



CITY OF DAHLONEGA
PLANNING COMMISSION AGENDA
WEDNESDAY, JANUARY 04, 2023 AT 6:00 PM
CITY HALL - MAYOR MCCULLOUGH COUNCIL
CHAMBER

In compliance with the Americans with Disabilities Act, those requiring accommodation for Planning Commission meetings please contact Jameson Kinley at jkinley@dahlonega.gov or (706) 701-0736.

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

Call to Order

Pledge of Allegiance

Approval of Minutes:

1. Planning Commission Meeting Minutes November 1, 2022

OLD BUSINESS

Zoning Cases:

Conditional Uses:

NEW BUSINESS

2. 2023 Chairman Appointment
ARTICLE XXIII. - PLANNING COMMISSION
Sec. 2301. - Creation and appointment.
One (1) such member shall be annually elected chairman of the Planning Commission by the Planning Commission members, and the Chairman shall not vote except in cases of a tie-vote between the other members.
3. 2023 Appointment of Secretary
ARTICLE XXIII. - PLANNING COMMISSION
Sec. 2301. - Creation and appointment.
Members of the Planning Commission shall appoint a secretary, or in lieu of such appointment, the Zoning Administrative Officer shall serve as the secretary of the Planning Commission
4. Ordinance 2022-16
An ordinance to exclude off-street parking and loading requirements within B-3 and CBD zones for restaurants, lounges and retail businesses.

Zoning Cases:

Conditional Uses:

INFORMATION & TRAINING

Adjournment



CITY OF DAHLONEGA

PLANNING COMMISSION MINUTES

TUESDAY, NOVEMBER 01, 2022 AT 6:00 PM
CITY HALL - MAYOR MCCULLOUGH COUNCIL
CHAMBER

In compliance with the Americans with Disabilities Act, those requiring accommodation for Planning Commission meetings please contact Jameson Kinley at kinley@dahlonega.gov or (706) 701-0736.

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

Call to Order

Chairman Conaway call to order 6:00PM

Pledge of Allegiance

Chairman Conaway lead pledge of allegiance

Approval of Minutes:

Approval Planning Commission Meeting Minutes October 4, 2022

1. Planning Commission Meeting Minutes October 4, 2022
Motion made by Commission Member Win Crannell, Seconded by
Commission Member Guy.

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

OLD BUSINESS

Zoning Cases:

Conditional Uses:

NEW BUSINESS

Zoning Cases:

Conditional Uses:

Chairman Conaway announced that we were going to do the public hearing for the variances all at once. Since they all pertain to the same location, much of the same hardships apply to each variance. The Commission was then to vote on each variance individually.

Chairman Conaway turned it over to the applicant for presentation.

The applicant presented his case along with Jason Davis with Davis Engineering. Davis Engineering did the civil plans for the location.

Chairman Conaway open the public hearing for anyone to speak for or against.

Clinton Galbraith - 101 Stephens Street - wanted to know if the variances would apply to his properties along Stephens Street. He was not opposed to the variances.

Chairman Conaway closed the public hearing.

Commission members discussed the application with the applicant and staff.

2. BZA 22-3 Hardman Communities

A request to vary Section 1004.2 to allow for the minimum lot size to be reduced from 2,000 square feet to 1,750 square feet at 215 Stephens Street (D10 075).

Motion made by Commission Member Guy, Seconded by Commission Member Crannell to approve with the understanding that this variance is unique to this property and not to be set a precedence .

Voting Yea: Commission Member Westmoreland, Commission Member Crannell, Commission Member Guy

Voting Nay: Commission Member Feagin, Commission Member Spivey, Commission Member Carroll

Chairman Conaway broke the tie and voted to approve.

Motion Passed.

3. BZA 22-4 Hardman Communities

A request to vary Section 2001 (minimum setback requirements) to allow for a reduction in front setbacks from 35 feet to 21 feet and in rear setbacks from 25 feet to 17 feet for the entire subdivision at 215 Stephens Street (D10 075).

Motion made by Commission Member Guy, Seconded by Commission Member Crannell with the understanding that this variance is unique to this property and not to be set a precedence.

