



CITY OF DAHLONEGA
PLANNING COMMISSION AGENDA
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 jkinley@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

Pledge of Allegiance

Approval of Minutes:

1. Planning Commission Meeting Minutes March 07, 2023

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.

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).

INFORMATION & TRAINING

4. Housing Needs Assessment - Continued Discussion
Jameson Kinley - Planning and Zoning Administrator
5. Zoning Changes Pursuant to HB 1405

Adjournment



CITY OF DAHLONEGA
PLANNING COMMISSION MINUTES
TUESDAY, MARCH 07, 2023 AT 6:00 PM
CITY HALL - MAYOR MCCULLOUGH COUNCIL
CHAMBER

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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 6:13 PM

PRESENT

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

ABSENT

Commission Member Win Crannell
Commission Member James Carroll

Pledge of Allegiance

Pledge of Allegiance Chairman Conaway

Approval of Minutes:

1. Planning Commission Meeting Minutes January 4, 2023
Planning Commission Meeting Minutes January 4, 2023
Chairman Conaway- Change #5 "Appoint Vice Chairman" Noted for change

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

Voting Yea: Chairman Conaway, Commission Member Westmoreland, Commission Member Feagin, Commission Member Guy, Commission Member Spivey

OLD BUSINESS

NEW BUSINESS

Zoning Cases:

2. Mountain Top Real Estate Group, LLC

A request to update the PUD site plan of a +/- 62.77-acre property located on Pinetree Way (079-054 & 079-074). The purpose of this request is for construction of a 325 Unit Apartment Complex and 10,000 square feet of Commercial space.

Speaking on behalf of Mountain Top Real Estate Group, LLC was Ethan Underwood

Mr. Underwood presented the application

Chairman Conaway Opens floor to public comments

Steve Sylvester 215 Stancil Dyer Rd Dahlonge- Variance Approval
Concerns/Traffic Concerns

Gail Dowsett 494 Calhoun Rd Dahlonge- Environmental impact concerns,
Traffic concerns, Tax referendum questions

Jim Gribbon 257 Hawkins St Dahlonge- Safety concerns, Transient/High
Density concerns

Nancy Cole 2039 McDonald Rd Dahlonge- Growth Concerns

Tom Gordineer 339 N Chestatee St- Clarification on housing, public safety
concerns, density concerns

David Woodward 354 Plateau Rd- Need vs. Want, appreciated green
space

Chairman Conaway Closed Public comments.

Mr. Underwood spoke regarding the concerns presented. He requested that the Commission table the application.

Motion to table development made by Commission Member Feagin,
Seconded by Commission Member Westmoreland

Voting Yea: Chairman Conaway, Commission Member Westmoreland,
Commission Member Feagin, Commission Member Guy, Commission
Member Spivey

INFORMATION & TRAINING

3. Housing Needs Assessment

Jameson Kinley, Planning and Zoning Administrator

Jameson mention the Housing Needs Assessment had been completed and presented to council. He provided each member with a copy of the final report for them to review. In the coming months, there would be ordinance changes based on the results.

Adjournment

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

Voting Yea: Chairman Conaway, Commission Member Westmoreland, Commission Member Feagin, Commission Member Guy, Commission Member Spivey

REZONING APPLICATION FORM
CITY OF DAHLONEGA, GEORGIA

Property Owner: Name: JIM + JOANN GRIBBEN "APREGATE"
Address: COTTAGES, LLC
Phone: _____

Applicant: Name: - SAME -
(if different from Owner) Address: _____
Phone: _____

Agent: Name: N/A
(if applicable) Address: _____
Phone: _____

Existing Zoning: R1 RESIDENTIAL
Proposed Zoning: R2 MULT-FAMILY RESIDENTIAL
Existing Use: OWNERSHIP - RENTAL
Proposed Use: SAME - RENTAL
Acreage of Site: _____
Location of Property: DEAD END HAWKINS ST.
(Street address) 277 HAWKINS STREET
Tax Plat and parcel: D07 065 .12 ACRES

A metes and bounds legal description is required. Also attach a boundary survey of the property if available.

- 1) The applicant is bound by the submitted site plan and letter of intent if this application is approved and development must be initiated within twenty-four months or the approved zoning is subject to reversion to its previous zoning by the Governing Body.
- 2) It is the policy (but not a legal requirement) that adjacent property owners and those owners within 150 feet of the subject property are notified by certified mail of the application.
- 3) The following nine questions can be answered within a letter of intent, but failure to answer any one can result in denial of the application.

Complete the following information. (This section may be addressed in the letter of intent.)

1. The existing uses and zoning of nearby property and whether the proposed zoning will adversely affect the existing use or usability of nearby property.

WILL NOT ADVERSELY AFFECT NEARBY PROPERTIES, CURRENTLY A RENTAL + WILL STAY SAME. WE OWN ADJOINING PROPERTY + NEXT TO R2 TRACT.

2. The extent to which property values are diminished by the particular zoning restrictions.

NO CHANGE, THE ONLY PROPERTIES POTENTIALLY IMPACTED WOULD BE NEXT DOOR (257 HAWKINS ST.) WHICH WE OWN + SIGNETS 10 ACRES ZONED R2.

3. The extent to which the destruction of property values promotes the health, safety, morals or general welfare of the public.

N/A

4. The relative gain to the public as compared to the hardship imposed upon the individual property owner.

SAME - CURRENTLY RENT TO BUSINESS OWNER + A UNG PROFESSOR. UPSTAIRS + DOWNSTAIRS RENTAL WITH SEPERATE ENTRANCES, NO CHANGE. CURRENTLY USED AS MULTI-FAMILY.

5. The physical suitability of the subject property for development as presently zoned and under the proposed zoning district.

WILL NOT BE DEVELOPED, VERY SMALL LOT.

6. The length of time the property has been vacant, considered in the context of land development in the area in the vicinity of the property, and whether there are existing or changed conditions affecting the use and development of the property which give supporting grounds for either approval or disapproval of the rezoning request.

HAS NOT BEEN VACANT PROPERTY N/A.

7. The zoning history of the subject property.

R1 CURRENTLY NOW TO R2 MULTI-FAMILY WHICH HAS BEEN USAGE THE LAST 15+ YEARS. PROPER ZONING FOR USAGE.

8. The extent to which the proposed zoning will result in a use which will or could cause excessive or burdensome use of existing streets, transportation facilities, utilities, schools, parks, or other public facilities.

NO CHANGE, SAME CONTINUING USAGE. END OF DEAD END STREET (HAWKINS) + PLENTY OF EXISTING PARKING.

9. Whether the zoning proposal is in conformity with the policy and intent of the comprehensive plan, land use plan, or other adopted plans.

YES

THIS CHANGE IS IN LINE WITH DALLONREAS' LONG TERM HOUSING NEEDS + REQUIREMENTS.

Property Owner's Certification

I hereby request the action contained with this application relative to the property shown on the attached plats and site plan and further request that this item be placed on both the Planning Commission and City Council's agenda(s) for a public hearing.

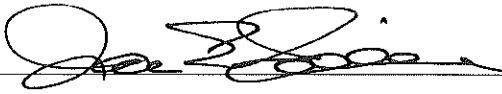

I understand that the Planning and Development staff may either accept or reject my request upon review. My request will be rejected if all the necessary data is not presented.

I understand that I have the obligation to present all data necessary and required by statute to enable the Planning Commission and City council to make an informed determination on my request. I will seek the advice of an attorney if I am not familiar with the zoning and land use requirements.

I understand that my request will be acted upon at the Planning Commission and City Council hearings and that I am required to be present or to be represented by someone able to present all the facts. I understand that failure to appear at the public hearing may result in the postponement or denial of my application. I further understand that it is my responsibility to be aware of relevant public hearing dates and time regardless of notification from the City of Dahlonoga.


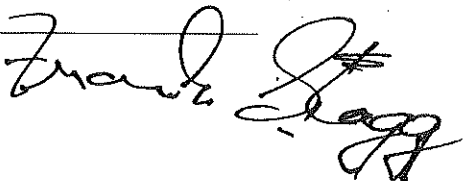
I herby certify that I have read the above and that the above information as well as the attached information is true and accurate.

I certify that I am the owner of the property described in the attached legal description, that all information contained in this application is true and correct to the best of my knowledge, and that the applicant and/or agent listed above is authorized to act as the applicant and/or agent in the pursuit of rezoning of this property.

Signature of Property Owner:  

Printed name of Property Owner : JAMES E. GRIBBEN JOANN G. GRIBBEN

Date of Signature: 1/22/23 01-22-23

Signature of Witness:  

DISCLOSURE OF CAMPAIGN CONTRIBUTION

(Applicant(s) and Representative(s) of rezoning)

Pursuant to OCGA Section 36-37 A-3.A, the following disclosure is mandatory when an applicant or any representation of application for rezoning has been made within two (2) years immediately preceding the filing of the applicant's request for re-zoning & campaign contributions aggregating \$250.00 or more to a local government official who will consider the application for rezoning.

