



**CITY OF DAHLONEGA -AMENDED  
PLANNING COMMISSION AGENDA  
MONDAY, SEPTEMBER 13, 2021 AT 6:00 PM  
CITY HALL - MAYOR MCCULLOUGH COUNCIL CHAMBER**

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

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**Call to Order**

**Pledge of Allegiance**

**Approval of Minutes:**

1. Planning Commission Meeting Minutes - July 15, 2021
2. Planning Commission Minutes - August 8, 2021

**OLD BUSINESS**

**NEW BUSINESS**

*Zoning Cases:*

3. BZA 21-9 Rhett Stringer  
The applicant is requesting to vary from front setbacks requirements.  
Jameson Kinley, Planning and Zoning Administrator
4. 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 to approval with stipulations in staff report.  
Jameson Kinley, Planning and Zoning Administrator
5. BZA 21-10 Highland Development  
The applicant is looking to amend the PUD site plan to allow for Phase 1b to have 74 units instead of the allowed 37 units.  
Jameson Kinley, Planning and Zoning Administrator

**Adjournment**



**CITY OF DAHLONEGA  
PUBLIC HEARING PLANNING  
COMMISSION - RESCHEDULED MINUTES  
THURSDAY, JULY 15, 2021, AT 6:00 PM  
CITY HALL - MAYOR MCCULLOUGH COUNCIL  
CHAMBER**

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

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Call to order at 6:00 pm

**PRESENT**

Chairman Robert Conaway  
Commission Member Cal McGraw  
Commission Member Joyce Westmoreland  
Commission Member Win Crannell  
Commission Member Michael Feagin

**ABSENT**

Commission Member Greg Fender

**NEW BUSINESS**

*Zoning Cases:*

1. Notice of Public Hearing - Zoning Map Amendment  
Peacock Partnership, Inc. and Kevin Franklin have requested to change the zoning district of a certain parcel located on Morrison Moore Parkway (parcel D12-036) owned by James Leonard Kinnard and Bobby Tritt, from B-2 (Highway Business District) zoning district to B-1 (Neighborhood Business District) zoning district with the following requests: (1) the removal of the prior zoning stipulation that this property be used only for a bank facility; and (2) the 30 foot rear buffer requirement be reduced to 10 feet. The parcel consists of +/- 1.206 acres, and the applicants are requesting the change in use to build a dental office. The proposed idea is a vegetation buffer to allow a screen for the neighbor's properties with no conditions on the building at the site.

The Spangler's concerns are soundproofing with the proposed buffer from 30 ft to 10 ft. Their request is an increase in the Morrison Moore buffer as an alternative that would move the building more towards Morrison Moore away from their property's boundaries.

Mr. Franklin countered the City of Dahlonega should concede additional space to allow the move of the building closer to Morrison Moore.

Mr. Alan Roche is opposed to the B-2 zoning proposed at this property and believes documents from a 2006 Planning Commission and the 2008 Master Plan show this property as an R-2 Residential.

The Commission reminded the property owners of the existing sound and light issues from Morrison Moore Parkway and believed the vegetation buffer proposed by BGW Dental Group by Peacock Partnership without changes to the buffer on Morrison Moore Parkway.

City Manager Schmid reminded the Council of the Public Hearings in 2018 and 2020 to review and create our current zoning map. The Board of Zoning Appeal voted on May 6, 2006, to zone this property as B-2; this vote should stand.

Chairman Conaway called for a motion to approve a zoning district designation from B-2 to B-1 with concurrent buffer variance based on the site plan prepared for BGW Dental Group by Peacock Partnership with the following stipulations:

- The otherwise required 40-foot buffer shall be reduced to 10 feet consistent with the prior zoning action and shall consist of a natural buffer of ten feet along the property lines common with R-2 zoned properties and a thirty (30) feet landscape strip of replanted trees and shrubs common to the area, so as to provide a substantially opaque screen between the western property line and the building or parking lot curb.

Motion by Commission Member McGraw and Second by Commission Member Crannell

2. REZ 21-5 - Staff Report – No action

## **Adjournment**



# CITY OF DAHLONEGA

## PLANNING COMMISSION MINUTES

MONDAY, AUGUST 09, 2021 AT 6:00 PM  
CITY HALL - MAYOR MCCULLOUGH COUNCIL CHAMBER

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

### PRESENT

Chairman Robert Conaway  
Commission Member Cal McGraw  
Commission Member Michael Feagin  
Commission Member Greg Fender  
Commission Member James Guy

### ABSENT

Commission Member Joyce Westmoreland  
Commission Member Win Crannell

### Call to Order

Chairman Conaway called the meeting order at 600pm

### Pledge of Allegiance

Chairman Conaway led the pledge of allegiance

### NEW BUSINESS

#### *Zoning Cases:*

1. BZA-21-6 Staff Report, Bill Schmid, City Manager

The applicant's request is to "rebuild the home on the existing foundation". In subsequent conversation with Mr. Gentry he confirmed his desire to demolish the existing structure because it is beyond repair and rebuild virtually the same appearance two-story porched structure with the same footprint. The structure has not been occupied for at least the past six years and is not safe for human occupation in its current state. Staff recommends approval

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

Voting Yea: Commission Member McGraw, Commission Member Fender,  
Commission Member Guy

Voting Nay: Commission Member Feagin

2. BZA-21-7 - Staff Report, Bill Schmid, City Manager

The applicant's request is for the addition of a 174-seat 5,000 square feet performance theater ("Menagerie") to the existing 63,000 square feet Greenbriar Shopping Center. This addition was identified in a 1996 site plan as "Future Build Area". A small portion of building associated with the theater's box office is proposed to be constructed within 35-feet of East Main Street right-of-way. Its area of encroachment will be for no more than 100 square feet, will be no closer than 25 feet from the right-of-way and will not limit driver sight distance. Also, because performance hours are planned to be after peak hours of operation of the existing mix

of businesses, a shared use parking plan is proposed to increase commercial activity without adding impervious area for additional parking. Staff recommends conditional approval as follows:

- Approval of a variance for building setback line from East Main is recommended to be no closer than 25 feet from the right-of-way for a horizontal distance of no more than 25 feet associated with the theatre box office, provided the applicant can demonstrate by further survey analysis that adequate sightlines will be maintained for approaching and exiting vehicles at the East Main driveway intersection.
- Approval of a variance to allow shared use of an existing parking lot to meet the otherwise required parking standards for the proposed 174 seat 5,000 square feet performance theatre, provided the applicant provides documentation to show the shared use nature of parking is known to the tenants of Greenbriar and shows the 274 spaces are sufficient to meet parking demand during hours of peak combined operation.

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

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

### **Adjournment**

Adjourned at 6:25pm

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

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



## STAFF REPORT

BZA 21-9

Applicant: Rhett Stinger  
Owner: E. Paul Stringer  
Location: 2718 South Chestatee Street (081-037)  
Acreage: +/- 5 Acres  
Current Zoning Classification: B-2/R-2  
Reason: Reduction of the front building setback for the purpose of building a structure closer than allowed by zoning  
City Services: All city services in close proximity to the site

### Applicant Proposal

The applicant is requesting variance from the required 60' front setback in order to build a structure closer to the right of way. The reason being is there is a hardship in development between the right of way and the stream buffer.

### History and Surrounding Uses

The property has operated as a business for the last five plus years. The majority of the surrounding area is vacant land or river.

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

1. **There are extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its size, shape or topography that are not applicable to other land or structures in the same district; and**

Due to the restraints of the right of way and river buffer, there is minimal area to develop.

2. **A literal interpretation of the provisions of these zoning regulations would create an unnecessary hardship and would deprive the applicant of rights commonly enjoyed by other property owners within the district in which the property is located; and**



The property owner desires to expand an already existing business by adding a restaurant and related parking. A strict enforcement of the general standard would create an unnecessary hardship.

3. **Granting the variance requested will not confer upon the property of the applicant any special privileges that are denied to other properties of the district in which the applicant's property is located; and**

Given the unusual circumstances of this property, this is somewhat a unique scenario and should be taken case-by-case. Nonetheless, similar variances have been granted and the practice of granting variances, based on specific conditions, should continue.

4. **Relief, if granted, will be in harmony with the purpose and intent of these regulations and will not be injurious to the neighborhood or general welfare in such a manner as will interfere with or discourage the appropriate development and use of adjacent land and buildings or unreasonable affect their value; and**

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

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

Correct. The circumstances were not created by the applicant.

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

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

7. **The variance is not a request to permit a use of land, building or structures which are not permitted by right in the district involved.**

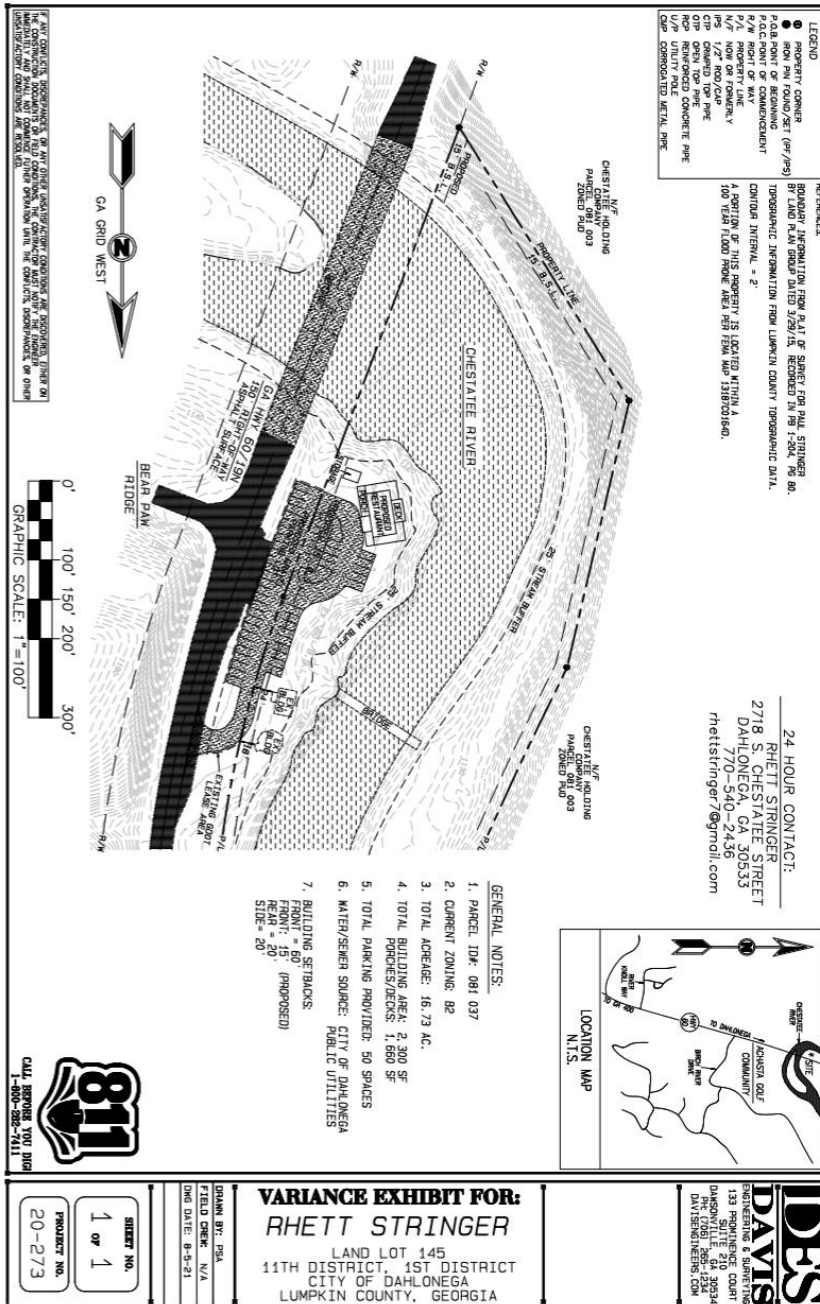
Correct

### Staff Analysis

Given the circumstance with EPD stream buffers and the right of way, Staff recommends approval of this variance. However, it is unusual to get a variance for the entire setback without a site plan utilizing the entire variance. Therefore, staff recommends the granting of a variance to reduce the front setback from 60' to 15' per the site plan provided for this application. It should also be noted that the applicant has received an approval from GDOT for extension of the parking lot into the GDOT right of way.



Site Plan:







Aerial view of the Parcel:



Current Zoning:



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



Staff Recommended Motion:

Motion to recommend approval/approve Variance Application BZA-21-9 for the reduction of the building setback from 60' to 15'.



City of Dahlonega, Georgia

09/03/2021

# BZA-21-9

## Variance Application

**Status:** Active

**Date Created:** Aug 9, 2021

### Applicant

Rhett Stringer

m

[Redacted]

### Location

2718 SOUTH CHESTATEE ST  
DAHLONEGA, GA 30533

### Owner:

[Redacted]

## Variance Information

### Describe Variance Request

We are requesting a variance on the City's sixty foot setback from the State right of way to help increase the usable space on our property.

**There are extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its size, shape or topography that are not applicable to other land or structures in the same district.**

Due to the State's 150 foot right of way on SR 60/South Chestatee Street, the City's 60 foot setback and the 25 foot stream buffer, our usable land on this piece of property is reduced drastically.

**A literal interpretation of the provisions of these zoning regulations would create an unnecessary hardship and would deprive the applicant of rights commonly enjoyed by other property owners within the district in which the property is located.**

With the current setbacks and state right of way there is only approximately .75 acres available for building. This portion that is available is pressed between the river and the road. Having an extra 60 feet would allow us to build an appropriate building for the proposed use.

**Granting the variance requested will not confer upon the property of the applicant any special privileges that are denied to other properties of the district in which the applicant's property is located.**

This is a unique piece of property with the Chestatee River Bridge at this location, the state has a large amount of right of way to access or perform maintenance on the bridge on the front of the property and the rear is compressed by the state waters

setback. Granting this variance will not grant any special privileges given the circumstances at hand.

**Relief, if granted, will be in harmony with the purpose and intent of these regulations and will not be injurious to the neighborhood or general welfare in such a manner as will interfere with or discourage the appropriate development and use of adjacent land and buildings or unreasonably affect their value.**

This will not in any way negatively affect any surrounding properties as both the current use and proposed additional use is allowable and encouraged in the current zoning. The existing buildings are well within the setback.

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

This is a very unique piece of property along a state road, at a bridge and bound by a sharp bend in the river. However, with the variance of the building setback, we believe we can make it even more of an asset for our community to enjoy.

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

We feel the State's large right of way along the property is more than enough setback from the street.

**The variance is not a request to permit a use of land, building or structures which are not permitted by right in the district involved.?**

The current use and future use of the new building are both allowable uses in the properties current zoning.

**A legal description of the property to be considered in the application. The legal description shall be by metes and bounds.**

**Boundary Survey**

**Site Plan**

**Parcel Number or Numbers**

081 037

**Total Acreage of Site Requesting Variance**

3

**Property Owner Signature**

E. Paul Stringer

03/29/2021

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**BZA Information**

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Approved for recording, however  
 Tract B is not approved as a  
 separate building lot.  
 7-21-15  
*Patricia L. Harkins*  
 City of Dalton

## Tract B

### 2.896 Acres

TRACT B WAS CREATED BY  
 PREVIOUS SURVEYS OF RECORD.  
 HOWEVER, IN MY OPINION THE  
 TRACT IS TO BE COMBINED WITH  
 TRACT A

### SURVEY NOTES

1. THE FIELD DATA UPON WHICH THIS PLAT IS BASED HAS A  
 CLOSURE PRECISION OF ONE FOOT IN 30,000 FEET AND AN  
 ANGULAR ERROR OF 02" PER ANGLE POINT, AND WAS ADJUSTED  
 USING THE COMPASS RULE.
2. THIS PLAT HAS BEEN CALCULATED FOR CLOSURE AND IS  
 FOUND TO BE ACCURATE WITHIN ONE FOOT IN +100000 FEET.
3. EQUIPMENT USED: TOPCON GPT 3002W FOR ANGULAR AND  
 LINEAR MEASUREMENTS
4. THIS SURVEY WAS PREPARED WITHOUT THE AID OF A TITLE  
 SEARCH AND IS SUBJECT TO ANY AND ALL DISCLOSURES THAT  
 A TITLE SEARCH MAY PRODUCE.
5. IN MY OPINION, THIS PLAT IS A CORRECT REPRESENTATION OF  
 THE LAND PLATTED AND HAS BEEN PREPARED IN CONFORMITY  
 WITH THE MINIMUM STANDARDS AND REQUIREMENTS OF THE  
 GEORGIA PLAT ACT OCGA 15-6-67.

## GEORGIA HIGHWAY 60/19N

22' ASPHALT SURFACED  
 150' RW

TAX PARCEL 062B-080  
 NF BEN LACHANCE  
 PLAT BOOK 1-114-59-59  
 DEED BOOK 129-53

TAX PARCEL 081-003  
 NF CHESTATEE HOLDING CO., LLC  
 PLAT BOOK 1-144-51  
 DEED BOOK 1024-545

## Tract A

### 16.736 Acres

TAX PARCEL 081-037  
 NF PAUL STRINGER  
 DEED BOOK C35-172

TAX PARCEL 081-003  
 NF CHESTATEE HOLDING CO., LLC  
 PLAT BOOK 1-144-51  
 DEED BOOK 1024-545

FILED 02:00 PM 7/23/2015  
 LUMPKIN COUNTY  
 RITA HARKINS, CLERK  
 Cabinet 1 Slide 204 Plat 80

TAX PARCEL 081-003  
 NF CHESTATEE HOLDING CO., LLC  
 PLAT BOOK 1-144-51  
 DEED BOOK 1024-545

THIS LINE DELINEATES LAND LOT LINE AS  
 CREATED BY MICHAEL SCUPIN IN 1987.  
 HOWEVER, BASED ON 1926 LAND LOT MAP OF  
 LUMPKIN COUNTY, LAND LOT 167 DID NOT EXIST.  
 THE ORIGINAL LAND LOT MAPS SHOW LAND LOT  
 145 EXTENDING TO THE CENTERLINE OF THE  
 RIVER. IT IS MY OPINION THAT THE DEEDED  
 PHRASE "THE NORTHWEST CORNER OF LAND LOT  
 145 OR THE CENTERLINE OF THE CHESTATEE  
 RIVER" WAS INTENDED AND UNDERSTOOD TO  
 MEAN ONE AND THE SAME POINT. THIS WOULD  
 APPEAR TO REFER TO THE POINT WHERE THE  
 WEST LINE OF LAND LOT 145 INTERSECTS THE  
 CHESTATEE RIVER AND LABELED POINT 'A'  
 ABOVE.  
 IT IS THEREFORE MY OPINION THAT LAND LOT  
 167 WAS ERRONEOUSLY CREATED BY THE  
 MICHAEL SCUPIN SURVEY AND SUBSEQUENT  
 RETRACEMENT SURVEYS THEREOF.

