



# CITY OF DAHLONEGA

## Planning Commission Agenda

November 08, 2023, 6:00 PM

City Hall - Mayor McCullough Council Chamber

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In compliance with the Americans with Disabilities Act, those requiring accommodation for Council meetings should notify the City Clerk's Office at least 24 hours prior to the meeting at 706-864-6133.

Vision – Dahlonega will be the most welcoming, thriving, and inspiring community in North Georgia

Mission Statement - Dahlonega, a City of Excellence, will provide quality services through ethical leadership and fiscal stability, in full partnership with the people who choose to live, work, and visit. Through this commitment, we respect and uphold our rural Appalachian setting to honor our thriving community of historical significance, academic excellence, and military renown.

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Call to Order

Pledge of Allegiance

Approval of Minutes:

1. Planning Commission Meeting Minutes - October 8, 2023  
Sarah Hunsinger, Assistant City Clerk

OLD BUSINESS

Zoning Cases:

2. REZN 23-2: Squairetail, LLC - Alicia Lane (062A 075)  
Allison Martin, City Manager
3. Mountain Top Real Estate Group, LLC  
Allison Martin, City Manager

Conditional Uses:

NEW BUSINESS

Zoning Cases:

Conditional Uses:

Adjournment



# CITY OF DAHLONEGA

## PLANNING COMMISSION MINUTES

TUESDAY, OCTOBER 03, 2023 AT 6:00 PM  
CITY HALL - MAYOR MCCULLOUGH COUNCIL  
CHAMBER

In compliance with the Americans with Disabilities Act, those requiring accommodation for Planning Commission meetings, please contact Allison Martin at [amartin@dahlonega.gov](mailto:amartin@dahlonega.gov) or (706) 482-2706.

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### Call to Order

Chairman Conaway called the meeting to order at 6:00 P.M.

### PRESENT

Chairman Robert Conaway  
Commission Member Joyce Westmoreland  
Commission Member James Spivey  
Commission Member James Carroll

### ABSENT

Commission Member Michael Feagin

### Pledge of Allegiance

Chairman Conaway led the Pledge of Allegiance.

### Approval of Minutes:

There was a discussion about fixing the minutes.

Chairman Conaway made a motion to approve the Planning Commission Meeting Minutes from August 1, 2023.

Motion made by Commission Member Spivey, Seconded by Commission Member Carroll.  
Voting Yea: Commission Member Westmoreland, Commission Member Spivey, Commission Member Carroll

1. Planning Commission Meeting Minutes - August 1, 2023

Miki Mullis, Administrative Assistant

Chairman Conaway noted to change item three in the agenda from the Planning Commission Meeting Minutes on August 1, 2023. He stated that the minutes showed the vote but did not say what the motion was. He stated that they would wait to vote until those corrections had been made.

### NEW BUSINESS

*Zoning Cases:*

2. BZA 23-3 Fuerstenberg

Allison Martin, City Manager

Chairman Conaway introduces item number one to the audience. He announced that the applicants requested a left-side yard setback variance. He asks Mr. and Mrs. Fuerstenberg to explain what they will do with their property, and he understands they want to add a garage.

Mr. and Mrs. Fuerstenberg thanked the commission for taking the time to listen to their variance request. They are requesting a variance to do a side yard setback from 15 feet to 3 feet to construct a garage. There is currently a metal carport to the left of their home. The carport was in place when they purchased the house, and it sits where they would like to place the garage. She offered to show the committee some pictures. They are looking to enhance their property. They have previously added a front porch, and they worked with the City through that process with Tim Martin, and they have done the permitting in the past. They have provided pictures of what the carport looks like now and what they hope it looks like with the garage. They have spoken with their direct neighbors, the two homes across the street, to the left and the right, and they have all given a verbal agreement and a letter that they support this project. She states that this is to remove the carport and insert a garage in that spot. This would be a detached garage.

Chairman Conaway asked if the carport would be removed and if it would be going off of their property line.

Mrs. Fuerstenberg answered by saying that it was their neighbor's property. She states there are trees between their property and their neighbor's property. The carport currently sits 3 feet off of the property line. They had it re-surveyed before they started this process. They did this to find out exactly where it was located. There is a property on that land, but there is not a home. Their home sits further back than their neighbors do.

Chairman Conaway suggested that there is already a garage door and asked if that was a finished part of the house now.

Mrs. Fuerstenberg stated that this was not correct. Their house was built in the 40's, meaning the basement has shallow ceilings. It has enough room to hold a second fridge and some workshop material. There is no room for an automobile, which is used for storage.

Commissioner Carroll asked if the carport was bolted into the ground.

Mr Fuerstenberg stated that it is only a temporary structure. Mrs. Fuerstenberg said that it was there before they purchased the home, so they are not sure how long the carport has been there.

Chairman Carroll and Spivey had a conversation amongst themselves.

Commission Member Westmoreland asked to see the pictures.

Mrs. Fuerstenburg explained what was in the pictures to the committee.

Chairman Spivey asked if they had considered putting the garage behind the house.

Mr. and Mrs. Furstenburg explained why they could not do that.

Chairman Conaway asked the committee if they had any more questions.

Chairman Conaway opened the floor to public comments.

Mr. Gribben voiced his support for this project.

Commission Member Carroll asked if they would make the upstairs area an apartment.

Mrs. Fuerstenberg stated that, at the moment, they will not finish the upstairs area. In the future, they will turn that area into a bedroom for children or an office. She stated they would not be renting that out.

Chairman Conaway entertained a motion for or against this variance.

Commission Member Westmoreland made a motion to approve this project. There is no second.

Commission Member Carroll made a motion to deny this project. Seconded by Commission Member Spivey.

Voting Yea: Chairman Conaway, Commission Member Westmoreland

Voting Nay: Commission Member Spivey, Commission Member Carroll

3. REZN 23-4 Mikell

Allison Martin, City Manager

Chairman Conaway introduced the next item on the agenda.

Mr. Homans stated they have been here and had the privilege to present this to the Planning Commission on August 1st. The difference is this property is located at 115 N Meaders St. I have the right to represent Scott and Chelsea Mikell. Chris Jones is here with me this evening. They live in Statesboro, Georgia, and traveled here for the appearance of this body and the City Councils on August 21st and discussed this with the City Council. They explained to the City Council that they were willing to amend the rezoning request and requested, because of their professions, to be excused from the hearing, and they understood. I think you all know the property my clients seek the rezoning because currently in the R1, they can not use it for a short-term rental. They seek to use the property as a second home but also as a short-term rental, and just for purposes of the minutes, I'll incorporate just by reference Dr. Mikell's statement to the planning commission we were here in August as well as his report to the city council before them. He explained, and I will not be able to explain this as elegantly as he did, but as he explained, they have profound roots in Dahlonega. You all know CHris's family, so you recognize those deep roots. They come here as much as they can. Still, they are raising a young family and seek short-term rental because that will allow them to pay for some of the upkeep, maintenance, taxes, and other items associated with maintaining this property. There can't be a better spot for a short-term rental in the city of Dahlonega, and that was our most conceded before the council because they are right next to Hancock Park. The City of Dahlonega has a lot of festivities and has won awards. I know all wants to quit winning awards for being one of the most favorite cities in Georgia, if not the favorite city in Georgia. And a big part of the reason is because of all the activities in Hancock Park. I submit that the short-term rental when those soccer festivals is a classic and good use if the Mikalls can not attend. We precisely when we amended this petition on August 29th. I encourage you to look at how we proposed amending because we would say R3 and leave it at that. We said we wanted R3 because the only permitted use under R3 would be a single-family detached dwelling and short-term rental. No other permitted use is what

