



CITY OF DAHLONEGA
PLANNING COMMISSION AGENDA
TUESDAY, MAY 02, 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 or (706) 482-2706.

Vision - To be an open, honest, and responsive city, balancing preservation, growth, and delivering quality services fairly and equitably by being good stewards of Dahlonega's resources.

Call to Order

Pledge of Allegiance

Approval of Minutes:

- [1.](#) Planning Commission Meeting Minutes-April 4, 2023

OLD BUSINESS

- [2.](#) Zoning Changes Pursuant to HB 1405
Allison Martin

Zoning Cases:

Conditional Uses:

NEW BUSINESS

- [3.](#) Public Hearing for Squaretail, LLC on behalf of Steven H Fuller Jr. and William T Hardman Jr., Executor of Bill T. Hardmen (REZN-23-2) - request to rezone the 3.81+/- acres located at Alicia Lane(062A 075) from B-2 Highway Business District to R-3 Multi-Family. Squaretail, LLC REZN-23-2
Allison Martin

Zoning Cases:

Conditional Uses:

Adjournment



CITY OF DAHLONEGA

PLANNING COMMISSION MINUTES

TUESDAY, APRIL 04, 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 Jameson Kinley at kinley@dahlonega.gov or (706) 701-0736.

Vision - To be an open, honest, and responsive city, balancing preservation, and growth, and delivering quality services fairly and equitably by being good stewards of Dahlonega's resources.

Call to Order

Call to Order at 6:02 pm by Chairman Conaway

PRESENT

Chairman Robert Conaway
Commission Member Joyce Westmoreland
Commission Member Michael Feagin
Commission Member James Guy
Commission Member James Spivey
Commission Member James Carroll

ABSENT

Commission Member Win Crannell

Pledge of Allegiance

Approval of Minutes:

1. Planning Commission Meeting Minutes March 07, 2023
Planning Commission Meeting Minutes March 07, 2023
Motion to approve made by Commission Member Guy, Seconded by
Commission Member Feagin.
Voting Yea: Commission Member Westmoreland, Commission Member
Feagin, Commission Member Guy, Commission Member Spivey, Commission
Member Carroll

NEW BUSINESS

Zoning Cases:

2. REZN-23-1 James and JoAnn Gribben
Public Hearing for James and JoAnn Gribben on behalf of Applegate
Cottages, LLC (REZN-23-1) – request to rezone the 0.12 acres located at 277
Hawkins Street (D07-065) from R-1 Single-Family Residential to R-2 Multi-
Family.
Tom Gordineer - 339 North Chestatee Street - an indirect neighbor of the
applicant spoke in place of the application. The applicant had a medical

emergency and could not attend. Mr. Gordineer spoke in favor of the application.

Chairman Conaway opened up for public comment.

No one to speak in favor or against.

Chairman Conaway closed for discussion among the Commission Members.

Discussion included questions of staff about short-term rentals and increased density on the property. Staff commented that no additional construction could be done and that it not the intent of the applicant. If rezoned, the structure could be used as a short-term rental.

Motion to recommend denial made by Commission Member Spivey,
Seconded by Commission Member Carroll.

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

Voting Abstaining: Commission Member Guy

Conditional Uses:

3. BZA-23-1 Rhett Stringer

Public Hearing for Rhett Stringer on behalf of the estate of Paul Stringer (BZA-23-1) – A request to vary from Section 605.1a and 605.1d to allow for a pervious parking lot that extends past the property line at 2718 South Chestatee Street (081-037). This parcel is zoned B-2 (Highway Business District).

BZA-23-1 Rhett Stringer

Public Hearing for Rhett Stringer on behalf of the estate of Paul Stringer (BZA-23-1) – A request to vary from Section 605.1a and 605.1d to allow for a pervious parking lot that extends past the property line at 2718 South Chestatee Street (081-037). This parcel is zoned B-2 (Highway Business District).

Rhett Stringer presented the application to the Commission.

Chairman Conaway opened up for public comment.

No one to speak in favor or against.

Chairman Conaway closed for discussion among the Commission Members.

Discussion included questions about building proximity to the river and storm water runoff. Staff commented that this has been discussed with NRCS and that they feel this is the best option available at this location.

Motion made to recommend approval by Commission Member Guy,
Seconded by Commission Member Feagin.

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

INFORMATION & TRAINING

4. Housing Needs Assessment - Continued Discussion
Jameson Kinley - Planning and Zoning Administrator

Staff lead the discussion for the housing needs assessment that continue from the previous month in which it was presented. No vote needed.

5. Zoning Changes Pursuant to HB 1405

Staff presented updates to zoning code that will go before public hearing and discussion next month. No vote needed.

Adjournment

Motion made adjourn by Commission Member Guy, Seconded by Commission Member Feagin.