THIS LINE DELINEATES PROPERTY  
 LINE AND MEANDERING LINE ALONG  
 FOOT OF BLUFF AS DESCRIBED IN  
 PLAT BOOK 18, PAGE 116 PREPARED  
 BY MICHAEL SCUPIN DATED  
 10-20-1987 AND AS SHOWN ON PLAT  
 OF SURVEY FOR OWENS PREPARED  
 BY M.C. WIGHT.

THIS LINE DELINEATES PROPERTY  
 LINE AND MEANDERING LINE ALONG  
 FOOT OF BLUFF AS DESCRIBED IN  
 PLAT BOOK 18, PAGE 116 PREPARED  
 BY MICHAEL SCUPIN DATED  
 10-20-1987.

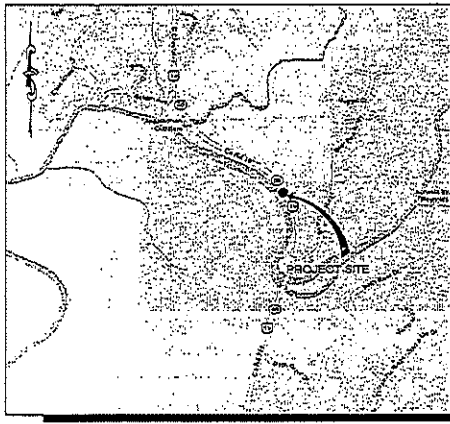
THIS LINE DELINEATES PROPERTY  
 LINE AND MEANDERING LINE ALONG  
 FOOT OF BLUFF AS DESCRIBED IN  
 PLAT BOOK 18, PAGE 116 PREPARED  
 BY MICHAEL SCUPIN DATED  
 10-20-1987.

### LEGEND

- INF.....ANGLE IRON FOUND
- CMP.....CONCRETE MONUMENT FOUND
- CMP.....CORRUGATED METAL PIPE
- DB,PG.....DEED BOOK, PAGE
- FH.....FIRE HYDRANT
- IPF.....IRON PIN FOUND
- IPFS.....IRON PIN SET (50" REBAR)
- LL.....LAND LOT
- LLL.....LAND LOT LINE
- MH.....MANHOLE
- NF.....NOW OR FORMERLY
- OTF.....OPEN TOP PIPE
- P.....POWER LINE
- P/C.....PROPERTY CORNER
- P/L.....PROPERTY LINE
- PB,PG.....PLAT BOOK, PAGE
- POB.....POINT OF BEGINNING
- PP.....POWER POLE
- RW.....RIGHT-OF-WAY

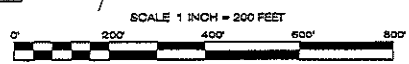
LINE	BEARING	DISTANCE
L1	S 65°35'04" E	178.07
L2	N 25°57'25" E	124.69
L3	N 24°35'20" E	169.12
L4	N 26°21'33" E	146.59
L5	N 23°40'15" W	141.67
L6	N 12°10'46" W	187.07
L7	N 08°30'23" E	89.20
L8	N 02°56'22" W	48.15
L9	N 44°48'20" W	80.55
L10	N 55°17'35" W	108.28
L11	N 48°30'51" W	141.46
L12	N 63°30'11" W	199.38
L13	N 58°30'59" W	92.33
L14	N 71°03'18" W	179.29
L15	N 64°05'35" W	127.12
L16	N 81°49'40" W	31.66
L17	N 87°18'07" W	58.59
L18	N 57°54'37" W	74.89
L19	N 59°07'34" W	48.12
L20	N 73°28'35" W	27.04
L21	N 60°48'31" W	34.49
L22	N 44°44'26" W	45.54
L23	N 31°47'02" W	38.13
L24	N 51°27'04" W	30.88
L25	N 74°25'38" W	27.37
L26	N 60°10'10" W	33.50
L27	N 36°26'45" W	25.50
L28	N 81°54'34" W	26.93
L29	N 86°11'31" W	38.29
L30	N 54°24'09" W	78.57
L31	N 47°03'18" W	31.19
L32	N 42°44'28" W	63.83
L33	N 60°32'25" W	28.13
L34	N 81°45'13" W	48.49
L35	N 63°04'29" W	57.68
L36	S 74°52'49" W	37.18
L37	N 00°18'38" E	139.08
L38	S 61°48'49" E	160.80
L39	S 57°32'35" E	187.12

CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING	DELTA ANGLE
C1	1448.44'	2175.72'	1977.59'	S 22°31'57" E	86°08'14"

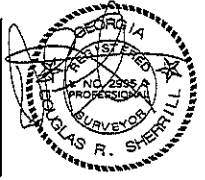


Vicinity Map  
 NTS

DATE SIGNED: 3/29/2015



**LAND SURVEYING AND PLANNING**  
 GA #2955 NC #4597  
 95 Turner Road Dalton, Georgia  
 30533  
 Office: 706.867.0007  
 Fax: 706.867.0478  
 www.landog.com  
 drs2955@attel.net



Revision Number	Date	Date
		4/28/2012
		FIELD CREW: DRS
		DRAWN BY: DRS
		DWG FILE: STRINGER
		Field Date: 3/12/2012
		Job #: 3279.001
		Checked By: DRS
		Field Book: TDS Recon

Boundary Survey for  
**Paul Stringer**

Located In:  
 Land Lots 145 - 11th District  
 City of Dalton  
 Lumpkin County, GA

- Page 13 -

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

**REFERENCES:**

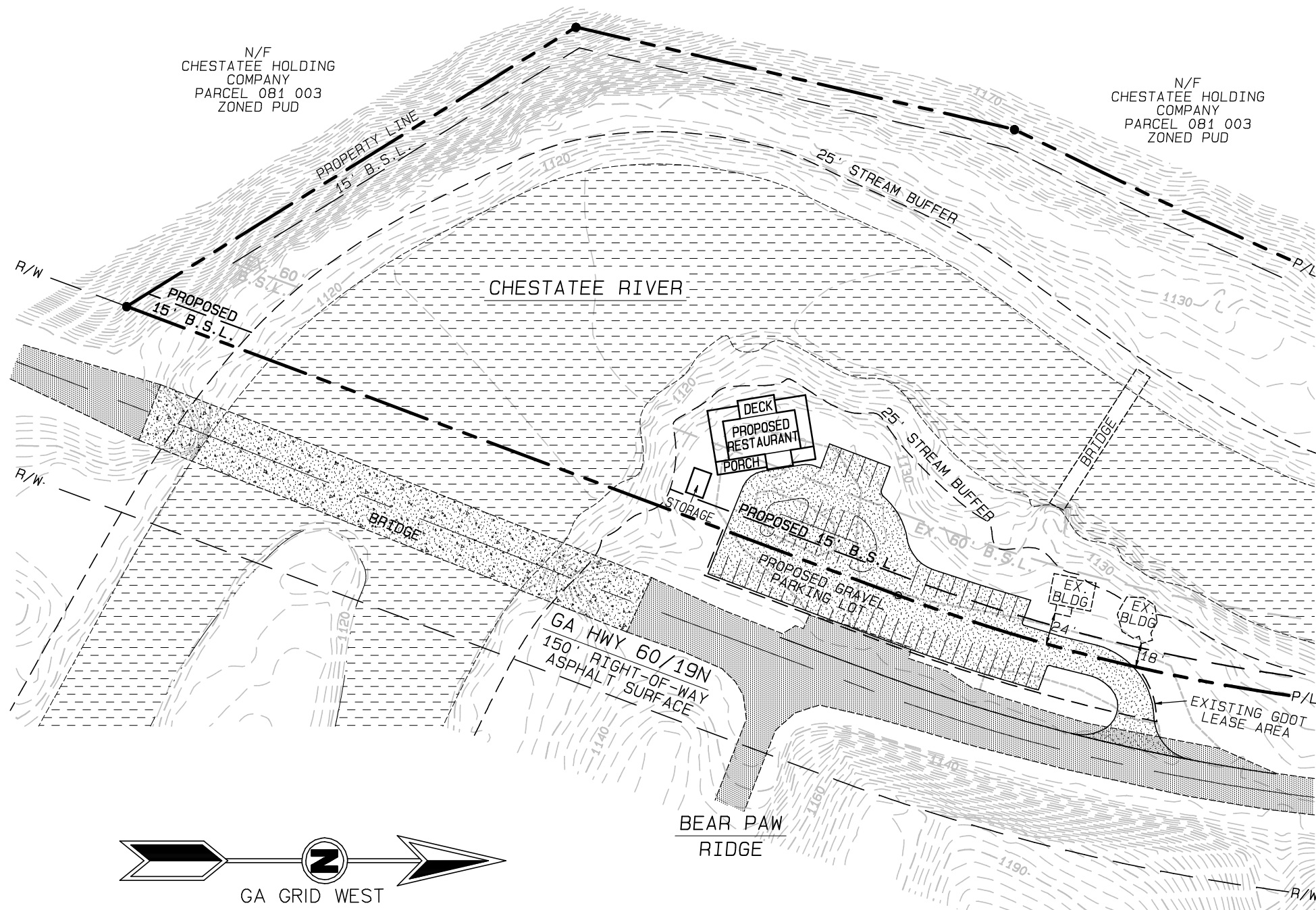
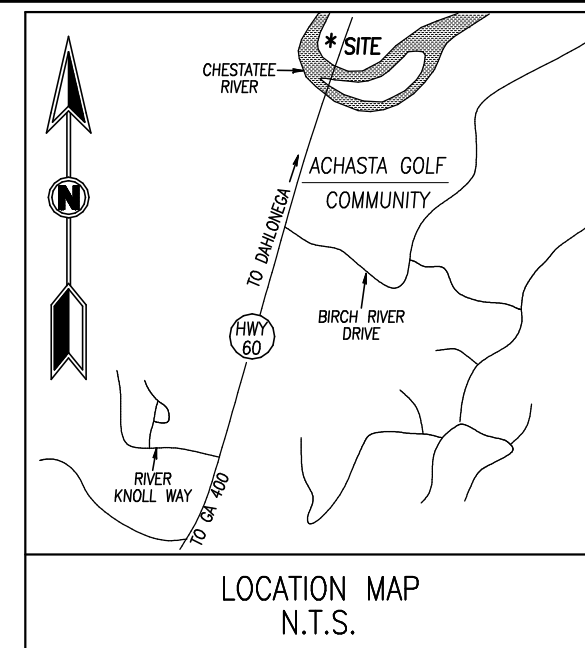
BOUNDARY INFORMATION FROM PLAT OF SURVEY FOR PAUL STRINGER BY LAND PLAN GROUP DATED 3/29/15, RECORDED IN PB 1-204, PG 80.

TOPOGRAPHIC INFORMATION FROM LUMPKIN COUNTY TOPOGRAPHIC DATA.

CONTOUR INTERVAL = 2'

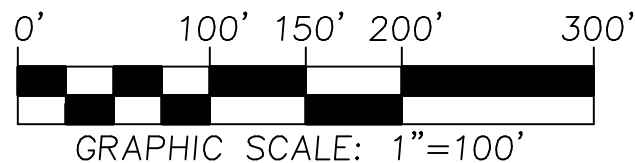
A PORTION OF THIS PROPERTY IS LOCATED WITHIN A 100 YEAR FLOOD PRONE AREA PER FEMA MAP 13187C0164D.

24 HOUR CONTACT:  
 RHETT STRINGER  
 2718 S. CHESTATEE STREET  
 DAHLONEGA, GA 30533  
 770-540-2436  
 rhettstringer7@gmail.com



**GENERAL NOTES:**

1. PARCEL ID#: 081 037
2. CURRENT ZONING: B2
3. TOTAL ACREAGE: 16.73 AC.
4. TOTAL BUILDING AREA: 2,300 SF  
PORCHES/DECKS: 1,660 SF
5. TOTAL PARKING PROVIDED: 50 SPACES
6. WATER/SEWER SOURCE: CITY OF DAHLONEGA PUBLIC UTILITIES
7. BUILDING SETBACKS:  
 FRONT = 60'  
 FRONT: 15' (PROPOSED)  
 REAR = 20'  
 SIDE = 20'



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.

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

**VARIANCE EXHIBIT FOR:**  
**RHETT STRINGER**  
 LAND LOT 145  
 11TH DISTRICT, 1ST DISTRICT  
 CITY OF DAHLONEGA  
 LUMPKIN COUNTY, GEORGIA

DRAWN BY: PSA  
 FIELD CREW: N/A  
 DWG DATE: 8-5-21



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

SHEET NO.  
 1 OF 1

PROJECT NO.  
 20-272



## 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.

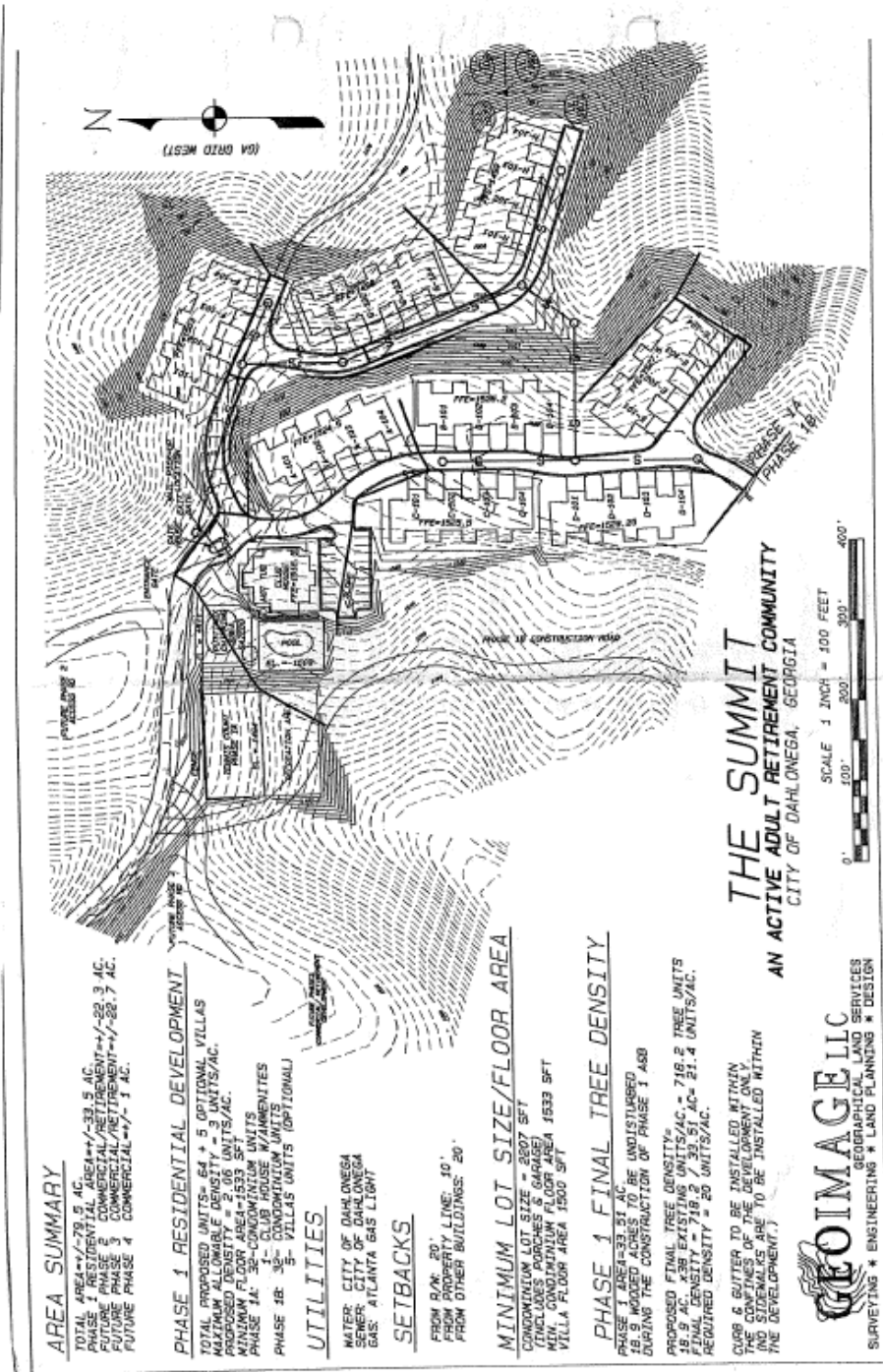
**Staff Analysis**

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.



