



CITY OF DAHLONEGA

City Council Public Hearing Agenda

September 20, 2021 4:00 PM

Gary McCullough Chambers, Dahlonega City Hall

In compliance with the Americans with Disabilities Act, those requiring accommodation for Council meetings should notify the City Clerk's Office at least 24 hours prior to the meeting at 706-864-6133.

CALL TO ORDER

NEW BUSINESS:

Public Hearing:

1. REZN-21-1 Resurgens Capital Advisors LLC

The applicant is looking to submit a site plan amendment for the PUD The Summit in order to develop 21.75 acre tract referred to as Phase 2. Planning Commission recommended approval with stipulations in staff report.

Jameson Kinley, Planning and Zoning Administrator

ADJOURNMENT



STAFF REPORT

REZN 21-1

Applicant:	Resurgens Capital Advisors – Andrew Galucki
Owner:	Leanna LP et al
Location:	Summit Drive (077-249)
Acreage:	+/- 21.75 Acres
Current Zoning Classification:	PUD
Current Use of Property:	Vacant Phase of Development
General Land Use:	Single Family/Townhome/Potential Commercial
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 commercial/residential use on the +/-21 acres northern portion of the PUD known as the Summit. The applicant is proposing a 61 unit addition with a maximum density of 3 units per acre. This “Phase 2” of the development will be broken into three sub-phases. Phase 2a will be developed as 7 single family detached homes. Phase 2b will be 18 single family and 20 attached townhomes. Phase 2c is reserved for “future” residential or commercial lots.

History and Surrounding Uses

Directly to the south is the existing Phase 1a of the development. Directly to the north is vacant undeveloped land and the Crisson gold mine.

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

Phase 1 was a residential development approved at 3 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 5 optional villas. It was never developed.

The original rezoning heard by 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 4 had frontage along Morrison Moore Parkway which was not annexed and remains unincorporated.

Phase 3 is an undeveloped property to the south of the subject parcel. This is understood to be under contract and is potentially pending submittal.

Setbacks

- 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 curb and gutter, and no sidewalks were required to be built 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 much more thorough analysis of this will be done at the 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

