



**CITY OF DAHLONEGA**  
**PLANNING COMMISSION SPECIAL CALLED**  
**MEETING FOR MARCH 22, 2021 AGENDA**  
**MONDAY, MARCH 22, 2021 AT 5:00 PM**  
**CITY HALL - MAYOR MCCULLOUGH COUNCIL CHAMBER**

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In compliance with the Americans with Disabilities Act, those requiring accommodation for Planning Commission meetings please contact Kevin Herrit at the Community Development Department.

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**Call to Order**

**Approval of Agenda**

**Approval of Minutes**

- [1.](#) Monday, February 08, 2021

**Old Business**

**New Business**

- [2.](#) Formula Businesses in B-3 Zoning District

**Adjournment**



# **CITY OF DAHLONEGA**

## **PLANNING COMMISSION MINUTES**

**MONDAY, FEBRUARY 08, 2021 AT 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 Planning Commission meetings please contact Kevin Herriot at the Community Development Department.

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### **Call to Order**

Chairman Conaway called the meeting to order at 6:00 pm at the City Hall and then suspended the meeting to move it to the Lumpkin County Parks and Recreation building due to Covid Pandemic regulations for the spacing of attendees.

The Chairman then brought the meeting out of suspension at 6:10 pm.

### **Pledge of Allegiance**

### **Approval of Minutes:**

1. Planning Commission Minutes Monday, January 11, 2021

Chairman Conaway asked for a motion of the Minutes for Monday, January 11, 2021.

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

Voting Yea: Commission Member McGraw, Commission Member Westmoreland, Commission Member Crannell, Commission Member Feagin, Commission Member Fender, Commission Member Jim Guy.

### **OLD BUSINESS**

*Zoning Cases:*

*Conditional Uses:*

### **NEW BUSINESS**

*Zoning Cases:*

2. REZN-20-09-0001\_258 Hawkins Street (Parcel # D07 032). Request to rezone +/- 10.003 acres from R-1 (single-family residential) to PUD (Planned Unit Development)

Chairman Conaway asked that the applicant come forward and present the application for the 258 Hawkins Street Planned Unit Development zoning amendment. Mr. Underwood presented the case and highlighted points from the staff report that the applicant was willing to condition the approval to. The conditions were all seven of the listed conditions in the staff report for REZN-20-09-0001. He also indicated that they had added more proposed parking into their design at the rear of the development if there was more need for parking. The parking addition would help alleviate residents' and the Commissioners' concerns that they could not provide one parking space per bedroom.

The staff gave a review of the staff report and mentioned the seven conditions that would need to be approved along with the rezoning if the Commission wished to approve the zoning amendment. The Chairman then opened up the floor to attendants for or against the application. Several adjacent landowners come forward that were against the development and rezoning.

The Chairman then asked for a motion to approve or deny the application. A motion to deny the application was submitted by Commission Member Fender, Seconded by

Commission Member Feagin.

Voting Yea: Commission Member McGraw, Commission Member Westmoreland, Commission Member Crannell, Commission Member Feagin, Commission Member Fender, Commission Member Jim Guy.

3. REZN-21-1\_258 Hawkins Street - Request to rezone +/- 10.003 acres from R-1 (single-family residential) to R-2 (multi-family residential)

Chairman Conaway asked the applicant to come forward to present the request for the zoning amendment. Staff came forward and presented the application from the City of Dahlonaga to rezone the parcel addressed as 258 Hawkins Street as R-2 with conditions. Staff indicated that this rezoning would allow the owner to better utilize their property and would allow them up to 5.5 units per acre for density. The rezoning would have several conditions as stated in the staff report for case REZN-21-1.

Chairman Conaway then asked if anyone in opposition or in favor wished to comment. Mr. Underwood as council for the owner came forward and indicated that they would like to be granted the PUD zoning they requested but had no problem compiling with the condition stated in the request. The adjacent landowners commented on the request and stated that they would support this rezoning, but would like to see the use of apartments be taken out of the permitted uses for this parcel.

The Chairman then asked if there was a motion on the floor. Motion made by Commission Member Westmoreland, Seconded by Commission Member Feagin to recommend approval of the requested R2 rezoning with the conditions as stated in the staff report.

Voting Yea: Commission Member McGraw, Commission Member Westmoreland, Commission Member Feagin, Commission Member Fender.

Voting Nay: Commission Members Crannell and Guy

4. BZA-21-1\_Goldenrod LN - Variance for front side setback of 25 feet along Wimpy Mill Road

Chairman Conaway asked the application to come forward and address their request for a reduction on the front side setback. The applicant came forward and noted that the reduction in the front side setback would allow them to position the house closer to Wimpy Mill Road and reduce the hillside cut that would be required to build the duplex. The applicant went over the site plan for the duplex development and indicated that the front of the house would be oriented to Goldenrod LN.

Staff indicated that they recommended approval of the request. Motion to recommend approval made by Commission Member Crannell. Seconded by Commission Member Jim Guy.