It shall be the duty of the applicant and the attorney representing the applicant to file a disclosure with the governing authority of the respective local government showing the following information:

1. The name of the local official to whom the campaign contribution was made:

_____ NO - N/A _____

2. The dollar amount and/or description of each campaign contribution made by the applicant to the local government official during the two years immediately preceding the filing of the application for the rezoning action and the date of each such contribution:

Amount \$ _____

Date: _____

Amount \$ _____

Date: _____

3. Enumeration and description of each gift when the total value of all gifts is \$250.00 or more made to the local government official during the 2 years immediately preceding the filing application for rezoning:

Signature of Applicant/

Representative of Applicant: _____

Date: _____

[Handwritten Signature]
1/22/23

By not completing this form you are making a statement that no disclosure is required because no contributions have been made.

This form may be copied and additional pages attached if necessary.

January 23, 2023

Mr. Jameson Kingsley and Dahlonge Planning Commission
City of Dahlonge
Planning and Zoning Administrator

Subject: Request to Rezone from R-1 to R-2
277 Hawkins Street, Dahlonge

As discussed, my wife and I are proposing to Rezone **277 Hawkins Street** from its current R-1 Residential, to R-2 Multiple Family Residential.

The attached package provides background, describing past and present usage for this property. We've owned for 8 years and during this time we've rented to separate upstairs and downstairs tenants. The home has a separate entrance and egress and was set up this way when we purchased in December 2014. We do not rent to students, our current tenants are a business owner and a UNG College Professor, this usage supports and is consistent with the needs stated in Dahlonge's Housing Studies.

This change would have no detrimental impact on neighboring properties and the only properties on this section of the dead end section of Hawkins Street would be our other home at 257 Hawkins Street and the property owned by Signet Corporation (10 acres). Two years ago the City approved Signet to re-zone their property from R-1 Residential to R-2 status.

We have no plans to develop this property as its only .12 acres, the purpose is to properly zone the house based on current and past usage, but also to be consistent with the R-2 Multi Family property located next door. There is plenty of parking available and would have no impact on City Services.

Thank you again for your assistance and let me know if you need further information.

Best Regards,



Jim and JoAnn Gribben

DOCH 005685
FILED IN OFFICE
11/25/2020 09:30 AM
BK:1483 PG:653-654
RITA HARKINS
CLERK OF COURTS
LUMPKIN COUNTY

Rita Harkins

REAL ESTATE TRANSFER
TAX PAID: \$0.00

PT-61 093-2020-001955

RETURN TO: ANGELA GRANT CLARK
P.O. BOX 611
DAHLONEGA, GA 30533

WARRANTY DEED

STATE OF GEORGIA
COUNTY OF LUMPKIN

THIS INDENTURE, made this 15th day of October in the Year of Our Lord Two Thousand and Twenty, between James E. Gribben and JoAnn Gribben, as parties of the first part, and Applegate Cottages, LLC, as party of the second part,

WITNESSETH, That the said parties of the first part, for and in consideration of the sum of TEN DOLLARS (\$10.00) AND OTHER VALUABLE CONSIDERATIONS in hand paid at and before the sealing and delivery of these present, the receipt whereof is hereby acknowledged, have granted, bargained, sold and conveyed, and by these present does grant, bargain, sell and convey unto said party of the second part, it's successors and assigns, the following described property:

**SEE EXHIBIT 'A' ATTACHED HERETO
AND MADE A PART HEREOF BY REFERENCE**

TO HAVE AND TO HOLD the said bargained premises, together with all and singular the rights, members, and appurtenances thereof, to the same being, belonging, or in anywise appertaining, to the only proper use, benefit, and behoof of the said party of the second part, it's successors and assigns, forever, in fee simple.

And the said parties of the first part, for their heirs, executors and administrators, will warrant and forever defend the right and title of the above-described property unto the said party of the second part, it's successors and assigns, against the claims of all persons whomsoever.

IN WITNESS WHEREOF, the said parties of the first part have hereunto set hand and affixed seal, the day and year first above written.

Signed, this 15th day of October, 2020,
in the presence of:

Pat Cagle
Unofficial Witness

James E. Gribben (SEAL)
James E. Gribben

Claudia Leanne Head
Notary Public
State of Georgia

JoAnn Gribben (SEAL)
JoAnn Gribben




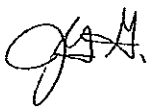
A title search was not requested or performed.

20re-671

EXHIBIT "A"

ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN LAND LOT 928 OF THE 12TH LAND DISTRICT, 1ST SECTION OF LUMPKIN COUNTY, GEORGIA, CITY OF DAHLONEGA, AND BEING 0.120 ACRES MORE OR LESS, ACCORDING TO THAT CERTAIN PLAT OF SURVEY DATED APRIL 1, 2015, PREPARED FOR JAMES AND JOANN GRIBBEN BY RICHARD WEBB AND ASSOCIATES, REGISTERED SURVEYOR, SAID PLAT BEING RECORDED IN PLAT BOOK 2020, PAGE 144, LUMPKIN COUNTY RECORDS. SAID PLAT IS HEREBY INCORPORATED HEREIN BY REFERENCE.

20RB-671

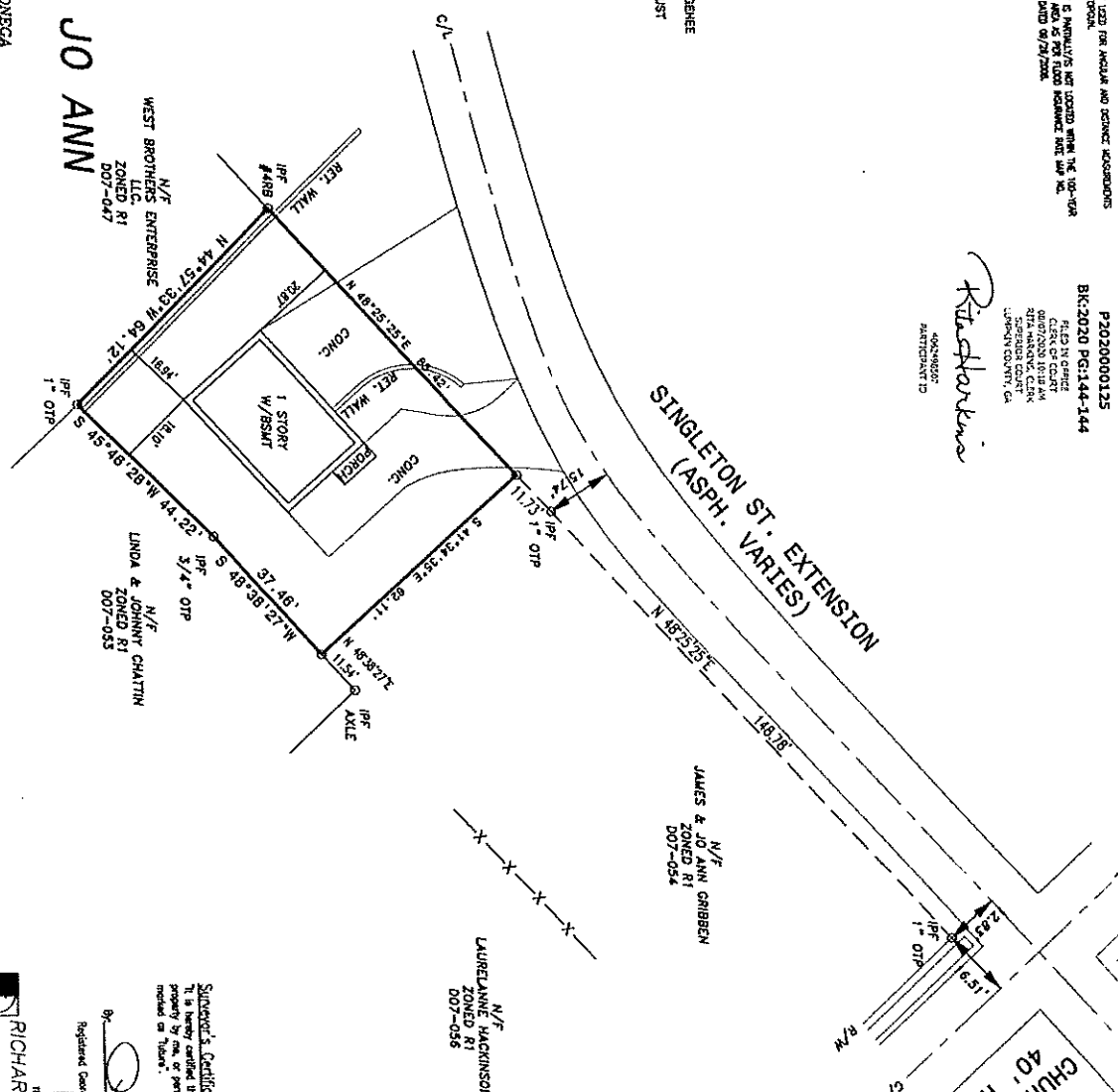
DATE OF SURVEY: 1/24/14
 THE FIELD BOOK FOR THIS SURVEY WAS FILED IN THE PUBLIC RECORDS OF THE COUNTY OF LUMPKIN, GEORGIA, AND WAS RECORDED UNDER THE COUNTY RECORD BOOK NO. 14449. THE FIELD BOOK FOR THIS SURVEY WAS FILED IN THE PUBLIC RECORDS OF THE COUNTY OF LUMPKIN, GEORGIA, AND WAS RECORDED UNDER THE COUNTY RECORD BOOK NO. 14449.
 THIS REPORT IS INTENTIVELY NOT TO BE USED FOR ANY OTHER PURPOSES WITHOUT THE WRITTEN CONSENT OF THE SURVEYOR.
 THE CALCULATION USED FOR AREA AND DISTANCE CALCULATIONS ARE A NEIGHBORHOOD.
 THIS REPORT IS INTENTIVELY NOT TO BE USED FOR ANY OTHER PURPOSES WITHOUT THE WRITTEN CONSENT OF THE SURVEYOR.
 THE CALCULATION USED FOR AREA AND DISTANCE CALCULATIONS ARE A NEIGHBORHOOD.