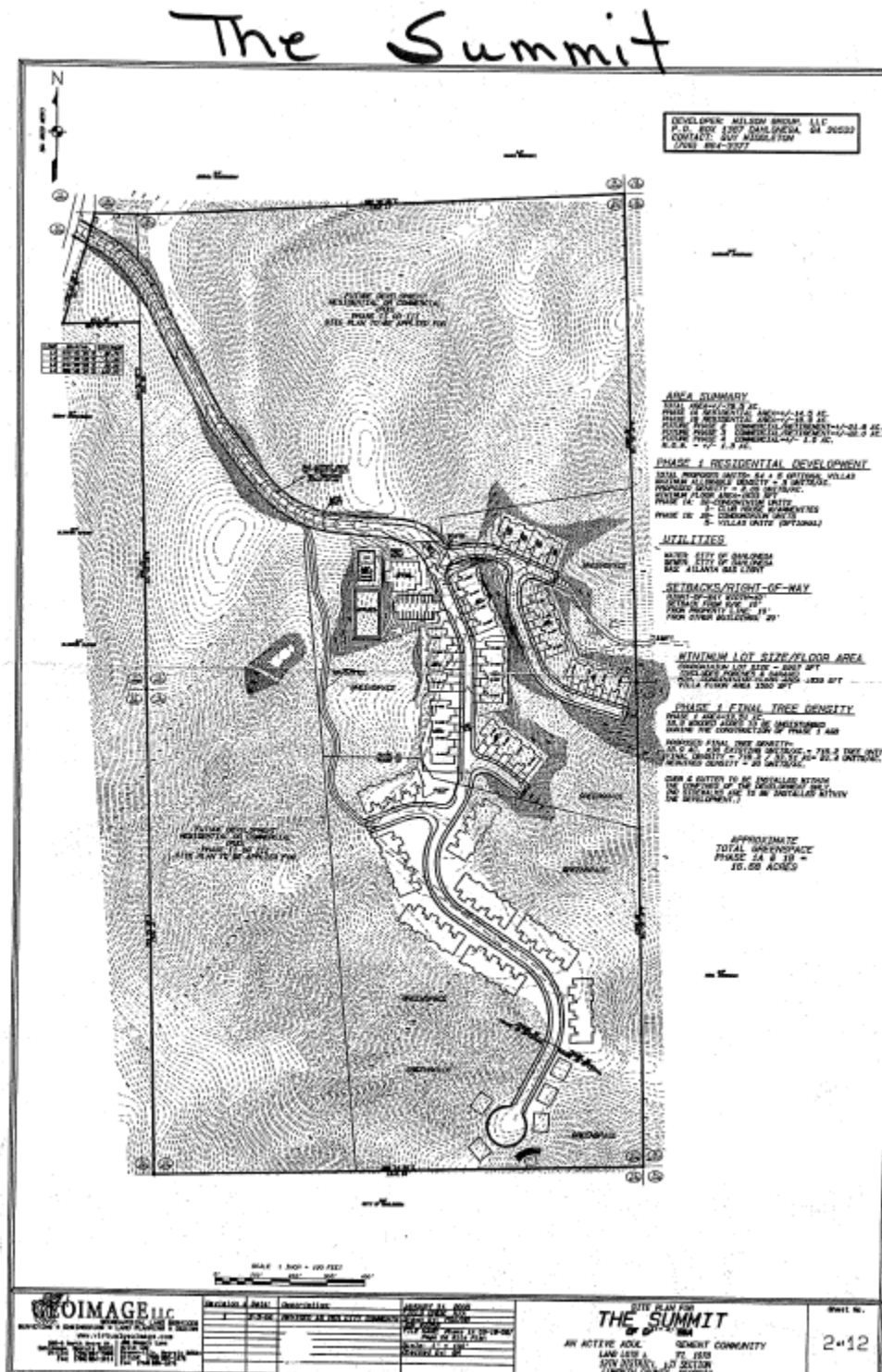
This site plan seems to be consistent with the intent and the original zoning in 2005. Staff would recommend limiting the density to 2.8 which is proposed on the site plan. In addition, staff would recommend the heated square feet to be an average of minimum of 1700 in order to be more compatible with what is already existing within this development. Staff also feels this development should provide and use architectural styles similar to the existing residences in the development. These should be subject to approval of the Planning and Zoning Administrator before issuance of the first building permit.

One thing to be aware of is that the PUD zoning classification does encourage but does not require commercial development. Phase 2 lends itself geographically to being the most appropriate location for commercial use(s) within the overall Summit development.