Voting Yea: Commission Member McGraw, Commission Member Westmoreland, Commission Member Crannell, Commission Member Feagin, Commission Member Fender, Commission Member Jim Guy.

5. BZA-21-3\_196 Park Street North - Variance request to reduce front setback to 10 feet

Chairman Conaway asked the applicant to come forward and present their request. The applicant indicated that they wanted to build back a house in the same location as the house that was demolished by a tree falling on it. Staff indicated that this would

keep the structure in line with the other houses in the neighborhood and would allow for proper use of the parcel as sewer was not available to the area.

Chairman Conaway asked if anyone was wishing to speak for or against the request. None being present, the Chairman asked if there was a motion. Motion to recommend approval made by Commission Member Crannell. Seconded by Commission Member Jim Guy. Voting Yea: Commission Member McGraw, Commission Member Westmoreland, Commission Member Crannell, Commission Member Feagin, Commission Member Fender, Commission Member Jim Guy.

*Conditional Uses:*

## **INFORMATION & TRAINING**

### **Adjournment**

The meeting was adjourned at 8:30 pm.

Motion made by Commission Member Westmoreland, Seconded by Commission Member Crannell. Voting Yea: Commission Member McGraw, Commission Member Westmoreland, Commission Member Crannell, Commission Member Feagin, Commission Member Fender, Commission Member Jim Guy.

## Ordinance 2021-01

(Note: Originally circulated as Ordinance 2020-24)

AN ORDINANCE TO AMEND ORDINANCE 91-9 WHICH APPEARS IN THE CODE OF THE CITY OF DAHLONEGA, GEORGIA, AND MORE PARTICULARLY APPEARS IN THE PUBLICATION OF THE CODE OF THE CITY OF DAHLONEGA, GEORGIA AT: SUBPART B: LAND USE AND LAND DEVELOPMENT, APPENDIX B: ZONING, ARTICLE XVI: B-3 HISTORICAL DISTRICT, SECTION 1607: FORMULA BUSINESS ESTABLISHMENTS.

Short title: “An ordinance to establish regulations for formula businesses.”

**WHEREAS**, the B-3 zoning district primarily surrounds the original Lumpkin County Courthouse constructed in 1836; and

**WHEREAS**, the former courthouse is now the State of Georgia owned and operated Gold Museum which attracts approximately 25,000 visitors annually; and

**WHEREAS**, it is important that the qualities of the natural business environment spawned by the historic Gold Museum in the surrounding B-3 District be respected so that the uniqueness of Dahlonega can flourish without inappropriate changes; and

**WHEREAS**, the City, its DDA and Main Street program have made a long term commitment to an economic development approach based on historic preservation developed and recommended by the National Main Street Center, which has resulted in the City achieving Great American Main Street Award designation, with such designation being shared with only approximately 100 communities in the country and three other cities in Georgia; and

**WHEREAS**, the success of the City’s Main Street program is recognized among the top 20 in the state of Georgia by virtue of its designation as a Georgia Exceptional Main Street (GEMS) community; and

**WHEREAS**, the six blocks comprising the Public Square (the B-3 Zoning District) create one of the most engaging spaces in any Georgia city, and hold a building, the Gold Museum, that is one of the few in the state outside Savannah to date back to the post-colonial period; and

**WHEREAS**, unlike other Georgia county seats, Dahlonega’s Public Square has architecture that is uniquely derived from the vernacular patterns and folkways that migrated south through the mountain valleys shortly after the War of 1812; and

**WHEREAS**, it is because of this highly individual context that the B-3 zoning district around the Public Square is considered a very specific design envelope that incorporates shops and other workplaces consistent with the unique character of the City center, the natural byproduct of which is to create a special business ambiance; and

**WHEREAS**, the Dahlonega B-3 district is one of a very precious few traditional business districts still in existence much as the town was first designed, in which its shops, workplaces, parks and civic facilities co-exist in relative harmony, its streets invite walking and its architectural styles create a sense of timelessness that have contributed to a strong sense of community – a village atmosphere; and

**WHEREAS**, the B-3 zoning district is for open and inviting retail storefronts that impart a sense of streetscape continuity to pedestrians that enhances the village atmosphere; and

**WHEREAS**, the City of Dahlonega established its Historic District regulations in the year 1965, and later created an Historic Preservation Commission appointing committee members that represent the perspectives of business operators, property owners, and the residents at large, and charging its members with enhancing the economic and physical characteristics of the business areas of Dahlonega aimed at preserving and enhancing Dahlonega's historical village atmosphere which occurs in the B-3 district; and

**WHEREAS**, the Downtown Development Authority, pursuant to a lengthy and inclusionary public participatory process, developed the Dahlonega Downtown Master Plan, the purpose of which was to provide a coherent framework to foster a vibrant commercial sector in the City that is economically sound for merchants and property owners, well-balanced in its appeal and aesthetically and environmentally suitable to the small-town, low-density character of the City of Dahlonega's B-3 district; and