we requested when we amended, and we did that because we did not have the staff report when we appeared before you all back on August 1st. However, we received that staff report before we went to the council on August 21st, and it states explicitly that the zoning of the R2 should not be approved because the minimum size of the lot is required to be R2. Shad is over 11,000 square feet, and the minimum size of R2 is 15,00 square feet. I am quoting from page five of the documents we received on page four of that report, but it says since we are a nonconforming lot of record, this lot was approved before we had zoning here in Dahlonga. As a result of section 502 of the ordinance, those changes couldn't be made. In other words, In any district, notwithstanding limitations imposed by other provisions of these regulations, a single-family dwelling and customary accessory buildings or any other permitted use may be erected on any single lot of record existing at the effective date of adoption or amendment of these regulations, even though such lot fails to meet the requirements for area or width, or both, applicable to the particular district involved, provided that yard dimensions and other conditions of the lot shall conform to the regulations for the community in which the lot is located. In section 702, Within each district, the regulations set forth shall be minimum requirements and apply uniformly to each class or kind of building, structure, or land. So your staff was saying that since you're a nonconforming lot, you're below the 15,00. You can't change it. you can keep it at R1, which is 30,000 square feet, but they can't let you go to R2 because you're blowing those requirements. We have told you what the uses are that we want. So, we amended it after the discussion with the council on August 21st. R3 has a minimum lot size of 10,000 square feet, so we meet those requirements. So we stayed well. If we go to R3, then we will comply with your staff report, and we do. So I believe now, when I get to your staff regulation, they are not making a recommendation. Still, suppose you go to the last page of their report. In that case, they say that if the short-term rental uses are deemed compatible, then that is the neighborhood, and it certainly is if you're across the street from the condominium and if you're across the street from Hancock Park that the following conditions be based upon the regulatory policy. One, the property shall comply with the requirements of Article VIII - Short-Term Rentals before issuing a short-term rental license. I want you to know that we filed this application on June 2nd and offered to submit our short-term rental application before we filed. We contacted your staff and said we want to show how genuine we are because this is all we are seeking, and we received this email saying I would recommend not applying after the rezoning has been approved. I understand that. You have to fill out that application and say, are you properly zoned, and right now, in R1, we would not be. My point is that we understand and agree that that should be a condition on the approval we have to meet those requirements. The same is condition two: Approving the property as a short-term rental shall only be approved for the current property owners. In my part as an attorney, that is called a special use permit, and that's fine. We will accept it as a special use permit only for Dr. Mikell. If they transfer this property, the ability for short-term rental would not pass with it, and therefore, effectively, they would lose any benefit from the R3 because we already said the only permitted use would be single-family or short-term rental. Again, we agree with that condition to show that my clients are genuine about what they seek. And then, condition three, using the property as a short-term rental, shall be revoked under the provisions found in Sec. 805 regulation and violation procedures until Article VIII. That is clear. Chris will be our local agent, and I can

assure you that if something is not done properly, Chris will revoke it for them. I don't know if you all have been by the property and have seen how well it has been maintained, but it is well maintained, which is a proper use of this property. We have done all we can to show good faith to comply with your ordinances when we were here. There were a lot of comments from the council, which was appreciated. Perhaps the zoning ordinance will need to be rewritten to address the unique circumstances similar to ours. By working with your staff, we have found a solution that accommodates what you are after and allows my clients to use the appropriate property.

Commission Member Carroll made a comment that if they decide to sell, it would no longer be a larger resell value if they rezone it and asked if the owners have thought about it.

Chairman Conaway stated that once the zoning has been changed, it would be hard for any new owners to change it back.

Mr. Homans stated that one of the conditions states that this would only affect his clients only. They do not intend to sell because their roots are so deep here.

Chairman Conaway commented on cases that have come before since we have put in a zoning ordinance for short-term rentals in R1 that people have the opinion that all they have to do is change the zoning and that they can pressure them to do a short-term rental and that is true his concern is having spot R2 and R3 properties in the middle of an R1 development to get around to make a short term rental so I agree that there needs to be some work on the ordinance. Still, it is not just as easy as rezoning.

Mr. Homans appreciates his concerns on this subject, but this property is different, and he doesn't see how this property, given its location, should be treated the same as others.

Commissioner Spivey made a comment that anyone on Park Street could say that they have a great piece of property for R3 short-term rental. We also have to consider the shortage of single-family homes we have in Dahlonoga. Every time we make a motion to approve another short-term rental property we have to think about the 60% of rentals in Dahlonoga. It seems like we are going against ourselves.

Mr. Homans stated that this property, under your current zoning, shouldn't be used for a single-family for an R1 because your limit says it should be a minimum of 30,00 square feet. This is slightly over 11,000 square feet. Your ordinance indicates that a lot of this size shouldn't be zoned R1, and it should be zoned according to your ordinance in R3, and we are willing to limit the conditions of that use. This individual property owner has individual property rights, and given its location, we are just asking you to recognize that. Also, the access to this property would not interfere with the other properties that are zoned R1 along Meaders Street.

Chairman Conaway asked if there were multiple ways to get to the property without street parking.

Mr. Homans assured that there would be no need for street parking.

Chairman Conaway thanked Mr. Homans for coming.

Mr. Gribben made a comment on how he supports this family.

Chairman Conaway entertained a motion to grant or not grant this application for rezoning from R1 to R3.

Motion made by Commission Member Spivey to deny, Seconded by Commission Member Carroll.  
Voting Nay: Chairman Conaway, Commission Member Westmoreland, Commission Member Spivey, Commission Member Carroll

*Conditional Uses:*

## **INFORMATION & TRAINING**

### **Adjournment**

There was a discussion on the approval of the minutes. It was determined that no change was needed and the first vote to approve the minutes stands.

Chairman Conaway called for a motion to adjourn the meeting at 6:37 p.m.

Motion made by Commission Member Westmoreland, Seconded by Commission Member Spivey.

Voting Yea: Commission Member Westmoreland, Commission Member Spivey, Commission Member Carroll



## STAFF REPORT REZN 23-2

Applicant:	Squaretail, LLC
Owner:	Steve H. Fuller. Jr. & Bill T. Hardman
Location:	Alicia Lane (Tax Parcel 062A 075)
Acreage:	+/- 3.61 Acres
Current Zoning Classification:	B-2 (C): Highway Business District, conditional
Requested Zoning Classification:	B-2: Highway Business District
Current Use of Property:	Undeveloped / Vacant
General Land Use:	Undeveloped / Vacant
City Services:	The property is in the Dahlonega Water Service Area

### **Applicant Proposal**

The applicant is requesting to rezone a 3.61± acre property on Alicia Lane (Tax Parcel 062A 075) from B-2: Highway Business District, with conditions, to B-2: Highway Business District for the purpose of developing a 10-lot, 20-unit, duplex development. The current B-2 conditions of zoning restrict the use of the property to medical offices only, resulting in this request.

