



CITY OF DAHLONEGA

City Council Public Hearing Agenda

December 18, 2023, 4:00 PM

Gary McCullough Chambers, Dahlongega City Hall

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

Mission Statement - Dahlongega, 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.

CALL TO ORDER

Public Hearing:

- [1.](#) Request to Amend a Previously approved PUD – (079-054 & 079-074)
Allison Martin, City Manager

ADJOURNMENT



DATE: 12/18/2023
TITLE: Request to Amend a Previously approved PUD – (079-054 & 079-074)
PRESENTED BY: Allison Martin, City Manager

AGENDA ITEM DESCRIPTION:

This is a request for Mountain Top Real Estate Group, LLC to amend a previously approved PUD on land owned by Don Michael Cottrell (REZN-22-4) – the request is to amend a previously approved PUD of a +/- 62.77- acre property located on Pinetree Way (079-054 & 079-074). The purpose of this request is for construction of a mixed-use development to include townhomes and 10,000 square feet of Commercial Space.

HISTORY/PAST ACTION:

FINANCIAL IMPACT:

N/A

RECOMMENDATION:

This is a public hearing with no action to be taken.

SUGGESTED MOTIONS:

No motions will be made at this meeting.

ATTACHMENTS:

Staff report is attached.



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 Dahlonega 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 Zaxby's.

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:

	Residential	Commercial
Use Quantity	228 Units	~10,000 SF
Permitted Uses	Townhomes	All permitted uses in the B-2 zoning district
Minimum Lot Size	None	None
Minimum Lot Width	18-feet	None
Minimum Setbacks	Front: 10-feet Rear: 10-feet Side: 0, with 15-feet between detached structures	Front: 10-feet Rear: 10-feet Side: 10-feet



Minimum Exterior Landscape Strips	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
Minimum Exterior Buffers	0-feet	10-feet abutting residential 0-feet abutting commercial
Maximum Height	42-feet	42-feet
Maximum Building Coverage	None	None
Parking & Loading	2-car garage per unit No loading space.	Minimum 1 space per 300 sq ft One (1) 14'x30' loading space per building
Public Road	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
Sidewalks	None	None
Community Amenities	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.



Site Plan:



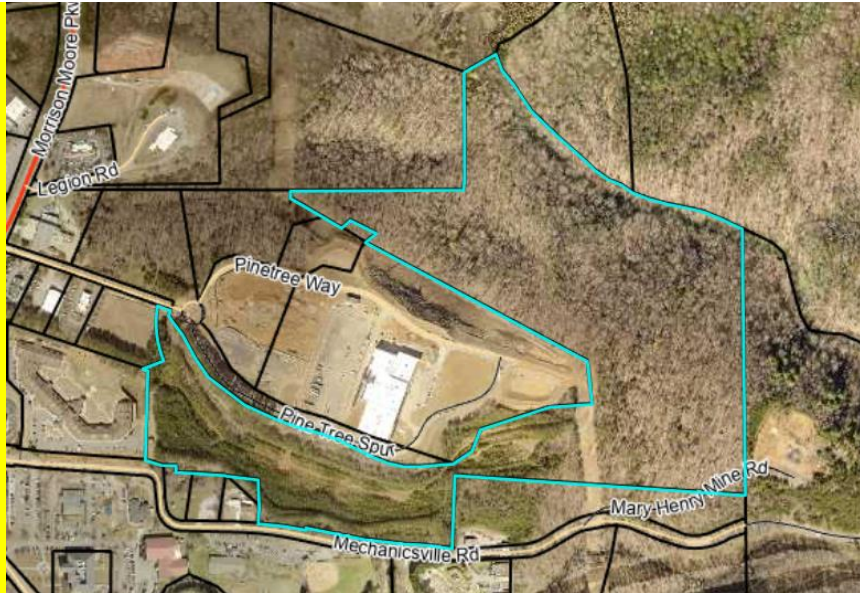


Architectural Examples:

None were provided.