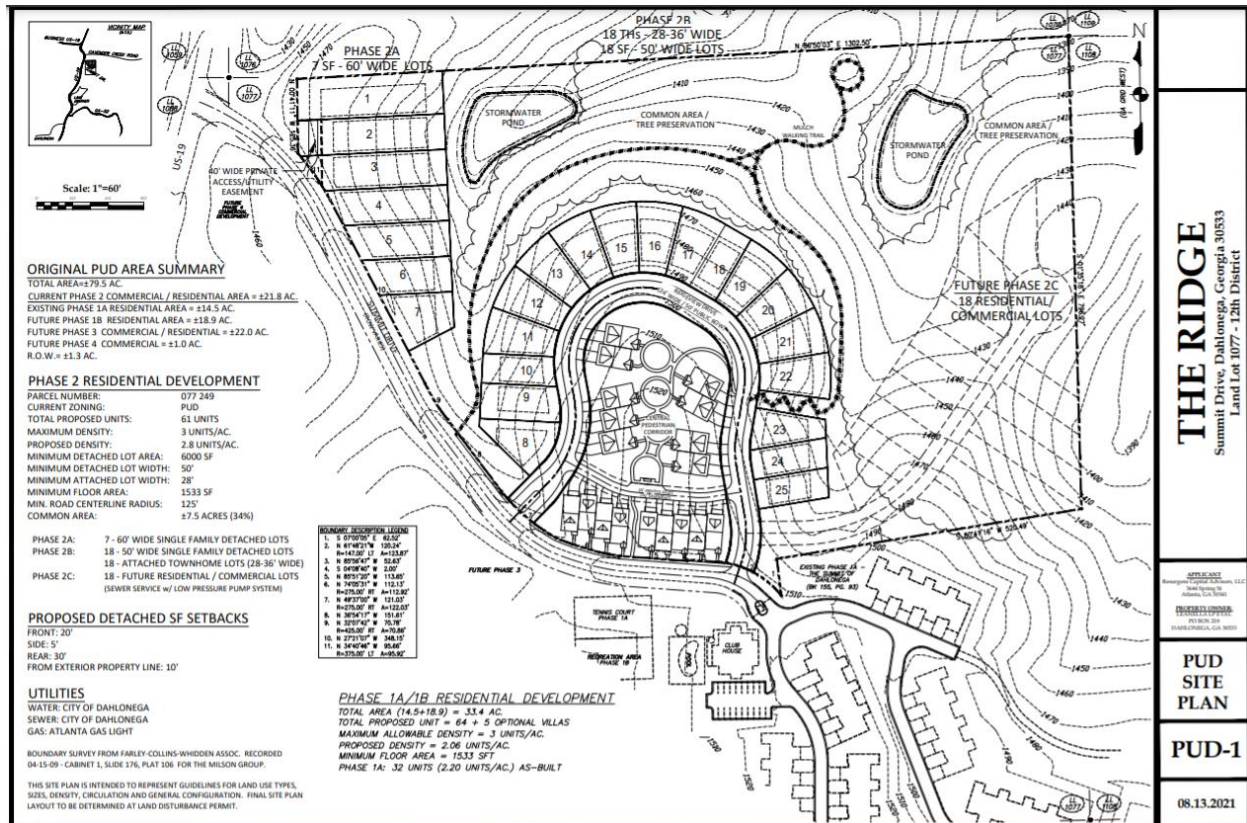


Original Site Plan Continued: (2005)





Proposed Amendment Site Plan:

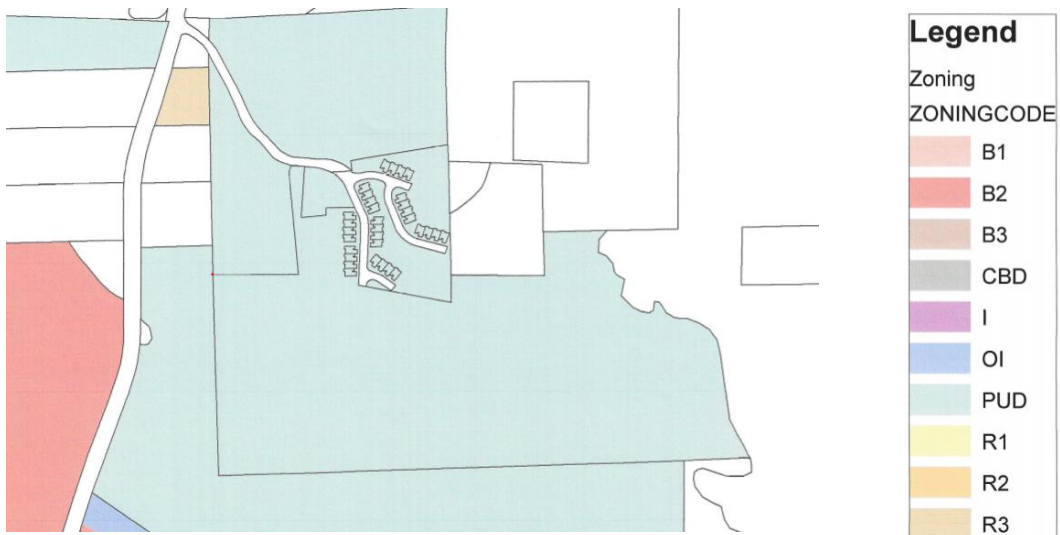




Aerial:

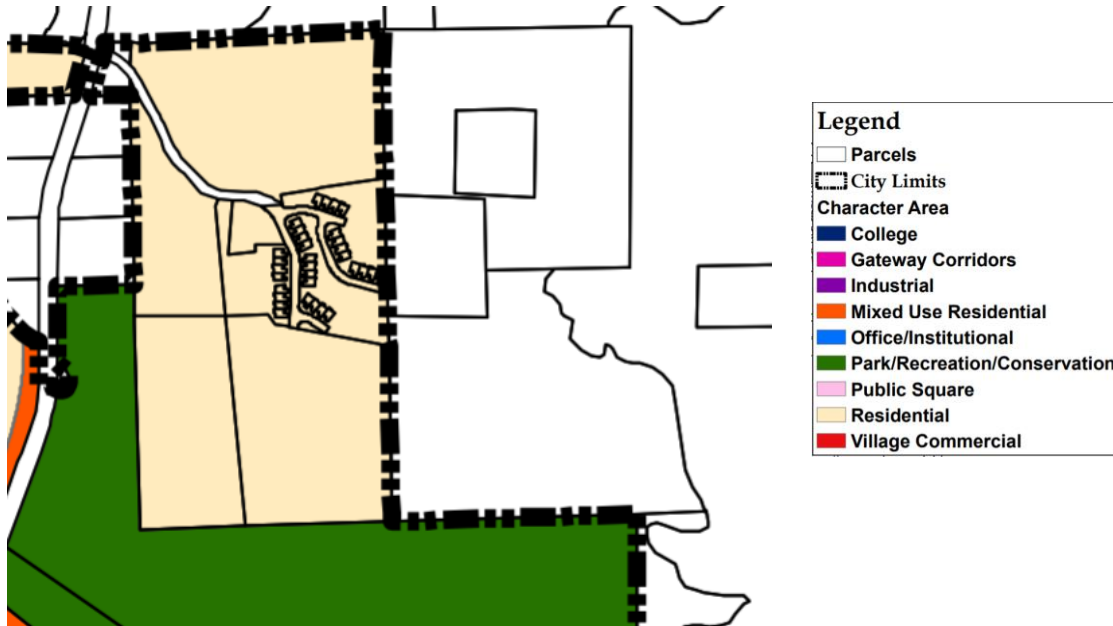


Current Zoning:





Comprehensive Plan:



Staff Recommended Motion:

Motion/Recommendation to approve REZN 21-1 with the following stipulations

1. The density of this section is to be limited to 2.8 units per acre which is proposed on the site plan
2. The heated square feet to be an average of minimum of 1700 square feet in order to be more compatible with what is already existing within this development.
3. This development should provide and use architectural styles similar to the existing residences in the development. These should be subject to approval of the Planning and Zoning Administrator before issuance of the first building permit.



REZN-21-1

Rezoning Permit

Status: Active

Date Created: Aug 18, 2021

Applicant

Thad Higgins
[REDACTED]
[REDACTED]
[REDACTED] [REDACTED]
[REDACTED]

Location

264 SUMMIT DR
DAHLONEGA, GA 30533

Owner:

L
[REDACTED] [REDACTED] [REDACTED] [REDACTED]

Project Information

Project Name/Name of Development

The Ridge

I am the

Contract Purchaser

Existing Use of Structure/Property

PUD

Description of Proposed Use

Elaboration on the 21.75-acre tract and to construct 61 units

Has a Special Permit/Variance ever been issued for this site?

No

Do any signs exist on the property?

No

Are there any proposed changes to or additions of signs intended for the property?

No

Will the construction activity disturb (clearing, grading, excavation, or filling) over 1 acre or is it part of a common plan of development that will disturb over 1 acre?