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



City Council Agenda Memo

DATE: April 27, 2023
TITLE: Zoning Changes Pursuant to HB 1405
PRESENTED BY: Allison Martin

AGENDA ITEM DESCRIPTION:

The attached Ordinance for consideration is regarding the zoning changes outlined in HB 1405. Specifically, the additions are outlined as follows: (1) Annexation procedures; (2) language to be included in a Public Hearing Notice; (3) appeal shall be brought within 30 days of the written decision of the appeal; and (4) designation of officer for perfection of service.

HISTORY/PAST ACTION:

FINANCIAL IMPACT:

RECOMMENDATION:

SUGGESTED MOTIONS:

ATTACHMENTS: Ordinance 2023-05: Regarding Zoning Changes Pursuant to HB 1405

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 XXVI: AMENDMENT, APPLICATION AND PROCEDURAL REQUIREMENTS; SECTIONS 2603: FREQUENCY OF APPLICATION, 2607: CRITERIA TO CONSIDER FOR MAP AMENDMENTS (REZONINGS), 2609: PUBLIC NOTICE AND PUBLIC HEARING REQUIRED, 2610: RECOMMENDATION BY ZONING ADMINISTRATIVE OFFICER; TO ADD A SECTION 2619: APPEALS AND A SECTION 2620: DESIGNATION OF OFFICER FOR PERFECTION OF SERVICE; STAY OF PROCEEDINGS.

Short title: "An ordinance to amend the current zoning regulations to be consistent with House Bill 1405."

WHEREAS, the City of Dahlonega ("City") is a municipal corporation duly organized and existing under the laws of the State of Georgia; and

WHEREAS, the duly elected governing authority of the City is the Mayor and Council thereof ("City Council"); and

WHEREAS, the Georgia General Assembly passed Georgia Laws Act 881 (H.B. 1405) during the 2021-2022 Regular Session, and said Act was signed by the Governor on May 13, 2022, which instituted sweeping changes of the Georgia Zoning Procedures Law; and

WHEREAS, it is necessary to amend the City of Dahlonega Zoning Ordinance to conform to the changes in the Zoning Procedures Law; and

WHEREAS, municipalities are required to come into compliance with the amended procedures by July 1, 2023; and

WHEREAS, the Mayor and City Council of the City of Dahlonega find this text amendment to the City of Dahlonega Zoning Ordinance to be in the best interest of the public health, safety, and welfare.

NOW, THEREFORE, be it ordained, and it is so ordained by the authority of the City Council of Dahlonega, that the following Sections of the said ordinance as it appears as an appendix in the Code of the City of Dahlonega are hereby amended and in two cases added in the following particulars:

SECTION I:

BE IT ORDAINED by the City Council of Dahlonega, and it is ordained by authority of the same, that Subpart B, Appendix B, Article XXVI, Section 2603, of the Code of the City of Dahlonega, Georgia, is hereby amended so that said Section now reads as follows in its entirety:

Sec. 2603. Frequency of application; Pre application meeting.

The Governing Body or the Planning Commission may at any time file, in its own name, an application for amendment to the text of the zoning regulations or the official zoning map.

If the zoning decision of the Governing Body is for the rezoning of property and the amendment to the zoning ordinance to accomplish the rezoning is defeated by the Governing Body, then the same property may not again be considered for rezoning until the expiration of at least six months immediately following the defeat of the rezoning by the Governing Body.

A property owner or subsequent property owner shall not initiate action for a map amendment, conditional use permit, or variance affecting the same or any portion of property more often than once every six (6) months from the date of any previous decision rendered by the Governing Body defeating a request provided, however, that a property owner may petition for the alteration, modification or deletion of conditions of zoning in accordance with the provisions of this Article.

Prior to the filing of a rezoning or variance application, the owner or his/her representative is required to schedule a Pre-Application Conference with the Zoning Administrative Officer to review applicable regulations that apply to the proposal and to discuss potential issues. The date of the pre-application meeting shall be noted on the application for rezoning or special use.

SECTION II:

BE IT ORDAINED by the City Council of Dahlonega, and it is ordained by authority of the same, that Subpart B, Appendix B, Article XXVI, Section 2607, of the Code of the City of Dahlonega, Georgia, is hereby amended so that said Section now reads as follows in its entirety:

Sec. 2607. Criteria to consider for map amendments (rezonings) and text amendments.

Procedures must be complete when annexation and zoning are considered together.

In exercising the zoning powers granted to the Mayor and City Council by State Law, the City Council shall apply the following standards in making zoning decisions, weighing each standard to the extent appropriate or relevant to each zoning decision:

a) Standards for consideration of rezonings:

- (1) Whether the zoning proposal will permit a use that is suitable in view of the use and development of adjacent and nearby property.
- (2) Whether the zoning proposal will adversely affect the existing use or usability of adjacent or nearby property.
- (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.
- (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.
- (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.

b) Standards for considering the adoption of a **text** amendment to Ordinance 91-9 Amended or other "zoning" ordinances:

- (1) Is the proposal consistent with the purpose and intent of the ordinance or regulation under consideration?
- (2) Does the proposal further or is it compatible with the purpose and intent of the Comprehensive Plan?
- (3) Is the proposal required to adequately address new or changing conditions or to properly implement the Comprehensive Plan?