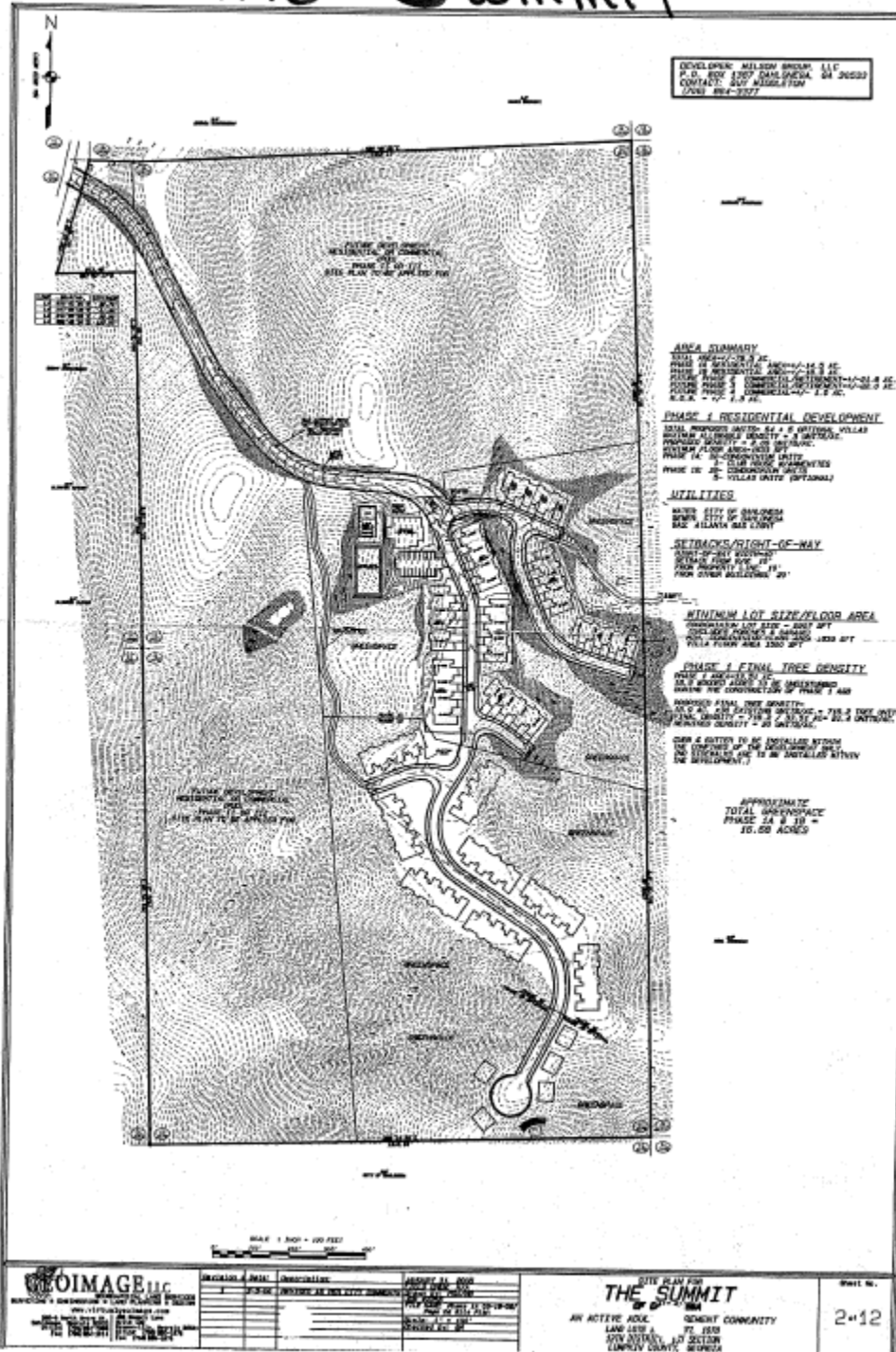
Original Site Plan: (2005)





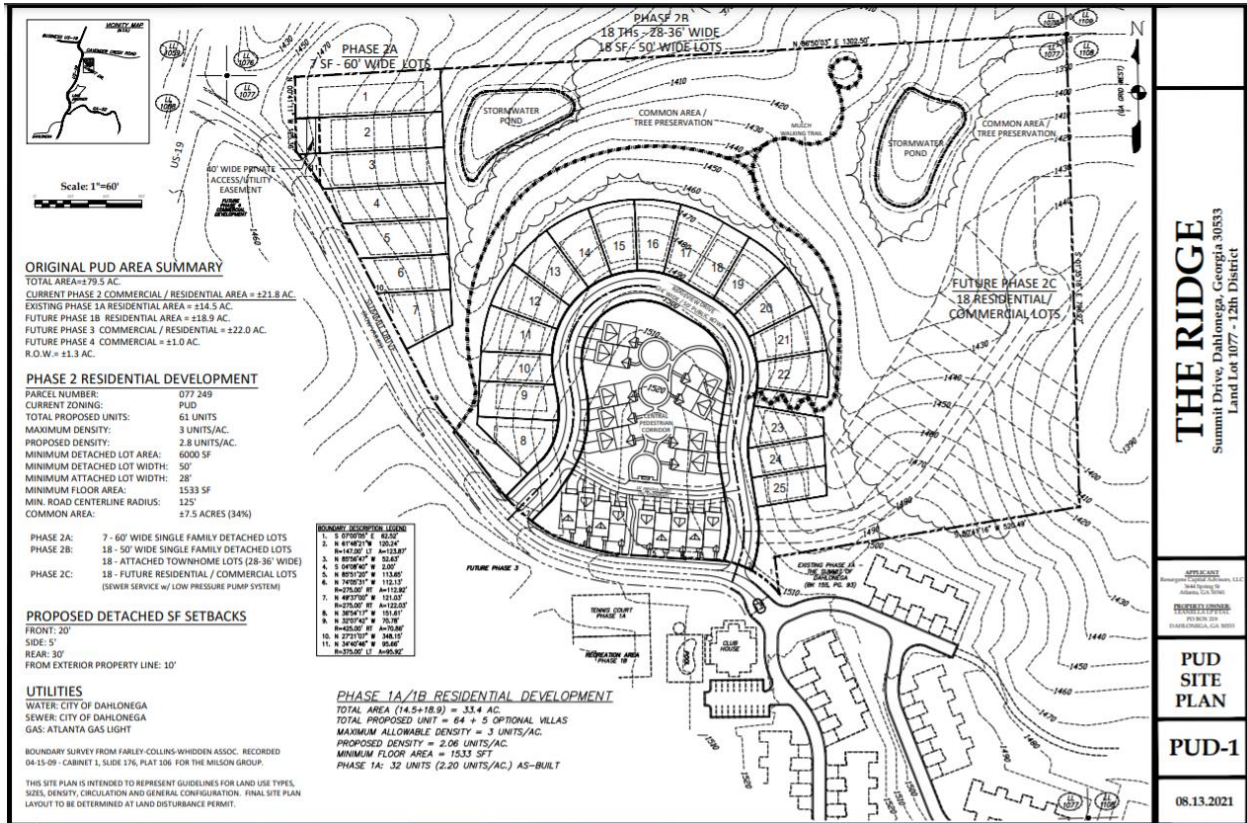
Original Site Plan Continued: (2005)

# The Summit





Proposed Amendment Site Plan:

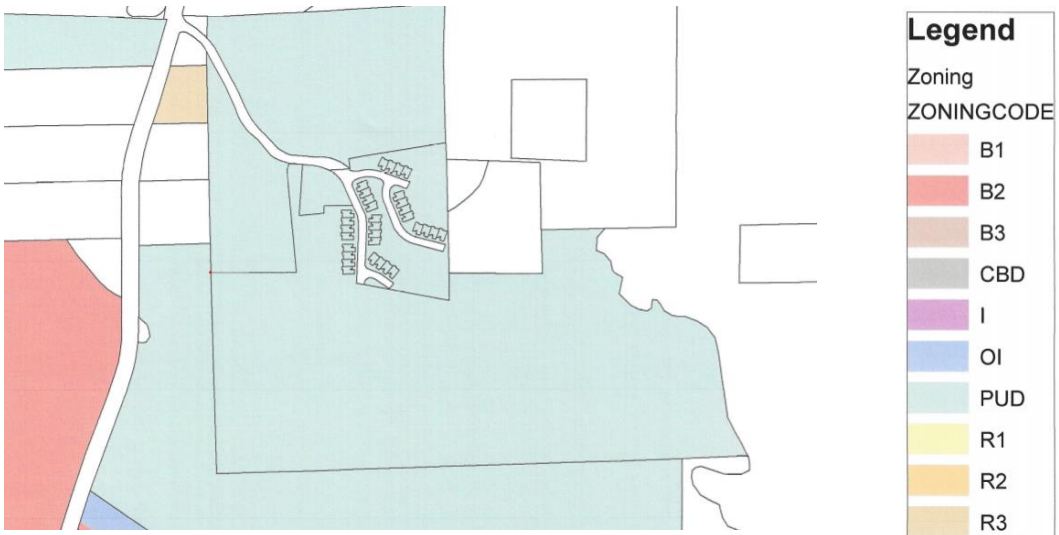




Aerial:

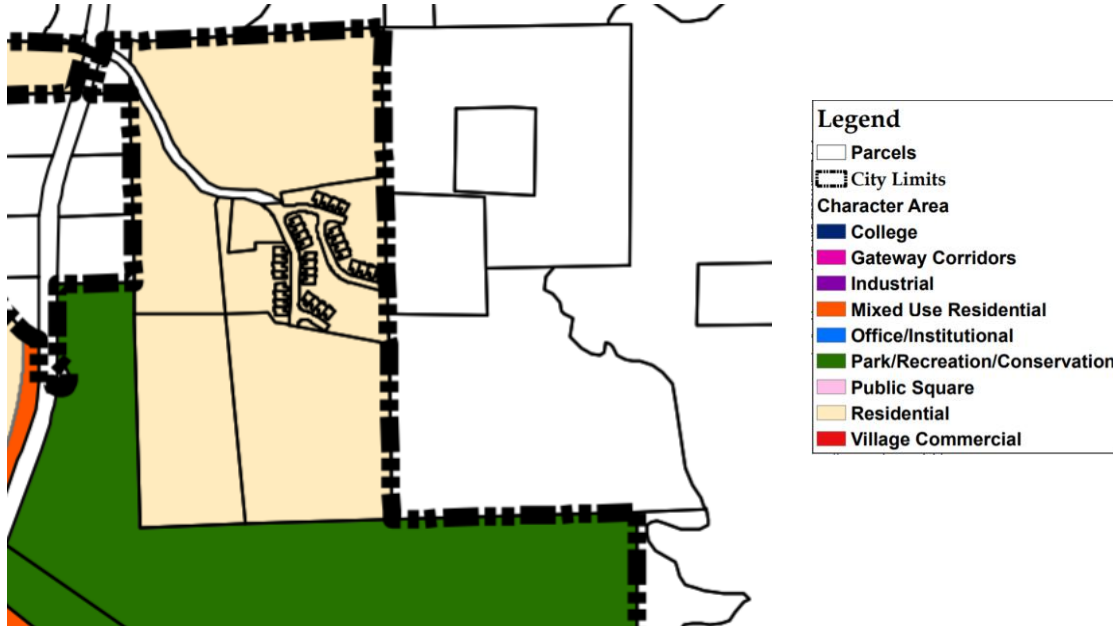


Current Zoning:





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]

## Location

264 SUMMIT DR  
DAHLONEGA, GA 30533

## Owner:

L  
[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

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**Attorney Information**

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**Engineer Information**

---

**Architect Information**

---

**Contractor Information**

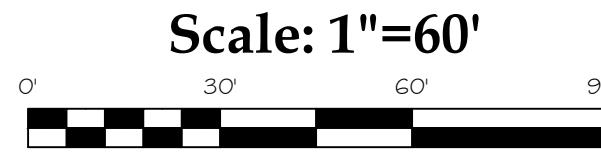
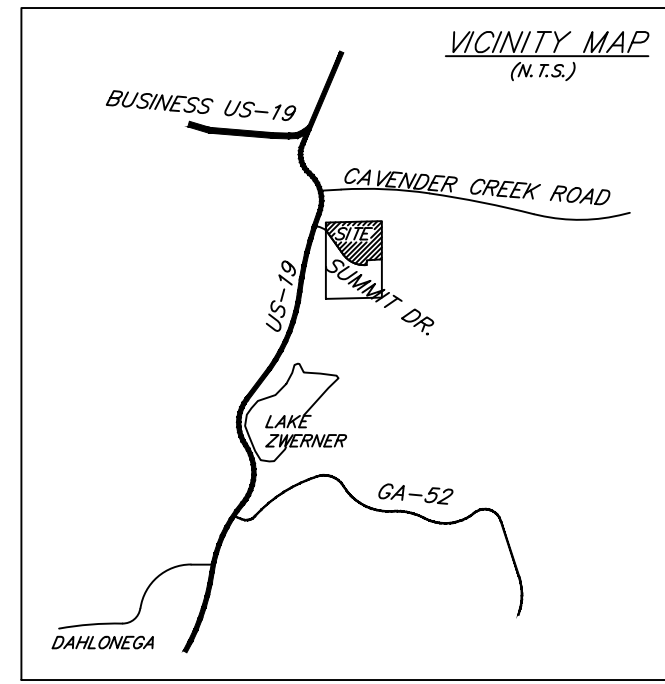
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**Acknowledgement**

**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.

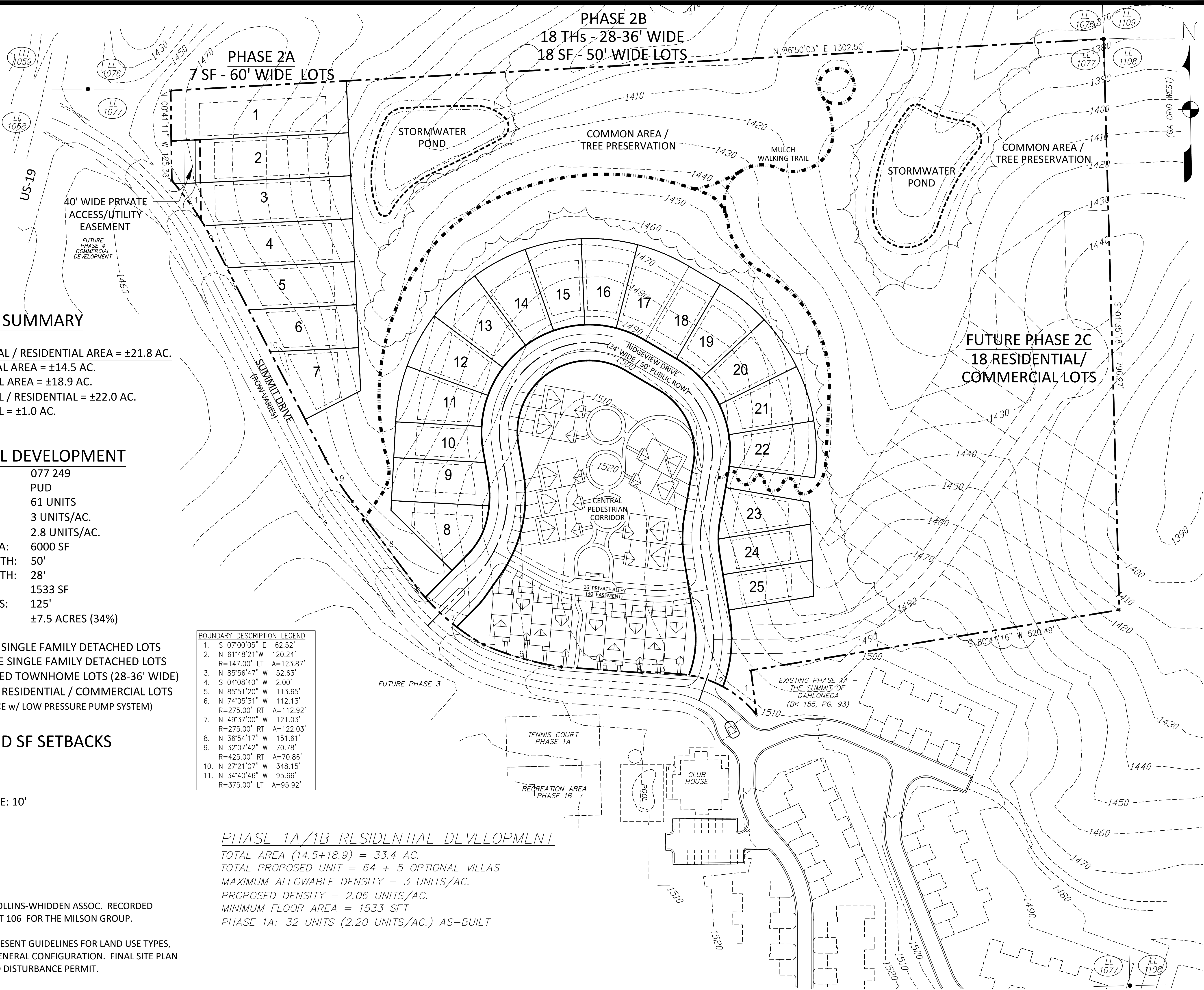
THIS SITE PLAN IS INTENDED TO REPRESENT GUIDELINES FOR LAND USE TYPES, SIZES, DENSITY, CIRCULATION AND GENERAL CONFIGURATION. FINAL SITE PLAN LAYOUT TO BE DETERMINED AT LAND DISTURBANCE PERMIT.

**BOUNDARY DESCRIPTION LEGEND**

- S 07°00'05" E 62.52'
- N 61°48'21" W 120.24'  
R=147.00' LT A=123.87'
- N 85°56'47" W 52.63'
- S 04°08'40" W 2.00'
- N 85°51'20" W 113.65'
- N 74°05'31" W 112.13'  
R=275.00' RT A=112.92'
- N 49°37'00" W 121.03'  
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- N 36°54'17" W 151.61'  
R=425.00' RT A=70.86'
- N 32°07'42" W 70.78'  
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- N 27°21'07" W 348.15'
- 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 LP 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 [TheSummitOfDahlonega@gmail.com](mailto:TheSummitOfDahlonega@gmail.com) or call me at (203) 430-9886.

Sincerely,



Bill Rath  
President – The Summit Board of Directors

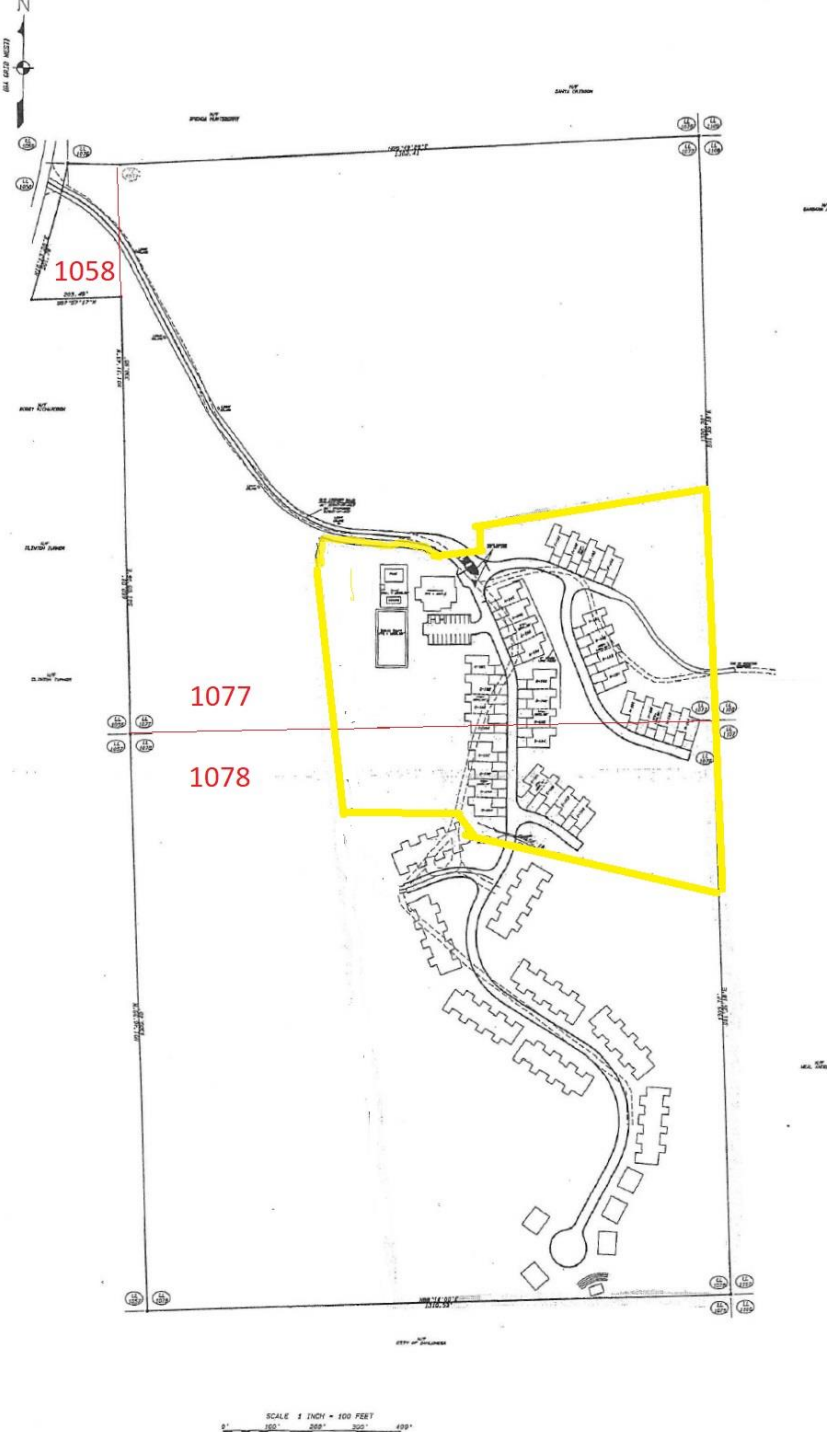


**REZN 21-9**

**COMMENTS FROM**

**THE SUMMIT OF DAHLONEGA  
CONDOMINIUM  
ASSOCIATION, INC**

**SEPTEMBER 13, 2021**



# THE SUMMIT PUD

40 ACRE LOTS 1077 & 1078 AND ABOUT AN ACRE OF LOT 1058 WERE ANNEXED INTO THE CITY AND ZONED PUD JANUARY 2007

## FOUR PHASES PLANNED

- IA – 32 CONDO UNITS (HIGHLIGHTED IN YELLOW)
- IB - 32 CONDO UNITS + 5 “VILLAS” (NEVER BUILT)
- 2 - COMMERCIAL / RETIREMENT TO THE NORTH
- 3 - COMMERCIAL / RETIREMENT TO THE WEST

# OUR REQUEST

Table this application be tabled pending resolution of the following issues:

1. Identification of the specific zoning regulations that apply to The Summit PUD.
2. Delivery of a site plan prepared by, and bearing the seal of, a professional engineer, architect, land surveyor, land planner or landscape architect.
3. Determination as to whether Short Term Rentals are appropriate for a “Retirement Community.”
4. Confirmation that the intersection of Morrison Moore Parkway and Summit Drive can safely accommodate the increased traffic.

