



LUMPKIN COUNTY
Board of Commissioners
SLUA Public Hearing Agenda
Commissioners Boardroom

May 27, 2021
5:00 P.M.

- **Call to Order** Chairman Dockery
- **Consideration of Agenda**
- **SLUA Presentation (Planning Director Bruce Georgia)**
- **SLUA Hearing Rules (Chairman Dockery)**
- **Proposed Weekend Mini Market Special Land Use Request**
 - 1. Proposed Weekend Mini Market Special Land Use Request *(Tommy Rainey)*
- **Public Comment in Support of the SLUA**
- **Public Comment Opposed to the SLUA**
- **Rebuttal**
- **Commissioner Comments**
- **Adjournment**

LUMPKIN COUNTY
Board of Commissioners
SLUA Public Hearing Minutes
Commissioners Boardroom



May 27, 2021
5:00 P.M.

Call to Order

The meeting was called to order at 5:00 PM by Chairman Chris Dockery

Attendee Name	Title	Status	Arrived
Chris Dockery	Chairman	Present	
Bobby Mayfield	District 2 Commissioner	Present	
Rhett Stringer	District 3 Commissioner	Present	
Jeffrey Moran	District 4 Commissioner	Present	

Consideration of Agenda

Motion: A motion was made by Commissioner Stringer to approve the agenda. The motion was seconded by Bobby Mayfield. The motion was approved and carried.

SLUA Presentation (Planning Director Bruce Georgia)

SLUA Hearing Rules (Chairman Dockery)

Public Comment in Support of the SLUA

Sheryl Berry spoke on behalf of applicant Tom Rainey. They are hoping to have the weekend mini market open on Fridays, Saturdays, and Sundays. She said people would be able to rent booths and bring items to sell. Chairman Dockery asked her if they intended to operate seasonally or all year long, and Ms. Berry said they will probably be seasonal to begin with, but if the weather permits they could operate during the winter as well.

Kimberly Mihok, 1063 Grindle Bridge Road, said the market is a good idea and will be beneficial for people who have been hit hard by the economy.

Public Comment Opposed to the SLUA

Mark Townsend, 172 Wild Azalea Trail, presented some pictures of the property to the Commissioners. He said they have been working on the property before the business has even received approval. He does not have an issue with the business itself, but he thinks it is in the wrong place. He extensively reviewed the Gateway Corridor Overlay district regulations, and nothing in there lends itself to this type of business. All of the language in the ordinance involving building design, setbacks, screening, and other things does not address businesses like flea markets. Mr. Townsend also expressed concern that the SLUA was denied previously when it was considered a "flea market" and he does not understand how a "weekend mini market" is any different. He commented that it seemed like it was just a flea market by a different name. He said it could be an eyesore if

materials and tents are left out all week when the market isn't open. Mr. Townsend also had concerns about parking and sanitation for the property.

Chairman Dockery said he hadn't read anything about people parking within the right-of-way; Commissioner Stringer said there had been discussions about the entrance lane, but no one would be able to park within the ROW. Mr. Townsend said he was concerned about what would happen if the parking lot filled up. He also questioned if the portable bathrooms would sit there all week long, and he said the current sign out there doesn't look like it follows the County sign regulations. Planning Director Bruce Georgia said they will have to meet the sign standards of the Code of Ordinances, and that will be addressed in the business license if this is approved. Mr. Townsend ended his comments by saying that the Commissioners spent a lot of time and effort putting together the Gateway Corridor regulations, and this seems to go against everything in the ordinance.

Tom Vincent of Porter Springs Road said he is concerned about traffic safety at the property. Chairman Dockery said GDOT inspected the entrance and it meets all of their requirements.

Rebuttal

Kimberly Mihok said if the Gateway Corridor regulations don't explicitly ban tents, then there shouldn't be a problem. She also said Mr. Rainey's signage will be controlled under the business license.

Commissioner Comments

Commissioner Moran asked Sheryl Berry and Mr. Rainey if either of them had consulted the design guidelines booklet for the Gateway Corridor district. Ms. Berry replied she had not, but they would abide by any regulations required by the BOC. Commissioner Moran told them it is a 66 page guide of things that are acceptable or not acceptable in the Gateway Corridor. He stated he has nothing against a flea market but he doesn't like the location. As Mr. Townsend discussed, we put a lot of money, effort, and time into developing these guidelines, including receiving public input. The parameters for buildings, lighting, screening, etc. have already been set. Temporary buildings are prohibited within the Gateway Corridor, and storage buildings require screening. Commissioner Moran said this market is not compatible with the overlay district guidelines.

Commissioner Mayfield read his prepared statement regarding his opinion on the SLUA. He said he has received a lot of input from citizens on both sides of the issue. This is not a business that the BOC intended for the Gateway Corridor, but he feels we need to provide citizens with ways to feed their families, especially with the construction delays brought on by COVID. He predicted eventually a rich developer will buy the land once the area starts getting developed.

Proposed Weekend Mini Market Special Land Use Request

1. Proposed Weekend Mini Market Special Land Use Request (Tommy Rainey)

Proposed Weekend Mini Market Special Land Use Request

Motion: Commissioner Mayfield moved to approve the SLUA with the following conditions imposed, and was seconded for discussion by Commissioner Stringer:

1. Operates only on Saturday and Sunday unless a Federal or State holiday creates a 3-day weekend.
2. No materials left on property other than a permanent portable bathroom and possibly wooden tables.
3. No tarps covering piles of stuff.
4. No storage buildings or tent frames.
5. No signage other than those that meet County regulations.
6. No streamers or other decorations Monday-Friday except for on a holiday weekend.
7. Hours of operation will be daylight to dark.

There was additional discussion between the Commissioners, staff, and the County Attorney for clarification on some of the points.

Motion: Commissioner Mayfield amended his motion to the following:

1. Hours of operation will be Friday noon to Sunday at dark, except for Federal or State holiday weekends. On holiday weekends, it will start the day before at noon for setup.
2. No materials left on property other than a portable bathroom to remain on-site that is serviced weekly, or wooden tables. Materials shall not be left on site Monday-Thursday.
3. No tarps on piles of stuff Monday-Thursday.
4. No storage buildings or tent frames except for 1 pre-fabricated building to be used for an office and registration.
5. No signs other than those that meet County regulations. Any permanent signs to advertise the market must be permitted through County.
6. Only parking in designated gravel areas. No parking on right-of-way is allowed.

Commissioner Stringer seconded the motion. Commissioner Stringer, Commissioner Mayfield, and Chairman Dockery were in favor. Commissioner Moran was opposed. The motion carried 3-1.

Chairman Dockery said the proposed use that was approved tonight might not be permanent. It could go away once land prices rise and another developer wants to buy it. Looking around the County and even within the Gateway Corridor, there are other operations that are similar to this, and he gave several examples. He said over time, different uses will happen for the land.

Commissioner Moran said he isn't against flea markets; it is just that the Board spent so much time and effort developing the Gateway Corridor regulations. There was a lot of community input in the process. He told the Chairman that the businesses he mentioned were there before the guidelines were developed, so they would have been grandfathered in. He ended his comments by stating it is his opinion that the Board took a step forward with the Gateway Corridor regulations, but tonight they have taken two steps back.

Adjournment

Motion: A motion was made by Commissioner Mayfield to adjourn the meeting. The motion was seconded by Commissioner Stringer. The motion was approved and carried.

The meeting was adjourned at 6:06 pm.

June 16, 2021

Date



Melissa Witcher

County Clerk, Lumpkin County



Chris Dockery, Chairman

Lumpkin County Board of Commissioners