Rick Johnson
 SURVEYOR
 4049 W. STATE ST.
 SUITE 100
 LUMPKIN COUNTY, GA

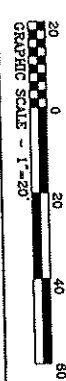
TOTAL = 0.120 ACRES
5,227.483 SQUARE FEET

THIS SURVEY WAS MADE BY MEASURING THE DISTANCE AND BEARING OF EACH COURSE, AND BY MEASURING THE AREA OF EACH COURSE, AND BY MEASURING THE DISTANCE AND BEARING OF EACH COURSE, AND BY MEASURING THE AREA OF EACH COURSE. THIS SURVEY WAS MADE BY MEASURING THE DISTANCE AND BEARING OF EACH COURSE, AND BY MEASURING THE AREA OF EACH COURSE, AND BY MEASURING THE DISTANCE AND BEARING OF EACH COURSE, AND BY MEASURING THE AREA OF EACH COURSE.

NOTES & REFERENCES:
 1. SURVEY FOR CARROLL MCDERMOTT BY RICHARD WEBB & ASSOCIATES DATED: AUGUST 25, 1983
 2. ZONED R1
 3. MAP-PARCEL: 007-024



JAMES & JO ANN GRIBBEN
 SURVEY FOR:
 IN THE CITY OF DAHLONEGA
 LAND LOT 928
 12TH DISTRICT-1ST SECTION
 LUMPKIN COUNTY, GEORGIA
 APRIL 1, 2015



SURVEYOR'S CERTIFICATE
 I, the undersigned, do hereby certify that this plat is true and correct and was prepared from an actual survey of the property by me, or persons under my supervision, that all measurements shown herein actually exist or are marked on 'field'.
 Registered Georgia Land Surveyor No. 2507
[Signature]
RICHARD WEBB & ASSOCIATES
 Technical Land Services Inc. 4747
 Land Surveying Consultants
 P.O. BOX 581 CUMMING GA. 30628 (770)-488-8103
 100 KELLY HILL ROAD CUMMING GA. 30628
 Cumming, GA 30628
 www.rwebbsurvey.com



CITY OF DAHLONEGA
 THIS PLAT IS FOR AN EXISTING LOT
 OF RECORD AND IS APPROVED FOR
 RECORDING
 DATE *1/24/14* *[Signature]*
 CITY OFFICIAL

JOB NO. 14337



STAFF REPORT

REZN 23-1

Applicant:	Jim and JoAnn Gribben
Owner:	Applegate Cottages LLC (Jim and JoAnn Gribben)
Location:	277 Hawkins Street
Acreage:	+/- .12 Acres
Current Zoning Classification:	R-1
Requested Zoning Classification:	R-2
Current Use of Property:	Single Family
General Land Use:	Single Family
City Services:	City utilities current onsite and in use

Applicant Proposal

The applicant is requesting to rezone the property at 277 Hawkins Street from R-1 Single Family Residential to R-2 Multiple-Family Residential. There is no intent to redevelop the property other than to use it to the potential of the R-2 zoning classification.

History and Surrounding Uses

This property has been owned and operated by the applicant for the past eight years. It has always been zoned R-1 and have never been a part of a rezoning request before to the best of staff's knowledge.

North: Directly across Hawkins Street is a roughly 12 acre parcel zoned R-2 with conditions. It was rezoned in August of 2021 after an application by Signet LLC.

South: The property directly south is a single family home that fronts Warwick Street. It is zoned R-1 Single Family. This property has had no zoning or variance requests that staff is aware of.

East: The property to the east is own by the applicant. Mr. Gribben has recently been approved for a variance as of last year for a setback reduction to construct a garage.



West: The property to the west is a 1.48-acre lot with a single-family residential home. It fronts on Warwick Street and is zoned R-1 Single Family Residential.

Other significant uses in the area include our Historic District the 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.**

There is no significant change to the use of the property as it is currently being used.

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

If approved, there would be no adverse effect to any surrounding 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 request would not put a burden on existing utilities or infrastructure if approved.

- 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 Public Square. The following are encouraged distinctions of this area.

- All development to be compatible with design guidelines
- Preservation of existing structures where possible, or context sensitive infill development
- 1-3 story structures oriented on Public Square and approaching streets close to the street front, with minimal on-site parking and full pedestrian accessibility
- Careful evaluation of sites on the ridge north of Hawkins Street offering possible mountain views above tree line
- Landscaping and decorative elements encouraged
- Mixed use structures or variety of residential, commercial, and institutional uses
- No drive-through uses permitted

This area is specifically designed around the preservation of the Square and Historic district. The current proposal does not impede on the distinctions and can be interpreted as in-line with the goals of the character area.



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.**

This property is limited by its size as to what use it could be used for. The biggest change is the ability for the property to be used as a Short-Term Rental.

Staff Analysis

Rezoning of this parcel from R-1 to R-2 is not a significant change from what is currently existing. The property will continue to be limited by the amount of acreage and density requirements. If approved, there is no change in setback requirements, but the minimum square footage could decrease to 1,000 square feet. It can also be used as a short-term rental. Approval would not have a significant impact on surrounding properties.



Aerial:

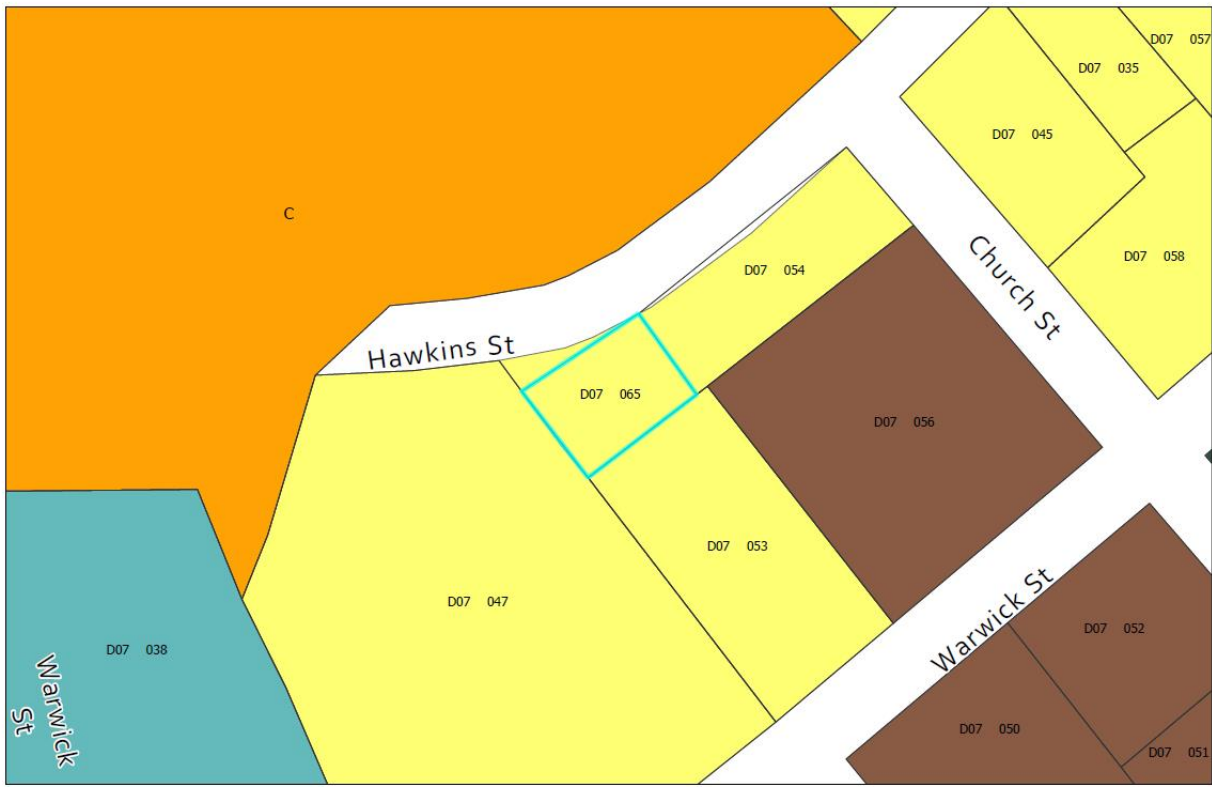


0 45 90 180 Feet





Current Zoning:



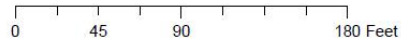
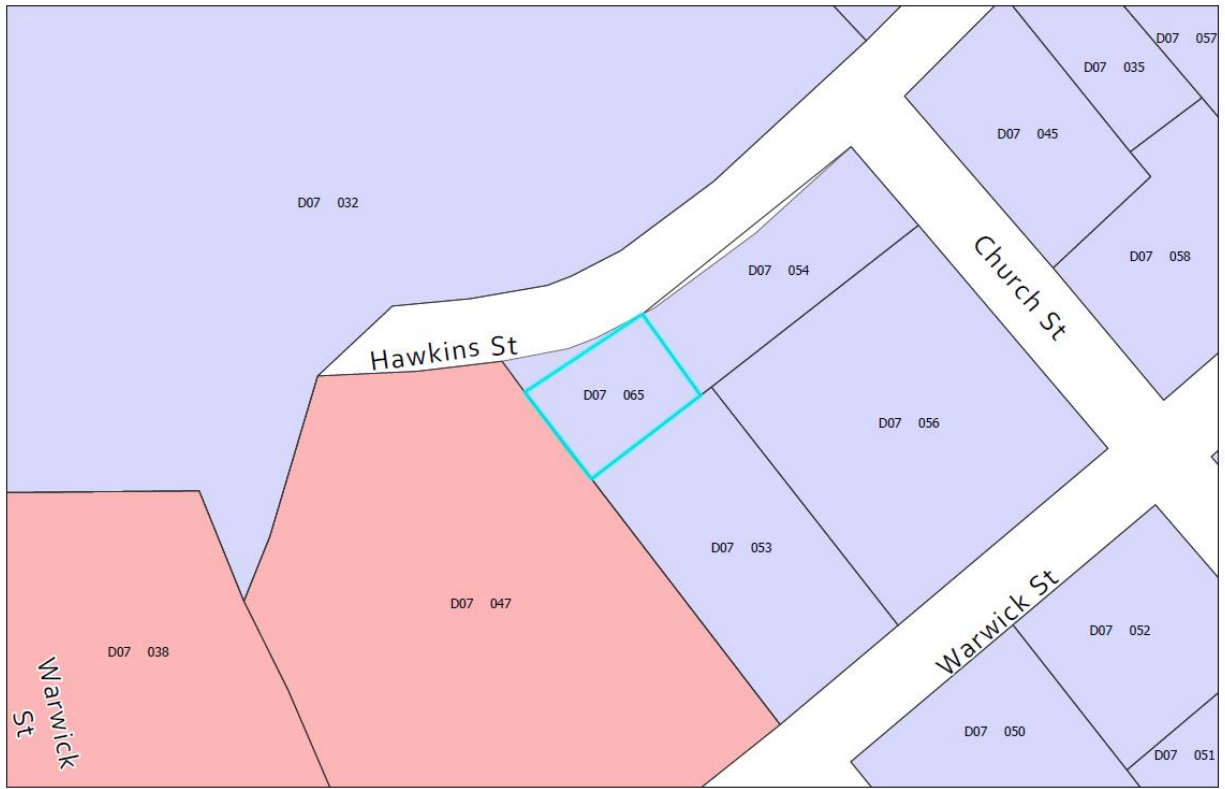
0 45 90 180 Feet



Zoning	
B1	B2
B3	I
CBD	OI
PUD	R1
R2	R3



Comprehensive Plan:



Dahlonega Character Areas

College	Office/Institutional
Gateway Corridors	Park/Recreation/Conservation
Industrial	Public Square
Mixed Use Residential	Residential
	Village Commercial



Staff Recommended Motion:

Motion/Recommendation to approve REZN 31-1

Planning Commission

TBD

City of Dahlonega Planning & Zoning
465 Riley Road
Dahlonega, GA 30533
Phone: 706/864-6133 . Fax: 706/864-4837

VARIANCE CHECKLIST

1. Completed Application
2. Copy of a recorded plat
3. Letter of Intent
4. Site Plan (Requirements in Section 2606)
5. Fee is Paid
6. Disclosure of Campaign Contributions (included in application)

All City codes and regulation can be found online at the following link.
https://library.municode.com/ga/dahlonega/codes/code_of_ordinances

Process and Timeline:

- Application must be completed and submitted 45 days prior to Planning Commission
- Planning and Development will create a staff report and advertise the Public Hearings 30 days prior to the meetings.
 - Planning Commission meets first (1st) Tuesday of every month
 - Board of Zoning Appeals schedule for (3rd) Monday of every month
 - After the decision, there is a 30 day appeals period
(Days subject to change based on holidays)

Please contact Jameson Kinley with Community Development with any questions.

Jameson Kinley
Planning and Zoning Administrator
jkinley@dahlonega.gov
(cell) 706-701-0736

DISCLOSURE OF CAMPAIGN CONTRIBUTION
(Applicant(s) and Representative(s) of rezoning)

Pursuant to OCGA Section 36-37 A-3.A, the following disclosure is mandatory when an applicant or any representation of application for rezoning has been made within two (2) years immediately preceding the filing of the applicant's request for re-zoning & campaign contributions aggregating \$250.00 or more to a local government official who will consider the application for rezoning.

It shall be the duty of the applicant and the attorney representing the applicant to file a disclosure with the governing authority of the respective local government showing the following information:

1. The name of the local official to whom the campaign contribution was made:

N/A

2. The dollar amount and/or description of each campaign contribution made by the applicant to the local government official during the two years immediately preceding the filing of the application for the rezoning action and the date of each such contribution:

Amount \$ _____

Date: _____

Amount \$ _____

Date: _____

3. Enumeration and description of each gift when the total value of all gifts is \$250.00 or more made to the local government official during the 2 years immediately preceding the filing application for rezoning:

Signature of Applicant/

Representative of Applicant: Robert Star

Date: 2-17-2023

By not completing this form you are making a statement that no disclosure is required because no contributions have been made.

This form may be copied and additional pages attached if necessary.

We believe the intent of this requirement will not be met if it is enforced in this particular situation and location. This requirement will do more harm than good at this location.

5. The special circumstances are not the result of the actions of the applicant; and

The existing use will continue just out of a new building.

6. The variance requested is the minimum variance that will make possible the legal use of the land, building, or structure; and

The requirement of the handicapped parking and access to the building will still be paved as required.

7. The variance is not a request to permit a use of land, building or structures which are not permitted by right in the district involved.

This request is to allow the existing use to continue as it has for the last 13+ years under our management.

1. There are extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its size, shape or topography that are not applicable to other land or structures in the same district; and

Although the property is over 16 acres, it is only 125' wide between the road right of way and the stream buffer. Due to this shape, there is a very limited distance that runoff from the parking lot will be able to flow through vegetation. The flow of runoff through vegetation provided for the removal of pollutants such as hydrocarbons that will not settle out in the storm system. With a gravel parking area, the majority of these pollutants will be absorbed into the ground and not be washed into the river. This is the same reason that the city drinking water reservoir had an impervious buffer requirement of 100' around and upstream of it.

2. A literal interpretation of the provisions of these zoning regulations would create an unnecessary hardship and would deprive the applicant of rights commonly enjoyed by other property owners within the district in which the property is located; and

The parking area has been used for parking for over 25 years. Since this use will be ongoing, the requirement to pave the parking area would be an environmental hardship that could adversely affect the river.

3. Granting the variance requested will not confer upon the property of the applicant any special privileges that are denied to other properties of the district in which the applicant's property is located; and

Granting this variance will allow the property to continue being used as it has for the last 25+ years as an access to the Chestatee River and also as an outfitting business for the last 13 years without negatively impacting the river.

4. Relief, if granted, will be in harmony with the purpose and intent of these regulations and will not be injurious to the neighborhood or general welfare in such a manner as will interfere with or discourage the appropriate development and use of adjacent land and buildings or unreasonable affect their value; and

Property Owner's Certification

I hereby request the action contained with this application relative to the property shown on the attached plats and site plan and further request that this item be placed on both the Planning Commission and City Council's agenda(s) for a public hearing.

I understand that the Planning and Development staff may either accept or reject my request upon review. My request will be rejected if all the necessary data is not presented.

I understand that I have the obligation to present all data necessary and required by statute to enable the Planning Commission and City council to make an informed determination on my request. I will seek the advice of an attorney if I am not familiar with the zoning and land use requirements.

I understand that my request will be acted upon at the Planning Commission and City Council hearings and that I am required to be present or to be represented by someone able to present all the facts. I understand that failure to appear at the public hearing may result in the postponement or denial of my application. I further understand that it is my responsibility to be aware of relevant public hearing dates and time regardless of notification from the City of Dahlenega.

I hereby certify that I have read the above and that the above information as well as the attached information is true and accurate.

I certify that I am the owner of the property described in the attached legal description, that all information contained in this application is true and correct to the best of my knowledge, and that the applicant and/or agent listed above is authorized to act as the applicant and/or agent in the pursuit of rezoning of this property.

