



CITY OF DAHLONEGA
PLANNING COMMISSION AGENDA
MONDAY, NOVEMBER 08, 2021 AT 6:00 PM
CITY HALL - MAYOR MCCULLOUGH COUNCIL CHAMBER

In compliance with the Americans with Disabilities Act, those requiring accommodation for Board of Zoning Appeals meetings please contact Bill Schmid, City Manager.

Call to Order

Pledge of Allegiance

Approval of Minutes:

- [1.](#) Planning Commission Meeting Minutes - September 13, 2021

NEW BUSINESS

Zoning Cases:

- [2.](#) BZA 21-13 Marty and Roger Palmour
Marty and Roger Palmour are request a reduction of building setbacks at 271 South Grove Street (D11-140)
Jameson Kinley - Planning and Zoning Administrator
- [3.](#) REZN 21-2 A E Westmoreland
A E Westmoreland is requesting to rezone 355 South Park Street (D12-022) from R-1 to R-2 for the purpose of using the living space above the garage as a short-term rental.
Jameson Kinley - Planning and Zoning Administrator
- [4.](#) REZN 21-3 Noah Steinberg
Noah Steinberg is requesting to rezone 530 West Circle (D07-016) from R-1 to R-2 for the purpose of using the existing structure as a short term rental.
Jameson Kinley - Planning and Zoning Administrator
- [5.](#) REZN 21-4 Lindsay Ewing
Lindsay Ewing is requesting an amendment to the existing PUD located on Summit Drive (077-248). The applicant requesting to develop 27 residential units on the +/- 8.91 acres.
Jameson Kinley - Planning and Zoning Administrator
- [6.](#) REZN 21-5 Highlands Development Group, LLC
Highlands Development Group is requesting to annex the +/-38.23 acre portion of parcel 078-004 that is currently located in unincorporated Lumpkin County. Concurrently, the applicant is requesting an amendment to the Summit PUD for the purpose of developing an additional 74 townhome units on the entire parcel.
Jameson Kinley - Planning and Zoning Administrator

INFORMATION & TRAINING

Adjournment



**CITY OF DAHLONEGA
PUBLIC HEARING AND PLANNING
COMMISSION MINUTES
MONDAY, SEPTEMBER 13, 2021 AT 6:00 PM
CITY HALL - MAYOR MCCULLOUGH COUNCIL CHAMBER**

In compliance with the Americans with Disabilities Act, those requiring accommodation for Board of Zoning Appeals meetings please contact Bill Schmid, City Manager.

PRESENT

Chairman Robert Conaway
Commission Member Cal McGraw
Commission Member Win Crannell
Commission Member Michael Feagin
Commission Member James Guy

Call to Order

Chairman Conaway Called the meeting to order at 6:00 pm

Pledge of Allegiance

Approval of Minutes:

1. Planning Commission Meeting Minutes - July 15, 2021
Chairman Conaway called to amend July Meeting Minutes to indicate Jim Guy was present and approve with amendment
2. Planning Commission Minutes - August 8, 2021
Chairman Conaway called for a motion to approve both sets of minutes with the change to the July Minutes
Motion made by Commission Member Guy, Seconded by Commission Member Feagin.
Voting Yea: Commission Member McGraw, Commission Member Crannell, Commission Member Feagin, Commission Member Guy

OLD BUSINESS

NEW BUSINESS

Zoning Cases:

3. BZA 21-9 Rhett Stringer, Jameson Kinley, Planning and Zoning Administrator
The applicant is requesting to vary from front setbacks requirements.

Commission members and Mr. Stringer discussed removing two existing buildings after creating 1 new building, kayak operation and a restaurant. No changes to the tubing entrance and 32 parking spaces. The current building is set at 17 feet.

Chairman Conaway called for Audience comment and there was none.

Administrator Kinley stated staff recommended approval from 60 foot to 15-foot setback.

Chairman Conaway called for a motion to recommend City Council approval the setback to 15 feet.

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

Voting Yea: Commission Member McGraw, Commission Member Crannell, Commission Member Feagin, Commission Member Guy

4. REZN-21-1 Resurgens Capital Advisors LLC, Jameson Kinley, Planning and Zoning Administrator

The applicant is looking to submit a site plan amendment for the PUD The Summit to develop 21.75-acre tract referred to as Phase 2.

Chairman Conaway clarified that the meeting tonight was to approving/disapproving amending site plan. City manager Schmid clarified that development had been approved and they were moving into the 2nd phase of the development.

Andrew Galacki presented they were seeking approval for site plan for 61 unit attached and detached- fee simple townhomes.

The existing community constructed in 2006/2008 has their own covenants and is an age restricted community. This planned community will have its own covenants.

Mr. Galacki has had multiple informational meetings with the residents who have concerns with disturbance of undeveloped land, safety and traffic concerns and Short-Term Rentals.

Chairman Conaway called for public comment.

Bill Rath-President of the Summit of Dahlonga Condominium Owners Association brought a PowerPoint Presentation and did indicate that he has not contributed \$250 to a Campaign Committee. Mr. Rath's presentation included much history or the project and documents surrounding the original PUD for The Summit's four phases. Mr. Rath discussed concerns with Short Term Rentals and how they could affect the current retirement community, traffic on Summit Drive to State Route 60 and asked for additional input from DOT for this intersection. The Summit- 4 phases- 1a summit today, 1b not developed, Request table approval to identify specific zoning, site plan a professional engineer, determine STR are appropriate, confirmation the intersection can accommodate. PUD has a blank canvas. section 1305. No record the city planner approved. "we don't know what the zoning approval is for that PUD and no one else does either", need clear zoning parameters. Request to table the zoning.

Chairman Conaway asked for additional public comments for/against the proposal.

Chairman Conaway offered the applicant another chance to address the podium to represent an equivalent time as Mr. Rath's presentation.

Danny Otter- realtor and represent the Anderson's- Chose Mr. Galacki and his plan because it was not detrimental to that community. I have great confidence in the developers and inspectors and hope this will move forward and that we do not table it.

City Manager Bill Schmid questioned Mr. Otter and he did indicate that he has not contributed \$250 to a Campaign Committee.

Chairman Conaway asked if the Commission members had any comments for the applicant.

Mr. Galacki freely stated that he did not make any contributions to Campaign funds.

Commission Member McGraw asked for a response to 4 points Mr. Rath had presented.

Mr. Galacki's associate Thad Higgins responded the original site plans did not define what was to happen in Phase 2. That was what today was about. The proposed properties owned by individuals would have the opportunity to make their own decisions about Short-Term Rentals.

The Commission and applicants discussed the plans presented.

Mr. Higgins indicated the original plans indicated a higher density of traffic than this application has. We are working with GDOT representatives about the increased load.

AnnMarie Walker spoke in favor of new development and the need in the area.

Kathy Manzella- ask each of you to drive to the Summit drive in and out - major concern is traffic. The major concern is the traffic. It's dangerous. I am not opposed to people building, the traffic is a concern.

Chairman Conaway called for a motion to grant approval of the amended PUD as submitted. Chairman Conaway called for a motion to recommend City Council approval.

Commission Member McGraw offered his intention to approve, with stipulations as described in staff recommendation be limited to 2.8 units per acre, heated square feet 1700, and an architectural design similar to the existing units.

Motion made by Commission Member McGraw, Seconded by Commission Member Crannell.

Voting Yea: Commission Member McGraw, Commission Member Crannell, Commission Member Feagin, Commission Member Guy

Motion carries unanimously.

Commission Member Guy for record- I have driven on that intersection and understand the traffic point is valid and hopes the developer will do their due diligence with GDOT, their point is valid. Chairman Conaway I also have concerns with traffic problems- do not think Planning commission can hold up development waiting for the DOT to take action.

Received 3 documents from other residents who were not able to be here

5. BZA 21-10 Highland Development, Jameson Kinley, Planning and Zoning Administrator

The applicant is looking to amend the PUD site plan to allow for Phase 1b to have 74 units instead of the allowed 37 units.

Chairman Conaway called for the presenters.

Mr. Logan Moye and Mr. Corey Stalnaker presented this case is the tract phase 1 b to the Summit and was originally approved for 35 units and 73 acres- density with a PUD is 1:1. Not all of 73 acres not annexed to city. We are going to table. We are working with Jameson to work with annexation. We are here to answer questions.

City Manager Schmid offered that the City chose not to remove this item from the agenda for tonight as it had been advertised and people had planned to come for

comment, so it was kept on the agenda rather than being removed at short notice due to the new variance and annexation submission.

We were advised to put in both Variance and Rezoning due to the increase of density. We are not looking to do Short Term Rentals.

Mr. Moyer indicated they had met with residents.

Chairman Conaway offered an opportunity for comment assuming this is passed.

Mr. Rath presented a slide show indicating the first and second concerns are the same concerns here as REZN-21-1.

The third concern is identification of viable route to location. Have not asked to use Summit drive which is private road.

There was discussion about the streets as Summit Drive is not a City or County Street would there be access through it to the proposed site. Mr. Rath requested this item be tabled. Conversation continued about alternate routes.

Chairman Conaway called for a chance for Mr. Moyer and Mr. Stalnaker to respond.

Mr. Moyer confirmed it would be expense, they believe there was an easement put in place at some point. Mr. Moyer also stated they do not interpret the bylaws of the Summit the same way the owners do.

Commission Member Win Crannell asked if a traffic study had been completed and Mr. Moyer and Mr. Stalnaker responded, not yet. Working with the recommendations from Mr. Kinley.

Ms. Gannaway spoke combining one entrance and exit are the concern. Another (second) way out is better.

Ms. Callahan spoke of a landlocked property when Summit Drive was closed.

Administrator Kinley indicated the staff perspective was to table this item. As far as staff is concerned the 32 are already approved with the original site plan and a natural progression. We wouldn't comment on the access as this is most concern to the developer and the current owners. To address Ms. Callahan's concern, Georgia State Law says that all need access. When applications are submitted, then we will look at traffic in more detail.

Kathy Manzella has a recommendation. There is a lot of Anderson property on Cavender Creek Road and the first developers can get to the property. These guys can get an easement from the County.

Chairman Conaway advised with the lack of annexation for a portion of this property, that a motion to be to table this item.

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

Voting Yea: Commission Member McGraw, Commission Member Crannell, Commission Member Feagin, Commission Member Guy

Adjournment

Chairman Conaway made a motion to adjourn at 7:32 pm

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

Voting Yea: Commission Member McGraw, Commission Member Crannell, Commission Member Feagin, Commission Member Guy

The following community members communicated at this meeting:

Rhett Stringer

Andrew Galacki

William R Rath

Danny Otter

Thad Higgins

Anne Marie Walker

Logan Moye

Corey Stalnaker

Gayle Gannaway

Diane Callahan

Kathy Manzella

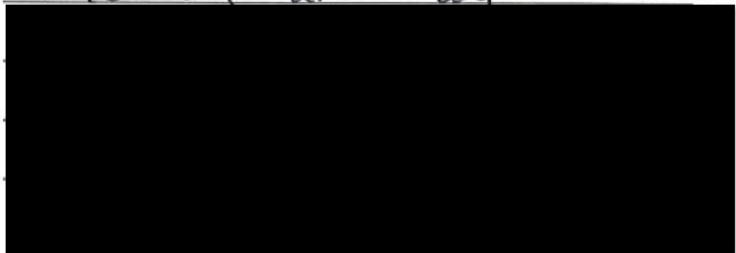
VARIANCE APPLICATION FORM
CITY OF DAHLONEGA, GEORGIA

Property Owner:

Name:

Marty and Roger Palmour

Address:



Phone:

Applicant:
(if different from
Owner)

Name:

Address:

Phone:

Agent:
(if applicable)

Name:

Address:

Phone:

Existing Zoning:

R

Proposed Zoning:

—

Existing Use:

No change in zoning type

Proposed Use:

r " " use

Acreage of Site:

.18 acre

Variance Request:

We plan to build a single family home and are requesting a variance in ~~front~~ setbacks ~~out~~ front, rear, and side (Alma. St) S. Grove St as explained in attached letter.

Location of Property:
(Street address)

271 S. Grove St

*Tax Plat and parcel:

D11 140

A metes and bounds legal description is required. Also attach a boundary survey of the property if available. Please be advised of the following:

- 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 seven 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.

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.

We are building a new house to replace the previous, demolished, house. There would be ^{little or} no space to build a house within current setback standards.

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.

A literal interpretation of regulations would not allow space to build a liveable size home.

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.

Most houses, ^{adjacent + nearby} do not meet current setback standards, so we will not be receiving any special setback privilege. The adjacent house at 255 S. Grove was granted similar setbacks in 2017.

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 unreasonably affect their value.

The proposed home will be of "cottage" style, approximately 1200 sq ft and will be constructed by the same builder as the home at 255 S. Grove. The quality and style will be an asset to the neighborhood.

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

The special circumstances are due to the small size, 0.18^{acre}, of the lot, which previously had a small house on it. Not the old house was not set-back as required currently.

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

Yes, it is the minimum variance that makes it possible to build a liveable size home. The requested set back is about the same set back as the former home.

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.

No, it is not a permit to allow use for prohibited uses. It is a request simply to build a ^{private} residence essentially along the same setbacks of the previous structure, a home.

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 Dahlonga.

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: Mary H. Palmer "Marty"

Printed name of Property Owner : John G. Palmer

Date of Signature: 9/23/2001

Signature of Witness: Dee L. Adams

ROGER and MARTY PALMOUR

Mail to:

Phone:
FAX:

September 23, 2021

TO: All Employees, Officials,
Members of the Planning Commission
and Members of the City Council
City of Dahlenega

Application for Setback Variances for Proposed New Home 271 Grove Street South

We would like to submit and explain the attached items in support of our request for front, side and rear variances for the small new two bedroom house that we would like to build at the above address. In 2014 we purchased the adjacent lot at 255 Grove Street South (the "Mattie Stone Lot"), and in 2018 we went through the process of obtaining setback variances and a building permit for that lot. In 2019, we had the opportunity to buy the house and lot at 271 Grove Street South from the sons of Sue Stone.

Earlier this year we sold the house at 251 Grove Street South, and are working with the architectural firm of Reynaud & Associates to design a somewhat smaller house to build on the much smaller lot at 271 Grove Street South. As you can see, this lot is only 75 feet deep. The lot that we recently sold was 100 feet by 100 feet, as are most other lots in the neighborhood. However, it appears that, at some point in the distant past, the owners of our present lot sold a 25 foot strip along the northern side to the owners of the adjacent lot to the north.

This has presented a unique challenge to us and our architects, but we believe that we have come up with a solution that makes sense. Working with the 75 foot depth of the lot, we have designed a simple 32 by 44 foot single story house with two bedrooms, two baths, a small living room and a kitchen/dining area. The walls of the house itself would be set back at least 23 feet from Grove Street South and at least 15 feet from the side street, Alma Street, but an 8 foot wide covered porch along most of the south and west sides of the house would bring the complete structure close to 15 feet from Grove Street South. There would also be a 12 foot wide single vehicle covered carport on the north side. The house itself would be 17 feet from the north boundary, with edge of the carport 5 feet from the north line. All parts of the structure would be at least 32 feet from the western boundary of the lot, but we would like to build a small, detached garden shed no larger than 8 by 14 feet somewhere in the northeastern portion of the property.

Page Two – Setback
Variance Request

There are three attachments to this letter. The first is a copy of the 2019 survey of the lot as done by John Davis. The second is an enlarged portion of that survey on which we have sketched the approximate locations of the proposed house and the small garden shed. The carport and side porches are shaded in pink cross-hatching. The third attachment was prepared by the architects. They have shown the location of the proposed new house, and also have superimposed the footprint of the Sue Stone house, which we have shaded in yellow because the dotted lines did not copy. This sketch shows that our new house will be no closer to Grove Street South, Alma Street, or the lot to the north than was the existing house that we are replacing.

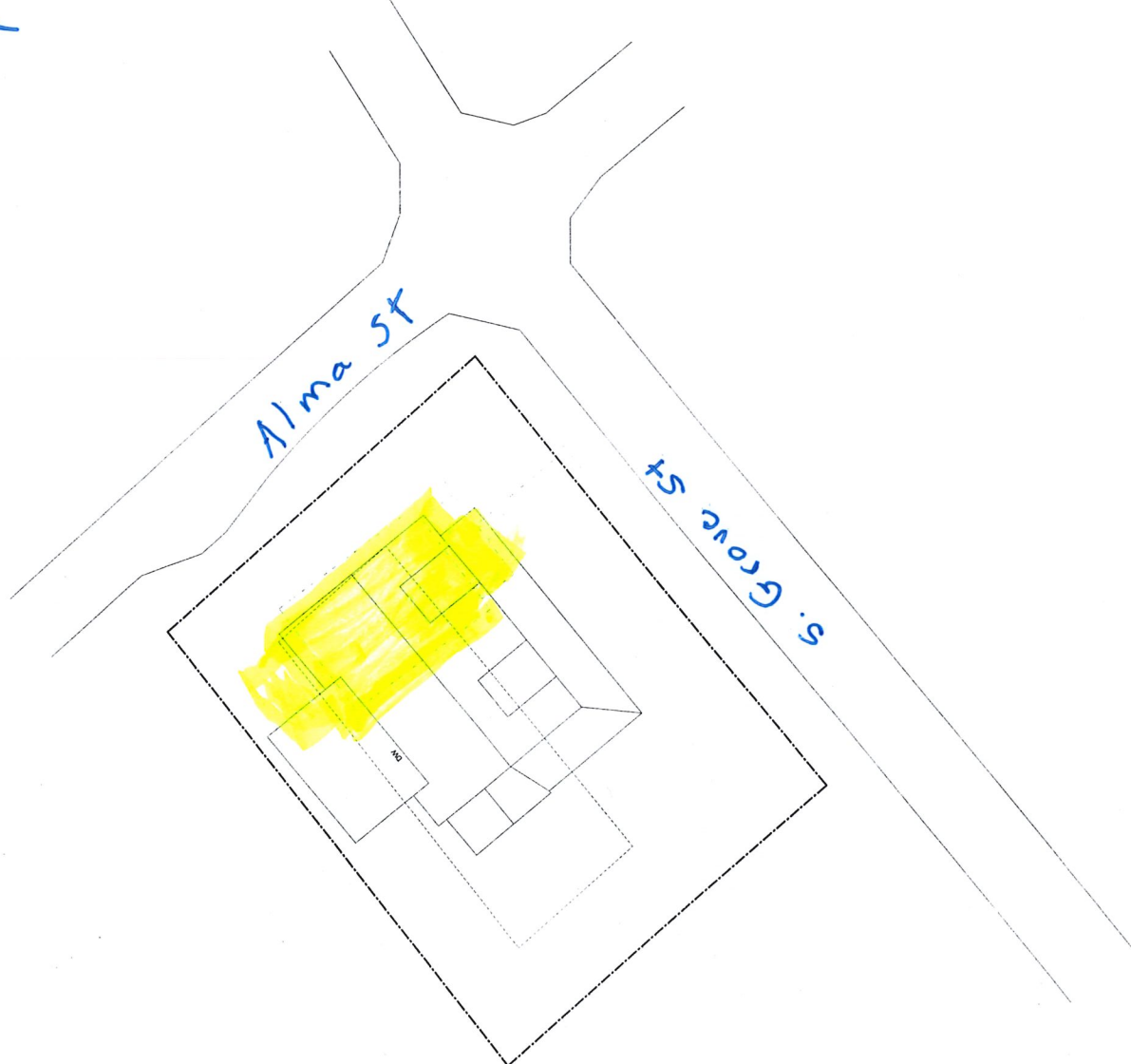
Sincerely,

John Roger Palmour
Mary Henley Palmour



LEGEND
 --- CONCRETE
 --- CONCRETE COLUMN
 --- CURB
 --- DRIVE
 --- DRIVE PAVEMENT SECTION
 --- DRIVE PAVEMENT
 --- DRIVE PAVEMENT WITH AREA GRADE
 --- DRIVE PAVEMENT WITH AREA GRADE
 --- DRIVE PAVEMENT WITH AREA GRADE
 --- DRIVE PAVEMENT WITH AREA GRADE
 --- DRIVE PAVEMENT WITH AREA GRADE
 --- DRIVE PAVEMENT WITH AREA GRADE

Attachment 3
 271 S. Grove
 Palmdoor



NO.	REVISION
1	ISSUED FOR PERMIT
2	REVISED
3	REVISED

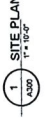
PHASE 2 - DESIGN
 1100 11th Street
 Palmdoor, CA 93550
 805.255.1100
 www.marty-palmdoor.com

MARTY PALMDOOR

Project
 DAHLONEGA
 RESIDENCE
 271 S GROVE ST DAHLONEGA, GA
 30533

Scale 1" = 16'-0"
 Date 11/11/09
 Drawing No. 2110727
 Revision No. A050
 Job No. 2110727
 Date of Issue 11/11/09
 Date of Revision 11/11/09

SITE PLAN	
Drawing No.	2110727
Revision No.	A050
Job No.	B



1 SITE PLAN
 11/11/09

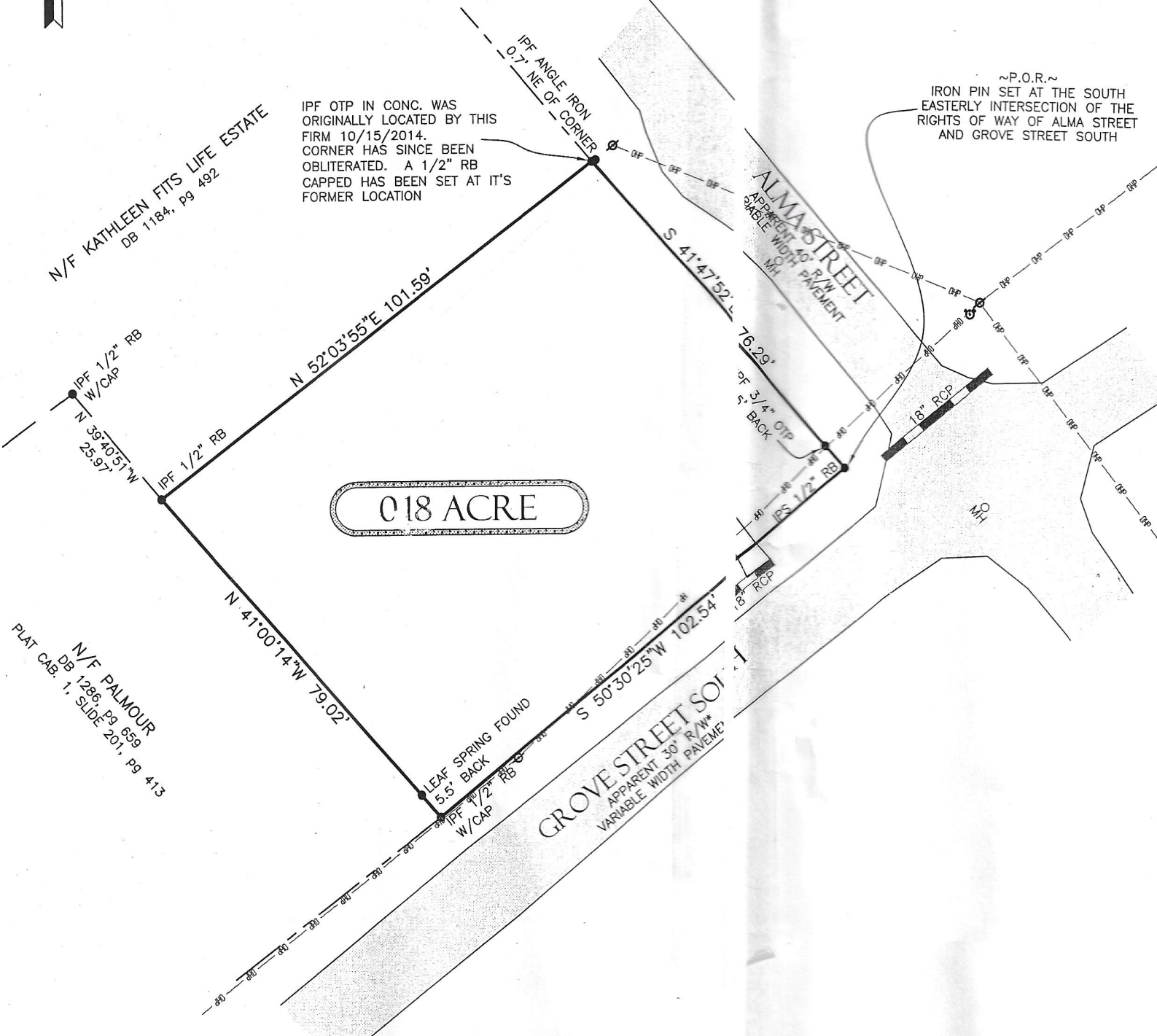
THIS BLOCK RESERVED FOR THE CLERK OF THE SUPERIOR COURT



Attach #1

-LEGEND-			
○	CALCULATED POSITION	RB	REBAR
●	IRON PIN FOUND/SET (IPF/IPS)	SR	SOLID ROD
⊠	MONUMENT	OCS	OUTLET CONTROL STRUCTURE
C/L	CENTERLINE	CPP	CORRUGATED PLASTIC PIPE
CTP	CRIMPED TOP PIPE	GI	GRATE INLET
DB	DEED BOOK	DI	DROP INLET
N/F	NOW OR FORMERLY	○	SANITARY SEWER MANHOLE (SSMH)
OTF	OPEN TOP PIPE		
PB	PLAT BOOK		
PG	PAGE		
P/L	PROPERTY LINE		
⊗	TELEPHONE PED. (T.P.)	(ALL IPS ARE 1/2" RB "CAPPED" UNLESS OTHERWISE LABELED)	
⊕	FIRE HYDRANT (FH)	---	ADJOINER
⊙	WATER METER (WM)	---	LAND LOT LINE (L.L.L.)
⊕	WATER VALVE (WV)	---	RIGHT OF WAY (R/W)
⊠	POWER BOX (PBX)	---	FENCE
⊕	POWER POLE (PP)	---OP---	OVERHEAD POWER

*APPARENT 30' R/W AS SHOWN ON PLAT CABINATE 1, SLIDE 201, PG 413. THE RIGHT OF WAY SHOWN IS SUBJECT TO THE DISCOVERY OF ADDITIONAL DOCUMENTATION.



0.18 ACRE

-SURVEY NOTES-

FIELD MEASUREMENTS WERE TAKEN WITH A TRIMBLE S3 ROBOTIC INSTRUMENT.

FIELD DATA FOUND TO HAVE A CLOSURE PRECISION OF 1 FOOT IN 27,535 FEET, AND AN ANGULAR ERROR OF 1 SECOND PER ANGLE.

FIELD DATA ADJUSTED USING THE LEAST SQUARES METHOD

THIS PLAT HAS BEEN CALCULATED FOR CLOSURE AND FOUND TO HAVE A PRECISION OF 1 FOOT IN 104,657 FEET.

THIS PLAT DOES NOT CONSTITUTE AND SHALL NOT BE CONSTRUED AS A TITLE SEARCH OR REPORT, AND THIS MAY BE SUBJECT TO ANY EASEMENTS, RIGHT OF WAY OR RESTRICTIONS ONE MAY FIND.

THIS PLAT WAS PREPARED FOR THE EXCLUSIVE USE OF THE PERSON, PERSONS OR ENTITY NAMED ON THIS PLAT.

THIS DOES NOT EXTEND TO ANY UNNAMED THIRD PARTY WITHOUT AN EXPRESSED RESTATEMENT BY THE SURVEYOR.

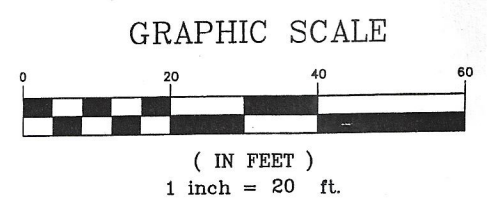
TYPE OF SURVEY: RETRACEMENT

SOURCE OF TITLE DESCRIPTION FOR PROPERTY SHOWN HEREON:
DB 1427, PG 189

PROPERTY OWNERS AS OF SURVEY DATE:
MARY AND JOHN PALMOUR

PARCEL NUMBER: D11 140

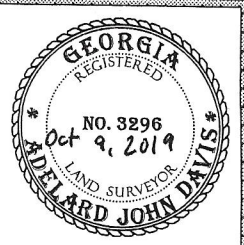
SITE ADDRESS:
271 GROVE STREET SOUTH
DAHLONEGA, GA 30533



THIS PLAT IS A RETRACEMENT OF AN EXISTING PARCEL OR PARCELS OF LAND AND DOES NOT SUBDIVIDE OR CREATE A NEW PARCEL OR MAKE ANY CHANGES TO ANY REAL PROPERTY BOUNDARIES. THE RECORDING INFORMATION OF THE DOCUMENTS, MAPS, PLATS, OR OTHER INSTRUMENTS WHICH CREATED THE PARCEL OR PARCELS ARE STATED HEREON. RECORDATION OF THIS PLAT DOES NOT REQUIRE APPROVAL OF ANY LOCAL JURISDICTION, AVAILABILITY OF PERMITS, COMPLIANCE WITH LOCAL REGULATIONS OR REQUIREMENTS, OR SUITABILITY FOR ANY USE OR PURPOSE OF THE LAND. FURTHERMORE, THE UNDERSIGNED LAND SURVEYOR CERTIFIES THAT THIS PLAT COMPLIES WITH THE MINIMUM TECHNICAL STANDARDS FOR PROPERTY SURVEYS IN GEORGIA AS SET FORTH IN THE RULES AND REGULATIONS OF THE GEORGIA BOARD OF REGISTRATION FOR PROFESSIONAL ENGINEERS AND LAND SURVEYORS AND AS SET FORTH IN O.C.G.A. SECTION 15-6-67.

Adelard John Davis
ADELARD JOHN DAVIS; RLS #8296

-SURVEYOR CERTIFICATION-



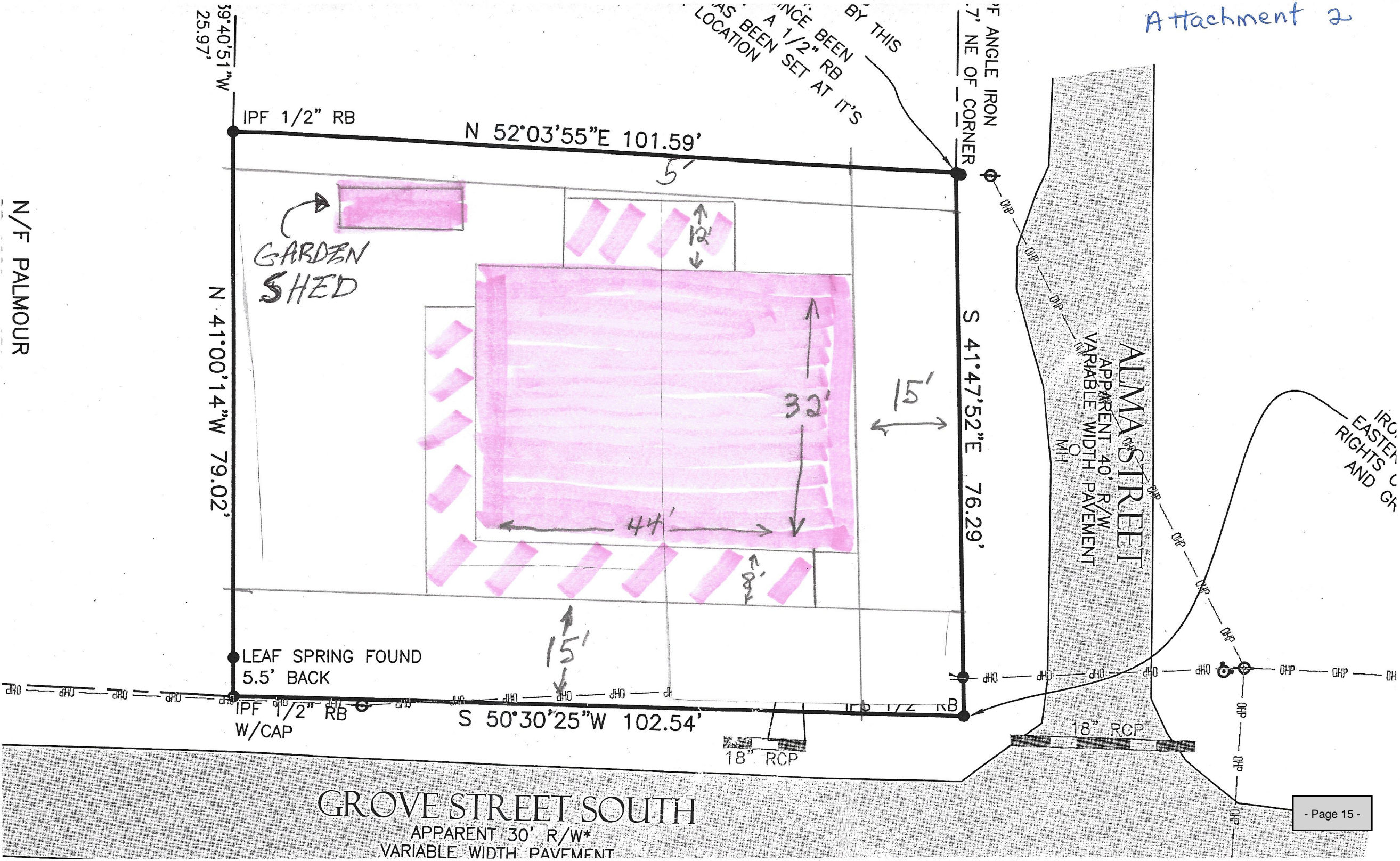
PREPARED BY
DES DAVIS
ENGINEERING & SURVEYING
133 PROMINENCE COURT
SUITE 210
DAWSONVILLE, GA 30534
PHONE: (706) 265-1234
DAVISENGINEERS.COM

SURVEY FOR:
JOHN RODGER PALMOUR &
MARY HENSLEY PALMOUR
LAND LOT 985
12TH DISTRICT, 1st SECTION
CITY OF DAHLONEGA
LUMPKIN COUNTY, GEORGIA

DRAWN BY: DL
FIELD CREW: AJD, TE
PLAT DATE: 10/2/2019
FIELD DATE: 9/9/2019

SHEET NO.
1 OF 1

PROJECT NO.
19-282



N/F PALMOUR

39.40'51"W
25.97'

N 41°00'14"W 79.02'

IPF 1/2" RB

N 52°03'55"E 101.59'

GARDEN SHED

LEAF SPRING FOUND
5.5' BACK

IPF 1/2" RB
W/CAP

S 50°30'25"W 102.54'

7' NE OF CORNER
OF ANGLE IRON

S 41°47'52"E 76.29'

ALMA STREET
APPARENT 40' R/W
VARIABLE WIDTH PAVEMENT

GROVE STREET SOUTH
APPARENT 30' R/W*
VARIABLE WIDTH PAVEMENT



STAFF REPORT

BZA 21-13

Applicant: Marty and Roger Palmour
Owner: Marty and Roger Palmour
Location: 271 South Grove Street (D11-140)
Acreage: +/- .18 Acres
Current Zoning Classification: R-2
Reason: Reduction of the front and side building setback to build a residential structure closer than allowed by zoning
City Services: All city services close to the site

Applicant Proposal

The applicant requests a variance from the required 35' front setback and 15' side setback to build a structure closer to the right of way and side property line. The shape and size of the lot is very restrictive. The applicant is looking to build and expand on the previously demolished home that was there.