Yes

Residential - Type of Improvements

New Principal Structure



Non-Residential - Type of Improvements

New Tenant / Use



Work Site Information

SetBacks

Front

20

Back

30

Left

5

Right

5

Open Space

7.5

Attorney Information

Engineer Information

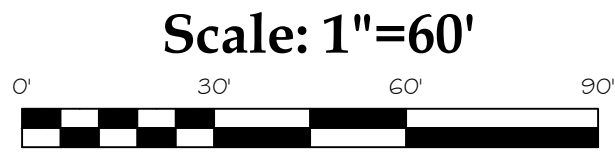
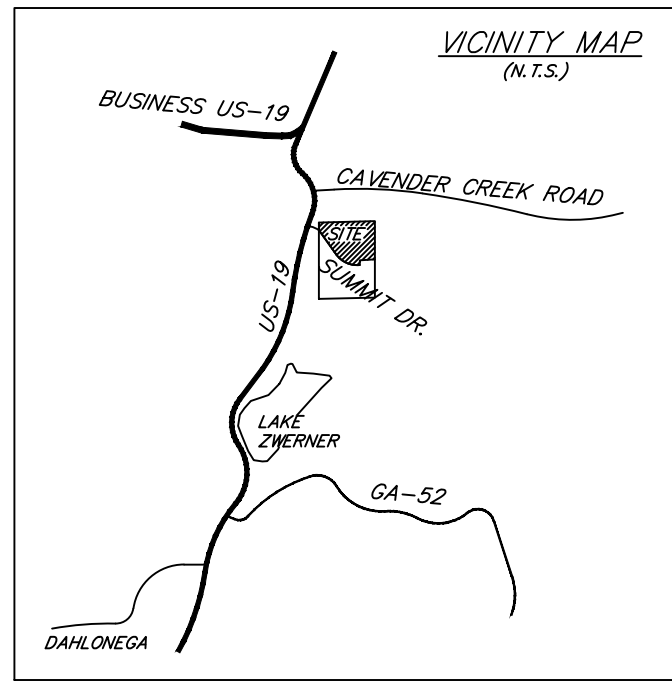
Architect Information

Contractor Information

Acknowledgement

I hereby certify that the information contained herein is true and accurate to the best of my knowledge.





ORIGINAL PUD AREA SUMMARY

TOTAL AREA=±79.5 AC.
CURRENT PHASE 2 COMMERCIAL / RESIDENTIAL AREA = ±21.8 AC.
EXISTING PHASE 1A RESIDENTIAL AREA = ±14.5 AC.
FUTURE PHASE 1B RESIDENTIAL AREA = ±18.9 AC.
FUTURE PHASE 3 COMMERCIAL / RESIDENTIAL = ±22.0 AC.
FUTURE PHASE 4 COMMERCIAL = ±1.0 AC.
R.O.W.= ±1.3 AC.

PHASE 2 RESIDENTIAL DEVELOPMENT

PARCEL NUMBER: 077 249
CURRENT ZONING: PUD
TOTAL PROPOSED UNITS: 61 UNITS
MAXIMUM DENSITY: 3 UNITS/AC.
PROPOSED DENSITY: 2.8 UNITS/AC.
MINIMUM DETACHED LOT AREA: 6000 SF
MINIMUM DETACHED LOT WIDTH: 50'
MINIMUM ATTACHED LOT WIDTH: 28'
MINIMUM FLOOR AREA: 1533 SF
MIN. ROAD CENTERLINE RADIUS: 125'
COMMON AREA: ±7.5 ACRES (34%)

PHASE 2A: 7 - 60' WIDE SINGLE FAMILY DETACHED LOTS
PHASE 2B: 18 - 50' WIDE SINGLE FAMILY DETACHED LOTS
18 - ATTACHED TOWNHOME LOTS (28-36' WIDE)
PHASE 2C: 18 - FUTURE RESIDENTIAL / COMMERCIAL LOTS
(SEWER SERVICE w/ LOW PRESSURE PUMP SYSTEM)

PROPOSED DETACHED SF SETBACKS

FRONT: 20'
SIDE: 5'
REAR: 30'
FROM EXTERIOR PROPERTY LINE: 10'

