56 p.m.***

Carlotta Harrell, Chair

Stephanie Braun, County Clerk