



CITY OF DAHLONEGA

Canceled - City Council Public Hearing Agenda

November 20, 2023, 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.

Vision – Dahlonega will be the most welcoming, thriving, and inspiring community in North Georgia

Mission Statement - Dahlonega, a City of Excellence, will provide quality services through ethical leadership and fiscal stability, in full partnership with the people who choose to live, work, and visit. Through this commitment, we respect and uphold our rural Appalachian setting to honor our thriving community of historical significance, academic excellence, and military renown.

CALL TO ORDER

Public Hearing:

- [1.](#) Request to Rezone – (062A 075)
Doug Parks, City Attorney

ADJOURNMENT



DATE: 11/20/2023
TITLE: Request to Rezone – (062A 075)
PRESENTED BY: Doug Parks, City Attorney

AGENDA ITEM DESCRIPTION:

This is a request for Squaretail, LLC to amend the zoning map of the City of Dahlonega, Georgia, by changing the zoning on a parcel of land owned by Steven H Fuller Jr. and William T Hardman Jr. Executor of Bill T. Hardman – the request is to change the 3.81+/- acres located at Alicia Lane (062A 075) from B-2 Highway Business District to R-3 multi-family or alternatively to remove the existing conditions for B-2 and remain in the B-2 category.

HISTORY/PAST ACTION:

FINANCIAL IMPACT:

N/A

RECOMMENDATION:

This is a public hearing only. No action is to be taken.

SUGGESTED MOTIONS:

No motions are to be made at the public hearing.

ATTACHMENTS:

Staff report is attached. Of special significance are the recommendations at the conclusion of the report.



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:	B-2: Highway Business 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 B-2: Highway Business 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 only, 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 proposed homes will be accessed via five (5) shared driveways connecting to Alicia Lane and will adhere to the city’s design and landscaping requirements, per the LOI. Each of the driveways will serve two (2) of the duplex buildings, providing access to four (4) total units.



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 are 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 the Dahlonega Historic District which 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, with conditions to B-2: Highway Business 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 the proposed development:

Lot Dimensions	B-2: Highway Business	Proposed Development
Minimum Lot Area	None	Building Footprint
Minimum Lot Width	None	--
Minimum Floor Area	700 sq. ft. (residential uses)	2,880 sq. ft. (45' x 64') – 8 units 3,000 sq. ft. (50' x 60') – 12 units
Maximum Density	8.0 du/a	5.54 du/a
Front Setback (Arterial Streets)	60 ft.	--
Front Setback (Other Streets)	35 ft.	25 ft.
Side Setback	15 ft.*	15 ft.
Rear Setback	25 ft.*	25 ft.
*Residential use in the B-2 District would be subject to setbacks provided in Section 2001. Section 2001 establishes a minimum front setback of 35 feet for lots that front on non-arterial (local) streets.		

Sec. 2001. – Establishes a minimum front setback of 35 feet for lots that front on non-arterial streets. The proposed site plan shows a 25-foot front setback from Alicia Lane. If the proposed development does not meet the minimum requirements of the B-2 district as depicted on 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, 2 of the 10 proposed lots do not meet the minimum front setback requirement of the B-2 zoning district.



