

**City of Dawsonville
December 9, 2019
Planning Commission Regular Meeting**

Planning Commissioner Matt Fallstrom announced the December 9, 2019 City of Dawsonville Planning Commission regular meeting was to begin with an announcement that Chairman Troy Lindsey was absent due to illness and that the Vice Chair John Walden has previously resigned. (Planning Commissioners will need to elect an acting chair)

A motion was made by Matt Fallstrom to amend the agenda to elect an acting chair. Anna Tobolski seconded the motion. Motion passed unanimously.

A motion was then made by Matt Fallstrom to elect Susan Theisen as acting chair for the Dec. 9th meeting. Motion passed unanimously.

Acting Chair Susan Theisen then called the December 9, 2019 Planning Commission regular meeting to order at 5:35 p.m.

Present: Planning Commission Members present: Susan Theisen, Anna Tobolski and Matt Fallstrom. Staff present: Planning Director Robbie Irvin, and City Attorneys Dana Miles and Paul Mitchell. Mayor Mike Eason and Councilmen Caleb Phillips and Stephen Tolson were present as well.

Approval of the Agenda: Susan Theisen requested a motion to approve the agenda. Matt Fallstrom motioned to approve the agenda; Anna Tobolski seconded the motion; there was no further discussion; all were in favor; the agenda was unanimously approved.

Invocation and Pledge: Robbie Irvin gave the invocation and led the pledge.

Approval of the Minutes: Anna Tobolski motioned to approve the November 12, 2019 Planning Commission Meeting minutes; Matt Fallstrom seconded the motion. There was no further discussion and the minutes were unanimously approved.

Old Business: None

New Business: None

Public Hearings:

ANX-C2000032A and ZA-C2000032A: Sachinkumar Patel has petitioned to annex into the city limits of Dawsonville 5 Acres located at 60 Hwy 136 East and being in Land Lots 193 and 194, 13th District, 1st Section as shown on a plat prepared by Nathan McClure dated August 1, 2019 and revised October 1, 2019 and recorded in Plat Book 84 on Page 232; with Warranty Deed being recorded on November 8, 2019 in Deed Book 1377 on Page 150. Applicant is also requesting to rezone from County Zoning of RA (Residential Exurban/Agricultural) to City Zoning of HB (Highway Business). Public Hearing Dates: Planning Commission on December 9, 2019 and City Council on December 16, 2019 and January 6, 2020

Matt Fallstrom motioned to open the public hearing for ANX/ZA-C2000032A; Anna Tobolski seconded; All were in favor; Public hearing was opened at 5:40 p.m.

Planning Director Robbie Irvin presented the staff report.

Mr. Patel has requested annexation into the City of Dawsonville and an amendment to the current zoning ordinance for a portion of TMP 091 012 consisting of 5 acres, located at 60 Hwy 136 East.

Current conditions and request are as follows:

- Said property is currently within the jurisdiction of Dawson County and zoned RA (Residential/Exurban Agricultural).
- The applicant has completed the purchase of the property.
- The applicant is requesting annexation into the City of Dawsonville and a change in zoning to HB (Highway Business).
- The parcel in question is at the intersection of two state highways Hwy 9 and Hwy 136. All other corners of this intersection have previously been annexed two of which are zoned HB and the other R-1 with a nonconforming grandfathered business at that location.
- It is typical to see the corners of a rural intersection to experience commercial growth of this nature, mixing new appropriate commercial zonings with older grandfathered uses typically with service type businesses such as gas stations, small markets, etc.
- The adjoining residential properties both the annexed and unincorporated parcels are owned by the seller and or family of the seller of the parcel in question and no objections have been raised by them.

This request is consistent with the City of Dawsonville Comprehensive Plan.

Planning Director Irvin stated that he had spoken with adjoining property owner who are in favor of this request with the condition that a security fence be erected around any development that occurs to prevent unwanted trespassing and foot traffic onto their properties. Adjoining property owners are not requesting a security fence around the entire 5 acres but only around the area which is developed.

If approved the Planning Office would recommend the following stipulations:

- All lighting shall be full cutoff down light only as to prevent light spillage onto neighboring properties.
- When development of said parcel occurs a security fence no less than six feet in height shall be erected around any development but shall not be required around the entirety of the parcel unless said development encompasses such.

Susan Theisen then asked the applicant if he wished to come forward and speak to the request.

Mr. Patel advised he would no longer be pursuing a Motel for the property as sewer capacity was not present. Mr. Patel advised he would like to develop a small mixed-use commercial development with a possible restaurant.

Susan Theisen asked Planning Director Irvin if a site plan had been provided to which he answered one was not required but that the proposed uses fit within the HB zoning category.

Susan Theisen then asked if anyone would like to speak in favor of the request.

Six persons approached individually and advised they were in favor of the request.

Susan Theisen then asked if anyone wished to speak in opposition. None spoke.

Susan Theisen then asked for a motion to close the public hearing. Anna Tobolski motioned to close the public hearing. Matt Fallstrom seconded the motion. There was no further discussion and the public hearing was closed at 5:48 p.m.

Anna Tobolski asked City Attorney Dana Miles if there was a holding period on rezonings once a property is annexed. Mr. Miles advised there is no IGA with the county and explained that properties could be assigned a temporary zoning of AP (Annexed Property) or another specific zoning.

Matt Fallstrom asked City Attorney Miles if an annexation is granted does it have to be rezoned. Mr. Miles stated that it does have to be rezoned.

Anna Tobolski asked Planning Director Irvin if the current county zoning of RA is similar to the city zoning of RA. Irvin advised it was similar and that city zoning RA and or R1 are the closest comparable zoning categories.

Discussion continued regarding the appropriateness of zoning the parcel HB. Mr. Irvin advised that a commercial zoning would be consistent with surrounding zonings. Mr. Miles advised that the Planning Commission could add conditions to address their concerns.

City Attorney Dana Miles asked Planning Director Irvin to read into the record the recommended stipulations from the Planning and Zoning Office. Mr. Irvin stated the following:

- When development of said parcel occurs a security fence no less than six feet in height shall be erected around any development but shall not be required around the entirety of the parcel unless said development encompasses such.
- All lighting shall be full cutoff down light only as to prevent light spillage onto neighboring properties.

Susan Theisen then requested to add the following stipulations:

- Twenty-five percent of the trees removed be replaced.
- A 30-foot planted buffer be installed around the perimeter of any development.
- The Planning Department, the Planning Commission and the Mayor and Council shall approve any proposed site plan.

Susan Theisen then made a motion to approve with the 5 stipulations stated. Motion died for lack of a second.

Anna Tobolski made a motion to approve the annexation with a zoning of NB (Neighborhood Business) with the 5 stipulations listed. Matt Fallstrom seconded the motion by Anna Tobolski. All were in favor. Motion passed unanimously.

Planning Director Report: Mr. Irvin had nothing further to report at this time.

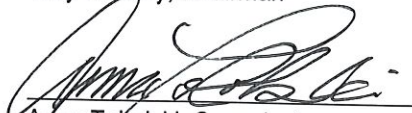
Announcements: Acting Chair Susan Theisen made the following announcements:

- The next meeting date for the Planning Commission is scheduled for January 13, 2020 at 5:30 pm.

Adjournment: With no further business, Anna Tobolski motioned to adjourn; Matt Fallstrom seconded; All were in favor. The meeting was adjourned at 6:08 p.m.

Minutes approved this February 10, 2020.

Troy Lindsey, Chairman



Anna Tobolski, Commissioner

Vacant



Sue Theisen, Commissioner



Matt Fallstrom, Commissioner

Attested 

Robbie Irvin, Planning Director