UTILITIES

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

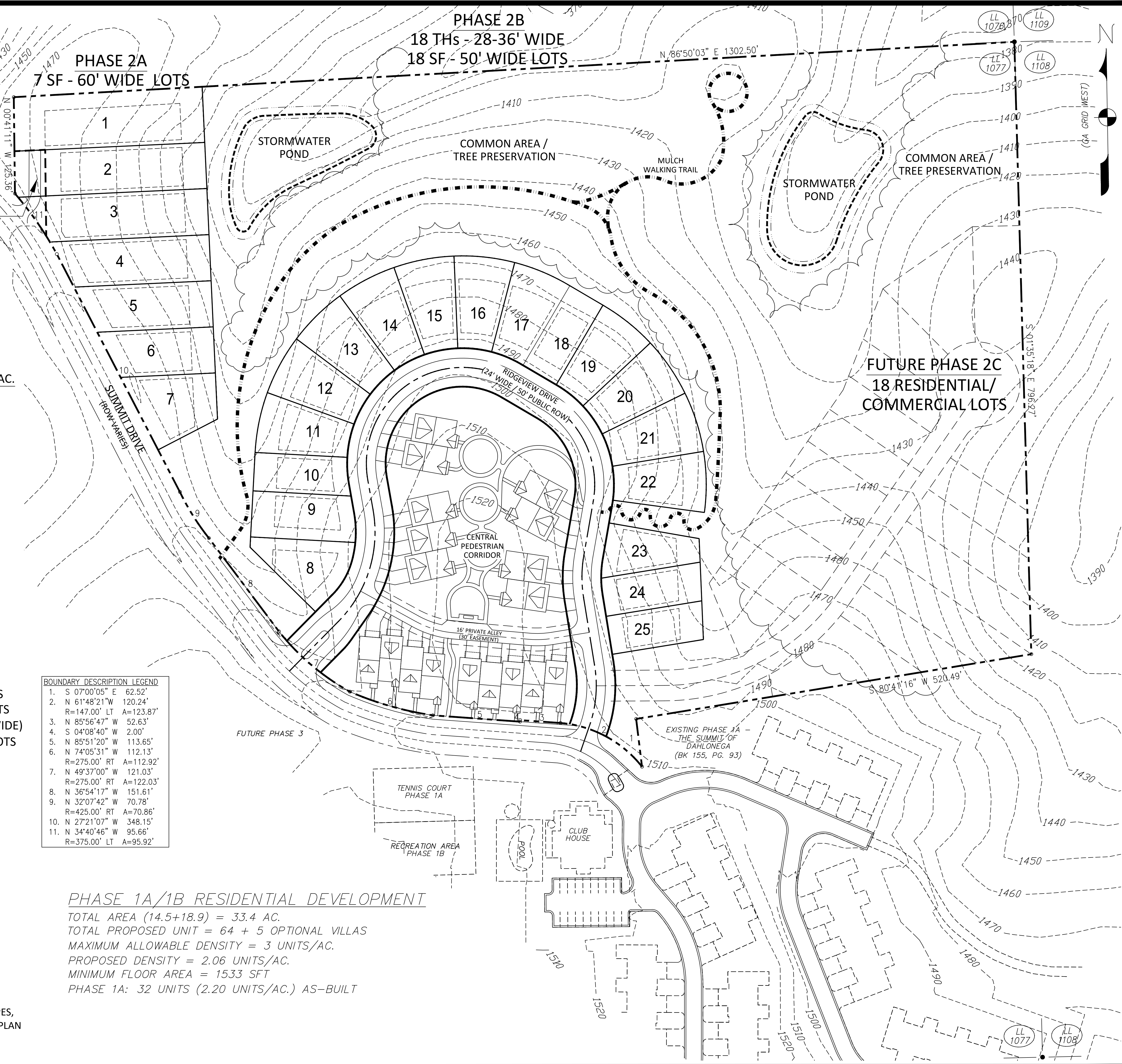
BOUNDARY SURVEY FROM FARLEY-COLLINS-WHIDDEN ASSOC. RECORDED
04-15-09 - CABINET 1, SLIDE 176, PLAT 106 FOR THE MILSON GROUP.

THIS SITE PLAN IS INTENDED TO REPRESENT GUIDELINES FOR LAND USE TYPES,
SIZES, DENSITY, CIRCULATION AND GENERAL CONFIGURATION. FINAL SITE PLAN
LAYOUT TO BE DETERMINED AT LAND DISTURBANCE PERMIT.

BOUNDARY DESCRIPTION LEGEND	
1.	S 07°00'05" E 62.52'
2.	N 61°48'21" W 120.24'
	R=147.00' LT A=123.87'
3.	N 85°56'47" W 52.63'
4.	S 04°08'40" W 2.00'
5.	N 85°51'20" W 113.65'
6.	N 74°05'31" W 112.13'
	R=275.00' RT A=112.92'
7.	N 49°37'00" W 121.03'
	R=275.00' RT A=122.03'
8.	N 36°54'17" W 151.61'
9.	N 32°07'42" W 70.78'
	R=425.00' RT A=70.86'
10.	N 27°21'07" W 348.15'
11.	N 34°40'46" W 95.66'
	R=375.00' LT A=95.92'