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

Voting Nay: Commission Member Spivey, Commission Member Carroll

Motion Passed

4. BZA 22-5 Hardman Communities

A request to vary Section 1004.5 to allow for a private road not built to city specification at 215 Stephens Street (D10 075).

Motion made by Commission Member Carroll, Seconded by Commission Member Guy with the understanding that this variance is unique to this property and not to be set a precedence.

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

Voting Nay: Commission Member Spivey

Motion Passed

INFORMATION & TRAINING

Adjournment



Ordinances and Resolutions

DATE: 11/30/2022

TITLE: Ordinance 2022-16: An ordinance to exclude off-street parking and loading requirements within the B-3 and CBD zones for restaurants, lounges and retail businesses

PRESENTED BY: Doug Parks, City Attorney

AGENDA ITEM DESCRIPTION:

We are requesting that you refer an ordinance revision to the planning commission. It appears that compliance with the City's off-street parking requirements in B-3 and CBD is virtually impossible and is generating loss of business relocation to those districts. The impact is being felt most heavily in the restaurant and retail use categories. This ordinance during the planning commission review phase may be modified by staff as to other categories besides restaurants and general retail. This has not been to a work session but because of pending relocations it is suggested that the matter be referred without work session consideration. The nominal changes to the existing regs are highlighted in yellow on the suggested revision.

HISTORY/PAST ACTION:

At the present time the zoning ordinance calls for leases or proof of ownership of off-street parking spaces to be located within 1,000 feet of buildings in the B-3 or CBD zones. It would seem that the regulation is impractical and not sustainable because of the inability to obtain off-street parking leases, etc. in the real estate market.

FINANCIAL IMPACT:

None.

RECOMMENDATION:

Recommendation to approve.

SUGGESTED MOTIONS:

Motion to approve the referral of Ordinance 2022-16 to the planning commission and for further staff analysis and review.

ATTACHMENTS:

Ordinance 2022-16

Ordinance 2022-16

AN ORDINANCE TO AMEND ORDINANCE 91-9 OF THE CITY OF DAHLONEGA, GEORGIA WHICH APPEARS AT: SUBPART B LAND USE AND LAND DEVELOPMENT, APPENDIX B: ZONING; ARTICLE VI: OFF-STREET PARKING, LOADING AND ACCESS REQUIREMENTS, SECTION 601: OFF-STREET PARKING AND LOADING SPACES REQUIRED AND SECTION 602: MINIMUM NUMBER OF OFF-STREET PARKING SPACES REQUIRED, APPEARING AS SO IDENTIFIED IN THE CODE OF THE CITY OF DAHLONEGA, GEORGIA.

Short title: "An ordinance to exclude off-street parking and loading requirements within the B-3 and CBD zones for restaurants, lounges, and retail businesses."

WHEREAS, the City Council of Dahlonega, Georgia desires to exclude off-street parking and loading requirements within the B-3 and CBD zones for restaurants, lounges, and retail businesses.

NOW, THEREFORE, be it ordained, and it is so ordained by the authority of the City Council of Dahlonega, that Subpart B, Appendix B, Article VI, Section 601 and 602, of Ordinance 91-9 appearing so identified in the Code of the City of Dahlonega shall be amended in their entirety to read as follows:

Sec. 601. - Off-street parking and loading spaces required.

Off-street automobile parking and loading spaces shall be provided, as specified in this Article, for uses and structures hereafter established in all zoning districts at the time of initial construction of any principal building, unless otherwise exempted from this Article. For developments phased in timing, parking and loading requirements may also be phased in accordance with the requirements applying for each particular time phase of development.

Any building or use that is subsequently enlarged or converted to another use shall meet the off-street parking and loading space requirements of this Article, for the enlarged or new use.

Required parking and loading spaces shall be maintained and shall not be encroached upon by refuse containers, signs or other structures, unless an equal number of spaces are provided elsewhere in conformance with these regulations.

Required parking and loading spaces shall be provided with vehicular access to a public street or alley, unless such access is prohibited by these regulations.

In all zones except B-3 and CBD, off-street parking and loading facilities required shall be located on the same lot as the principal building or use. However, as much as fifty (50%) percent of the required number of parking spaces may be located within four hundred (400) feet of the principal building or use, provided proof of ownership or a valid lease agreement for use of such premises is provided to the Community Development Director or their designee. Such distance shall be measured between the nearest point of the parking facility and the nearest point of the principal building or use.

In the B-3 and CBD zoning districts off-street parking and loading facilities up to one hundred (100%) percent of the required number of parking spaces may be located within one thousand (1,000) feet of the principal building or use, provided proof of ownership or a valid lease agreement for use of such premises is provided to the Community Development Director or their designee. Such distance shall be measured between the nearest point of the parking facility and the nearest point of the principal

building or use. Certain uses are excluded from off-street parking and loading requirements within the B3 and CBD zones as noted in Section 602.

In B-3 and CBD, applicants may seek administrative variance approval for reduced parking space number using applications provided by the City. The Community Development Director shall have authority to grant an administrative variance reducing otherwise required spaces by an amount not to exceed twenty-five percent (25%) provided good cause for variance is shown. The request shall be accompanied by a parking study conducted by a licensed Professional Engineer or a Certified Planner which demonstrates suitability of the site for single-use or shared multi-use parking at reduced amounts.

Sec. 602. - Minimum number of off-street parking spaces required.

The minimum number of required off-street parking spaces for each type of permitted use shall be as indicated below. For uses not specifically listed, the off-street parking requirements shall be those of the most similar use as determined by the Zoning Administrative Officer. When the application of these parking requirements results in a fractional space requirement, the fractional space requirement shall be construed to mean one (1) additional space.

Use Classification	Parking Space Requirements
Apartment and other multiple-family residential uses	Two spaces per dwelling unit plus four spaces per leasing office and ten spaces per clubhouse or recreation center
Art gallery	One space for each 300 square feet of gross floor area
Auditorium, stadium, assembly hall, gymnasium or community center	One space per four fixed seats in largest assembly room or area
Bank or financial institution	One space for each 200 square feet of gross floor area
Banquet hall	One space per every two persons of capacity
Barber or beauty shop	Three spaces for each operator or chair
Billiard hall, amusement arcade	One space for each 200 feet of gross floor area
Boarding or rooming house	One space for each two guests plus one additional space for each resident manager or owner
Bowling alley	Three spaces for each alley

Use Classification	Parking Space Requirements
Church or place of worship	One space per four fixed seats in largest assembly room
Community center	One space for each five seats, or ten spaces per 1,000 square feet of assembly areas where there are no fixed seats
Conference/convention center	One space per every two persons of capacity or one space per 100 square feet of gross floor area, whichever is greater, plus the requirements of each individual use (i.e. hotels, restaurants, etc.)
Convenience retail store	One space for each 200 square feet of gross floor area
Cultural facility	One per five seats provided for public assembly or one per 250 square feet or gross floor area when no seats are provided, plus one per full-time employee
Dance studio or school	One space for each employee plus one space per 150 square feet of gross floor area
Day care center	One space for each eight children, plus one space per employee
Event Center	One space per every two persons of capacity
Duplex	Two spaces per dwelling unit
Food store	One space per 200 square feet of gross floor area
Funeral home or mortuary	One space for each four seats in largest assembly room
Furniture or appliance store	One space per 600 square feet of gross floor area
Gasoline service station	Two spaces per gasoline pump plus three spaces per service bay
	Three spaces for each hole plus one space for each two employees

Use Classification	Parking Space Requirements
Health club, spa	One space for each 150 square feet of gross floor area
Hospital, clinic, nursing home	One space for each two beds plus one space for each staff or visiting doctor, plus one space for each three employees
Hotel, motel	One space for each guest room plus one space for each two employees on largest shift
Industrial or manufacturing	Two spaces for each three employees on largest shift
Laundry, self service	One space for each washer-dryer combination
Library, museum	One space for each 200 square feet of gross floor area
Lodge, club	One space for each three seats in largest assembly room
Miniature golf course	Three spaces per hole
Mobile home, mobile home park	Two spaces per dwelling unit plus one space for each resident manager and additional spaces for public park or use areas
Office, general or professional	One space for each 250 square feet of gross floor area
Office, medical or dental	Six spaces per practitioner
Personal service establishment	One space for each 200 square feet of gross floor area
Restaurant or lounge	One space for each 100 square feet of gross floor area. None in CBD or B3.
Retail business	One space for each 200 square feet of gross floor area. None in CBD or B3.
Sanitarium, rest and convalescent home, personal care home	One space for each four patient beds plus one space for each doctor and staff member
School, elementary	Two spaces per classroom and administrative or staff person

Use Classification	Parking Space Requirements
School, high	Ten spaces per classroom plus one space for each administrative or staff person
School, college, trade, vocational	Ten spaces per classroom plus one space for each administrative or staff person
Self-service storage facility, mini-warehouse	One space for each twenty storage stalls, plus two spaces for resident manager's office
Shopping center	One space for each 200 square feet of gross floor area
Single-family residence	Two spaces per dwelling unit
Theater, cinema	One space for each three seats
Wholesale	One space for each 500 square feet of gross floor area

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

It is so ordained this ____ day of _____, 2022.

By: _____
JoAnne Taylor, Mayor

Attest: _____
Mary Csukas, City Clerk



CITY OF DAHLONEGA
465 Riley Road
Dahlonega, Georgia 30533
Phone: 706-864-6133

Planning and Zoning Recommendation

Current Situation

We have several businesses that have or will be moving into areas of our historic district that do not have sufficient parking for their use. Our ordinance states that any change of use requires sufficient off-street parking.

Below is a summary of what Planning and Zoning can find regarding the subject followed by recommendations.

HISTORY

Before 2019 – Adopted in 1991

Any building or use that is subsequently enlarged or converted to another use shall meet the off-street parking and loading space requirements of this Article, for the enlarged or new use.

Off-street parking and loading facilities required shall be located on the same lot as the principal building or use. However, as much as fifty (50%) percent of the required number of parking spaces may be located within four hundred (400) feet of the principal building or use, provided proof of ownership or a valid lease agreement for use of such premises is provided to the Zoning Administrative Officer.

As of July 1st, 2019

(SAME) - Any building or use that is subsequently enlarged or converted to another use shall meet the off-street parking and loading space requirements of this Article, for the enlarged or new use.

(ADDITIONAL) In the B-3 and CBD zoning districts off-street parking and loading facilities up to one hundred (100%) percent of the required number of parking spaces may be located within one thousand (1,000) feet of the principal building or use, provided proof of ownership or a valid lease agreement for use of such premises is provided to the Community Development Director or their designee. Such distance shall be measured between the nearest point of the parking facility and the nearest point of the principal building or use.

(ADDITIONAL) In B-3 and CBD, applicants may seek administrative variance approval for reduced parking space numbers using applications provided by the City. The Community Development Director shall have the authority to grant an administrative variance reducing otherwise required spaces by an amount not to exceed twenty-five percent (25%) provided good cause for variance is shown.

This is a significant change from the previous requirement to loosen the regulation. This was done with the intent to start the enforcement of the regulations. This was also updated around the time the city started metering around the downtown area. It was also mentioned that city-owned parking areas would be an option for parking space rentals for new businesses that required a change of use. It never came to fruition the renting of off-street city parking spaces.

Rough Numbers

The city owns two main off street parking lots around the downtown area. Warwick Street contains approximately 62 off street parking spaces. Choice Street also contain approximately 62 parking spaces. Dahlonga also maintains upwards of 250 on-street parking on and around the square.

Given the rough estimates of building footprints around the square with no onsite parking at 115,000 square feet. A rough need of one space per 200 square feet (requirement for retail) leave a need for 575 spaces.

Since the adoption of this change, there have been 116 new occupational tax licenses within the city limits. Forty (40) of those reside within CBD and B3 zoning districts. Ten (10) have been determined as a change of use.

Bear Book Market

- 21 North Grove Street Suite A
- Office to Retail
- Parking lease agreement for 6 spaces with the 1888 House dated 9/17/19

Canopy in the Roots 2/3/2020

- 53 West Main Street
- Retail to Multi-use
- 10 on-site parking supplemented by letters from West Cleaners and UNG

Barn Owl Real Estate 4/20/2020

- 272 Grove Street North
- Retail to Office
- Sufficient Onsite Parking

Jethro's Coffee 9/2/2020

- 21 North Grove Street Suite C and D
- Retail to Restaurant
- Parking lease agreement for 23 spaces with the 1888 House

North Georgia Vitality Center 3/18/2021

- 28 North Street
- Office to Medical Center
- Sufficient Onsite Parking

Business by the Book 10/18/2021

- 21 North Grove Street
- Office to Retail
- Parking was not evaluated at the time of the certificate

Morest, LLC 11/18/2021

- 125 East Main Street
- Restaurant to Event Center
- Sufficient Onsite Parking

These seemed to comply based on the signatures at the time. All these business are currently compliant.

Currently, three outstanding tax certificates have been applied for but not issued.

The Station 10/4/2022

- 16 Public Square South Suite E
- Retail to Restaurant
- Letter from UNG and administrative variance given 11/22/2022
- Awaiting completion of construction

Dahlonga Mercantile 10/13/2022

- 7 North Chestatee Street
- Barber Shop to Retail
- Awaiting Parking Agreement

Main Street Travel 11/10/22

- 21 North Grove Street Suite A
- Office to Retail
- Awaiting Parking Agreement

Conclusion

As of July 2019, the intent was to start enforcing an ordinance, and has been successful. There was a game plan of moving forward along with consideration for new businesses coming to the downtown area.

In my professional opinion, the removal of parking requirements is not an optimal way of dealing with the problem in the long-term solution. It will compound an issue that is already publically opinionated in our current state.

The city should continue in the direction of becoming more business-friendly. This should not be only directed at new businesses, but also at consistently promoting our current businesses. As Dahlonga grows in population and commercial business, we are going to have to provide better parking solutions. New businesses should share that cost and do their part to help alleviate the stress of parking on their customers and our citizens.

Our current situation is a problem because it was only half implemented. The enforcement of the regulation is only the first step. The next step (should we so choose to continue) is to open up the city parking lots for space rentals for the local businesses. This would not only solve our current issue but also provide some revenue source for the maintenance of those facilities. Furthermore, it would provide a data source and a better indication of when it is time to build more/upgrade to a more substantial parking facility.

Parking Committee Recommendation

The parking committee met to discuss this on Friday December 9th at 2pm. They discussed the ordinance as written and came up the collective recommendation to apply just for CBD and B-3 zoning districts.

1. Only make parking a requirement for new construction or additions to existing structures
 - a. This would remove the change of use requirement for parking
2. Remove the portion of Sec 601 that requires a parking study to be done by a licensed professional engineer or a certified planner
 - a. This was viewed as an unnecessary expense
3. Change the administrative variance to 50% instead of 25%

Staff Recommendation

I would never recommend a change to an ordinance based on one or two specific scenarios. There are solutions in our codes such as variances for this exact thing. It would be more beneficial to discuss this thoroughly to weigh all options we have.

The current ordinance as written does not solve the issue for all of the current situations. I would suggest the following options.

OPTION 1 REMOVE ALL PARKING REQUIREMENTS FOR CBD AND B3 (except on new construction and additions)

This was assumed the city is taking responsibility for all existing structures no matter what use they are. We would want to consider meters for all of the spaces downtown and a designated parking lot for owners and employees.

OPTION 2 OUTRIGHT REDUCE THE AMOUNT TO 50% OF THE REQUIREMENT in CBD and B3 (except on new construction)

This would be somewhat of a compromise. Remove any administrative variance and require everyone moving forward to go through the variance process if there is indeed a hardship.

OPTION 3 – Keep it the same

This would require coordination of staff to communicate with new businesses before giving permits, licenses, or suggestions. Our current ordinances are built on each other and every new business needs pathways with designed procedures to be successful.

Ultimately, Planning recommends OPTION 3. Allow new businesses that change the use of a structure to apply for construction permits along with finding a parking solution for their spaces. Without having enough data to decide, allow new businesses to follow the variance process to obtain relief for their parking solutions. It would also make sense to allow new businesses to lease spaces from our publicly owned lots. A nominal fee can go toward the maintenance of spaces leased.

Jameson Kinley

Planning and Zoning Administrator
Office: 706-482-2708
Cell: 706-701-0736
jkinley@dahlonega.gov