(4) Does the proposal reasonably promote the public health, safety, morality or general welfare?

c) Public notice and public hearing requirement procedures must be complete prior to annexation final vote.

(1) The procedures required by these regulations for zoning must be complete except for the final vote of the municipal governing authority, prior to adoption of the annexation ordinance or resolution or the effective date of any local Act but no sooner than the date the notice of the proposed annexation is provided to the governing authority of the county as required under Code Section 36-36-6;

(2) The public hearing(s) required by these regulations shall be conducted prior to the annexation of the subject property into the municipality;

(3) In addition to the other notice requirements of these regulations, the municipality shall cause to be published within a newspaper of general circulation within the territorial boundaries of the county wherein the property to be annexed is located a notice of the hearing (and signage) as required under other provisions of these regulations.

(4) The zoning classification approved by the municipality following the hearing required by this Code section shall become effective on the later of:

(A) The date the zoning is approved by the municipality;

(B) The date that the annexation becomes effective pursuant to Code Section 36-36-2; or

(C) Where a county has interposed an objection pursuant to Code Section 36-33-11, the date provided for in paragraph (8) of subsection (c) of said Code section.

SECTION III:

BE IT ORDAINED by the City Council of Dahlonega, and it is ordained by authority of the same, that Subpart B, Appendix B, Article XXVI, Section 2609, of the Code of the City of Dahlonega, Georgia, is hereby amended so that said Section now reads as follows in its entirety:

Sec. 2609. Public notice and public hearing required.

This section shall apply to all applications for amendments to the text of the zoning regulations, amendments to the official zoning map, petitions for variances and appeals to the Board of Zoning Appeals, requests for conditional use approval, requests for alteration or extension of conditional zoning, applications for site plan approval in the MHP District, and petitions for development approval for property within the PUD, Planned Unit Development District, and applications for condominium site plan approval.

Prior to making any zoning decision, the City Council shall conduct a Public hearing. The public hearing shall be called and a public notice provided in accordance with the provisions of Ordinance 91-9 as amended and in accordance with the provisions of O.C.G.A. § 36-66-4. Public Hearing Notice, as follows:

- a) A notice of time and place of the hearing shall be published at least **30 Days, but not more than 45 days**, prior to said Public hearing in the official legal organ of the City of Dahlonega or another newspaper of general circulation within the territorial boundaries of the city. The notice shall state the time, place and purpose of the hearing in accordance with O.C.G.A. §

36-66-4. If the proposed amendment is a rezoning of property, variance, conditional or special use initiated by a party other than the City Council, then:

- 1) The published notice, in addition to the foregoing, shall include the name of the applicant, the address and location of the property, the present zoning classification of the property, and the proposed zoning classification of the property or proposed variance sought; and
- 2) A sign or signs containing that same information shall be placed on the property by the City not less than 15-20 days, ~~nor more than 45 days~~, prior to the date of the hearing. The sign or signs shall be placed in a conspicuous location on the property frontage in such manner as to be legible from the public road. On lots with more than one road frontage, a sign will be placed facing each Public road. If the property has no road frontage, a sign shall be placed at a location on each road where access will be gained to the property.

All required public hearings shall be held by the Governing Body, and no action shall be taken on said applications until a public hearing has been held by the Governing Body.

Public hearings regarding variances and appeals shall be held by the Board of Zoning Appeals, and no action shall be taken on said applications until a public hearing has been held by the Board of Zoning Appeals. The public hearing shall be called, and a public notice provided in accordance with the provisions of O.C.G.A. § 36-66-4(g). Public Hearing Notice, as follows: Notice of such hearing shall be provided at least 30 days nor more than 45 days prior to the quasi-judicial hearing, with such notice being made as provided for in these regulations and with additional notice being mailed at least thirty days prior to the hearing to the owner of the property that is the subject of the proposed action.

Public hearings may be delayed, rescheduled or continued to another time and date, provided announcement is given at the time and place of the initially scheduled and advertised public hearing, and provided such date, time and location of the public hearing to be delayed, rescheduled or continued is given. If the applicant of a petition before the Planning Commission or Governing Body fails to attend the public hearing, then the Planning commission or Governing Body may require re-advertisement of the subject petition at the expense of the applicant. If there is no quorum of the Planning Commission or Governing Body at the scheduled public hearing, then the public hearing(s) shall be rescheduled and re-advertised at the City of Dahlonega's expense.