PHASE 1A/1B RESIDENTIAL DEVELOPMENT

TOTAL AREA (14.5+18.9) = 33.4 AC.
TOTAL PROPOSED UNIT = 64 + 5 OPTIONAL VILLAS
MAXIMUM ALLOWABLE DENSITY = 3 UNITS/AC.
PROPOSED DENSITY = 2.06 UNITS/AC.
MINIMUM FLOOR AREA = 1533 SFT
PHASE 1A: 32 UNITS (2.20 UNITS/AC.) AS-BUILT



THE RIDGE
Summit Drive, Dahlonega, Georgia 30533
Land Lot 1077 - 12th District

APPLICANT
Resurgens Capital Advisors, LLC
3644 Spring St
Atlanta, GA 30341
PROPERTY OWNER:
LEANELLA IP ETAL
PO BOX 219
DAHLONEGA, GA 30533

PUD
SITE
PLAN

PUD-1

08.13.2021

Bill Rath
President – The Summit Board of Directors
The Summit of Dahlonega Condominium Association, Inc.
264 Summit Drive
Dahlonega, GA 30533

September 1, 2021

Planning and Development Staff
City of Dahlonega
465 Riley Road
Dahlonega, GA 30533

Re: Tax Parcel 077 249
“The Ridge”
Rezoning Application 08-12-2021

Dear Planning and Development Staff,

The Summit of Dahlonega Condominium Association, Inc. (The Summit) abuts Tax Parcel 077 249. We are in the process of formalizing our response to the above-referenced application and have engaged legal counsel to help us do so. However, given the pace at which this application is progressing through the system, we feel compelled to offer the following objections before we have the benefit of counsel because, in our opinion, they disqualify the applications in simple, non-legal terms.

Objection 1 – Short Term Rentals

The developer of this property proposes, among other uses, “Short Term Rentals.” The Summit objects to this use.

This property within The Summit Planned Unit Development District (PUD) is currently zoned for “Retirement / Commercial” as shown on the approved plat for this PUD.

Short-term rentals are incompatible with the peace and quiet enjoyment associated with retirement communities. So much so, in fact, that The Summit has amended its declaration to prohibit such rentals. Introducing such rentals into this PUD would spoil the “sense of place, pride, and purpose” that is currently so obvious in this PUD that it was invoked in the developer’s cover letter to the application.

It should also be noted that the “Commercial” use approved for this PUD does not apply to residential units used for short-term rentals. This is evidenced by the clear distinction drawn between short term rental properties and “motels, hotels, inns, bed and breakfasts and other commercial lodging uses” by Section 801 of the Dahlonega Municipal Code.

Because short term rentals are not treated as commercial lodging by the municipal code, and because such use is incompatible with retirement living, short term rentals should not be permitted in The Summit PUD.

Objection 2 - Summit Drive & Morrison Moore Parkway Intersection Traffic

(Note: This objection is also raised in The Summit's letter regarding a Rezoning Application by The Summit Phase II, tax parcel 078 004.)

The intersection of Summit Drive and Morrison Moore Parkway currently serves 32 condominium units and one detached single-family home. The Summit Phase II proposes an additional 74 residential units and The Ridge proposes an additional 61 residential units. These 135 additional residential units would more than quadruple the traffic load on the intersection of Summit Drive and Morrison Moore Parkway.

Summit Drive was "Old Airport Road" before The Summit was developed. Had Old Airport Road not existed, it is unlikely that the Georgia Department of Transportation (GDOT) would have approved a new intersection for Summit Drive at the current location for the following reasons:

- Inadequate sight line from Summit Drive down Morrison Moore Parkway in both directions
- Inadequate sight line down Morrison Moore Parkway for traffic turning left into Summit Drive from southbound Morrison Moore Parkway
- Interfering traffic from the nearby Porter Village access road (Rabel Drive)

The Summit objects to adding more residential units to the traffic load of the intersection of Summit Drive and Morrison Moore Parkway absent a GDOT evaluation that concludes that this intersection meets current standards for intersection safety and, if so, that it will continue to meet those standards if the traffic load of this intersection is increased to a total of 168 residential units.

Thank you for considering our objections. If you have any questions or require additional information, please email me at TheSummitOfDahlonga@gmail.com or call me at (203) 430-9886.

Sincerely,

A handwritten signature in black ink, appearing to be 'Bill Rath', with a stylized, sweeping flourish extending to the right.

Bill Rath
President – The Summit Board of Directors