



LUMPKIN COUNTY
Board of Commissioners
SLUA Public Hearing Agenda
Commissioners Boardroom

March 16, 2021
4:30 P.M.

- **Call to Order** Chairman Dockery
- **Consideration of Agenda**
- **SLUA Presentation (Planning Director Bruce Georgia)**
Special Land Use Approval – Flea Market *(Planning Director Bruce Georgia)*
- **SLUA Hearing Rules (Chairman Dockery)**
- **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



March 16, 2021
4:30 P.M.

Call to Order

The meeting was called to order at 4:32 PM by Chairman Chris Dockery

Attendee Name	Title	Status	Arrived
Chris Dockery	Chairman	Present	
David Miller	District 1 Commissioner	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 Miller to approve the agenda. The motion was seconded by Commissioner Moran. The motion was approved and carried.

SLUA Presentation (Planning Director Bruce Georgia)

Planning Director Bruce Georgia gave a presentation regarding the Special Land Use Approval and the details of the application.

SLUA Hearing Rules (Chairman Dockery)

Chairman Dockery read aloud the purpose of the SLUA hearing and the rules for each side.

Public Comment in Support of the SLUA

The applicant Tommy Rainey stated he has been working as a firefighter/EMT for 35 years and he desires to open this flea market for his retirement income. He believes this will help the community since he has had a lot of interest from people who would like to rent a table, and this could be an income opportunity for people without jobs. Commissioner Moran asked for clarification on the how the 50 tables would be oriented. Mr. Rainey said the vendors would be given a 12 x 12 space and could put up their own table or even a tent. His equipment would be up full time, but the vendors would have to remove their tables and/or tents each week.

Commissioner Mayfield asked some questions regarding the lease agreement and the acreage of the property. Mr. Rainey said the total acreage is 8, but the acre he is renting is between the road and creek on the flat area. He said there would be no buildings there, only tents, as the area is within the flood zone. He explained the included spec sheet for a Butler building is for an office space. Chairman Dockery asked about what the licensing requirements would be for vendors. Larry Reiter explained it would be weekend sales similar to a garage sale. If they take away all of their product and don't spend a lot of time there, they don't need a license; if

they sell continuously for more than 7 days, they do need a business license. The Chairman asked how this would affect County staff since we don't typically have code enforcement on the weekends. How can we regulate so vendors will play by the same rules as everyone else? Bruce Georgia said we would treat it like any other business. Mr. Rainey will have to get a business license for certain. His staff doesn't have the resources to track down everyone unless there is something problematic going on. He said it will be up to the vendors to ensure they come in and get a business license.

Chairman Dockery said he had some concerns regarding the parking, especially if it is raining. Will it eventually be gravel or paved? Mr. Rainey responded that eventually it will be paved as the money comes in. The Chairman said mud in the roadway could be a safety issue. He also asked Mr. Rainey what his long-term plans are for the site. Mr. Rainey said he hopes to run this for the next 20 years during his retirement.

Public Comment Opposed to the SLUA

JoAnne Taylor came to speak as a private citizen with some concerns about the flea market. She was happy to see this Board has already decided to create a character area map with certain requirements. She does not want our community to look like those to the south. Her option is that the current character area guidelines specifically do not include open air flea markets. She is concerned about attractiveness from a professional development standpoint. The future hospital and surrounding developments could be negatively affected if this is allowed to happen, she declared. She applauded Mr. Rainey's creativity, but does not believe this is the appropriate place for such a business. She also has concerns regarding traffic going in and out of the current driveway to the property, and respectfully requests the Commissioners to deny the SLUA application.

Rebuttal

Commissioner Comments

Commissioner Moran said Mr. Rainey seems to be trying to do the right thing for this. He asked if the boiled peanut salesman that regularly sets up down the road from this property had to also go through a SLUA application. Does he have a license? Does he operate under the same scrutiny as Mr. Rainey? The Chairman said the County has always looked at roadside vendors as temporary weekend sellers. We have never pursued any licensing or special use because they are mobile. This flea market will be different because it will be a permanent location with more traffic. Mr. Reiter commented that boiled peanut and produce stands fall under a type of agricultural exemption since they are serving local products. The County discussed that issue thoroughly about ten or twelve years ago to look at licensing, but we were essentially told that those are regulated under the Department of Agriculture.

Commissioner Stringer asked if there is a requirement for a gravel apron, and Mr. Reiter responded the entrance is paved to the back of the right-of-way already, and it is a state road. However, it would become a problem if a bunch of mud ended up on the roadway. If there is an issue with that, GDOT will have to get involved. Mr. Reiter said the current GDOT-approved entrance was placed there in about 2002, and GDOT has already purged their records regarding that. They will need more information about the use that Mr. Rainey plans to have at the site, he explained. The entrance was originally designed for a strip mall. They will want traffic counts and a site development plan.

The Chairman said his biggest concern is the safety on that road. He is leery of giving permission without a GDOT consultation to find out how this will impact their road. Mr. Reiter said we can't issue a business license without both GDOT approval and the SLUA approval. The applicant, Mr. Rainey, said he received verbal approval of the d-cell lane from GDOT employee Phil Satterfield, but Mr. Reiter said it would still have to be officially approved by the Gainesville office. Commissioner Mayfield said the BOC needs to consider the Character Area Map and the desired appearance of the area. He is not opposed to a flea market, but he does not think this is the appropriate location. Commissioner Miller agreed, and said it would be one thing if this would only last a year or two, but twenty years is too much.

Special Land Use Approval – Flea Market (Planning Director Bruce Georgia)

The SLUA is for a proposed 50 table flea market (project started prior to approval) currently located at 5738 South Chestatee Street, Dahlonega, GA 30533. The property is currently owned by the A2S Group Real Estate

Investments, who has leased approximately one acre of this parcel to Mr. Rainey through March 31st 2021, with the possibility of extension of the terms.

Motion: A motion was made by Commissioner Miller to wait until formal clarification from GDOT. Motion dies for lack of a second.

Motion: A motion was made by Commissioner Stringer to approve the SLUA. Motion dies for lack of a second.

Motion: Commissioner Miller moved to disapprove the SLUA and was seconded by Bobby Mayfield. Commissioner Stringer was opposed. The motion was approved and carried.

Chairman Dockery announced the SLUA was denied and this shall be considered the final decision. The applicant may make an appeal to Superior Court as allowed by law.

Adjournment

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

The meeting ended at 5:15 PM.

April 21, 2021

Date



Melissa Witcher
County Clerk, Lumpkin County



Chris Dockery, Chairman
Lumpkin County Board of Commissioners