The submitted Letter of Intent (LOI) states the ten (10) lots will be developed as “high end multi-family (Duplex) units to serve the residents of Dahlonega and will be offered for sale.”. The units will have a “high-end Mountain Modern design ranging from 3 to 4 bedrooms with two car garage and recreation area on the lowest level, master bedroom with large living room and chef’s kitchen on the main level and 2 bedrooms with full bathrooms on the upper level.”. The applicant provided photographs to represent the “Mountain Modern Design” aesthetics as part of the application materials.

The proposed homes will be accessed via five (5) shared driveways connecting to Alicia Lane and will adhere to the city’s design and landscaping requirements, per the LOI.

### **History and Surrounding Uses**

The subject property is zoned B-2: Highway Business District, which was previously rezoned by City Council for a medical office development. The property tax records show that the property has been in the ownership of the current property owners since 2007.





North: Directly north of the subject property is an undeveloped 1.09 acre parcel zoned B-2: Highway Business District, with conditions, which has frontage on both Alicia Lane and Morrison Moore Parkway West.

South: The property directly south is The Village at Crown Mountain condominium development, zoned PUD: Planned Unit Development. Other than the initial rezoning request to establish the PUD, the development has had no zoning or variance requests that staff are aware of. Alicia Lane intersects with Crown Mountain Drive, near Golden Avenue, south of the Village at Crown Mountain development.

East: To the east of the subject parcel are two (2) properties zoned B-2: Highway Business District, located at the end of Tipton Drive. The north side of Tipton Drive is developed with a number of commercial buildings, many of which appear to be occupied by office-based uses.

West: Across Alicia Lane to the west are parcels zoned R-1: Single Family Residential District, PUD: Planned Unit Development, and B-2: Highway Business District. The B-2 parcel is developed with a post office while the other two parcels are undeveloped.

Other significant uses in the area include the Dahlonega Historic District which is a block to the south and the Vickery Apartment to the Southwest.

**The Following are questions from Article XXVI Section 2607 of Zoning Code:**

- 1. Whether the zoning proposal will permit a use that is suitable in view of the use and development of adjacent and nearby property.**

The subject property borders a condominium development to the south and an undeveloped B-2: Highway Business District parcel to the north. The condominium development is located at a higher elevation than the subject property and overlooks the proposed development as a result.

- 2. Whether the zoning proposal will adversely affect the existing use or usability of adjacent or nearby property.**

With the introduction of twenty (20) residential units the zoning proposal has the potential to lead to an increase in traffic in the immediate area of the development, but no information is known to staff that would indicate the zoning proposal poses an adverse effect on the existing uses or usability of adjacent or nearby properties.

- 3. Whether the zoning proposal will result in a use that will or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities, or schools.**

The proposed development is unlikely to result in a use that will or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities, or schools, though the development of 20 residential units will lead to more vehicular traffic in the area.



**4. Whether the zoning proposal is consistent with the Comprehensive Plan, transportation plans, or other plans adopted for guiding development within the City of Dahlonega.**

The character area of this parcel is referred to in the Comprehensive Plan as Mixed Use Residential. Land use strategies within this character area aim to intensify residential development through the redevelopment of large parcels of land. Increased residential densities should be allowed with the intent to design and build a sustainable neighborhood along the steep contours of the properties. The following are encouraged distinctions of this area:

- Development encouraged to be compatible with design guidelines.
- Landscaping and decorative elements encouraged.
- Primarily residential but neighborhood commercial uses allowed.
- 1-2-story structures oriented close to the street front, with on-site parking and pedestrian accessibility where possible.
- Rural / Mountain themed design elements preferred, such as steeply pitched roofs with deep overhangs, wood or masonry siding, and front porches.

The current proposal can be interpreted as in-line with the goals of the character area though careful attention should be given to the final site layout to ensure the steep topography of the site is taken into consideration.

**5. Whether there are other existing or changing conditions affecting the use and development of property that give supporting grounds for either approval or disapproval of the zoning or special use proposal.**

The City of Dahlonega completed a Citywide Housing Needs Assessment in 2022, which found that City “has seen steady growth over the last two decades, averaging 2 – 3% annually. New home construction, however, has not kept pace with population growth. In the past 5 years, the City has added less than 30 new for sale homes, satisfying 4% of housing demand. Much of new rental product has been student targeted housing. Looking forward, population growth is forecasted to cool slightly, averaging 1% over the next 5 years. Strong demand exists for new housing to both satisfy pent up demand and accommodate new Dahlonega residents.”

The study continues to state that “Demand for attached product, both for sale and rental, represents 70% of total demand. This is both a component of housing preference as well as price.”

The proposed development has the potential to provide additional units to the housing stock within the City, but careful thought and consideration should be given to whether the site is the most suitable location.



**Staff Analysis**

The applicant is requesting to rezone the subject property from B-2: Highway Business District, with conditions to B-2: Highway Business District for the purpose of developing a 10-lot, 20-unit multi-family (duplex) development.

The below table summarizes the zoning standards of the B-2: Highway Business and the proposed development:

Lot Dimensions	B-2: Highway Business	Proposed Development
Minimum Lot Area	None	Building Footprint
Minimum Lot Width	None	--
Minimum Floor Area	700 sq. ft. (residential uses)	2,880 sq. ft. (45' x 64') – 8 units 3,000 sq. ft. (50' x 60') – 12 units
Maximum Density	8.0 du/a	5.54 du/a
Front Setback (Arterial Streets)	60 ft.	--
Front Setback (Other Streets)	35 ft.	25 ft.
Side Setback	15 ft.*	15 ft.
Rear Setback	25 ft.*	25 ft.
*Residential use in the B-2 District would be subject to setbacks provided in Section 2001. Section 2001 establishes a minimum front setback of 35 feet for lots that front on non-arterial (local) streets.		