Where the proposed action includes any combination of zoning decisions under these regulations for the same property, only one hearing shall be required under this Code Section. At least 30 days nor more than 45 days prior to the date of the hearing, the local government shall cause to be published within a newspaper of general circulation within the territorial boundaries of the local government a notice of the hearing. The notice shall state the time, place, and purpose of the hearing.

SECTION IV:

BE IT ORDAINED by the City Council of Dahlonega, and it is ordained by authority of the same, that Subpart B, Appendix B, Article XXVI, Section 2610, of the Code of the City of Dahlonega, Georgia, is hereby amended so that said Section now reads as follows in its entirety:

Sec. 2610. Recommendation by zoning administrative officer; additional duties.

The Zoning Administrative Officer will, as appropriate, customarily submit to the recommending and/or decision making body, prior to a scheduled public hearing, copies of the site plan and letter of intent along with a written recommendation for approval, disapproval, deferral, withdrawal or other

recommendation. Said recommendation shall include reasons for said recommendations, considered within the context of the appropriate criteria as specified by these regulations. The recommendations of the Zoning Administrative Officer shall have an advisory effect only and shall not be binding on the Governing Body. Copies of the Zoning Administrative Officer's recommendations shall be made available to the applicant and other interested parties upon completion and distribution to the appropriate bodies and at the public hearing. Following the Planning Commission's public hearing, as Secretary to the Planning Commission, the Zoning Administrative Officer shall prepare and submit the Planning Commission's recommendations to the City Council prior to the City Council's public hearing.

SECTION V:

BE IT ORDAINED by the City Council of Dahlonega, and it is ordained by authority of the same, that Subpart B, Appendix B, Article XXVI, Section 2611, of the Code of the City of Dahlonega, Georgia, is hereby amended so that said Section now reads as follows in its entirety:

Prior to the hearing held by the Governing Body, the Planning Commission shall hold a public hearing on all applications for amendment to the text of the zoning regulations, amendments to the official zoning map, conditional use permit applications, petitions for alteration or extension of conditional zoning, requests for development plan approval within the PUD, Planned Unit Development District, request for site plan approval in the MHP, Mobile Home Park District, requests for condominium site plan approval and variances for properties located in all zoning districts.

After completing its studies of the particular petition, the Planning Commission shall submit a recommended action in writing to the Governing Body. The Planning Commission may submit any additional report it deems appropriate. The recommendations of the Planning Commission shall have an advisory effect only and shall not be binding on the Governing Body. Copies of the Planning Commission's recommendations and reports shall be made available to the applicant and other interested parties upon completion and distribution to the Governing Body and at the public hearing before the Governing Body.

The Planning Commission shall have thirty days within which to submit its recommendations. The Governing Body shall not take action on any of said applications, until it has received the recommendation of the Planning Commission within the specified time period. If the Planning Commission fails to submit a recommendation with the thirty (30) day period, it shall be deemed to have approved the proposed application.

The requirements set forth elsewhere herein for public notice and hearing before the Governing Body shall be required for the public hearing required before the Planning Commission.

SECTION VI:

BE IT ORDAINED by the City Council of Dahlonega, and it is ordained by authority of the same, that Subpart B, Appendix B, Article XXVI, of the Code of the City of Dahlonega, Georgia, is hereby amended to add a Section 2619 to read as follows:

Sec. 2619. Appeals.

‘Zoning Decisions’ means final legislative action by a local government which results in:

- (A) The adoption or repeal of a zoning ordinance;
- (B) The adoption of an amendment to a zoning ordinance which changes the text of the zoning ordinance;
- (C) The adoption or denial of an amendment to a zoning ordinance to rezone property from one zoning classification to another.
- (D) The adoption or denial of an amendment to a zoning ordinance by a municipal local government to zone property to be annexed into the municipality;
- (E) The grant or denial of a permit relating to a special use of property (including a conditional use);
- (F) The grant or denial of a variance or conditions concurrent and in conjunction with a decision pursuant to subparagraphs (C) or (E) of this paragraph.

All such challenges or appeals as to decisions of the City Council shall be brought within 30 days of the written decision of the challenged or appealed action. Specifically as to decisions of the Board of Zoning Appeals or other quasi-judicial decisions, the decision is a final decision and any appeal of such a decision shall be pursued by petition for review filed with the Lumpkin County Superior Court within 30 days of the date of the decision. The City Clerk shall serve as the officer to receive the petition or service of appeal on behalf of the Governing Body or Board of Zoning Appeals, in accordance with O.C.G.A. § 36-66-5.1.

SECTION VII:

BE IT ORDAINED by the City Council of Dahlonega, and it is ordained by authority of the same, that Subpart B, Appendix B, Article XXVI, of the Code of the City of Dahlonega, Georgia, is hereby amended to add a Section 2620 to read as follows:

Sec. 2620. Designation of Officer for perfection of service; stay of proceedings.