History and Surrounding Uses

The previous home was built in the 1940s. It was demolished earlier this year when it was considered derelict. The original home was built inside the setbacks. Similar variances have been granted in this area include:

2019	Corner of Grove Street South and Riley Road
2018	255 Grove Street South
2004	Coner of Mechanic Street and Grove Road

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

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



The exceptional condition would be the previous home being built in the setbacks. This lot was developed pre-zoning regulations with no setback requirements.

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**

A 35 foot front setback on both Alma and Grove Street would significantly decrease the amount of buildable space.

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 would have brought the previous structure into compliance.

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**

If granted, this variance would allow for this area to continue to be developed in a way that would benefit the neighborhood and general welfare consistent with the purpose of our regulations.

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**

The applicant's request seeks approval for more setbacks than is required to accommodate the building. Staff recommends only to grant what is requested on the site plan.

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

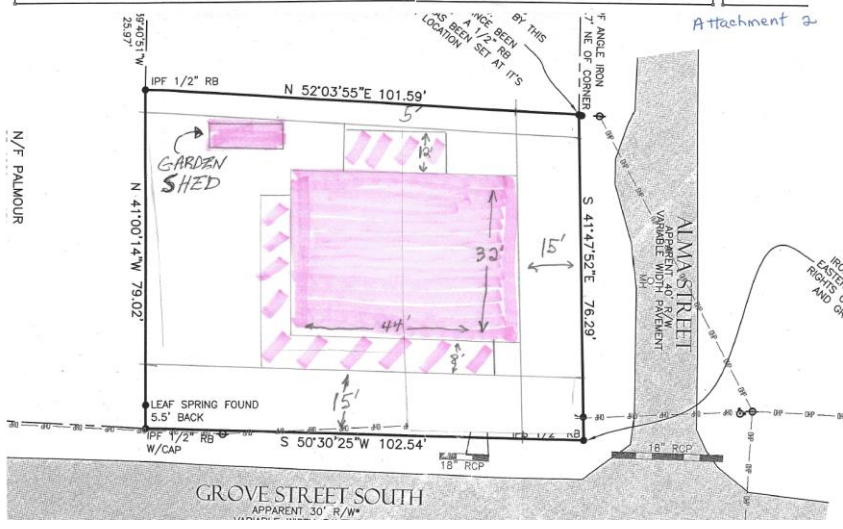
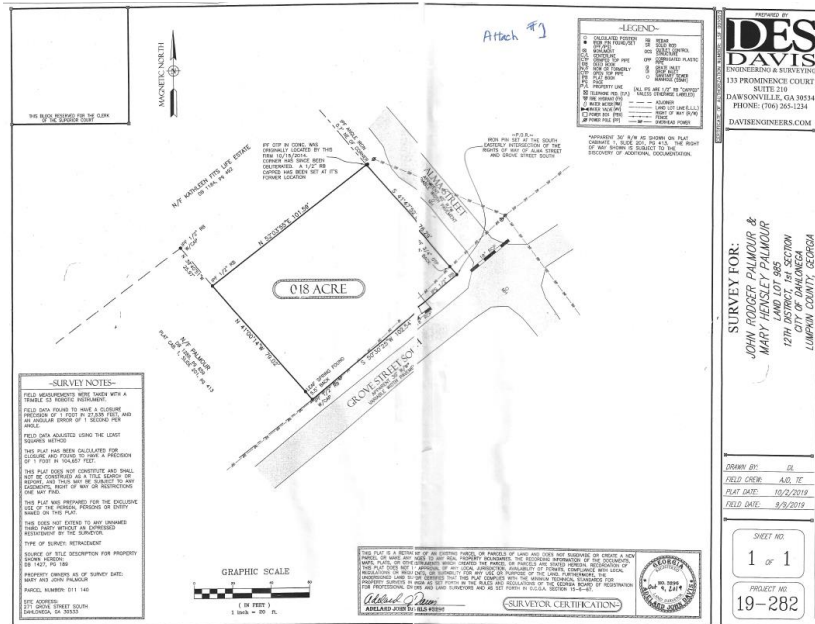
Staff Analysis



The previous structure predated the zoning ordinance. Alma Street has similar setbacks ranging from 15 to 30 feet. Grove Street South has setbacks ranging from approximately 10 feet to 20 feet. Given the circumstances, the staff sees no objections to granting this variance request and recommends approval.

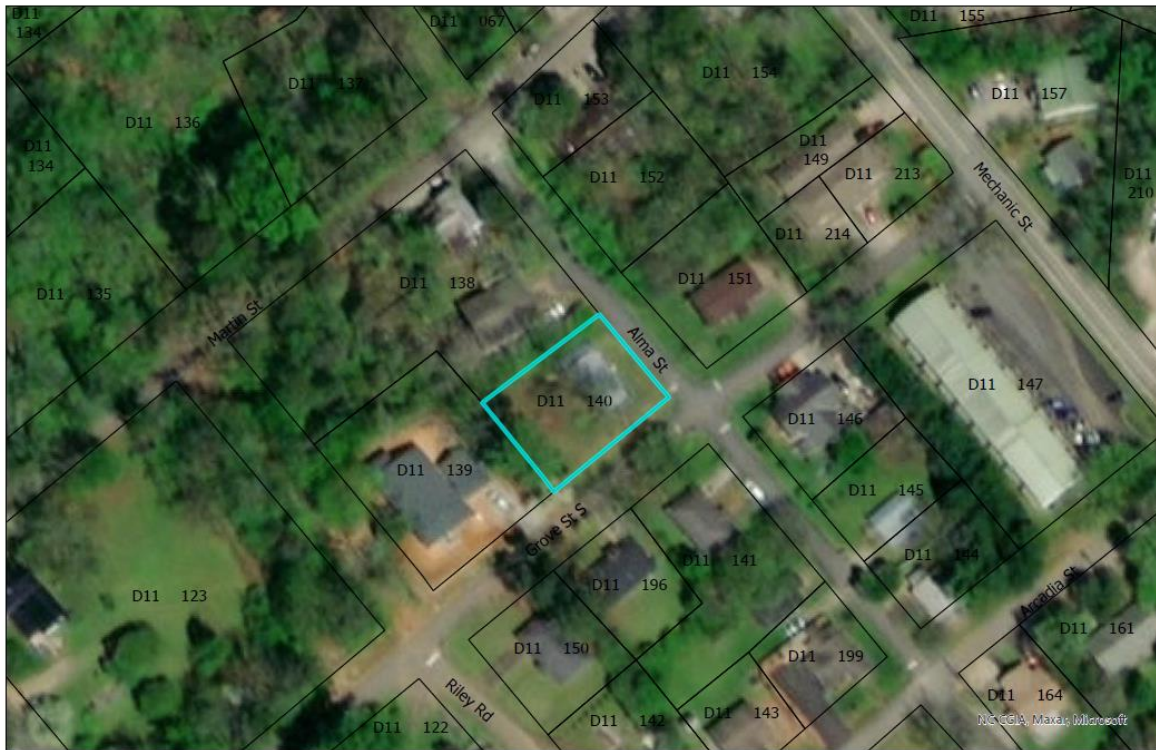


Site Plan:

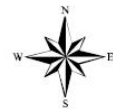




Aerial view of the Parcel:

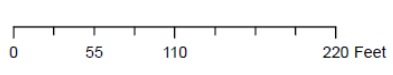


0 55 110 220 Feet





Current Zoning:

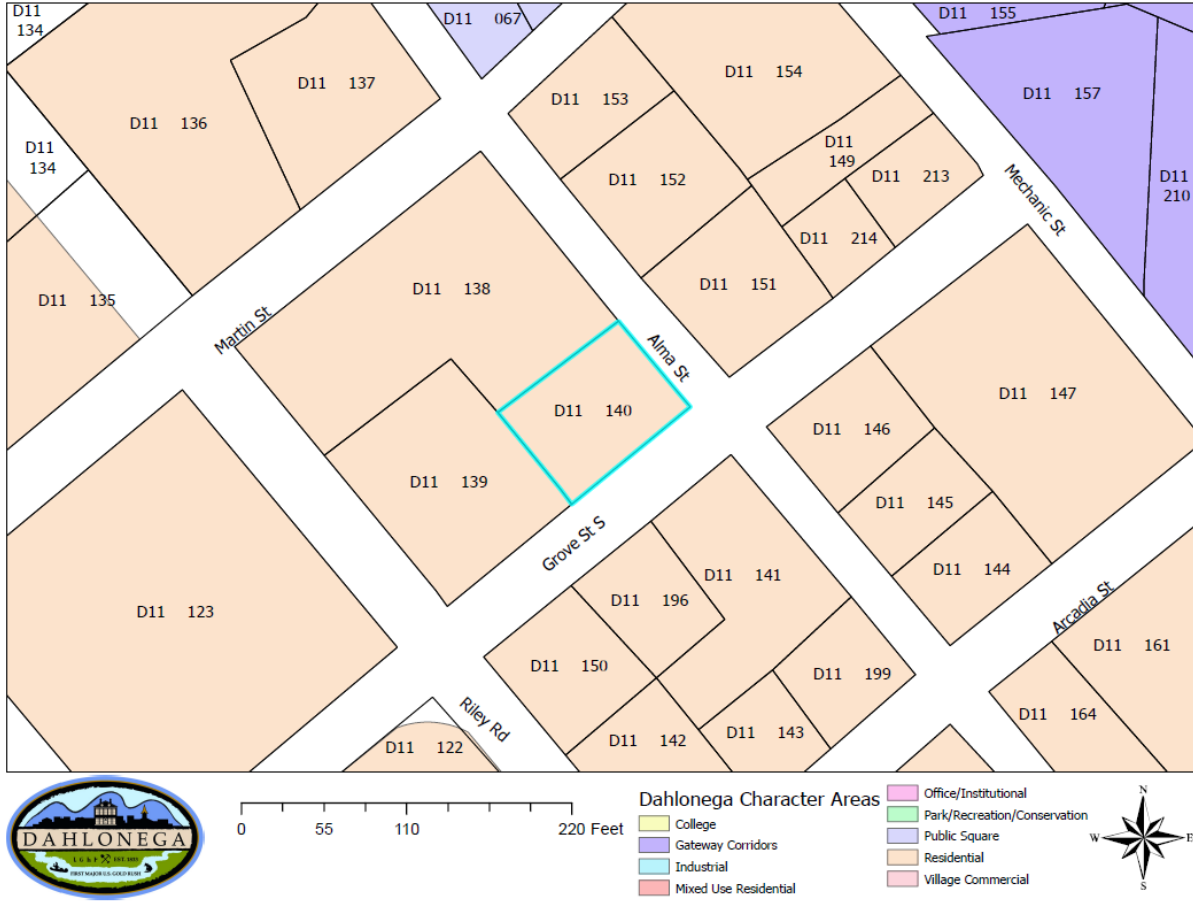


Zoning		
B1	B2	I
B3	B3	R1
CBD	CBD	R2
PUD	PUD	R3
	OI	





Comprehensive Plan:





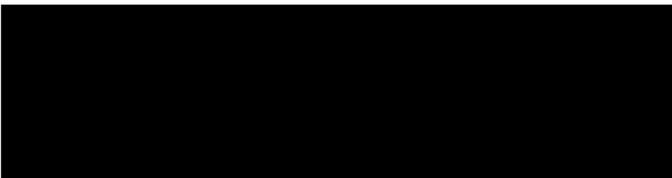
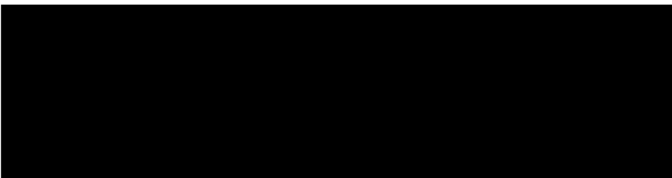
Staff Recommended Motion:

Motion to recommend approval/approve Variance Application BZA-21-13 to reduce both front building setbacks from 35' to 15' and the side setback on the northeast side from 15' to 5'.

REZN 21-

REZONING APPLICATION FORM
CITY OF DAHLONEGA, GEORGIA

Property Owner: Name: JOYCE WESTMORELAND
Address: 
Phone: 

Applicant: Name: AE Westmoreland
(if different from Owner) Address: 
Phone: 

Agent: Name: _____
(if applicable) Address: _____
Phone: _____

Existing Zoning: R-1

Proposed Zoning: R.2

Existing Use: Single Family Dwelling

Proposed Use: Rental of living space above garage 25 Air B&B

Acreage of Site: 0.506

Location of Property: 355 S. Park St.

(Street address) Dahlonega GA 30533

Tax Plat and parcel: LL986 LD 12-1

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

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

MEMORANDUM

TO: Applicants for Rezoning

FROM: City of Dahlonega

RE: Rezoning procedure and application materials

In order to assist you in preparing your variance application, and to enable a complete understanding of the variance application process, this package has been assembled. The following attachments are included:

1. Rezoning application form.
2. A flow chart of the application process.
3. Schedule of Zoning application hearings and the deadline dates for submittal.

*A copy of Article XXVI of the zoning ordinance which describes in detail the required amendment application procedures is available upon request at the office.

The application fee of \$200 is due at the time of submittal.

In addition to the application and/or site plans you may want to include a brief narrative explaining what you are requesting and why.

Please be advised that someone will need to be at the meetings to present the request or the item will be tabled and there will be another application fee due before rescheduling. Call if you need additional information.

- 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.

The proposed zoning will not adversely affect existing use or usability of nearby property.

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

Property values should not be diminished

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

No adverse effects are expected.

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

No significant change is anticipated

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

A furnished living space of 1040 square feet, located above the garage noted on the enclosed plot, includes a bed room, bathroom and living room adequate to accommodate 4-6 people. Parking space in the driveway is adequate for six cars.

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.

7. The zoning history of the subject property.

The property has always been zoned R-1

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.

There should be no significant impact

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

It should be

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 Dahlonega.

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: Joyce Westmeier

Printed name of Property Owner : Joyce Westmeier

Date of Signature: 09/27/2021

Signature of Witness: A E Westmeier

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:
_____.

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: _____

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.

Letter of intent:

We would like to request change in zoning of our property at 355 South Park Street from R-1 to R-2 to allow our garage apartment to be used as an Air B&B unit for short term rental. The furnished one bedroom apartment is approximately 1040 square feet and located on the floor above the garage. With the sleeper sofa, 4-6 people could be accommodated. The driveway/parking area has ample off-road parking space for 5 cars. Since we reside in the house on the property, renters would be closely supervised. The owners of the properties adjacent to ours, Ralph Prescott and Shirley Knight, have been personally contacted and have told us they have no objections to our intentions. Another Air B&B unit is operating on Park Street and has integrated well into the neighborhood, causing no complaints from local residents. We believe that the proposed use of our property would not detract from the quiet and charm of the area and would allow visitors to Dahlonega a convenient place to stay. They would be able to see the wonderful experience Dahlonega has to offer in a personal way.

Respectfully submitted,

Gene and Joyce Westmoreland

DES
DAVIS
 ENGINEERING & SURVEYING
 133 PROMINENCE COURT
 SUITE 210
 DAWSONVILLE, GA 30535
 PHONE: (706) 265-1234
 DAVISENGINEERS.COM

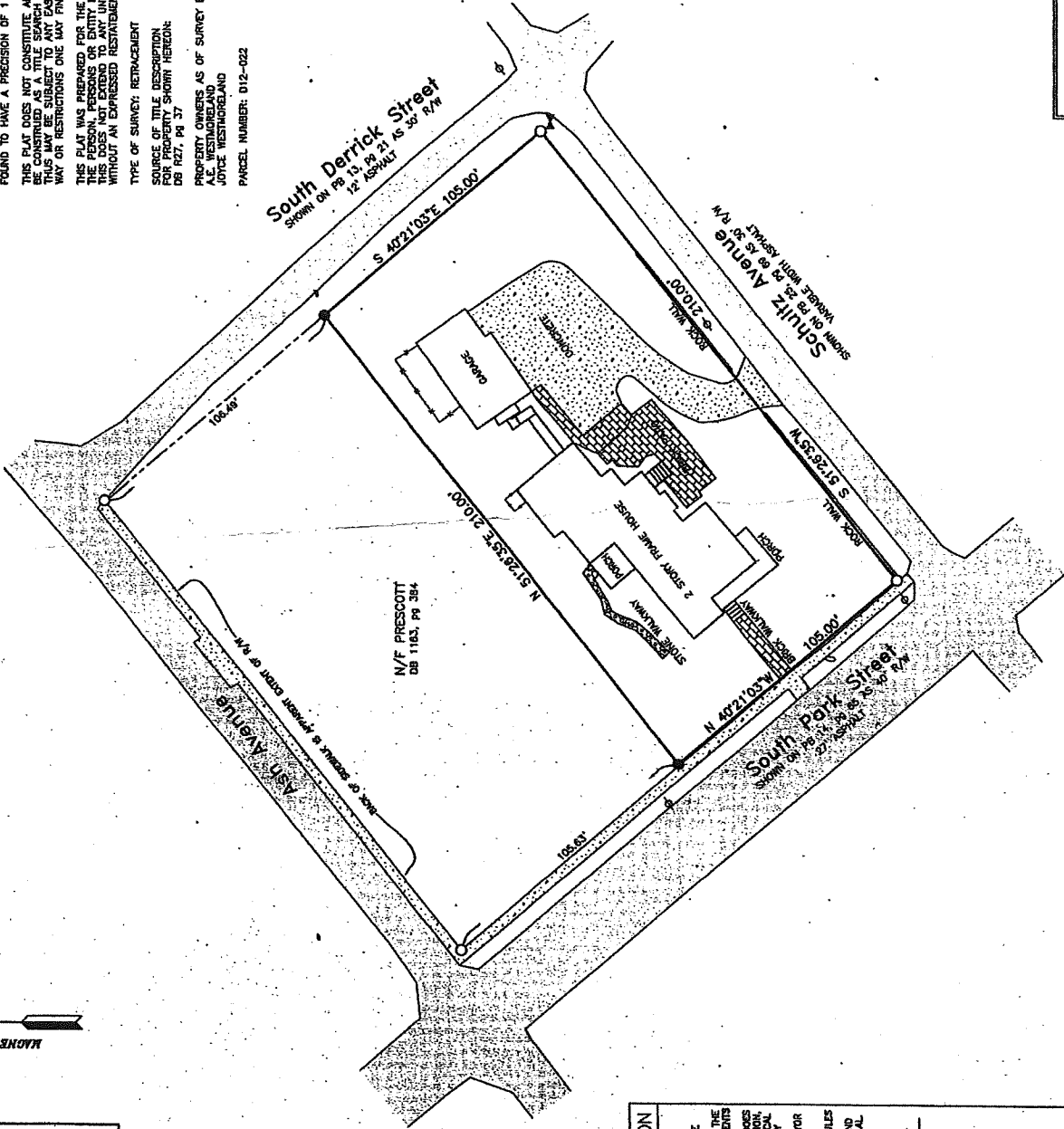
SURVEY FOR
 JOYCE WESTMORELAND
 LAND LOT 986
 12TH DISTRICT
 IN THE CITY OF DAHLONEGA
 LUMPKIN COUNTY, GEORGIA

DRAWN BY: JMW
 FIELD CREW: CC, BM
 PLAT DATE: 6/4/2018
 FIELD DATE: 5/25/2018

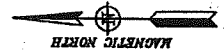
SHEET NO.
 1 of 1
 PROJECT NO.
 18-124

CERTIFICATE OF AUTHORIZATION NUMBER: LS 001957

FIELD MEASUREMENTS WERE TAKEN WITH A TRIMBLE S9 ROBOTIC INSTRUMENT.
 FIELD DATA FOUND TO HAVE A CLOSURE PRECISION OF 1 FOOT IN 497,184 FEET, AND AN ANGULAR ERROR OF 8 SECONDS PER ANGLE.
 FIELD DATA ADJUSTED USING THE LEAST SQUARES METHOD
 THIS PLAT HAS BEEN CALCULATED FOR CLOSURE AND FOUND TO HAVE A PRECISION OF 1 FOOT IN 899,989 FEET.
 THIS PLAT DOES NOT CONSTITUTE, AND SHALL NOT BE CONSTRUED AS, A TITLE SEARCH OR REPORT, AND THIS DOES NOT EXTEND TO ANY UNLAWED THIRD PARTY. ANY OR RESTRICTIONS ONE MAY FIND.
 THIS PLAT WAS PREPARED FOR THE EXCLUSIVE USE OF THE PROPERTY OWNERS AS OF SURVEY DATE. THIS DOES NOT EXTEND TO ANY UNLAWED THIRD PARTY WITHOUT AN EXPRESSED RESTATMENT BY THE SURVEYOR.
 TYPE OF SURVEY: RETRACEMENT
 SOURCE OF TITLE DESCRIPTION FOR PROPERTY SHOWN HEREON: DB 1427, PG 37
 PROPERTY OWNERS AS OF SURVEY DATE: A.E. WESTMORELAND
 JOYCE WESTMORELAND
 PARCEL NUMBER: D12-022



0.506 Acre



P2018000114
 FILED IN OFFICE
 CLERK OF COURT
 06/05/2018 04:27 PM
 RITA HARKINS, CLERK
 SUPERIOR COURT
 LUMPKIN COUNTY, GA
BK:2018 PG:115-115
 Participant ID
 6319847918
 THIS BLOCK RESERVED FOR THE CLERK OF THE SUPERIOR COURT

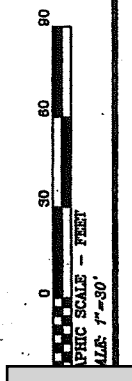
LEGEND

○	CALCULATED POSITION FROM PLAT
○	MONUMENT
○	CONCRETE TOP PIPE
○	NEW OR EXISTING
○	OPEN TOP PIPE
○	PLATE BOOK
○	PROPERTY LINE
○	SOLID FOD
○	TELEPHONE POSTAL (T.P.)
○	FIRE HYDRANT
○	WATER METER
○	UTILITY BOX
○	ADJACENT LOT
○	RIGHT OF WAY (R/W)
○	FENCE
○	OVERHEAD POWER
○	UTILITY POLE (U.P.)

SURVEYOR CERTIFICATION

THIS PLAT IS A RETRACEMENT OF AN EXISTING SURVEY AND DOES NOT CONSTITUTE A NEW SURVEY OR CREATE A NEW PARCEL OR MAKE ANY CHANGES TO ANY REAL PROPERTY RECORDS. THE SURVEYOR HAS REVIEWED THE DOCUMENTS, MAPS, PLATS, OR OTHER INSTRUMENTS WHICH LOCATED THE PARCEL OR PARCELS ARE STATED HEREON. RECOGNITION OF THIS PLAT DOES NOT IMPLY THAT THE SURVEYOR HAS REVIEWED THE AVAILABILITY OF PERMITS, COMPLIANCE WITH LOCAL REGULATIONS OR REQUIREMENTS, OR SUFFICIENCY OF RECORDS. THE UNDERSIGNED LAND SURVEYOR CERTIFIES THAT THIS PLAT COMPLIES WITH THE MINIMUM TECHNICAL STANDARDS FOR PLATS, RULES AND REGULATIONS OF THE GEORGIA BOARD OF SURVEYING AND MAPPING ENGINEERS AND ARCHITECTS AND AS SET FORTH IN O.C.G.A. SECTION 47-2-37.

JASON D. WATKINS, R.L.S. # 3241





STAFF REPORT REZN 21-2

Applicant: AE Westmoreland
Owner: Joyce Westmoreland
Location: 355 South Park Street
Acreage: +/- .506 Acres
Current Zoning Classification: R-1
Proposed Zoning Classification: R-2
Current Use of Property: Single Family Dwelling
City Services: All city services are available at this site.

Applicant Proposal

The applicant requests the rezoning of this property from R-1 to R-2 to utilize their garage apartment as a short-term rental. The apartment above the garage is approximately 1,040 square feet of living space.

History and Surrounding Uses

The City of Dahlonega adopted a Short-term Rental ordinance on August 3, 2020. Section 801 of that ordinance states, "Short-Term Rentals are permitted in all zoning districts *except* for the Single-Family Residential District (R-1). Properties located in the Single-Family Residential District (R-1) under contract with Air BNB or similar entity or in use as Short-Term Rentals on or before August 15, 2020, may continue." Due to this ordinance, the property is prohibited in its potential as a short-term rental.

The majority of what surrounds this property is R-1. It is primarily surrounded by single-family residential with the R-2 multi-family residential across the street to the northeast.

North	R-1
East	R-2
South	R-1
West	R-1



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.**

According to the letter of intent, nothing would change on this property other than the use of the garage as a short-term rental.

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

The residential use of the property would not change if rezoned and used as a short-term rental.

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

The rezoning with the intent of a short-term rental should not cause any additional burden on the existing infrastructure.

- 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 Residential. The following are encouraged distinctions of this area.

- Preservation of existing structures where possible, or context-sensitive infill development
- 1-2 story structures oriented close to the street front, with minimal on-site parking and pedestrian accessibility where possible
- Landscaping and decorative elements encouraged
- Variety of residential, parks, and institutional uses, with some office possible adjacent to downtown
- 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.**

Derrick Street currently divided the distinctive zoning districts of R-1 and R-2. Approving R-2 for this property would be an example of spot zoning and potentially expose the adjacent R-1 zoned properties to unintentional consequences.



Staff Analysis

Although this property might seem appropriate for this use, this rezoning approval is more about the precedence it might set. Instead of approving the rezoning, it would be short-sighted not to discuss changing the ordinance to allow short-term rentals in R-1.

An avenue would be to only allow short-term rentals in R-1 with a conditional use approved through the council. The conditional use would enable the property to remain in R-1 and reduce redevelopment potential under the more intense rezoning district.

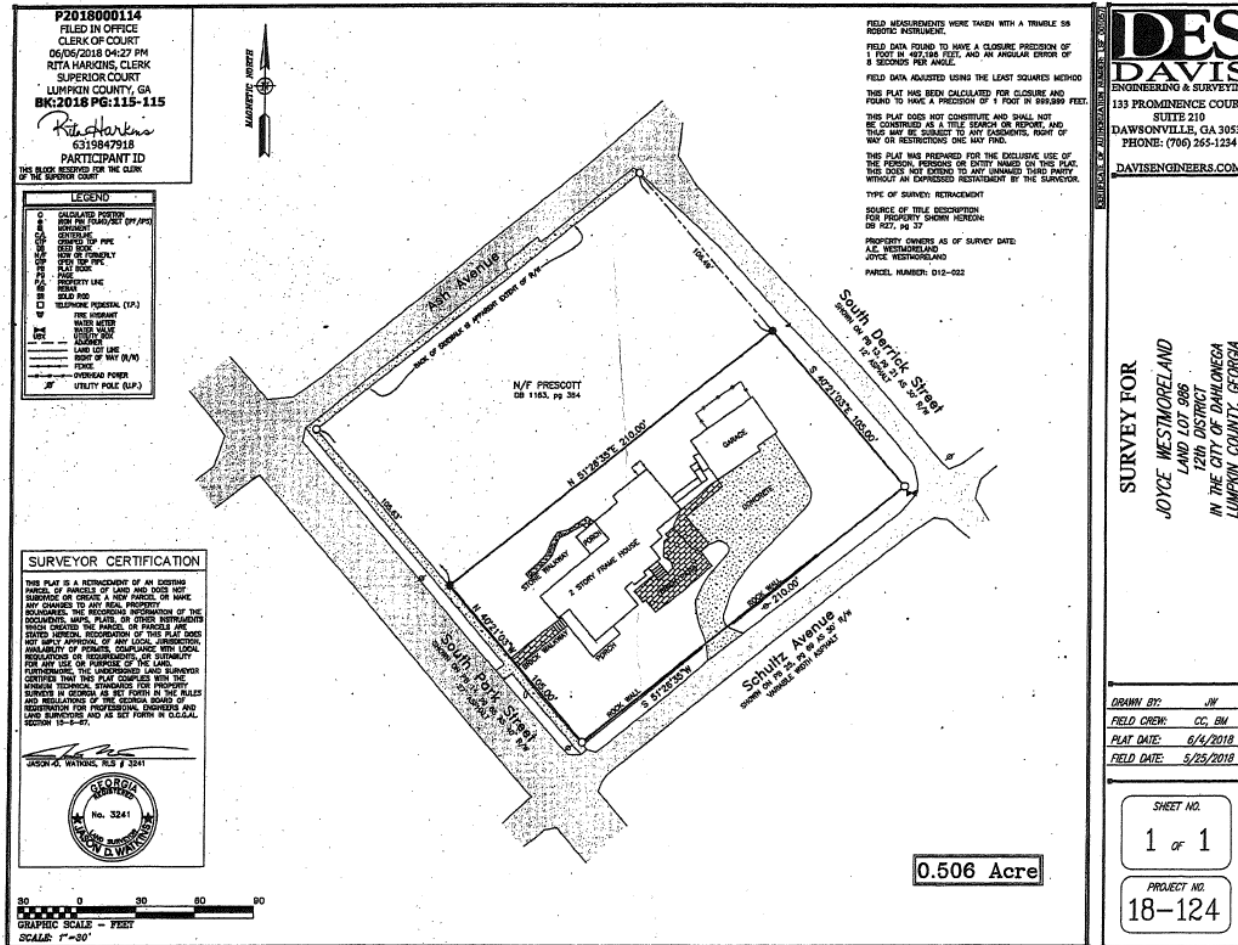
One of the issues with short-term rentals is often enforcement because a rental agency is often in control of the property. Being located on/near the property allows for a much higher level of supervision and should mitigate any potential issues that might happen otherwise. Staff would recommend that any ordinance update require the owner/operator of the short-term rental to reside in the municipality.

A conditional use would give the council the ability to restrict this property to owner-occupied. The short-term rental is then tied directly to the owner living on the property.

Another way to limit the risk of an adverse situation would be to limit the number of short-term units to one per owner-occupied property. This way, future cases would limit multiple rentals on each property.