# **ISSUE I**

Identification of the specific zoning regulations that apply to The Summit PUD.

# WHAT ONE EXPECTS IN ZONING REGULATIONS

- Uses
  - Permitted
  - Conditional
  - Prohibited
- Building Requirements
  - Size
  - Height
  - Number of Stories
  - Maximum Units per Building
  - Separation from Other Buildings
  - Accessory Buildings
- Lot Requirements
  - Size
  - Frontage
  - Setbacks
- Parking Requirements
- Driveway Requirements
- Density Limits
- Open Space Requirements



**These features are  
specified for other zones  
like R-1 and B-2.**

**But for PUDs . . .**

# MUNICIPAL CODE SECTION 1305

The **approved** development summary report, site plan, and all other information, studies, plats, plans or architectural elevations submitted in the application, or required to be submitted by the Governing Body, shall establish the standards and minimum requirements for the subject property and **shall become the zoning regulations** that apply to the subject property, regardless of changes in property ownership.

**SUMMIT OF DAHLONEGA CONDOMINIUM ASSOCIATION  
DAHLONEGA CITY RECORDS OBTAINED BY THE ASSOCIATION**

**As of September 1, 2021**

- 10/19/05 Form, One Page, Annexation Checklist, with the following attachments:
- (Undated) Drawing, One Page, "Property for Annexation"
  - (Undated) Drawing, Four Pages, Partial reproduction of a drawing by GEOIMAGE LLC (*Note: This appears to be a partial photocopy of a single D-Size drawing. Much of the original drawing – including most of the title block -is missing from the four letter-size pages provided here.*)
  - 10/18/05, Agreement to Annex, One Page with One Page Exhibit A
  - 10/20/05, Letter, One Page, Head to Dahlonega Nugget, Notice of Public Hearing with FAX Transmittals Cover Sheet (One Page)
  - 04/11/05, Letter, Four Pages, Middleton to Lewis, re: Retirement Living Center
  - 10/18/05, Letter, One Page, Middleton to Head, re: Annexation & Zoning Request
  - 10/18/05, Form, One Page, "Annexation Request," Signed by Guy Middleton
  - 10/21/05, Letter, One Page, Head to Kelley, re: County Notification of Proposed Annexation
- 12/05/05 Letter, Two Pages, Middleton to Planning Department, re; Letter of Intentions
- 12/12/05 Agenda, Dahlonega City Council Regular Meeting, One Page
- 12/12/05 Minutes, Dahlonega City Council Regular Meeting, Four Pages
- 01/09/06 Form, One Page, "Annexation or Deannexation Report Form," City Manager to GA Dept of Community Affairs
- 01/09/06 Agenda, Dahlonega City Council Regular Meeting, One Page
- 01/09/06 Minutes, Dahlonega City Council Regular Meeting, One Page (First Page Only)
- 01/09/06 Dahlonega Ordinance 2005-07, One Page, Annexation of Parcels 078-004, 077-121, & 077-137 with exhibits:
- Exhibit A (One Page)
  - Exhibit A-1 (Two Pages)
  - Exhibit B (One Page)
- (Undated) Dahlonega Ordinance 2005-07 (Continued), One Page, PUD Zoning of Land Lots 1077 and 1078 with exhibits:
- Exhibit A (One Page)
  - Exhibit B (One Page)
  - Exhibit C (Two Pages)
- 09/21/06 Lumpkin County Resolution. No. 2006-61, "A Resolution Abandoning Bryant Road and Summit Drive," One page with attachments and exhibits
- Attachment (Two Pages), Affidavit of Road Abandonment
  - Exhibit A (Two Pages)
- 08/13/08 Dahlonega Ordinance 2018-08, Three Pages and One Page City Clerk Certification)
- 09/09/16 Dahlonega Ordinance 91-9 Amendment 21, 132 Pages
- 09/09/16 Land Use and Land Development Appendix B - Zoning Article XIII. PUD, Planned Unit Development District (Excerpt Created 08-12-2021)

Since June 23 of this year, The Summit has been trying to obtain the approved documents that establish the zoning regulations for the Summit PUD

None of the documents we have been able to obtain clearly indicate those regulations.

# Minutes from The November 6, 2006 Meeting of the Dahlonega City Council

“Planning Director Chris Head advised that (*The Summit*) infrastructure plans have not been completed. She recommended approval of the plats contingent upon final approval of infrastructure. A motion was made by Michael Clemons to approve this recommendation. The motion was seconded by Bill Scott and approved by all members present.”

The Summit has been unable to obtain any documents, plats or plans approved by the Planning Department subsequent to the November 6, 2006 meeting of the City Council or any record that the Planning Director approved any such documents.

We therefore cannot be confident of the zoning regulations that apply to The Summit PUD.

# CONSEQUENCES OF UNCLEAR ZONING REQUIREMENTS

Item	Packet Page 16 Dimensions	Packet Page 19 Site Plan	Milson Letter of Intent 12/5/2005
<b>Setback from Right of Way</b>	10	20	10
<b>Setback from Property Line</b>	10	10	10
<b>Setback from Other Buildings</b>	20	20	20
<b>Condo Lot Size</b>	2207	2207	2168
<b>Condo Floor Area</b>	1533	1533	1533

This conflict illustrates the need to resolve the zoning parameters that apply to The Summit PUD before this Commission approves a change to those parameters

Clear zoning parameters are needed by:

- Current residents of The Summit
- Developers of Property in The Summit PUD
- The Planning Director and Building Inspector

The Summit of Dahlonega respectfully requests that this application be tabled pending the identification or establishment of the specific zoning regulations that apply to The Summit PUD.



# ISSUE 2

Delivery of a site plan prepared by, and bearing the seal of, a professional engineer, architect, land surveyor, land planner or landscape architect.

# **Municipal Code Section 1304**

**“Site plans shall be prepared by a professional engineer, architect, land surveyor, land planner or landscape architect, and his/her seal of registration or professional initials shall be indicated on such plans.”**

# DRAWING FROM PACKET PAGES 20 & 25



Scale: 1"=60'

### 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

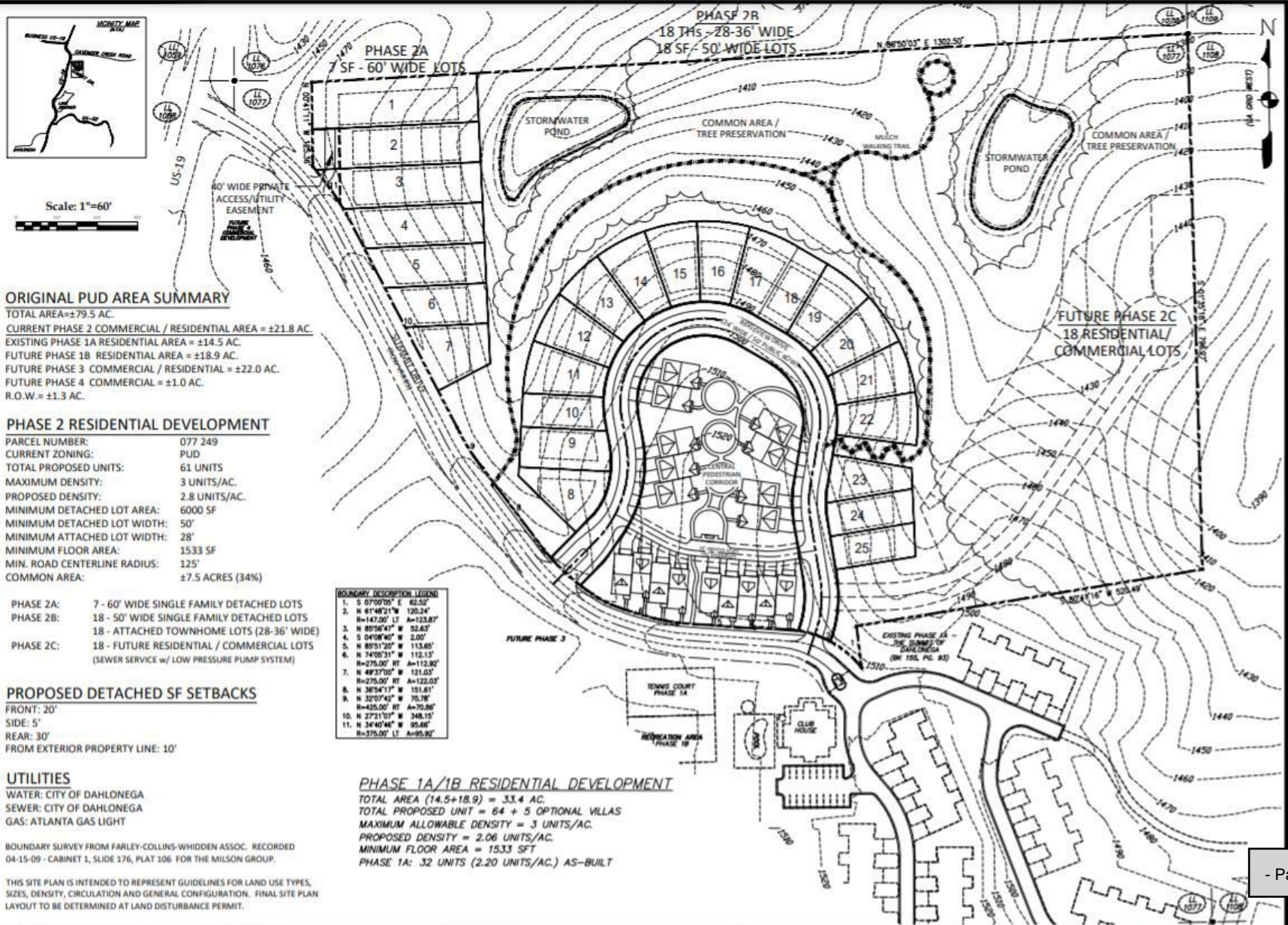
BOUNDARY SURVEY FROM FARLEY-COLLINS-WHIDDEN ASSOC. RECORDED  
 04-15-09 - CABINET 1, SLIDE 176, PLAT 306 FOR THE MILSON GROUP.

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°00'00" E 62.50'	
2. N 61°42'21" W 126.24'	
R=147.00' LT A=123.80'	
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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  
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 PHASE 1A: 32 UNITS (2.20 UNITS/AC.) AS-BUILT



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

APPLICANT  
 Bergstrom Capital Advisors, LLC  
 3444 Spring St  
 Atlanta, GA 30305

PROPERTY OWNER  
 THE STATE OF GEORGIA  
 PO BOX 219  
 DAHLONEGA, GA 30515

**PUD SITE PLAN**

**PUD-1**

There is no indication that the Site plan on Pages 20 & 25 of the information packet was prepared or attested to by one of the professionals indicated in Section 1304.

The Summit therefore respectfully request's that this application be tabled pending the delivery of a site plan prepared and attested to as required by Code Section 1304.

# ISSUE 3

Determination as to whether Short  
Term Rentals are appropriate for a  
“Retirement Community.”

.

# **THIS PROPERTY IS DESIGNATED FOR “COMMERCIAL / RETIREMENT” DEVELOPMENT**

The Plat on Page 19 of the information packet shows Phase II as “Commercial / Retirement.”

If this is the correct plat for The Summit PUD, then Short term Rentals are not permitted under “commercial” use because Section 801 of the Municipal Code draws a clear distinction between “commercial” lodging and short term rentals.

# RETIREMENT LIVING IS NOT COMPATIBLE WITH SHORT TERM RENTALS

- Local, regional and national news reporting is replete with stories that demonstrate the incompatibility of short term rentals operations with peaceful residential living.
- Short term rentals are even more incompatible with the peace and quiet enjoyment associated with retirement living.
- In response to these problems, The Summit has amended its declaration to prohibit short term rentals rentals.

# SUMMARY OF CONSIDERATIONS

- The area to be developed is designated for “Commercial / Retirement” use
- Short term rentals are not treated as commercial entities by the municipal code
- Short term rentals are incompatible with retirement living
- The Summit has banned short term rentals
- The Summit represents 100% of the built environment in The Summit PUD



# REQUEST

The Summit respectfully requests that this application be tabled pending the Commission's consideration of a short term rental ban in The Summit PUD.

# **ISSUE 4**

Confirmation that the intersection of Morrison Moore Parkway and Summit Drive can safely accommodate increased traffic.

The intersection of Summit Drive and Morrison Moore Parkway is difficult to negotiate 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
- No Left turn lane from southbound Morrison Moore Parkway to Summit Drive
- Interfering traffic from the nearby Porter Village access road (Rabel Drive)

# **PROMISED IMPROVEMENTS WERE NOT MADE BY THE PREVIOUS DEVELOPER**

- The Milson Group “Letter of Intentions” dated December 5, 2005 alleges certain improvements to this intersection including “acceleration and deceleration lanes.”
- Acceleration lanes were never built and the Milson Group is now out of business.

# DEVELOPMENT WILL INCREASE TRAFFIC

- 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
- 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.

According to the Trip Generation Manual published by the Institute of Transportation Engineers:

- Single Family Homes generate 10 automobile trips per day, 1 trip per peak hour
- Apartment/Condo/Townhouse units generate 7 automobile trips per day, 0.7 per peak hour

<b>Development</b>	<b>Number of Units</b>	<b>Trips Per Day</b>	<b>Trips per Peak Hour</b>
The Summit Condos	32	224	22.4
Ridge Townhouses	18	126	12.6
Ridge Single Family Homes	43	430	43.0
Summit II Condos	74	518	51.8
<b>TOTALS</b>	<b>167</b>	<b>1,298</b>	<b>129.8</b>

# According to the Highway Capacity Manual published by the Transportation Research Board of the National Research Council:

- The recommended capacity for a residential two-lane road with no left turn lanes is 1,000 vehicles per day
  - *The Proposed developments would generate 1,298 vehicles per day*
- The peak hour capacity of a stop sign controlled intersection is 35 seconds per vehicle
  - *The Proposed developments would have 130 peak hour vehicles: 35 seconds per vehicle x 130 vehicles = 4,550 seconds or 76 minutes to clear traffic*



# **AN ENGINEERING REVIEW SHOULD BE PERFORMED**

- These are layman's calculations and are subject to all of the usual fallibilities
- But they demonstrate the need for a professional evaluation of this situation by the Dahlonga City Engineer for Summit Drive and the Georgia DOT for Morrison Moore Parkway.

# REQUEST

The Summit respectfully request's that this application be tabled pending Georgia DOT and City Engineer confirmation that the intersection of Morrison Moore Parkway and Summit Drive can safely accommodate the increased traffic from the proposed development.

# IN CONCLUSION

The Summit of Dahlonga respectfully requests this application be tabled pending resolution of the following issues:

1. Identification of the specific zoning regulations that apply to The Summit PUD.
2. Delivery of a site plan prepared by, and bearing the seal of, a professional engineer, architect, land surveyor, land planner or landscape architect.
3. Determination as to whether Short Term Rentals are appropriate for a “Retirement Community.”
4. Confirmation that the intersection of Morrison Moore Parkway and Summit Drive can safely accommodate the increased traffic.

# **THE SUMMIT OF DAHLONEGA COMMENTS ON REZN 21-9**



## STAFF REPORT

### BZA 21-10

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

#### **Applicant Proposal**

The applicant is requesting an amendment to the original PUD site plan that currently limits “Phase 1B” to 32 Condominiums and 5 Villas to instead allow 74 Townhome units to be developed. The proposal currently includes a portion of the property that is not within the city limits. The applicant has provided a letter of intent describing the housing need and general description of what they intend on developing.

#### **History and Surrounding Uses**

The majority of this property is surrounded by vacant land. Directly to the south is land owned by Lumpkin County that borders the reservoir.

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 west of the subject parcel. This is understood to be under contract and is potentially pending submittal.

Phase 2 is north of Summit Drive and is subject to concurrent case REZN 21-1.

Additional regulations previously approved for Phase 1b:

#### 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.

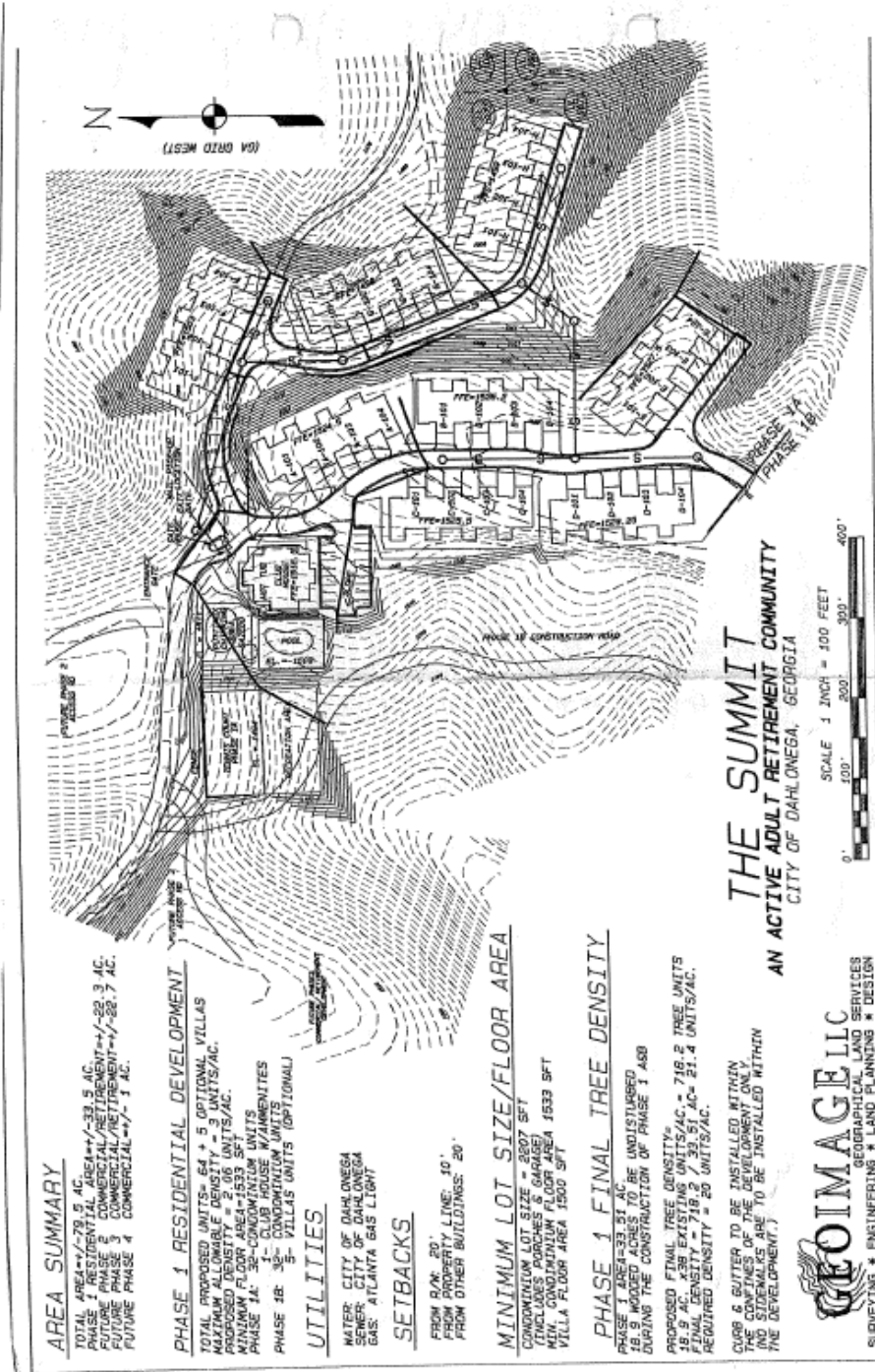
**Staff Analysis**

This site plan amendment appears to be in line with our Comprehensive Plan, Zoning Ordinance, and the original intent of the 2005 annexation and zoning. Unfortunately, the acreage of the property does not appear to match up with the previous annexation application. This leads to questions that will need to be answered before this application can move forward in its current form.

Staff also recommends there be an official master site plan to incorporate the entire PUD to be approved. There should also be specific lot size, lot width, unit size and other characteristics associated in that site plan. This will give staff the guidance in order to approve a more detailed site plan that is in conformance to the regulations.



Original Site Plan (2005):

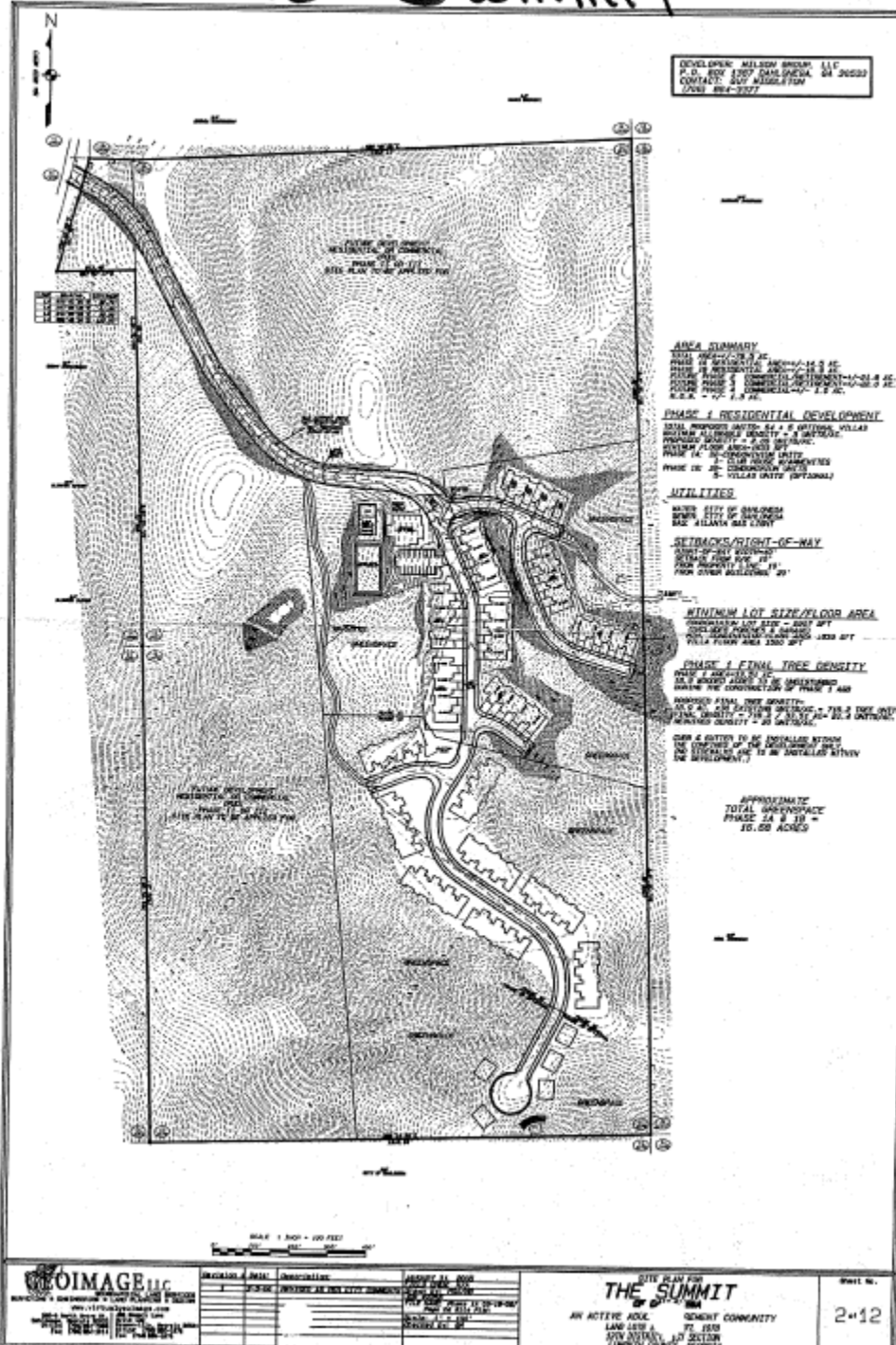






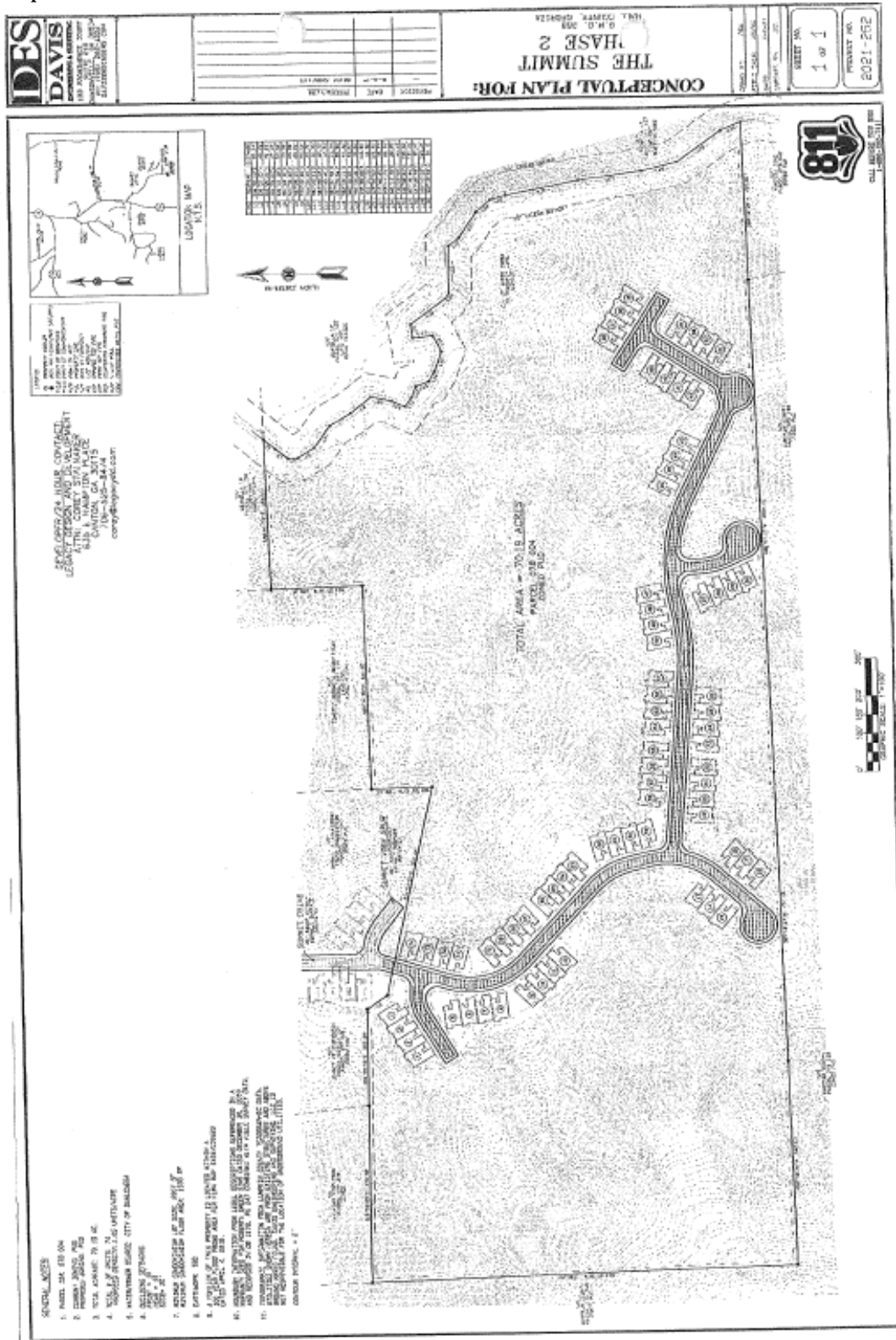
Original Site Plan (2005) Continued:

# The Summit





Proposed Amendment Site Plan:

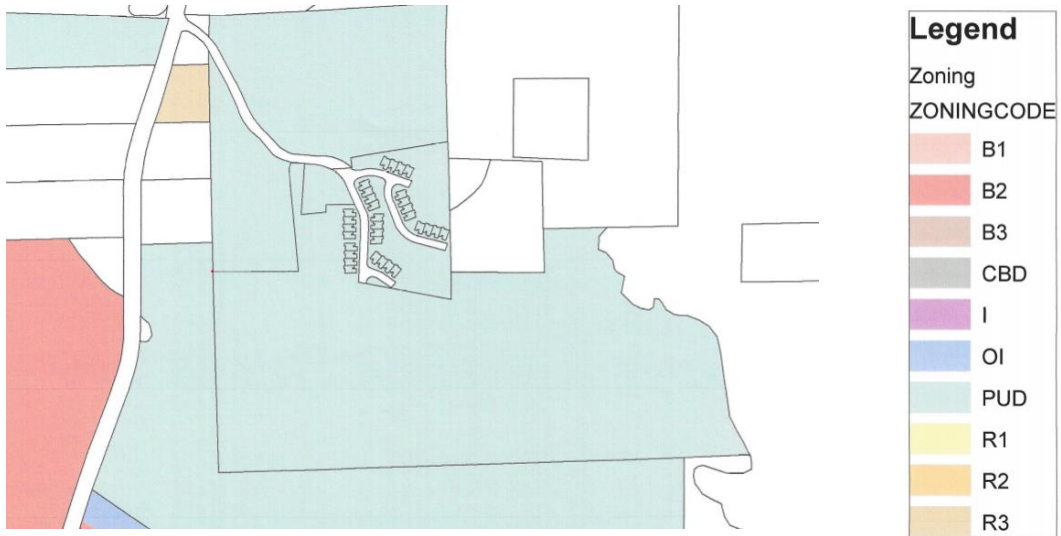




Aerial:

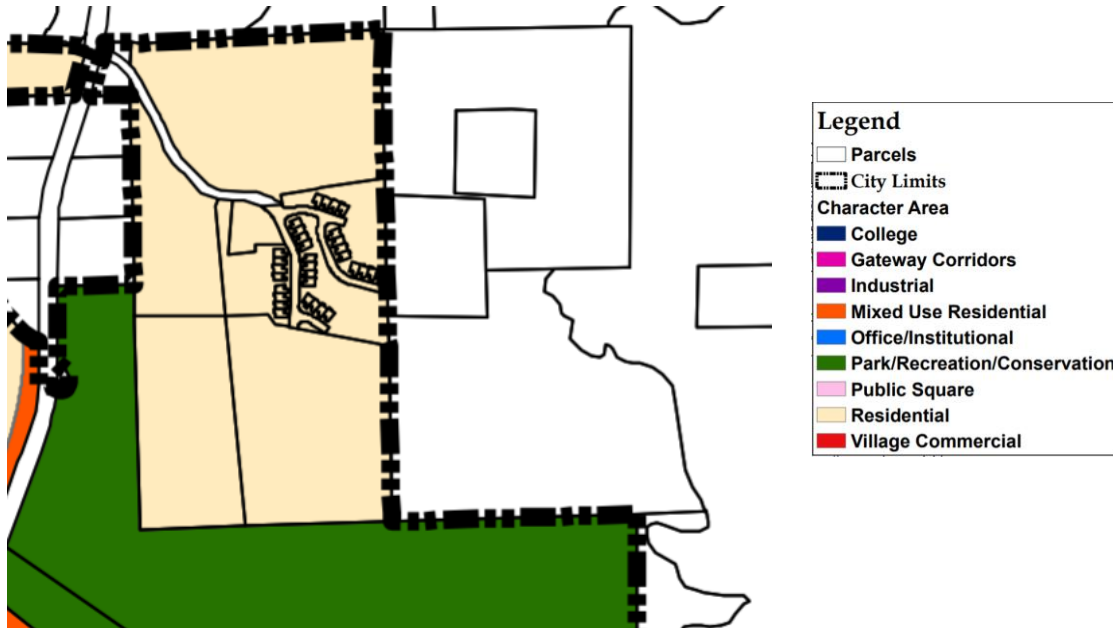


Current Zoning:





Comprehensive Plan:



Staff Recommended Motion:

Motion to table the request for BZA 21-10 until such time it is clear as to the applicant's intention to move forward with the unincorporated portion of the project. It is advised to continue working with staff in order get a more comprehensive idea of this development. It should be tabled indefinitely until such time the applicant chooses to put it back on the agenda for a vote.



# BZA-21-10

## Variance Application

**Status:** Active

**Date Created:** Aug 13, 2021

### Applicant

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

### Location

370 SUMMIT DR  
DAHLONEGA, GA 30533

### Owner:

[REDACTED]

## Variance Information

### Describe Variance Request

Today's request for variance is to increase the number of units allowable to build from 37 units to 74 units. Phase I of the Summit development has a density of 3 units per acre, we are looking for a 1 unit per acre density development for 74 units on 73.57 acres. The existing zoning is a PUD and we are looking to stay a PUD.

**There are extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its size, shape or topography that are not applicable to other land or structures in the same district.**

Yes, this property provides the needed conditions to complete the phase I development with exceptional benefits to the city.

**A literal interpretation of the provisions of these zoning regulations would create an unnecessary hardship and would deprive the applicant of rights commonly enjoyed by other property owners within the district in which the property is located.**

No, there will be no unnecessary hardships provided or deprive by the applicant nor rights non-enjoyed by the district.

**Granting the variance requested will not confer upon the property of the applicant any special privileges that are denied to other properties of the district in which the applicant's property is located.**

correct- granting this variance will imply all the property owner to complete the original intent of the development.

**Relief, if granted, will be in harmony with the purpose and intent of these regulations and will not be injurious to the neighborhood or general welfare in such a manner as will interfere with or discourage the appropriate development and use of adjacent land and buildings or unreasonably affect their value.**

Yes, The development will be in harmony with the original purpose and intent while providing relief to the existing neighboring property and community with increased property values.

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

No, the circumstances are a result of the incompleteness of the community development from the down turn.

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

This request is the minimum request of usage to prevent any need for rezoning beyond the existing approved PUD allowance.

**The variance is not a request to permit a use of land, building or structures which are not permitted by right in the district involved.?**

No, we are seeking to increase the number of units allowed to build

**A legal description of the property to be considered in the application. The legal description shall be by metes and bounds.**



**Boundary Survey**



**Site Plan**



**Parcel Number or Numbers**

078 004

**Total Acreage of Site Requesting Variance**

73.57

**Property Owner Signature**

Roberta Sims Green

08/13/2021


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## BZA Information

---

## Attachments

 21-262 The Summit Concept.pdf  
Uploaded by Corey Stalnaker on Aug 13, 2021 at 11:20 am

 21-262 The Summit Concept.pdf  
Uploaded by Corey Stalnaker on Aug 13, 2021 at 11:20 am

 21-262 The Summit Concept.pdf  
Uploaded by Corey Stalnaker on Aug 13, 2021 at 11:21 am



The Summit Phase II LOI.pdf  
Uploaded by Corey Stalnaker on Aug 13, 2021 at 12:47 pm

pdf Summit Warranty Deed.pdf  
Uploaded by Corey Stalnaker on Aug 13, 2021 at 12:48 pm

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



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

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

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

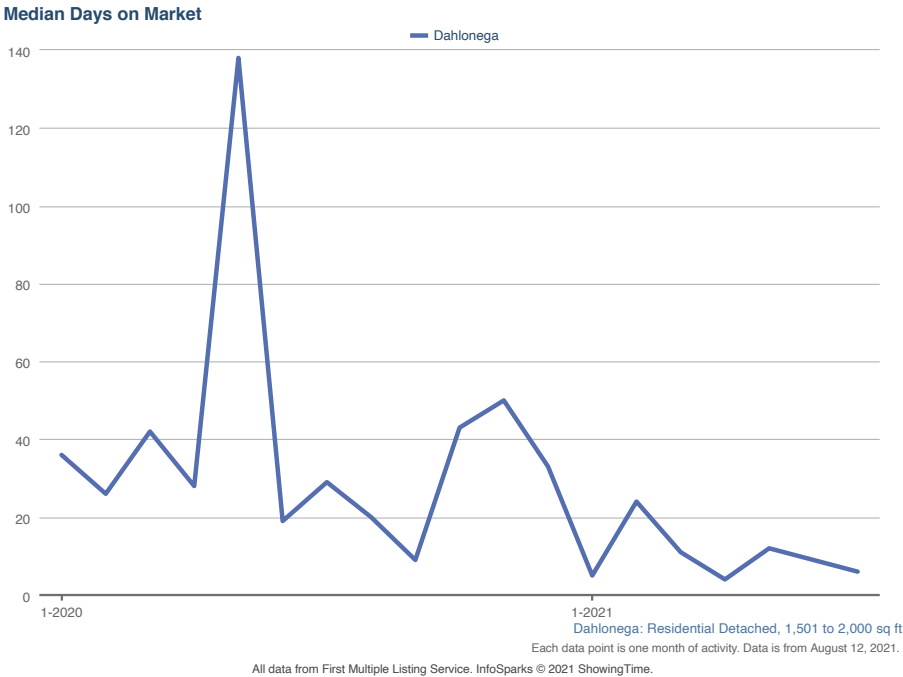
Out of the total of 73 acres, our civil engineer anticipates the affected acreage to be +/-18 acres. Due to the steep terrain and topography the 74 units will be entirely built along the ridge-top as seen in the topography map. This tract has been sitting idle and untouched since the original development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

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

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

**JENNY HUDSON**  
Wilson Hutchison Realty, LLC.

Office: 770-242-7917  
Cell: 000-000-0000  
Fax: 678-325-4824  
[jenny@wilsonhutch.com](mailto:jenny@wilsonhutch.com)

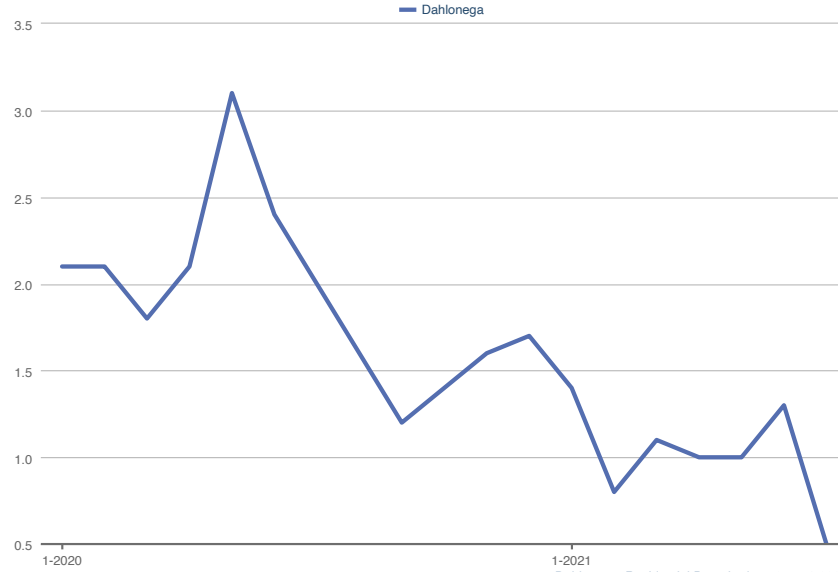


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[jenny@wilsonhutch.com](mailto:jenny@wilsonhutch.com)



**Months Supply of Homes for Sale**



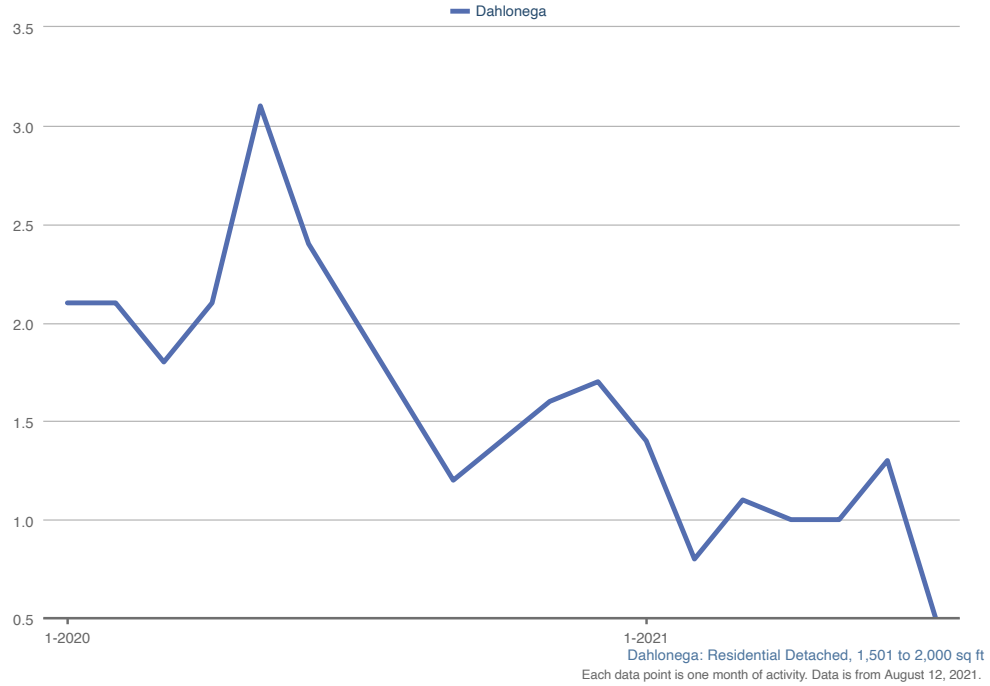
Dahlonega: Residential Detached, 1,501 to 2,000 sq ft  
Each data point is one month of activity. Data is from August 12, 2021.  
All data from First Multiple Listing Service. InfoSparks © 2021 ShowingTime.

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**Months Supply of Homes for Sale**



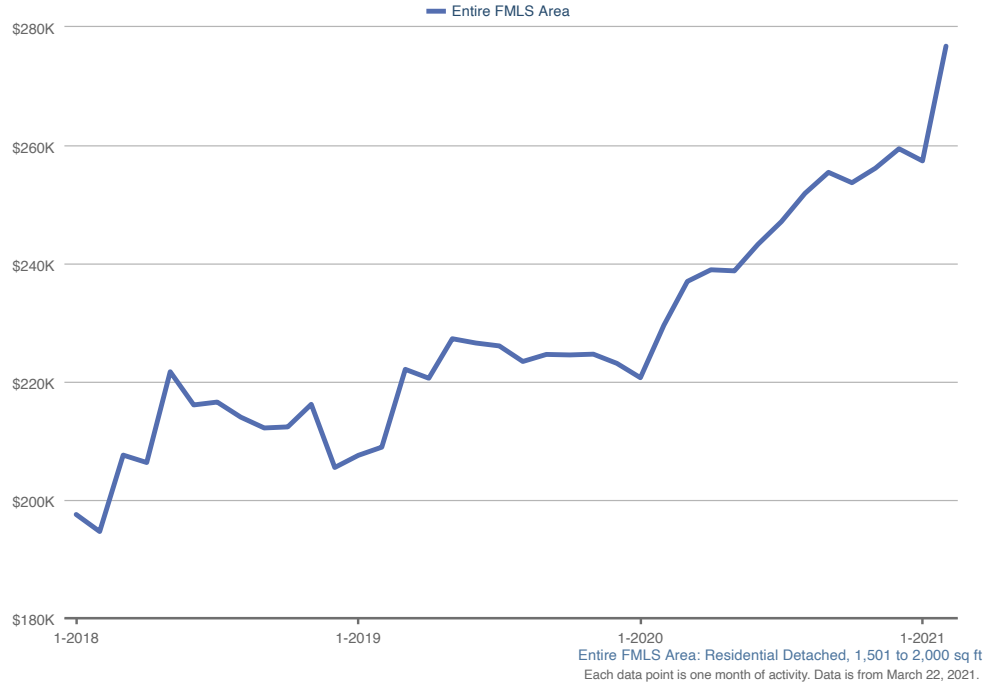
All data from First Multiple Listing Service. InfoSparks © 2021 ShowingTime.

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[jenny@wilsonhutch.com](mailto:jenny@wilsonhutch.com)



**Average Sales Price**



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

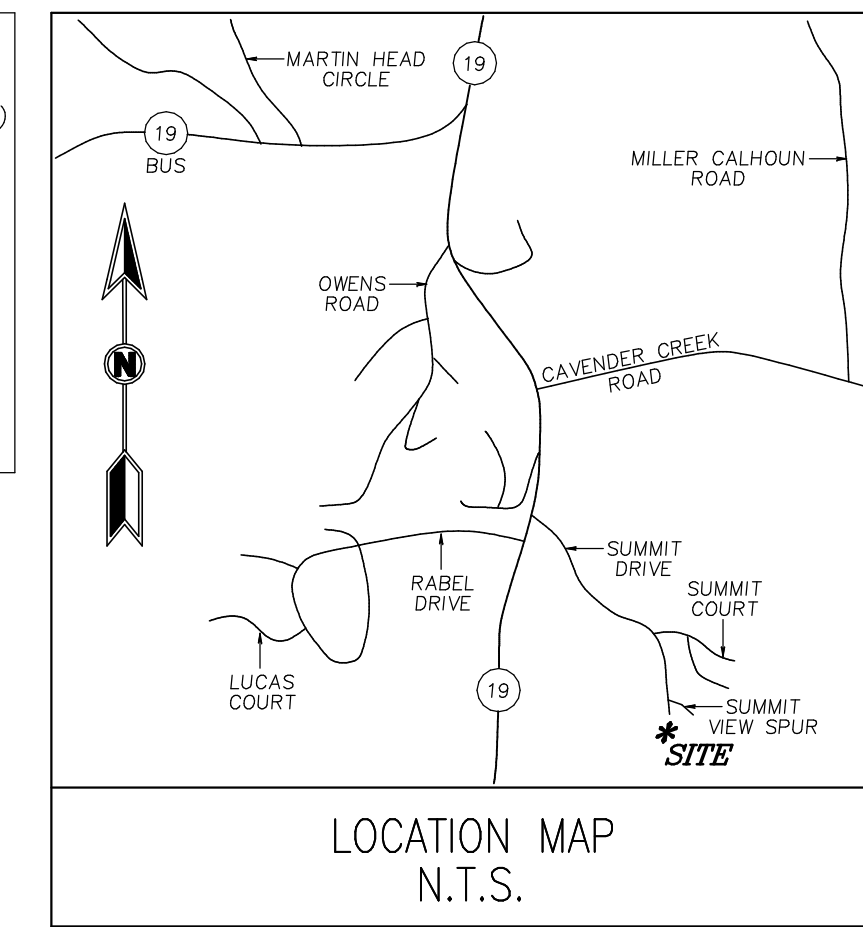
GENERAL NOTES:

1. PARCEL ID#: 078 004
2. CURRENT ZONING: PUD  
PROPOSED ZONING: PUD
3. TOTAL ACREAGE: 70.19 AC.
4. TOTAL # OF UNITS: 74  
PROPOSED DENSITY: 1.05 UNITS/ACRE
5. WATER/SEWER SOURCE: CITY OF DAHLONEGA
6. BUILDING SETBACKS:  
FRONT = 10'  
REAR = 10'  
SIDE = 20'
7. MINIMUM CONDOMINIUM LOT SIZE: 2207 SF  
MINIMUM CONDOMINIUM FLOOR AREA: 1533 SF
8. EARTHWORK: TBD
9. A PORTION OF THIS PROPERTY IS LOCATED WITHIN A 100 YEAR FLOOD PRONE AREA PER FEMA MAP 13187C0162D DATED APRIL 4, 2018.
10. BOUNDARY INFORMATION FROM LEGAL DESCRIPTIONS REFERENCED IN A WARRANTY DEED FOR ROBERTA GREEN SIMS DATED DECEMBER 30, 2010 AND RECORDED IN DB 1178, PG 247 COMBINED WITH FIELD SURVEY DATA.
11. TOPOGRAPHIC INFORMATION FROM LUMPKIN COUNTY TOPOGRAPHIC DATA. UTILITIES SHOWN HEREON ARE FROM EXISTING STRUCTURES AND ABOVE GROUND MARKS FOUND. DAVIS ENGINEERING AND SURVEYING, LLC IS NOT RESPONSIBLE FOR THE LOCATION OF UNDERGROUND UTILITIES.  
  
CONTOUR INTERVAL = 2'

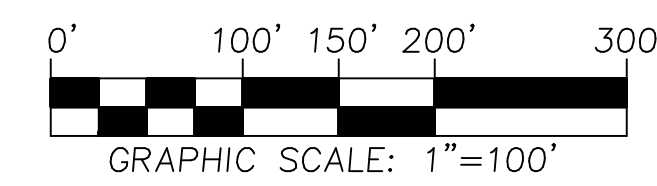
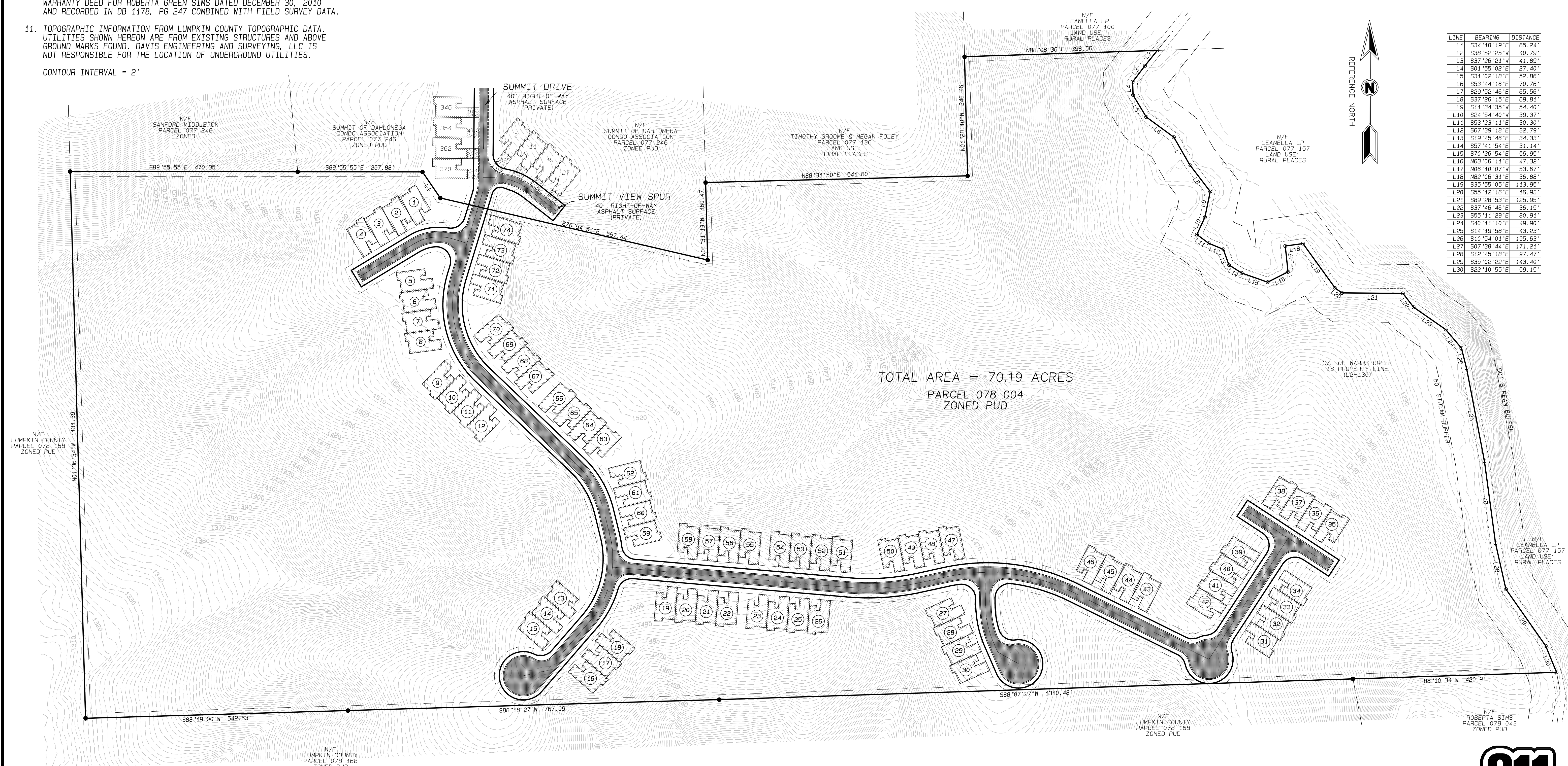
DEVELOPER/24 HOUR CONTACT:  
LEGACY DESIGN AND DEVELOPMENT  
ATTN: COREY STALNAKER  
635 E HAMPTON PLACE  
CANTON, GA 30115  
706-525-8474  
corey@legacydd.com

LEGEND

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



LINE	BEARING	DISTANCE
L1	S34°18'19"E	65.24'
L2	S38°52'25"W	40.79'
L3	S37°26'21"W	41.89'
L4	S01°55'02"E	27.40'
L5	S31°02'18"E	52.86'
L6	S53°44'16"E	70.76'
L7	S29°52'46"E	65.56'
L8	S37°26'15"E	69.81'
L9	S11°34'35"W	54.40'
L10	S24°54'40"W	39.37'
L11	S53°23'11"E	30.30'
L12	S67°39'18"E	32.79'
L13	S19°45'46"E	34.33'
L14	S57°41'54"E	31.14'
L15	S70°26'54"E	56.95'
L16	N63°06'11"E	47.32'
L17	N06°10'07"W	53.67'
L18	N82°06'31"E	36.88'
L19	S35°55'05"E	113.95'
L20	S55°12'16"E	16.93'
L21	S89°58'53"E	125.95'
L22	S37°46'46"E	36.15'
L23	S55°11'29"E	80.91'
L24	S40°11'10"E	49.90'
L25	S14°19'58"E	43.23'
L26	S10°54'01"E	195.63'
L27	S07°38'44"E	171.21'
L28	S12°45'48"E	97.47'
L29	S35°02'22"E	143.40'
L30	S22°10'55"E	59.15'



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

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

REVISION	DATE	DESCRIPTION
	8-6-21	INITIAL SUBMITTAL

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

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

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

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 078 004  
“The Summit Phase II”  
Zoning Variance Application 08-13-2021  
Rezoning Application 08-12-2021

Dear Planning and Development Staff,

The Summit of Dahlonega Condominium Association, Inc. (The Summit) abuts Tax Parcel 078 004. We are in the process of formalizing our response to the above-referenced applications and have engaged legal counsel to help us do so. However, given the pace at which these applications are 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 - Site Access.

Neither the developer of The Summit Phase II nor the owner of tax parcel 078 004 has obtained permission from The Summit to access tax parcel 078-004 via the portion of Summit Drive that is privately and wholly owned by The Summit.

The portion of Summit Drive from the current gatehouse to its south end was abandoned by Lumpkin County on September 21, 2006, before Land Lots 1077 and 1078 were annexed into the City of Dahlonega. (See Lumpkin County Resolution 2006-61, “A Resolution Abandoning Bryant Road and Summit Drive.”) Subsequent to this abandonment, the portion of Summit Drive from The Summit gatehouse to the south end of the street was developed by, and is wholly owned by, The Summit.

Because The Summit has not granted the developer or owner permission to use the privately owned portions of Summit Drive to access tax parcel 077-228, the site plans submitted with both applications fail as designed because they do not show valid access to the property.

(Plan Name: "Conceptual Plan For The Summit Phase 2, 8-6-21, Davis Engineering & Surveying, Sheet 1 of 1, Project No. 2021-262")

**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 Ridge, tax parcel 077 249).

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.

**Objection 3 - Erroneous Address.**

The property address of 370 Summit Drive as shown on the variance application is not the address of Tax Parcel 078 004. Rather, the property at 370 Summit Drive is tax parcel 077-228 and is a condominium unit owned by Alan and Gayle Rusk as recorded in the Lumpkin County property records.

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

Sincerely,



**Bill Rath**  
President – The Summit Board of Directors



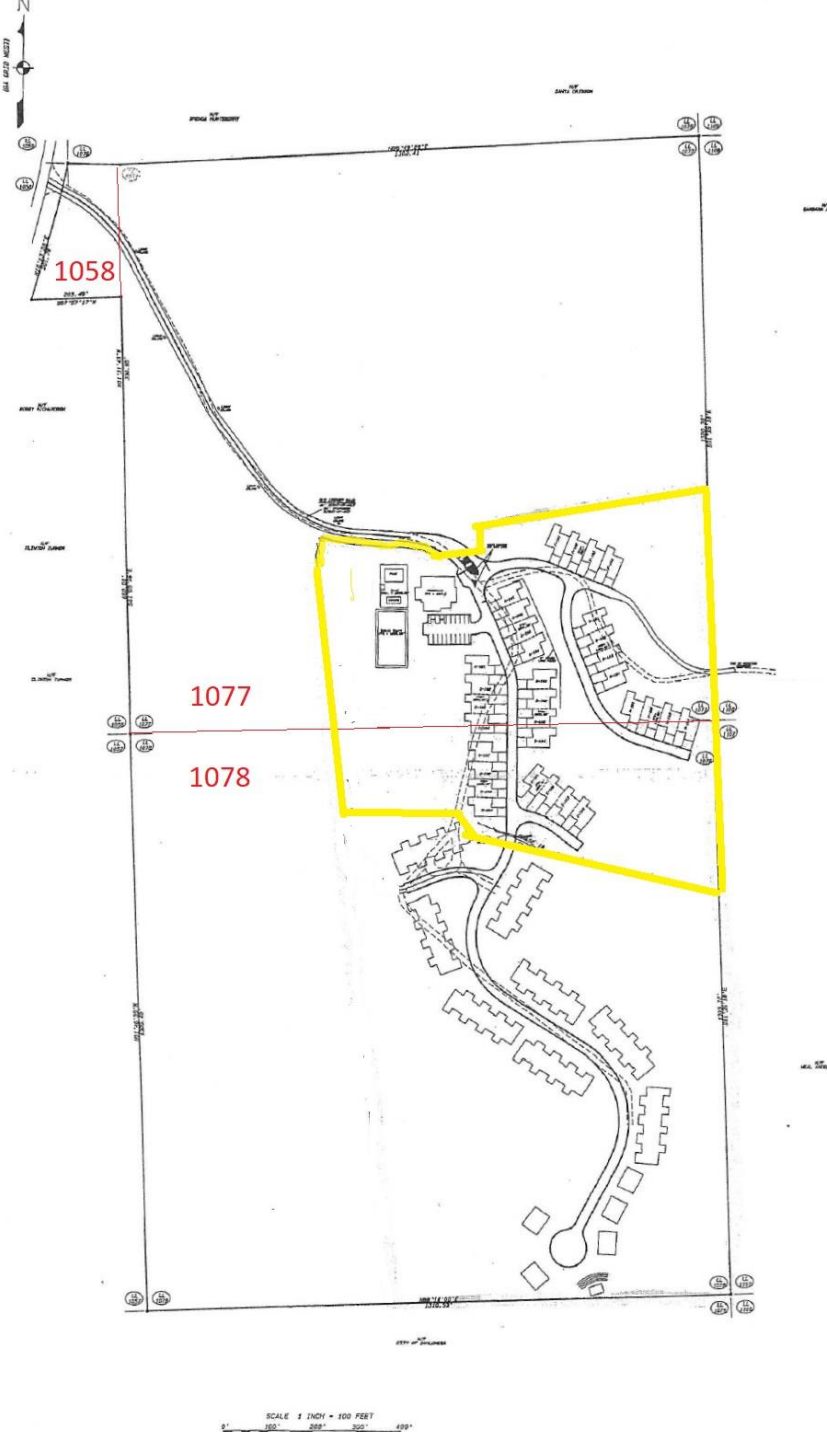


**BZA 21-10**

**COMMENTS FROM**

**THE SUMMIT OF DAHLONEGA  
CONDOMINIUM  
ASSOCIATION, INC**

**SEPTEMBER 13, 2021**



# THE SUMMIT PUD

40 ACRE LOTS 1077 & 1078 AND ABOUT AN ACRE OF LOT 1058 WERE ANNEXED INTO THE CITY AND ZONED PUD JANUARY 2007

## FOUR PHASES PLANNED

- IA – 32 CONDO UNITS (HIGHLIGHTED IN YELLOW)
- IB - 32 CONDO UNITS + 5 “VILLAS” (NEVER BUILT)
- 2 - COMMERCIAL / RETIREMENT TO THE NORTH
- 3 - COMMERCIAL / RETIREMENT TO THE WEST

# OUR REQUEST

Table this application be tabled pending resolution of the following issues:

1. Identification of the specific zoning regulations that apply to The Summit PUD.
2. Delivery of a site plan prepared by, and bearing the seal of, a professional engineer, architect, land surveyor, land planner or landscape architect.
3. Identification of a viable access route to the planned development.
4. Confirmation that the intersection of Morrison Moore Parkway and Summit Drive can safely accommodate the increased traffic.

# **ISSUE I**

**Identification of the specific zoning regulations that apply to The Summit PUD.**

# WHAT ONE EXPECTS IN ZONING REGULATIONS

- Uses
  - Permitted
  - Conditional
  - Prohibited
- Building Requirements
  - Size
  - Height
  - Number of Stories
  - Maximum Units per Building
  - Separation from Other Buildings
  - Accessory Buildings
- Lot Requirements
  - Size
  - Frontage
  - Setbacks
- Parking Requirements
- Driveway Requirements
- Density Limits
- Open Space Requirements

**These features are  
specified for other zones  
like R-1 and B-2.**

**But for PUDs . . .**

# MUNICIPAL CODE SECTION 1305

The **approved** development summary report, site plan, and all other information, studies, plats, plans or architectural elevations submitted in the application, or required to be submitted by the Governing Body, shall establish the standards and minimum requirements for the subject property and **shall become the zoning regulations** that apply to the subject property, regardless of changes in property ownership.

**SUMMIT OF DAHLONEGA CONDOMINIUM ASSOCIATION  
DAHLONEGA CITY RECORDS OBTAINED BY THE ASSOCIATION**

**As of September 1, 2021**

- 10/19/05 Form, One Page, Annexation Checklist, with the following attachments:
- (Undated) Drawing, One Page, "Property for Annexation"
  - (Undated) Drawing, Four Pages, Partial reproduction of a drawing by GEOIMAGE LLC (*Note: This appears to be a partial photocopy of a single D-Size drawing. Much of the original drawing – including most of the title block -is missing from the four letter-size pages provided here.*)
  - 10/18/05, Agreement to Annex, One Page with One Page Exhibit A
  - 10/20/05, Letter, One Page, Head to Dahlonega Nugget, Notice of Public Hearing with FAX Transmittals Cover Sheet (One Page)
  - 04/11/05, Letter, Four Pages, Middleton to Lewis, re: Retirement Living Center
  - 10/18/05, Letter, One Page, Middleton to Head, re: Annexation & Zoning Request
  - 10/18/05, Form, One Page, "Annexation Request," Signed by Guy Middleton
  - 10/21/05, Letter, One Page, Head to Kelley, re: County Notification of Proposed Annexation
- 12/05/05 Letter, Two Pages, Middleton to Planning Department, re; Letter of Intentions
- 12/12/05 Agenda, Dahlonega City Council Regular Meeting, One Page
- 12/12/05 Minutes, Dahlonega City Council Regular Meeting, Four Pages
- 01/09/06 Form, One Page, "Annexation or Deannexation Report Form," City Manager to GA Dept of Community Affairs
- 01/09/06 Agenda, Dahlonega City Council Regular Meeting, One Page
- 01/09/06 Minutes, Dahlonega City Council Regular Meeting, One Page (First Page Only)
- 01/09/06 Dahlonega Ordinance 2005-07, One Page, Annexation of Parcels 078-004, 077-121, & 077-137 with exhibits:
- Exhibit A (One Page)
  - Exhibit A-1 (Two Pages)
  - Exhibit B (One Page)
- (Undated) Dahlonega Ordinance 2005-07 (Continued), One Page, PUD Zoning of Land Lots 1077 and 1078 with exhibits:
- Exhibit A (One Page)
  - Exhibit B (One Page)
  - Exhibit C (Two Pages)
- 09/21/06 Lumpkin County Resolution. No. 2006-61, "A Resolution Abandoning Bryant Road and Summit Drive," One page with attachments and exhibits
- Attachment (Two Pages), Affidavit of Road Abandonment
  - Exhibit A (Two Pages)
- 08/13/08 Dahlonega Ordinance 2018-08, Three Pages and One Page City Clerk Certification)
- 09/09/16 Dahlonega Ordinance 91-9 Amendment 21, 132 Pages
- 09/09/16 Land Use and Land Development Appendix B - Zoning Article XIII. PUD, Planned Unit Development District (Excerpt Created 08-12-2021)

Since June 23 of this year, The Summit has been trying to obtain the approved documents that establish the zoning regulations for the Summit PUD

None of the documents we have been able to obtain clearly indicate those regulations.



# Minutes from The November 6, 2006 Meeting of the Dahlonega City Council

“Planning Director Chris Head advised that (*The Summit*) infrastructure plans have not been completed. She recommended approval of the plats contingent upon final approval of infrastructure. A motion was made by Michael Clemons to approve this recommendation. The motion was seconded by Bill Scott and approved by all members present.”

The Summit has been unable to obtain any documents, plats or plans approved by the Planning Department subsequent to the November 6, 2006 meeting of the City Council or any record that the Planning Director approved any such documents.

We therefore cannot be confident of the zoning regulations that apply to The Summit PUD.

# CONSEQUENCES OF UNCLEAR ZONING REQUIREMENTS

Item	Packet Page 16 Dimensions	Packet Page 19 Site Plan	Milson Letter of Intent 12/5/2005
<b>Setback from Right of Way</b>	10	20	10
<b>Setback from Property Line</b>	10	10	10
<b>Setback from Other Buildings</b>	20	20	20
<b>Condo Lot Size</b>	2207	2207	2168
<b>Condo Floor Area</b>	1533	1533	1533

This conflict illustrates the need to resolve the zoning parameters that apply to The Summit PUD before this Commission approves a change to those parameters

Clear zoning parameters are needed by:

- Current residents of The Summit
- Developers of Property in The Summit PUD
- The Planning Director and Building Inspector

The Summit of Dahlonega respectfully requests that this application be tabled pending the identification or establishment of the specific zoning regulations that apply to The Summit PUD.

# **ISSUE 2**

**Delivery of a site plan prepared by, and bearing the seal of, a professional engineer, architect, land surveyor, land planner or landscape architect.**

# **Municipal Code Section 1304**

**“Site plans shall be prepared by a professional engineer, architect, land surveyor, land planner or landscape architect, and his/her seal of registration or professional initials shall be indicated on such plans.”**

# DRAWING FROM PACKET PAGE 45

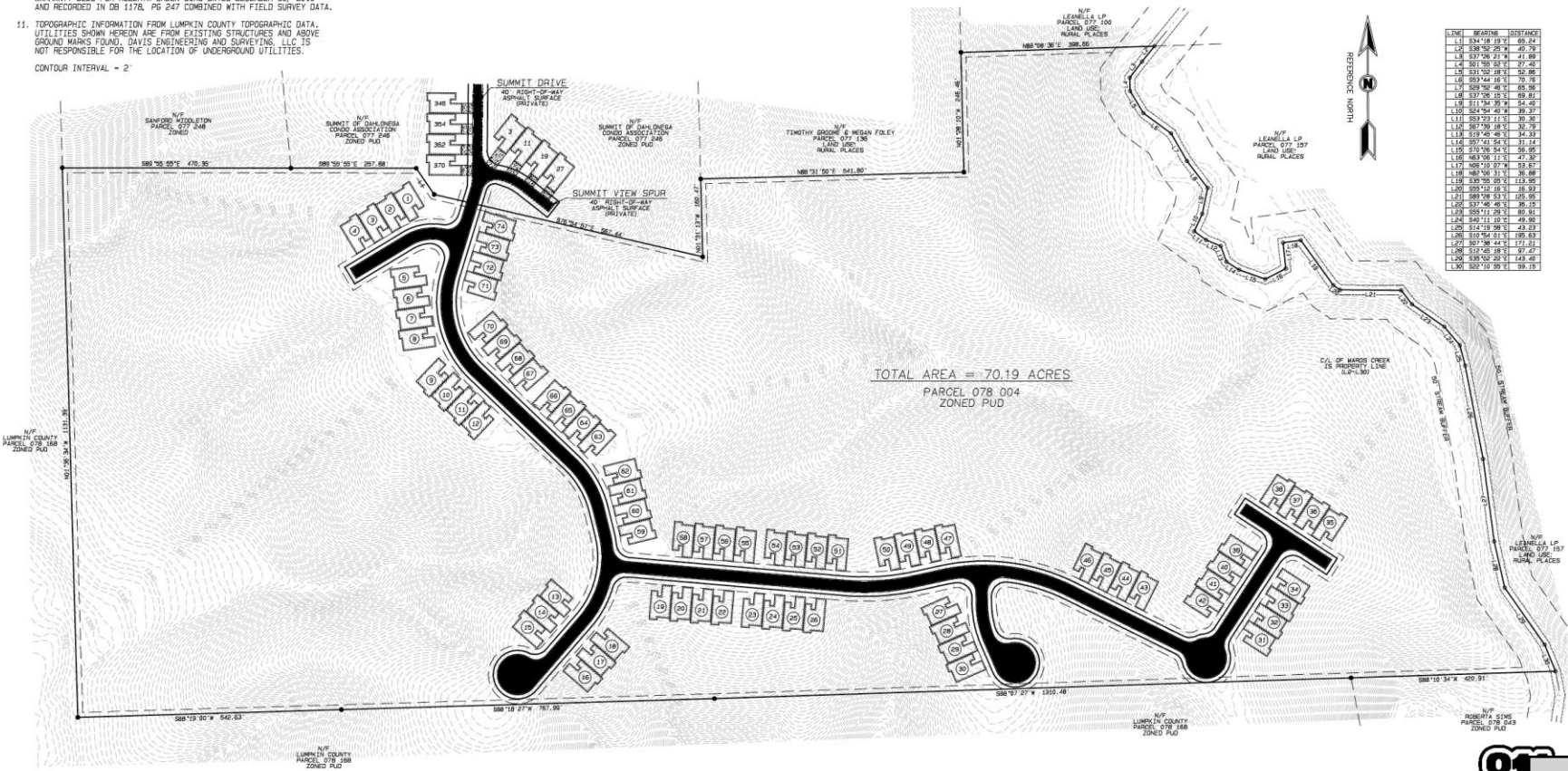
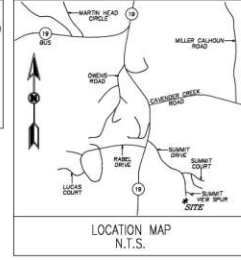
**GENERAL NOTES:**

1. PARCEL ID# 078 004
2. CURRENT ZONING: PUD  
PROPOSED ZONING: PUD
3. TOTAL ACREAGE: 70.19 AC.
4. TOTAL # OF UNITS: 74  
PROPOSED DENSITY: 1.05 UNITS/ACRE
5. WATER/SEWER SOURCE: CITY OF DAHLONGGA
6. BUILDING SETBACKS:  
FRONT - 10'  
REAR - 10'  
SIDE - 20'
7. MINIMUM CONDOMINIUM LOT SIZE: 2207 SF  
MINIMUM CONDOMINIUM FLOOR AREA: 1533 SF
8. EARTHWORK: TBD
9. A PORTION OF THIS PROPERTY IS LOCATED WITHIN A 100-YEAR FLOOD PRONE AREA PER FEMA MAP 13187C0162D DATED APRIL 4, 2018.
10. BOUNDARY INFORMATION FROM LEGAL DESCRIPTIONS REFERENCED IN A WARRANTY DEED FOR ROBERTA GREEN SIMS DATED DECEMBER 30, 2010 AND RECORDED IN DB 1178, PG 247 COMBINED WITH FIELD SURVEY DATA.
11. TOPOGRAPHIC INFORMATION FROM LUMPKIN COUNTY TOPOGRAPHIC DATA. UTILITIES SHOWN HEREIN ARE FROM EXISTING STRUCTURES AND ABOVE GROUND MARKS FOUND. DAVIS ENGINEERING AND SURVEYING, LLC IS NOT RESPONSIBLE FOR THE LOCATION OF UNDERGROUND UTILITIES.

CONTOUR INTERVAL = 2'

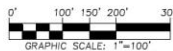
DEVELOPER/24 HOUR CONTACT:  
LEGACY DESIGN AND DEVELOPMENT  
ATTN: COREY STALNAKER  
635 E HAMPTON PLACE  
CANTON, GA 30115  
706-525-8474  
corey@egacydd.com

- LEGEND**
- PROPERTY CORNER
  - HIGH PVI PLUMB LINE (PP/PPS)
  - P.O.B. POINT OF BEGINNING
  - P.L.C. POINT OF COMMENCEMENT
  - P/W RIGHT OF WAY
  - P/L PROPERTY LINE
  - N/F NOW OR FORMERLY
  - PS 1/2" ROD/CAP
  - CT CHANGED TOP PVE
  - OP OPEN TOP PIPE
  - HC REINFORCED CONCRETE PIPE
  - U/P UTILITY POLE
  - CM CORRUGATED METAL PIPE



TOTAL AREA = 70.19 ACRES  
PARCEL 078 004  
ZONED PUD

LINE	BEARING	DISTANCE
L1	S34°18'18" E	69.24
L2	S88°50'21" E	70.78
L3	S37°26'21" W	41.89
L4	S31°50'28" W	50.86
L5	S31°50'28" W	50.86
L6	S31°50'28" W	50.86
L7	S31°50'28" W	50.86
L8	S37°26'21" W	41.89
L9	S31°50'28" W	50.86
L10	S24°50'49" W	39.37
L11	S21°14'39" E	54.46
L12	S67°39'28" E	30.79
L13	S19°45'48" E	34.32
L14	S87°41'54" E	31.14
L15	S19°45'48" E	34.32
L16	N63°30'11" W	47.30
L17	N63°30'11" W	47.30
L18	N63°30'11" W	47.30
L19	N63°30'11" W	47.30
L20	N63°30'11" W	47.30
L21	N63°30'11" W	47.30
L22	N63°30'11" W	47.30
L23	N63°30'11" W	47.30
L24	N63°30'11" W	47.30
L25	N63°30'11" W	47.30
L26	N63°30'11" W	47.30
L27	N63°30'11" W	47.30
L28	N63°30'11" W	47.30
L29	N63°30'11" W	47.30
L30	N63°30'11" W	47.30



**DES DAVIS**  
ENGINEERING & SURVEYING  
133 PROMINENCE COURT  
SUITE 210  
DANSONVILLE, GA 30534  
PH: (706) 265-1334  
DAVISENGINEERS.COM

REVISION	DATE	DESCRIPTION
1	8-6-21	INITIAL SUBMITTAL

**CONCEPTUAL PLAN FOR:**  
**THE SUMMIT**  
**PHASE 2**  
S.W.D. - 288 GEORGIA  
HALL COUNTY, GEORGIA

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

SHEET NO. 81  
NO. 2021-262  
1-800-282-7411





There is no indication that the Site plan on Page 45 of the information packet was prepared or attested to by one of the professionals indicated in Section 1304.

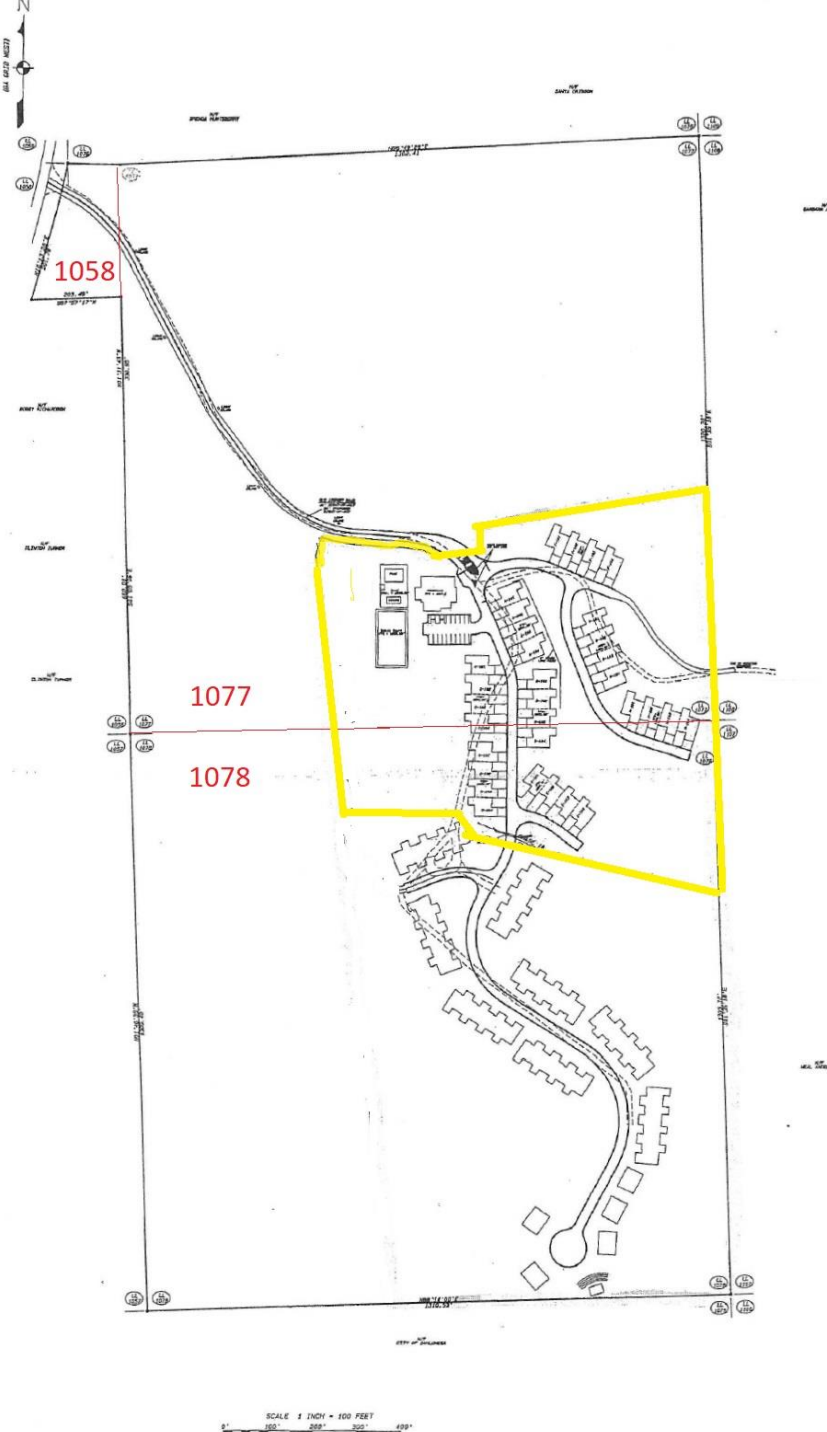
The Summit therefore respectfully request's that this application be tabled pending the delivery of a site plan prepared and attested to as required by Code Section 1304.

# **ISSUE 3**

Identification of a viable access route to the planned development.

# **THE PROPOSED SITE PLAN ON PACKET PAGE 33 DOES NOT SHOW A VIABLE ACCESS ROUTE**

Neither the developer of The Summit Phase II nor the owner of tax parcel 078 004 has obtained permission from The Summit to access tax parcel 078-004 via the portion of Summit Drive that is privately and wholly owned by The Summit.



The portion of Summit Drive from the current gatehouse to its south end was abandoned by Lumpkin County on September 21, 2006.

(Lumpkin County Resolution 2006-61, “A Resolution Abandoning Bryant Road and Summit Drive.”)

Subsequent to this abandonment, the portion of Summit Drive from The Summit gatehouse to the south end of the street was developed by, and is wholly owned by, The Summit.

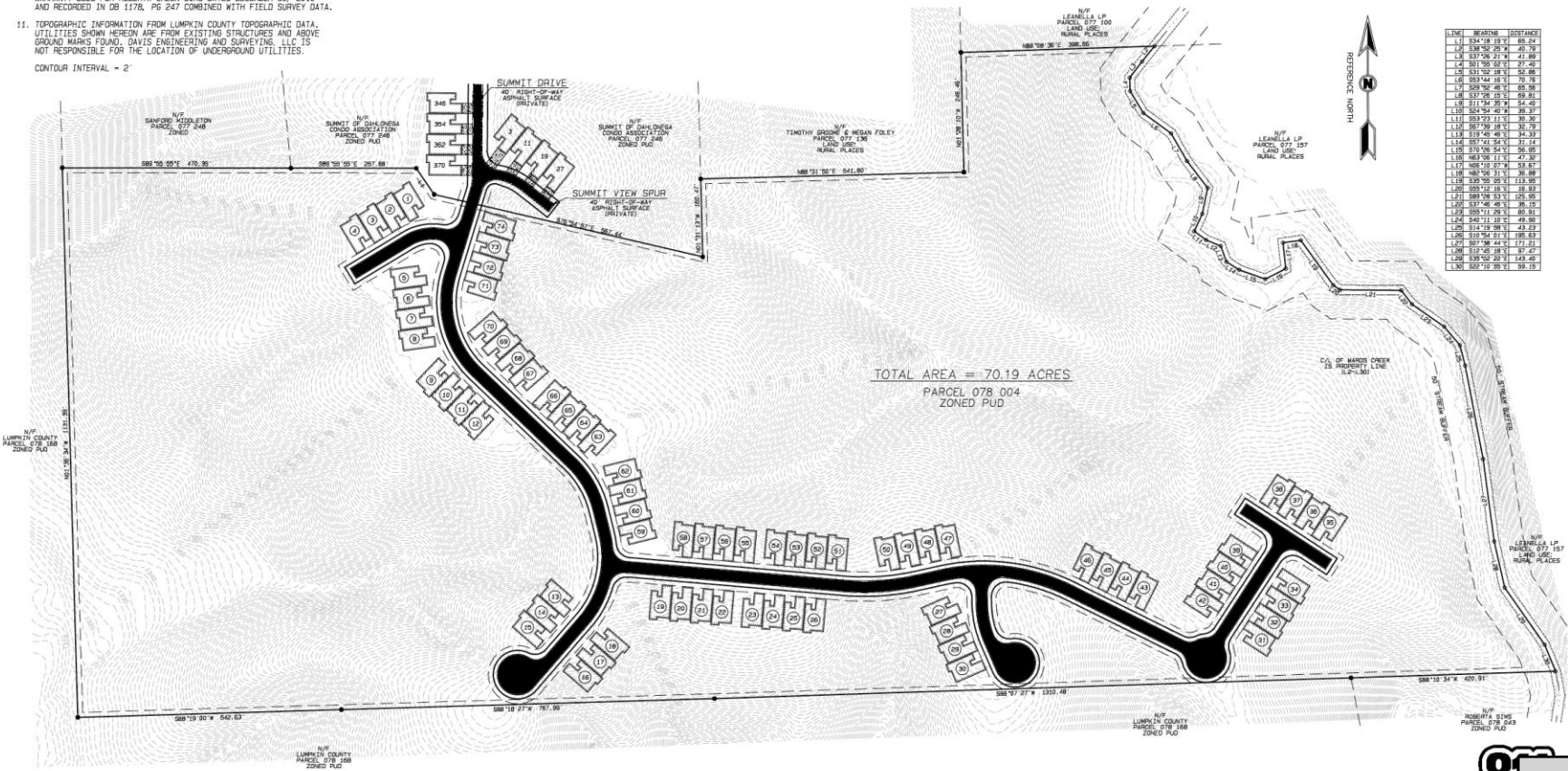
# SITE PLAN SHOWS NO ACCESS OTHER THAN SUMMIT DRIVE

**GENERAL NOTES:**

1. PARCEL ID# 078 004
  2. CURRENT ZONING: PUD  
PROPOSED ZONING: PUD
  3. TOTAL ACREAGE: 70.19 AC.
  4. TOTAL # OF UNITS: 74  
PROPOSED DENSITY: 1.05 UNITS/ACRE
  5. WATER/SEWER SOURCE: CITY OF DAHLONGGA
  6. BUILDING SETBACKS:  
FRONT - 10'  
REAR - 10'  
SIDE - 20'
  7. MINIMUM CONDOMINIUM LOT SIZE: 2207 SF  
MINIMUM CONDOMINIUM FLOOR AREA: 1533 SF
  8. EARTHWORK: TBD
  9. A PORTION OF THIS PROPERTY IS LOCATED WITHIN A 100 YEAR FLOOD PRONE AREA PER FEMA MAP 13187C0162D DATED APRIL 4, 2018.
  10. BOUNDARY INFORMATION FROM LEGAL DESCRIPTIONS REFERENCED IN A WARRANTY DEED FOR ROBERTA GREEN SIMS DATED DECEMBER 30, 2010 AND RECORDED IN DB 1178, PG 247 COMBINED WITH FIELD SURVEY DATA.
  11. TOPOGRAPHIC INFORMATION FROM LUMPKIN COUNTY TOPOGRAPHIC DATA. UTILITIES SHOWN HEREIN ARE FROM EXISTING STRUCTURES AND ABOVE GROUND MARKS FOUND. DAVIS ENGINEERING AND SURVEYING, LLC IS NOT RESPONSIBLE FOR THE LOCATION OF UNDERGROUND UTILITIES.
- CONTOUR INTERVAL = 2'

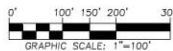
DEVELOPER/24 HOUR CONTACT:  
LEGACY DESIGN AND DEVELOPMENT  
ATTN: COREY STALNAKER  
635 E HAMPTON PLACE  
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- LEGEND**
- PROPERTY CORNER
  - HIGH PVI PLUMB LINE (PP/PPS)
  - P.O.B. POINT OF BEGINNING
  - P.L.C. POINT OF COMMENCEMENT
  - P/W RIGHT OF WAY
  - N/W NOW OR FORMERLY
  - P/L PROPERTY LINE
  - PS 1/2" ROD/CAP
  - CT CHANGED TOP IRV
  - OP OPEN TOP IRV
  - HC REINFORCED CONCRETE PIPE
  - U/P UTILITY POLE
  - CM CORRUGATED METAL PIPE



LINE	BEARING	DISTANCE
L1	S34°18'18" E	69.24
L2	S88°50'21" E	70.78
L3	S37°26'21" W	41.89
L4	S31°53'51" W	50.86
L5	S31°52'18" W	50.86
L6	S34°17'28" E	69.78
L7	S28°28'18" E	69.78
L8	S37°26'21" W	69.81
L9	S71°14'39" E	54.46
L10	S24°54'49" W	39.37
L11	S33°53'11" E	39.36
L12	S67°39'28" E	39.79
L13	S19°45'48" E	34.32
L14	S67°41'54" E	31.14
L15	S19°45'48" E	34.32
L16	N63°30'11" W	47.30
L17	N63°30'11" W	36.88
L18	N63°30'11" W	36.88
L19	S38°50'25" E	132.95
L20	S37°12'18" E	51.93
L21	S88°50'21" W	125.95
L22	S37°46'48" E	54.95
L23	S55°11'29" E	80.51
L24	S45°11'23" E	80.56
L25	S12°19'58" E	43.23
L26	S19°45'48" E	69.81
L27	S67°39'28" E	131.23
L28	S19°45'48" E	69.81
L29	S38°50'21" W	143.45
L30	S37°12'18" E	39.78

TOTAL AREA = 70.19 ACRES  
PARCEL 078 004  
ZONED PUD



**DES DAVIS ENGINEERING & SURVEYING**  
133 PROMINENCE COURT  
SUITE 210  
DANSONVILLE, GA 30534  
PH: (706) 265-1334  
DAVISENGINEERS.COM

REVISION	DATE	DESCRIPTION
1	8-6-21	INITIAL SUBMITTAL

**CONCEPTUAL PLAN FOR:**  
**THE SUMMIT**  
**PHASE 2**  
S.W.D. - 268 GEORGIA  
HALL COUNTY, GEORGIA

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

SHEET NO.

# REQUEST

The Summit respectfully requests that this application be tabled pending identification of a viable access route to the planned development

# **ISSUE 4**

Confirmation that the intersection of Morrison Moore Parkway and Summit Drive can safely accommodate increased traffic.

The intersection of Summit Drive and Morrison Moore Parkway is difficult to negotiate 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
- No Left turn lane from southbound Morrison Moore Parkway to Summit Drive
- Interfering traffic from the nearby Porter Village access road (Rabel Drive)



# **PROMISED IMPROVEMENTS WERE NOT MADE BY THE PREVIOUS DEVELOPER**

- The Milson Group “Letter of Intentions” dated December 5, 2005 alleges certain improvements to this intersection including “acceleration and deceleration lanes.”
- Acceleration lanes were never built and the Milson Group is now out of business.

# DEVELOPMENT WILL INCREASE TRAFFIC

- 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
- 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.

According to the Trip Generation Manual published by the Institute of Transportation Engineers:

- Single Family Homes generate 10 automobile trips per day, 1 trip per peak hour
- Apartment/Condo/Townhouse units generate 7 automobile trips per day, 0.7 per peak hour

Development	Number of Units	Trips Per Day	Trips per Peak Hour
The Summit Condos	32	224	22.4
Ridge Townhouses	18	126	12.6
Ridge Single Family Homes	43	430	43.0
Summit II Condos	74	518	51.8
<b>TOTALS</b>	<b>167</b>	<b>1,298</b>	<b>129.8</b>

# According to the Highway Capacity Manual published by the Transportation Research Board of the National Research Council:

- The recommended capacity for a residential two-lane road with no left turn lanes is 1,000 vehicles per day
  - *The Proposed developments would generate 1,298 vehicles per day*
- The peak hour capacity of a stop sign controlled intersection is 35 seconds per vehicle
  - *The Proposed developments would have 130 peak hour vehicles: 35 seconds per vehicle x 130 vehicles = 4,550 seconds or 76 minutes to clear traffic*

# **AN ENGINEERING REVIEW SHOULD BE PERFORMED**

- These are layman's calculations and are subject to all of the usual fallibilities
- But they demonstrate the need for a professional evaluation of this situation by the Dahlonga City Engineer for Summit Drive and the Georgia DOT for Morrison Moore Parkway.

# REQUEST

The Summit respectfully request's that this application be tabled pending Georgia DOT and City Engineer confirmation that the intersection of Morrison Moore Parkway and Summit Drive can safely accommodate the increased traffic from the proposed development.

# IN CONCLUSION

The Summit of Dahlonga respectfully requests this application be tabled pending resolution of the following issues:

1. Identification of the specific zoning regulations that apply to The Summit PUD.
2. Delivery of a site plan prepared by, and bearing the seal of, a professional engineer, architect, land surveyor, land planner or landscape architect.
3. Determination as to whether Short Term Rentals are appropriate for a “Retirement Community.”
4. Confirmation that the intersection of Morrison Moore Parkway and Summit Drive can safely accommodate the increased traffic.



# **THE SUMMIT OF DAHLONEGA COMMENTS ON BZA 21-10**