Signature of Property Owner: Leland E. Driver
C. Steven Stringer

Printed name of Property Owner : ERNEST PAUL STRINGER ESTATE,
LELAND E. DRIVER & C. STEVEN STRINGER, Co-Executors

Date of Signature: 2-21-2023

Signature of Witness: Will [Signature]

VARIANCE REQUESTED TO:

1. CODE SECTION: 605.1 a.

REQUIREMENT:

All parking areas containing more than five spaces shall be surfaced with concrete or asphalt

REQUESTED VARIANCE:

Allow the parking to have a compacted gravel surface instead of a concrete or asphalt surface.

JUSTIFICATION:

The current use as an outdoor outfitters has been ongoing since 2010 utilizing a gravel parking lot. The proposed new building will continue this use along with the addition of sandwich shop type dining and souvenir sales in the building. Additional pavement will result in an increase in the velocity of storm water runoff increasing the potential for erosion of the landscaped areas of the site. Also, the increased runoff volume may require the construction of larger detention facilities resulting in additional disturbance to the established vegetation. The primary use of river trips is required to be in close proximity to the river. This requested variance, if granted, will reduce the adverse effects on the river environment.

2. CODE SECTION: 605.1 d.

REQUIREMENT:

A parking lot pavement setback of ten (10) feet from any public street right-of-way

REQUESTED VARIANCE:

Allow a portion of the parking lot to be located on the right of way of SR 60, South Chestatee St.

JUSTIFICATION:

It is the interpretation that is requirement would still be in effect if the variance is granted to allow gravel parking. The setback requirement would then be to the gravel parking area. Due to the shape of the property, the area available for parking is limited by slopes, setbacks and buffers. The Georgia Department of Transportation has leased a portion of the right of way to improve the parking area. This lease agreement cannot override the City ordinances, therefore to utilize the leased property for parking, a variance is required.

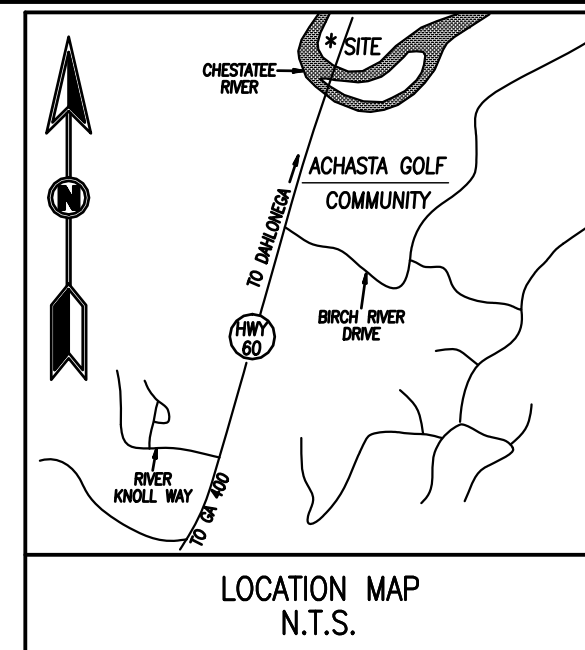
LEGEND

- PROPERTY CORNER
- IRON PIN FOUND/SET (IPF/IPS)
- P.O.B. POINT OF BEGINNING
- P.O.C. POINT OF COMMENCEMENT
- R/W RIGHT OF WAY
- P/L PROPERTY LINE
- N/F NOW OR FORMERLY
- IPS 1/2" ROD/CAP
- CTP CRIMPED TOP PIPE
- OTP OPEN TOP PIPE
- RCP REINFORCED CONCRETE PIPE
- U/P UTILITY POLE
- CMP CORROGATED METAL PIPE

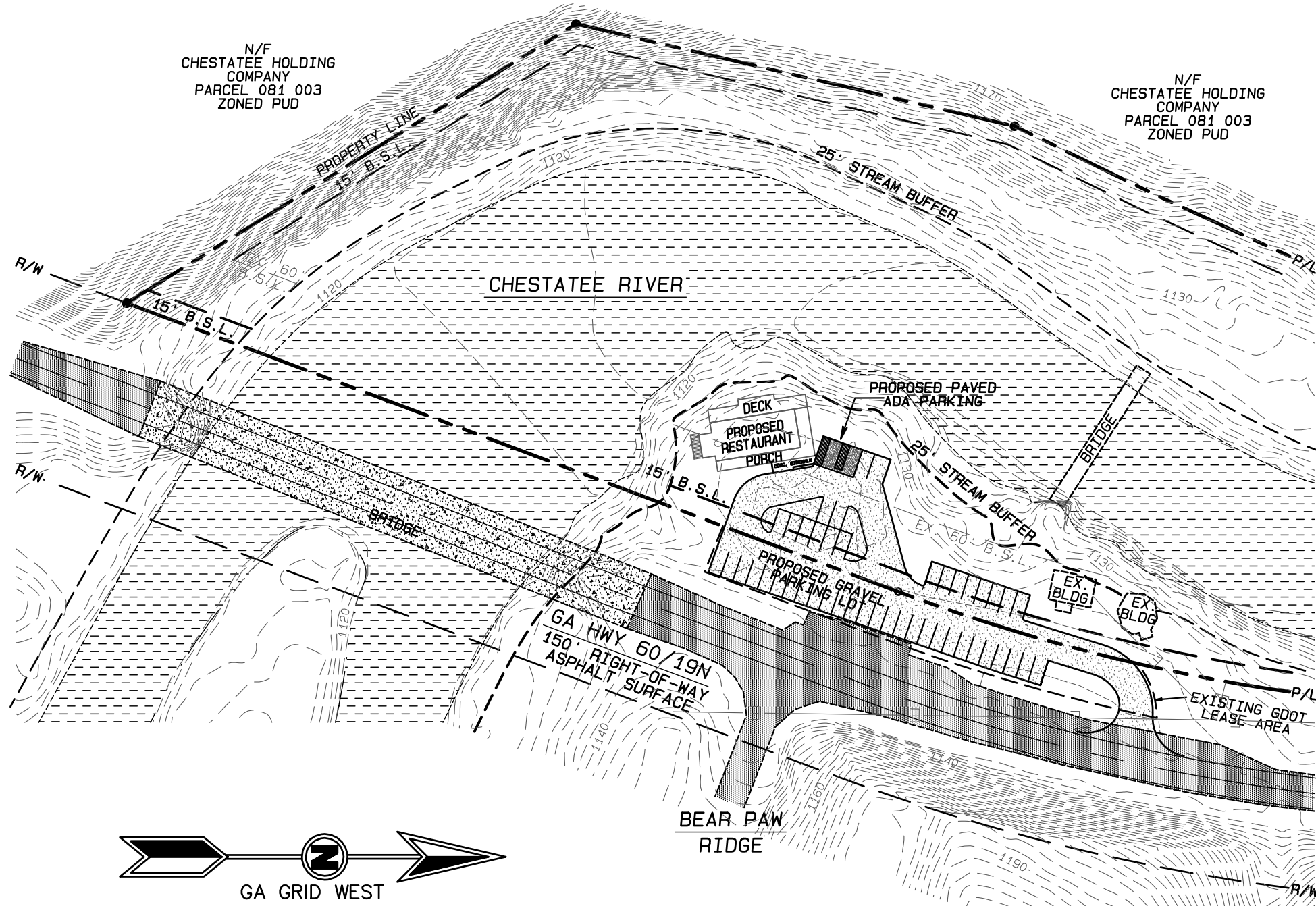
REFERENCES:

BOUNDARY INFORMATION FROM PLAT OF SURVEY FOR PAUL STRINGER BY LAND PLAN GROUP DATED 3/29/15, RECORDED IN PB 1-204, PG 80.
 TOPOGRAPHIC INFORMATION FROM LUMPKIN COUNTY TOPOGRAPHIC DATA.
 CONTOUR INTERVAL = 2'
 A PORTION OF THIS PROPERTY IS LOCATED WITHIN A 100 YEAR FLOOD PRONE AREA PER FEMA MAP 13187C0164D.

24 HOUR CONTACT:
 RHETT STRINGER



DES DAVIS
 ENGINEERING & SURVEYING
 133 PROMINENCE COURT
 SUITE 210
 DAWSONVILLE, GA 30534
 PH: (706) 265-1234
 DAVISENGINEERS.COM



GENERAL NOTES:

1. PARCEL ID#: 081 037
2. CURRENT ZONING: B2
3. TOTAL ACREAGE: 16.73 AC.
4. TOTAL BUILDING AREA: 1,980 SF
 PORCHES/DECKS: 1,940 SF
5. TOTAL PARKING PROVIDED: 47 SPACES
6. WATER/SEWER SOURCE: CITY OF DAHLONEGA PUBLIC UTILITIES
7. BUILDING SETBACKS:
 FRONT = 60'
 FRONT: 15' (APPROVED 11/01/21)
 REAR = 20'
 SIDE = 20'

VARIANCE EXHIBIT FOR:
RHETT STRINGER
 LAND LOT 145
 11TH DISTRICT, 1ST DISTRICT
 CITY OF DAHLONEGA
 LUMPKIN COUNTY, GEORGIA

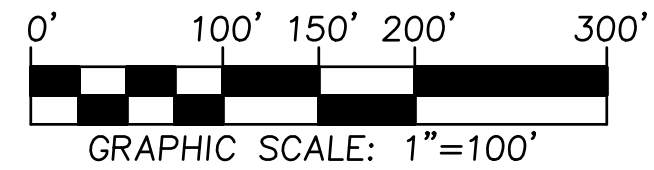
DRAWN BY: PSA/LR
 FIELD CREW: N/A
 DWG DATE: 2-10-23

SHEET NO.
 1 OF 1
PROJECT NO.
 20-272



CALL BEFORE YOU DIG!
 1-800-282-7411

IF ANY CONFLICTS, DISCREPANCIES, OR ANY OTHER UNSATISFACTORY CONDITIONS ARE DISCOVERED, EITHER ON THE CONSTRUCTION DOCUMENTS OR FIELD CONDITIONS, THE CONTRACTOR MUST NOTIFY THE ENGINEER IMMEDIATELY AND SHALL NOT COMMENCE FUTHER OPERATION UNTIL THE CONFLICTS, DISCREPANCIES, OR OTHER UNSATISFACTORY CONDITIONS ARE RESOLVED.





