



CITY OF DAHLONEGA
PLANNING COMMISSION AGENDA
TUESDAY, AUGUST 01, 2023 AT 6:00 PM
CITY HALL - MAYOR MCCULLOUGH COUNCIL
CHAMBER

In compliance with the Americans with Disabilities Act, those requiring accommodation for Planning Commission meetings, please contact Allison Martin at amartin@dahlonega.gov or (706) 482-2706.

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

Call to Order

Pledge of Allegiance

Approval of Minutes:

1. Meeting Minutes - Planning Commission Meeting June 7, 2023
Miki Mullis, Administrative Assistant

OLD BUSINESS

2. REZN 23-2: Squaretail, LLC - Alicia Lane (062A 075)
Presented by: Allison Martin, City Manager
3. Zoning Map Amendment - (Parcel No. D11-033)
Allison Martin, City Manager

NEW BUSINESS

Zoning Cases:

Conditional Uses:

INFORMATION & TRAINING

Adjournment



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

In compliance with the Americans with Disabilities Act, those requiring accommodation for Planning Commission meetings, please contact Allison Martin at amartin@dahlonega.gov or (706) 482-2706.

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

Call to Order

Chair Conaway called the meeting to order at 6:00 p.m. and led the Pledge of Allegiance.

PRESENT

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

Pledge of Allegiance

Approval of Minutes:

1. Planning Commission Meeting Minutes - May 2, 2023, Miki Mullis, Administrative Assistant
Motion made by Commission Member Carroll, Seconded by Commission Member Guy.
Voting Yea: Chairman Conaway, Commission Member Westmoreland, Commission Member Feagin, Commission Member Guy, Commission Member Spivey, Commission Member Carroll

Annexations: None

Conditional Uses: None

Variances:

2. Genci Voja 22 Golden Rod Lane - A request to Vary from Section 2001 to reduce the setback from 35 feet to 10 feet facing along Golden Lane at 22 Golden Lane (D10-086). This parcel is zoned R-3 (Multiple- Family Residential District). Allison Martin - City Manager
Chairman Conaway opens the floor to the applicant:
Applicant Genci Voja, 22 Golden Rod Lane, explained to members of the commission the reason for the Variance request
Chairman Conaway opens the floor to the public:
No public opposition

Chairman Conaway opens discussions with Commission Members:

Commission Member Spivey requests clarification of the size of the carport (22X32); Also seeks clarification of the house size initially submitted as a 2-bedroom residence

Commission Member Feagin stated it would be a 3-bedroom residence- Also terminology of a carport is defined as open space and a garage is enclosed space.

Commission Member Carroll voiced concerns about approving variance requests without a compelling reason.

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

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

Voting Nay: Commission Member Spivey, Commission Member Carroll

Zoning Cases:

Information & Training

3. Zoning Changes Pursuant to HB 1405, Allison Martin, City Manager
City Manager Martin discussed/answered questions concerning Zoning Changes Pursuant to HB 1405

Adjournment

Motion for Adjournment:

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

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



STAFF REPORT REZN 23-2

Applicant:	Squaretail, LLC
Owner:	Steve H. Fuller. Jr. & Bill T. Hardman
Location:	Alicia Lane (Tax Parcel 062A 075)
Acreage:	+/- 3.61 Acres
Current Zoning Classification:	B-2 (C): Highway Business District, conditional
Requested Zoning Classification:	R-3: Multiple-Family Residential District
Current Use of Property:	Undeveloped / Vacant
General Land Use:	Undeveloped / Vacant
City Services:	The property is in the Dahlonega Water Service Area

Applicant Proposal

The applicant is requesting to rezone a 3.61± acre property on Alicia Lane (Tax Parcel 062A 075) from B-2: Highway Business District, with conditions, to R-3: Multiple-Family Residential District for the purpose of developing a 10-lot, 20-unit, duplex development. The current B-2 conditions of zoning restrict the use of the property to medical offices, resulting in this request.

The submitted Letter of Intent (LOI) states the ten (10) lots will be developed as “high end multi-family (Duplex) units to serve the residents of Dahlonega and will be offered for sale.”. The units will have a “high-end Mountain Modern design ranging from 3 to 4 bedrooms with two car garage and recreation area on the lowest level, master bedroom with large living room and chef’s kitchen on the main level and 2 bedrooms with full bathrooms on the upper level.”. The applicant provided photographs to represent the “Mountain Modern Design” aesthetics as part of the application materials.

The lots will be accessed via six (6) shared driveways connecting to Alicia Lane and will adhere to the city’s design and landscaping requirements, per the LOI. The submitted site plan shows four (4) proposed building lots adjacent to the southern property line. The remaining six (6) lots are grouped in pairs continuing north along Alicia Lane. Six (6) of the ten (10) lots appear to be “panhandle” or “flag lots”.



The below table summarizes the applications proposed development standards:

Lot	Lot Area	Road Frontage	Setbacks
1	11,761 sq. ft. / 0.27 acres	93 ft.	Front: 35 feet Side: 10 feet Rear: 10 feet
2	16,552 sq. ft. / 0.38 acres	20 ft.	
3	10,454 sq. ft. / 0.24 acres	84 ft.	
4	19,602 sq. ft. / 0.45 acres	21 ft.	
5	13,068 sq. ft. / 0.30 acres	101 ft.	
6	26,571 sq. ft. / 0.61 acres	27 ft.	
7	14,374 sq. ft. / 0.33 acres	149 ft.	
8	13503 sq. ft. / 0.31 acres	20 ft.	
9	14,374 sq. ft. / 0.33 acres	27 ft.	
10	25,264 sq. ft. / 0.58 acres	27 ft.	

History and Surrounding Uses

The subject property is zoned B-2: Highway Business District, which was previously rezoned by City Council for a medical office development. The property tax records show that the property has been in the ownership of the current property owners since 2007.

North: Directly north of the subject property is an undeveloped 1.09 acre parcel zoned B-2: Highway Business District, with conditions, which has frontage on both Alicia Lane and Morrison Moore Parkway West.

South: The property directly south is The Village at Crown Mountain condominium development, zoned PUD: Planned Unit Development. Other than the initial rezoning request to establish the PUD, the development has had no zoning or variance requests that staff is aware of. Alicia Lane intersects with Crown Mountain Drive, near Golden Avenue, south of the Village at Crown Mountain development.

East: To the east of the subject parcel are two (2) properties zoned B-2: Highway Business District, located at the end of Tipton Drive. The north side of Tipton Drive is developed with a number of commercial buildings, many of which appear to be occupied by office-based uses.

West: Across Alicia Lane to the west are parcels zoned R-1: Single Family Residential District, PUD: Planned Unit Development, and B-2: Highway Business District. The B-2 parcel is developed with a post office while the other two parcels are undeveloped.

Other significant uses in the area include our Historic District that is a block to the south and the Vickery Apartment to the Southwest.

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

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



The subject property borders a condominium development to the south and an undeveloped B-2: Highway Business District parcel to the north. The condominium development is located at a higher elevation than the subject property and overlooks the proposed development as a result.

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

With the introduction of twenty (20) residential units the zoning proposal has the potential to lead to an increase in traffic in the immediate area of the development, but no information is known to staff that would indicate the zoning proposal poses an adverse effect on the existing uses or usability of adjacent or nearby properties.

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 proposed development is unlikely to result in a use that will or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities, or schools, though the development of 20 residential units will lead to more vehicular traffic in the area.

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 the Comprehensive Plan as Mixed Use Residential. Land use strategies within this character area aim to intensify residential development through the redevelopment of large parcels of land. Increased residential densities should be allowed with the intent to design and build a sustainable neighborhood along the steep contours of the properties. The following are encouraged distinctions of this area:

- Development encouraged to be compatible with design guidelines.
- Landscaping and decorative elements encouraged.
- Primarily residential but neighborhood commercial uses allowed.
- 1-2-story structures oriented close to the street front, with on-site parking and pedestrian accessibility where possible.
- Rural / Mountain themed design elements preferred, such as steeply pitched roofs with deep overhangs, wood or masonry siding, and front porches.

The current proposal can be interpreted as in-line with the goals of the character area though careful attention should be given to the final site layout to ensure the steep topography of the site is taken into consideration.

5. Whether there are other existing or changing conditions affecting the use and development of property that give supporting grounds for either approval or disapproval of the zoning or special use proposal.



The City of Dahlonega completed a Citywide Housing Needs Assessment in 2022, which found that City “has seen steady growth over the last two decades, averaging 2 – 3% annually. New home construction, however, has not kept pace with population growth. In the past 5 years, the City has added less than 30 new for sale homes, satisfying 4% of housing demand. Much of new rental product has been student targeted housing. Looking forward, population growth is forecasted to cool slightly, averaging 1% over the next 5 years. Strong demand exists for new housing to both satisfy pent up demand and accommodate new Dahlonega residents.”

The study continues to state that “Demand for attached product, both for sale and rental, represents 70% of total demand. This is both a component of housing preference as well as price.”

The proposed development has the potential to provide additional units to the housing stock within the City, but careful thought and consideration should be given to whether the site is the most suitable location.

Staff Analysis

The applicant is requesting to rezone the subject property from B-2: Highway Business District to R-3: Multiple-Family Residential District for the purpose of developing a 10-lot, 20-unit multi-family (duplex) development.

The below table summarizes the zoning standards of the B-2: Highway Business and R-3: Multiple-Family Residential Districts, and the proposed development:

Lot Dimensions	B-2: Highway Business	R-3: Multiple-Family Residential	Proposed Development
Minimum Lot Area	None	10,000 sq. ft.**	10,454 sq. ft.***
Minimum Lot Width	None	60 ft.	Unknown
Minimum Floor Area	700 sq. ft. (residential uses)	700 sq. ft.	2,880 sq. ft. (45' x 64') – 8 units 3,000 sq. ft. (50' x 60') – 12 units
Maximum Density	8.0 du/a	8.0 du/a	5.54 du/a
Front Setback (Arterial Streets)	60 ft.	60 ft.	--
Front Setback (Other Streets)	35 ft.	35 ft.	35 ft.
Side Setback	15 ft.*	10 ft.	10 ft.
Rear Setback	15 ft.*	10 ft.	10 ft.
*60 ft. where adjacent to R-1 or R-2 properties, including a fifty (50) foot buffer, except Residential use in the B-2 District would be subject to setbacks provided in Section 2001.			
** 20,000 square feet is required for a two-family dwelling (duplex).			
***The smallest of the 10 lots is 10,454 square feet in area and the largest is 26,571 square feet. Of the 10 lots 8 of them fall below the 20,000 square foot minimum lot size required for duplex developments.			