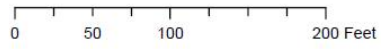


Site Plan:



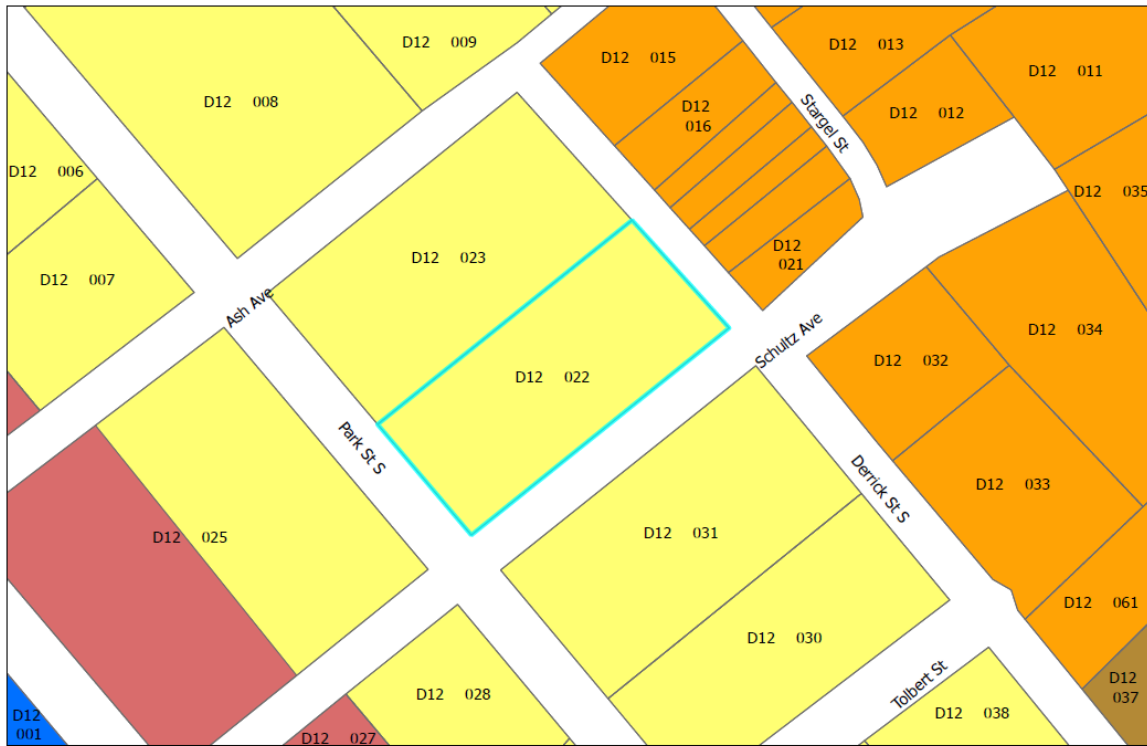


Aerial:





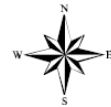
Current Zoning:



0 50 100 200 Feet

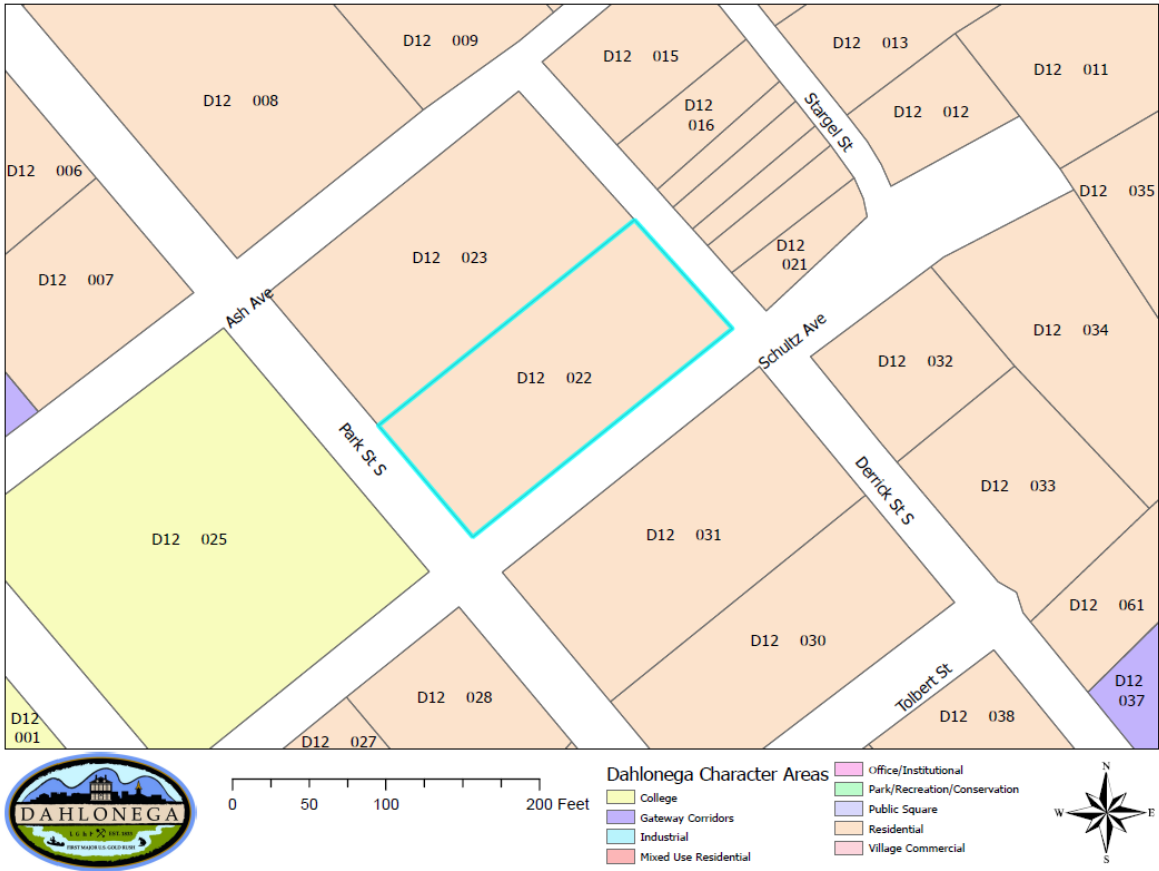
Zoning

B2	I	R1	
B1	B3	OI	R2
CBD	PUD	R3	





Comprehensive Plan:






Staff Recommended Motion:

Motion/Recommendation to **DENY** REZN 21-2 and concurrently recommend updating our short-term rental ordinance to allow short-term rentals in R-1 to apply for conditional uses provided specific conditions are met.

**REZONING APPLICATION FORM
CITY OF DAHLONEGA, GEORGIA**

Property Owner: Name: Noah A. Steinberg
Address: 
Phone: _____

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

Agent: Name: _____
(if applicable) Address: _____
Phone: _____

Existing Zoning: R-1
Proposed Zoning: R-2
Existing Use: Single Family Home
Proposed Use: Rental Property
Acreage of Site: 3.0 Acres
Location of Property: 530 West Circle
(Street address) Dahlonega, GA 30533

Tax Plat and parcel: Land Lot 927 & 928, 12th District, 1st Section, Lumpkin Co, GA
Plat Book 25, Page 5

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.

Two adjacent R-1 residential properties are the homes of the owner of 530 West Circle. Also an adjacent church, and another church across the street. A vacant lot nearby (undeveloped land), and another R-1 residential property adjacent currently being used as an Air B&B.

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

None. Property values are not diminished.

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

Property values are not destroyed.

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

The individual property owner is restricted and thus limited by the City Ordinance 09-2020 in the ability to use this property as a Short Term Rental (STR). Currently, the public has no gain or hardship, and serve only as a casual observer. Should the property be rezoned to R-2 then the public would benefit by having an additional Short Term Rental to host guests who would contribute to the tourism industry of Dahlonega as the property is located within walking distance to the town square.

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

The property owner has no plans for further development as R-2. The current City Ordinance 09-2020 limits R-1 from serving as STR; as an R-2 zoned property the owner will have more options to use property as occasional rental.

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.

Property was only vacant when previous tenant moved out in December 2020 until present while renovations are currently underway.

7. The zoning history of the subject property.

Property zoned as R-1. Single family home constructed in 1992 by Self & Self General Contractors. Full-scale renovation and remodeling currently being performed by Appalachian Contracting Services (ApCon).

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.

None. No burden on existing facilities. Using this property as an occasional short term rental could have even less of a burden on existing facilities than a long term rental would.

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

This effort of requesting re-zoning was recommended by City Hall staff and also City Government leadership after my application (and appeal) for Short Term Rental was denied.

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.

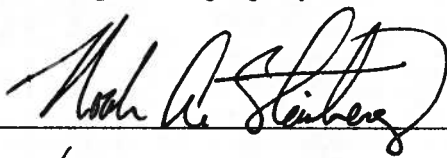
I understand that the Planning and Development staff may either accept or reject my request upon review. My request will be rejected if all the necessary data is not presented.

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 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 : NOAH A. STEINBERG

Date of Signature: 10/13/2021

Signature of Witness: 

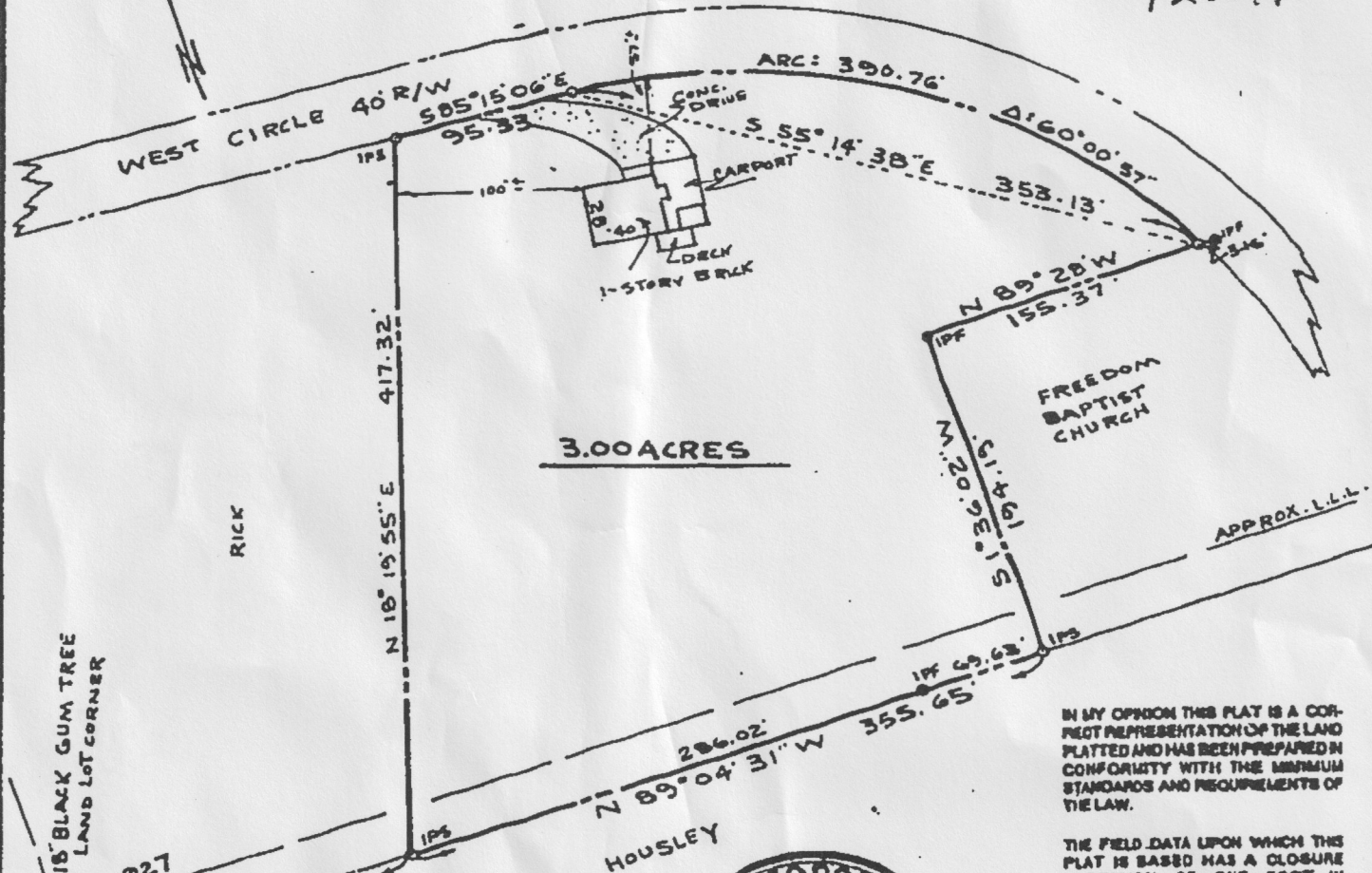
IN MY OPINION, THIS PROPERTY IS NOT IN A FLOOD HAZARD AREA. OFFICE SUPERIOR COURT
REFERENCE MAP F.I.R.M. COMMUNITY PANEL NUMBER 130354-140-A *FOSA W 20 1992*
DATED 4-2-91

Pursuant to the Subdivision Regulations for the State of Georgia, all requirements of approval having been fulfilled, this Final Plat was given Council Final Approval by the Dahlonega City Council on 11-16-92

Recorded in *Plat* Book *25* Page *15*
This *20th* day of *Nov*, 19 *92*
Edward E. Tucker
EDWARD E. TUCKER, CLERK

11-16-92
Date
Ernest Stephens
Building Inspector
City of Dahlonega
Ernest Stephens

92-361

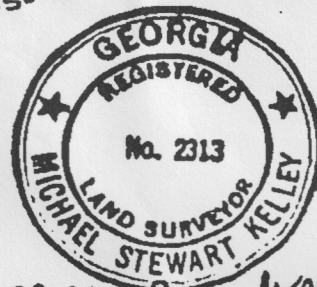


IN MY OPINION THIS PLAT IS A CORRECT REPRESENTATION OF THE LAND PLATTED AND HAS BEEN PREPARED IN CONFORMITY WITH THE MINIMUM STANDARDS AND REQUIREMENTS OF THE LAW.

THE FIELD DATA UPON WHICH THIS PLAT IS BASED HAS A CLOSURE PRECISION OF ONE FOOT IN 10,000 FEET AND AN ANGULAR ERROR OF 0.00009 PER ANGLE POINT AND WAS ADJUSTED USING COMPASS RULE.

THIS PLAT HAS BEEN CALCULATED FOR CLOSURE AND IS FOUND TO BE ACCURATE WITHIN ONE FOOT IN 170,000 FEET.

EQUIPMENT USED FOR MEASUREMENT:
ANGULAR: *Trimble DCA-52*
LINEAR: *Leica A6-100*



Michael Stewart Kelley

REVISED Nov. 15, 1992
UPDATED *Michael Kelley*

PLAT PREPARED FOR: C. RANDALL RICK
GEORGIA FIRST BANK
LAND LOT 927, 928 - 12TH DISTRICT - LUMPKIN COUNTY, GEORGIA
SCALE 1"=100' - MAY 27, 1992
KELLEY SURVEYING - RT 2 BOX 604 - DAHLONEGA, GA.



STAFF REPORT REZN 21-3

Applicant: Noah A. Steinberg
Owner: Noah A. Steinberg
Location: 530 West Circle
Acreage: +/- 3.0 Acres
Current Zoning Classification: R-1
Proposed Zoning Classification: R-2
Current Use of Property: Single Family Dwelling
City Services: All city services are available at this site.

Applicant Proposal

The applicant requests the rezoning of this property from R-1 to R-2 to utilize the existing residence as a short-term rental.

History and Surrounding Uses

The City of Dahlonega adopted a Short-term Rental ordinance on August 3, 2020. Section 801 of that ordinance states, "Short-Term Rentals are permitted in all zoning districts *except* for the Single-Family Residential District (R-1). Properties located in the Single-Family Residential District (R-1) under contract with Air BNB or similar entity or in use as Short-Term Rentals on or before August 15, 2020, may continue." Due to this ordinance, the property is prohibited in its potential as a short-term rental.

The majority of what surrounds this property is R-1. It is primarily surrounded by single-family residential with the B-1 Neighborhood Business District across the street to the northeast.

North	R-1
East	B-1
South	R-1
West	R-1



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.**

According to the letter of intent, nothing would change on this property other than the use of the structure as a short-term rental.

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

The residential use of the property would not change if rezoned and used as a short-term rental.

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

The rezoning with the intent of a short-term rental should not propose any additional burden on the existing infrastructure.

- 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 Residential. The following are encouraged distinctions of this area.

- Preservation of existing structures where possible, or context-sensitive infill development
- 1-2 story structures oriented close to the street front, with minimal on-site parking and pedestrian accessibility where possible
- Landscaping and decorative elements encouraged
- Variety of residential, parks, and institutional uses, with some office possible adjacent to downtown
- 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.**

Approving R-2 for this property would be an example of spot zoning and potentially expose the adjacent R-1 zoned properties to unintentional consequences.



Staff Analysis

Although this property might seem appropriate for this use, this rezoning approval is more about the precedence it might set. Instead of approving the rezoning, it would be short-sighted not to discuss changing the ordinance to allow short-term rentals in R-1.

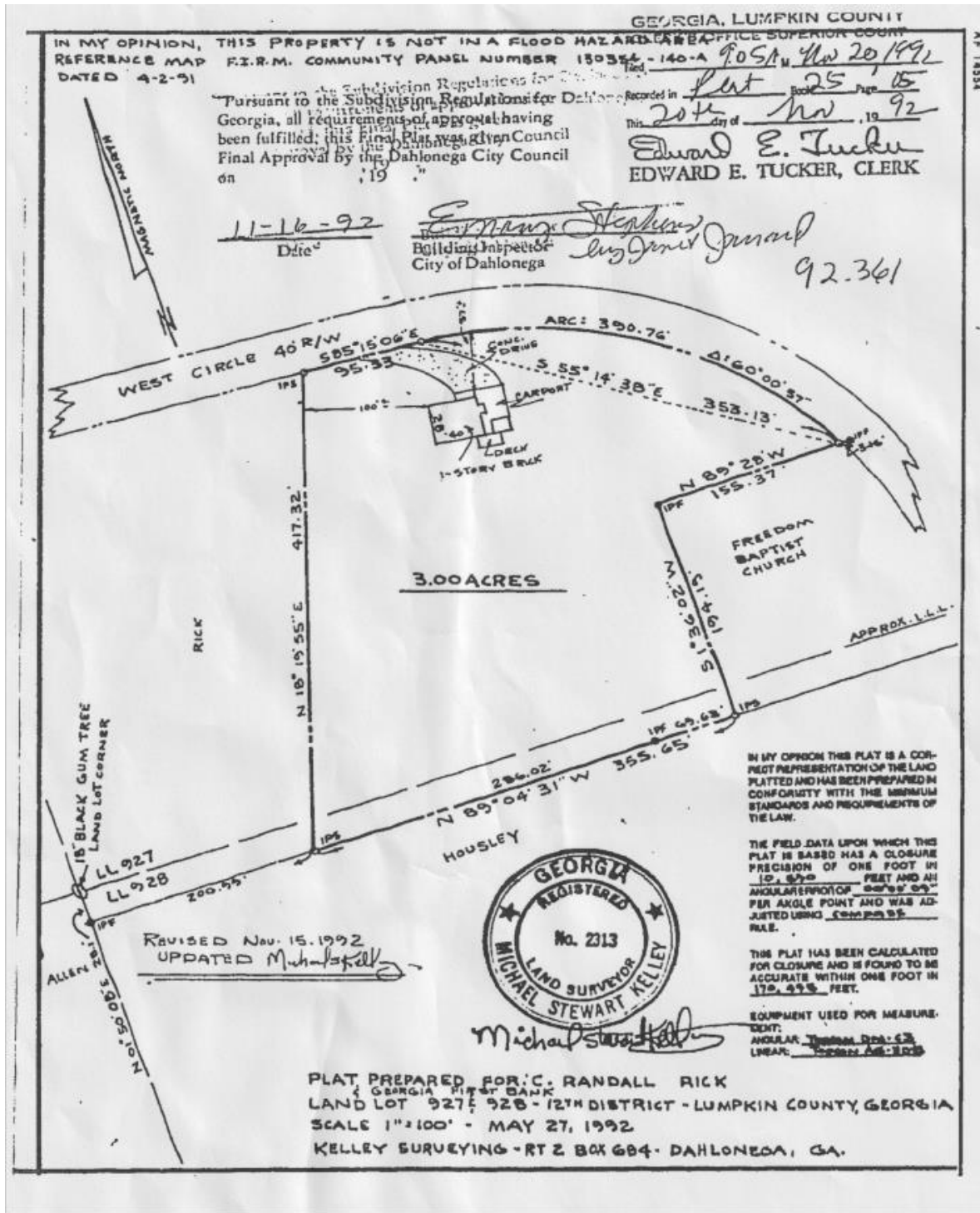
An avenue would be to only allow short-term rentals in R-1 with a conditional use approved through the council. The conditional use would enable the property to remain in R-1 and reduce redevelopment potential under the more intense rezoning district.

One of the issues with short-term rentals is often enforcement because a rental agency is often in control of the property. Being located on/near the property allows for a much higher level of supervision and should mitigate any potential issues that might happen otherwise. Staff would recommend that any ordinance update require the owner/operator of the short-term rental to reside in the municipality.

Another way to limit the risk of an adverse situation would be to limit the number of short-term units to one per owner-occupied property. This way, future cases would limit multiple rentals on each property.

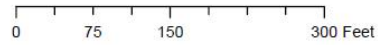


Site Plan:



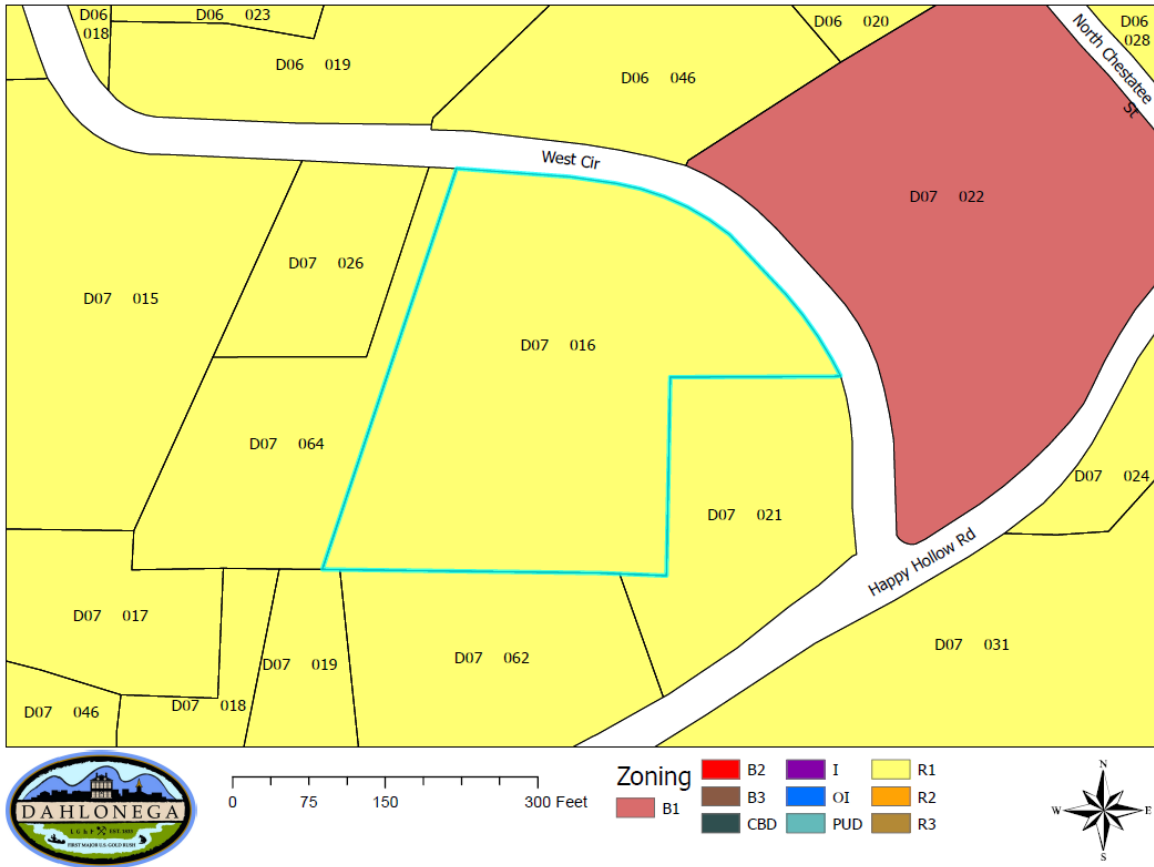


Aerial:



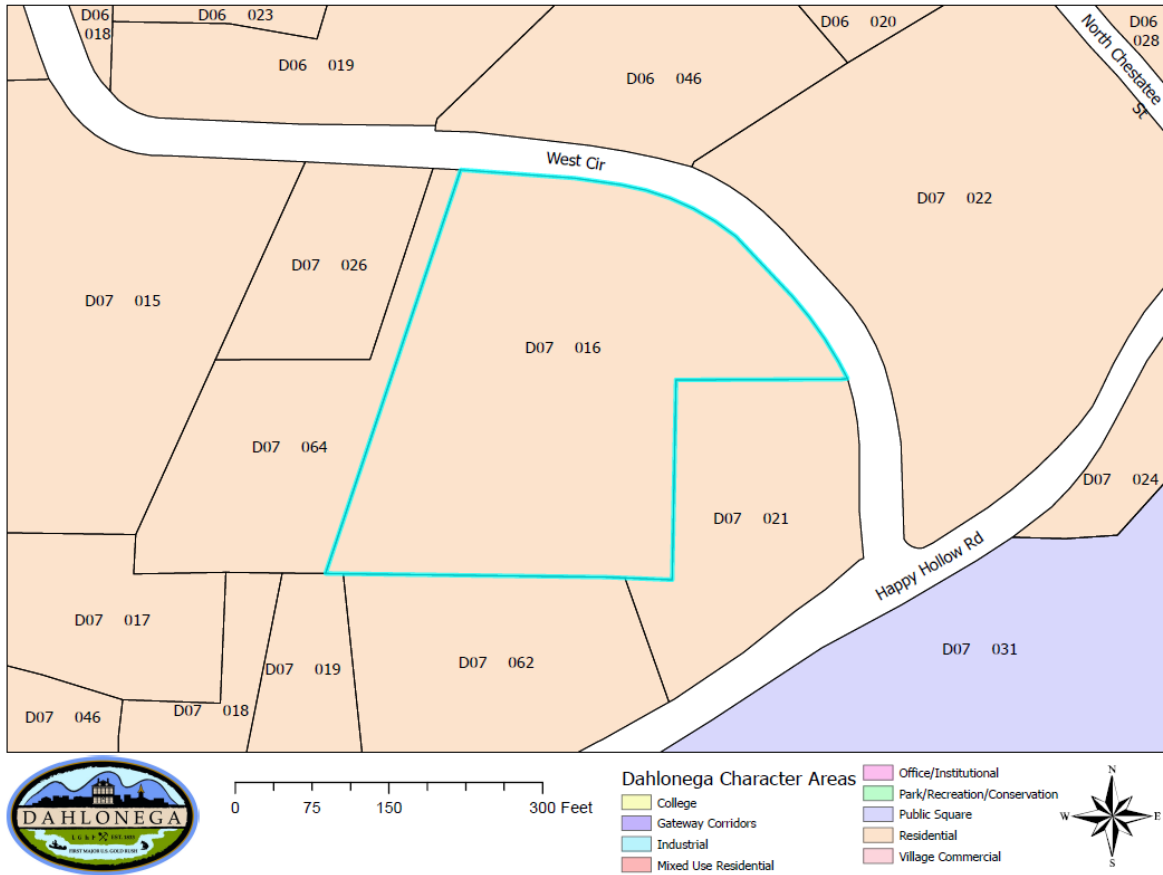


Current Zoning:





Comprehensive Plan:





Staff Recommended Motion:

Motion/Recommendation to **DENY** REZN 21-2 and concurrently recommend updating our short-term rental ordinance to allow short-term rentals in R-1 to apply for conditional uses provided specific conditions are met.

Noah Steinberg

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

October 5, 2021

Dahlonega Planning Commission
Attn: Jameson Kinley
City of Dahlonega
465 Riley Road
Dahlonega, GA 30533

Dear Commissioners,

The purpose of this request is to rezone the property at 530 West Circle from R-1 to either R-2 or B-1. The current City Ordinance prevents the owner from using a residential property for Short Term Rental (STR) when the property is listed as R-1. A previous request for the City Council to consider modification of City Ordinance No. 2020-09 Short-Term Rentals (i.e. either amend the text of the STR Ordinance or add a Conditional Use provision) was denied with the response "there is no desire to modify or change the ordinance as it currently stands." Further guidance from the Mayor was to approach the Planning Commission for consideration of rezoning.

In March 2021, my spouse and I purchased the property at 530 West Circle, which is next door to our home. The previous owner was a good neighbor, but he did not keep the property up to code, and it deteriorated over the years. When the property was offered to us for purchase, we were excited to have the opportunity to improve the appearance of the house next door which had been unsightly for years.

Our goal is to use this home as a guest house for extended family during visits, especially because my mother lives in a home next to the property. However, this 30-year old structure has been neglected and requires a lot of work. The renovation costs have continued to escalate and our best option of recapturing a portion of our investment while also having the flexibility to use it as a guest house would be to utilize it occasionally as a Short Term Rental. Additionally, the home is within walking distance of the town square, and guests would support Dahlonega's tourism industry.

Our approach has always been fully transparent and we have attempted to work within the parameters of the existing rules, ordinances, and appeal processes. On 4/10/2021 an initial email exchange with the Mayor occurred and was followed by dialogue with City Hall staff and the office Community Development. On 5/19/2021 we submitted an application requesting to use the property at 530 West Circle as Short Term Rental. The required fee for an Occupational Tax Certificate was paid at that time, and we also completed a land survey to confirm the property lines and boundary markers. As expected, the application was denied because of City Ordinance No. 2020-09 by Kevin Herritt, Director of Community Development, with the following comment: "All adjacent parcels are also in the R1 zoning district. Unfortunately, Short-Term rentals are prohibited in the R1 zoning district." Mr Herritt explained that the process for appeal was to engage Bill Schmid, City Manager,

and our Letter of Appeal (attached) was sent on 5/21/2021. In email correspondence, Mr Schmid writes: "Yours is the first STR appeal I have received and I want to give it the fair consideration it is due... My aim would be to gather relevant information and give you an answer well within the 30 days allowed by the ordinance." Mr Schmid's written response (attached) was dated 7/19/2021 and outlined a couple of options to pursue.

We asked the City Council to reconsider the absolute ban on Short Term Rentals within the city limits. Our request was that the Council offer a conditional use provision. Such a provision could include allowing STR when the owner's primary residence is adjacent to the property, the property is a minimum acreage, and/or the neighborhood is absent of a Homeowners Association.

Mr Schmid's letter briefly explores these options and he would be the Subject Matter Expert for further consultation. Please review the two attachments for more details regarding our appeal and the City Manager's suggestions.

I would suggest that this is not a typical rezoning situation. We do not plan to make modifications to the property other than typical home improvements to the existing structure. We do not plan to add signage or additional parking modifications. This is also not a typical neighborhood as this property is located adjacent to our two properties, two churches, a vacant lot, and a home currently listed as a STR. In fact, the only traditional single family home next to the property is Sharon Steinberg, my mother. She supports the short term rental plan as it benefits her family's ability to spend extended time in Dahlonga. We reside in the only other home near the property at 504 West Circle, alongside the 'flagpole' piece that belongs to Sharon Steinberg. While I understand why the city may have reservations concerning a short term rental in a typical neighborhood, I see this situation as atypical.

Thank you for your time and interest in reading this request. I look forward to your input and any ideas you wish to share that would aid our current endeavor.

Sincerely,

Noah Steinberg

Noah Steinberg



May 21, 2021

Bill Schmid

City Manager, City of Dahlonega
465 Riley Road
Dahlonega, GA 30533

Dear Mr. Schmid,

I wish to appeal the decision to deny my Application for Short Term Rental of the property located at 530 West Circle. In response, Mr. Kevin Herrit stated that it was denied because "All adjacent parcels are also in the R1 zoning district. Unfortunately, Short-Term Rentals are prohibited in the R1 zoning district." As the City Manager, I ask that you take a closer look at this particular situation and how it might differ from other requests for a STR in the city limits.

The property at 530 West Circle is bordered by the following:

- West Circle (street which connects Happy Hollow Rd and North Hall Rd)
- 104 Happy Hollow Rd, Freedom Baptist Church (E-2)
- Parcel D07 062, a vacant lot on Happy Hollow Rd with no structures or home (R-4)
- 210 Happy Hollow Rd, currently listed online as STR vacation home (R-1)
- 510 West Circle, my property where my mother currently resides as a life trust (R-1)

I would suggest that this is not a typical situation where all surrounding properties are single family homes. In fact, the only traditional single family home adjacent to the property is Sharon Steinberg, my mother. She supports the short-term rental plan as it benefits her family's ability to spend extended time in Dahlonega. In addition, the house at 530 West Circle is closest to my home at 504 West Circle, alongside the 'flagpole' piece that belongs to Sharon Steinberg. Again, a map check will reveal that the home at 530 West Circle is closer to my house than any other structure. While I understand why the city may have reservations concerning a short-term rental in a typical neighborhood, I see this situation as atypical.

Allow me to give you some background information about my intentions for this property. When the neighbor's family made it known that they would sell, I saw it as an opportunity to improve

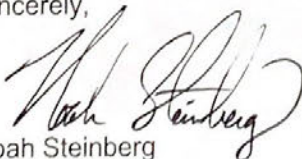
an unsightly property that many of us in the neighborhood had been concerned with. My wife and I bought the 3 acres and the house because we wanted to improve the neglected and deteriorating house and protect the undeveloped land next to my mother's home. We immediately began removing loads of trash, cleaned the outside of the home and greatly improved the appearance of the property. Several neighbors have contacted us to share their appreciation for the improvements made.

We are beginning the process of completely remodeling the inside of the home. My wife and I hope to use the newly remodeled structure as a guest house for our adult children and also my brother and his family when they visit our mother on a regular basis. Unfortunately, the cost of repairs and remodeling are very high. It was our hope to occasionally rent the home on a short-term basis to help recoup the expenses of repairing this house. I would enthusiastically encourage any renters to explore the tourist sights and businesses in Dahlonega and I would comply with the city's hotel tax, all of which would benefit the City of Dahlonega. As part of the Ranger community, I would also like to be able to rent the home to families awaiting housing or to Soldiers on temporary duty at Camp Merrill. As we live right next door, I would be strict in requiring any renters to be quiet, courteous and respectful of other homeowners nearby. Most importantly to us, we would then have the option to keep the home available to our immediate family as needed. It is our long-term plan to have our daughter return to Dahlonega to live and work while residing in this home. We do not intend to develop this property as "revolving door rental business" but rather hope to occasionally rent it when it isn't used by family. We ask for leniency to recoup our expenses as we improve a property just off the historic square in a way that benefits our beloved city.