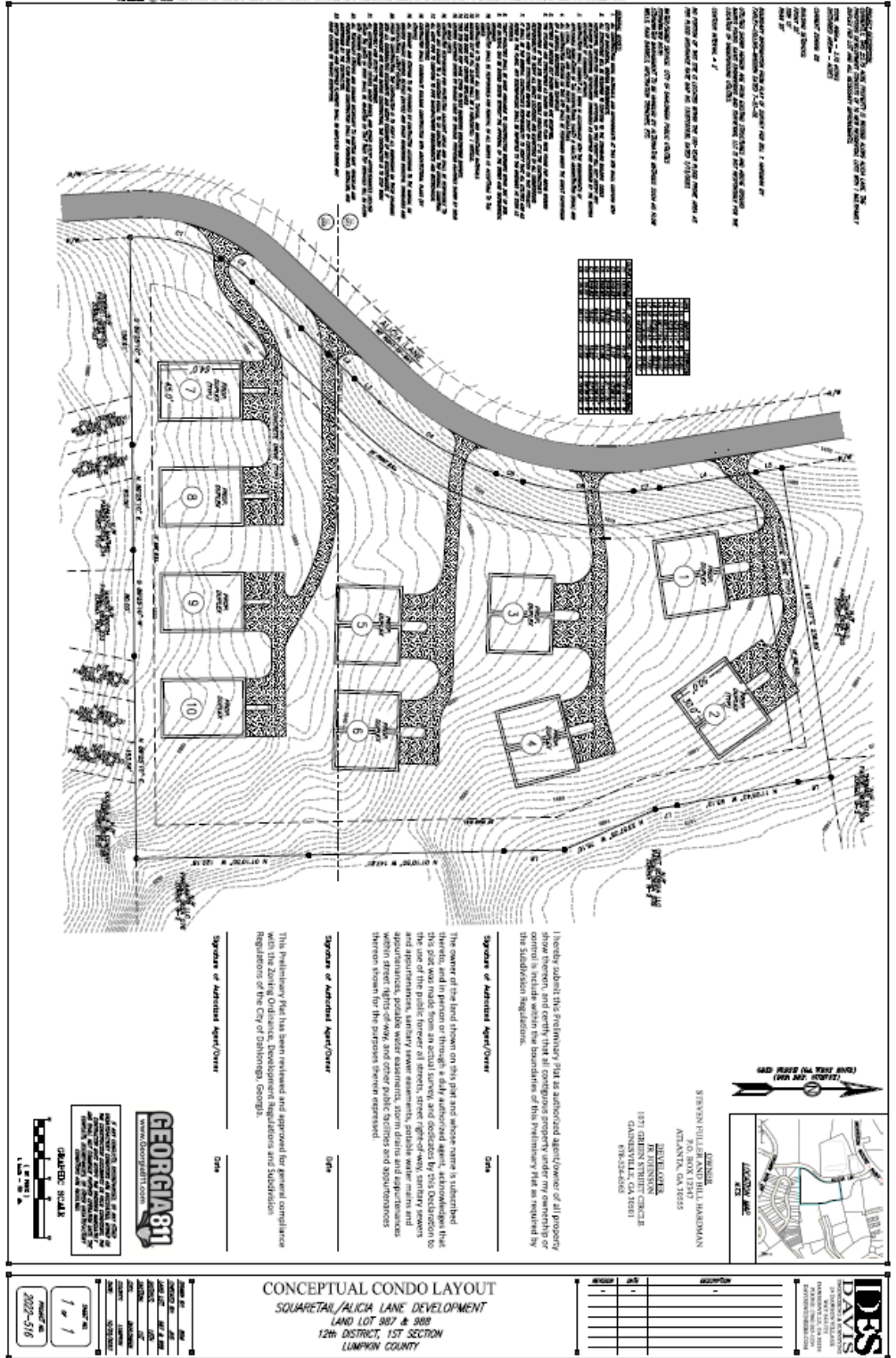
Sec. 2001. – Establishes a minimum front setback of 35 feet for lots that front on non-arterial streets. The proposed site plan shows a 25-foot front setback from Alicia Lane. If the proposed development does not meet the minimum requirements of the B-2 district as depicted on the site plan, the site plan will need to be modified to meet the standards prior to consideration by the Planning Commission. In the current configuration, 2 of the 10 proposed lots do not meet the minimum front setback requirement of the B-2 zoning district.

**Sec. 7.12. - Sidewalks.**

Sidewalks shall be provided for all developments within a mile from an existing or proposed school, park, or community center. Sidewalks shall be provided along public streets for all multi-family, commercial, and industrial developments, and in such other locations as deemed necessary by the City for safe pedestrian movement.



Site Plan:





Architectural Examples:





Aerial:



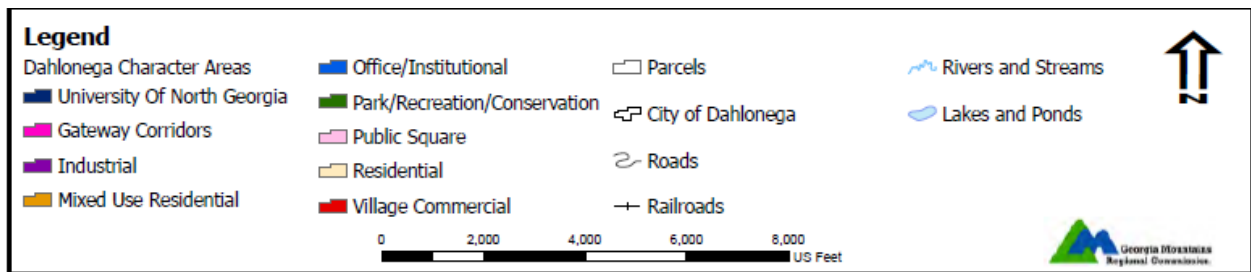
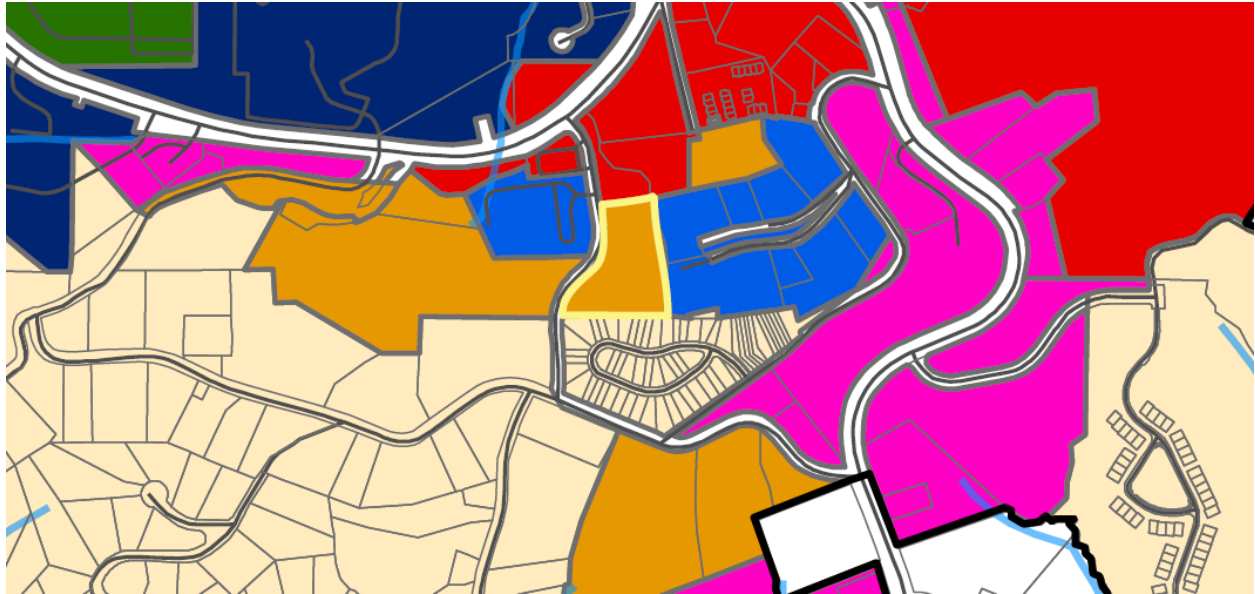


Current Zoning:





Comprehensive Plan:







Staff Recommended Motions:

Per the requirements of Sec. 2610. - Recommendation by zoning administrative officer, Staff recommends denial of application REZN 23-2 based on the following findings:

1. The proposed development fails to meet the minimum development standards of the B-2 Highway Business District for the minimum front setback requirements.
2. Approval of REZN23-2 would be in violation of Sec. 2001: Minimum setback requirements.