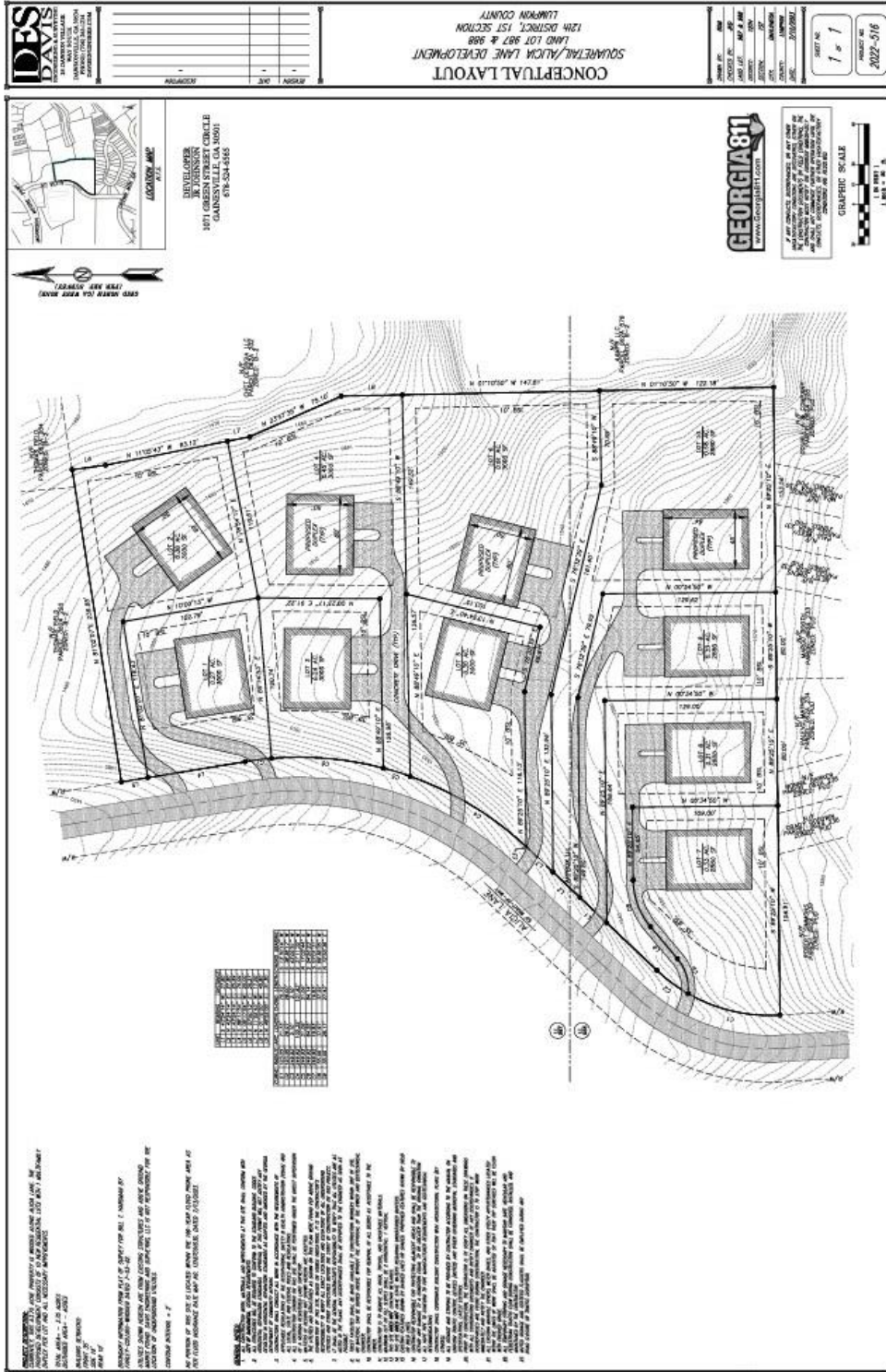


A review of the submitted site plan shows that 6 of the 10 proposed lots will be panhandle or flag lots. Sec. 5.5. of the Zoning Ordinance states that “where such lots are allowed, the street frontage of each panhandle access shall not be less than 20 feet wide, and the panhandle access shall not be more than 200 feet long. Not more than two (2) such panhandle access points shall abut each other, and if so, combined the width of each panhandle may be reduced to not less than fifteen (15) feet.” All of the proposed panhandle lots have more than 20 feet of street frontage. Lots 6, 8, 9, and 10 are all panhandle lots and adjacent to each other, in conflict with Sec. 5.5. Additionally, the panhandle on lot 10 extends greater than 200 feet, also in conflict with the requirements of Sec. 5.5.

Additionally, Sec. 707. - Reduction in lot size prohibited, states that “No lot shall be reduced, divided or changed in size so that lot width, size of yards, lot area per dwelling unit or any other requirement of these regulations is not maintained, unless said reduction or division is necessary to provide land which is acquired for a public purpose.”. If the proposed development does not meet the minimum requirements of the R-3 district as depicted in the site plan, the site plan will need to be modified to meet the standards prior to consideration by the Planning Commission. In the current configuration, 8 of the 10 proposed lots do not meet the minimum lot size requirement of the R-3 zoning district.



Site Plan:





Architectural Examples:





Aerial:



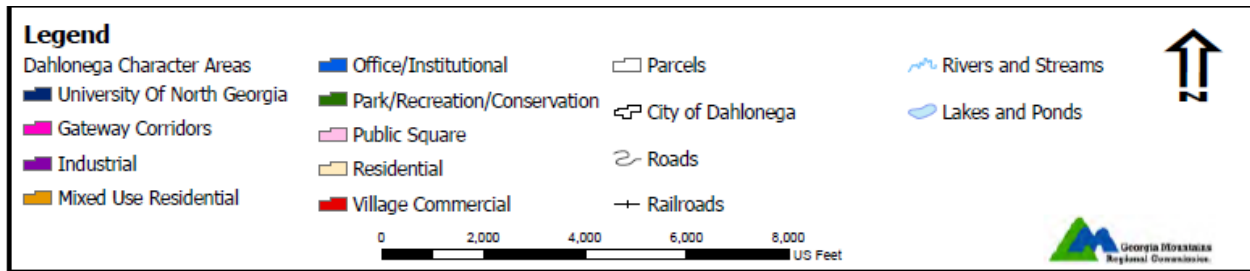
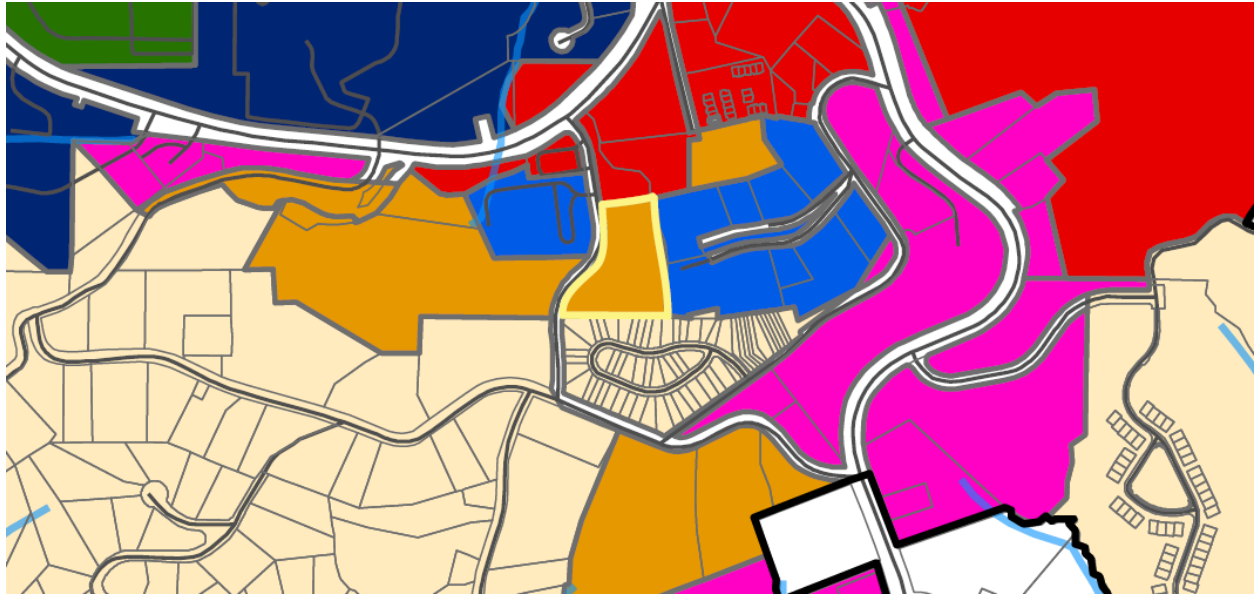


Current Zoning:





Comprehensive Plan:





Staff Recommended Motion:

Per the requirements of Sec. 2610. - Recommendation by zoning administrative officer, Staff recommends denial application REZN 23-2 based on the following findings:

1. The proposed development fails to meet the minimum development standards of the R-3 Multiple Family Residential District for the minimum lot sizes for duplexes.
2. The proposed development fails to meet the requirements of Sec. 5.5, Panhandle of flag lots.
3. Approval of REZN23-2 would be in violation of Sec. 707: Reduction in lot size prohibited.

Planning Commission

TBD

PROJECT DESCRIPTION:
 CURRENTLY, THIS 3.75 ACRE PROPERTY IS WOODED ALONG ALICIA LANE. THE PROPOSED DEVELOPMENT CONSISTS OF 10 NEW RESIDENTIAL LOTS WITH 1 MULTIFAMILY DUPLEX PER LOT AND ALL NECESSARY IMPROVEMENTS.