The city officer who shall have the authority, without additional board or agency action, to approve or issue any form or certificate necessary to perfect the petition described in Title 5, O.C.G.A., for review of lower judicatory bodies or agencies referenced in these regulations and upon whom service of such petition may be effected or accepted on behalf of lower judicatory boards during normal business hours, at the regular offices of the City of Dahlonega shall be the City Clerk, and shall also serve as the official who shall have authority to accept service and upon whom service of an appeal of a quasi-judicial decision may be effected or accepted on behalf of the local governing authority, during normal business hours, at the regular offices of the local government.

An appeal or challenge by an opponent filed pursuant to these regulations shall stay all legal

proceedings in furtherance of the action appealed from or challenged, unless the local government, officer, board, or agency from which or from whom the appeal or challenge is taken certifies that, by reason of the facts stated in the certificate, a stay would cause imminent peril to life or property. In such actions, the applicant for the zoning decision or the quasi-judicial decision shall be a necessary party and shall be named as a defendant in the action and served in accordance with the requirements of O.C.G.A. Title 5 or Title 9, as appropriate.

Except as modified herein, **The Code of the City of Dahlonega**, Georgia, is hereby reaffirmed and restated. The codifier is hereby granted editorial license to include this amendment in future supplements of said Code by appropriate section, division, article or chapter. The City Attorney is directed and authorized to direct the codifier to make necessary minor, non-substantive corrections to the provisions of this Code, including but not limited to, the misspelling of words, typographical errors, duplicate pages, incorrect references to state or federal laws, statutes, this Code, or other codes or similar legal or technical sources, and other similar amendments, without necessity of passage of a corrective ordinance or other action of the Mayor and Council. The City Clerk shall, upon the written advice or recommendation of the city attorney and without the necessity of further council action, alter, amend or supplement any non-codified ordinance, resolution or other record filed in his or her office as necessary to effect similar non-substantive changes or revisions and ensure that such public records are correct, complete and accurate.

Adopted and Ordained this ___ day of _____, 2023.

By: _____
JoAnne Taylor, Mayor

Attest: _____
Mary Csukas, City Clerk



City Council Agenda Memo

DATE: May 1, 2023
TITLE: Public Hearing for Squaretail, LLC on behalf of Steven H Fuller Jr. and William T Hardman Jr., Executor of Bill T. Hardmen (REZN-23-2) - request to rezone the 3.81+/- acres located at Alicia Lane(062A 075) from B-2 Highway Business District to R-3 Multi-Family. Squaretail, LLC REZN-23-2
PRESENTED BY: Allison Martin

AGENDA ITEM DESCRIPTION:

Public Hearing for Squaretail, LLC on behalf of Steven H Fuller Jr. and William T Hardman Jr., Executor of Bill T. Hardmen (REZN-23-2) - request to rezone the 3.81+/- acres located at Alicia Lane(062A 075) from B-2 Highway Business District to R-3 Multi-Family.

HISTORY/PAST ACTION:

FINANCIAL IMPACT:

RECOMMENDATION:

SUGGESTED MOTIONS:

ATTACHMENTS:



STAFF REPORT

REZN 23-2

Applicant:	Squaretail, LLC
Owner:	Steven H Fuller & Bill T Hardman
Location:	Alecia Lane
Acreage:	+/- 3.81 Acres
Current Zoning Classification:	B-2 with Condition
Requested Zoning Classification:	R-3
Current Use of Property:	Undeveloped
City Services:	City water and sewer available in the area

Applicant Proposal

Letter of Intent: "It is the wishes of Squaretail, LLC to rezone the 3.81 acres site located on the eastern side of Alicia Ln to R-3. The intended use of the site will be high end multi-family units to serve the residents of Dahlonega. The units will have shared parking and will be ranging from 2 to 4 bedrooms. Squaretail, LLC will try and design the site with street fronting units where the topography allows. The site will adhere to all applicable design codes and shall exceed the city's landscaping requirements. Squaretail, LLC looks forward to building this project inside the R-3 zoning stipulations."

History

This property was originally apart of a larger 4.9 acre parcel that stretched all the way to the intersection of Morrison Moore. Before being split, the entire property was rezoned in 2006 from the original R-2 to B-2 with the condition "upon the only allowable use of the property be for licensed professional offices."

Surrounding Uses

North:

- Undeveloped land zoned B-2

South:

- The Village at Crown Mountain Neighborhood



- PUD rezoned in 2005 and developed at 6.3 units per acre

East:

- Two Properties rezoned at the same time to B-2 in the late 80s with no file that can be located
 - 1.83 acre parcel located at the end of Ansley Drive
 - Developed as a medical office building in 2005
 - 2.99 acre parcel located at the end of Tipton Drive
 - Developed as an office complex from 1993 to 2000

West:

- Two properties directly across Alecia Lane
 - 4.7 acre parcel zoned B-2
 - rezoned from R-2 and PUD to put a post office in which it is still occupied by
 - 12.15 acre parcel zoned PUD
 - No information of the PUD other than the minutes of the September 4, 1990 meeting in which it was rezoned.