STAFF REPORT

BZA 23-1

Applicant:	Rhett Stringer
Owner:	Estate of Paul Stringer
Location:	2718 South Chestatee Street
Acreage:	+/- 16.736 Acres
Current Zoning Classification:	B-2
Reason:	Variance from Section 605.1a and 605.1d to allow for a pervious parking lot that extends past the property line
City Services:	City to provide services

Applicant Proposal

The applicant wishes to build a riverside restaurant on the property. Given the unique shape of the lot and the proximity to the river, the applicant is requesting to have a gravel parking lot that extends into the GDOT right-of-way. Having already received permission from GDOT, the applicant now requests variances from the city's parking and loading area design requirements that specify the parking lot be surfaced with concrete or asphalt and setback 10 feet from the right-of-way.

History and Surrounding Uses

This property has been operating as a business for the last seven plus years. Most of the surrounding area is vacant land or river.

This property was granted a variance in November 2021 to reduce the setback from 60' to 15' for the same purpose of developing a restaurant.



The Following are questions from Article XXVI Section 2607 of Zoning Code with staff opinions:

1. **There are extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its size, shape or topography that are not applicable to other land or structures in the same district; and**

Due to the restraints of the right of way and river buffer, there is minimal area to develop.

2. **A literal interpretation of the provisions of these zoning regulations would create an unnecessary hardship and would deprive the applicant of rights commonly enjoyed by other property owners within the district in which the property is located; and**

The applicant desires to expand an already existing business by adding a restaurant and related parking. A strict enforcement of the general standard would create an unnecessary hardship.

3. **Granting the variance requested will not confer upon the property of the applicant any special privileges that are denied to other properties of the district in which the applicant's property is located; and**

Given the unusual circumstances of this property, this is somewhat a unique scenario and should be taken case-by-case. Proximity to the river and the fact that this has been a gravel parking lot for a number of years give reason to believe that no special privileges are given to this site.

4. **Relief, if granted, will be in harmony with the purpose and intent of these regulations and will not be injurious to the neighborhood or general welfare in such a manner as will interfere with or discourage the appropriate development and use of adjacent land and buildings or unreasonable affect their value; and**

While the intent of the ordinance is not to have unpaved surfaces in parking lots and a setback to the parking lot, it does not take into consideration every scenario.

5. **The special circumstances are not the result of the actions of the applicant; and**

Correct.



6. **The variance requested is the minimum variance that will make possible the legal use of the land, building, or structure; and**

This variance is minimum because of the location and consideration of the environmental impact of the stream.

7. **The variance is not a request to permit a use of land, building or structures which are not permitted by right in the district involved.**

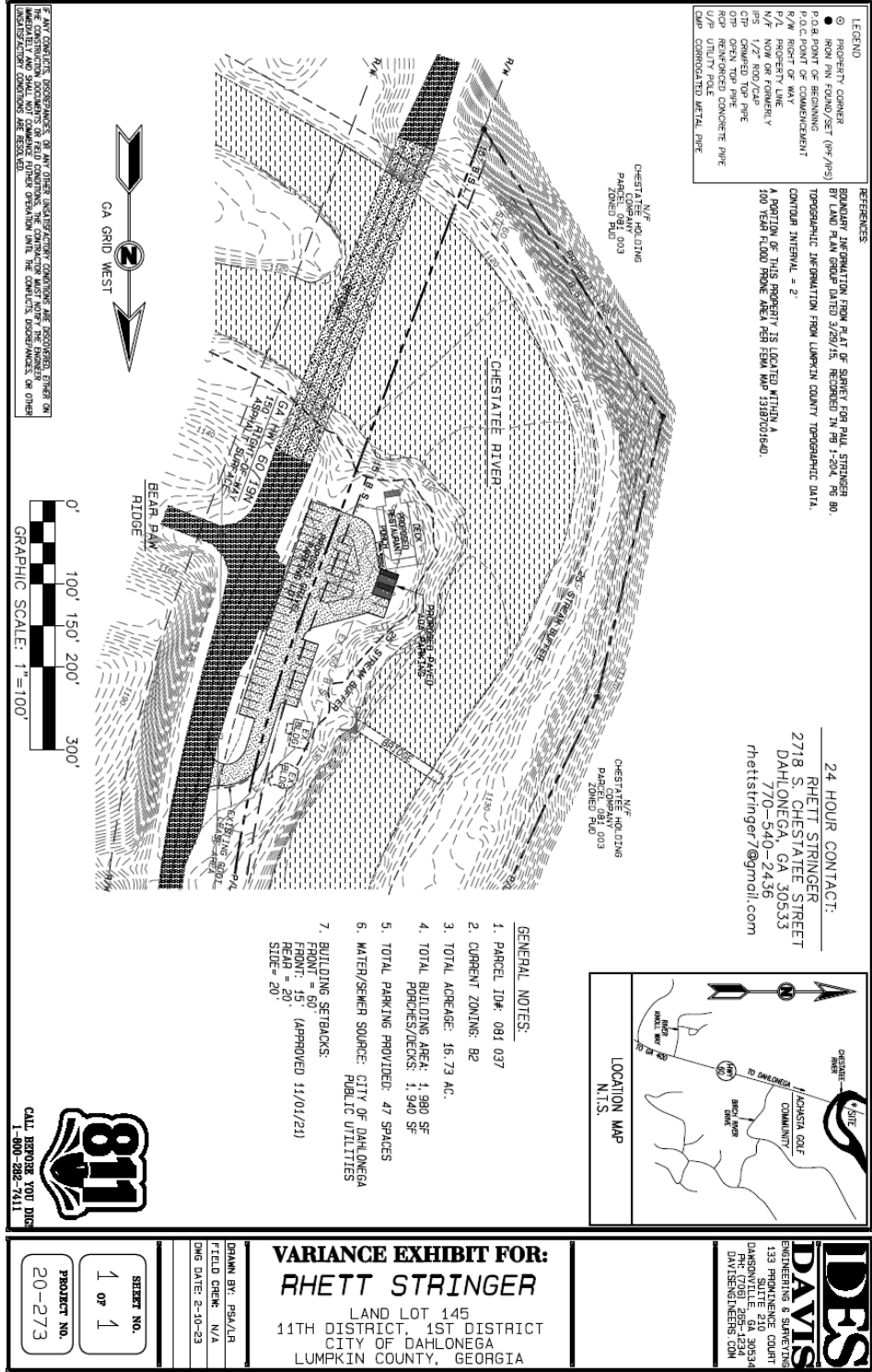
Correct

Staff Analysis

Given the circumstances between EPD buffers, right of way, flood plains, and overall proximity to the river, staff recommends approval of this variance. This is more of an environmentally friendly solution as opposed to pavement or concrete. The addition of a significant amount impervious surface close to the river could cause unintended runoff that allows additional pollutants directly into the river. Water that is allowed to soak into the ground slowly provides a filter and is proven to improve water quality coming from the site.

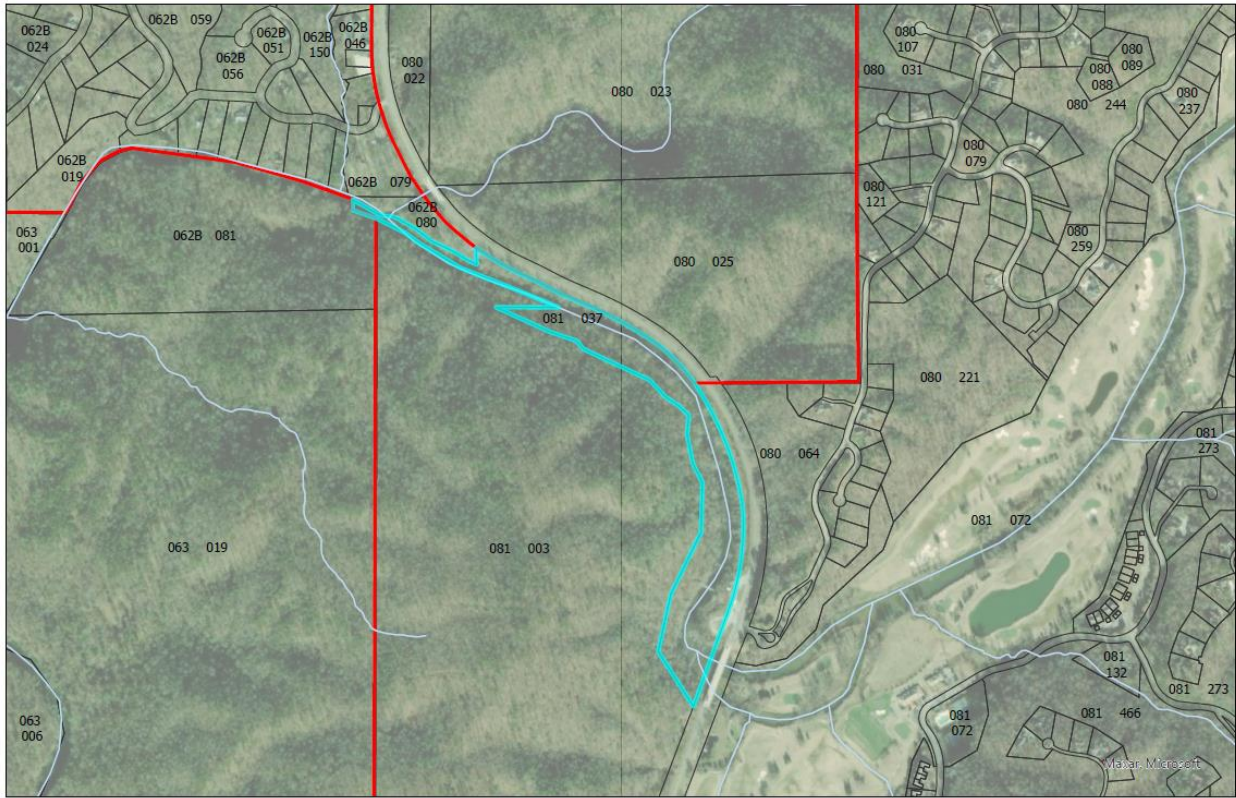


Site Plan:





Aerial view of the Parcel:

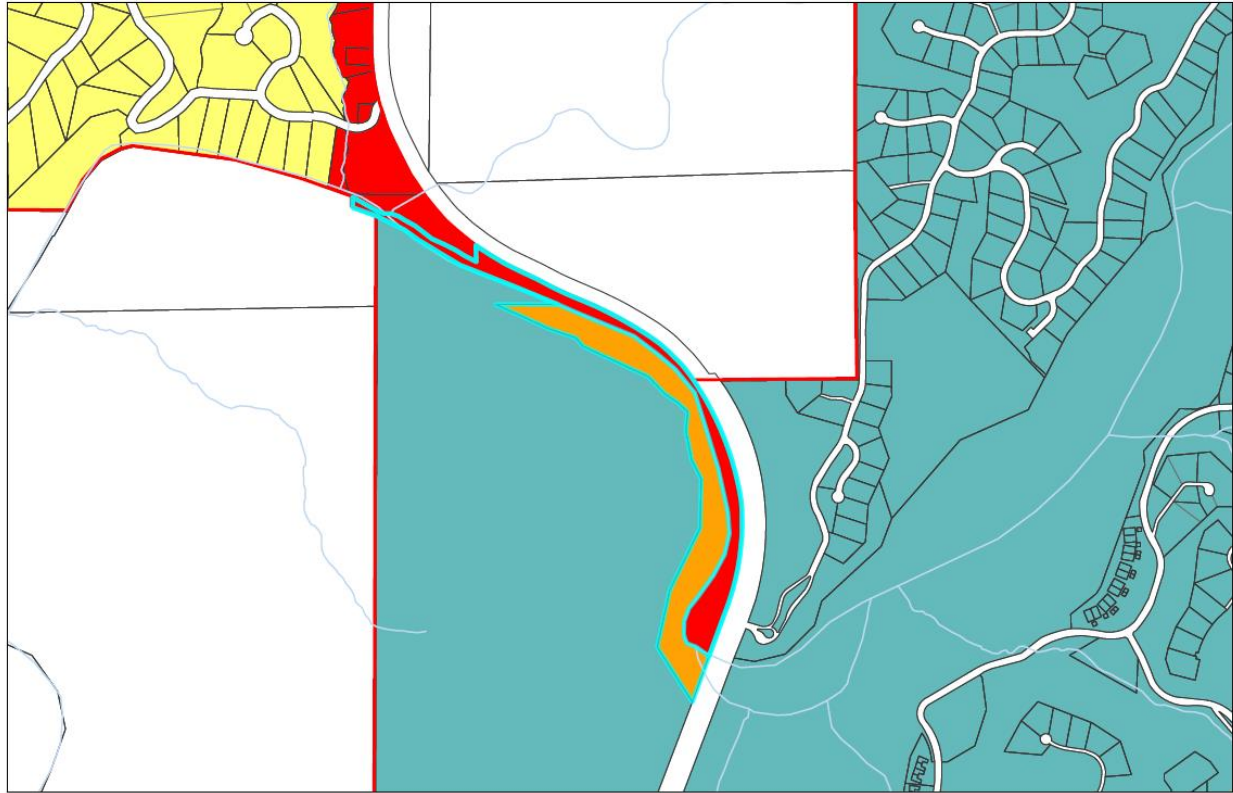


0 500 1,000 2,000 Feet










Current Zoning:



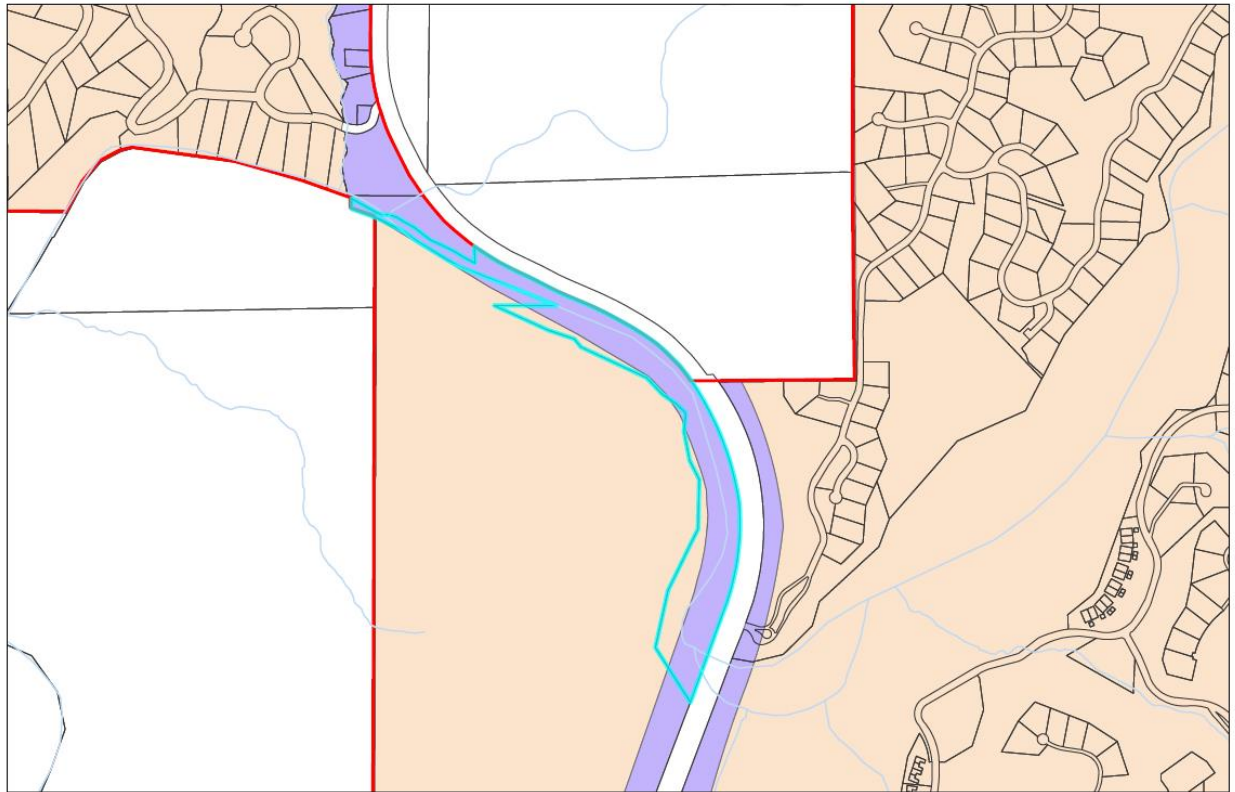
0 500 1,000 2,000 Feet



Zoning							
	B2		I		R1		
	B1		B3		OI		R2
	CBD		PUD		R3		



Comprehensive Plan:



0 500 1,000 2,000 Feet



Dahlongega Character Areas

- Office/Institutional
- College
- Gateway Corridors
- Industrial
- Mixed Use Residential
- Park/Recreation/Conservation
- Public Square
- Residential
- Village Commercial

Staff Recommended Motion:

Motion to recommend approval/approve Variance Application BZA-23-1.

Planning Commission Recommendation: TBD

	Annual Demand	5-year Demand	Under Construction	The Ridge	Summit Phase II	The Peaks	The Sherman	Mountain Music Park	Total Pipeline	Demand - Pipeline
Detached	31	155	22	38	24				84	71
Attached	73	365	19	15		60		124	218	147
Student		250					60		60	190



City Council Agenda Memo

DATE: March 10, 2023
TITLE: Zoning Changes Pursuant to HB 1405
PRESENTED BY: Doug Parks, City Attorney

AGENDA ITEM DESCRIPTION:

Presented via the memo under this cover are the key issues for Council consideration regarding the zoning changes outlined in HB 1405. Highlighted in **yellow** are additions to the Code of the City of Dahlonega pursuant to HB 1405. Deletions from the current ordinance are highlighted in **red**.

Specifically, the additions are outlined as follows: (1) Annexation procedures; (2) language to be included in a Public Hearing Notice; (3) specific regulations when dealing with zoning decisions relating to locating or relocating a halfway house, drug rehabilitation center or other facility for treatment of drug dependency; (4) specific regulations when dealing with a single-family to multi-family property use; (5) required investigation and recommendation with respect to zoning decisions involving land that is adjacent or within 3,000 feet of any military base or military installation; (6) Planning Commission shall have 45 days to submit recommendations; (7) appeal shall be brought within 30 days of the written decision of the appeal; and (8) designation of officer for perfection of service.

Please note that these items are subject to change. After we review with staff and receive Planning Commission feedback, these regulations will come back to you in final form for approval. Our efforts are to integrate these changes in the most efficient form.

HISTORY/PAST ACTION:

FINANCIAL IMPACT:

RECOMMENDATION:

Recommend that this matter be referred to the planning commission.

SUGGESTED MOTIONS:

For the Special Called Meeting, a motion to refer to the planning commission.

ATTACHMENTS: Memorandum Regarding Zoning Changes Pursuant to HB 1405

Date: February 23, 2023

To: Jameson Kinley

From: J. Douglas Parks, P.C.

MEMORANDUM REGARDING ZONING CHANGES PURSUANT TO HB 1405

Presented via this memo are the key issues for Council consideration regarding the zoning changes outlined in HB 1405. Highlighted in yellow are additions to the Code of the City of Dahlonga pursuant to HB 1405. Deletions from the current ordinance are highlighted in red.

(1) Frequency of application

Sec. 2603. Frequency of application.

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. ~~except that if a zoning decision of the Governing Body is for the rezoning of property and the amendment to the zoning ordinance and map 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 (6) months immediately following the defeat of the rezoning by the Governing Body.~~

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 ~~twelve (12)~~ 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.

~~A property owner or subsequent property owner shall not initiate action for a text amendment affecting the same or any portion of property more often than once every twelve (12) months from the date of any previous decision rendered by the Governing Body.~~

(2) Criteria to consider for map amendments (rezonings)

Sec. 2607. Criteria to consider for map amendments (rezonings). 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 or 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) If the zoning is for property to be annexed into a municipality, then:

- (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.

(3) Public notice and public hearing requirements

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 15 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 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 location of the property, the present zoning classification of the property, and the proposed zoning classification of the property; and
 - 2) A sign or signs containing that same information shall be placed on the property by the City not less than 15 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 prior to the quasi-judicial hearing, with such notice being made as provided for in subsection (a) of this Code section these regulations and with additional notice being mailed 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.

When a proposed zoning decision relates to or will allow the location or relocation of a halfway

house, drug rehabilitation center, or other facility for treatment of drug dependency, a public hearing shall be held on the proposed action. Such public hearing shall be held at least six months and not more than nine months prior to the date of final action on the zoning decision. The hearing required by this subsection shall be in addition to any hearing required otherwise by these regulations. The local government shall give notice of such hearing by:

- (1) Posting notice on the affected premises in the manner prescribed by these regulations; and
- (2) Publishing in a newspaper of general circulation within the territorial boundaries of the local government a notice of the hearing at least 15 days and not more than 45 days prior to the date of the hearing.

Both the posted notice and the published notice shall include a prominent statement that the proposed zoning decision related to or will allow the location or relocation of a halfway house, drug rehabilitation center, or other facility for treatment of drug dependency. The published notice shall be at least six column inches in size and shall not be located in the classified advertising section of the newspaper.

Notwithstanding any other provisions of these regulations to the contrary, when a proposed zoning decision relates to an amendment of the zoning ordinance to revise one or more zoning classifications or definitions relating to single-family residential uses of property so as to authorize multifamily uses of property pursuant to such classification or definitions, or to grant blanket permission, under certain or all circumstances, for property owners to deviate from the existing zoning requirements of a single family residential zoning, such zoning decision must be adopted in the following manner:

- (1) The zoning decision shall be adopted at two regular meetings of the Governing Body making the zoning decision, during a period of not less than 21 days apart: and
- (2) Prior to the first meeting provided for above at least two public hearings shall be held on the proposed action. Such public hearings shall be held at least three months and not more than nine months prior to the day of final action on the zoning decision. Furthermore, at least one of the public hearings must be held between the hours of 5:00 P.M. and 8:00 P.M. The hearings required by this paragraph shall be in addition to any hearing required elsewhere in these regulations. Notice shall given by: (i) Posting notice on each affected premises in the manner prescribed elsewhere herein; however, that when more than 500 parcels are affected, in which case posting notice is required every 500 feet in the affected area; and (ii) Publishing in a newspaper of general circulation within the territorial boundaries of Dahlongega a notice of each hearing at least 15 days and not more than 45 days prior to the date of the hearing.

Both the posted notice and the published notice shall include a prominent statement that the proposed zoning decision relates to or will authorize multifamily uses or give blanket permission to the property owner to deviate from the zoning requirements of a single-family residential zoning of property in classification previously relating to single-family residential uses. The published notice shall be at least nine column inches in size and shall not be located in the classified advertising section of the newspaper. The notice shall state that a copy of the proposed amendment is on file in the office of the clerk or the recording officer of the local government and in the office of the clerk of the superior court of the county of the legal situs

of the local government for the purpose of examination and inspection by the public. The local government shall furnish anyone upon written request, a copy of the proposed amendment, at no cost.

The provisions above shall also apply to any zoning decision that provides for the abolition of all single-family residential zoning classifications within the territorial boundaries of Dahlongega or zoning decisions that result in the rezoning of all property zoned for single-family residential uses within the territorial boundaries of Dahlongega to multifamily residential uses of property. These provisions, however, shall not apply to zoning decisions for the rezoning of property from a single-family residential use of property to a multifamily residential use of property when the rezoning is initiated by the owner or authorized agent of the owner of such property.

(4) Recommendation by zoning administrative officer; additional duties

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.

As an additional duty, with respect to each proposed zoning decision involving land that is adjacent to or within 3,000 feet of any military base or military installation or within the 3,000 foot Clear Sone and Accident Prevention Zones Numbers I and II as prescribed In the definition of an Air Installation Compatible Use Zone of a Military airport, the Zoning Administrative Officer, together with the staff of the planning department, shall investigate and make a recommendation with respect to each of the matters enumerated in the next succeeding paragraph, in addition to any other duties with which the planning department or agency is charged by the City. The Zoning Administrative Officer shall request from the commander of such military base, military installation, or military airport a written recommendation and supporting facts relating to the use of the land being considered In the proposed zoning decision at least 30 days prior to the hearing required by subsection (a) of Code Section 36-66-4. If the base commander does not submit a response to such request by the date of the public hearing, there shall be a presumption that the proposed zoning decision will not have any adverse effect relative to the matters specified In subsection (b) of this Code section. Any such information provided shall become a part of the public record.

The matters with which the planning department or agency shall be required to make such investigation and recommendation shall be:

- (1) Whether the zoning proposal will permit a use that is suitable in view of the use of adjacent or nearby property within 3,000 feet of a military base, military installation, or military airport;

- (2) Whether the zoning proposal will adversely affect the existing use or usability of nearby property within 3,000 feet of a military base, military installation, or military airport ;
- (3) Whether the property to be affected by the zoning proposal has a reasonable economic use as currently zoned;
- (4) Whether the zoning proposal will result in a use which will or could cause a safety concern with respect to excessive or burdensome use of existing streets, transportation facilities, utilities, or schools due to the use of nearby property as a military base, military installation, or military airport;
- (5) Whether the zoning proposal is in conformity with the policy and intent of the comprehensive plan; and
- (6) Whether there are other existing or changing conditions affecting the use of the nearby property as a military base, military installation, or military airport which give supporting grounds for either approval or disapproval of the zoning proposal.

(5) Planning commission recommendation

The Planning Commission shall have ~~thirty (30)~~ **forty- five (45)** 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 within the ~~thirty (30)~~ **forty-five (45)** day period, it shall be deemed to have approved the proposed application.

(6) Appeals (NEW)

Sec. 2619. Appeals.

All such challenges or appeals shall be brought within 30 days of the written decision of the challenged or appealed action. 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 Appeal, in accordance with O.C.G.A. § 36-66-5.1

(7) Designation of Officer for perfection of services; stay of proceedings

Sec. 2708. 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 Dahlonga shall be **the City Clerk**, and shall also serve as the official who ~~or his or her designee 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 ~~this chapter~~ 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.

DRAFT