**WHEREAS**, notwithstanding the marketability of a retailer's goods or services or the visual attractiveness of the storefront, an over-abundance of certain kinds of businesses can be counterproductive and otherwise detract from the appeal of the B-3 streetscape fostered by the work of the Historic Preservation Commission, the Downtown Development Authority and the City Council; and

**WHEREAS**, the addition of formula businesses in the B-3 district, if not monitored and regulated, will serve to frustrate the City's primary goal which is to maintain a unique sense of community and village themes. Specifically the unregulated and unmonitored establishment of formula business uses will unduly limit or eliminate business establishment opportunities for other businesses, many of which tend to be non-traditional or unique, and unduly skew the mix of businesses towards national retailers in lieu of local or regional retailers, thereby decreasing the likelihood of a diversity of retail activity; and

**WHEREAS**, in light of the foregoing considerations, the City Council has determined that the public welfare of the City's retail, business and tourist based community, as articulated in the previous paragraphs will best be served and advanced by monitoring and regulating the establishment of formula businesses in the B-3 district through the mechanism of special use permits issued by the City Council of the City of Dahlonega.

**NOW, THEREFORE**, be it ordained, and it is so ordained by the authority of the City Council of Dahlonega, that for purposes of describing the circumstances which warrant the adoption of an ordinance amendment regulating formula businesses, the City Council hereby adopts and makes the findings discussed in the "Whereas" paragraphs above the factual findings of the Council; and further ordains that Subpart B, Appendix B, Article XVI, Section 1607, shall be amended by adding a new section to read as follows:

**Sec. 1607 – Formula Business Establishments.**

- (1) Definitions. "Formula Business" means a type of commercial business establishment, retail sales or rental activity and retail sales or rental establishment, including restaurants, hotels and motels, which, along with ten (10) or more other establishments, maintains two (2) or more of the following features: (i) standardized array of merchandise or standardized menu; (ii) standard façade; (iii) standardized internal décor or color scheme; (iv) uniform apparel; (v) standardized signage; or (vi) trademark or service mark; provided, however, a "formula business" shall not include an automated, standalone vending machine.
  - (a) "Standardized array of merchandise" means fifty (50%) percent or more of in-stock merchandise from a single distributor bearing uniform markings.

- (b) “Trademark” means a word, phrase, symbol or design, or a combination of words, phrases, symbols or designs that identifies and distinguishes the source of the goods from one party from those of others.
  - (c) “Servicemark” means a word, phrase, symbol or design, or a combination of words, phrases, symbols or designs that identifies and distinguishes the source of a service from one party from those of others.
  - (d) “Décor” means the style of interior furnishings, which may include but is not limited to, style of furniture, wallcoverings or permanent fixtures.
  - (e) “Color scheme” means selection of colors used throughout, such as on the furnishings, permanent fixtures, and wallcoverings, or as used on the façade.
  - (f) “Façade” means the face or front of a building, including awnings, looking onto a street or an open space.
  - (g) “Uniform apparel” means standardized items of clothing including but not limited to standardized aprons, pants, shirts, smocks or dresses, hat, and pins (other than name tags) as well as standardized colors of clothing.
  - (h) “Signage” means a “sign” as defined in Sec. 123-4 of the Code of the City of Dahlonga.
  - (i) “Standardized” does not mean identical but means “substantially the same.”
- (2) Purpose. The purpose of this section is to regulate the location of formula business establishments in order to maintain the village atmosphere, tourist attracting small town character of the B-3 zoning district of the City, the diversity of the community’s unique commercial areas and quality of life for visitors and residents.
- (3) Regulation.
- (a) A formula business may only be established on a site after obtaining a conditional use permit from the City for the operation of that use on such site, subject to the limitations of this section. Change of ownership, by itself, shall not require obtaining a conditional use permit pursuant to this section.
  - (b) In addition to the findings required by Sec. 2608 as a prerequisite to the issuance of a conditional use permit, the City Council shall make all of the following findings prior to the issuance of a conditional use permit for a formula business:
    - i. The establishment is compatible with existing surrounding uses, and has been designed and will be operated in a non-obtrusive manner to preserve the community’s character and ambiance;
    - ii. The establishment is consistent with the City’s comprehensive plan and other adopted planning documents;
    - iii. The establishment will contribute to an appropriate balance of local, regional or national based businesses in the overall community.
- (4) Applicability. This section is in addition to, and not in replacement of, any other regulations set forth elsewhere in this title. In the event of a conflict between the provisions of this section and any other regulations in this title the provisions of this section shall prevail.
- (5) Existing formula retail establishments. Formula business establishments existing and/or permitted for construction on the date of adoption of this ordinance amendment are

nonconforming structures as such are defined and regulated elsewhere in the ordinances and regulations of the City of Dahlonega.

- (6) Burden of proof. In the event the City determines that a permit application or permit subject to this section is for a formula business, the permit applicant or holder bears the burden of proving to the City that the proposed or existing use does not constitute a formula business.

It is so Ordained this \_\_\_\_ day of \_\_\_\_\_, 2021.

By: \_\_\_\_\_  
Sam Norton, Mayor

Attest: \_\_\_\_\_  
Mary Csukas, City Clerk