My initial conversations with Mayor Norton suggested I would seek an audience with the City Council for a variance. Later, I learned from Kevin Herrit that I was required to purchase an Occupational Tax Certificate for \$150, submit an application that would be denied, and then seek an appeal. It appears I have finally made it to this phase of the process. Please let me know what else I can do to navigate this request. I understand that the STR ordinance was originally passed due to specific concerns of a particular situation. Honestly, I do not feel that applies in this instance, and I hope that I can be exempt from such restrictions. If you believe that a more proper approach would be to request a change in zoning from R-1 to R-2 in order to comply with the current ordinance, I would be willing to pursue that course as well.

Thank you for your time and consideration. I look forward to discussing this issue with you in more detail. I hope that the City of Dahlonega can understand our position and consider some flexibility in this situation. Please call (706) 867-5100 to arrange a time for us to meet.

Sincerely,



Noah Steinberg



Overview



Legend

Parcels

Parcel ID D07 016
 Real Key / Acct 8587
 Class Code Residential
 Taxing District Dahlonega
 Acres 3

Owner RICK RANDY
 530 WEST CIRCLE
 DAHLONEGA, GA 30533
 Physical Address 530 WEST CIRCLE
 Assessed Value \$214894

Last 2 Sales			
Date	Price	Reason	Qual
3/18/1992	\$53000	FM	Q
9/1/1983	0	OS	U

(Note: Not to be used on legal documents)

Date created: 5/22/2021
 Last Data Uploaded: 5/21/2021 5:31:06 PM

Developed by  Schneider
 GEOSPATIAL

**REZONING APPLICATION FORM
CITY OF DAHLONEGA, GEORGIA**

Property Owner: Name: Lindsay Ewing
Address: _____
Phone: _____

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

Agent: Name: _____
(if applicable) Address: _____
Phone: _____

Existing Zoning: Planned Unit Development District
Proposed Zoning: Planned Unit Development District
Existing Use: Planned Unit Development District
Proposed Use: Planned Unit Development District
Acreage of Site: 8.910
Location of Property: Tract 1, LL 1077 & 1078
(Street address) 0 Summit Drive, Dahlonega, GA 30533
Tax Plat and parcel: 077-248

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.

The request of 27 homes is in line with the current zoning. Having detached houses will be less density than currently built for Summit. We feel it will be a benefit to the area.

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

Bringing in high end finishes in a cottage efficient floor plan will raise the surrounding property values by giving them comparables when they upgrade finishes or outdoor spaces.

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

The development will have little affect on neighbors due to the accessibility of two construction drives keeping traffic or back ups to non-existing.

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

Having new, upscale homes to compare neighbors values will have a strong impact on raising values of existing homes. The construction of this neighborhood is separated by their non-maintained retention pond and the club house, creating very little visibility if any to neighbors.

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

N/A - current zoning approves higher density than our requested lot division home sites of at least 52' wide x 100' w/6' setbacks on the building.

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.

N/A - property was approved prior w/intentions of higher density. This supports our request.

7. The zoning history of the subject property.

PUD

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.

By us requesting less density than approved we feel this to be a relief to what stress could be put on the existing streets/community.

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

N/A - property was approved prior w/intentions of higher density. This supports our request.

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 Dahlonega.

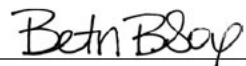
I hereby certify that I have read the above and that the above information as well as the attached information is true and accurate.

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: 

Printed name of Property Owner : Lindsay Ewing

Date of Signature: 10/08/2021

Signature of Witness: 

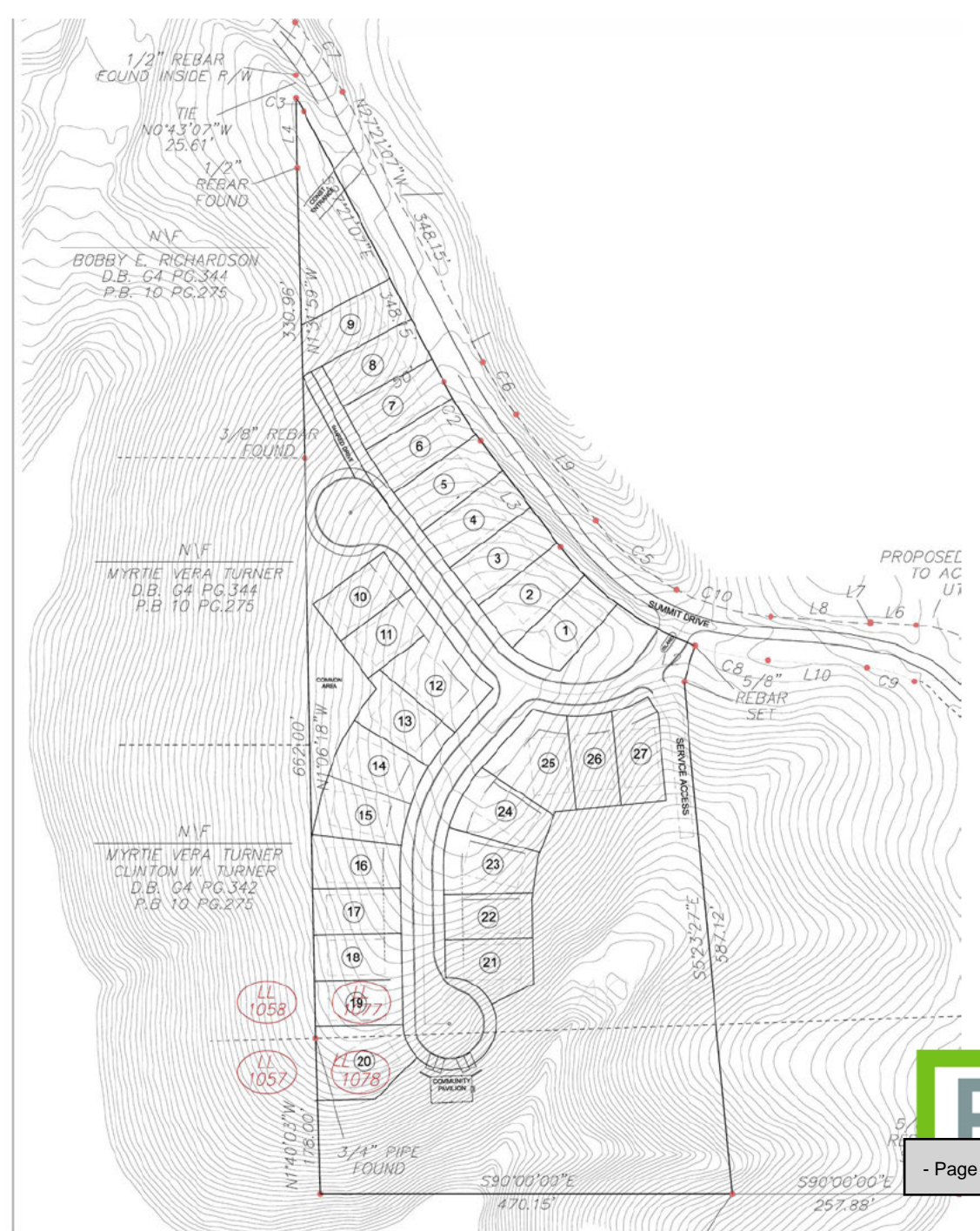


SUMMIT II, DAHLONEGA
DEVELOP + DESIGN + BUILD

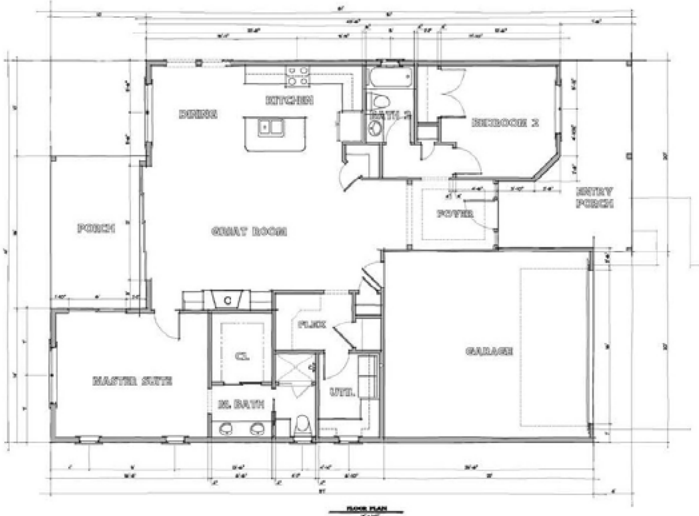
SITE PLAN

Summit Phase II

- ▶ 27 DETACHED COTTAGES
- ▶ WALKING TRAIL
- ▶ PAVILION
- ▶ HOME PRICES STARTING IN THE HIGH 400'S

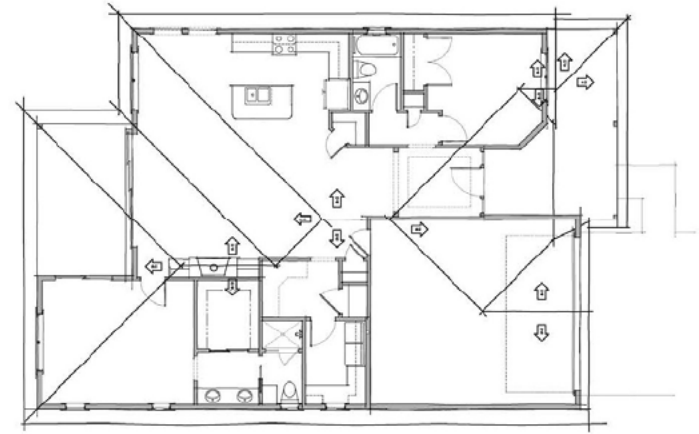


COPPER RIDGE- HOUSE PLAN



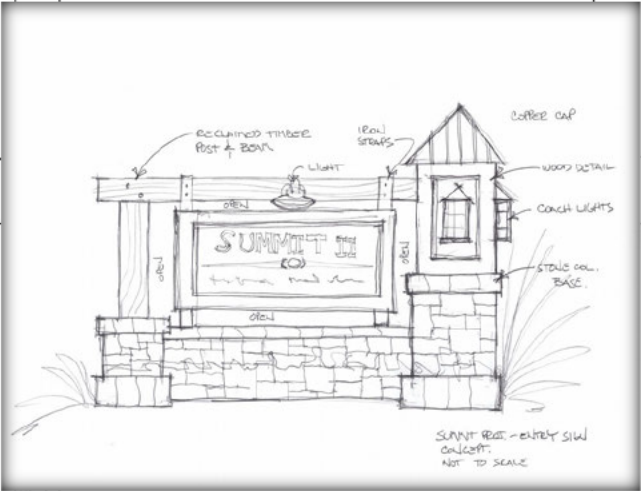
RESIDENTIAL
 1/2" = 1'-0"
 1/8" = 1'-0"
 1/16" = 1'-0"

A I B D
 ARCHITECTS
 1000 S. 1000 E.
 SUITE 100
 SALT LAKE CITY, UT 84143
 TEL: 801.487.1000
 FAX: 801.487.1001
 WWW.AIBDARCHITECTS.COM



REAR ELEVATION

A I B D
 ARCHITECTS
 1000 S. 1000 E.
 SUITE 100
 SALT LAKE CITY, UT 84143
 TEL: 801.487.1000
 FAX: 801.487.1001
 WWW.AIBDARCHITECTS.COM



SUMMIT POST - ENTIRE SILL ON COFFER.
 NOT TO SCALE

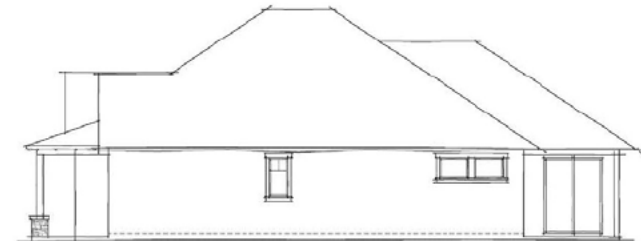


FRONT ELEVATION



A I B D
 ARCHITECTS
 1000 S. 1000 E.
 SUITE 100
 SALT LAKE CITY, UT 84143
 TEL: 801.487.1000
 FAX: 801.487.1001
 WWW.AIBDARCHITECTS.COM

A4



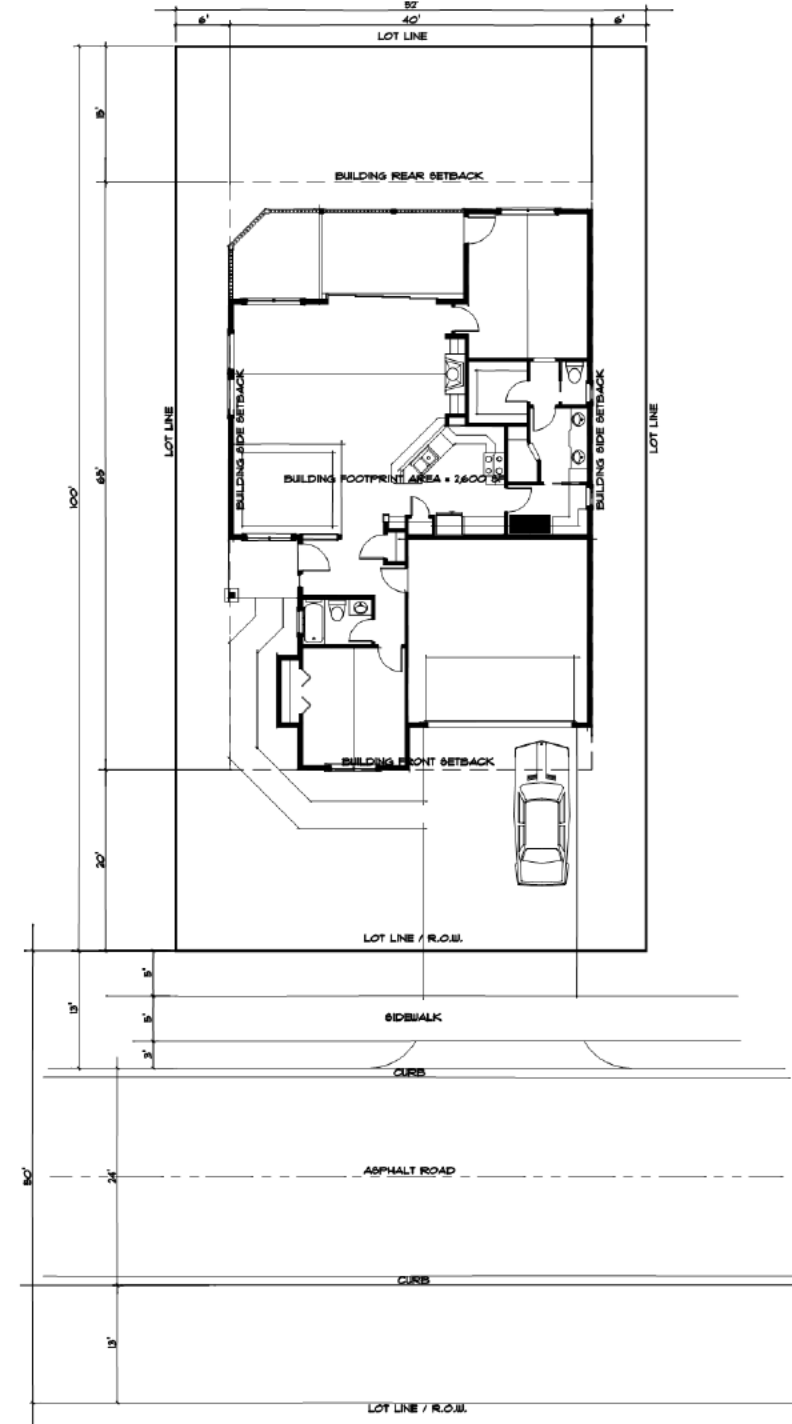
FRONT SIDE ELEVATION

A I B D
 ARCHITECTS
 1000 S. 1000 E.
 SUITE 100
 SALT LAKE CITY, UT 84143
 TEL: 801.487.1000
 FAX: 801.487.1001
 WWW.AIBDARCHITECTS.COM

A5

TYPICAL LOT LAYOUT

- ▶ PREDOMINATE PORCHES
- ▶ REAR SET GARAGE
- ▶ 52' FRONTAGE
- ▶ 100' DEEP
- ▶ 20' FRONT HOME SET BACK



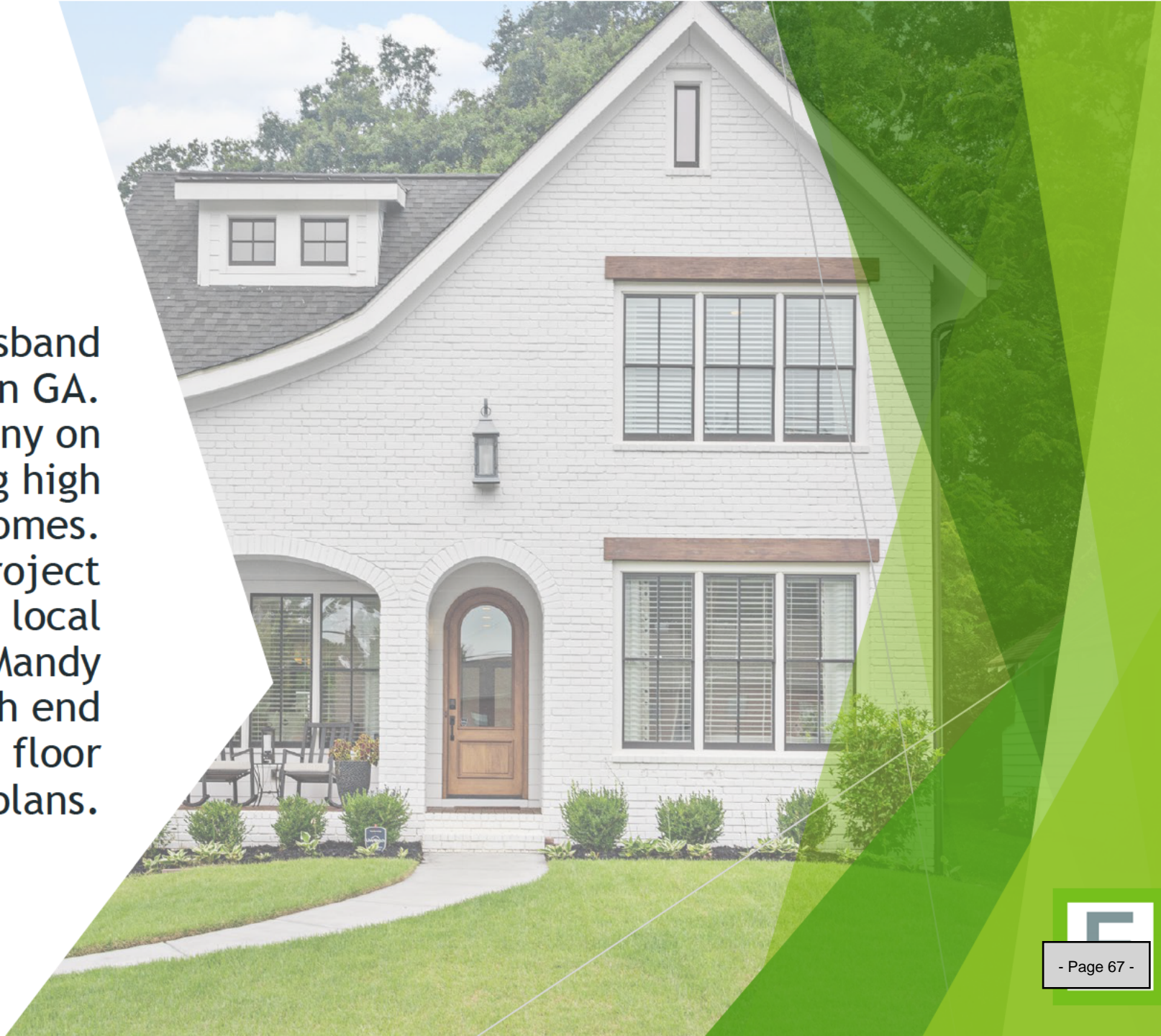
LETTER OF INTENT

The team of Ecraft, JL3 and Pro Vision would like to bring a well-appointed cottage home to Dahlenega. We feel that the area needs single-family homes, and the need will get even stronger with a new hospital coming a few miles away.

The Summits current and intended zoning was approved to have higher density, but we believe our future client will want more space. Planting specimen trees and well-designed development plan will create privacy and charm. With trees, fences and bushes it will protect from surrounding development and help continue the mountain feel. The site plan provides a main entry and two possible construction entrances. Current and future neighbor residents will have little disturbance. In continuation of the mountain feel we will have soft night up lighting for safety. We will need to update the current erosion control ponds that Summit has not been maintaining. Along with create adequate erosion solution for the new homes.

I feel that this development and home plan will enhance the existing vacant property and increase neighboring property values.

Ecrafft is owned by a husband wife team from Canton GA. They built their company on the goal of building high quality forever homes. For the Summit II project they have teamed with local designer Pete and Mandy Shipps to deliver high end finishes with efficient floor plans.

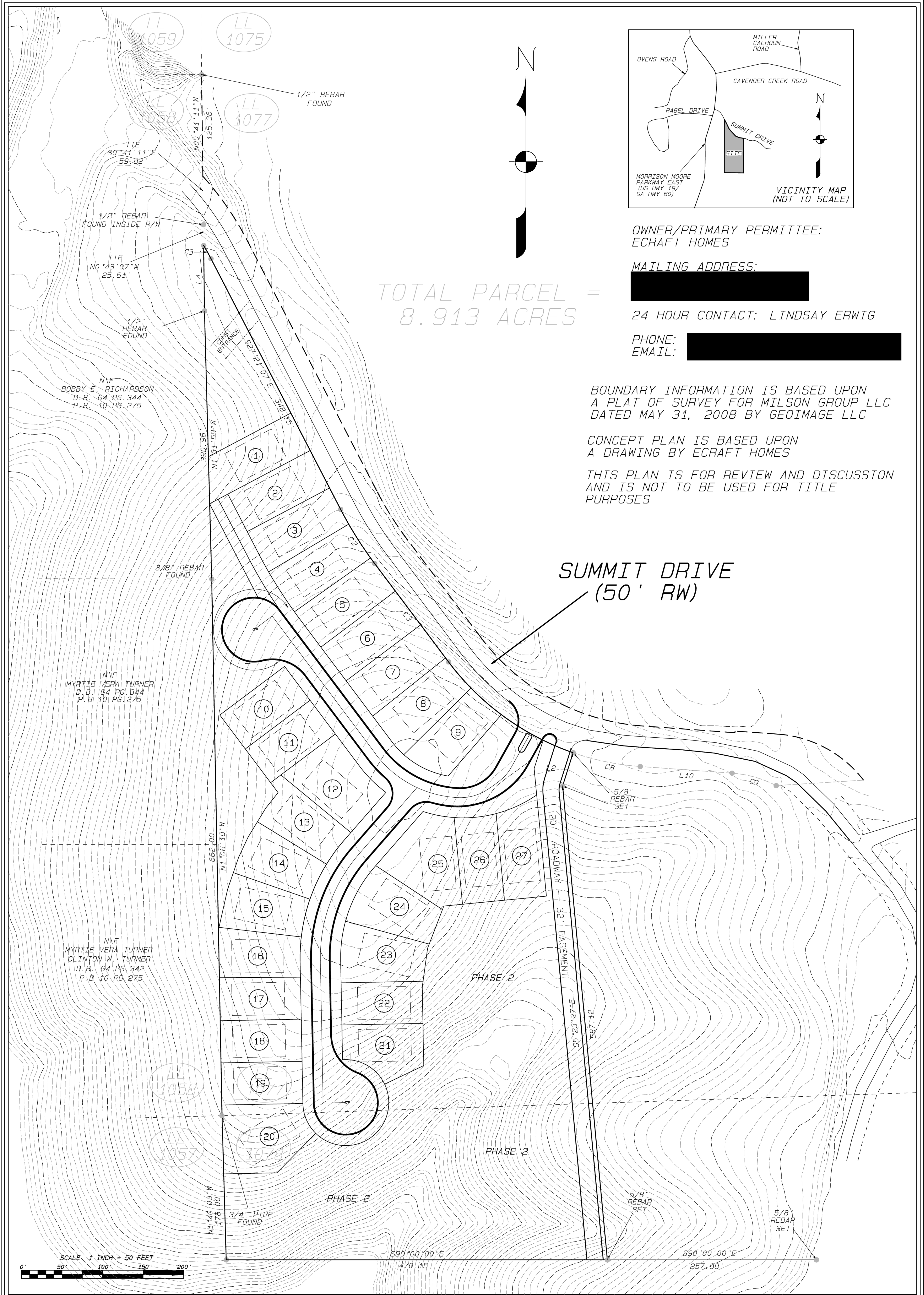


feet to a point; thence continuing along The right of way of Summit Drive and the eastern right of way of Wimpy Mill Rd. (also known as US 19 and Morrison Moore Parkway) at their intersection a curve having an arc distance of 38.83 feet, a radius of 30.00 feet being subtended by a chord bearing North 23 degrees 47 minutes 12 seconds West 36.18 feet to a point; thence run North 13 degrees 05 minutes 01 seconds East 14.18 feet along said right of way to an iron pin located on the northern land-lot line of Land Lot 1058; thence run South 88 degrees 49 minutes 53 seconds East 115.55 feet an iron pin being the corner common to Land Lots 1059, 1076, 1077 and 1058 and BEING THE TRUE POINT OF BEGINNING.

TRACT ONE

All that tract or parcel of land lying and being in Land Lots 1077 and 1078, 12th District, Lumpkin County, Georgia containing 8.910 acres and shown as Tract 1 on a survey for Leanela - J. Marvin Anderson, General Partner prepared by William H. Collins, Georgia Registered Land Surveyor and recorded in Plat Cabinet 1 Slide 176 Plat 105 of Lumpkin County Records, and being more particularly described as follows:

TO FIND THE TRUE POINT OF BEGINNING, begin at an iron pin located at the corner common to Land Lots 1057, 1078, 1079 and 1056; running thence along the land lot lines common to Land Lots 1057 and 1078 North 01 degrees 40 minutes 39 seconds West 1131.39 feet to an iron pin and the BEING THE TRUE POINT OF BEGINNING; thence North 01 degrees 40 minutes 39 seconds West 178.01 feet to an iron pin; thence North 01 degrees 06 minutes 18 seconds West 662.00 feet to an iron pin; thence North 01 degrees 31 minutes 59 seconds West 330.96 feet to an iron pin; thence North 00 degrees 43 minutes 07 seconds West 80.56 feet to a point located on the southwestern right of way of Summit Drive (right of way varies); running thence along said right of way the following chord bearings and distances; a curve having an arc distance of 18.53 feet, a radius of 325.00 feet, being subtended by a chord bearing South 28 degrees 59 minutes 08 seconds East 18.53 feet to a point; thence South 27 degrees 21 minutes 07 seconds East 348.15 feet; a curve having an arc distance of 79.19 feet a radius of 475.00 feet, being subtended by a chord bearing South 32 degrees 07 minutes 42 seconds East 79.10 feet; to a point; thence run South 36 degrees 54 minutes 17 seconds East 151.61 feet to a point; thence a curve having an arc distance of 193.02 feet, a radius of 325 feet being subtended by a chord bearing South 53 degrees 55 minutes 11 seconds East 190.20 feet to an iron pin located on the southern right of way of Summit Drive; thence leaving said right of way South 17 degrees 32 minutes 51 seconds West 43.00 feet to an iron pin; thence South 05 degrees 23 minutes 27 seconds East 587.12 feet to an iron pin; thence South 90 degrees 00 minutes 00 seconds West 470.35 feet to the TRUE POINT OF BEGINNING.



TOTAL PARCEL = 8.913 ACRES

OWNER/PRIMARY PERMITTEE:
ECRAFT HOMES

MAILING ADDRESS:
[REDACTED]

24 HOUR CONTACT: LINDSAY ERWIG

PHONE: [REDACTED]
EMAIL: [REDACTED]

BOUNDARY INFORMATION IS BASED UPON
A PLAT OF SURVEY FOR MILSON GROUP LLC
DATED MAY 31, 2008 BY GEOIMAGE LLC

CONCEPT PLAN IS BASED UPON
A DRAWING BY ECRAFT HOMES

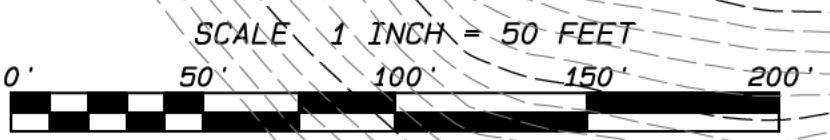
THIS PLAN IS FOR REVIEW AND DISCUSSION
AND IS NOT TO BE USED FOR TITLE
PURPOSES

SUMMIT DRIVE
(50' RW)

N/F
BOBBY E. RICHARDSON
D.B. G4 PG. 344
P.B. 10 PG. 275

N/F
MYRTIE VERA TURNER
D.B. G4 PG. 344
P.B. 10 PG. 275

N/F
MYRTIE VERA TURNER
CLINTON W. TURNER
D.B. G4 PG. 342
P.B. 10 PG. 275



LSF # 1074: ALTASURV LLC dba
GEOIMAGE
LAND SURVEYING, LAND PLANNING & DESIGN
21 ENOTA STREET, DAHLONEGA, GA 30533
PHONE: (706) 864-7298



NOTES:

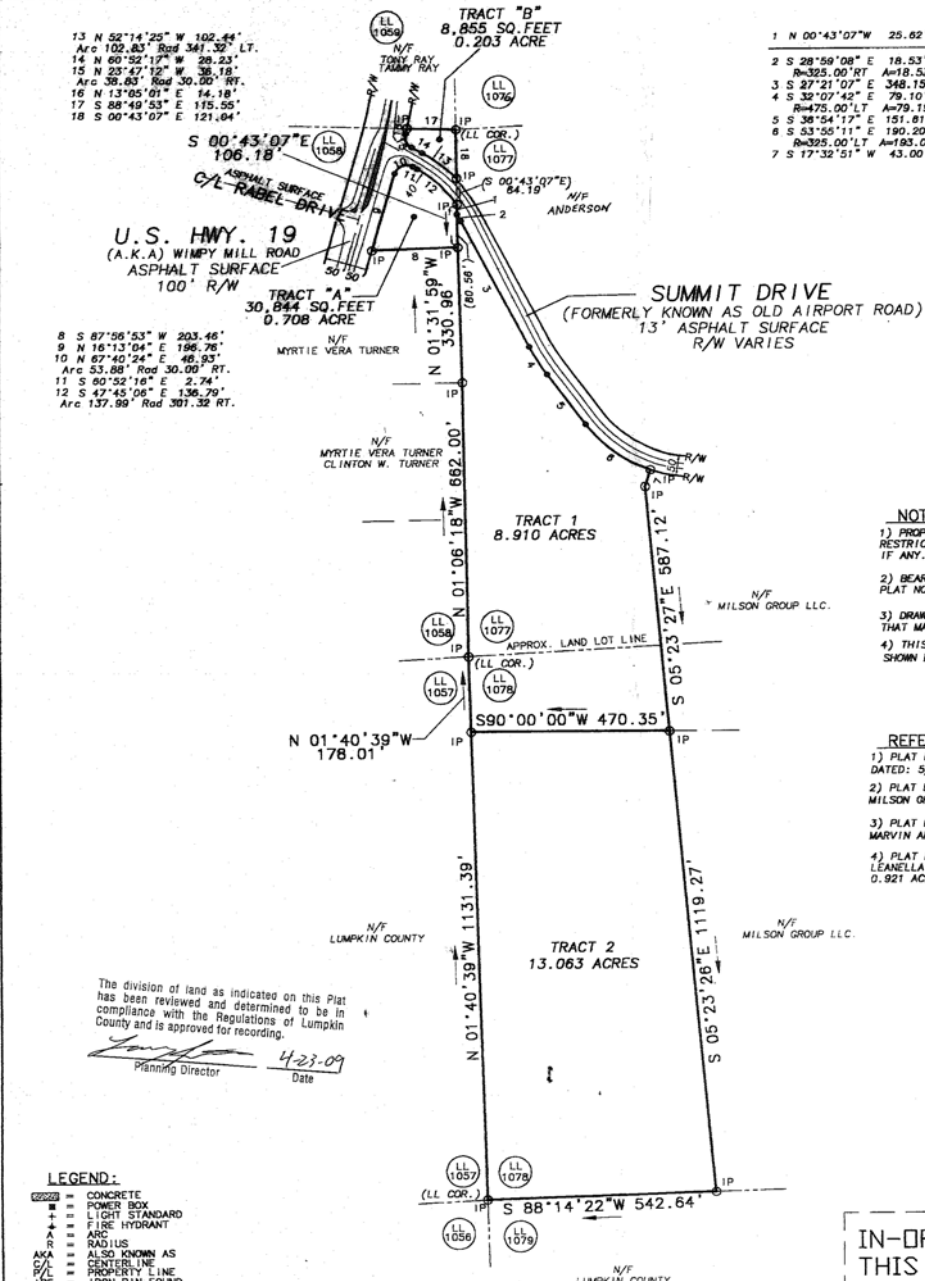
PAGE 1 OF 1
2021-10-13
FIELD CREW:
DRAWN BY: KW, JG
DRWG FILE: 4605 ecraft

PLAN FOR:
SENATOR'S RIDGE
LAND LOTS 1077 & 1078, 12TH DISTRICT, 1ST SECTION
CITY OF DAHLONEGA, LUMPKIN COUNTY, GEORGIA

"THIS SURVEY WAS PREPARED WITHOUT THE BENEFIT OF A TITLE SEARCH AND IS SUBJECT TO ANY AND ALL DISCOVERIES THAT A TITLE SEARCH MAY PRODUCE."
 "IN MY OPINION THIS PLAT IS A CORRECT REPRESENTATION OF THE LAND PLATTED AND HAS BEEN PREPARED IN CONFORMITY WITH THE MINIMUM STANDARDS AND REQUIREMENTS OF THE LAW."