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.

It is the opinion of the Planning Department that this area is suitable for the use of higher density residential development.

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

It is the opinion of the Planning Department that this development would not have any adverse effect to the 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.

This development could require upgrades to street infrastructure to help accommodate additional traffic placed on city streets. These upgrades will be paid for by the applicant and assessed thoroughly at the time of development review. The major concern for engineering is the entrance and vertical grades that would be needed for the intersection of this development and Alecia Lane. This development would have to meet city design standards.



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 our Comprehensive Plan as Mixed Use Residential. 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

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.

There are a couple of challenging conditions that this development will have to address. These challenges mainly deal with accessing utilities and navigating the steep conditions of Alicia Lane. All of these will need to be addressed at and up to current development codes at the time of land disturbance review if approved.



Staff Analysis

Engineering

One Recommendation

1. Staff recommends there should be no implied city dedication of any of the streets or parking areas indicated.

Several notes to be considered when site plan was review

- Intersection sight distance may be an issue.
- It doesn't appear the horizontal curvature, as shown, will meet city standards. Specifically, the minimum tangent length of the curve nearest Alicia Lane.
- Achieving appropriate vertical grades and curvature may be difficult.
- The intersection with Alicia Lane appears to be at a point where Alicia is roughly 18%. At that grade, achieving an appropriate cross-slope and approach grade on the minor road may be impossible.
- No cul-de-sac is indicated. A hammerhead design may be approved as an alternative, but will need thorough analysis and review by the Fire Marshal.
- There is no sidewalk indicated along the property frontage.
- A workable grading plan to support this design may be challenging.
- The topography of the downstream parcels should be evaluated for a suitable drainage path. While the developer will be required to reduce flows to their pre-developed rate by the Development Regulations, the pond outfall will channelize flows into a point source where sheet flow is currently occurring. The developer will need to indicate that this can be done in a controlled and non-erosive manner.
- The project description indicates 30-4 bedroom units, but only 20 units are described and shown.
- The developer's design team should do a thorough review of existing water and sewer availability in the area. City staff will assist.
- The developer should be aware of Section 7.5 of the Development Regulations. In some cases, improvements to the street that is used for access (Alicia Lane) are required.

Comp Plan

This development complies with the narrative over the comprehensive plan adopted by council in 2022.



Staff Analysis

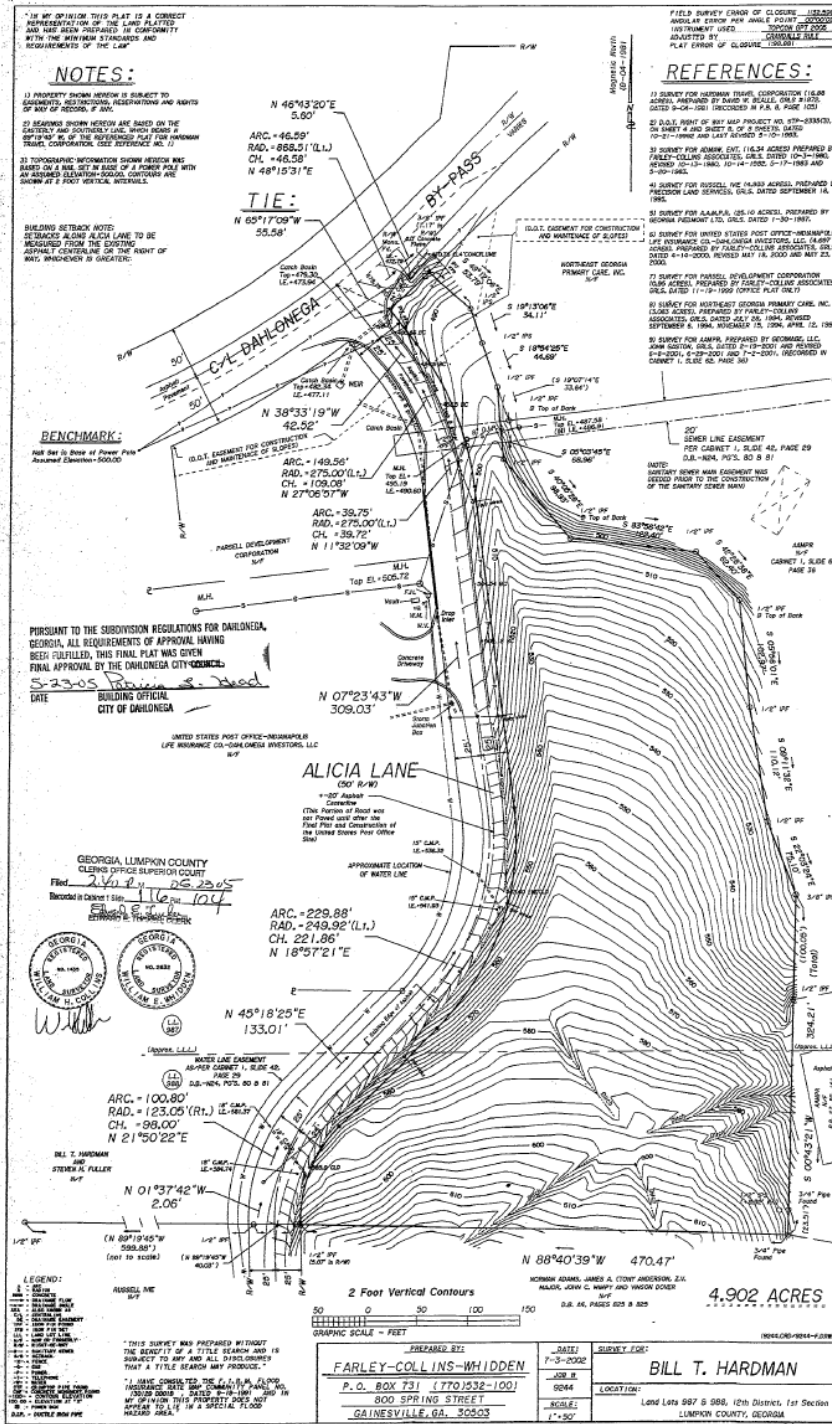
Given that this property was rezoned in 2006 and not developed, the current stipulation of only allowing medical office space is restricting. The applicant appears to be requesting that it be rezoned back to the original residential use with an increase in density. Understanding that there will be challenges in the topological design, the intent of this development does appear to be in line with City's Comprehensive Plan. One thing to note is that this development is not indicated on the site plan as a fee simple development. This means it will be occupied by renters and managed by a property management company. Taking into consideration our recent housing needs assessment, staff is recommending approval with a condition.