TOTAL AREA = 3.75 ACRES
 DISTURBED AREA = - ACRES

BUILDING SETBACKS:
 FRONT 35'
 SIDE 10'
 REAR 10'

BOUNDARY INFORMATION FROM PLAT OF SURVEY FOR BILL T. HARDMAN BY FARLEY-COLLINS-WHIDDEN DATED 7-03-02:

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'

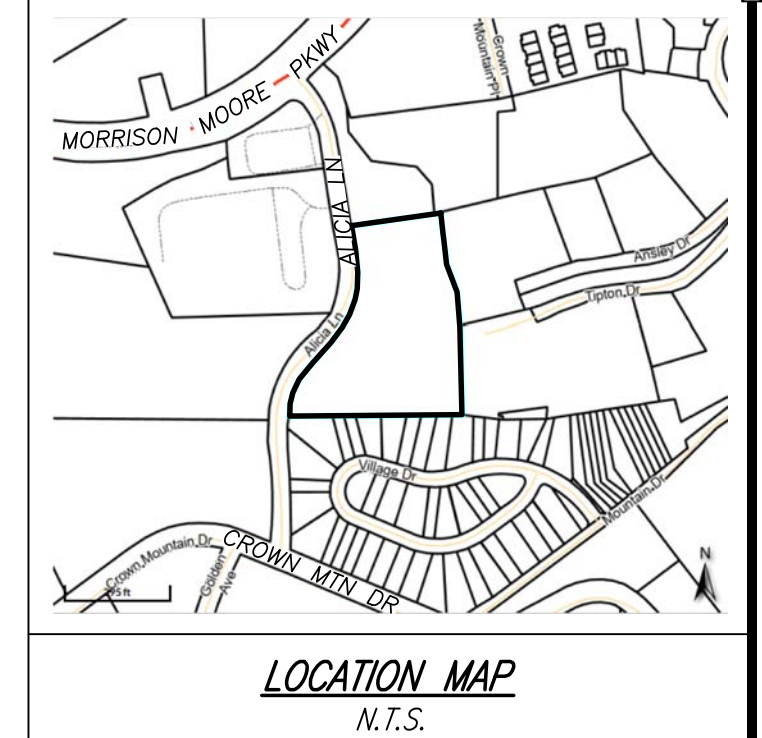
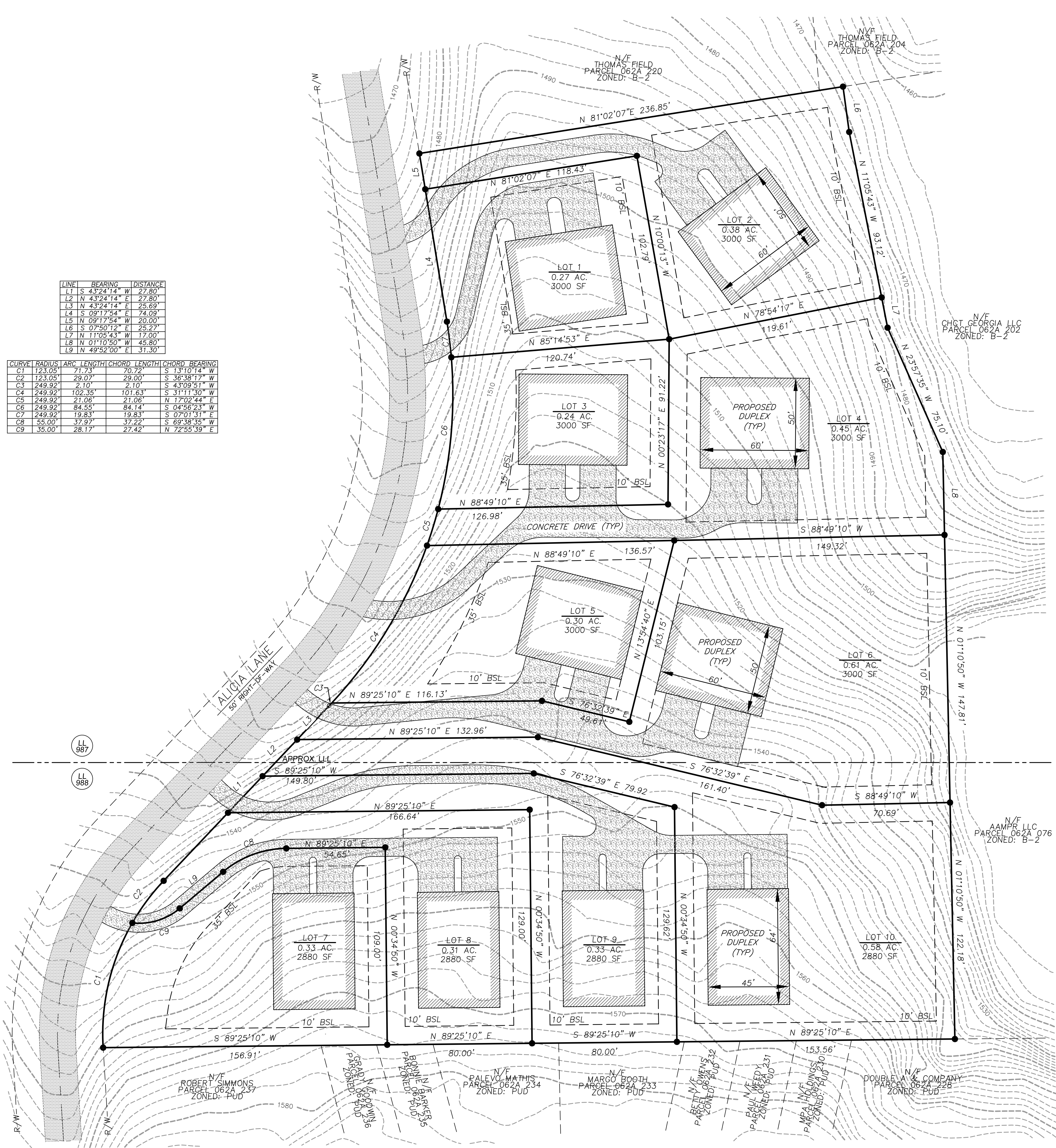
NO PORTION OF THIS SITE IS LOCATED WITHIN THE 100-YEAR FLOOD PRONE AREA AS PER FLOOD INSURANCE RATE MAP NO. 13187C01630, DATED 7/13/2023.

GENERAL NOTES:

- ALL CONSTRUCTION WORK, MATERIALS, AND IMPROVEMENTS AT THIS SITE SHALL CONFORM WITH CITY OF DAHLONEGA, GEORGIA REQUIREMENTS.
- ALL STRUCTURES WILL BE REQUIRED TO CONFORM TO THE STANDARD BUILDING CODES HORIZONTAL SEPARATION STANDARDS. APPROVAL OF THIS PERMIT WILL NOT JUSTIFY ANY DEVIATION IN HORIZONTAL SEPARATION STANDARDS AS ADOPTED AND AMENDED BY THE GEORGIA DEPARTMENT OF COMMUNITY AFFAIRS.
- CONTRACTORS SHALL CONDUCT ALL WORK IN ACCORDANCE WITH THE REQUIREMENTS OF APPLICABLE REGULATIONS OF THE OCCUPATIONAL SAFETY & HEALTH ADMINISTRATION (OSHA) AND ALL LOCAL, STATE AND FEDERAL RULES AND REGULATIONS.
- ALL CONSTRUCTION STAKING ON THIS SITE SHALL BE PERFORMED UNDER THE DIRECT SUPERVISION OF A GEORGIA REGISTERED LAND SURVEYOR.
- MATTERS OF RECORD NOT SHOWN HEREON ARE EXCEPTED.
- THE UTILITIES AND STRUCTURES AS SHOWN ON THIS PLAN WERE FOUND PER ABOVE GROUND EXAMINATION OF THIS SITE, BASED ON VISIBLE INDICATIONS. IT IS THE CONTRACTOR'S RESPONSIBILITY TO VERIFY ALL EXACT LOCATIONS AND ELEVATIONS OF ALL UNDERGROUND UTILITIES AND OTHER STRUCTURES BEFORE THE START OF CONSTRUCTION ON THIS PROJECT.
- IT SHALL BE THE GENERAL CONTRACTOR'S RESPONSIBILITY TO VERIFY THAT ALL UTILITIES ARE AS NOTED IN THE PLANS. ANY DISCREPANCIES SHALL BE REPORTED TO THE ENGINEER AS SOON AS POSSIBLE.
- TOILET FACILITIES SHALL BE MADE AVAILABLE TO CONSTRUCTION WORKERS WITHIN 300' OF SITE.
- NO MATERIAL CAN BE BURIED ON-SITE WITHOUT THE APPROVAL OF THE OWNER AND GEOTECHNICAL ENGINEER.
- CONTRACTOR SHALL BE RESPONSIBLE FOR REMOVAL OF ALL DEBRIS AS ACCEPTABLE TO THE OWNER.
- CONTRACTOR IS TO REMOVE ALL ROCK, TOPSOIL, AND UNSUITABLE MATERIALS.
- MAXIMUM CUT OR FILL SLOPES SHALL BE 2 HORIZONTAL: 1 VERTICAL.
- THIS SITE DOES NOT CONTAIN WETLANDS.
- THIS SITE DOES NOT HAVE STATE WATERS REQUIRING UNDISTURBED BUFFERS.
- EXISTING FEATURES SHOWN BY DASHED LINES OR SHADED. PROPOSED FEATURES SHOWN BY SOLID OR BOLD LINES.
- CONTRACTOR RESPONSIBLE FOR PROTECTING ADJACENT AREAS AND SHALL BE RESPONSIBLE TO REPAIR ANY DAMAGE TO A CONDITION EQUAL TO OR GREATER THAN THE ORIGINAL CONDITION.
- ALL HDPE PIPE TO CONFORM TO PIPE MANUFACTURER REQUIREMENTS AND GEOTECHNICAL RECOMMENDATIONS.
- CONTRACTOR SHALL COORDINATE BUILDING CONSTRUCTION WITH ARCHITECTURAL PLANS (BY OTHERS).
- ALL SIGNAGE AND STRIPING TO BE PROVIDED BY CONTRACTOR ACCORDING TO THE MANUAL ON UNIFORM TRAFFIC CONTROL DEVICES (MUTCD) AND OTHER GOVERNING MUNICIPAL STANDARDS AND SPECIFICATIONS, LATEST EDITIONS.
- PRIOR TO CONSTRUCTION, THE CONTRACTOR IS TO VERIFY ALL DIMENSIONS ON THESE DRAWINGS WITH ALL COORDINATING DOCUMENTS AND NOTIFY ENGINEER OF ANY DISCREPANCIES. IF DISCREPANCIES ARE FOUND DURING CONSTRUCTION, THE CONTRACTOR IS TO STOP WORK IMMEDIATELY AND NOTIFY THE ENGINEER.
- ALL EXISTING MANHOLE COVERS, METER BOXES, AND OTHER UTILITY APPURTENANCES LOCATED WITHIN THE LIMITS OF WORK SHALL BE ADJUSTED SO THAT THEIR TOP SURFACES WILL BE FLUSH WITH FINISHED GRADE.
- ALL TEMPORARY STRIPING AND SIGNAGE NECESSARY TO MAINTAIN SAFE VEHICULAR AND PEDESTRIAN TRAFFIC FLOW DURING CONSTRUCTION SHALL BE FURNISHED, INSTALLED, AND MAINTAINED BY THE CONTRACTOR.
- MUTCD SIGNAGE AND CERTIFIED FLAGGERS SHALL BE EMPLOYED DURING ANY ROAD CLOSURE OR TRAFFIC DISRUPTION.