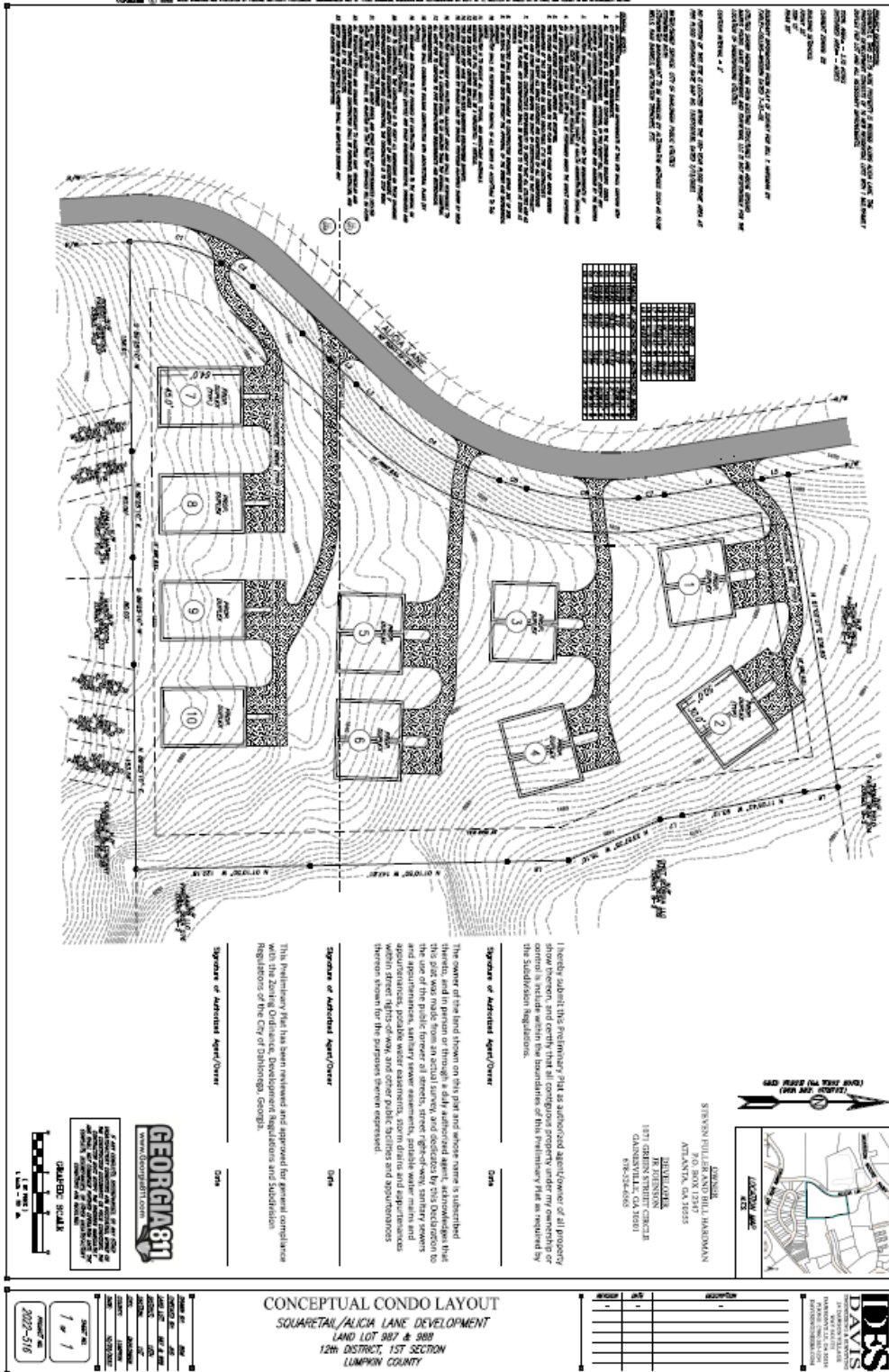
Sec. 2.2 provides definitions and phrases for the Development Regulations of the City of Dahlonega. A *driveway* is defined as a “vehicular access way in private ownership, other than a private street, which provides access to primarily only one property, or no more than two single-family detached residences.”

The site plan, as proposed, is noncompliant with the definition of a driveway and the applicant will either need to revise the plan to be compliant with the "The Comprehensive Development Ordinance of the City of Dahlonega, Georgia" and "Zoning Ordinance of the City of Dahlonega, Georgia."

Alternatively, the applicant may pursue a waiver from the definition of a driveway, as outlined in Sec. 11 – Administration, enforcement, appeals, and violations – within "The Comprehensive Development Ordinance of the City of Dahlonega, Georgia."