"I HAVE CONSULTED THE F.I.R.M. FLOOD (INSURANCE RATE MAP COMMUNITY) PANEL NO. 1318700162C DATED 9/28/2008 AND PANEL NO. 1318700262C DATED 3/29/2008 AND IN MY OPINION THIS PROPERTY DOES NOT APPEAR TO LIE IN A SPECIAL FLOOD HAZARD AREA."

FIELD SURVEY ERROR OF CLOSURE _____ N/A
 ANGULAR ERROR PER ANGLE POINT _____ N/A
 INSTRUMENT USED _____ N/A
 ADJUSTED BY _____ N/A
 PLAT ERROR OF CLOSURE _____ 1:21,848



- 1 N 00°43'07"W 25.62'
- 2 S 28°59'08" E 18.53'
R=325.00' RT A=18.53'
- 3 S 27°21'07" E 348.15'
- 4 S 32°07'42" E 79.10'
R=475.00' LT A=79.10'
- 5 S 38°54'17" E 151.81'
- 6 S 53°55'11" E 190.20'
R=325.00' LT A=193.02'
- 7 S 17°32'51" W 43.00'

- 8 S 87°56'53" W 203.46'
- 9 N 16°13'04" E 186.78'
- 10 N 67°40'24" E 46.93'
Arc 53.88' Rad 30.00' RT.
- 11 S 60°52'16" E 2.74'
- 12 S 47°45'06" E 136.79'
Arc 137.99' Rad 301.32 RT.

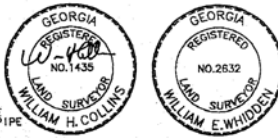
- NOTES:**
- 1) PROPERTY SHOWN HEREON IS SUBJECT TO EASEMENTS, RESTRICTIONS, RESERVATIONS, AND RIGHTS OF WAY OF RECORD, IF ANY.
 - 2) BEARINGS SHOWN HEREON ARE BASED ON THE REFERENCED PLAT NO. 1 SHOWN
 - 3) DRAWING SHOWN HEREON DOES NOT REFLECT ANY IMPROVEMENTS THAT MAY OR MAY NOT HAVE BEEN DONE TO THIS PROPERTY
 - 4) THIS DRAWING WAS COMPOSED FROM THE REFERENCED PLATS SHOWN NO FIELD WORK WAS DONE ON THIS DATE 3/31/2009

- REFERENCES:**
- 1) PLAT BY GEDIMAGE LLC. FOR MILSON GROUP LLC. DATED: 5/31/2006 62.605 ACRES TOTAL
 - 2) PLAT BY FARLEY-COLLINS-WHIDDEN ASSOC. FOR MILSON GROUP LLC. DATED 3/05/2008.
 - 3) PLAT BY FARLEY-COLLINS-WHIDDEN ASSOC. FOR MARVIN ANDERSON DATED: 4/30/2003 412.138± ACRES
 - 4) PLAT BY FARLEY-COLLINS-WHIDDEN ASSOC. FOR LEANELLA - J. MARVIN ANDERSON, GENERAL PARTNER 0.921 ACRES TOTAL DATED 6/19/2003.

The division of land as indicated on this Plat has been reviewed and determined to be in compliance with the Regulations of Lumpkin County and is approved for recording.
 Planning Director *[Signature]* 4-23-09
 Date

GEORGIA, LUMPKIN COUNTY
 CLERKS OFFICE SUPERIOR COURT
 Filed 10:02 AM 4/15/09
 Recorded in Cabinet 1 Slide 176 Plat 105
 Rita Harkins
 RITA HARKINS, CLERK

- LEGEND:**
- CONCRETE
 - POWER BOX
 - LIGHT STANDARD
 - FIRE HYDRANT
 - ARC
 - RADIUS
 - AKA ALSO KNOWN AS
 - C/L CENTERLINE
 - P/L PROPERTY LINE
 - IPF IRON PIN FOUND
 - IPB IRON PIN SET
 - RBF REBAR FOUND
 - OTF OPEN TOP FOUND
 - AIF ANGLE IRON FOUND
 - OTM ORIMPED TOP PIN FOUND
 - CMF CONCRETE MONUMENT FOUND
 - LL LAND LOT LINE
 - N/F NOW OR FORMERLY
 - R/W RIGHT OF WAY
 - S/B BUILDING SETBACK
 - FENCE
 - GAS LINE
 - POWER LINE
 - PP POWER POLE
 - TEL TELEPHONE LINE
 - WATER VALVE
 - WM WATER METER
 - CMF CORRUGATED METAL PIPE
 - RCP REINFORCED CONCRETE PIPE
 - SS SANITARY SEWER
 - MAN HOLE
 - DIAPH DROP INLET
 - DE DRAINAGE EASEMENT
 - DF DRAINAGE FLOW
 - DS DRAINAGE SWALE
 - CE CONTOUR ELEVATION
 - ELEVATION AT x



IN-OFFICE PLAT ONLY
 THIS DATE: 3/31/2009
 "SEE NOTE NO. 4"

22.884 ACRES TOTAL
 200 100 0 200 400 600
 Graphic Scale 1" Equals 200 Feet

PREPARED BY: FARLEY-COLLINS-WHIDDEN ASSOC. P.O. BOX 731 770-532-1001 1856 THOMPSON BRIDGE ROAD, SUITE # 11 GAINESVILLE, GA. 30501	DATE: 3/31/2009	IN OFFICE PLAT FOR: LEANELLA - J. MARVIN ANDERSON, GENERAL PARTNER	(C2453.CRD, C2453-4.DWG)
	JOB #: C472A	LOCATION: LAND LOTS 1077, 1078 AND 1058 - 12th DISTRICT 1ST SECTION LUMPKIN COUNTY, GEORGIA	
	SCALE: 1"=200'		

1/2" REBAR
FOUND INSIDE R/W

TIE
N0°43'07"W
25.61'

1/2" REBAR
FOUND

N\F

BY E. RICHARDSON
L.B. G4 PG.344
P.B. 10 PG.275

3/8" REBAR
FOUND

N\F

MYRTIE VERA TURNER
D.B. G4 PG.344
P.B. 10 PG.275

N\F

MYRTIE VERA TURNER
CLINTON W. TURNER
D.B. G4 PG.342
P.B. 10 PG.275

LL
1058

LL
1077

LL
1057

LL
1078

3/4" PIPE
FOUND

N1°40'03"W
178.00'

S90°00'00"E
470.15'

S90°00'00"E
257.88'

330.96'

N1°31'59"W

348.15'

348.15'

348.15'

348.15'

348.15'

662.00'

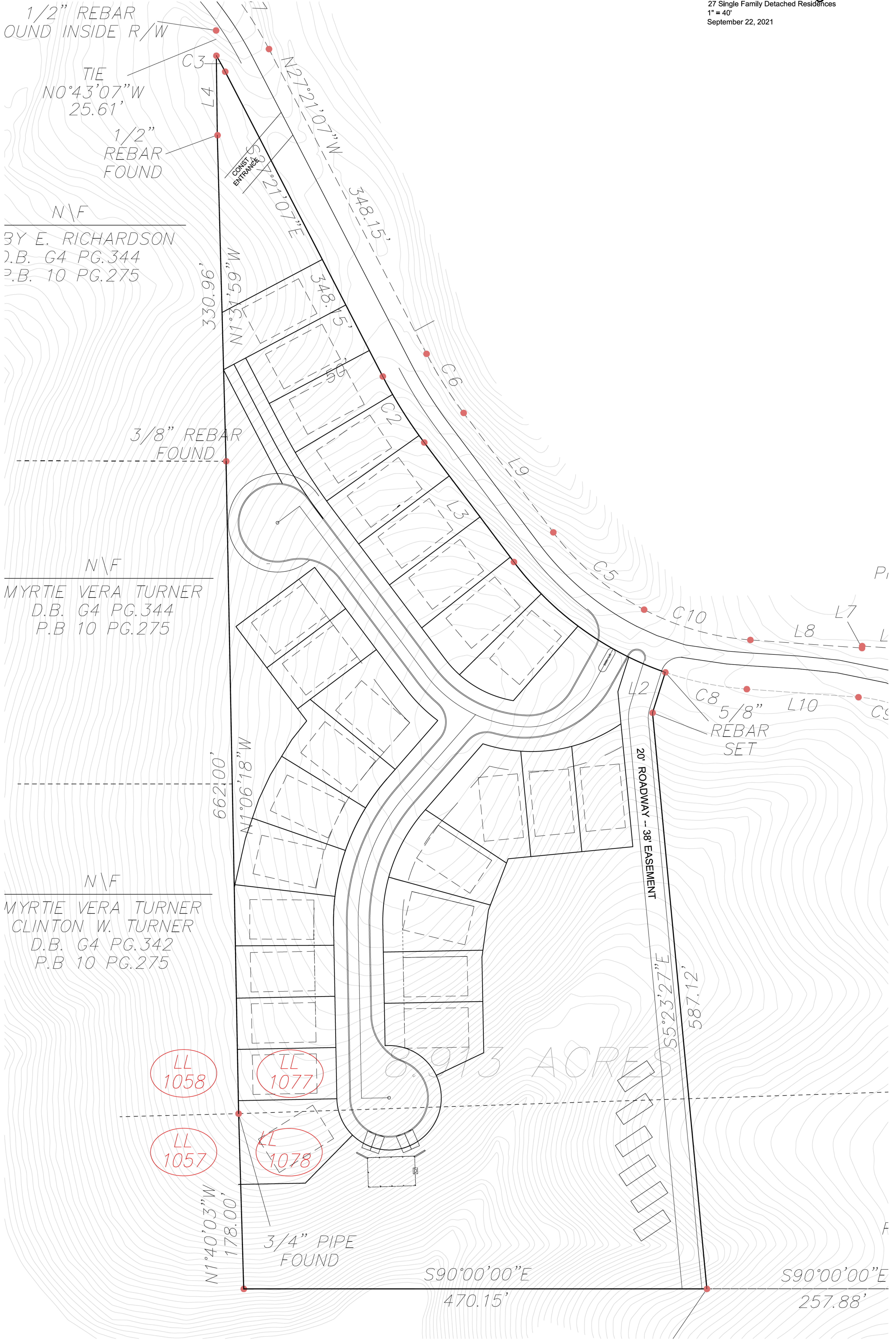
N1°06'11"W

20' ROADWAY -- 38' EASEMENT

S5°23'27"E

587.12'

8.973 ACRES





STAFF REPORT REZN 21-4

Applicant: Lindsay Ewing
Owner: Lindsay Ewing
Location: Summit Drive (077-248)
Acreage: +/- 8.91 Acres
Current Zoning Classification: PUD
Current Use of Property: Vacant Phase of Development
General Land Use: Single Family/Townhome
City Services: All city services are available at this site.

Applicant Proposal

The applicant is requesting an amendment to the original PUD site plan to include a more detailed residential use on the +/-8.91 acres portion of the PUD known as phase 3 of the Summit. The applicant is proposing a 27 unit addition with a density of 3 units per acre. The applicant refers to this phase as "Senator's Ridge."

History and Surrounding Uses

Directly to the east is the existing Phase 1a of the development. Directly to the north (across Summit Drive) was recently updated to include a 61 unit development (REZN 21-1).

This property was initially annexed and rezoned in 2005/2006 as "The Summit: An Active Adult Retirement Community."

Phase 1 was a residential development approved at three units/acre, although the site plan only utilized 2.06 units/acre. This phase was broken into two sections. Phase 1a was approved as 32 condominiums with amenities that started construction in 2006 and was eventually completed. Phase 1b was approved as 32 condominiums and five optional villas. It was never developed.

The original rezoning heard by the council included a hotel, convention center complex, or a continuation of the retirement concept living in its description of potential uses of the future phases. Phases 2, 3, and 4 were referred to as future developments on the site plan and have yet to be developed.



Phase 2 was recently approved with the following stipulations:

1. The residential Phase 2 density shall be limited to 2.8 units per acre which is proposed on the site plan.
2. The heated square footage of residential structures constructed shall be a minimum of 1700 square feet in order to be more compatible with the existing development.
3. Architectural styles of new construction shall conform substantially to the existing architectural styles in the Summit PUD. The front elevations of all dwellings will consist of a mixture of masonry and fiber cement siding or shake. A minimum 18" masonry water table on the front elevations is required. The remaining balance of each home's side and rear elevations are to be fiber cement siding. Vinyl siding will not be allowed, however vinyl architectural features such as cornices, soffits, windows, columns, etc. are allowed. Architectural shingles or metal roof materials are to be utilized. Final design and approval of the elevations is subject to the approval of the Planning and Zoning Administrator prior to issuance of the building permit.
4. Short Term Rentals, as defined in the Code of the City of Dahlonega, are prohibited in this approval.
5. The applicant shall obtain any required DOT approvals before building permits shall be granted.
6. The minimum building setback requirements in this development are twenty (20) feet from the front, five (5) from the side, and thirty (30) feet from the rears for all single family detached lots.
7. The maximum building height in this development is limited to thirty-five (35) feet above grade.
8. Phase 2c approval is for single family detached lots. Commercial use requests will require final council review and approval before permitting development.
9. Curb cuts will be limited to nine. This includes the lots in Phase 2a and Ridge View Drive.
10. All internal roads in this development are to be Private.
11. This approval includes 61 residential units identified as Phases

Phase 4 had frontage along Morrison Moore Parkway which was not annexed and remains unincorporated.

Setbacks for 1a

- From Right of Way: 10'
- From Property Line: 10'
- From other buildings: 20'

Minimum Lot size/floor area

- Condominium lot size: 2207 square feet (included porches and garages)
- Condominium Floor Area: 1533 square feet (*actual built was 1693*)



All roads are to be private with a curb and gutter, and no sidewalks were required to be constructed within the development.

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

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

This parcel was deemed suitable for this use when originally annexed and rezoned in 2005. There was not opposition at the original rezoning hearings.

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

This development does not appear to adversely affect the existing use nor the usability of adjacent property. The proposed development site plan stays significantly off the property lines to the east and west.

- 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 does not appear to cause a significant burden on existing facilities. A more thorough analysis of this will be done at the site development permitting stage.

- 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 Residential. The following are encouraged distinctions of this area.

- Preservation of existing structures where possible, or context-sensitive infill development
- 1-2 story structures oriented close to the street front, with minimal on-site parking and pedestrian accessibility where possible
- Landscaping and decorative elements encouraged
- Variety of residential, parks and institutional uses, with some office possible adjacent to downtown
- 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.

This property has some significant challenges with topography. This suggests the clustering of development on the land with less steep slopes in order to balance development with minimal land disturbance.

Staff Analysis

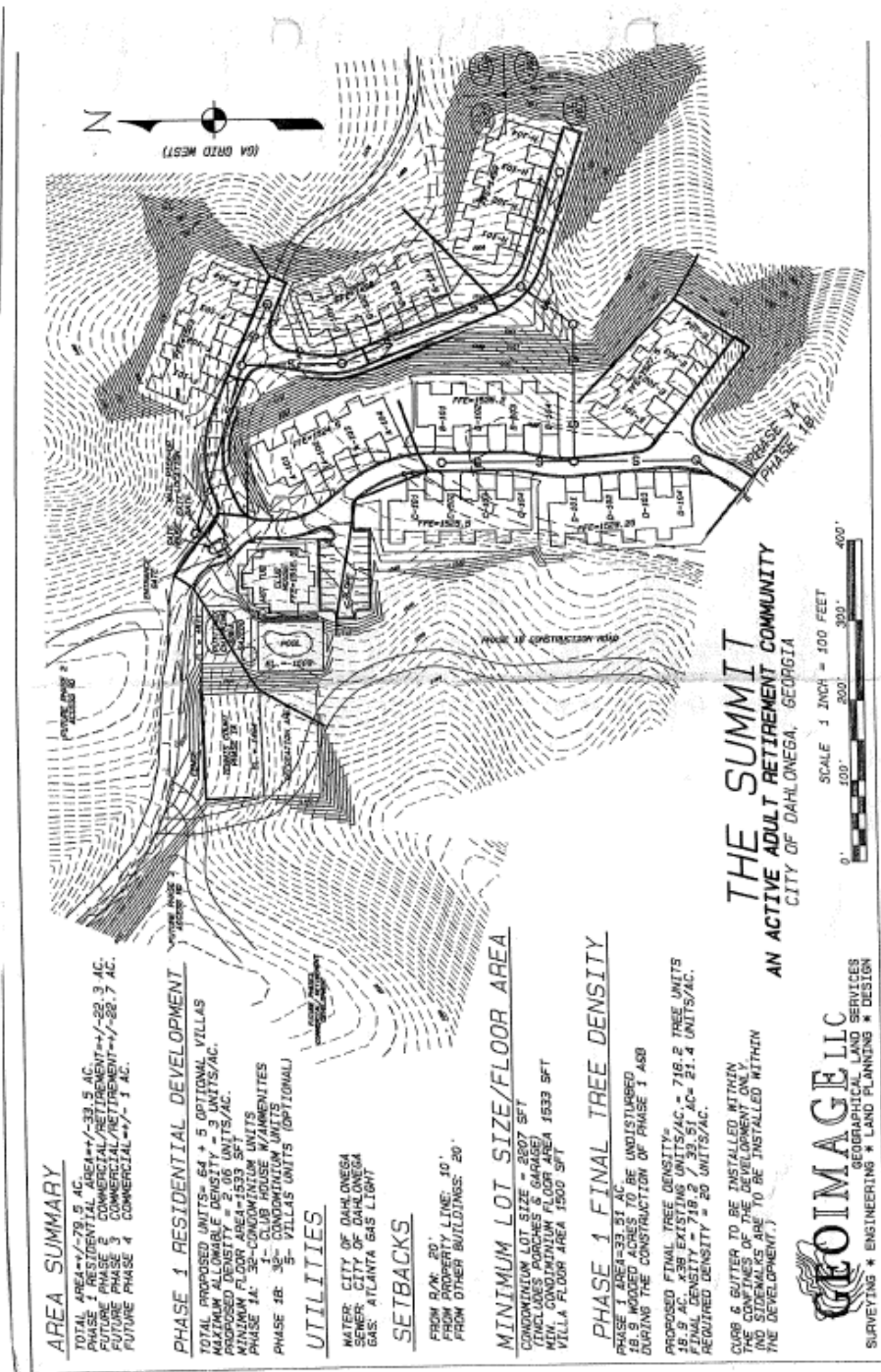
This site plan seems to be consistent with the intent and the original zoning in 2005. The following are the stipulations from the recently rezoned portion to the north that are applicable. Staff recommends consistency within the development.

1. The residential Phase 3 Senator's Ridge density shall be limited to 3.0 units per acre as proposed on the site plan.
2. The heated square footage of residential structures constructed shall be a minimum of 1700 square feet in order to be more compatible with the existing development.
3. Architectural styles of new construction shall conform substantially to the existing architectural styles in the Summit PUD. The final design and approval of the elevations is subject to the approval of the Planning and Zoning Administrator prior to issuance of the building permit.
4. Short Term Rentals, as defined in the Code of the City of Dahlonega, are prohibited in this approval.
5. The applicant shall obtain any required DOT approvals before building permits shall be granted.
6. The minimum building setback requirements in this development are twenty (20) feet from the front, five (5) from the side, and thirty (30) feet from the rear.
7. The maximum building height in this development is limited to thirty-five (35) feet above grade.
8. Curb cuts along Summit Drive shall be limited to what is on the site plan.
9. All internal roads in this development are to be Private.

Additionally, Staff would recommend a buffer between Summit Drive and the rear of lots one through nine. Ideally, there will be a berm with planted foliage that would block the physical appearance of the back of the houses. This can also be accomplished with a substantial nontransparent fence. Without knowing the finished grade of the homes, it is hard to determine the height needed.



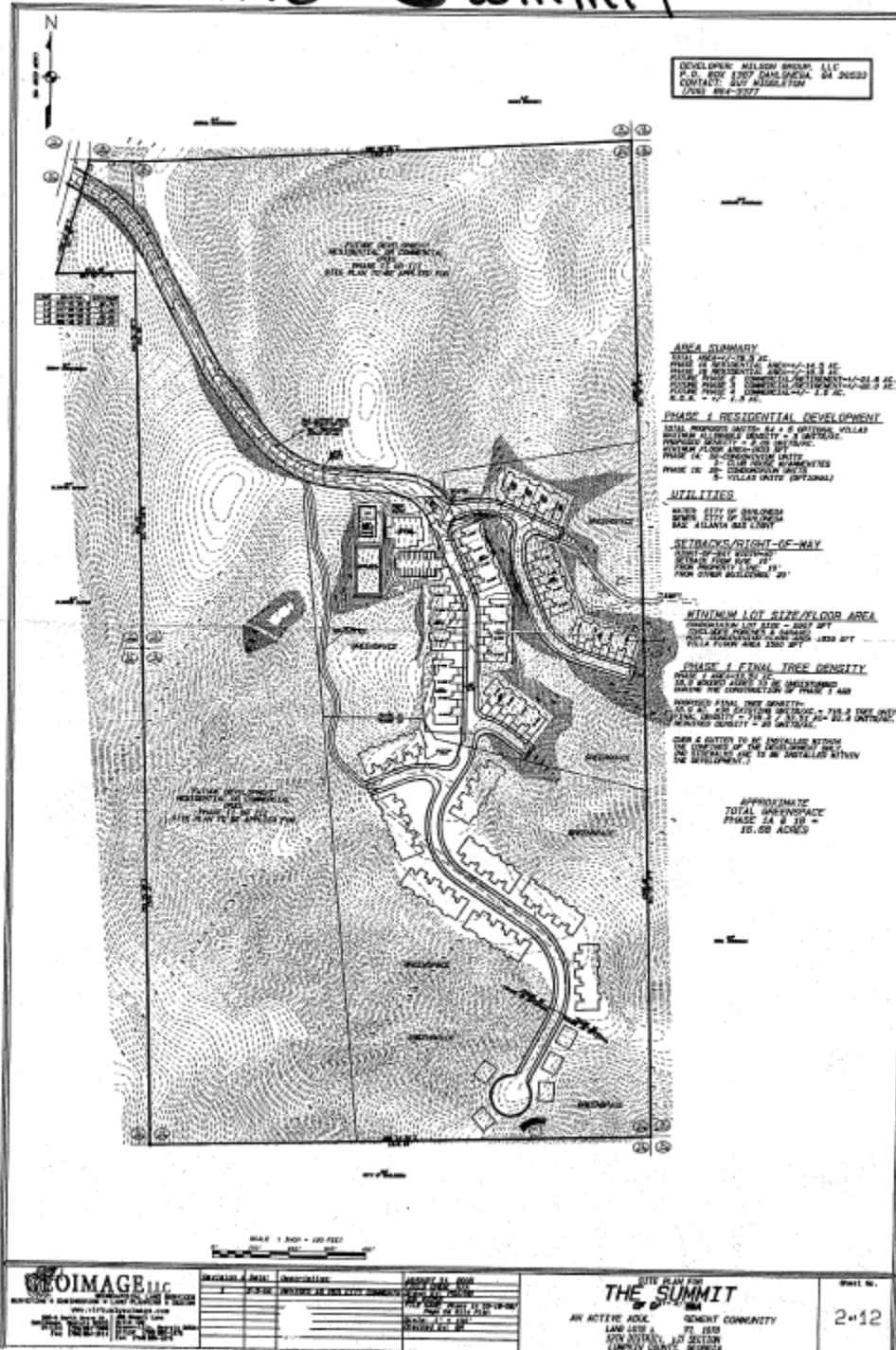
Original Site Plan: (2005)





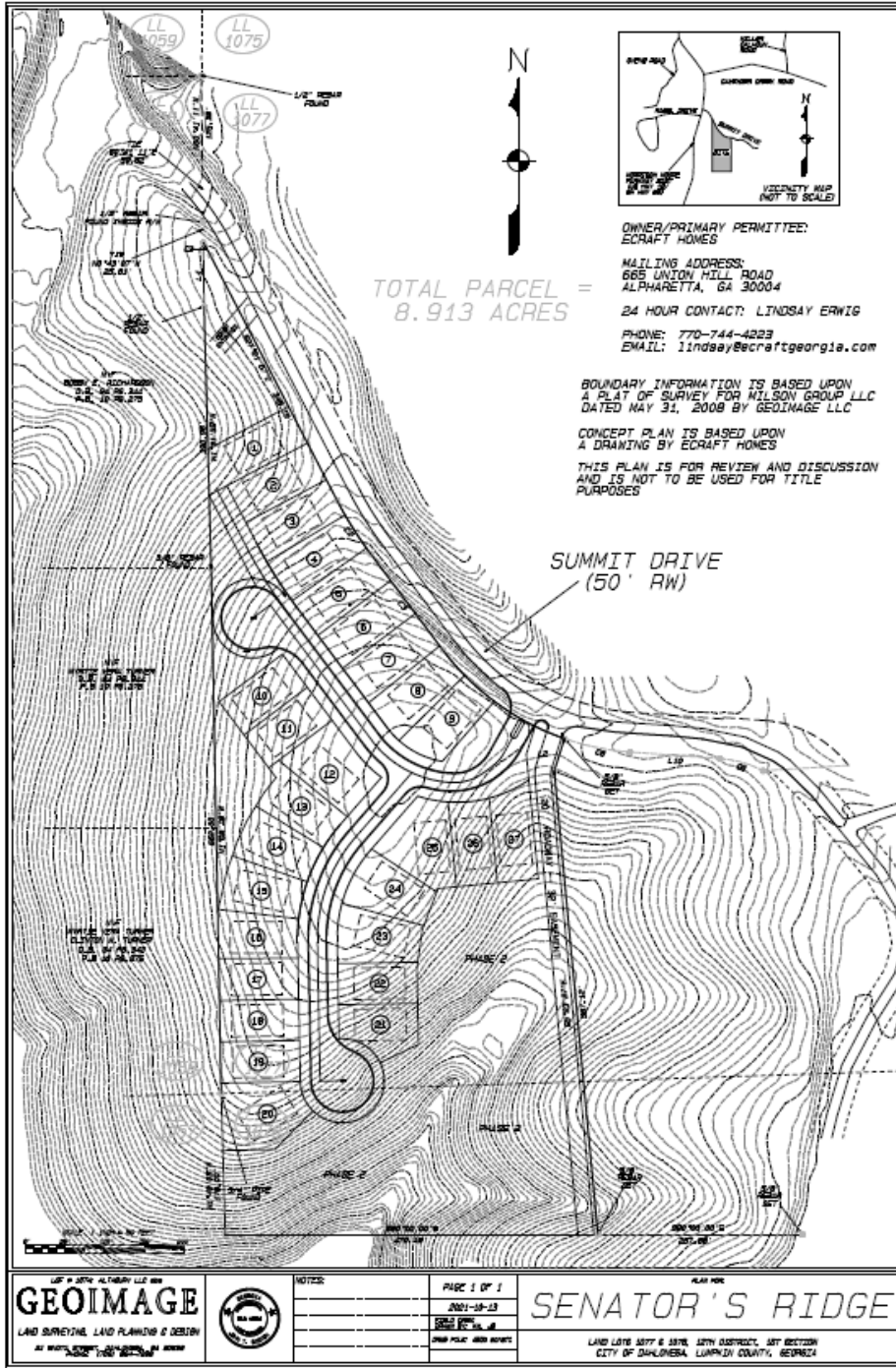
Original Site Plan Continued: (2005)

The Summit



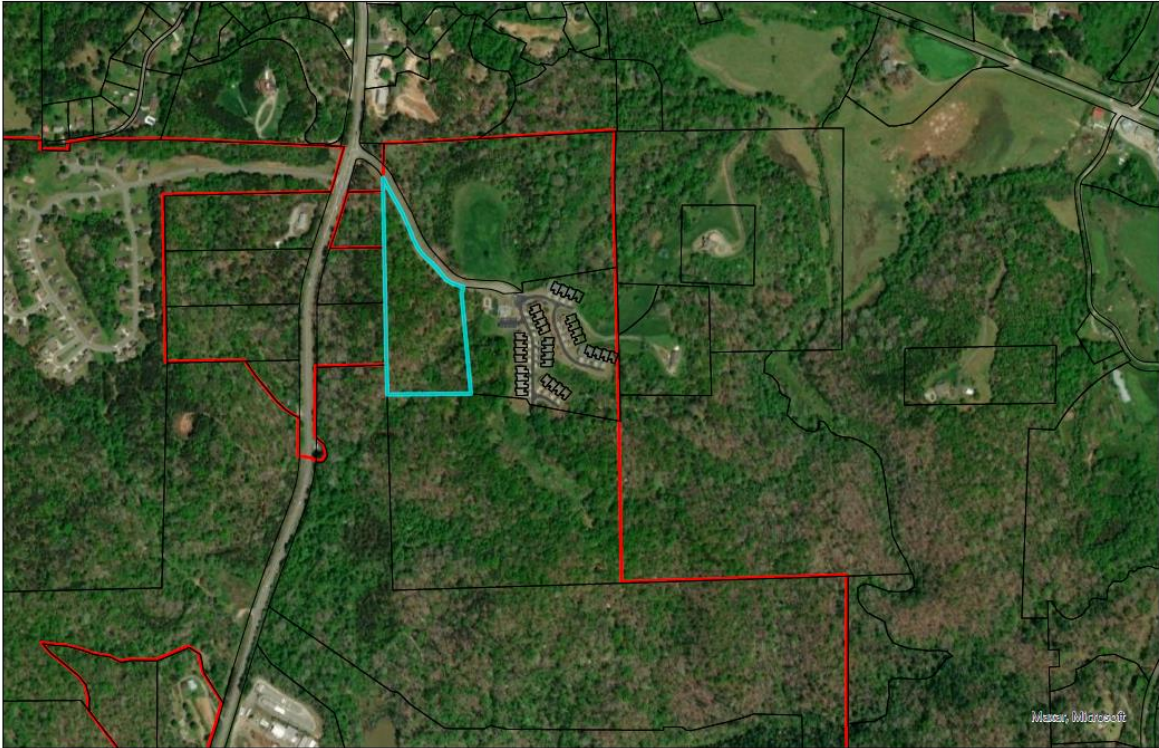


Proposed Amendment Site Plan:





Aerial:

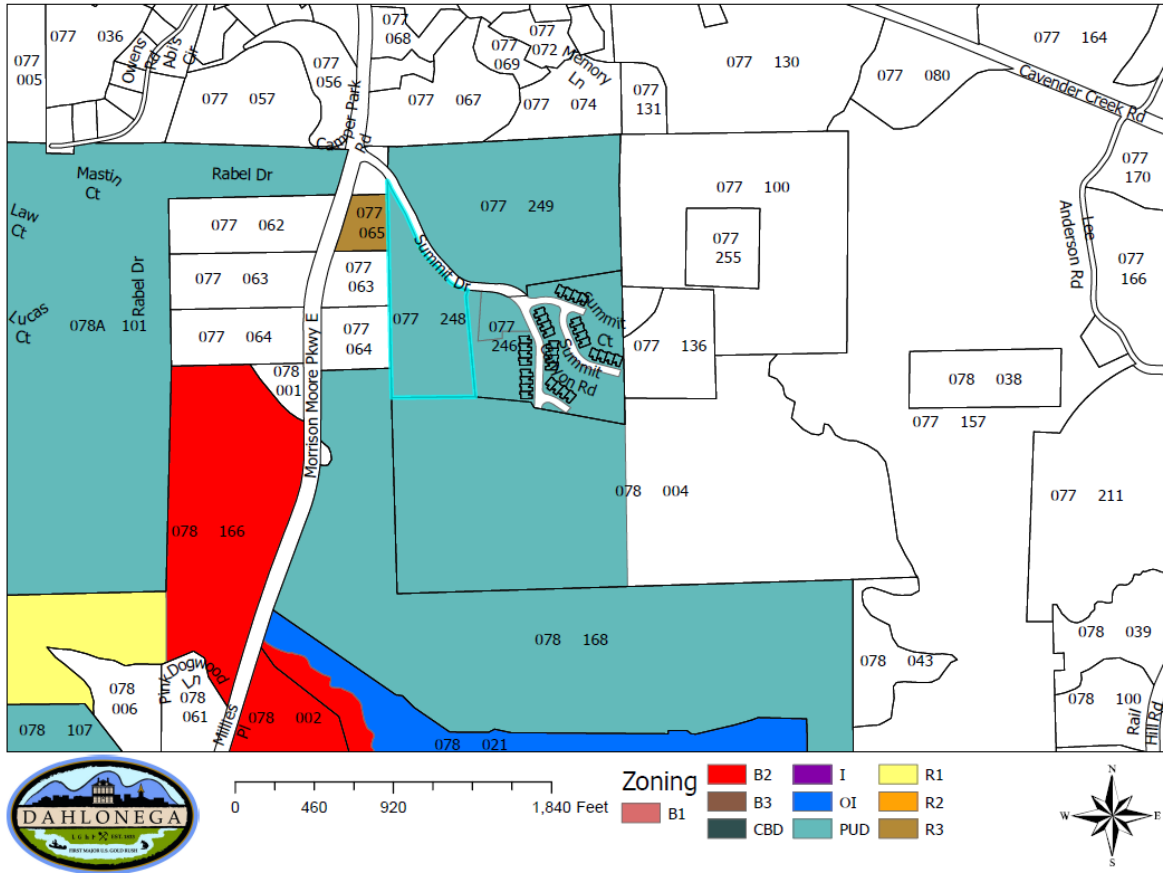


0 460 920 1,840 Feet



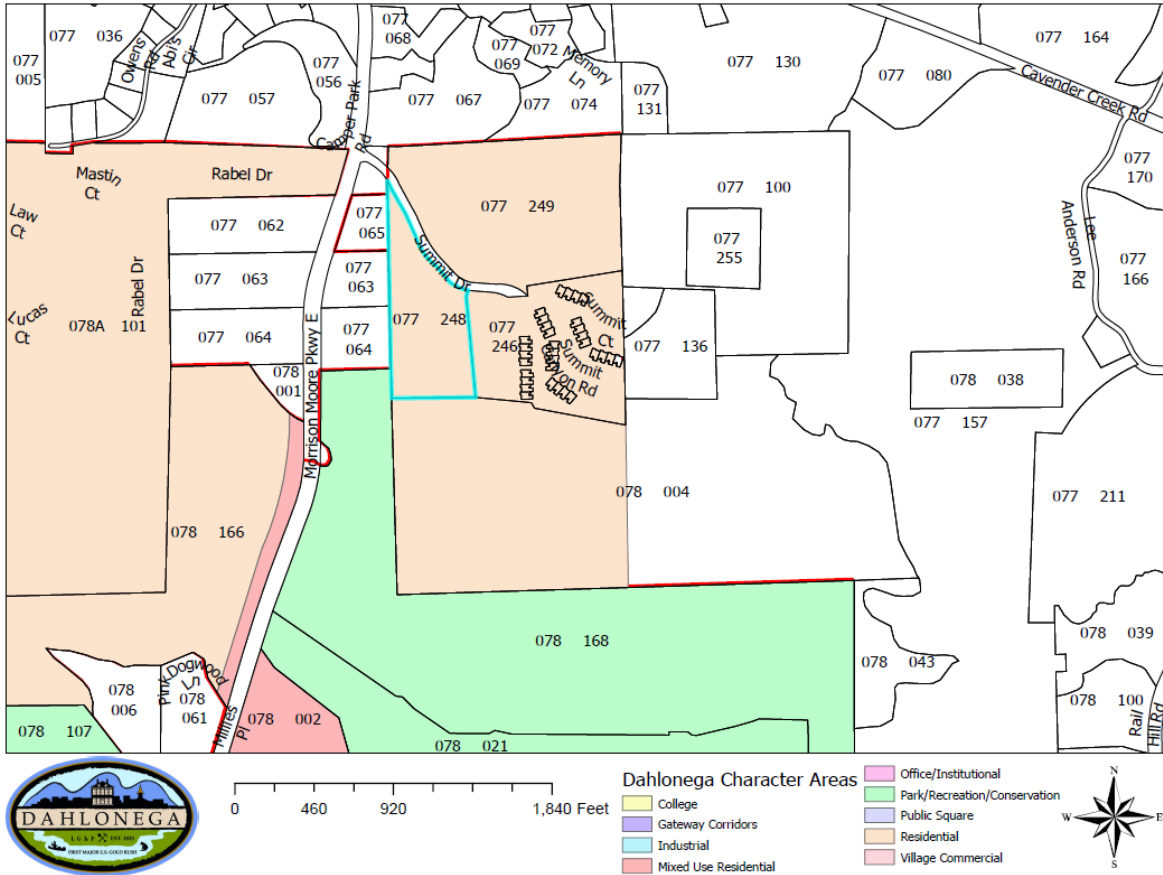


Current Zoning:





Comprehensive Plan:





Staff Recommended Motion:

Motion/Recommendation to approve REZN 21-4 with the following stipulations

1. The residential Phase 3 Senator's Ridge density shall be limited to 3.0 units per acre which is proposed on the site plan.
2. The heated square footage of residential structures constructed shall be a minimum of 1700 square feet in order to be more compatible with the existing development.
3. Architectural styles of new construction shall conform substantially to the existing architectural styles in the Summit PUD. The final design and approval of the elevations are subject to the approval of the Planning and Zoning Administrator prior to the issuance of the building permit.
4. Short Term Rentals, as defined in the Code of the City of Dahlonoga, are prohibited in this approval.
5. The applicant shall obtain any required DOT approvals before building permits shall be granted.
6. The minimum building setback requirements in this development are twenty (20) feet from the front, five (5) from the side, and thirty (30) feet from the rears.
7. The maximum building height in this development is limited to thirty-five (35) feet above grade.
8. Curb cuts along Summit Drive shall be limited to what is on the site plan.
9. All internal roads in this development are to be Private.
10. A berm shall be constructed along the frontage of the development and Summit Drive. No less than tbd feet and tbd height shall be planted with two staggered rows of evergreen trees sufficient enough to block the view of the back of the houses.

APPLICANT CERTIFICATION

I hereby request the action contained within 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 special use or rezoning 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 Dahlonega.

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

Date 8/12/21

Signature of Applicant

Signature of Witness

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 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: Roberta Green

Printed name of Property Owner : Roberta Green

Date of Signature: 8/13/20

Signature of Witness: Logan Loye

This will be provided by city staff

List of Adjacent Property Owners

It is the responsibility of the Applicant to provide a list of adjacent property owners. This list must include the name and address of anyone who has property touching the subject property or who has property directly across the street from the subject property.

Please note that this information should be obtained at the Planning Office using the Tax Map and Parcel (TMP) information listing any parcel(s) adjoining or adjacent to parcel where variance or rezone is being requested.

TMP#	Name of Property Owner	Property Address
077 248	1) SANFORD G. MIDDLETON (077 248)	474 YAHOO LA CREEK FARM RD DAHLONEGA, GA.
077 264	2) TURNER PROPERTY HOLDINGS	2001 SIGNAL RIDGE CHASE KENNESAW, GA.
077 136	3) TIMOTHY GROOMER + MEGAN FOLEY	136 SUMMIT CT. DAHLONEGA, GA
077 100	4) LEANELLA, LP (077 100)	P.O. BOX 219 DAHLONEGA, GA
077 157	5) LEE ANDERSON LEANELLA, LP (077 157)	P.O. BOX 219 DAHLONEGA, GA
077 246	6) SUMMIT OF DAHLONEGA CONDOMINIUM ASSOC.	264 SUMMIT DR. DAHLONEGA, GA
	7)	
	8)	
	9)	
	10)	
	11)	
	12)	
	13)	
	14)	
	15)	

Please Attach Additional Sheets if Necessary

Letter Of Intent
The Summit – Phase II
Highlands Development Group, LLC

We see the lack of inventory as a major issue in the Dahlonega market that will have to be addressed as a community in the coming years. As we continue to see major growth along the 400 corridor push farther north we are anticipating a continuation of the influx of individuals looking to relocate to Dahlonega/Lumpkin County over the next two years. With the creation of Lumpkin County's new Gateway 400 corridor, and the long anticipated arrival of the North East Georgia's medical center's new hospital on 400, the stage will be set for an explosion of growth in our market. Particularly for individuals who are looking for affordable housing due to the creation of new jobs, as well as last time home buyers that will inevitably relocate with the new ease of access to full-service health care. While we expect demand to remain hot throughout the entire spectrum, we particularly believe homes in the 1500 to 2000 square foot range will be at the top end of the demand curve.

We expect the historical housing prices we have seen in 2020 and 2021 to continue and accelerate due mainly to a function and supply and demand. As long as the inventory of new homes/development in Dahlonega remains in a deficit in relation to the ever-growing demand, housing prices will remain elevated.

The subject property is a total of +/-73 acres located at the Summit with parcel number 078-004. The property was zoned PUD in 2007 and was originally intended to serve as Phase II to the development, during which they had 37 townhomes permitted and entitled. We are requesting an increase in density from the aforementioned 37 units, to a total of 74 units, which would put us at a ratio of one unit per acre (1:1), whereas Phase I of the Summit was permitted and approved for a density of three units to the acre (3:1). This will provide a highly positive effect on the existing use while providing no adverse affects of the nearby property. This development will have a wide ranging affect of increasing property value not only on the homes in Phase I of the Summit, but throughout our community. The development will also provide a large increase in revenue for the City of Dahlonega as a result of water and sewer tap fees, grinder tap fees, future monthly sewer income, as well as the fees accrued from building permits. We estimate this increase in revenue from sewer tap fees to amount to \$1,180,000 plus the additional monthly income averaging between \$5,500 to \$6,000 per month. The builder fees are anticipated to total \$850,000 - \$950,000.

Out of the total of 73 acres, our civil engineer anticipates the affected acreage to be +/-18 acres. Due to the steep terrain and topography the 74 units will be entirely built along the ridge-top as seen in the topography map. This tract has been sitting idle and untouched since the original development was completed in 2007-2008. The proposed increase in density of the property is in conformity with all comprehensive current and future land use plans. We do not anticipate any excessive or burdensome use of existing facilities, but rather an increase of revenues to the city of Dahlonega that will create long term positives and added tax benefits.

The intent for this tract is to replicate the original design and footprint from Phase I of the Summit. The exterior facade will be a combination of architectural shingle and standing seam metal roofs with stone, brick and fiber cement materials to include both board and baton and lap siding. The design features for both the interior and exterior of the units will create a highly sought-after product welcoming to the local buyer market while filling a great need in the community with upscale community lifestyle. A mountain modern theme will check all the boxes of tying in the local small town feel of Dahlonega while still providing an attractive draw to those looking for their mountain getaway. Homes will be a combination of attached three- and four-unit buildings averaging 1,600 sq ft per unit with a steady mix of both slab and basements. Creating space in the development for both slabs and

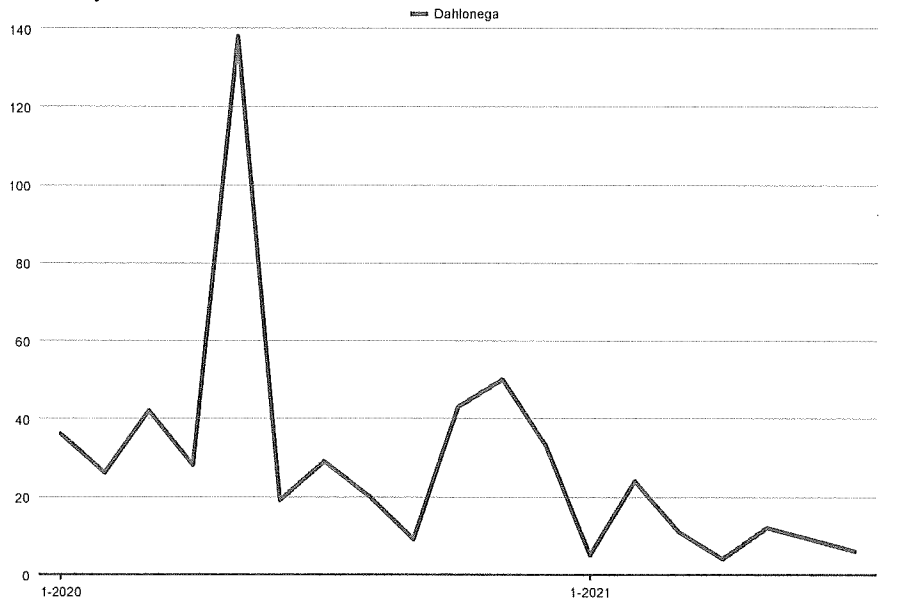
basements will provide future buyers the flexibility to either have room to grow into their space or provide additional space for the downsizing buyer. This development will provide a highly desirable product that will reflect unique finishes that are expected in a community of this caliber. Finishes will follow guidelines to include hardwood floors, hard surface countertops, level III cabinets, high ceilings and masters on main for ease of lifestyle. All of this will be accomplished in each unit while also providing serene landscapes that draw the surrounding mountains to your front and back doors. Community amenities will be provided to include green space, a covered common area gazebo and a sizeable pool.

JENNY HUDSON
Wilson Hutchison Realty, LLC.

Office: 770-242-7917
Cell: 000-000-0000
Fax: 678-325-4824
jenny@wilsonhutch.com



Median Days on Market



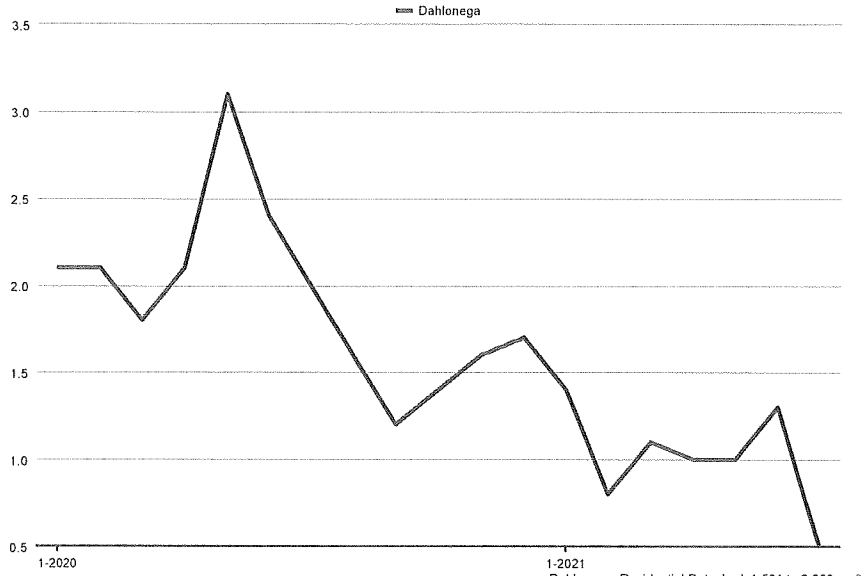
Dahlonoga: Residential Detached, 1,501 to 2,000 sq ft
Each data point is one month of activity Data is from August 12, 2021.
All data from First Multiple Listing Service. InfoSparks © 2021 ShowingTime

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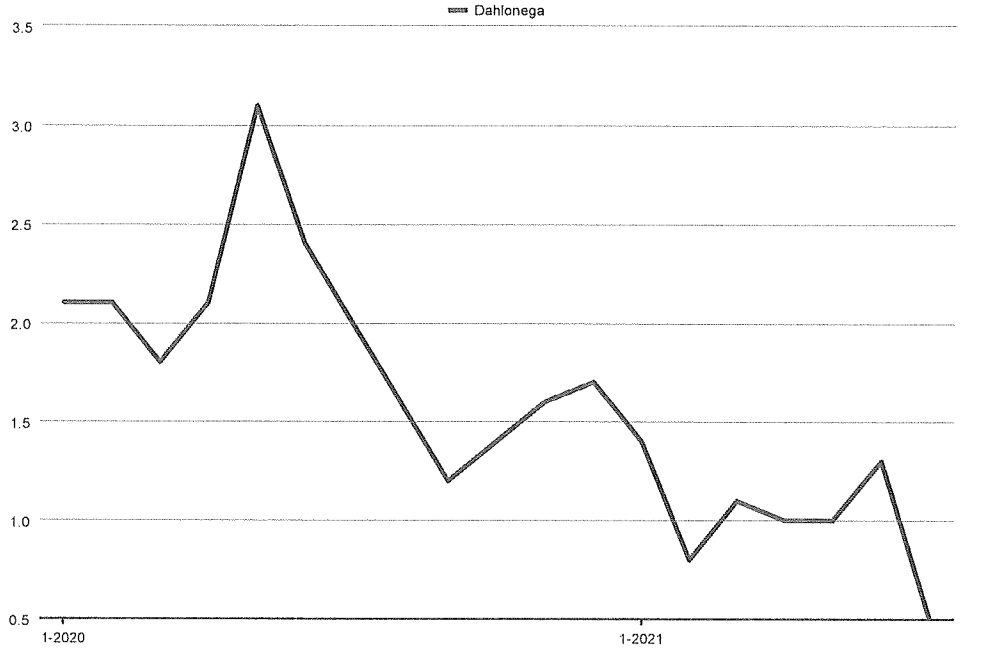
Months Supply of Homes for Sale



1-2021
Dahlonega: Residential Detached, 1,501 to 2,000 sq ft
Each data point is one month of activity. Data is from August 12, 2021.
All data from First Multiple Listing Service. InfoSparks © 2021 ShowingTime.



Months Supply of Homes for Sale



Dahlonega: Residential Detached, 1,501 to 2,000 sq ft
Each data point is one month of activity. Data is from August 12, 2021.

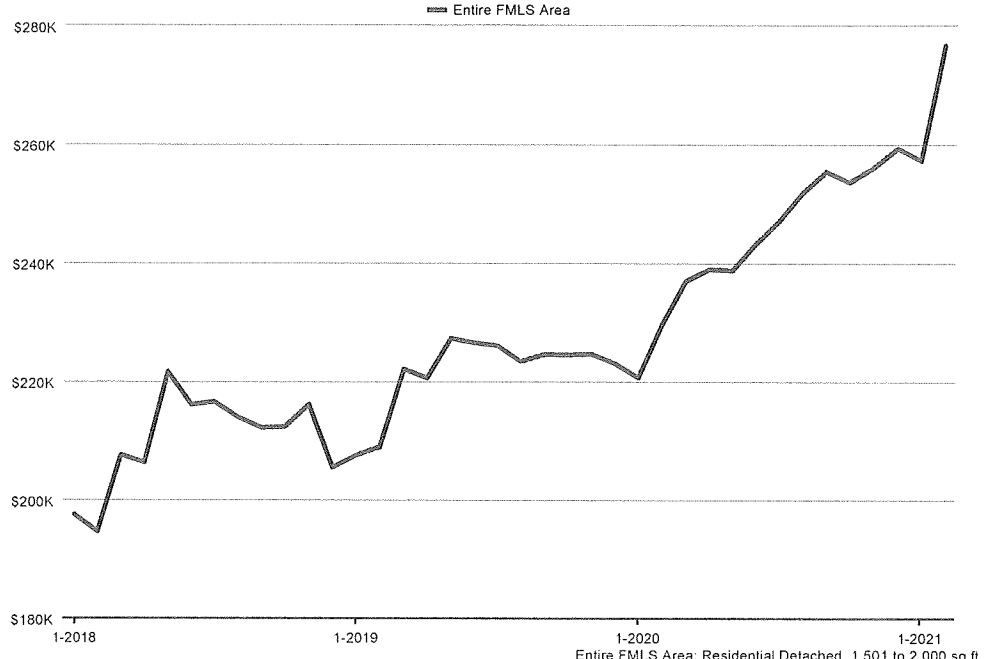
All data from First Multiple Listing Service. InfoSparks © 2021 ShowingTime.

JENNY HUDSON
Wilson Hutchison Realty, LLC.

Office: 770-242-7917
Cell: 000-000-0000
Fax: 678-325-4824
jenny@wilsonhutch.com



Average Sales Price




Entire FMLS Area: Residential Detached, 1,501 to 2,000 sq ft
Each data point is one month of activity. Data is from March 22, 2021.

All data from First Multiple Listing Service. InfoSparks © 2021 ShowingTime.

DOCH 005032
FILED IN OFFICE
12/30/2010 04:50 PM
BK:1178 PG:247-252
RITA HARKINS
CLERK OF COURTS
LUMPKIN COUNTY

After recording return to:

Law Office of Alfred Chang, PC
81 Crown Mountain Place
Building E, Suite 300
Dahlonega, GA 30533


REAL ESTATE TRANSFER TAX
PAID: \$2600.00
093-2010-001528

LIMITED WARRANTY DEED

THIS INDENTURE, made effective as of this 30th day of December, 2010, by and between CRM CENTRAL PROPERTIES, LLC, a Georgia limited liability company ("Grantor"), and ROBERTA GREEN SIMS ("Grantee").

WITNESSETH:

That for and in consideration of the sum of Ten and No/100 Dollars (\$10.00) and other valuable consideration, the receipt and sufficiency whereof are hereby acknowledged, Grantor has granted, bargained, sold, aliened, conveyed and confirmed and does hereby grant, bargain, sell, alien, convey and confirm unto Grantee all of that certain tract or parcel of land lying and being in Lumpkin County, Georgia, being more particularly described in Exhibit A attached hereto and by this reference made a part hereof (hereinafter referred to as the "Property").

This conveyance is made subject to (i) the lien of real estate taxes, taxes imposed by special assessment and water, sewer, vault, public space and other public charges which are not yet due and payable, (ii) all applicable laws (including zoning, building ordinances and land use regulations), (iii) all easements, restrictions, covenants, agreements, conditions, or other matters of record, and (iv) all matters that may be revealed by a current and accurate survey or inspection of the property.

TO HAVE AND TO HOLD said Property, 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 Grantee forever IN FEE SIMPLE.

AND THE SAID Grantor shall warrant and forever defend the right and title to said Property unto the Grantee against the lawful claims of all persons claiming by, through or under Grantor but not otherwise.



STB - 8/20/2010

EXHIBIT "A"

TRACT ONE - (PHASE 1A OF THE SUMMIT OF DAHLONEGA):

ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING in Land Lots 1077 and 1078 of the 12th District, 1st Section, Lumpkin County, Georgia, being 14.525 acres shown as Phase 1A - The Summit of Dahlonega on a Plat of Survey for Milson Group, LLC, Lumpkin County Bank, prepared by John T. Gaston, Georgia Registered Land Surveyor, dated April 3, 2006, revised July 13, 2006, said plat being incorporated herein by reference, the property shown thereon being more particularly described as follows:


Begin at a 5/8" rebar set on the eastern boundary line of Land Lot 1078, said point being located North 01 degrees 35 minutes 18 seconds West 909.34 feet from a point formed by the intersection of Land Lots 1078, 1079, 1106, and 1107; running thence from said point of beginning North 76 degrees 59 minutes 02 seconds West 567.44 feet to a 5/8" rebar set; running thence North 34 degrees 22 minutes 24 seconds West 65.24 feet to a 5/8" rebar set; running thence North 90 degrees 00 minutes 00 seconds West 257.88 feet to a 5/8" rebar set; running thence North 05 degrees 23 minutes 27 seconds West 587.12 feet to a 5/8" rebar set; running thence North 17 degrees 32 minutes 51 seconds East 43.00 feet to a 5/8" rebar set; running thence along a curve to the left having an arc distance of 84.64 feet, a radius of 325.00 feet, being subtended by a chord having a bearing of South 78 degrees 23 minutes 42 seconds East and a distance of 84.40 feet to a 5/8" rebar set; running thence South 85 degrees 51 minutes 20 seconds East 113.65 feet to a 5/8" rebar set; running thence along a curve to the right having an arc distance of 56.93 feet, a radius of 140.00 feet, being subtended by a chord having a bearing of South 74 degrees 12 minutes 22 seconds East and a distance of 56.54 feet to a 5/8" rebar set; running thence North 86 degrees 25 minutes 56 seconds East 108.04 feet to a 5/8" rebar set; running thence North 07 degrees 00 minutes 05 seconds West 62.52 feet to a 5/8" rebar set; running thence North 80 degrees 41 minutes 16 seconds East 520.49 feet to a 5/8" rebar set located on the eastern boundary line of Land Lot 1077; running thence along the western boundary line of Land Lots 1077 and 1078 South 01 degrees 35 minutes 18 seconds East 919.95 feet to a 5/8" rebar set being the POINT OF BEGINNING.

TOGETHER WITH those easement rights under that certain Declaration of Condominium for The Summit of Dahlonega, a condominium by Milson Group, LLC, a Georgia Limited Liability Company, d/b/a The Summit of Dahlonega, dated as of August 2007, filed August 15, 2007 in Deed Book 1059, Page 9, Lumpkin County, Georgia records.

LESS AND EXCEPT from the above described property all that tract or parcel of land lying and being in Land Lot 1077 of the 12th District, 1st Section, of Lumpkin County, Georgia, being known as Unit A-101, The Summit of Dahlonega Condominium, as per the Declaration of Condominium recorded in Deed Book 1059, Page 9, and as shown on Plat recorded in Plat Cabinet One, Slide 155, Page 93, Lumpkin County, Georgia Records, which Declaration and Plat are incorporated herein and made a part hereof by reference.

FURTHER LESS AND EXCEPT from the above described property all that tract or parcel of land lying and being in Land Lot 1077 of the 12th District, 1st Section, of Lumpkin County, Georgia, being known as Unit 101, Building F, The Summit of Dahlonega Condominium, as per

STB - 8/20/2010



This property is same piece of property conveyed by Milson Group, L.L.C. to CRM Central Properties, L.L.C., dated September 27, 2010, filed September 30, 2010, in Deed Book 1170, Pages 261-264, Lumpkin County, Georgia records.

TRACT THREE (APPROXIMATELY 13.063 ACRES):

ALL THAT TRACT AND PARCEL OF LAND LYING AND BEING IN Land Lot 1078, 12th district, 1st Section, Lumpkin County, Georgia, containing 13.063 acres and shown as Tract 2 on an Exhibit for Leanella, L.P. dated July 7, 2010, prepared by Davis Engineering & Surveying, LLC, Georgia Registered Land Surveyors, and being more particularly described as follows: Begin at an iron pin located at the corner common to land lots 1057, 1078, 1079, and 1056; running thence along the land lot line common to Land Lots 1057 and 1078 North 01°40'39" West 1131.39 feet to an iron pin; thence leaving said land lot line North 90°00'00" East 470.35 Feet to an Iron Pin; thence South 05°23'26" East 1119.27 feet to an iron pin; thence South 88°14'22" West, 542.64 feet to the point of beginning. Together with easement rights arising under Grant of Easement and Agreement by and between Tony Ray, Tammy Ray and Leanella, L.P., dated May 31, 2005, filed June 3, 2005 in Deed Book W-35, Page 292, Lumpkin County, Georgia records.

This is the same piece of property conveyed by Marvin Neal Anderson, Mark F. Anderson, and Clark J. Anderson to CRM Central Properties, L.L.C. dated September 29, 2010, filed October 8, 2010, in Deed Book 1171, Pages 1-4, Lumpkin County, Georgia records.

TRACT FOUR (APPROXIMATELY 38.284 ACRES):

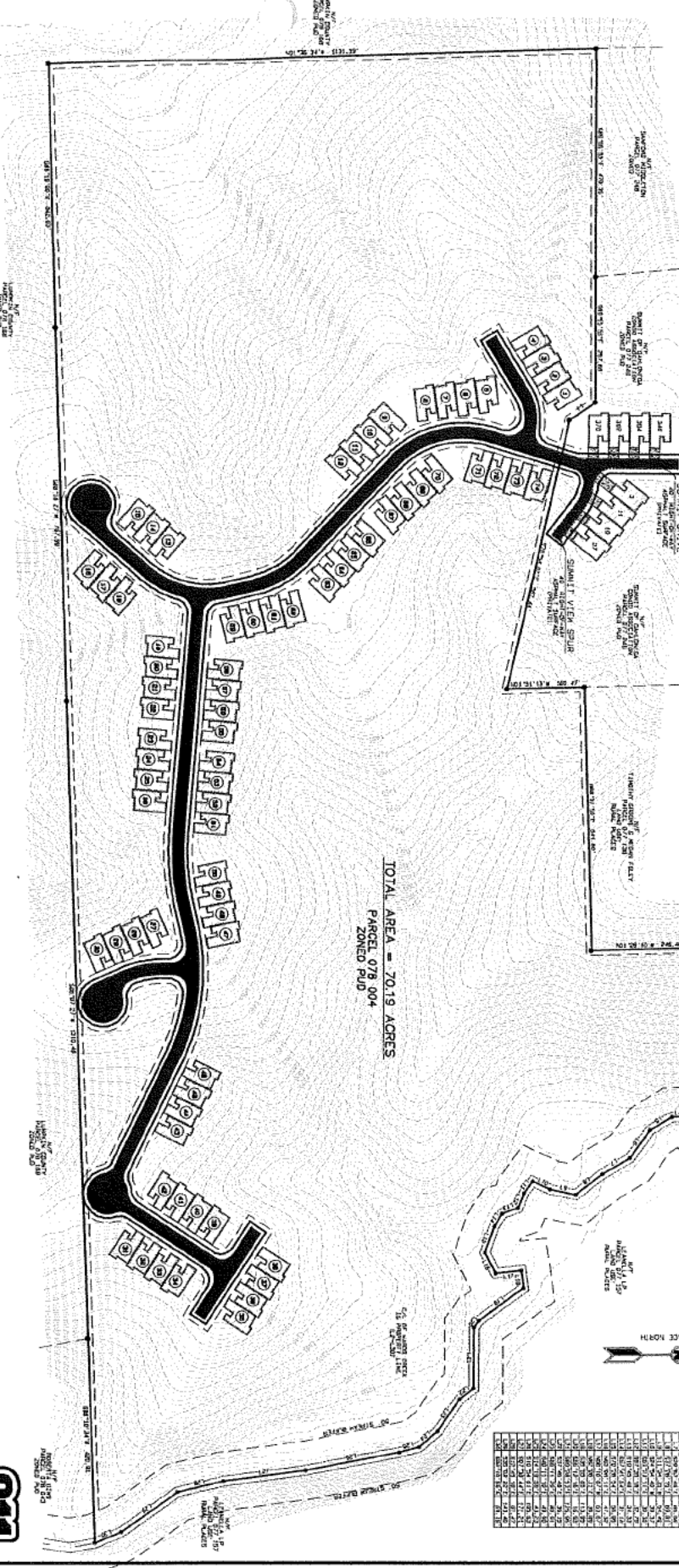
ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN in Land Lots 1107 and 1128 of the 12th District, 1st Section, Lumpkin County, Georgia and being more particularly bounded and described as follows:

BEGINNING at the intersection of Land Lots 1078, 1079, 1107, and 1106, also being the POINT OF BEGINNING, thence run North 01 degrees 35 Minutes and 18 Seconds West a distance of 909.34 feet to a 5/8" iron pin found; thence run North 01 Degrees 35 Minutes and 18 Seconds West for a distance of 160.56 feet to a 1/2" iron pin found; thence run North 88 Degrees 27 Minutes 45 Seconds East a distance of 541.81 feet to a 1/2" iron pin found; thence run North 01 Degrees 32 Minutes 15 Seconds West a distance of 246.46 feet to a 1/2" iron pin set; thence run North 88 Degrees 04 Minutes 31 Seconds East a distance of 398.66 feet to a point which is the centerline of Ward Creek, thence following the said centerline of Ward Creek, the following courses and distances:

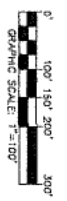
- South 38 Degrees 48 Minutes 20 Seconds West a distance of 40.79 Feet;
- South 37 Degrees 22 Minutes 16 Seconds West a distance of 41.89 Feet;
- South 01 Degrees 59 Minutes 07 Seconds East a distance of 27.40 Feet;
- South 31 Degrees 06 Minutes 23 Seconds East a distance of 52.86 Feet;
- South 53 Degrees 48 Minutes 21 Seconds East a distance of 70.76 Feet;
- South 29 Degrees 56 Minutes 51 Seconds East a distance of 65.56 Feet;
- South 37 Degrees 30 Minutes 20 Seconds East a distance of 69.81 Feet;
- South 11 Degrees 30 Minutes 30 Seconds West a distance of 54.40 Feet;

GENERAL NOTES:

1. SHEETS: 149 OF 204
2. CONCEPT PLANS FOR PARCELS 078 004
3. TOTAL AREA: 70.19 AC.
4. TOTAL # OF UNITS: 74
5. PROJECT DESIGN: 1.05 DWTS/ACRE
6. MATHEMATICAL SOURCE: CITY OF DALLAS/GEA
7. BUILDING SETBACKS: FRONT = 10' SIDE = 20' REAR = 20'
8. MINIMUM CONCRETE FLOOR AREA: 1200 SF
9. FINISH FLOOR: 180
10. A REPORT FOR THIS PROPERTY IN LOCALIZED WATERSHED 600 YEAR FLOOD HAZARD AREA WAS PREPARED BY USGS DATED APRIL 4, 2016.
11. BOUNDARY INFORMATION FROM LEGAL DESCRIPTIONS REFERENCED IN A PREVIOUS SET OF PLANS, EXCEPT FOR THE CHANGES NOTED HEREIN, ARE TO BE CORRECTED WITH FIELD SURVEY DATA. ANY OTHER PLANS, SURVEYS, SPECIFICATIONS AND DRAWINGS, ALL BEING OF RECORD, ARE HEREBY SUPERSEDED AND SUPERSEDING. THE ENGINEER IS NOT RESPONSIBLE FOR THE LOCATION OF UNDERGROUND UTILITIES. CENTER INTERVAL = 2'

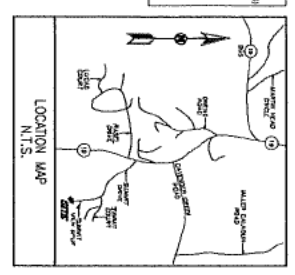


TOTAL AREA = 70.19 ACRES
 PARCEL 078 004
 ZONED PUD



DEVELOPER/24 HOUR CONTACT:
 LEGAL DESIGN AND DEVELOPMENT
 ATTN: COREY STALKNER

- LEGEND:
- FLOOD ZONE
 - FLOOD HAZARD AREA
 - FLOOD HAZARD AREA
 - ▲ FLOOD HAZARD AREA
 - ▼ FLOOD HAZARD AREA
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 - ▲ FLOOD HAZARD AREA
 - ▼ FLOOD HAZARD AREA