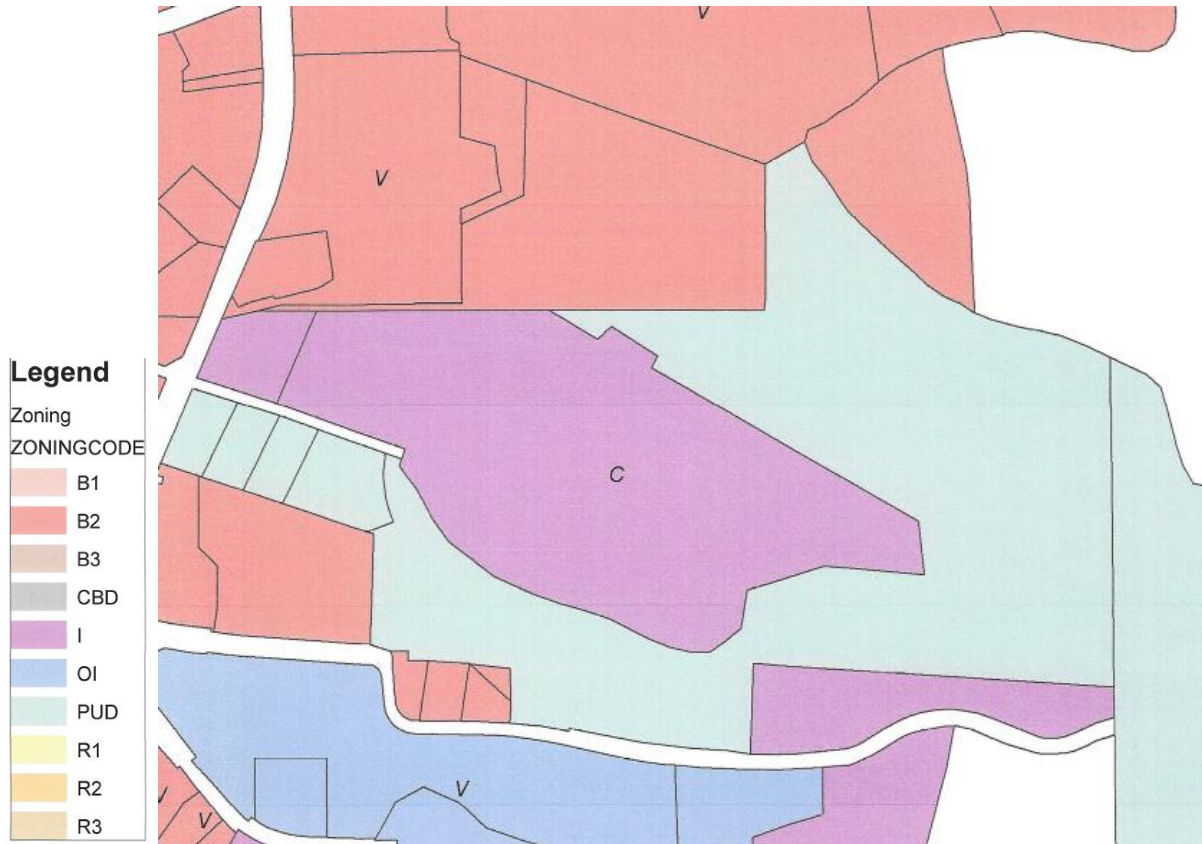


Aerial:



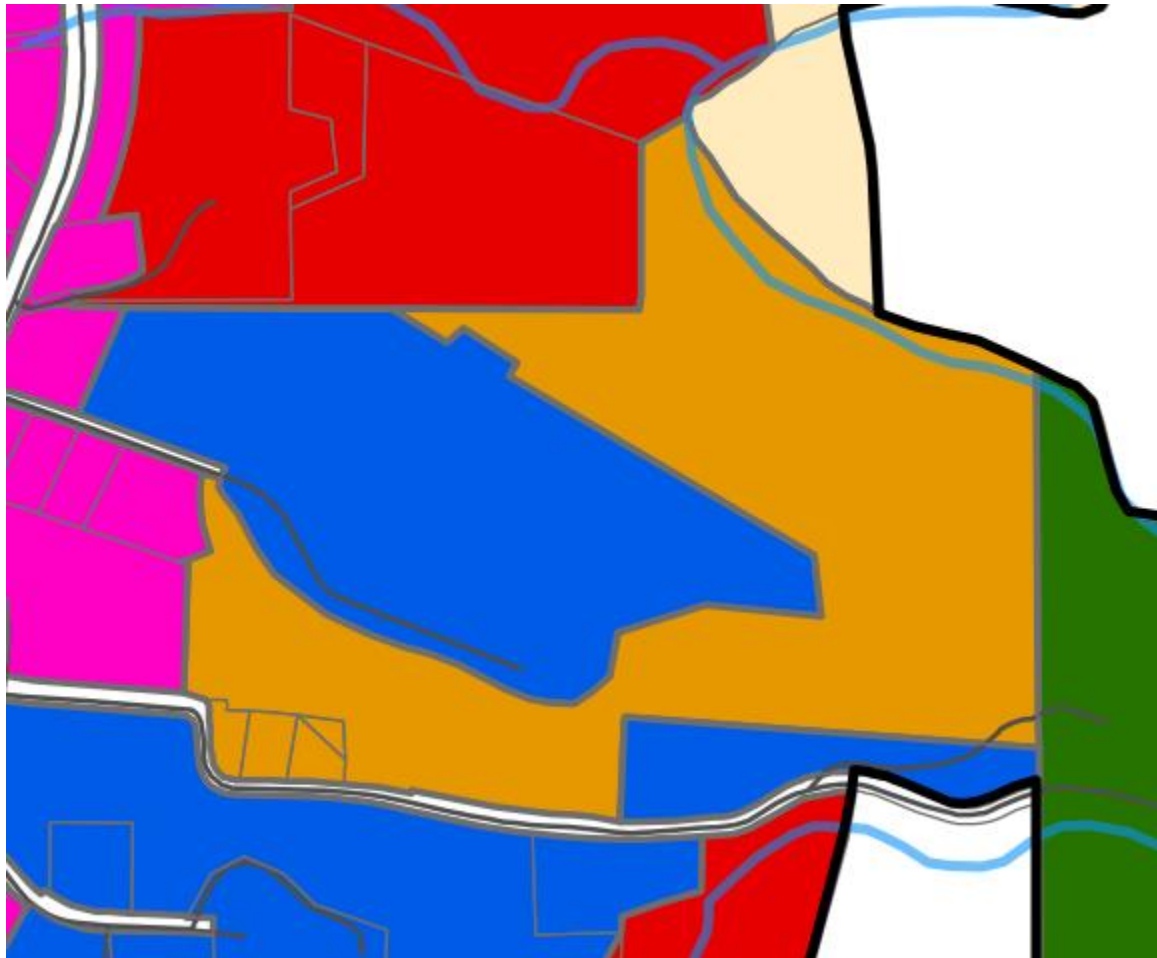


Current Zoning:





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

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 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.
11. Approval of Mary Henry Mine Road requires: (1) approval by the City Council as well as Lumpkin County and compliance with any conditions imposed; and (2) approval by the Fire Marshal of a KNOX Lock for Fire Dept. access in the event of an emergency together with a formal plan review and final approval by the Fire Marshal prior to any construction in compliance with local regulations, ordinances and any conditions in Codes.

Planning Commission Recommendation:

The Planning Commission has failed to submit a recommendation on this matter within the time period set by the zoning code and thus by code requirement the planning commission shall be deemed to have approved this application.