LINE	BEARING	DISTANCE
L1	S 43°24'14" W	27.80'
L2	N 43°24'14" E	27.80'
L3	N 43°24'14" E	25.69'
L4	S 09°17'54" E	74.09'
L5	N 09°17'54" W	20.00'
L6	S 07°50'12" E	25.27'
L7	N 11°05'43" W	17.00'
L8	N 01°10'50" W	45.80'
L9	N 49°52'00" E	31.30'

CURVE	RADIUS	ARC LENGTH	CHORD	LENGTH	CHORD BEARING
C1	123.05'	71.73'	70.72'	S 13°10'14" W	
C2	123.05'	29.07'	29.00'	S 36°38'17" W	
C3	249.92'	21.10'	21.10'	S 43°09'51" W	
C4	249.92'	102.35'	101.63'	S 31°11'50" W	
C5	249.92'	21.06'	21.06'	N 17°02'44" E	
C6	249.92'	84.55'	84.14'	S 04°56'23" W	
C7	249.92'	19.83'	19.83'	S 07°01'51" E	
C8	55.00'	37.97'	37.22'	S 69°38'56" W	
C9	35.00'	28.17'	27.42'	N 72°55'39" E	



DEVELOPER
 JR JOHNSON
 1071 GREEN STREET CIRCLE
 GAINESVILLE, GA 30501
 678-524-6565

DES DAVIS
 ENGINEERING & SURVEYING
 24 DAWSON VILLAGE
 WAY SOUTH
 DAWSONVILLE, GA 30534
 PHONE: (706) 265-1234
 DAVISENGINEERS.COM

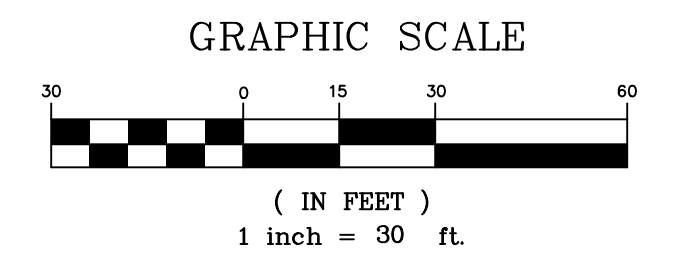
REVISION	DATE	DESCRIPTION

CONCEPTUAL LAYOUT
 SQUARETAIL/ALICIA LANE DEVELOPMENT
 LAND LOT 987 & 988
 12TH DISTRICT, 1ST SECTION
 LUMPKIN COUNTY

DRAWN BY: BDM
CHECKED BY: JKD
LAND LOT: 987 & 988
DISTRICT: 12TH
SECTION: 1ST
CITY: DAHLONEGA
COUNTY: LUMPKIN
DATE: 7/12/2023



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



SHEET NO.
 1 of 1
PROJECT NO.
 2022-516

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DATE: 07/31/2023
TITLE: Zoning Map Amendment - (Parcel No. D11-033)
PRESENTED BY: Allison Martin, City Manager

AGENDA ITEM DESCRIPTION:

This is a request to amend the zoning map of the City of Dahlonega, Georgia, by changing the zoning on a parcel of land owned by Chelsea Mikell and Scott L. Mikell (REZN-23-4) – the request is to change the proposed use of a +/- 0.261-acre property located at 115 N Meaders Street (D11-033) (Hawkins Street LL951LD12-1) from R-1 (Single Family Residential District) to R-2 (Multiple Family Residential District). The purpose of this request is to allow this property to function as a short-term rental.

HISTORY/PAST ACTION:

FINANCIAL IMPACT:

N/A

RECOMMENDATION:

Staff recommends denial.

SUGGESTED MOTIONS:

Motion to deny.

ATTACHMENTS:

- 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.

Please refer to "Exhibit A"

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

Airbnb rentals nearby specifically increase both rent and home sale prices (specifically, a 10 percent increase in Airbnb listings leads to a 0.42 percent increase in rents and a 0.76 percent increase in house prices) according to a 2017 study.

Barron, Kyle and Kung, Edward and Proserpio, Davide, The Effect of Home-Sharing on House Prices and Rents: Evidence from Airbnb (March 4, 2020). Available at SSRN:

<https://ssrn.com/abstract=3006832> or <http://dx.doi.org/10.2139/ssrn.3006832>

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

Not applicable as above. Property values of local homes would likely not be affected by the proposed zoning and may likely see increased property values.

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

In its current state, the home will only be able to serve as a second/vacation home. It will be unihabited for a significant amount of time when our family is not visiting Dahlenega. With the proposed zoning, the ability to function as a short-term/vacation rental (Airbnb/VRBO) would offer year-round influx of tourism to the downtown Dahlenega area in which vacationers would be in walking distance to local shops, stores, and restaraunts.

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

The physical suitability of this property for development should not change significantly with the proposed zoning R-2 vs current zoning (R-1). It is likely that as a short term rental location (R-2), income generated from rent would allow for increased development and beautification of the home and grounds, which as mentioned before, is highly visible from public areas.

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.

Not applicable. This property is not currently vacant.

7. The zoning history of the subject property.

The parcel has been zoned R-1 (Single-Family Residential District) for many years.

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.

The property at present would sleep 6 adult guests maximum. Short term rental agencies such as Airbnb and VRBO include strict restrictions on how many guests can stay in a rental location at one time. There is adequate parking off-street for 4 vehicles in the driveway which should be more than adequate for the maximum amount of guests. Schools and transportation facilities would be unaffected. A maximum of 6 visitors would not lead to burdensome use of Hancock park, public facilities, or utilities.

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

The zoning of this property as R2 (proposed) for potential use as a short term rental would be in conformity with the use of surrounding property. This includes adjacent R2 zoning (condominiums) and several areas within the Central Business District (hotels and condos).

Fox, Chandler, Homans, Hicks & McKinnon, LLP

ATTORNEYS AT LAW

JOSEPH A. HOMANS
CATHERINE HENRY HICKS, P.C.
GRAHAM MCKINNON IV, P.C.
THEODORE G. CASSETT, P.C.
MARGARET ANNE CHRISTIE
PARKER HICKS

POST OFFICE BOX 477
DAWSONVILLE, GEORGIA 30534
Telephone (706) 265-3090
Facsimile (706) 865-3147
www.foxchandler.com

OF COUNSEL:
ROBERT L. CHANDLER, P.C.

May 12, 2023

Ms. Allison Martin
City Manager
City of Dahlonega
465 Riley Road
Dahlonega, GA 30533

**via email: amartin@dahlonega.gov


Re: Proposed Re-zone Application (R-1 to R-2)
115 Meaders Street North
Chelsea and Scott Mikell

Dear Ms. Martin:

Chelsea Mikell and Scott Mikell retained me regarding a proposed rezoning of the property referenced herein from R-1 to R-2. A draft of the application is attached. I request the opportunity to discuss the application before submitting with you or whomever you designate.

Please let me know if and when I can meet with you regarding this matter.

Respectfully,



Joseph A. Homans

JAH/sj

EXHIBIT A

This property is located directly across Hawkins Street from Hancock Park (CBD) in Downtown Dahlonega. There are several areas and buildings zoned in the Central Business District (CBD) and Historical Business District (B-3) nearby (park, shops, restaurants, hotels, Lumpkin County Community House). The home is highly visible from Hancock Park and surrounding areas.

In an adjacent lot across N. Meaders St. are condominiums (R2) used as rental properties.

There are also two small R1 plots (single-family residential) bordering the property. The proposed zoning would not adversely affect any of these areas, and will likely benefit the aforementioned businesses located close by. A short term/vacation rental in close proximity would likely stimulate local business. Also, the rezoning would not disturb those zoned in R1 as this downtown area is already highly trafficked due to its close proximity to the Public Square and many Central Business District areas. In addition, short term/vacation rental guidelines would prohibit exceeding a maximum number of visitors in the home at one time.

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 Dahlongega.

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 : _____

Date of Signature: _____

Signature of Witness: _____

DISCLOSURE OF CAMPAIGN CONTRIBUTION

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

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

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

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

EXHIBIT A

This property is located directly across Hawkins Street from Hancock Park (CBD) in Downtown Dahlonega. Several nearby parcels are zoned within Central Business District (CBD) and Historical Business District (B-3) (park, shops, restaurants, hotels, Lumpkin County Community House). The home on the property is visible from Hancock Park and surrounding areas.

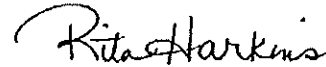
The adjacent lot across N. Meaders St. is zoned R-2 and used as rental property - Condominiums.

Two small R-1 (single-family residential) parcels border the property.

The proposed zoning would not adversely affect any of these properties and will likely benefit the businesses located nearby. A short-term vacation rental in close proximity would likely stimulate local business. Also, the rezoning would not disturb those zoned in the R1 District as this downtown area is already highly trafficked. In addition, short-term vacation rental guidelines prohibit exceeding a maximum number of visitors in the home at one time.

D2022006074
BK:1577 PG:130-132

FILED IN OFFICE
CLERK OF COURT
10/26/2022 01:59 PM
RITA HARKINS, CLERK
SUPERIOR COURT
LUMPKIN COUNTY, GA



REAL ESTATE
TRANSFER TAX
PAID: 5434.00

PT-61 093-2022-002579

After recording return to:
Horne & Edelberg, P.C.
Post Office Box 37
Dahlonega, Georgia 30533

3433540228
PARTICIPANT ID

SURVIVORSHIP LIMITED WARRANTY DEED

STATE OF GEORGIA,
COUNTY OF LUMPKIN.

THIS INDENTURE, Made this 25th day of October, 2022, between **Julio Ruiz and Cynthia Ruiz**, of the first part, hereinafter referred to as Grantors, and **Chelsea Jones Mikell and Scott Lindsey Mikell**, as joint tenants with survivorship and not as tenants in common, of the second part, hereinafter referred to as Grantees;

The words "Grantors" and "Grantees" whenever used herein shall include all individuals, corporations, and any other persons or entities, and all the respective heirs, executors, administrators, legal representatives, successors and assigns of the parties hereto, and all those holding under either of them, and the pronouns used herein shall include, when appropriate, either gender and both singular and plural, and the grammatical construction of sentences shall conform thereto.

WITNESSETH: That the Grantors, for and in consideration of the sum of TEN AND NO/100s DOLLARS (\$10.00) and Other Valuable Considerations, in hand paid, at and before the sealing and delivery of these presents, the receipt of which is hereby acknowledged, have granted, bargained, sold and conveyed, and by these presents do grant, bargain, sell and convey unto the Grantees, the following described property:

See Exhibit "A" attached hereto and incorporated herein by reference.

TO HAVE AND TO HOLD the said tract or parcel of land, with all and singular the rights, members and appurtenances thereof, to the same being, belonging, or in anywise appertaining to the only proper use, benefit and behoof of the Grantees forever in Fee Simple.

Page Two
Survivorship Limited Warranty Deed
115 Meaders Street North

AND THE Grantors will warrant and forever defend the right and title to the above described property, unto the Grantees against all persons claiming by, through or under Grantors.

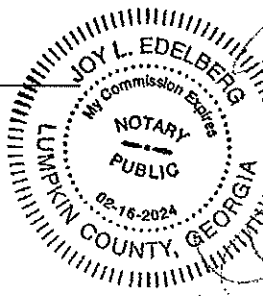
IN WITNESS WHEREOF, the Grantors have executed this deed the day and year above written.

Signed, sealed and delivered
in the presence of:

Hank Sudd
Unofficial Witness

Julio Ruiz (SEAL)
Julio Ruiz

Notary Public
Commission Expires:



Signed, sealed and delivered
in the presence of:

Hank Sudd
Unofficial Witness

Cynthia Ruiz (SEAL)
Cynthia Ruiz

Notary Public
Commission Expires:

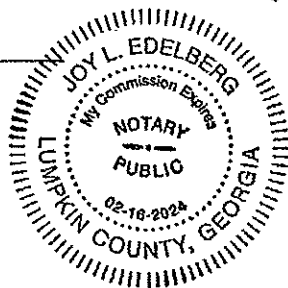


Exhibit "A"

All that tract or parcel of land lying and being in Land Lot 951 of the 12th District, 1st Section of Lumpkin County, Georgia, being in the City of Dahlonega, consisting of 0.261 acres, more or less, together with all improvements located thereon, and being more particularly described and delineated according to a plat of survey dated June 12, 2014, prepared by John S. Lingle, Georgia Registered Land Surveyor, which is recorded in Plat Cabinet One, Slide 200, Plat 188A, Lumpkin County Records, and is hereby incorporated by reference for a more detailed description.

This property is conveyed together with and subject to all easements for roads and utilities in use or of record.

Subject Property Address: 115 Meaders Street North, Dahlonega, GA 30533

- LEGEND**
- UTILITY POLE (U/P)
 - PROPERTY CORNER
 - NEW PER EARTH (PE)
 - NEW PER SET (PS)
 - POINT OF BEGINNING
 - POINT OF COMMENCEMENT
 - RIGHT OF WAY
 - PROPERTY LINE
 - NEW OR EXISTING
 - CAS METER
 - WATER METER

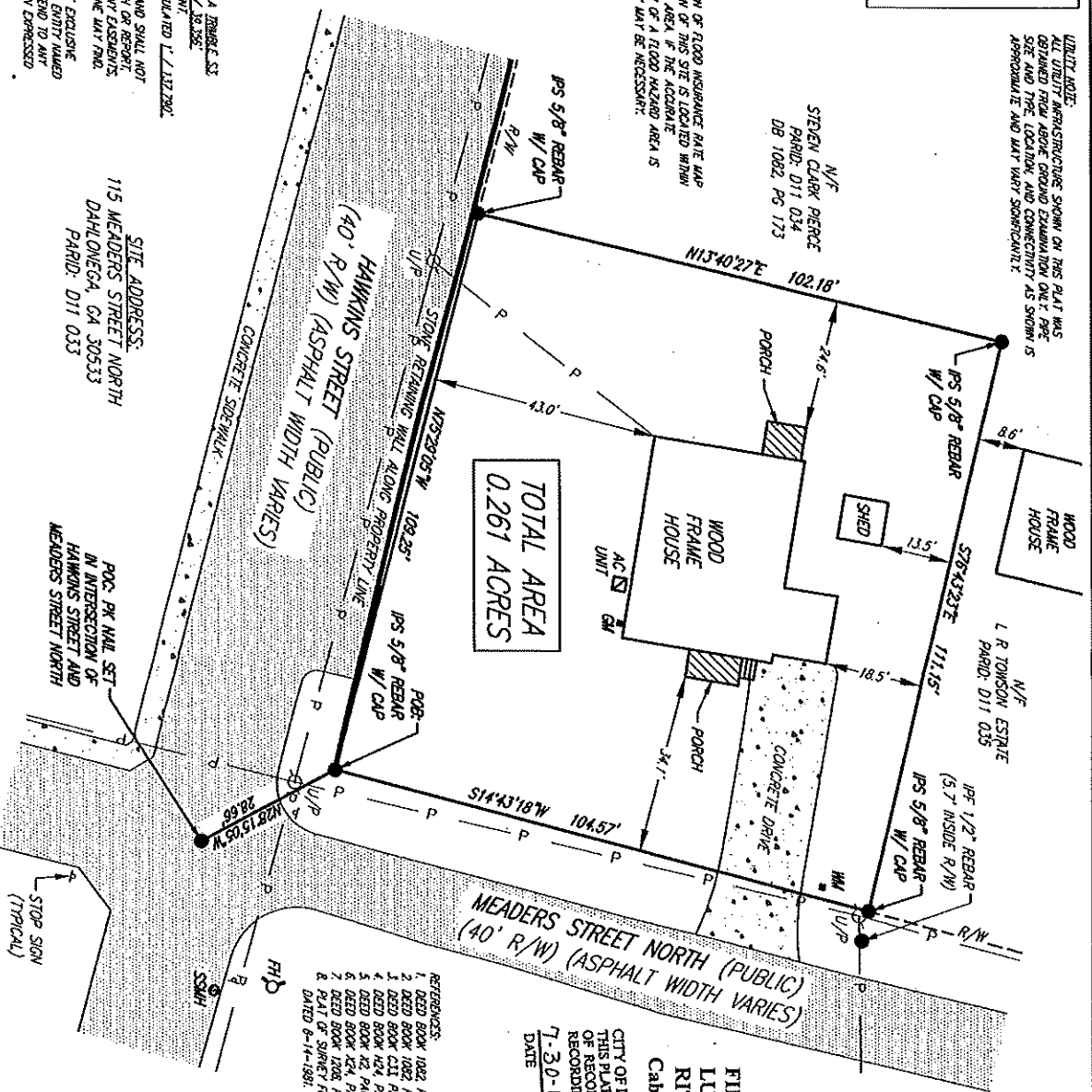
UTILITY POLES AND STRUCTURES SHOWN ON THIS PLAT WAS OBTAINED FROM THE GEORGIA CHARTERED SURVEYORS BOARD. THE LOCATION AND CONNECTIONS AS SHOWN IS APPROXIMATE AND MAY VARY SIGNIFICANTLY.

FLOOD NOTE:
 BASED ON AN INTERPRETATION OF FLOOD INSURANCE RATE MAP NO. 13182C-101A, NO FLOODING OF THIS SITE IS LOCATED WITHIN THE 100-YEAR FLOOD HAZARD AREA IF THE ACCURATE LOCATION AND/OR ELEVATION OF A FLOOD HAZARD AREA IS REQUIRED, A DETAILED STUDY MAY BE NECESSARY.

MEASUREMENTS WERE TAKEN WITH A TRIMBLE SC WITH A CLOSURE PRECISION OF 1/10,000".
 PLAT PRECISION OF CLOSURE CALCULATED 1/1,117,290".
 THIS PLAT DOES NOT CONSTITUTE AND SHALL NOT BE CONSIDERED AS A TITLE SEARCH OR REPORT, AND THIS MAY BE SUBJECT TO ANY CLAIMS, RIGHT OF WAY OR RESTRICTIONS ONE MAY HAVE.
 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 RESTRICTION BY THE SURVEYOR.

SITE ADDRESS:
 115 MEADERS STREET NORTH
 DAHLONEGA, GA 30533
 PARID: D11 033

**POC. PER MAIL SET
 IN INTERSECTION OF
 HAWKINS STREET AND
 MEADERS STREET NORTH**



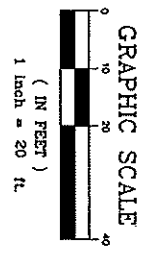
- REFERENCES:**
1. DEED BOOK 1082, PAGE 188, LUMPKIN COUNTY RECORDS
 2. DEED BOOK 1082, PAGE 192, LUMPKIN COUNTY RECORDS
 3. DEED BOOK 121, PAGE 582, LUMPKIN COUNTY RECORDS
 4. DEED BOOK 121, PAGE 584, LUMPKIN COUNTY RECORDS
 5. DEED BOOK 124, PAGE 310, LUMPKIN COUNTY RECORDS
 6. DEED BOOK 126, PAGE 158, LUMPKIN COUNTY RECORDS
 7. DEED BOOK 126, PAGE 158, LUMPKIN COUNTY RECORDS
 8. PLAT OF SURVEY FOR BETTY L. JONES BY MICHAEL SCHEW DATED 6-14-1981.

FILED 11:30 AM 8/5/2014
 LUMPKIN COUNTY
 RITA HARKINS, CLERK
 Cabinet 1 Side 200 Plat 188A

CITY OF DAHLONEGA
 THIS PLAT IS FOR AN EXISTING LOT
 OF RECORD AND IS APPROVED FOR
 RECORDING

7-30-14
 DATE
 CITY OFFICIAL

MAGNETIC NORTH (AS OBSERVED ON MAY 15, 2014)



SHEET NO.
 1 of 1
 PRODUCT NO.
 2014-091



BOUNDARY SURVEY

BRYSON WILKINS
 LUMPKIN COUNTY, GEORGIA
 LAND LOT 951
 12TH DISTRICT, 1ST SECTION
 CITY OF DAHLONEGA

DRAWN BY: JB
 FIELD CREW: ADTE
 SURVEY DATE: 6/12/14
 PLAT DATE: 6/29/14



DAVIS ENGINEERING & SURVEYING
 81 GORDON PARK PLACE
 DAHLONEGA, GA 30533
 PHONE: (706) 844-0912
 FAX: (706) 844-0922
 DAVISENGINEERS.COM

Summary

Parcel Number D11 033
 Location Address 115 MEADERS STREET NORTH
 Legal Description LOT HAWKINS ST LL 951 LD 12-1
 (Note: Not to be used on legal documents)
 Class R3-Residential
 (Note: This is for tax purposes only. Not to be used for zoning.)
 Character Area R1
 Tax District Dahlonega (District 02)
 Millage Rate 30.549
 Acres 0.25
 Neighborhood *CITY@500/FF (00257)
 Homestead Exemption No (S0)
 Landlot/District 951 / 12

[View Map](#)



Map



Owner

MIKELL CHELSEA J & SCOTT L
 115 MEADERS STREET NORTH
 DAHLONEGA, GA 30533

Land

Type	Description	Calculation Method	Square Footage	Frontage	Depth	Acres	Lots
Residential	*CITY@500/FF	Front Feet	11,025	105	105	0.25	0

Residential Improvement Information

Style One Family
 Heated Square Feet 1184
 Interior Walls Sheetrock
 Exterior Walls Alum/Vinyl/Metal Sid
 Foundation Masonry
 Attic Square Feet 0
 Basement Square Feet 0
 Year Built 1885
 Roof Type Architectural Shingles
 Flooring Type Carpet/Hrdwd/Vinyl
 Heating Type Central Heat/AC
 Number Of Rooms 0
 Number Of Bedrooms 0
 Number Of Full Bathrooms 1
 Number Of Half Bathrooms 0
 Number Of Plumbing Extras 0
 Value \$76,336
 Condition Average
 House Address 115 MEADERS STREET NORTH

Accessory Information

Description	Year Built	Dimensions/Units	Identical Units	Value
Shed Average	2019	6x10/0	1	\$423

Permits

Permit Date	Permit Number	Type	Description
11/22/2019	3381	RENOVATIONS	ESTIMATED VALUE GIVEN BY OWNER/ BUILDE \$5,000 REPLACEMENT OF A/C SYSTEM
11/20/2019	3378	ADDITION	ESTIMATED VALUE GIVENBY OWNER/ BUILDER \$1,900 INSTALLATION OF PERIMETER FENCE & GATE

Sales

Sale Date	Deed Book / Page	Plat Book / Page	Sale Price	Reason	Grantor	Grantee
10/25/2022	1577 130		\$434,000	FULLY FURNISHED SALE	RUIZ JULIO & CYNTHIA	MIKELL CHELSEA J & SCOTT L
8/1/2014	1280 404	1-200 188A	\$150,000	Fair Market	WILKINS TERRI H	RUIZ JULIO & CYNTHIA
4/8/2014	1273 346		\$108,000	Fair Market	BUTLER JERRY M	WILKINS TERRI H
3/16/2012	1208 168		\$0	Estate	BUTLER GRADY	BUTLER JERRY M

Area Sales Report

Sale date range:

From:

04/25/2020

To:

04/25/2023

Sales by Neighborhood

Sales by Area

1500

Feet 

Sales by Distance

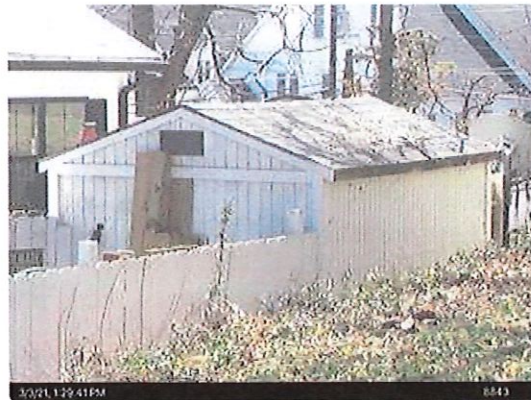
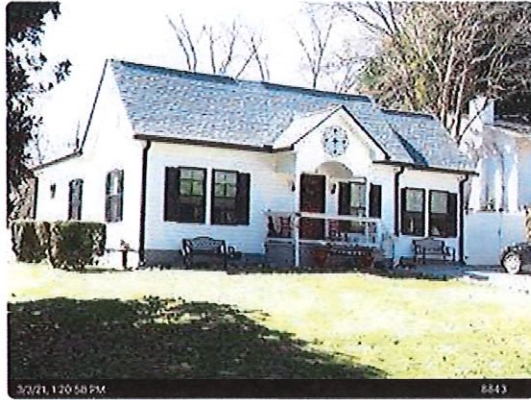
Valuation

	2022	2021	2020	2019	2018
Previous Value	\$107,231	\$84,573	\$84,573	\$79,694	\$80,334
Land Value	\$45,150	\$45,150	\$45,150	\$45,150	\$45,150
+ Improvement Value	\$76,336	\$61,644	\$39,423	\$39,423	\$34,544
+ Accessory Value	\$423	\$437	\$0	\$0	\$0
= Current Value	\$121,909	\$107,231	\$84,573	\$84,573	\$79,694

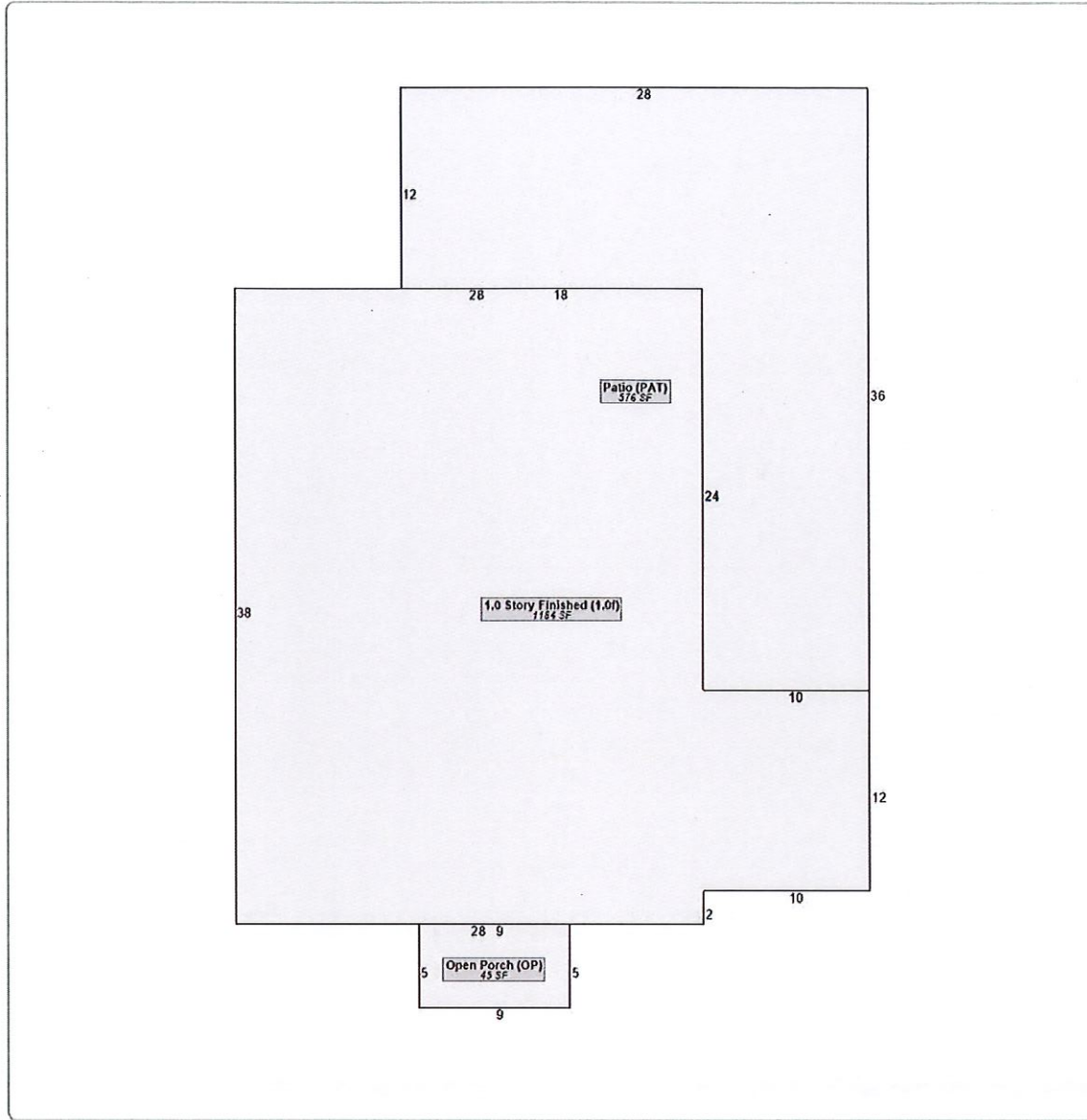
Tax Collector

Tax Collector Website

Photos



Sketches



Mailing Labels

Distance:

100

Fe

Use Address From:

Owner Property

Select export file format:

Address labels (5160)

International mailing labels that exceed 5 lines are not supported on the Address labels (5160). For international addresses, please use the xlsx, csv or tab download formats.

Download

Show All Owners Show Parcel ID on Label

Skip Labels 0

No data available for the following modules: Rural Land, Conservation Use Rural Land, Commercial Improvement Information, Mobile Homes, Prebill Mobile Homes.

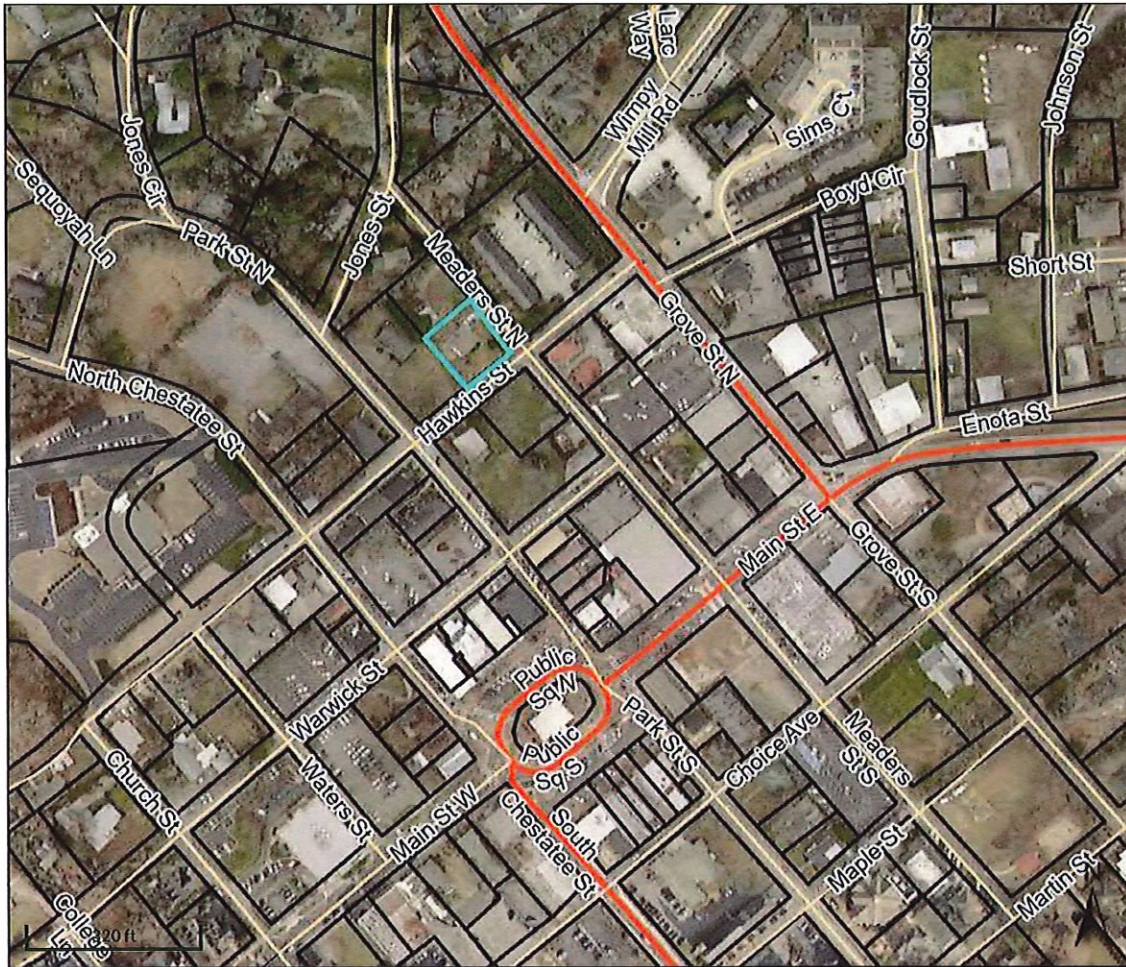
The Assessor's Office makes every effort to produce the most accurate information possible. No warranties, expressed or implied, are provided for the data herein, its use or interpretation. The assessment information is from the last certified tax roll. All data is subject to change before the next certified tax roll.

User Privacy Policy GDPR Privacy Notice

Last Data Upload: 4/24/2023, 5:23:27 PM



Version 3.1.4



Overview



Legend

- Parcels
- Roads**
 - Arterial
 - City
 - Collector
 - DRIVEWAY
 - Local
 - Private City
 - USFS

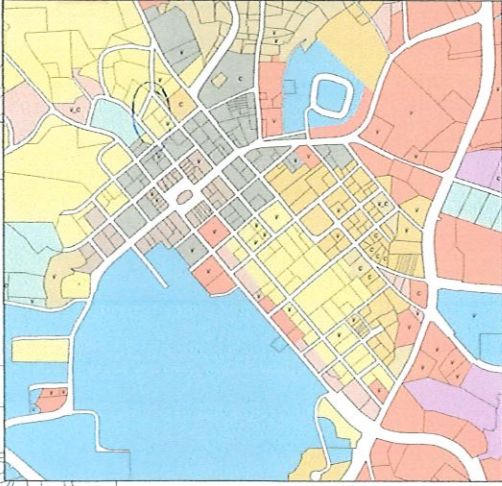
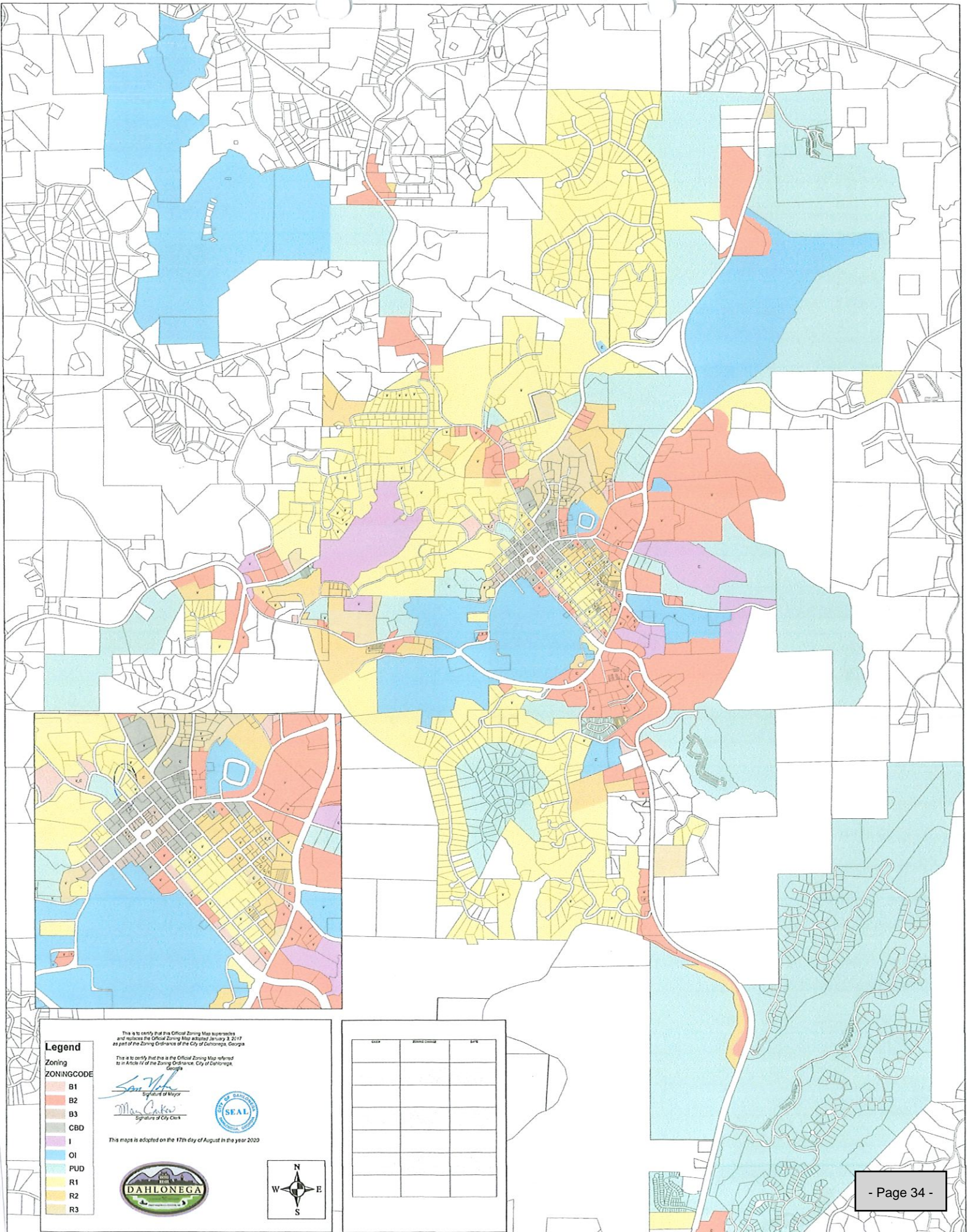
Parcel ID	D11 033	Owner	MIKELL CHELSEA J & SCOTT L	Last 2 Sales			
Real Key / Acct	8843		115 MEADERS STREET NORTH	Date	Price	Reason	Qual
Class Code	Residential		DAHLONEGA, GA 30533	10/25/2022	\$434000	FF	U
Taxing District	Dahlonega	Physical Address	115 MEADERS STREET NORTH	8/1/2014	\$150000	FM	Q
Acres	0.25	Assessed Value	\$121909				

(Note: Not to be used on legal documents)

Date created: 4/25/2023
 Last Data Uploaded: 4/24/2023 5:23:27 PM

Developed by Schneider
 GEOSPATIAL

Official Zoning Map of the City of Dahlongega



- Legend**
- Zoning
ZONING CODE
- B1
 - B2
 - B3
 - CBD
 - I
 - OI
 - PUD
 - R1
 - R2
 - R3

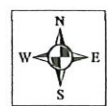
This is to certify that this Official Zoning Map supercedes and replaces the Official Zoning Map adopted January 8, 2019 as part of the Zoning Ordinance of the City of Dahlongega, Georgia.

Sanjiv...
Signature of Mayor

Max Carter
Signature of City Clerk



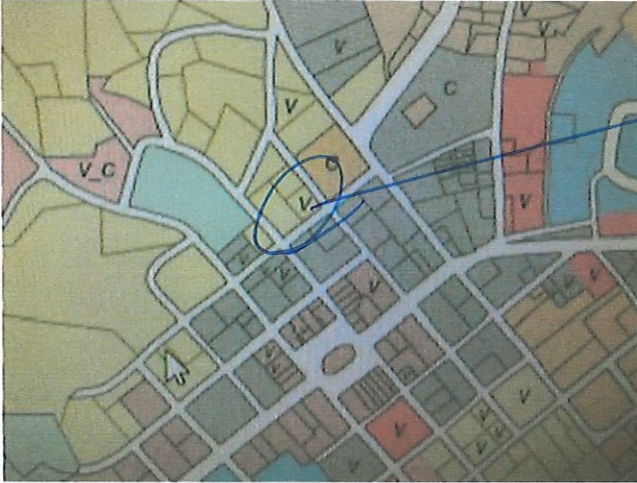
This map is adopted on the 17th day of August in the year 2020



CODE	ZONE CODE	DATE

Tim Martin

From: Tim Martin
Sent: Friday, June 2, 2023 10:11 AM
To: Tim Martin



VARIANCE
10/7/1991
V-93 FILES

Sent from my iPhone

CALLED TO ORDER:

The Dahlonga City Council met in regular session on October 7, 1991 at 7:00 p.m. The meeting was called to order by Mayor Murl Jones. Council members present were: Lewis Carter, Gary Carlisle, J.D. Gunnells, Billie Stancil, Gary McCullough and Bill Woody. The meeting was opened with prayer by Cullen Larson.

MINUTE APPROVAL:

A motion was made by Council Member Gary Carlisle to approve the minutes of the last meetings. This motion was seconded and unanimously approved.

EMPLOYEE OF QUARTER:

The employee of the quarter was recognized as Lou Moss.

CITIZENS:

**ERSKIN
WHITMIRE**

Steve Pierce read the minutes of the meeting of the Dahlonga Zoning Board of Appeals held January 29, 1987 in which a variance request was granted to Erskin Whitmire to allow him to construct another house on his lot located at the corner of Hawkins and Meadows Streets. Mr. Whitmire wanted to know if he would still be allowed to construct a residence on this property. Mayor Jones referred this request to City Attorney Doug Parks. Mr. Parks informed the Council that in his opinion this request could be granted if Mr. Whitmire meets all city regulations.

**CLARENCE
CHAMBERS**

Clarence Chambers requested a business license to sell fruit and produce. Mr. Chambers stated that he was selling in front of Pete's Drug Store but was asked to stop selling at that location. He then obtained a vendor's permit to sell at the Bank of Dahlonga parking lot when the bank is closed on weekends. Mr. Chambers stated that he needs to be able to sell at other times during weekdays. This request was referred to the Ways and Means Committee to look for another area for a farmers market during weekdays. They agreed to meet Friday, October 11 at 12:00 at the Reservation Steak House.

**BEVERLY
WOODWARD**

Beverly Woodward asked for permission to remove her building located at the corner of Chestatee and Hawkins Streets. Application had been made before the Historical Commission, but the application was tabled pending a decision of the Council concerning the Zoning Ordinance requirements. Doug Parks stated that the Zoning Ordinance now requires a public hearing to be held concerning requests of this type, but this requirement could be changed, as the second reading of the Zoning Ordinance is to be heard at this meeting.

**ZONING ORDINANCE
ADOPTION:
PUBLIC HEARINGS**

Jerry Weitz, Regional Planner for G.M.R.D.C., informed the Council that the Historical Commission does not presently hold public hearings on certificates of appropriateness. It was intended not to require a

public hearing for certificates of appropriateness, but the language was erroneously left in Zoning Ordinance 90 9 . Mr. Weitz recommended that public hearings be held for requests for building additions and demolitions, but that applications for minor changes such as building color changes, installation of signs or changes to existing signs should not require advertisement and public hearing.

David Hughes, Chairman of the Historical Commission, stated that the Historical Commission unanimously voted to remove the requirements for public hearings with the exception that a provision be added that a public hearing may be required by the Historical Commission. A motion was made by Council Member Gary McCullough to approve the recommendations of the Historical Commission. This motion was seconded. Council Member Lewis Carter opposed this motion stating that public hearings would delay applications unnecessarily because all Historical Commission Meetings are open meetings. Council Member Gary McCullough then withdrew his motion. After discussion, a final motion was then made by Council Member Lewis Carter that no advertised public hearing would be required for applications before the Historical Commission. The recommendations and minutes of the Historical Commission meetings would be presented to the Council for approval or disapproval at their next meeting. This motion was seconded and unanimously approved.

YARD SALE REGULATIONS:

After discussion a motion was made by Council Member Lewis Carter to approve the recommendations of the Dahlonga Planning and Zoning Commission concerning yard sale regulations. This motion was seconded and approved by a vote of five ayes and one nay. Council Member Billie Stancil voted against the motion.

SECOND READING ORDINANCE 91-9:

Mayor Jones then called for second reading of Zoning Ordinance 91-9 to include yard sale regulation changes and changes concerning public hearings for Historical Commission applications. A motion was made by Council Member J.D. Gunnells to have the second reading of this ordinance. This was seconded and unanimously approved.

HISTORICAL COMMISSION RECOMMENDATIONS:

David Hughes informed Mrs. Woodward that the Historical Commission will meet in called session on Wednesday, October 9 to make a recommendation to the Council concerning her request. Mayor Jones stated that the Council would hold a special meeting on Friday, October 11. Mrs. Woodward urged the Council to make a decision as soon as possible.

ANGELA SCROGGS:

Angela Scroggs requested permission to keep the tables and chairs in front of her shop located at Butler's Mini Mall. Ms. Scroggs stated that there is no se

in this area. Mayor Jones informed the Council that our current ordinance does not allow for outdoor sales. Ms. Scroggs stated that customers would not be serviced outside and there would be no advertising on the tables. City Attorney Doug Parks interpreted this request as an expansion of the current business and further stated that to install private property on city right of ways would be unlawful. It was pointed out that other businesses currently have their benches on city property. Mayor Jones recommended that a committee meeting be held concerning the plans of the square renovations to add city owned benches on the sidewalks. Hal Williams stated that he is willing to donate the benches he owns to the city. Mayor Jones then advised that one of these city owned benches would be moved to this area as soon as possible.

**PLANNING &
ZONING COMM.
RECOMMENDATIONS:**

Sheila Richardson, Vice Chairman of the Dahlenega Planning and Zoning Commission, informed the Council that bylaws have been adopted by the Commission. The Commission recommends to the Council that the new connector road be named Madelyn Anthony Parkway. Mrs. Richardson added that the Council would need to consult with the County Commissioner about the county's portion of the Connector. The Commission further recommended to the Council that changes be made in the amendment of the Subdivision Ordinance. The Commission recommended to the Council that the amount of bond for a nonconforming road be set at no less than 50 percent of the city's estimated cost of the total street construction. They further recommended that a stipulation be added that the bond amount be set above 50 percent if the Council and City Engineer felt that the bond would be insufficient for protection of the city and adjoining property owners due to deficiencies in the roadwork.

**AMENDMENT 91-7
SUBDIVISION
ORDINANCE:**

Mayor Jones read other changes to the Subdivision Ordinance. A motion was then made by Council Member Gary McCullough to have the second reading of Amendment 1 to Ordinance 84-3-Subdivision Ordinance and to adopt the changes recommended by the Planning Commission. This motion was seconded and approved by a vote of five ayes and one abstention. Council Member Bill Woody abstained from voting.

The Street Committee was asked to meet with the County Commission and recommend that the entire Connector be named "Madelyn Anthony Parkway".

**HISTORICAL COMM:
SANDWICH SIGNS**

David Hughes informed the Council that the Historical Commission recommended that applicants for sandwich signs be required to obtain a variance on an individual

basis. A new application would be required to be filed and the Historical Commission would then make a recommendation to the Council. The City Manager asked the Commission to give a recommendation concerning a proposal to install posts and chain around the islands between the museum and the north and south sides of the square. The Commission recommended that no artificial barriers be used, as they felt they could be a safety hazard. The Commission further recommended that bike racks be installed on both sides of the square. They asked that the Council suggest a solution to the problem of trash cans being used as garbage cans by local businesses.

STREET COMM:

Mayor Jones asked the Street Committee to consider the bike rack request. He suggested that the rack be installed in the new parking lot. The Council asked that letters be sent to downtown merchants concerning the use of the trashcans on the square. A motion was made by Council Member Gary McCullough to approve the recommendation of the Historical Commission that no barriers be installed around the islands between the museum and the north and south side of the square. This motion was seconded and unanimously approved.

**SECOND READING
FY 92 BUDGET:**

After discussion, a motion was made by Council Member Gary McCullough to approve the second reading of the FY 92 Budget. This motion was seconded and unanimously approved.

**SECOND READING
AMENDMENT 13
ORDINANCE 75-1:**

A motion was made by Council Member Billie Stancil to approve the second reading of Amendment 13 to Ordinance 75-1 water and sewer rates. This motion was seconded and unanimously approved.

**SECOND READING
AMENDMENT 5
ORDINANCE 84-7:**

A motion was made by Council Member Gary Carlisle to have the second reading of Amendment 5 to Ordinance 84-7 concerning sanitation rates. This motion was seconded and unanimously approved.

REPORTS:

Mayor Jones informed citizens that copies of the Fire Department and Sheriff Department's reports for the month of September were available. Building Inspector Dean Grizzle reported that twenty one permits were issued during the month at a total cost of \$1,585.32.

**FIRST READING
ORDINANCE 91-8:**

City Attorney Doug Parks advised that an ordinance is needed concerning the Jaycees' request that was previously approved by the Council to eliminate any vendors selling during Gold Rush that are not licensed by the Jaycees. A motion was made by Council Member Gary Carlisle to approve Ordinance 91-8 concerning Gold Rush. This motion was seconded and unanimously approved. The second reading of this ordinance is to be held on Friday October 11.

**STREET COMM.
RECOMMENDATIONS:**

The Street Committee recommended that a request from Mr. J.L. Collins to loop Turner Road from its present end out to Highway 52 be disapproved. The Committee could see no benefit this project would bring to the City. The Council concurred with this recommendation.

Council Member Billie Stancil made a motion that existing speed breakers be removed. Jack Sisk asked that the Council consider the excessive traffic on Happy Hollow Road as a residential area being used as a cut thru street to an industrial area. This motion was then seconded and resulted in a vote of three ayes and three nays. Council Members Gary McCullough, J.D. Gunnells and Gary Carlisle voted against the motion. Mayor Jones then voted to leave the speedbreakers but not to install any additional ones.

**MAYOR'S COMMENTS:
TOURISM
ADVISORY**

Mayor Jones informed the Council that three members were needed on the Tourism Advisory Committee. He recommended that Donna Whitfield, Farris Vanderhoff and O'bie O'Brian be appointed on this committee. A motion was made by Council Member Gary Carlisle to approve this recommendation. This was seconded and unanimously approved.

GRANT

Mayor Jones announced that \$10,000 had been received in grant funds from the Department of Community Affairs to be used for the square renovation project.

**CITY MANAGER
COMMENTS:
EASEMENT**

City Manager Emory Stephens informed the Council that the forty four unit apartment complex on Wimpy Mill Road is now under construction. Don Neal, Manager of the apartment complex, has been informed that easements must be granted for the city to install water and sewer for the project.

SIDEWALK

Estimates for the sidewalk request that was made by Greg Smith were given as \$4,750 for a five foot sidewalk that would measure 580 feet from Mr. Smith's house to the top of the hill. It was pointed out that this could be considered as a capital improvements project. This request was referred to the Street Committee.

STREET SIGNS

The Bank of Dahlonga has requested that they be given permission to purchase "Slow Children Playing" signs that would also be designated as "donated by Bank of Dahlonga". Doug Parks advised that he would need to consult the ordinance concerning this request.

**GEOGRAPHIC
INFORMATION
SYSTEM**

Council Member Lewis Carter suggested that computer equipment be purchased to be used to update information concerning lots in order that personnel have a systematic approach to permits being issued. Keck

and Wood estimated the cost at approximately \$9,500. City Engineer Robert Fuller recommended that the city look at other systems before a decision is made. Mayor Jones suggested that a good checklist be used instead of a computerized system. Dean Grizzle and Emory Stephens were asked to look at all suggestions and submit their recommendations back to the Council.

TRAFFIC ENGINEER

The Council was informed that the traffic engineer is to submit a priority plan for streets within the next week.

SQUARE RENOVATION

The Council was also informed that the North side of the square renovation has been completed. The Chamber of Commerce has requested that the city not begin work on the South side of the square until after Christmas. The Council agreed with this recommendation and asked that city crews could work in other areas such as the islands.

ANNOUNCEMENTS:

The Chamber of Commerce plans to sponsor a candidates' forum on October 28 at City Hall.

ADJOURNMENT:

The meeting was adjourned at 9:25 p.m.

APPROVED BY ME THIS 4th DAY OF Nov, 1991

Mark Jocono
MAYOR

Janet Juiced
CITY CLERK