NO.	REVISION	DATE	DESCRIPTION
1	1	8-6-21	RURAL SUBMITTAL

CONCEPTUAL PLAN FOR:
THE SUMMIT
 PHASE 2
 6. M. D. 268
 HALL COUNTY, GEORGIA

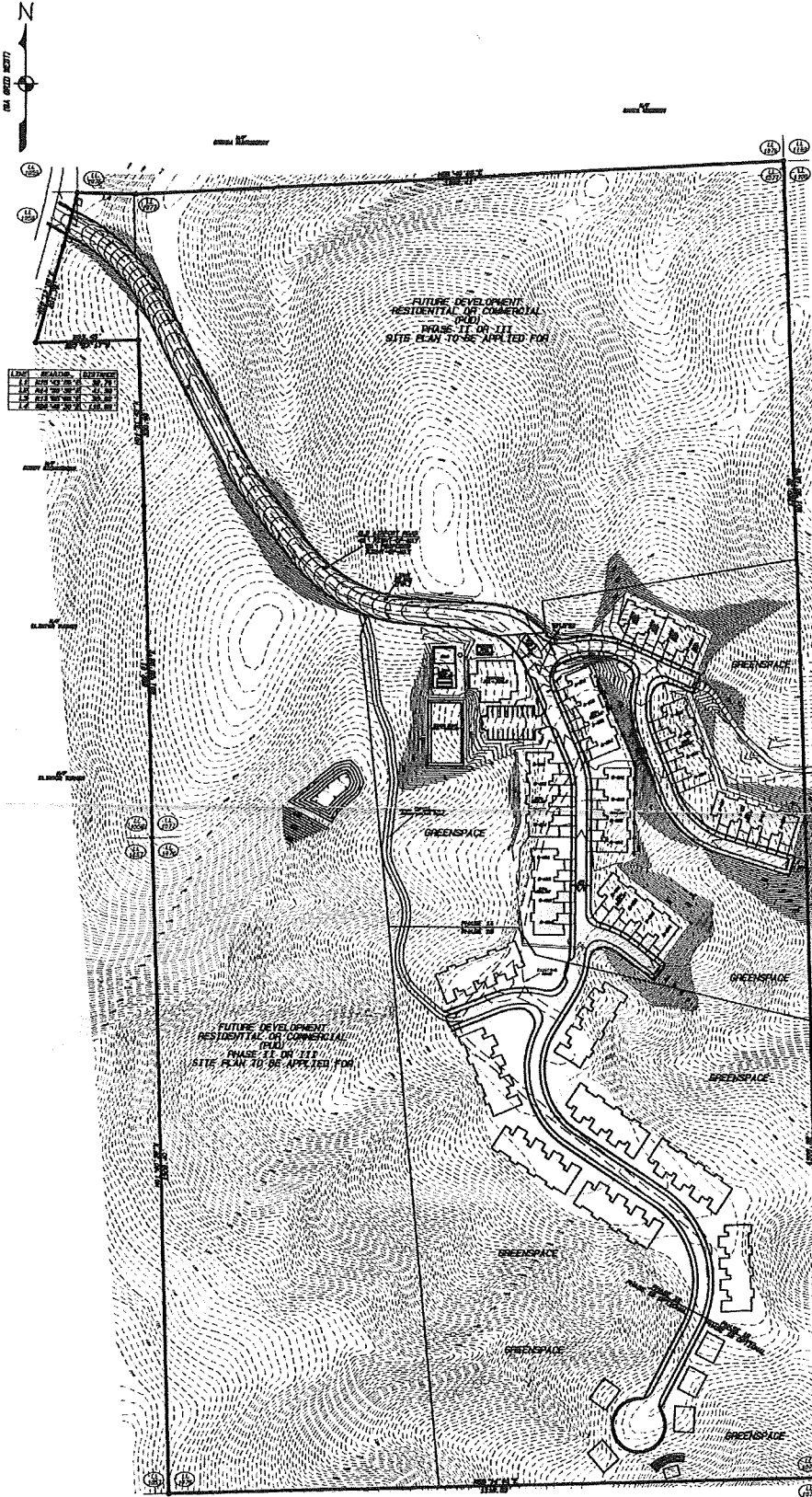
SHEET NO. 1 OF 1
 PROJECT NO. 2021-262

DATE: 8-6-21
 CHECKED BY: JAD
 DRAWN BY: PMA
 FIELD CREW: RJD/LG

DAVIS
 233 W. BENTLEY STREET
 DALLAS, TEXAS 75201
 (214) 220-1234
 WWW.DAVISINC.COM

The Summit

DEVELOPER: MILSON GROUP, LLC
 P.O. BOX 1987 DAHLONEGA, GA 30533
 CONTACT: GUY MIDDLETON
 (706) 864-3377



AREA SUMMARY

TOTAL AREA = 79.5 AC.
 PHASE 1A RESIDENTIAL AREA = 14.5 AC.
 PHASE 1B RESIDENTIAL AREA = 14.5 AC.
 FUTURE PHASE 2 COMMERCIAL/RETIREMENT = 21.0 AC.
 FUTURE PHASE 3 COMMERCIAL/RETIREMENT = 22.0 AC.
 FUTURE PHASE 4 COMMERCIAL = 1.0 AC.
 R.O.W. = 1.3 AC.

PHASE 1 RESIDENTIAL DEVELOPMENT

TOTAL PROPOSED UNITS = 64 + 5 OPTIONAL VILLAS
 MAXIMUM ALLOWABLE DENSITY = 3 UNITS/AC.
 PROPOSED DENSITY = 3.06 UNITS/AC.
 MINIMUM FLOOR AREA = 1533 SFT
 PHASE 1A: 32 CONDOMINIUM UNITS
 1 CLUB HOUSE/WAVERENITES
 PHASE 1B: 32 CONDOMINIUM UNITS
 5 VILLAS UNITS (OPTIONAL)

UTILITIES

WATER: CITY OF DAHLONEGA
 SEWER: CITY OF DAHLONEGA
 GAS: ATLANTA GAS LIGHT

SETBACKS/RIGHT-OF-WAY

RIGHT-OF-WAY WIDTH = 40'
 SETBACK FROM P.V.C. = 10'
 FROM PROPERTY LINE = 10'
 FROM OTHER BUILDINGS = 20'

MINIMUM LOT SIZE/FLOOR AREA

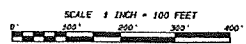
CONDOMINIUM LOT SIZE = 2207 SFT
 (INCLUDES PORCHES & GARAGE)
 MIN. CONDOMINIUM FLOOR AREA = 1533 SFT
 VILLA FLOOR AREA = 1500 SFT

PHASE 1 FINAL TREE DENSITY

PHASE 1 AREA = 33.51 AC.
 19.9 WOODED ACRES TO BE UNDISTURBED
 DURING THE CONSTRUCTION OF PHASE 1 A&B
 PROPOSED FINAL TREE DENSITY =
 19.9 AC. x 30 EXISTING UNITS/AC. = 710.2 TREE UNITS
 FINAL DENSITY = 710.2 / 33.51 AC. = 21.4 UNITS/AC.
 REQUIRED DENSITY = 20 UNITS/AC.

CURB & GUTTER TO BE INSTALLED WITHIN
 THE CONFINES OF THE DEVELOPMENT ONLY.
 (NO SIDEWALKS ARE TO BE INSTALLED WITHIN
 THE DEVELOPMENT.)

APPROXIMATE
 TOTAL GREENSPACE
 PHASE 1A & 1B =
 16.68 ACRES

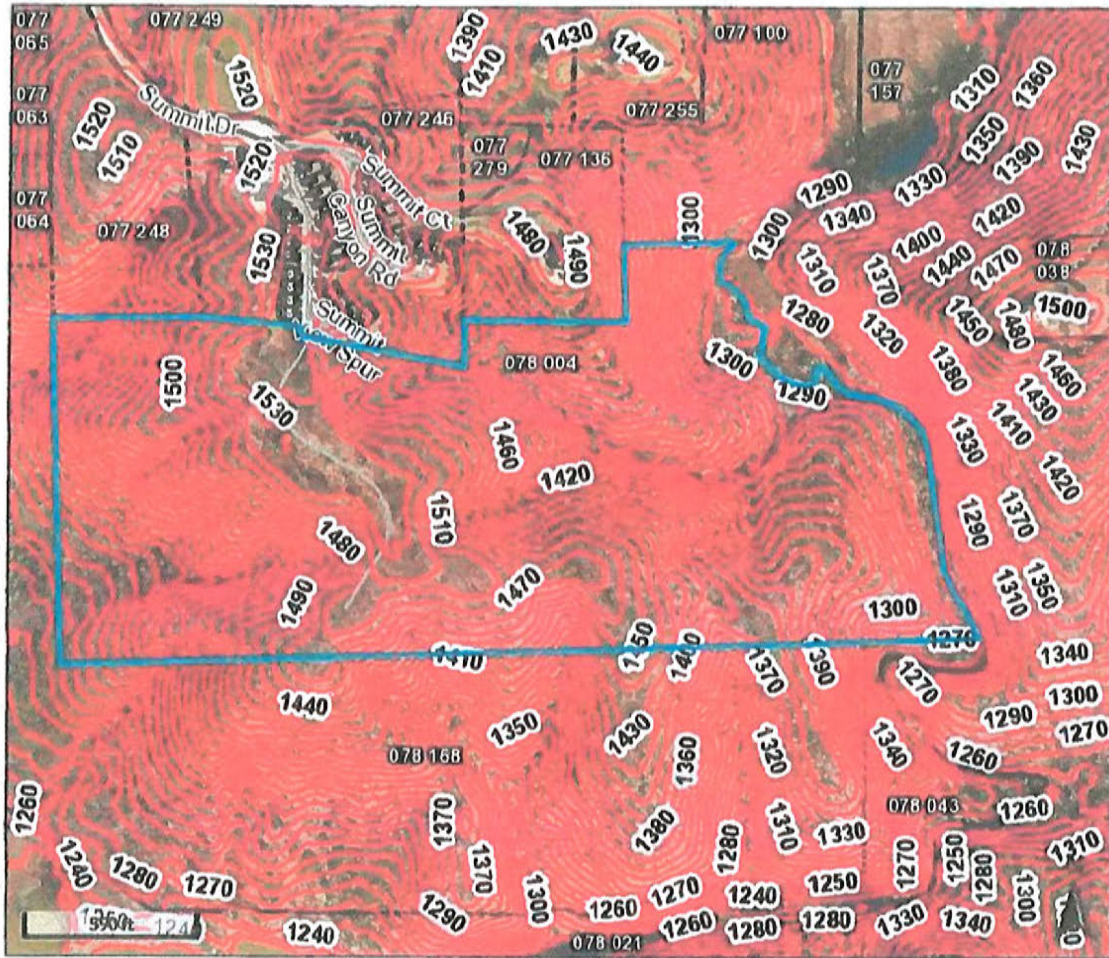


VOIMAGE LLC
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 2800 North Street SE, Suite 101, Atlanta, GA 30328
 OFFICE: (404) 525-1177
 FAX: (404) 525-1178

Revision	Date	Description	By
1	JANUARY 31, 2008	FIELD DATA	DM
2	2-2-08	REVISED AS PER CITY COMMENTS	DM
3	2-12-08	PHASE 1A & 1B	DM
4	2-12-08	PHASE 1A & 1B	DM
5	2-12-08	PHASE 1A & 1B	DM
6	2-12-08	PHASE 1A & 1B	DM
7	2-12-08	PHASE 1A & 1B	DM
8	2-12-08	PHASE 1A & 1B	DM
9	2-12-08	PHASE 1A & 1B	DM
10	2-12-08	PHASE 1A & 1B	DM

SITE PLAN FOR
THE SUMMIT
 OF DAHLONEGA
 AN ACTIVE ADULT RETIREMENT COMMUNITY
 LAND LOTS 1058, 1077, 1078
 12TH DISTRICT, 1ST SECTION
 LUMPKIN COUNTY, GEORGIA

Sheet No.
 2 of 12



Overview



Legend

-  Parcels
-  Contours 10ft

Parcel ID	078 004	Owner	SIMS ROBERTA GREEN	Last 2 Sales			
Real Key / Acct	4683		60 E MAIN STREET	Date	Price	Reason	Qual
Class Code	Residential		DAHLONEGA, GA 30533	12/30/2010	\$2600000	MT	U
Taxing District	Dahlonega	Physical Address	SUMMIT DRIVE	9/29/2010	\$220000	DS	U
Acres	73.57	Assessed Value	\$492394				

(Note: Not to be used on legal documents)

Date created: 8/13/2021
 Last Data Uploaded: 8/12/2021 5:32:04 PM

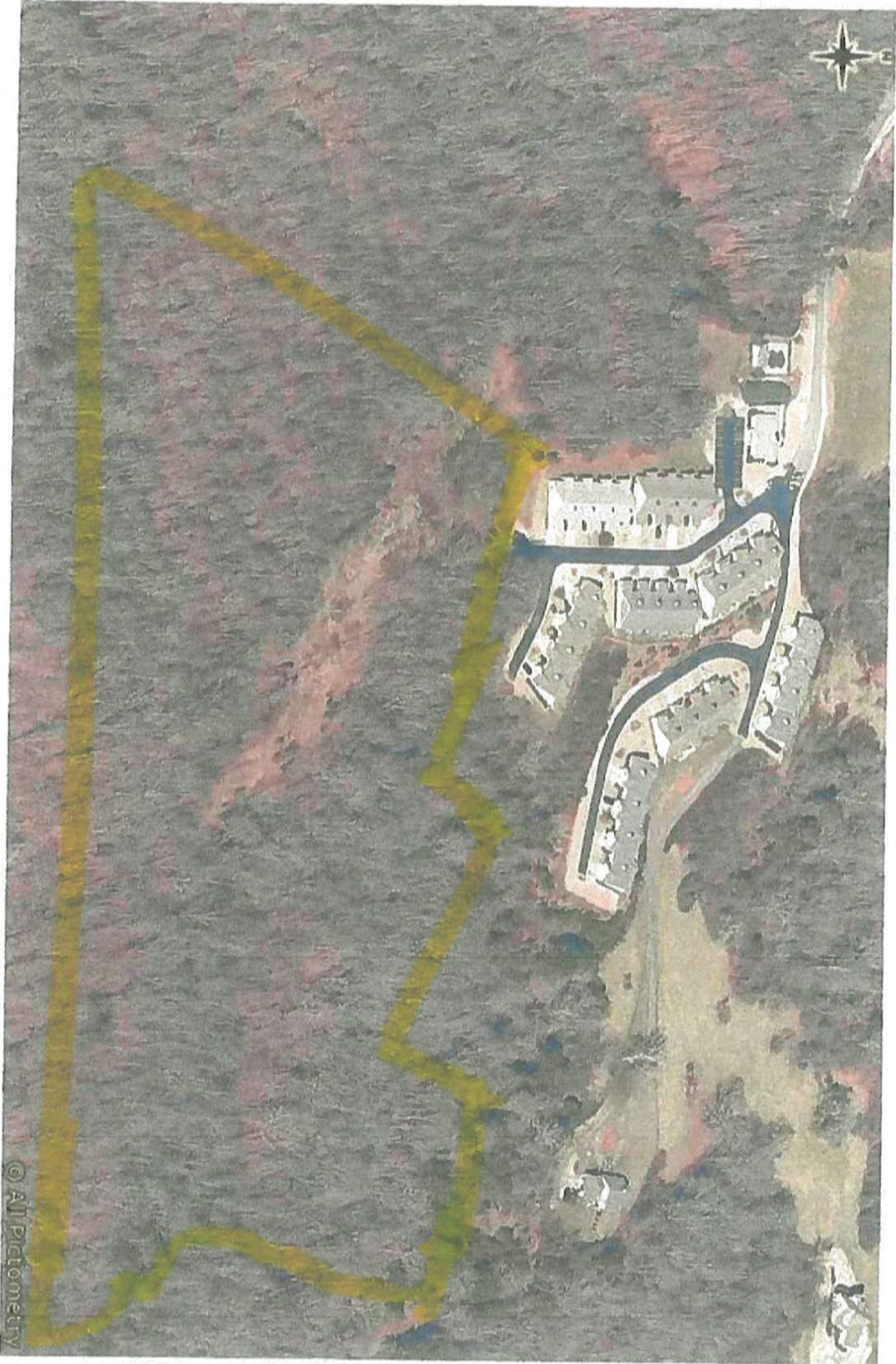
Developed by  **Schneider**
 GEOSPATIAL

Google Maps



Imagery ©2021 Maxar Technologies, U.S. Geological Survey, USDA Farm Service Agency, Map data ©2021 200 ft

Summit Phase 2



© All Pictometry

02/02/2019

GENERAL NOTES:

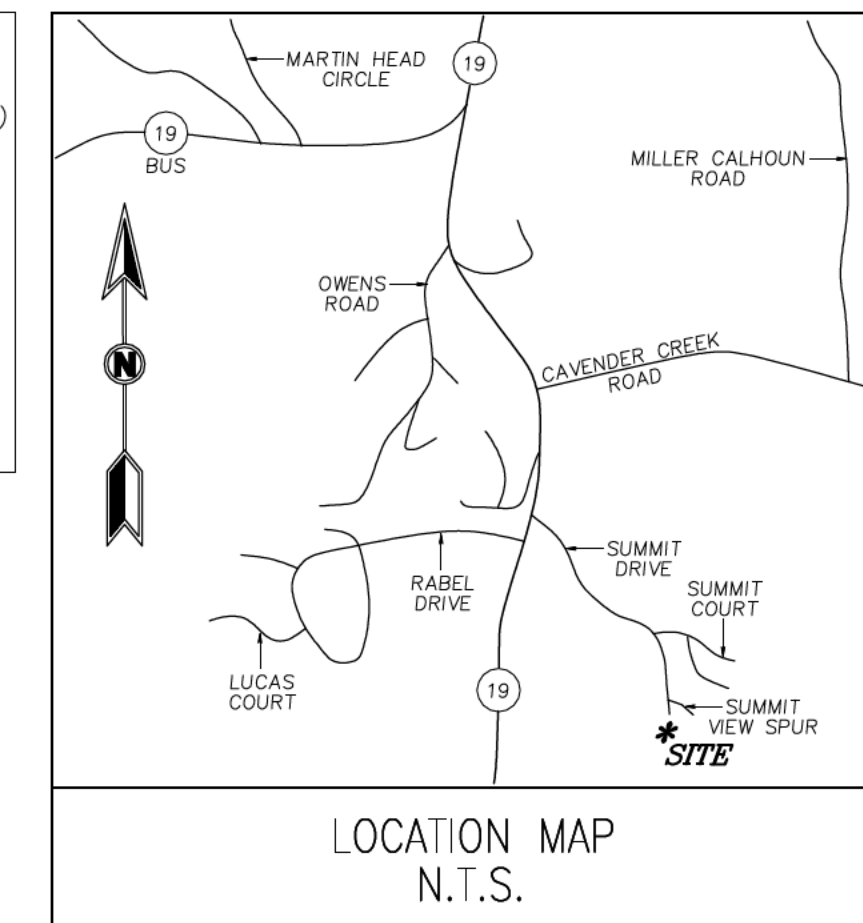
1. PARCEL ID#: 078 004
 2. CURRENT ZONING: PUD
PROPOSED ZONING: PUD
 3. TOTAL ACREAGE: 70.19 AC.
 4. TOTAL # OF UNITS: 74
PROPOSED DENSITY: 1.05 UNITS/ACRE
 5. WATER/SEWER SOURCE: CITY OF DAHLONEGA
 6. BUILDING SETBACKS:
FRONT = 10'
REAR = 10'
SIDE = 20'
 7. MINIMUM CONDOMINIUM LOT SIZE: 2207 SF
MINIMUM CONDOMINIUM FLOOR AREA: 1533 SF
 8. EARTHWORK: TBD
 9. A PORTION OF THIS PROPERTY IS LOCATED WITHIN A 100 YEAR FLOOD PRONE AREA PER FEMA MAP 13187C01620 DATED APRIL 4, 2018.
 10. BOUNDARY INFORMATION FROM LEGAL DESCRIPTIONS REFERENCED IN A WARRANTY DEED FOR ROBERTA GREEN SIMS DATED DECEMBER 30, 2010 AND RECORDED IN DB 1178, PG 247 COMBINED WITH FIELD SURVEY DATA.
 11. TOPOGRAPHIC INFORMATION FROM LUMPKIN COUNTY TOPOGRAPHIC DATA. UTILITIES SHOWN HEREON ARE FROM EXISTING STRUCTURES AND ABOVE GROUND MARKS FOUND. DAVIS ENGINEERING AND SURVEYING, LLC IS NOT RESPONSIBLE FOR THE LOCATION OF UNDERGROUND UTILITIES.
- CONTOUR INTERVAL = 2'

DEVELOPER/24 HOUR CONTACT:
LEGACY DESIGN AND DEVELOPMENT
ATTN: COREY STALNAKER

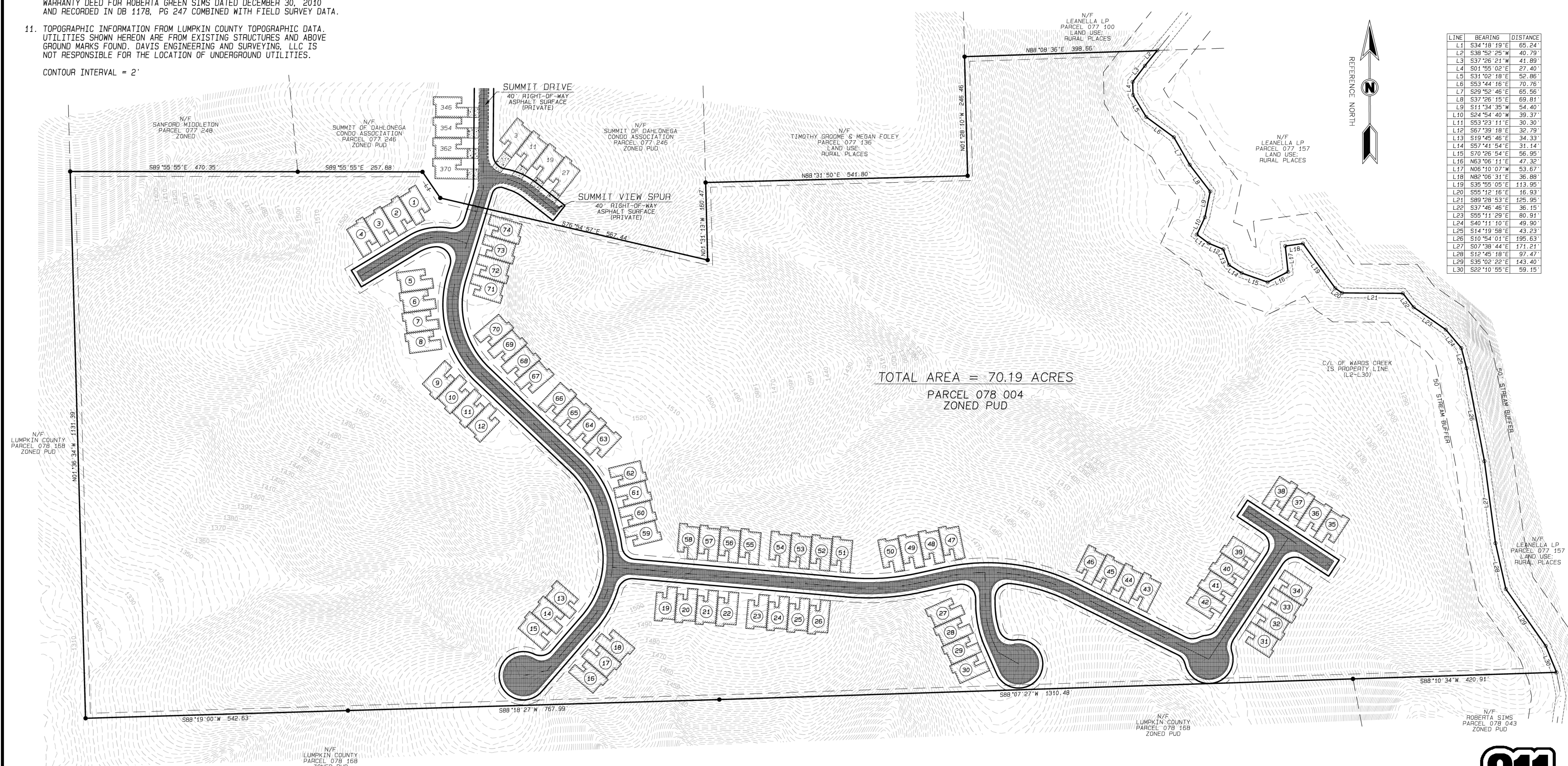


LEGEND

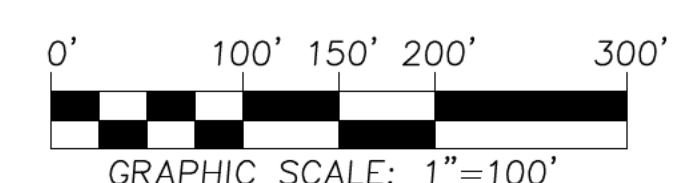
- PROPERTY CORNER
- IRON PIN FOUND/SET (IPF/IPS)
- P.O.B. POINT OF BEGINNING
- P.O.C. POINT OF COMMENCEMENT
- R/W RIGHT OF WAY
- P/L PROPERTY LINE
- N/F NOW OR FORMERLY
- IPS 1/2" ROD/CAP
- CTP CRIMPED TOP PIPE
- OTP OPEN TOP PIPE
- RCP REINFORCED CONCRETE PIPE
- U/P UTILITY POLE
- CMP CORRUGATED METAL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



LINE	BEARING	DISTANCE
L1	S34°18'19"E	65.24'
L2	S38°52'25"W	40.79'
L3	S37°26'21"W	41.89'
L4	S01°55'02"E	27.40'
L5	S31°02'18"E	52.86'
L6	S53°44'16"E	70.76'
L7	S29°52'46"E	65.56'
L8	S37°26'15"E	69.81'
L9	S11°34'35"W	54.40'
L10	S24°54'40"W	39.37'
L11	S53°23'11"E	30.30'
L12	S67°39'18"E	32.79'
L13	S19°45'46"E	34.33'
L14	S67°41'54"E	31.14'
L15	S70°26'54"E	56.95'
L16	N63°06'11"E	47.32'
L17	N06°10'07"W	53.67'
L18	N82°06'31"E	36.88'
L19	S35°55'05"E	113.95'
L20	S55°12'16"E	16.93'
L21	S89°28'53"E	125.95'
L22	S37°46'46"E	36.15'
L23	S55°11'29"E	80.51'
L24	S40°11'10"E	49.90'
L25	S14°19'58"E	43.23'
L26	S10°54'01"E	195.63'
L27	S07°38'44"E	171.21'
L28	S12°45'18"E	97.47'
L29	S35°02'22"E	143.40'
L30	S22°10'55"E	59.15'



TOTAL AREA = 70.19 ACRES
PARCEL 078 004
ZONED PUD



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

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

REVISION	DATE	DESCRIPTION
	8-6-21	INITIAL SUBMITTAL

CONCEPTUAL PLAN FOR:
THE SUMMIT
PHASE 2
G.M.D. 268
HALL COUNTY, GEORGIA

DRAWN BY: PSA
FIELD CREW: RS/AD
DATE: 8-6-21
CHECKED BY: JKD

SHEET NO.
1 OF 1
PROJECT NO.
2021-262

City of Dahlonega Annexation Application

Fee of \$200.00
Date Paid: 9-13-21

Date: 10-11-21

Date of proposed meeting date: 11-8-21

Current use of property: PUD

Proposed use of property: PUD

Tax Map and Parcel number(s): ~~078~~ 078 004

Address of the property to be annexed: 0 SUMMIT DR. DAHLONEGA, GA 30533

Name and address of owner: ROBERTA GREEN

Phone Number: [REDACTED]

Email: [REDACTED]

Owner Signature: Roberta Green

Date: 10/12/21

If the Owner's agent, please fill out the information below for our records.

Agent Name: LOGAN MOYE Date: _____

Agent Address: [REDACTED]

State: G

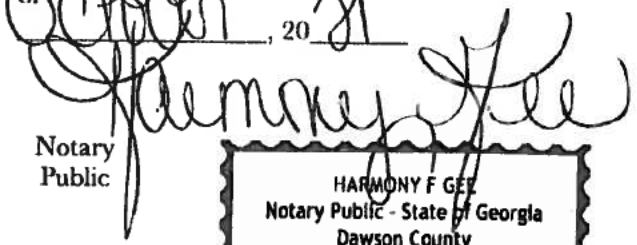
Zip Code: _____

Email: _____

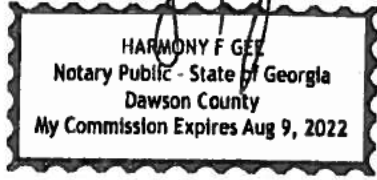
Phone Number: _____

Signed, sealed and delivered this 11 day

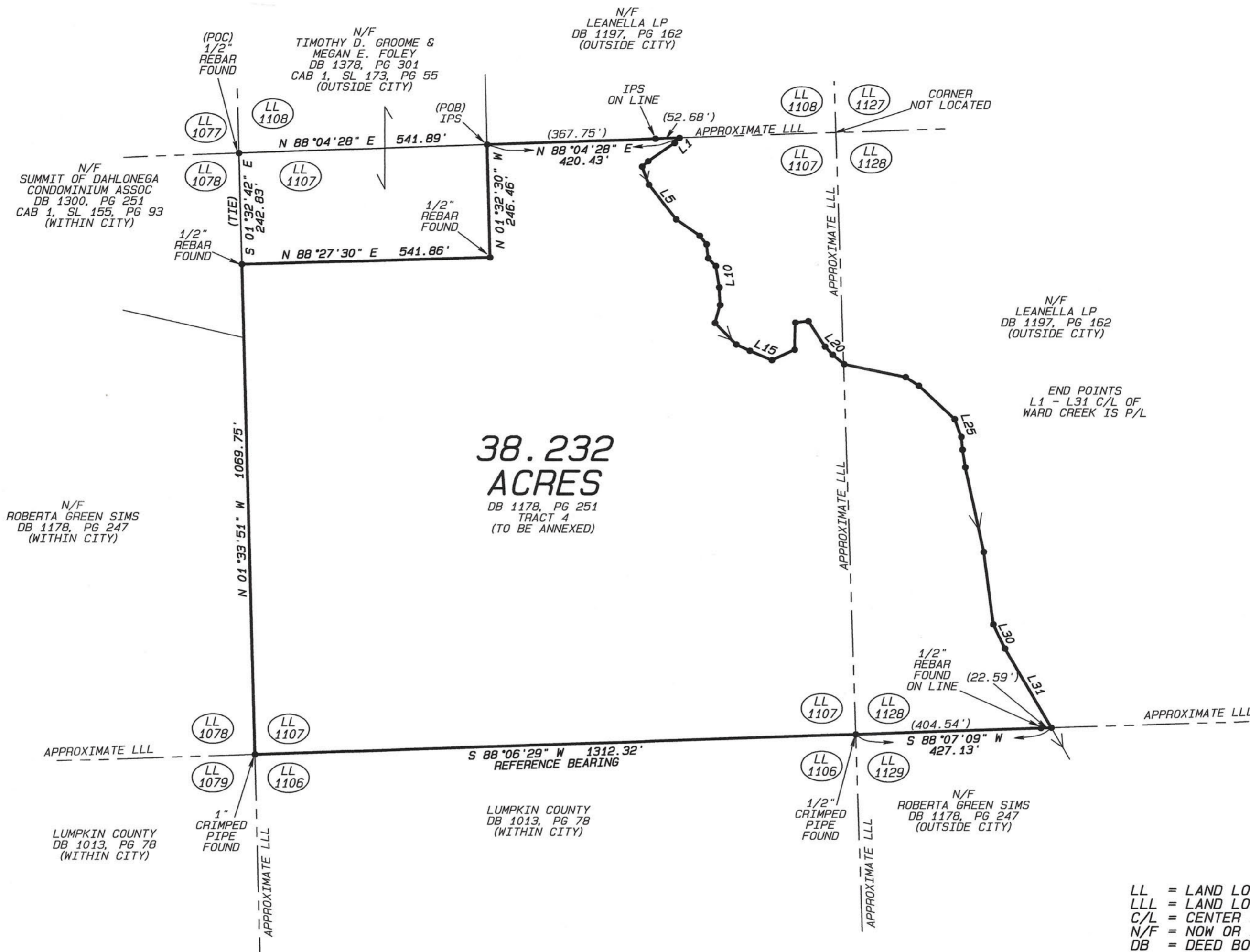
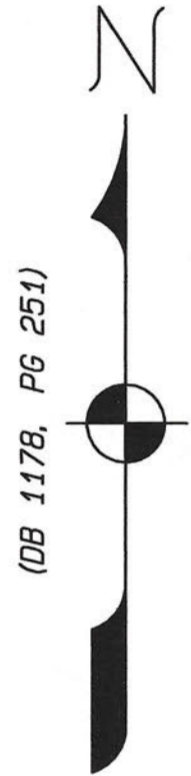
of October, 2021



Notary
Public



RESERVED FOR CLERK'S FILING INFORMATION



LINE	BEARING	DISTANCE
L1	S43°45'49\"W	15.95'
L2	S55°26'43\"W	69.83'
L3	S48°52'32\"W	17.59'
L4	S20°49'20\"E	42.30'
L5	S38°14'19\"E	96.45'
L6	S54°57'11\"E	62.60'
L7	S38°48'49\"E	23.67'
L8	S06°36'49\"E	30.78'
L9	S45°06'20\"E	23.62'
L10	S09°07'38\"E	47.32'
L11	S02°42'40\"E	38.55'
L12	S15°55'43\"W	40.72'
L13	S45°01'28\"E	66.16'
L14	S65°12'06\"E	32.67'
L15	S66°47'25\"E	52.18'
L16	N65°26'32\"E	54.60'
L17	N01°24'08\"E	59.10'
L18	N84°00'00\"E	28.90'
L19	S33°06'18\"E	66.07'
L20	S43°41'16\"E	24.58'
L21	S50°33'17\"E	32.19'
L22	S78°06'00\"E	137.22'
L23	S56°40'28\"E	34.30'
L24	S47°02'18\"E	107.28'
L25	S20°36'59\"E	41.17'
L26	S05°28'56\"E	27.95'
L27	S08°53'44\"E	38.75'
L28	S12°15'54\"E	189.49'
L29	S07°36'39\"E	159.26'
L30	S25°54'14\"E	58.71'
L31	S30°23'57\"E	200.05'

STATE WATERS HAVE PROTECTIVE BUFFERS AS MEASURED HORIZONTALLY FROM THE POINT OF WRESTED VEGETATION.
 TROUT WATERS HAVE A 50' BUFFER.
 WARM WATER FISHERIES HAVE A 25' BUFFER.
 THE CITY OF DAHLONEGA RESERVOIR PROTECTION ORDINANCE REQUIRES A 150' BUFFER FOR ALL TRIBUTARIES WITHIN A 7 MILE UPSTREAM RADIUS OF THE CITY WATER INTAKE.
 INTERIOR STREAMS WERE NOT LOCATED AS PART OF THE SCOPE OF THIS SURVEY.

THIS SURVEYOR DOES NOT GUARANTEE THAT ALL EASEMENTS AFFECTING THIS PROPERTY ARE SHOWN.

THE FIELD DATA UPON WHICH THIS PLAT IS BASED HAS A CLOSURE PRECISION OF ONE FOOT IN 5883 FEET, AND WAS ADJUSTED USING THE LEAST SQ. RULE. THIS PLAT HAS BEEN CALCULATED FOR CLOSURE AND IS FOUND TO BE ACCURATE WITHIN ONE FOOT IN 487823 FEET.

EQUIPMENT USED: TRIMBLE VX ROBOTIC.

THIS SURVEY WAS PREPARED WITHOUT THE AID OF A TITLE SEARCH AND IS SUBJECT TO ANY AND ALL DISCLOSURES THAT A TITLE SEARCH MAY YIELD.

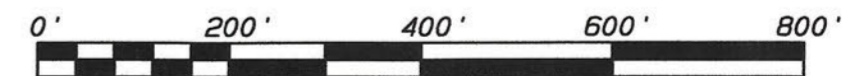
THIS SURVEY IS CERTIFIED SOLELY TO THE PARTY OR PARTIES NAMED HEREON.

UNDERGROUND UTILITIES WERE NOT LOCATED AS PART OF THE SCOPE OF THIS SURVEY.

- LL = LAND LOT
- LLL = LAND LOT LINE
- C/L = CENTER LINE
- N/F = NOW OR FORMERLY
- DB = DEED BOOK
- PB = PLAT BOOK
- CAB = PLAT CABINET
- SL = SLIDE
- PG = PAGE
- IPS = 1/2" REBAR SET WITH CAP
- POC = POINT OF COMMENCEMENT
- POB = POINT OF BEGINNING

DRAFT COPY FOR REVIEW.
 NOT FOR TITLE PURPOSES
 UNTIL SIGNED BY SURVEYOR.

SCALE 1 INCH = 200 FEET



LSF # 1074: ALTASURV LLC dba

GEOIMAGE
 LAND SURVEYING, LAND PLANNING & DESIGN
 21 ENOTA STREET, DAHLONEGA, GA 30533, (706) 864-7298

This plat is a retracement of an existing parcel or parcels of land and does not subdivide or create a new parcel or make any changes to any real property boundaries. The recording information of the documents, maps, plats, or other instruments which created the parcel or parcels are stated hereon. RECORDATION OF THIS PLAT DOES NOT IMPLY APPROVAL OF ANY LOCAL JURISDICTION, AVAILABILITY OF PERMITS, COMPLIANCE WITH LOCAL REGULATIONS OR REQUIREMENTS, OR SUITABILITY FOR ANY USE OR PURPOSE OF THE LAND. Furthermore, the undersigned land surveyor certifies that this plat complies with the minimum technical standards for property surveys in Georgia as set forth in the rules and regulations of the Georgia Board of Registration for Professional Engineers and Land Surveyors and as set forth in O.C.G.A. Section 45-6-67.



PLAT DATE:
 OCTOBER 7, 2021
 FIELD DATES:
 SEPTEMBER 22, 2021 -
 OCTOBER 7, 2021
 FIELD CREW: PDA/LCB/BB
 JDH
 DRAWN BY: JDH
 DRWG FILE: ANNEXATION
 JOB #4593

PLAT OF ANNEXATION BOUNDARY SURVEY FOR

LOGAN MOYE
 LAND LOTS 1107 & 1128, 12TH DISTRICT, 1ST SECTION
 LUMPKIN COUNTY, GEORGIA

DRAFT COPY FOR REVIEW.
NOT FOR TITLE PURPOSES
UNTIL SIGNED BY SURVEYOR.

Written Description:

All that Tract or Parcel of Land lying and being in Land Lots 1107 and 1128 of the 12th District, 1st Section, Lumpkin County, Georgia being described as follows:

Commencing at a 1/2 inch rebar at the corner common to Land Lots 1107, 1108, 1077 and 1078 in said District and Section;
thence North 88°04'28" East, a distance of 541.89 feet to a 1/2 inch rebar at the true Point of Beginning of the herein described Parcel;
thence North 88°04'28" East, a distance of 367.75 feet to a 1/2 inch rebar;
thence North 88°04'28" East, a distance of 52.68 to the thread of Wards Creek;
thence along and with the thread of Wards Creek South 43°45'49" West, a distance of 15.95 feet to a point in the thread of the creek;
thence South 55°26'43" West, a distance of 69.83 feet to a point;
thence South 48°52'32" West, a distance of 17.59 feet to a point;
thence South 20°49'20" East, a distance of 42.30 feet to a point;
thence South 38°14'19" East, a distance of 96.45 feet to a point;
thence South 54°57'11" East, a distance of 62.60 feet to a point;
thence South 38°48'49" East, a distance of 23.67 feet to a point;
thence South 06°36'49" East, a distance of 30.78 feet to a point;
thence South 45°06'20" East, a distance of 23.62 feet to a point;
thence South 09°07'38" East, a distance of 47.32 feet to a point;
thence South 02°42'40" East, a distance of 38.55 feet to a point;
thence South 15°55'43" West, a distance of 40.72 feet to a point;
thence South 45°01'28" East, a distance of 66.16 feet to a point;
thence South 65°12'06" East, a distance of 32.67 feet to a point;
thence South 66°47'25" East, a distance of 52.18 feet to a point;
thence North 65°26'32" East, a distance of 54.60 feet to a point;
thence North 01°24'08" East, a distance of 59.10 feet to a point;
thence North 84°00'00" East, a distance of 28.90 feet to a point;
thence South 33°06'18" East, a distance of 66.07 feet to a point;
thence South 43°41'16" East, a distance of 24.58 feet to a point;
thence South 50°33'17" East, a distance of 32.19 feet to a point;
thence South 78°06'00" East, a distance of 137.22 feet to a point;
thence South 56°40'28" East, a distance of 34.30 feet to a point;
thence South 47°02'18" East, a distance of 107.28 feet to a point;
thence South 20°36'59" East, a distance of 41.17 feet to a point;
thence South 05°28'56" East, a distance of 27.95 feet to a point;
thence South 08°53'44" East, a distance of 38.75 feet to a point;
thence South 12°15'54" East, a distance of 189.49 feet to a point;
thence South 07°36'39" East, a distance of 159.26 feet to a point;
thence South 25°54'14" East, a distance of 58.71 feet to a point;
thence South 30°23'57" East, a distance of 200.05 feet to a point;
thence leaving the thread of Wards Creek South 88°07'09" West, a distance of 22.59 feet to 1/2 inch rebar;
thence South 88°07'09" West, a distance of 404.55 feet to a 1/2 inch crimped pipe at the corner common to Land Lots 1106, 1107, 1128 and 1129 in said District and Section;
thence South 88°06'29" West, a distance of 1312.32 feet to a 1 inch crimped pipe at the corner common to Land Lots 1078, 1079, 1106 and 1107 in said District and Section;
thence North 01°33'51" West, a distance of 1069.75 feet to a 1/2 inch rebar;
thence North 88°27'30" East, a distance of 541.86 feet to a 1/2 inch rebar;
thence North 01°32'30" West, a distance of 246.46 feet to the 1/2 inch rebar at the Point of Beginning.

Containing 38.2321 Acres, more or less.

Being the same property depicted on the PLAT OF ANNEXATION BOUNDARY SURVEY FOR LOGAN MOYE, DATED OCTOBER 7, 2021, BY ALTASURV LLC dba GEOIMAGE.



STAFF REPORT
REZN 21-5
Annexation Accompanied

Applicant:	Highlands Development Group LLC
Owner:	Roberta Green
Location:	Summit Drive (078-004)
Acreage:	+/- 73.57 Acres
Current Zoning Classification:	PUD
Current Use of Property:	Vacant Phase of Development
General Land Use:	Single Family/Townhome
City Services:	All city services are available at this site.

Applicant Proposal

The applicant requests an amendment to the original PUD site plan that currently limits "Phase 1B" to 32 Condominiums and 5 Villas to instead allow 74 Townhome units. The proposal presently includes a portion of the property that is not within the city limits. An annexation is accompanying this request. The applicant has provided a letter of intent describing the housing need and a general description of what they intend to develop.

History and Surrounding Uses

This property was initially annexed and rezoned in 2005/2006 as "The Summit: An Active Adult Retirement Community."

Directly to the north is the existing Phase 1a of the development. Phase 2 was recently approved to include a 61 unit development (REZN 21-1) at 2.8 units per acre.

Phase 1 was a residential development approved at three units/acre, although the site plan only utilized 2.06 units/acre. This phase was broken into two sections. Phase 1a was approved as 32 condominiums with amenities that started construction in 2006 and was eventually completed. Phase 1b was approved as 32 condominiums and five optional villas. It was never developed.



The original rezoning heard by the council included a hotel, convention center complex, or a continuation of the retirement concept living in its description of potential uses of the future phases. Phases 2, 3, and 4 were referred to as future developments on the site plan and have yet to be developed.

Phase 2 was recently approved with the stipulations:

1. The residential Phase 2 density shall be limited to 2.8 units per acre which is proposed on the site plan.
2. The heated square footage of residential structures constructed shall be a minimum of 1700 square feet in order to be more compatible with the existing development.
3. Architectural styles of new construction shall conform substantially to the existing architectural styles in the Summit PUD. The front elevations of all dwellings will consist of a mixture of masonry and fiber cement siding or shake. A minimum 18" masonry water table on the front elevations is required. The remaining balance of each home's side and rear elevations are to be fiber cement siding. Vinyl siding will not be allowed, however vinyl architectural features such as cornices, soffits, windows, columns, etc. are allowed. Architectural shingles or metal roof materials are to be utilized. Final design and approval of the elevations is subject to the approval of the Planning and Zoning Administrator prior to issuance of the building permit.
4. Short Term Rentals, as defined in the Code of the City of Dahlonega, are prohibited in this approval.
5. The applicant shall obtain any required DOT approvals before building permits shall be granted.
6. The minimum building setback requirements in this development are twenty (20) feet from the front, five (5) from the side, and thirty (30) feet from the rears for all single-family detached lots.
7. The maximum building height in this development is limited to thirty-five (35) feet above grade.
8. Phase 2c approval is for single-family detached lots. Commercial use requests will require final council review and approval before permitting development.
9. Curb cuts will be limited to nine. This includes the lots in Phase 2a and Ridge View Drive.
10. All internal roads in this development are to be Private.
11. This approval includes 61 residential units identified as Phases

Phase 4 had frontage along Morrison Moore Parkway which was not annexed and remains unincorporated.

Setbacks for Phase 1a

- From Right of Way: 10'
- From Property Line: 10'



- From other buildings: 20'

Minimum Lot size/floor area

- Condominium lot size: 2207 square feet (included porches and garages)
- Condominium Floor Area: 1533 square feet (*actual built was 1693*)

All roads are to be private with a curb and gutter, and no sidewalks were required to be constructed within the development.

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

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

This parcel was deemed suitable for this use when originally annexed and rezoned in 2005. There was not opposition at the original rezoning hearings.

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

This development does not appear to adversely affect the existing use nor the usability of adjacent property. The proposed development site plan stays significantly off the property lines to the east and west.

- 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 does not appear to cause a significant burden on existing facilities. A more thorough analysis of this will be done at the site development permitting stage.

- 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 Residential. The following are encouraged distinctions of this area.

- Preservation of existing structures where possible, or context-sensitive infill development
- 1-2 story structures oriented close to the street front, with minimal on-site parking and pedestrian accessibility where possible
- Landscaping and decorative elements encouraged
- Variety of residential, parks and institutional uses, with some office possible adjacent to downtown



- 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.

This property has some extensive challenges with topography. This suggests the clustering of development on the land with less steep slopes in order to balance development with minimal land disturbance.

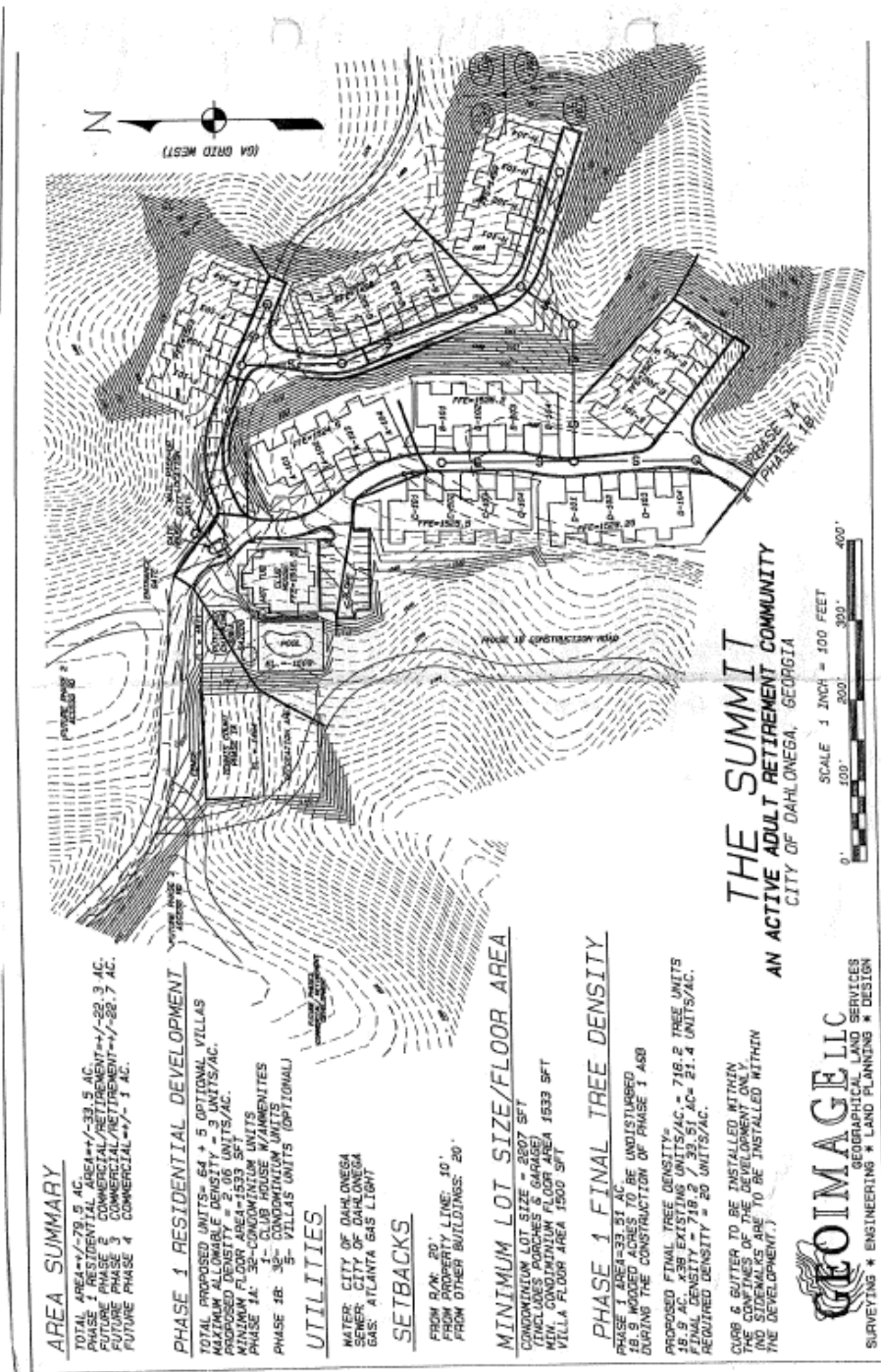
Staff Analysis

This site plan seems to be consistent with the intent and the original zoning in 2005. The following are the stipulations from the recently rezoned portion to the north that are applicable. Staff recommends consistency within the development.

1. The residential density shall be limited to 1.05 units per acre as proposed on the site plan.
2. The heated square footage of residential structures constructed shall be a minimum of 1700 square feet to be more compatible with the existing development.
3. Architectural styles of new construction shall conform substantially to the existing architectural styles in the Summit PUD. The final design and approval of the elevations are subject to the approval of the Planning and Zoning Administrator prior to the issuance of the building permit.
4. As defined in the Code of the City of Dahlonega, Short Term Rentals are prohibited in this approval.
5. The applicant shall obtain any required DOT approvals before building permits shall be granted.
6. The maximum building height in this development is limited to thirty-five (35) feet above grade.
7. All internal roads in this development are to be Private.



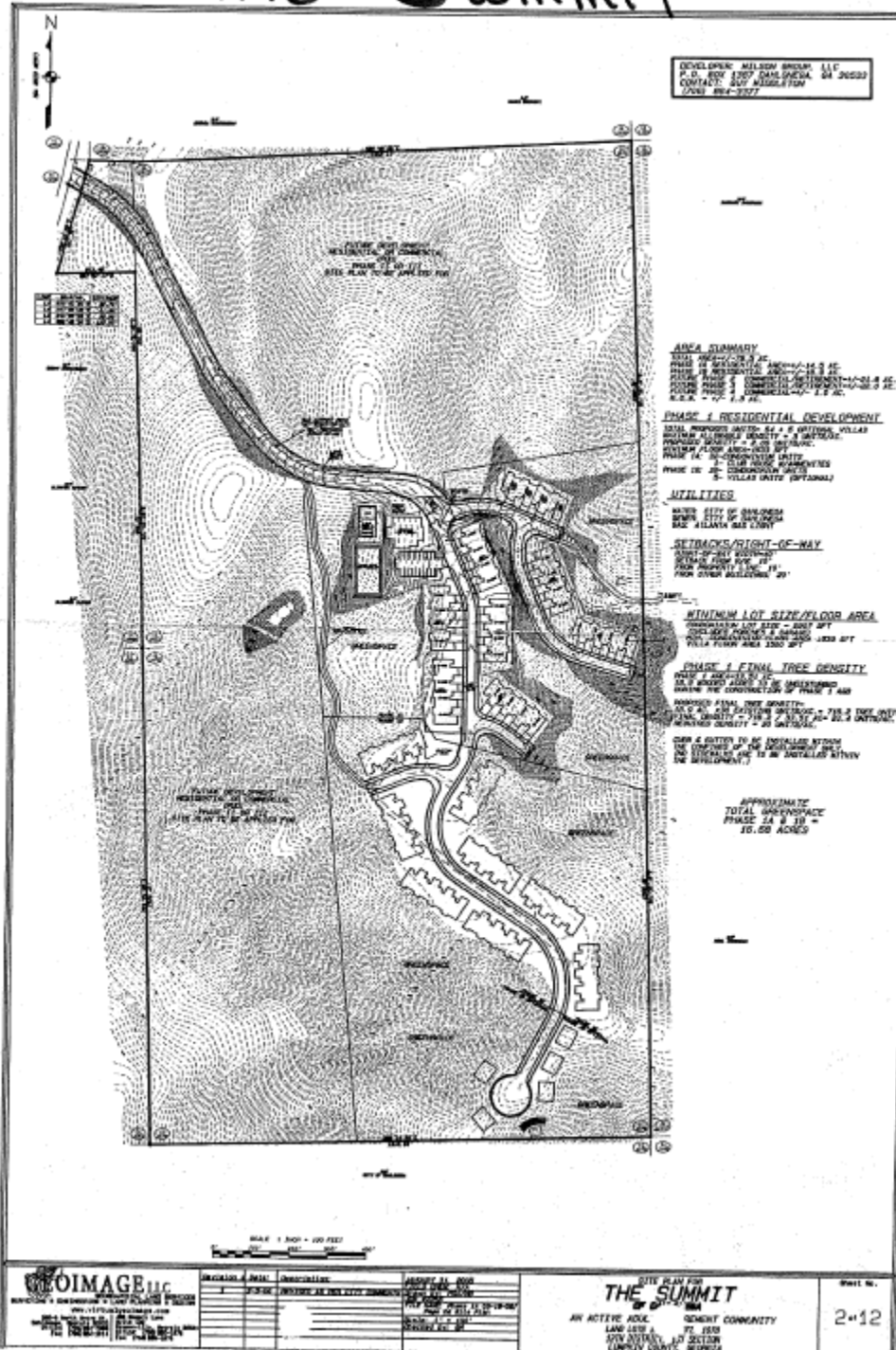
Original Site Plan: (2005)





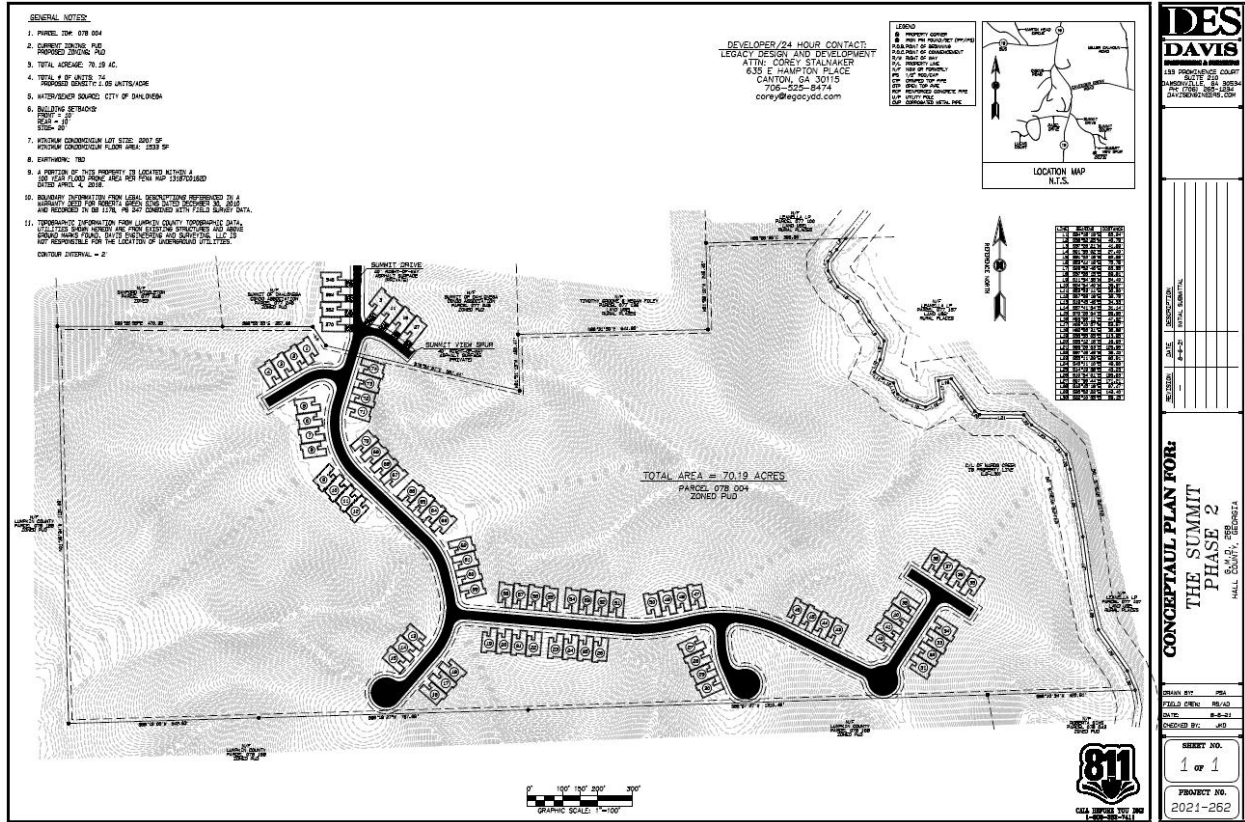
Original Site Plan Continued: (2005)

The Summit





Proposed Amendment Site Plan:



**DES
DAVIS**

LEGACY DESIGN AND DEVELOPMENT
1405 PROUDHOPE COURT
DALHOUSIE, GA 30534
770-225-8474
LEGACYDESIGN.COM

**CONCEPTUAL PLAN FOR
THE SUMMIT
PHASE 2**
S.W.P. - REG. 2021-262
MALL, SOUTH, - BUREAU 2021

NO.	DATE	DESCRIPTION
1	04-23	ISSUE FOR PERMIT
2	04-23	ISSUE FOR PERMIT
3	04-23	ISSUE FOR PERMIT
4	04-23	ISSUE FOR PERMIT

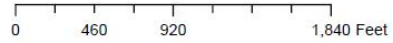
DESIGN BY	DESIGN
FIELD CREW	MS/AD
DRAWN BY	R/S/J
CHECKED BY	AD

SHEET NO.
1 of 1

PROJECT NO.
2021-262

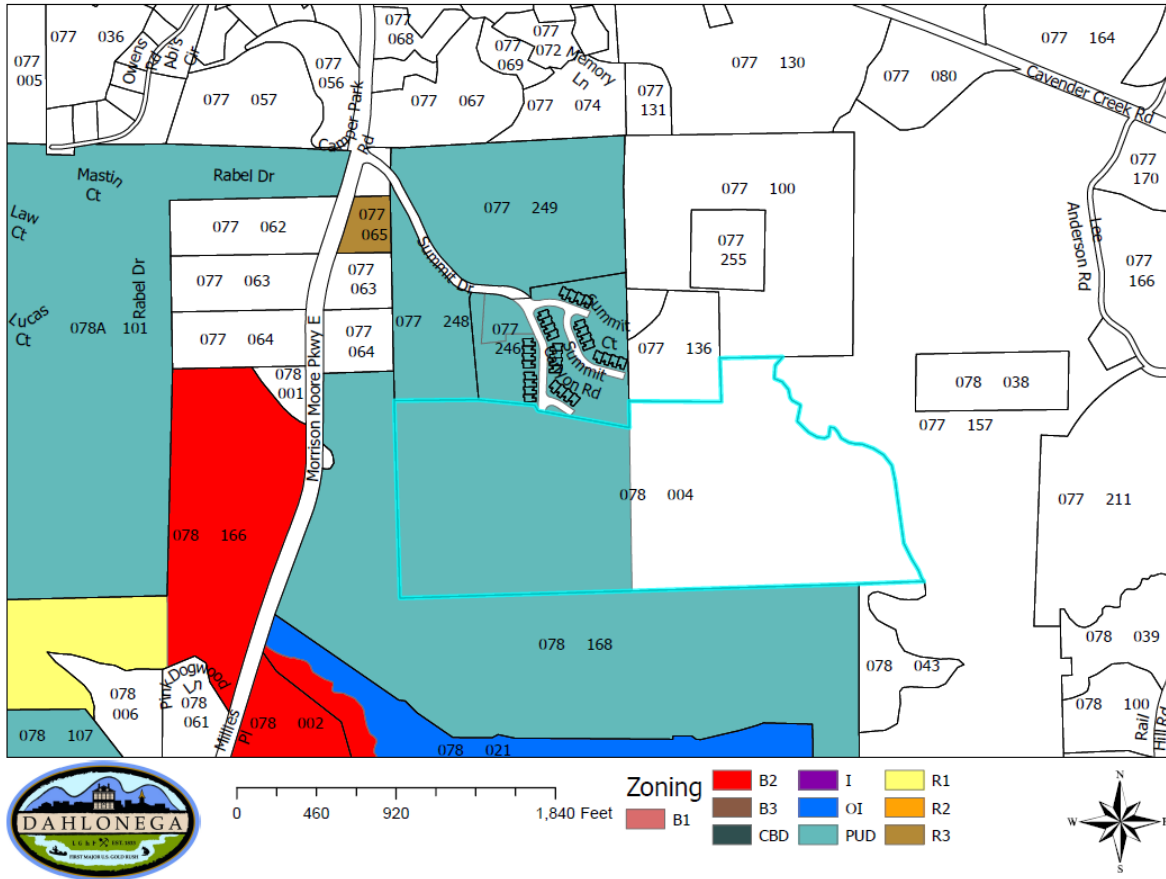


Aerial:



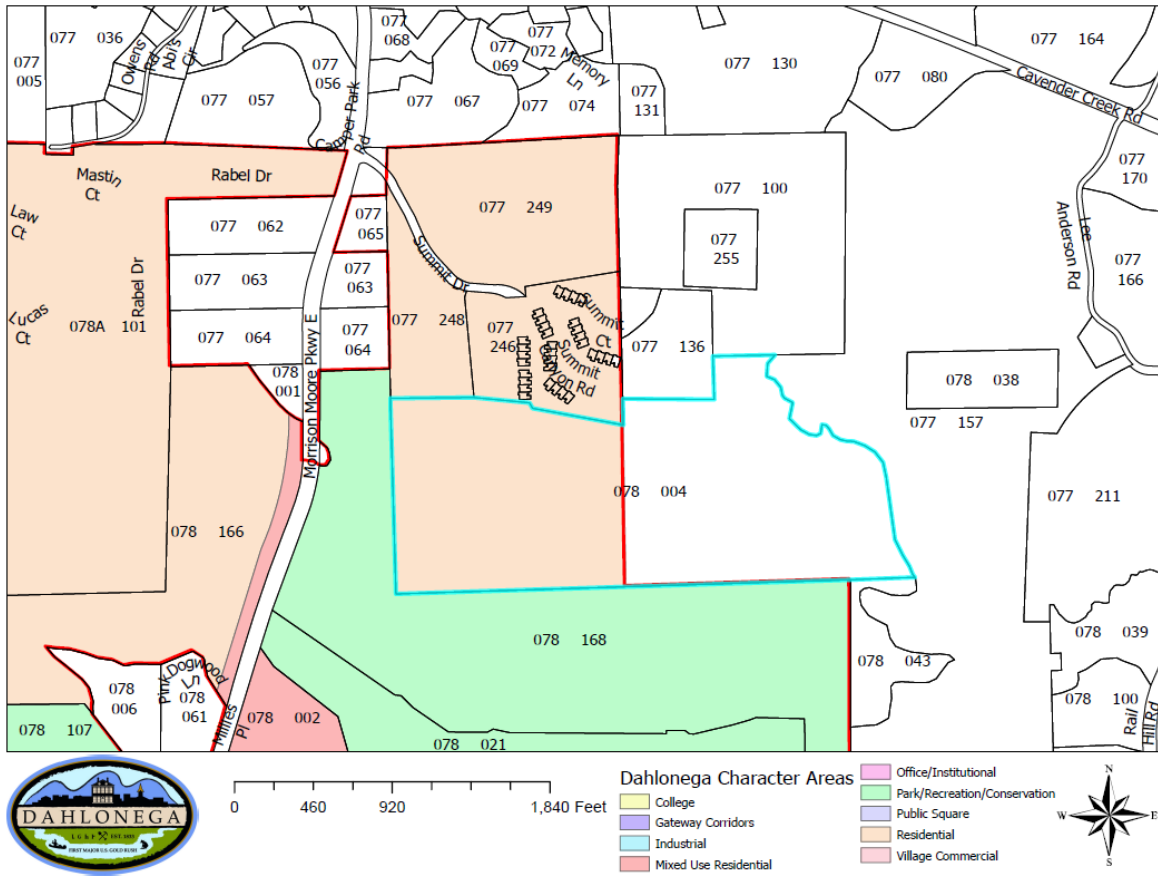


Current Zoning:





Comprehensive Plan:





Staff Recommended Motion:

Motion/Recommendation to approve REZN 21-5 with the following stipulations

1. The residential density shall be limited to 1.05 units per acre as proposed on the site plan.
2. The heated square footage of residential structures constructed shall be a minimum of 1700 square feet to be more compatible with the existing development.
3. Architectural styles of new construction shall conform substantially to the existing architectural styles in the Summit PUD. The final design and approval of the elevations are subject to the approval of the Planning and Zoning Administrator prior to the issuance of the building permit.
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