Or alternatively, the Planning Commission and ultimately the City Council could require adjustments to be made as a condition to an approval by the use of the following motion:

Per the requirements of Sec. 2610 – Recommendation by zoning administrative officer, Staff recommends approval, with conditions, of application REZN23-2, request to rezone from B-2: Highway Business District, with conditions, to B-2: Highway Business District based on the finding that the proposed development is in-line with the goals of the Mixed-Use character area of the Comprehensive Plan. Additionally, the proposed development will provide additional fee-simple home ownership, helping the City of Dahlonega achieve a goal of the Citywide Housing Needs Assessment, completed in 2022.

Recommended Condition:

1. Development is approved as generally shown on the Conceptual Condo Layout (dated 10-20-2023) described in the project narrative, modified as necessary for compliance with the conditions herein and development standards enforced at the time of site plan approval. Revisions to site plan can be approved by the Planning Director during the Development Review/Land Disturbance Permit process provided that the revisions do not increase the number of units or buildings; decrease required greenspace, amenity areas, or buffers; change the design or materials of the units; reduce the approved parking count; or reduce required landscaping.
2. The front setback for the development shall be 35 feet, as required by Section 2001. The Conceptual Condo Layout shall be amended so that the development meets the setback requirement.
3. The development shall be approved for 10 duplexes and a maximum of 20 units.
4. The duplexes shall have a Mountain architectural theme consistent with the architectural examples provided as part of the application.
5. The development shall be developed in accordance with Section 1005, residential condominium development regulations and shall meet all applicable state laws, including the Georgia Condominium Act.
6. Per the requirements of Sec. 7.12, sidewalks shall be provided for the development and shall be a minimum of 5 feet in width.



Planning Commission  
TBD



## STAFF REPORT

### REZN 22-4

Applicant:	Mountain Top Real Estate Group, LLC
Owner:	Don Michael Cottrell
Location:	Pinetree Way (Tax Parcels 079 054 & 079 074)
Acreage:	+/- 62.77 Acres
Current Zoning Classification:	PUD – Planned Unit Development District & I – Industrial
Requested Zoning Classification:	PUD – Planned Unit Development District
Current Use of Property:	Undeveloped / Vacant
Proposed Land Use:	Mixed Use Development to include 228 townhome units and 8,860 square feet of commercial space
City Services:	The property is in the Dahlonega Water Service Area

#### **Applicant Proposal**

The applicant is requesting to rezone 62.77± acres (Tax Parcels 079 054 & 079 074) from PUD: Planned Unit Development District and I: Industrial District, to PUD: Planned Unit Development District for the purpose of developing a mixed-use development with 228 townhome units and 8,860 square feet of commercial space.

The residential portion of the development contains 57.888± acres and is identified on the site plan as Tract A. The submitted LOI states that the 228 townhomes will be constructed with two-car garages and rear patios, with no more than 10 units per building. The submitted site plan shows 42 townhome buildings on the residential portion of the site. The building material is proposed to be wood framed with a mix of brick or stone masonry veneer and fiber cement (including without limitation lap siding, board and batten, and/or shake), and other code-compliant exterior material. The proposed residential portion will also include a clubhouse, pool, and parking though no sidewalks are shown on the site plan. The overall density of the proposed residential development is 3.94 dwelling units/acre.

The LOI continues to state that the residential units will be sold to individual owners. Upon completion of construction, the residential portion of the development will be professionally managed via a contracted management firm.



Access to the residential part of the site will be established through two newly created road connections linked to the existing road network. The primary entrance, as shown on the site plan, will be located on Mechanicsville Road. This entrance is situated where Mechanicsville Road takes a right turn toward Yahoola Creek Park. The second new road access will be positioned on Pinetree Way, just west of the roundabout that offers entry to Cottrell Elementary School and the Pinetree Recreation Center, currently under development. These two new road connections will establish an internal street network, with a central "spine" road providing access to the majority of the townhomes.

Two additional access points are identified on the site plan, one being on the eastern side of the property, connecting to Mary Henry Mine Road. This access point is designated as an 18-foot emergency exit in the application materials and will not be used by the general public. The fourth access point is shown connecting on the northeastern portion of the site, where the townhomes are adjacent to the new aquatic center and loop access road for the site. Prior to any official connection to this loop road, access would need to be granted from the Lumpkin County Board of Commissions and/or the Board of Education, as both have ownership of the loop road.

Per the LOI, "all of the development's interior streets and driveways will be publicly owned and maintained. However, such interior streets may be privately owned and/or gated, at the election of the property owner." The submitted site plan shows the proposed road network as being 24 feet wide from back of curb to back of curb.

It should be noted that the application material includes a Trip Generation Memorandum for an earlier version of the proposed development, which included a proposed 325-unit apartment development and a similar commercial proposal. The study only examined the trip generation that would result from the development and did not take into account the design and safety of the proposed connections to Mechanicsville Road and Pinetree Way.

As stated in the LOI, the commercial portion will be utilized for general retail and service businesses, offices, and or restaurants with or without drive-through facilities. The building material proposed to be wood frame with a mix of brick or stone masonry veneer and fiber cement (including without limitation lap siding, board and batten, and/or shake), and other code-compliant exterior material. The commercial structure will be accessed via two (2) shared driveways along Pinetree Way, one of which lines up with the site access for the residential component of the development.

### **History and Surrounding Uses**

The subject property is zoned both PUD: Planned Unit Development District and I: Industrial. The PUD portion of the property was previously rezoned in 2001 by City Council for a mixed-use development to include commercial retail, office, and an assisted living development. The property tax records show that the property has been in the ownership of the current property owners since 2013.



North: Directly north of the subject property is an undeveloped 100+ acre parcel that is in unincorporated Lumpkin County.

South: The property directly south is a vacant undeveloped 50-acre lot that is zoned Industrial. Lumpkin County facilities and Dahlongega City Hall also abut this property to the south and are zoned OI: Office Institutional.

East: To the east of the subject parcel are recreation facilities.

West: To the west, at the intersection of Pinetree Way and Morrison Moore Parkway there are several lots zoned B-2 that consist of the Lumpkin County Fire Department, Wendys, Advanced Auto Parts, and a Zaxbys.