Motion/Recommendation to approve REZN 23-2 with condition.

1. There shall be no implied city dedication of any of the streets or parking areas

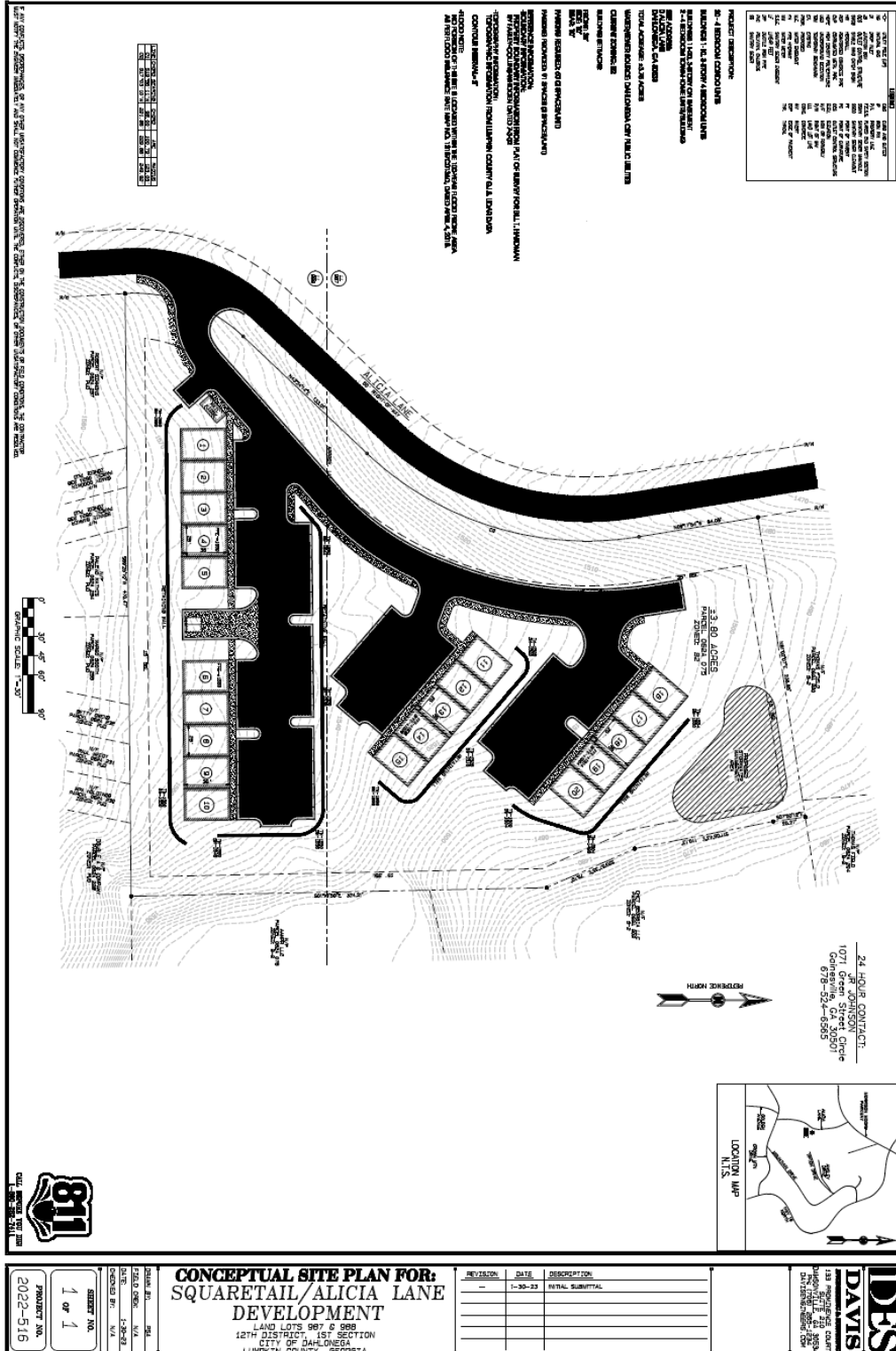