Site Plan:





Architectural Examples:



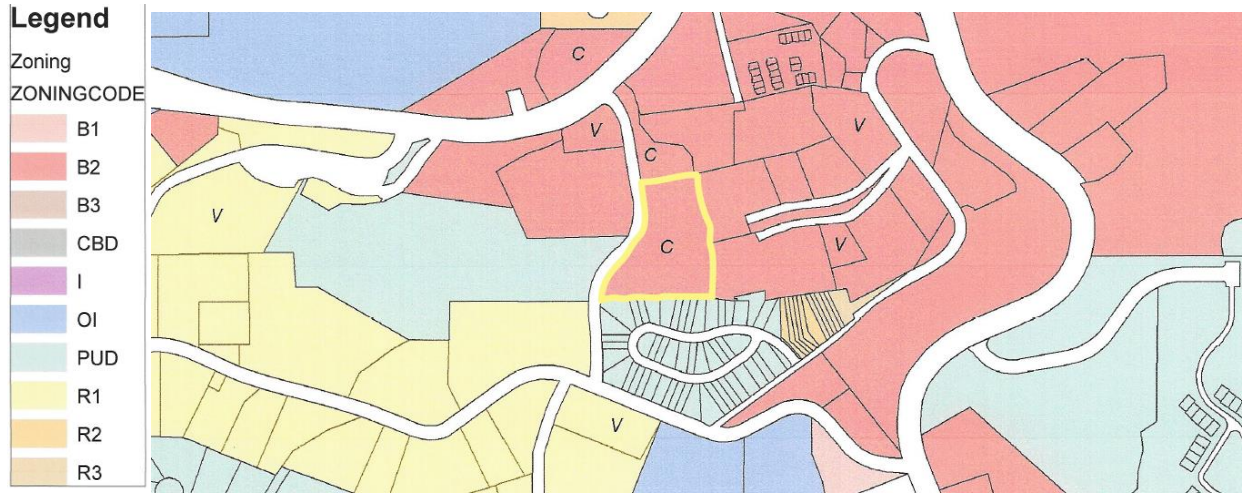


Aerial:



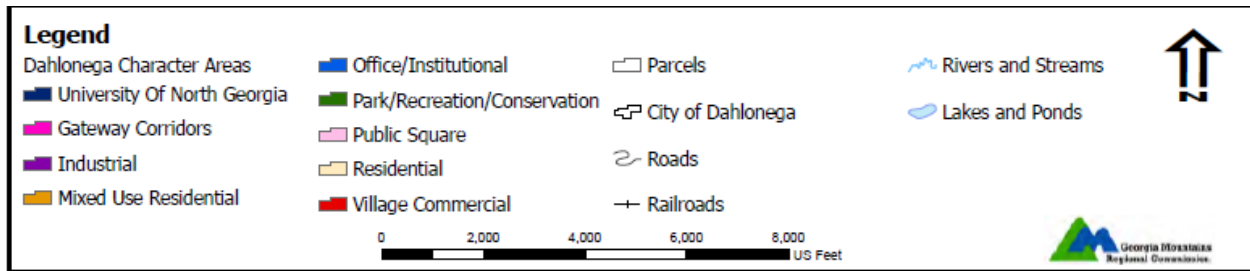
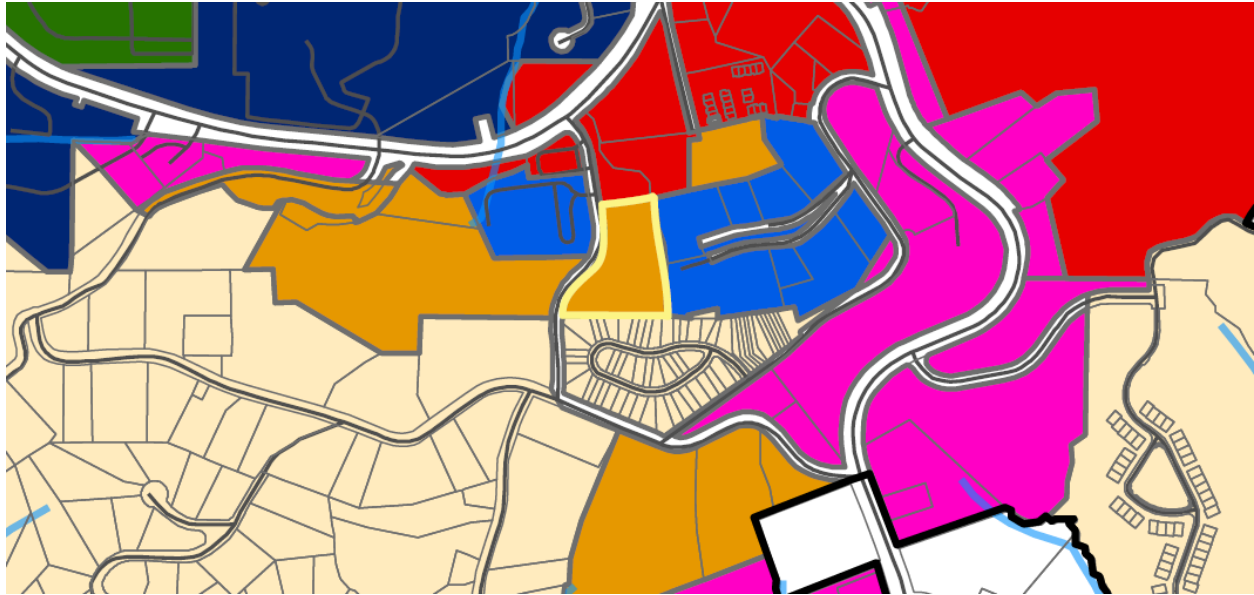


Current Zoning:





Comprehensive Plan:





Staff Recommended Motion:

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

1. The proposed development fails to meet the minimum development standards of the B-2 Highway Business District for the minimum front setback requirements.
2. Approval of REZN23-2 would be in violation of Sec. 2001: Minimum setback requirements.
3. The proposed site access is noncompliant with the Development Ordinance and regulations of the City of Dahlonega.
4. The property has reasonable economic use as currently zoned.

However, in performing its duty to balance the interests of private property rights against the need to protect the public interest, should the governing authority deem approval appropriate, the following mitigating conditions should be imposed:

1. Development is approved as generally shown on the Conceptual Condo Layout (dated 10-20-2023) described in the project narrative, modified as necessary for compliance with the conditions herein and development standards enforced at the time of site plan approval. Revisions to site plan can be approved by the Planning Director during the Development Review/Land Disturbance Permit process provided that the revisions do not increase the number of units or buildings; decrease required greenspace, amenity areas, or buffers; change the design or materials of the units; reduce the approved parking count; or reduce required landscaping.
2. The front setback for the development shall be 35 feet, as required by Section 2001. The Conceptual Condo Layout shall be amended so that the development meets the setback requirement. Alternatively, the applicant may pursue relief through the variance process, as provided for in Section 2405.
3. The development shall be approved for 10 duplexes and a maximum of 20 units.
4. The duplexes shall have a Mountain architectural theme consistent with the architectural examples provided as part of the application.
5. The development shall be developed in accordance with Section 1005, residential condominium development regulations and shall meet all applicable state laws, including the Georgia Condominium Act. The proposed site plan shall be revised so that the development meets the definition of a driveway, or a waiver/variance granted by the Board of Zoning Appeals, as outlined in Sec. 11 – Administration, enforcement, appeal, and violations.
6. Prior to the issuance of any development permits, the applicant, if deemed necessary by the city engineer, shall be required to obtain a traffic study (prepared to the specifications provided by the city engineer) completed that examines the safety of the proposed site access points/driveways to Alicia Lane as well as parking, access geometry and construction standards, turn around area and related elements. Any recommendations of the traffic study shall be the sole responsibility



of the applicant and/or developer and shall be implemented as a condition to this rezoning.

Planning Commission

The planning commission recommended approval.