Other significant uses in the area include an elementary school that is situated in the center of the proposed development.

**The Following are questions from Article XXVI Section 2607 of Zoning Code:**

- 1. Whether the zoning proposal will permit a use that is suitable in view of the use and development of adjacent and nearby property.**

The subject property borders the County and City government offices to the south and a large undeveloped parcel to the north. The proposed development will also wrap around an existing elementary school facility.

- 2. Whether the zoning proposal will adversely affect the existing use or usability of adjacent or nearby property.**

With the introduction of 228 residential units and three (3) commercial spaces, the zoning proposal will lead to an increase in traffic in the immediate area of the development, but no information is known to staff that would indicate the zoning proposal poses an adverse effect on the existing uses or usability of adjacent or nearby properties.

The applicant completed a Development of Regional Impact (DRI) with the Georgia Mountain Regional Council (GMRC) for 325 low-rise multi-family units, and three (3) commercial spaces, and the DRI findings did not indicate any concerns for traffic and transportation infrastructure. However, the report did recommend redressing the alignment of the intersection and traffic circle along Pinetree Way and for the developer and City to work together to maximize pedestrian connectivity.

NOTE: An updated DRI review is currently underway to assess the changes in the proposal. The findings will be added as an attachment to this report once completed and no council action will be taken until the DRI findings are returned.

- 3. Whether the zoning proposal will result in a use that will or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities, or schools.**

The original Development of Regional Impact (DRI) analysis did not anticipate any concerns regarding traffic nor transportation infrastructure, though it did



recommend redressing the alignment of the intersection and traffic circle along Pinetree Way. This section may be updated as the results of the revised DRI are obtained. The 228 townhome units will bring more traffic to the area than currently used and may cause congestion with traffic for the elementary school.

It should be noted that the application material includes a Trip Generation Memorandum for an earlier version of the proposed development, which included a proposed 325-unit apartment development and a similar commercial proposal. The study only examined the trip generation that would result from the development and did not take into account the design and safety of the proposed connections to Mechanicsville Road and Pinetree Way.

**4. Whether the zoning proposal is consistent with the Comprehensive Plan, transportation plans, or other plans adopted for guiding development within the City of Dahlonega.**

The character area of these parcels is referred to in the Comprehensive Plan as Mixed Use Residential for the residential portion and the commercial portion is referred to as Office/Institutional. Land use strategies within the Mixed-Use Residential character area aim to intensify residential development through the redevelopment of large parcels of land. Increased residential densities should be allowed with the intent to design and build a sustainable neighborhood along the steep contours of the properties. The following are encouraged distinctions of this area:

- Development is encouraged to be compatible with design guidelines.
- Landscaping and decorative elements encouraged.
- Primarily residential but neighborhood commercial uses allowed.
- 1-2-story structures oriented close to the street front, with on-site parking and pedestrian accessibility where possible.
- Rural / Mountain-themed design elements preferred, such as steeply pitched roofs with deep overhangs, wood or masonry siding, and front porches.

Land use strategies within the Office/Institutional character area include neighborhood to sub-regional scale office, commercial, and institutional uses, with preferences for low/no-impact research centers and no-impact industrial operations.

The current proposal can be interpreted as mostly in line with the goals of the character area, though careful attention should be given to the final site layout to ensure the steep topography of the site is taken into consideration. The Office/Institutional character area recommends specialized office and institutional settings that function as a collective development, which does not align with the proposed fast food and coffee shop uses. However, the proposed fast food and coffee shop are in-line with the surrounding development on Pinetree Way.



**5. Whether there are other existing or changing conditions affecting the use and development of property that give supporting grounds for either approval or disapproval of the zoning or special use proposal.**

The City of Dahlonega completed a Citywide Housing Needs Assessment in 2022, which found that City “has seen steady growth over the last two decades, averaging 2 – 3% annually. New home construction, however, has not kept pace with population growth. In the past 5 years, the City has added less than 30 new for-sale homes, satisfying 4% of housing demand. Much of new rental product has been student-targeted housing. Looking forward, population growth is forecasted to cool slightly, averaging 1% over the next 5 years. Strong demand exists for new housing to both satisfy pent-up demand and accommodate new Dahlonega residents.”

The study continues to state that “Demand for attached product, both for sale and rental, represents 70% of total demand. This is both a component of housing preference as well as price.”

The proposed development has the potential to provide additional units to the housing stock within the City, but careful thought and consideration should be given to whether the site is the most suitable location.

**Staff Analysis**

The applicant is requesting to rezone the subject property from PUD: Planned Unit Development District and I: Industrial District, to PUD: Planned Unit Development District for the purpose of developing a mixed-use development with 228 townhome units and 8,860 square feet of commercial space.

The below table summarizes the proposed development standards with recommended adjustments based on staff analysis:

	<b>Residential</b>	<b>Commercial</b>
<b>Use Quantity</b>	228 Units	~10,000 SF
<b>Permitted Uses</b>	Townhomes	All permitted uses in the B-2 zoning district
<b>Minimum Lot Size</b>	None	None
<b>Minimum Lot Width</b>	18-feet	None
<b>Minimum Setbacks</b>	Front: 10-feet Rear: 10-feet Side: 0, with 15-feet between detached structures	Front: 10-feet Rear: 10-feet Side: 10-feet
<b>Minimum Exterior Landscape Strips</b>	Along exterior lot line abutting a residential district: 10 ft	Front: 10-feet Side: 10-feet Rear: 10-feet LS strip on ROW: 10-feet



<b>Minimum Exterior Buffers</b>	0-feet	10-feet abutting residential 0-feet abutting commercial
<b>Maximum Height</b>	42-feet	42-feet
<b>Maximum Building Coverage</b>	None	None
<b>Parking &amp; Loading</b>	2-car garage per unit No loading space.	Minimum 1 space per 300 sq ft One (1) 14'x30' loading space per building
<b>Public Road</b>	50-foot ROW Minimum 24-feet* back of curb to back of curb	50-foot ROW Minimum 24-feet* back of curb to back of curb
<b>Sidewalks</b>	None	None
<b>Community Amenities</b>	Pool and clubhouse to include a community gathering area.	None
*NOTE: The submitted site plan shows 24-foot road width and LOI indicates 22-feet. Sec. 4-1 provides the minimum roadway to be 24 feet for residential streets with a 50-foot right-of-way.		

The application materials state that the residential units will be sold to individual owners and the residential open space of the development will be professionally managed via a contracted management firm. It continues to state that common open spaces serving the residential units will be constructed and maintained by the owner of the Subject Property in accordance with all applicable laws and regulations. The residential units will be subject to a homeowner's association, which will be responsible for the maintenance of all signage, common areas, and architectural standards.

A townhome is defined as "one (1) of a group of three (3) or more attached dwelling units under fee simple ownership." Whereas a condominium is defined as "a building or complex of multiple-unit dwellings in which a tenant holds full title to his unit and joint ownership in the common grounds." If the intention is to sell the townhomes as a fee-simple product to only include the building footprint, then the property will need to be developed in accordance with all applicable state laws, including the Georgia Condominium Act.

Sec. 1004 establishes townhouse development regulations for townhome developments. Using those supplemental standards in Sec. 1004 guiding townhouse uses in conventional districts, the rear setback is 25-feet, and the applicant is requesting a 10-foot rear setback. This section also recommends that dwelling units that form a part of a single building shall have the front setbacks and rooflines varied/staggered by a minimum of two (2) feet. Sec. 1005 establishes residential condominium development regulations. This section also recommends a rear setback of 25-feet and the applicant is requesting a 10-foot rear setback.





Sec. 1303 of the PUD district standards indicates that any proposed exceptions or variations from the size, setback, frontage, density, or other standards that are required in other conventional zoning districts, along with justification for such proposed exceptions or variations should be noted in the application. It should be noted that no variances have been explicitly expressed in this request.

Sec. 7.12 establishes that sidewalks shall be provided for all developments within a mile of an existing or proposed school, park, or community center. Sidewalks shall be provided along public streets for all multi-family, commercial, and industrial developments, and in such other locations as deemed necessary by the City for safe pedestrian movement. No sidewalks are indicated on the site plan or reference in the LOI.

As stated earlier in the report, the application material includes a Trip Generation Memorandum for an earlier version of the proposed development, which included a proposed 325-unit apartment development and a similar commercial proposal. The study only examined the trip generation that would result from the development and did not take into account the design and safety of the proposed connections to Mechanicsville Road and Pinetree Way. Due to the close proximity of the roundabout to the school and aquatic center and the street design where connecting to Mechanicsville Road, a more comprehensive traffic study is recommended if the application, as presented, is approved. This can be completed as part of the land disturbance permitting process.



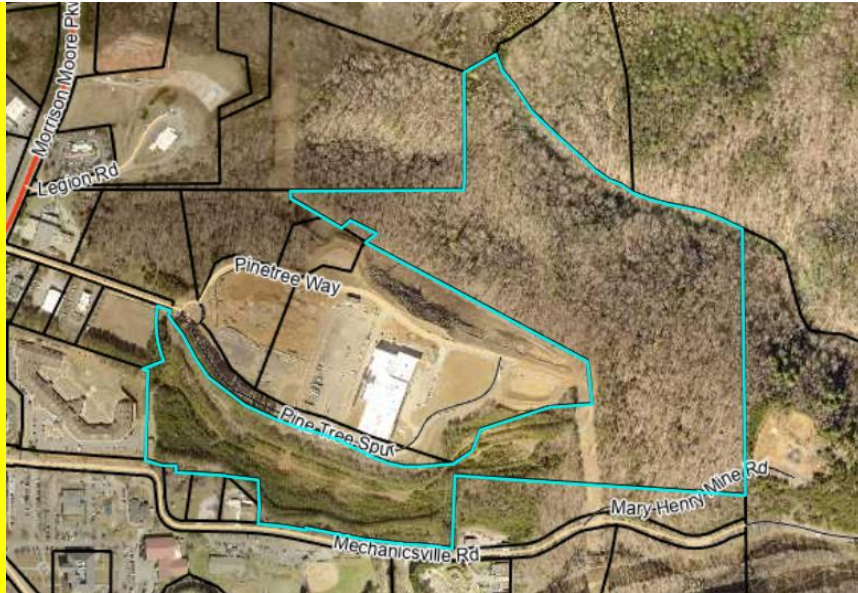


Architectural Examples:

None were provided.

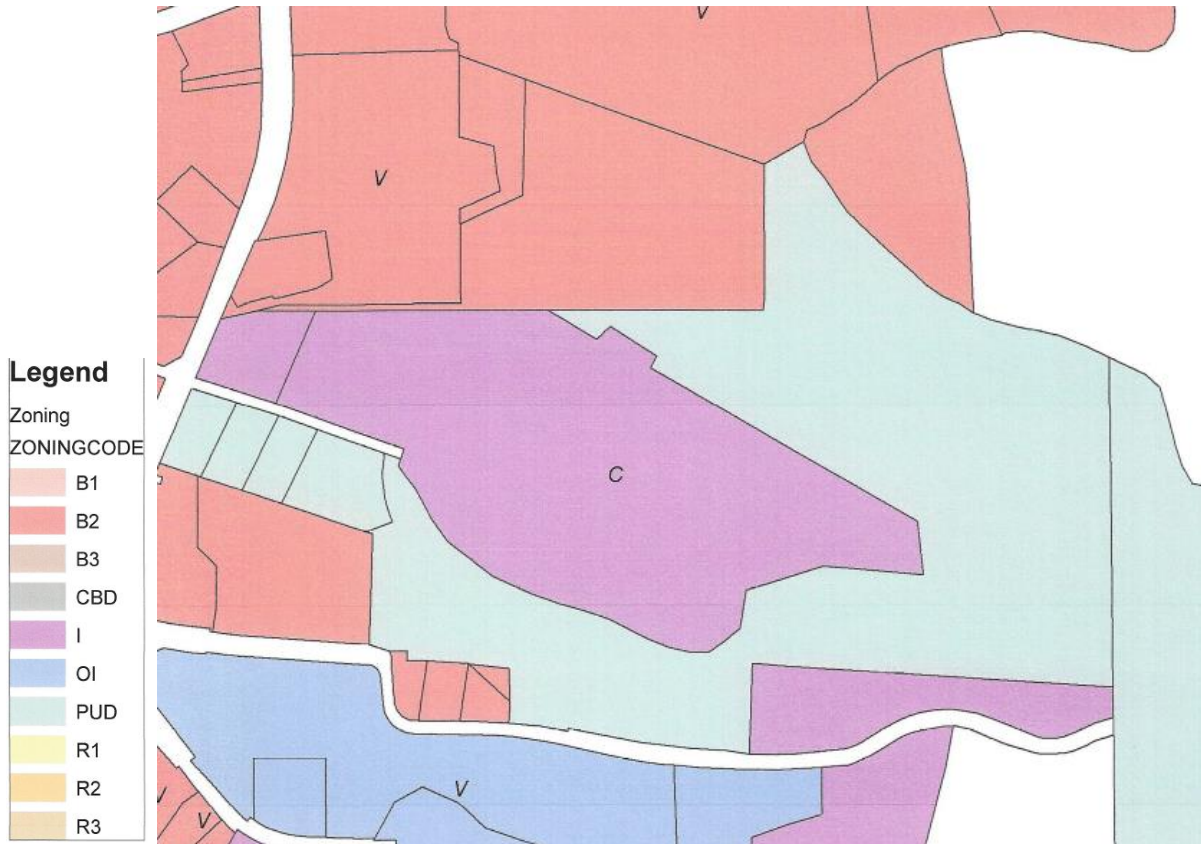


Aerial:



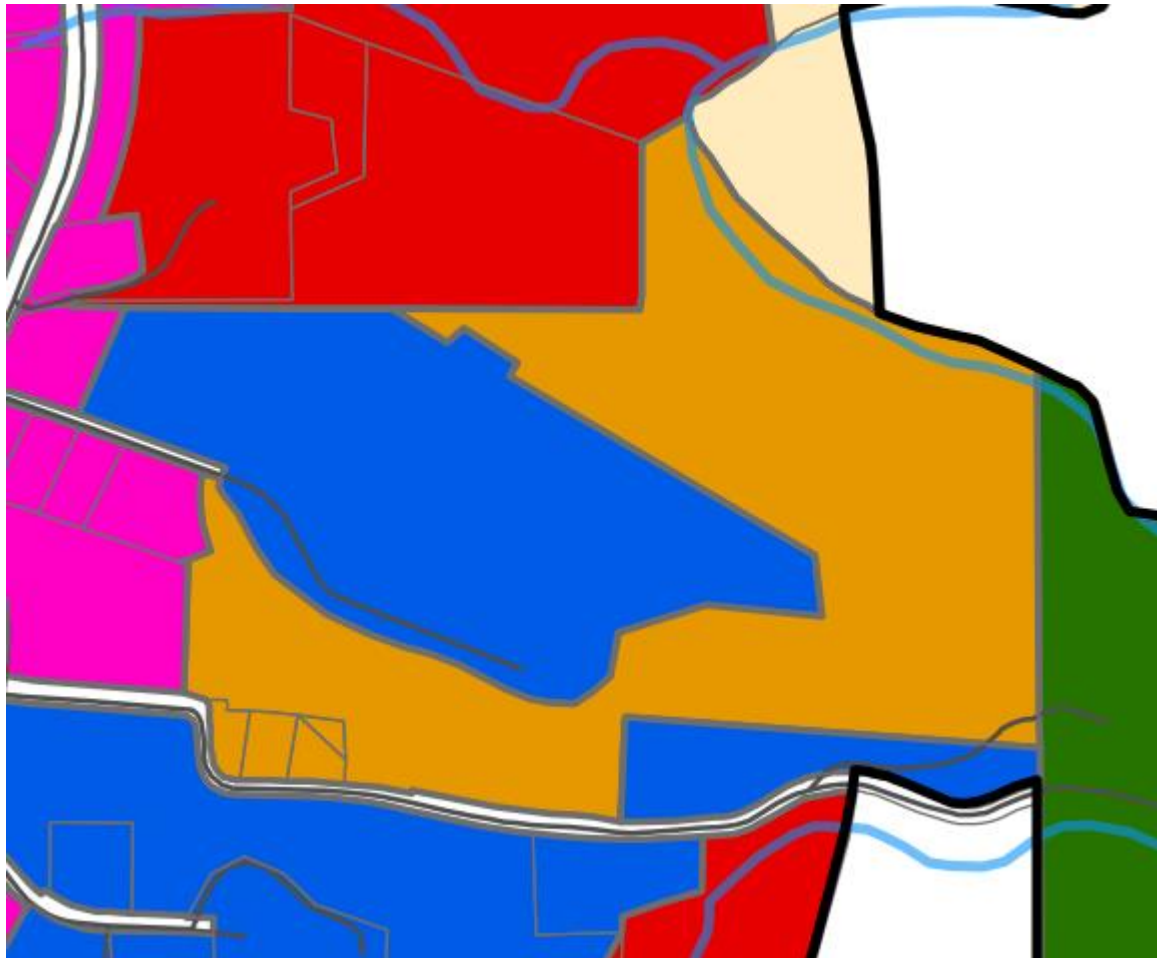


Current Zoning:





Comprehensive Plan:



Legend			
Dahlonega Character Areas	Office/Institutional	Parcels	Rivers and Streams
University Of North Georgia	Park/Recreation/Conservation	City of Dahlonega	Lakes and Ponds
Gateway Corridors	Public Square	Roads	
Industrial	Residential	Railroads	
Mixed Use Residential	Village Commercial		

0 2,000 4,000 6,000 8,000 US Feet

Georgia Mountains Regional Commission



#### Staff Recommendation:

Per the requirements of Sec. 2610. - Recommendation by zoning administrative officer, Staff recommends denial of application REZN 22-4 based on the following findings:

1. The submitted application materials fail to provide a comprehensive development summary outlining the development controls for the property.
2. The property has reasonable economic use as currently zoned, PUD: Planned Unit Development and no evidence has been provided as part of the application to support that the property values are diminished by the existing zoning restrictions.
3. Approval of REZN 22-4 would be in violation of the minimum setback requirements for townhomes and/or condominiums and no variance has been explicitly requested as part of the application, per the requirements of Sec. 1303.

However, should, in performing its duty to balance the interests of private property rights against the need to protect the public interest, the governing authority deem approval appropriate, the following mitigating conditions should be imposed:

#### Recommended Conditions:

1. Development is approved as generally shown on the zoning exhibit for Pinetree Way and Mechanicsville Road Mountain Top Real Estate Group, LLC (dated 10-5-2023) described in the project narrative, modified as necessary for compliance with the conditions herein and development standards enforced at the time of site plan approval. Revisions to the site plan can be approved by the Planning Director during the Development Review/Land Disturbance Permit process provided that the revisions do not increase the number of units or buildings; decrease required greenspace, amenity areas, or buffers; change the design or materials of the units; reduce the approved parking count; or reduce required landscaping. The development shall be constructed in substantial compliance with the approved site plan dated October 5, 2023. The rear setback for the development shall be 25 feet.
2. The development is approved for a maximum of 228 townhome units and 10,000 square feet of commercial space.
3. Prior to the issuance of any development permits, the applicant shall have a traffic impact study completed that examines the safety of the proposed site access points, specifically examining how the proposed site access will interact with the roundabout on Pinetree Way and the proposed primary entrance on Mechanicsville Road. Any recommendations of the traffic study shall be the sole responsibility of the applicant and/or developer and shall be implemented as a condition to this rezoning.
4. The townhomes shall have rural / mountain-themed design elements incorporated into the architectural elevations, which may include steeply pitched roofs with deep overhangs, wood or masonry siding, and front porches.



5. A mandatory homeowner's association and covenants, conditions, and restrictions to address permanent care and maintenance of all common areas, facilities, and other improvements on common property are required. Restrictive covenants shall be recorded prior to the final project close-out on the residential portion of the project.
6. Dwelling units that form a part of a single building shall have the front setbacks and rooflines varied/staggered by a minimum of two (2) feet.
7. The development shall be designed in a way to be pedestrian-oriented with sidewalks, a minimum of 5 feet in width, on both sides of the streets with a fully connected pedestrian network throughout. Automobile traffic and parking shall be accommodated in ways that respect pedestrian passages and the form of public space. Where possible, connections to future sidewalks or trails in the area shall be provided.
8. Roads within the development shall be developed to public street standards but shall be privately constructed and maintained through the established homeowner's association.
9. Short-term rentals shall be prohibited. The prohibition shall be stipulated in the mandatory restrictive covenants recorded for the development.
10. Community amenities, as articulated on the site plan and project narrative, shall be completed prior to the issuance of more than 50% of the certificates of occupancy for the residential units.

Planning Commission Recommendation:

TBD