Original Plat Submitted for Rezoning: (2006)





Proposed Site Plan:





Aerial:



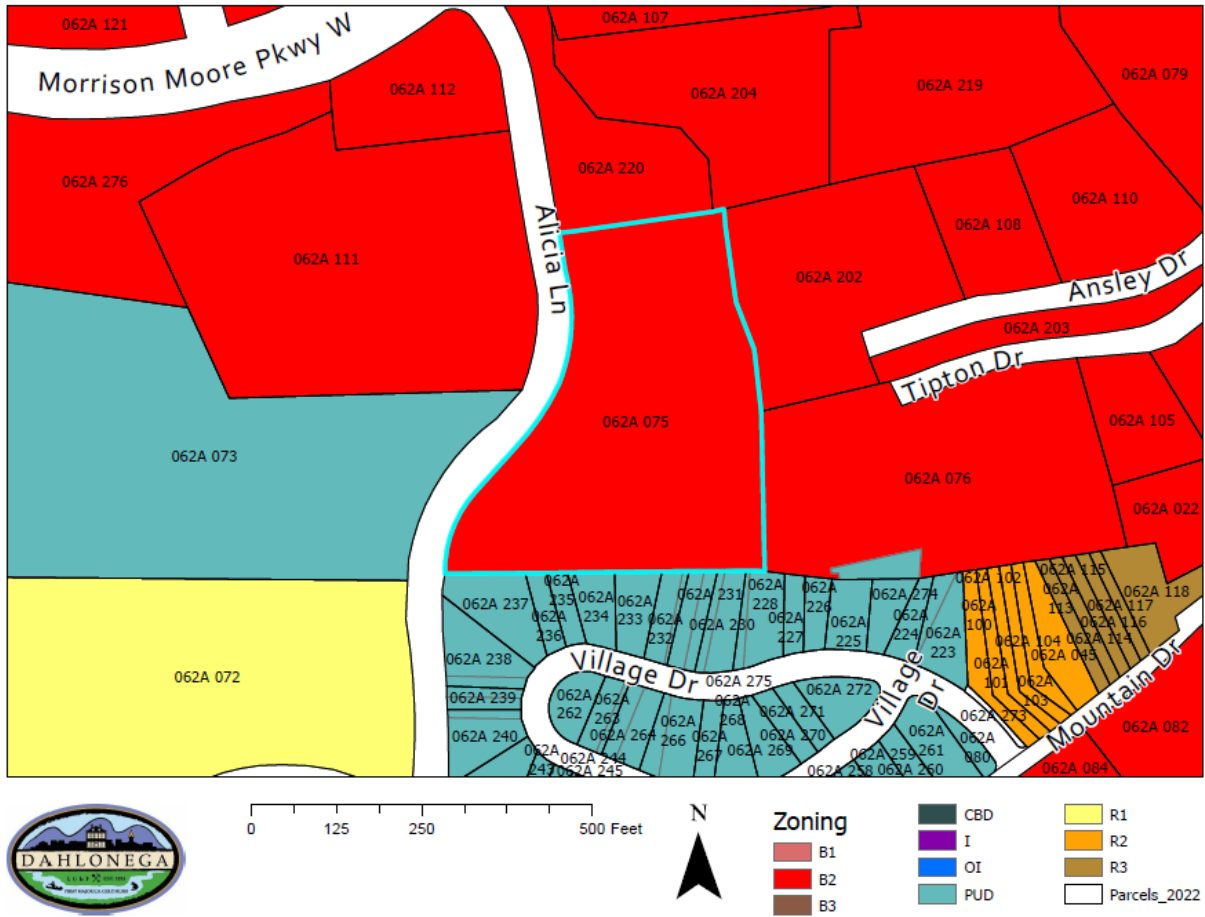
0 125 250 500 Feet



Parcels_2022



Current Zoning:





Comprehensive Plan:

