



CITY OF DAHLONEGA

Planning Commission Regular Meeting / Public Hearing Agenda

October 07, 2025, 6:00 PM

Gary McCullough Chambers, Dahlonega City Hall

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

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

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

CALL TO ORDER

PLEDGE OF ALLEGIANCE TO THE AMERICAN FLAG

APPROVAL OF AGENDA

APPROVAL OF MINUTES

1. Regular Meeting / Public Hearing of August 5, 2025
Rhonda Hansard, City Clerk

RECESS REGULAR MEETING FOR PUBLIC HEARING

PUBLIC HEARING

1. REZN 25-06: The Overlook of Dahlonega, LLC, by Warren Welch - Applicant and Emerling Resources, LLC - Property Owner, seeks to rezone 83.505 acres fronting on the south side of Dawsonville Highway (State Route 9/State Route 52) across from Clay Creek Falls Road from PUD (Planned Unit Development District) to PUD (Planned Unit Development District). Proposed use: Mixed Use Development (132 detached single-family lots; 136 townhome lots; and, 17,000 square feet of commercial building space) (development of regional impact #4518) - Land Lots 681, 718, 719, 720, 752, and 753; District 12; 1st Section; Lumpkin County; Map/Parcels 045-063 and 045-066; 550 and 497 Dawsonville Highway
Doug Parks, City Attorney

RECONVENE REGULAR MEETING

OLD BUSINESS

NEW BUSINESS

1. REZN 25-06: The Overlook of Dahlonega, LLC, by Warren Welch - Applicant and Emerling Resources, LLC - Property Owner, seeks to rezone 83.505 acres fronting on the south side of Dawsonville Highway (State Route 9/State Route 52) across from

Clay Creek Falls Road from PUD (Planned Unit Development District) to PUD (Planned Unit Development District). Proposed use: Mixed Use Development (132 detached single-family lots; 136 townhome lots; and, 17,000 square feet of commercial building space) (development of regional impact #4518) - Land Lots 681, 718, 719, 720, 752, and 753; District 12; 1st Section; Lumpkin County; Map/Parcels 045-063 and 045-066; 550 and 497 Dawsonville Highway
Doug Parks, City Attorney

ADJOURNMENT

Guideline Principles - The City of Dahlonega will be an open, honest, and responsive city that balances preservation and growth and delivers quality services fairly and equitably by being good stewards of its resources. To ensure the vibrancy of our community, Dahlonega commits to Transparency and Honesty, Dedication and Responsibility, Preservation and Sustainability, Safety and Welfare ...for ALL!



CITY OF DAHLONEGA

Planning Commission Meeting Minutes

August 05, 2025, 6:00 PM

Gary McCullough Chambers, Dahlonega City Hall

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CALL TO ORDER

Chairman Spivey called the Regular Meeting to order at 6:00 p.m. with all Commissioners present.

PLEDGE OF ALLEGIANCE TO THE AMERICAN FLAG

Chairman Spivey led the Pledge of Allegiance to the American Flag.

APPROVAL OF AGENDA

There was a motion by Commissioner O'Gorman and a second by Commissioner Feagin to approve the Agenda as presented.

Motion carried unanimously.

APPROVAL OF MINUTES

- a. Public Hearing of July 1, 2025
Rhonda Hansard, City Clerk

There was a motion by Commissioner Norton and a second by Commissioner Steinberg to approve the Public Hearing of July 1, 2025 Minutes.

Motion carried unanimously.

- b. Regular Meeting of July 1, 2025
Rhonda Hansard, City Clerk

There was a motion by Commissioner Norton and a second by Commissioner Feagin to approve the Regular Meeting of July 1, 2025 Minutes.

Allison Martin, City Manager, confirmed to the Commission that Mr. Nott and Mr. Rath spoke during the opposition comments segment of the July 1 Public Hearing, and that the Minutes accurately reflected their participation.

Motion carried unanimously.

RECESS REGULAR MEETING FOR PUBLIC HEARING

There was a motion by Commissioner Feagin and a second by Commissioner O’Gorman to recess the Regular Meeting for the purpose to enter into a Public Hearing.

Motion carried unanimously, and the Regular Meeting was recessed at 6:07 p.m.

PUBLIC HEARING

Chairman Spivey called the Public Hearing to order at 6:07 p.m. with all Commissioners present.

1. BZA 25-3: Applicant and homeowners, Randy Hampton (Barbara E. and Clark Randall Hampton), are requesting a variance from the City’s setback regulations for the R-1 District. The request is to reduce the side setback to ten feet from the required fifteen feet and the rear setback to zero feet for Tax Parcel D11 109. Allison Martin, Cnty Manager / Prepared by Doug Parks, City Attorney

Allison Martin, City Manager, addressed the Commission and introduced Agenda Item BZA 25-3.

Chairman Spivey declared the Public Hearing open.

Speaking in favor:

Randy Hampton

Speaking in opposition:

None

Chairman Spivey declared the Public Hearing closed.

No action by the Commission was taken.

There was a motion by Commissioner O’Gorman and a second by Commissioner Steinberg to adjourn the Public Hearing.

Motion carried unanimously, and the Public Hearing was adjourned at 6:10 p.m.

RECONVENE REGULAR MEETING

There was a motion by Commissioner Steinberg and a second by Commissioner Guy to come out of recess and reconvene the Regular Meeting.

Motion carried unanimously, and the Regular Meeting was reconvened at 6:10 p.m.

OLD BUSINESS

There was no *Old Business*.

NEW BUSINESS

1. BZA 25-3: Applicant and homeowners, Randy Hampton (Barbara E. and Clark Randall Hampton), are requesting a variance from the City’s setback regulations for

the R-1 District. The request is to reduce the side setback to ten feet from the required fifteen feet and the rear setback to zero feet for Tax Parcel D11 109.
Allison Martin, Cnty Manager / Prepared by Doug Parks, City Attorney

Allison Martin, City Manager, informed the Commission that this is the time during the Meeting when the applicant can be addressed and questions regarding the submitted application may be asked.

The Commissioners held a discussion with the applicant, Randy Hampton.

There was a motion by Commissioner Norton and a second by Commissioner Guy to recommend approval of BZA 25-3, an application seeking a variance from the City's setback regulations for the R-1 District for Tax Parcel D11 109, with a reduction of the side setback to ten feet from the required fifteen feet; denial of the requested variance for the rear setback; and, with an added condition stating that no additional structure's elevation can exceed that of the primary structure.

The Commission held a discussion and concluded that the condition regarding elevation is already addressed in the City's Code.

There was a motion by Commissioner Norton and a second by Commissioner Feagin to recommend approval of BZA 25-3, an application seeking a variance from the City's setback regulations for the R-1 District for Tax Parcel D11 109, with a reduction of the side setback to ten feet from the required fifteen feet and denial of the requested variance for the rear setback.

The Commission held a discussion regarding the requested rear setback variance.

There was a motion by Commissioner Norton and a second by Commissioner Guy to recommend approval of BZA 25-3, an application seeking a variance from the City's setback regulations for the R-1 District for Tax Parcel D11 109, with a reduction of the side setback to ten feet from the required fifteen feet and a reduction of the rear setback to five feet from fifteen feet.

Motion carried unanimously.

ADJOURNMENT

There was a motion by Commissioner Feagin and a second by Commissioner Guy to adjourn the Regular Meeting.

Motion carried unanimously, and the Regular Meeting was adjourned at 6:40 p.m.

Guideline Principles - The City of Dahlongega will be an open, honest, and responsive city that balances preservation and growth and delivers quality services fairly and equitably by being good stewards of its resources. To ensure the vibrancy of our community, Dahlongega commits to Transparency and Honesty, Dedication and Responsibility, Preservation and Sustainability, Safety and Welfare...for ALL!



Agenda Memo

DATE: 10/7/2025
TITLE: REZN 25-06
PRESENTED BY: Doug Parks, City Attorney
PRIORITY Strategic Priority - Communication

AGENDA ITEM DESCRIPTION

REZN 25-06 Rezoning: The Overlook of Dahlonega, LLC, by Warren Welch, applicant, Emerling Resources, LLC, property owner, seeks to rezone 83.505 acres fronting on the south side of Dawsonville Highway (State Route 9/ State Route 52) across from Clay Creek Falls Road (Land Lots 681, 718, 719, 720, 752, and 753, District 12, 1st Section Lumpkin County (Map/Parcels 045/063 and 045/ 066) (550 and 497 Dawsonville Highway) from PUD (Planned Unit Development District) to PUD (Planned Unit Development District). Proposed use: mixed use development (132 detached single-family lots, 136 townhome lots, and 17,000 square feet of commercial building space) (development of regional impact #4518).

HISTORY/PAST ACTION

None.

FINANCIAL IMPACT

None.

RECOMMENDATION

Approval with conditions.

SUGGESTED MOTIONS

Motion to approve as noted above.

ATTACHMENTS

Planning Consultant's Report.

CONSULTING PLANNER'S REPORT

TO: Dahlonge Planning Commission and City Council
c/o Doug Parks, City Attorney

FROM: Jerry Weitz, PhD, FAICP, Consulting Planner

DATE: September 15, 2025 (*preliminary- subject to revision*)

SUBJECT: REZN 25-06 Rezoning from Planned Unit Development (PUD) ("Buckhorn Development") to PUD ("The Overlook of Dahlonge")

COMPANION APP: Development of Regional Impact #4518 (pending)

PUBLIC HEARINGS: October 7, 2025 @ 6:00 p.m. (Planning Commission)
November 3, 2025 @ 4:00 p.m. (Mayor and City Council)

APPLICANT: The Overlook of Dahlonge, LLC, by Warren Welch

OWNER(S): Emerling Resources, LLC

LOCATION: Fronting on the south side of Dawsonville Highway (State Route 9) across from Clay Creek Falls Road (Land Lots 681, 718, 719, 720, 752, and 753, District 12, 1st Section Lumpkin County) (550 and 497 Dawsonville Highway)

PARCEL #: 045/063 and 045/ 066

ACREAGE: 83.505

EXISTING USE: Vacant/undeveloped and single-family dwelling

PROPOSED USE: Mixed use development (132 detached single-family lots, 136 townhome lots (268 total units), and 17,000 square feet of commercial building space, plus amenities and open space)

SURROUNDING LAND USE/ZONING:

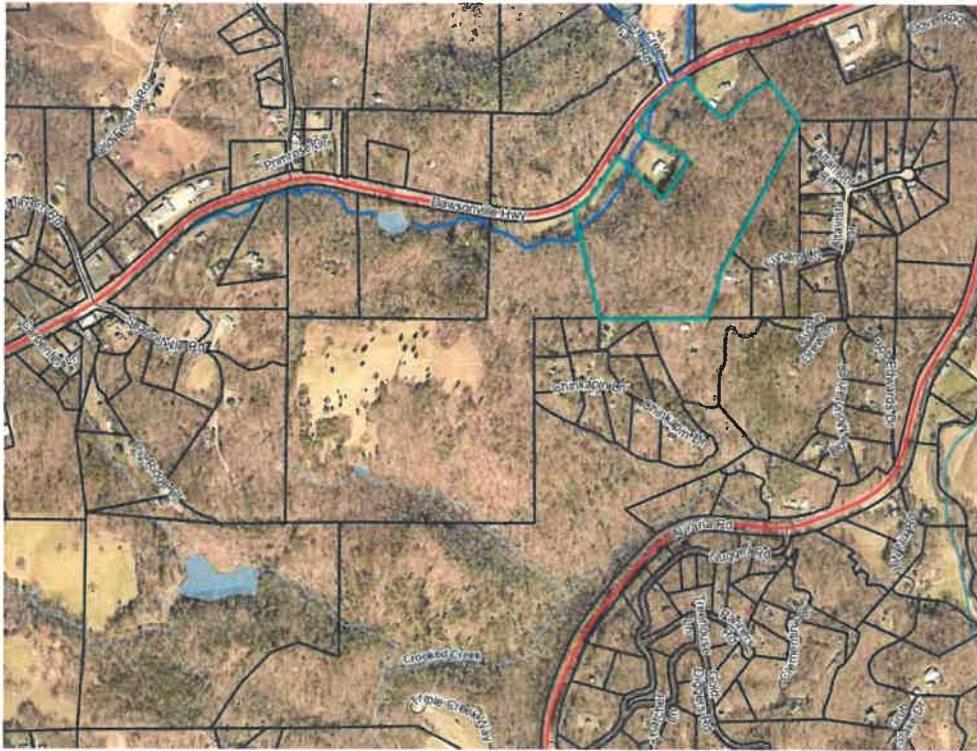
NORTH: Single-family dwellings, vacant, and (across Dawsonville Hwy.) vacant/agricultural (unincorporated)

EAST: Vacant, R-2 (city); single-family dwellings (unincorporated)

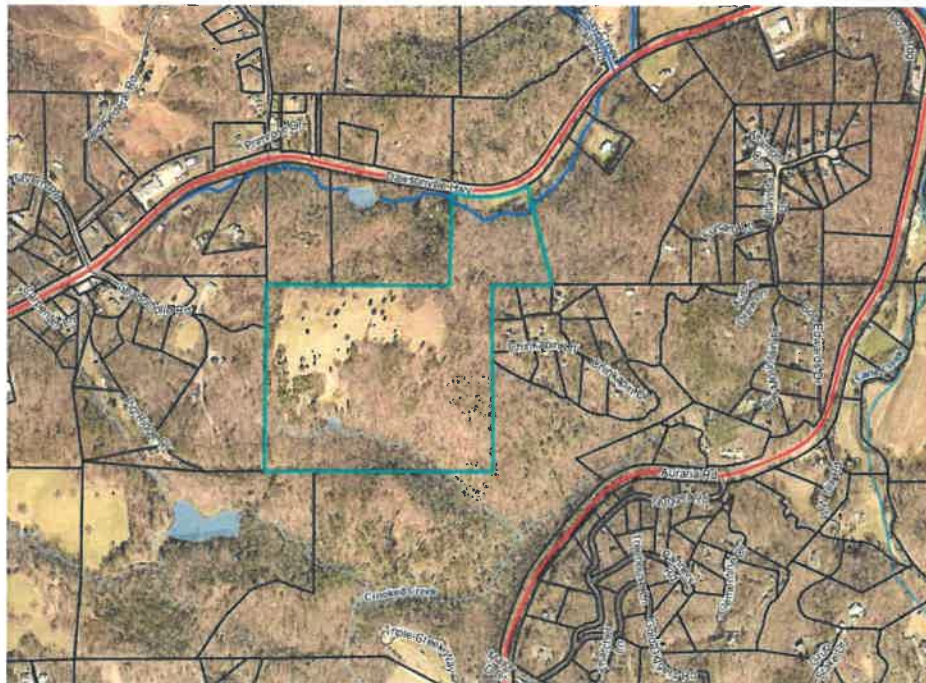
SOUTH: Vacant/ agricultural and conservation use (unincorporated)

WEST: Manufactured home and single-family dwelling (unincorporated)

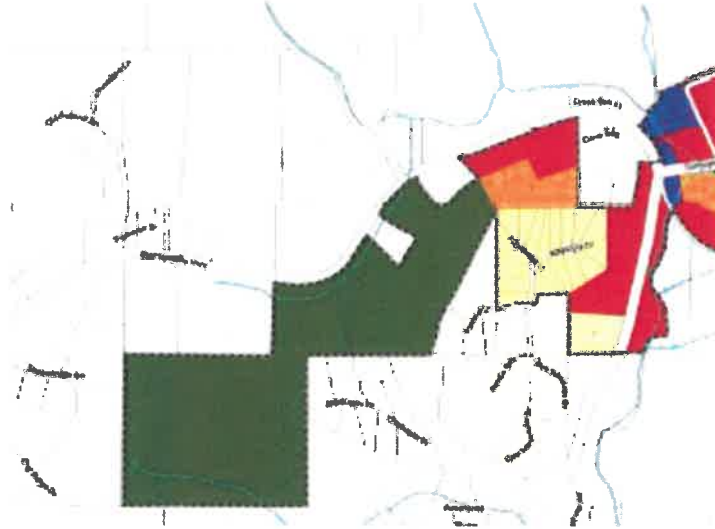
RECOMMENDATION: **Approval, conditional**



**Tax Map/Aerial Photograph of Property 1 of 2
(property outlined in blue)**



**Tax Map/Aerial Photograph of Property 2 of 2
(property outlined in blue)**



Dahlongega Zoning Map Excerpt
(green = PUD zoning) (red = B-2 zoning) (yellow = R-1 zoning)



ABOUT PLANNED UNIT DEVELOPMENT (PUD) ZONING DISTRICTS

Definition and Intentions

The Dahlonga zoning ordinance defines “Planned Unit Development” as follows: “A form of development usually characterized by a unified site design for a number of housing units, clustered buildings, common open space, density increases, and a mix of building types and land uses.” The purposes and intentions of the PUD zoning district are specified in Sec. 1301 of the zoning ordinance and include: flexible development standards, a mix of residential unit types, and a mix of land uses.

Permitted Uses

The PUD zoning district is very flexible with regard to land uses. Sec. 1302 of the zoning district indicates a PUD zoning district can include: “any land uses and combinations thereof, including signs and accessory buildings and uses, which have been specifically proposed by the applicant and approved by the Governing Body as a part of a Planned Unit Development site plan, report, and/or other supporting information.”

Submission Requirements

Sec. 1303 of the zoning ordinance, relative to PUD zoning districts, indicates that a development summary report is required which lists each land use and the acreage devoted to each, along with the proposed development standards such as building setbacks, maximum density, intensity of nonresidential buildings, and so forth. The time frame for construction is also supposed to be included. A site plan is required (Sec. 1304 zoning ordinance). The city may also require architectural elevations or other materials and information to be included in PUD zoning applications.

Sec. 1305 of the zoning ordinance provides that the application materials if approved by the city (including 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.” This means that the application materials if approved (unless modified by the city) are binding on the property.

District Standards and Requirements

To establish a PUD zoning district, a minimum of two acres with a minimum frontage of 100 feet is required (Sec. 1307 zoning ordinance). The application meets and exceeds these basic requirements.

Dahlonga’s zoning ordinance also specifies “suggested site planning guidelines” (Sec. 1308). Guidelines are not mandatory but should be considered; this report addresses the

extent to which the proposed PUD zoning district meets suggested site planning guidelines.

ZONING HISTORY/ SUMMARY OF EXISTING PUD ZONING

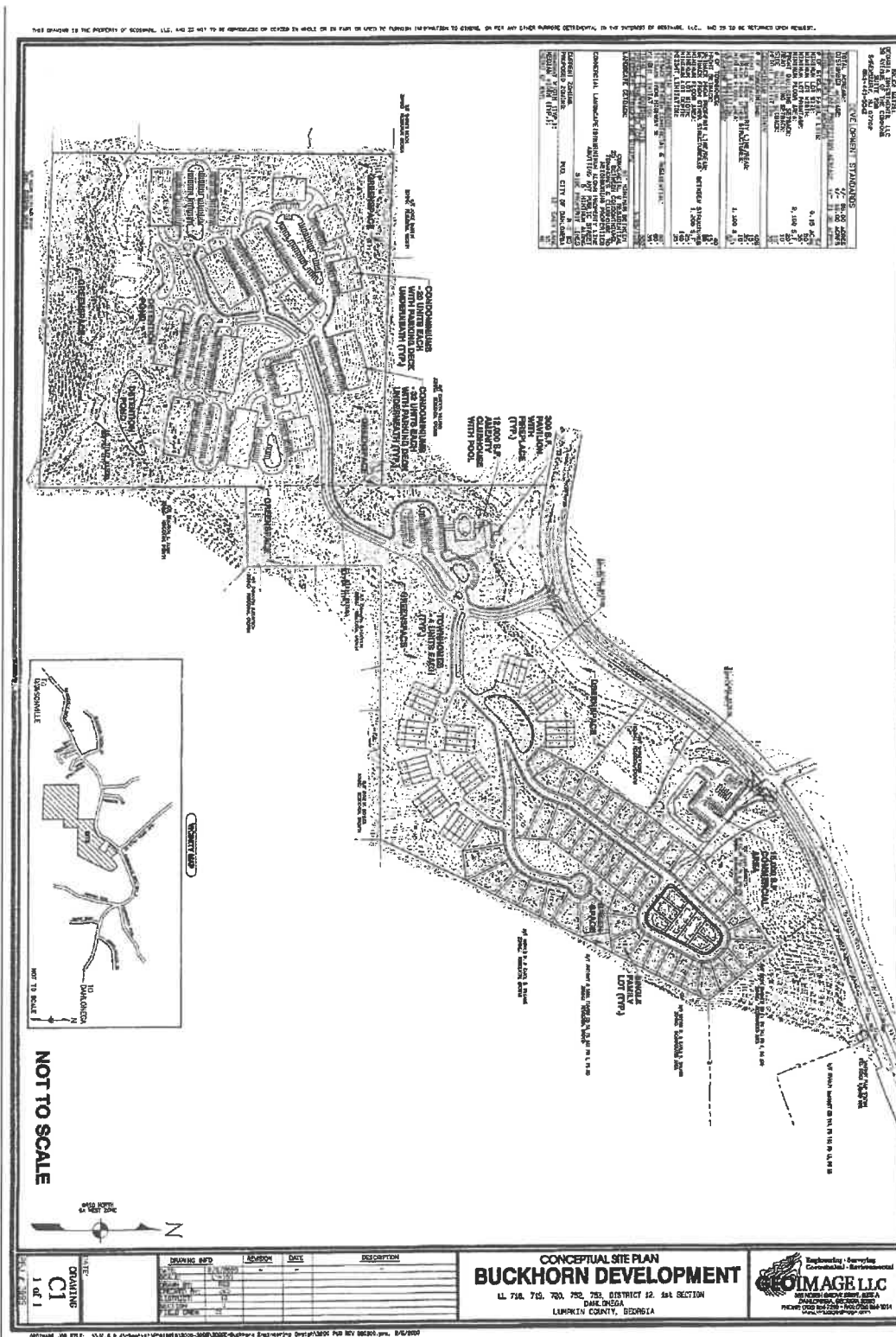
This section summarizes relevant information about the previous PUD zoning for the subject property (known as and referred to as “Buckhorn”). Such information is important, particularly because the current PUD conditional zoning district is the existing zoning regulations for the subject property and will remain so unless rezoned.

In 2008, GA Investments (GeoImage LLC, property owner) filed an application to zone the subject property PUD for a mixed use, “active adult” 55+ community with the following land uses and acreages (per letter of intent dated August 9, 2008, supplemented with additional information of record:

Use	Quantity	Acreage	Other Dimensional
Residential condominiums (with subterranean parking deck)	408 units	19.5	1,100-2,200 square feet of heated floor area; four-story building height (52')
Townhouses	40 units	4.5	25 ft. min. lot width
Detached single-family	62 units	10.0	0.15 acre min. lot area (6,534 sq. ft.); 50 ft. min. lot width; 2,100 square feet of heated floor area min.
Commercial	15,000 sq. ft.	2.5	B-1 zoning district
Amenities	12,000 sq. ft. clubhouse	2.0	Heated pool, hot tub
Green/open space		34.5	
TOTAL SHOWN	511 units	73.0	

Records also refer to this application as a rezoning from R2”C” to PUD. The Buckhorn project was processed as a development of regional impact (DRI) #1890. At the time, the Georgia Mountains Regional Development Center (now regional commission) found that the project was “in the best interests of the state,” provided that it included road improvements required by the Georgia Department of Transportation. Architectural elevations and floor plans of proposed dwellings were provided in the application, as were photos of likely architecture for the commercial portion of the PUD.

REZN 25-06 Overlook PUD to PUD, City of Dahlonega



Buckhorn Development Conceptual Site Plan (2009)

Dahlonega's planning and zoning commission initially considered the Buckhorn project in September 2008 (subsequently withdrawn and then resubmitted) and then again on March 2, 2009. The commission recommended approval of the rezoning from R2 "C" to PUD with the condition that setbacks in the Single family area comply with city's R-1 zoning standards. The Dahlonega City Council considered the Buckhorn project rezoning on April 6, 2009; it approved the project without the recommended condition of the planning commission pertaining to R-1 zoning standards. The August 19, 2008, letter of intent signed by Jason Davis of GeoImage was attached to the City Council minutes, along with a table including dimensional requirements. Also, the entire application including site plan was made a part of the record.

While not made a part of the Buckhorn PUD approval, city staff made the following points which are considered relevant going forward as the city reviews the subject application:

1. Developer understands approval would be to rezone property to PUD; establish the zoning standards and approve the conceptual site plan. Developer would file for preliminary plan approval which requires submittal of engineered set of plans.
2. Required improvements to existing water and sewer, i.e. upgrade of existing lift stations, sewer lines or water lines will be at developers expense.
3. Only the main arterial road will be considered for city maintenance,
4. Based on length time for build out of development, staff suggest that after each phase of development an assessment of the purposed city maintained roads be performed and failures will be repaired. Upon completion of the project the city maintained roads will then be re-surfaced.
5. As always performance bonds/letters of credit will be due for acceptance of roads, water and sewer before final plat approval can be given and permits issued.

PROPERTY CONDITIONS

The subject property consists of two parcels. At the north end, the high point of the property topographically is the northeast corner (approximately 1,340 feet msl). The property slopes down more than 100 feet to the west to a stream near Dawsonville Highway (SR 9) which is classified as a trout stream (elevation 1,210 msl). At the middle of the property, the high point is approximately 1,400 feet msl with slopes to the west and east. The southern part of the property includes the highest elevation, at 1,450 feet msl. Another stream runs west to east in the southern part of the site, leaving the subject property at an elevation of approximately 1,290 feet msl and continues to Auraria Road. Hence, the site has severe changes in topography and steep slopes.

SUMMARY OF SUBJECT PROPOSAL

The proposed PUD would have two access points onto Dawsonville Highway (SR 9). The northern entrance is proposed to align with Clay Creek Falls Road. The site plan shows deceleration lane (northbound) and left-turn lane (southbound) into this project entrance. Commercial development is proposed on a lot with frontage on Dawsonville Highway and the interior street, with access to the commercial development from the interior street only. The commercial development would consist of 17,000 square feet in two, two-story buildings. To the northeast of the commercial area, a cul-de-sac street with 25 townhouse dwellings is proposed.

Moving south through the proposed PUD, multiple townhouse buildings are proposed. The number of units attached in the same building ranges from four to eight. The city's fee simple townhouse regulations in the zoning ordinance (Sec. 1004) allow up to 10 units in one building. The townhouse buildings surround an interior open space that is cut off from any street frontage. Amenities are in the vicinity, including a dog-walk area and a fire pit with seating near the stream running along Dawsonville Highway. There is also a 1.88-mile peripheral walking trail proposed throughout the development.

At the proposed second entrance to the PUD, road improvements are shown including a northbound deceleration lane and a left-turn lane southbound on Dawsonville Highway. From the entrance, access to townhouses and detached dwellings is provided. To the right of the southern entrance is a proposed amenity area (2.17 acres), proposed to include a community pool, pickleball courts, pavilion with bathroom, and trailhead parking.

Moving south along the main access road in the PUD, there are 114 detached, single-family dwellings/lots proposed. Lot widths range from 50 to 70 feet and more. The road network is connected and circular except for a short cul-de-sac. A trail within peripheral open space is proposed to surround the single-family residential portion of the PUD.

ZONING CRITERIA

Section 2607 of the Dahlonega zoning ordinance articulates the criteria by which an application for rezoning should be evaluated. They are as follows:

1. Whether the zoning proposal will permit a use that is suitable in view of the use and development of adjacent and nearby property.
2. Whether the zoning proposal will adversely affect the existing use or usability of adjacent or nearby property.
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.

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.
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 report provides consulting planner's findings below. The applicant has addressed criteria in writing as provided in the zoning application (see attachment to this report) (Note: those criteria listed in the rezoning application form are not exactly the same as the criteria in the zoning ordinance).

Note: The Planning Commission and City Council may adopt the findings and determinations provided in this report as written (provided below), if appropriate, or it may modify them. The planning commission and city council may cite one or more of these in its own determinations, as it determines appropriate. The Planning Commission and City Council may modify the language provided here, as necessary, in articulating its own findings. Or, the Planning Commission and City Council can reject these findings and make their own determinations and findings for one or more of the criteria as specified in the Dahlonega zoning ordinance and any additional considerations it determines appropriate.

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

Finding: The subject property is large and thus abuts multiple properties. Abutting land uses are summarized on the cover page of this report. Except for contiguous property to the northeast, all abutting properties are in unincorporated Lumpkin County. Surrounding and nearby land uses are mostly vacant/agricultural and very low density residential. Though not abutting the subject site, there is a single-family subdivision ("Altavista") to the northeast, zoned R-1 in the city. Lots in Altavista are served by on-site sewage management systems (septic tanks). Abutting the southern part of the subject property to the east, is a very low density residential subdivision ("Chinkapin") which is within the Dahlonega water service area but does not appear to have city water service. The proposed PUD, if approved, will introduce urban-sized residential lots and townhomes in an area that is rural. Consulting planner believes the proposed development within a rural area will be out of character with the rural nature of the area in surrounding Lumpkin County (**does not support request**). However, even though the rural nature of the area may present reasons against approving the PUD, the fact that the city has already approved urban densities (including 4-story condominium buildings) must be taken into account, and the applicant is proposing to extensively reduce the number of housing units and remove the four-story condominium buildings. Reduction of the existing zoning supports the request, even if incompatibilities still exist. The project's impact on the rural area should be mitigated with conditions of zoning approval (**supports conditional approval**).

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

Finding: See the cover page for a summary of abutting land uses. The proposed PUD is designed so that it is not expected to impact any abutting properties because **(meets criterion/ supports request)**.

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.*

Finding: The subject site lies within the Dahlonega water service area. A water main appears to be available within the Dahlonega Highway right of way. Road improvements are proposed at both entrances to the PUD. A trip generation report or traffic impact report is not available or has not been reviewed here. However, the fronting highway with the improvements proposed is considered adequate and will not be overburdened with the traffic created by the development **(meets criterion)**. The project is likely to generate extensive additional student population in the county school system; that may be considered burdensome, but the project overall proposes a reduction of units from the approved PUD. Improvements to the water and sewer system will be required in order to develop the PUD.

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.*

Finding: The frontage of the subject property along Dawsonville Highway is designated as “gateway corridor” while the balance of the property is within the “residential” character area as shown on the city’s map of character areas in the comprehensive plan. The description of “gateway corridor” includes: “regional to sub-regional scale industrial, retail, office or institutional uses, with rural/ mountain themed design elements preferred, such as steeply pitched roofs with deep (1’ or greater) overhangs, wood or masonry siding (p. 35 comprehensive plan). The residential character area contemplates mostly 1 and 2-story detached dwellings, but the description does not necessarily preclude other residential dwelling types such as townhouses (pp. 26-27 comprehensive plan). The requested rezoning is therefore considered consistent with the city’s character area map and description of character areas **(supports request)**. For more information, see also the evaluation of PUD guidelines to the subject request in a separate section of this report.

Weaknesses and liabilities recognized in the comprehensive plan include topographic challenges and few opportunities for large-scale developments (p. 10 comprehensive plan). Both apply here. The site has extensive topographic challenges, but yet it is a large site that is one of the few areas in the city that can be utilized for a large-scale planned unit development. Plan policies recognize the need for affordable housing, which can tend to support the subject request, but also it would argue for systematic consideration of the character of its surroundings. Specifically, the comprehensive plan states: “The

City should also be prepared for more multi-family developments by planning where and how best to accommodate such projects most efficiently and without damaging local character” (p. 12 comprehensive plan).

Finding: Under “development trends” in the comprehensive plan (p. 10), it states “...in the part of Lumpkin County between Dahlonega and Dawsonville, is the area that’s seen the most request for development permits in the past 5 years. Even without significant investment by the County it appears at least some growth will come to this area as Dawson County to the south welcomes the encroaching suburbia.” This statement tends to support the PUD rezoning request.

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.

Finding: If the subject request were new, there could be many arguments made that the project would be incompatible with the rural surroundings. However, the prior PUD approval in 2009 for a dense mixed use project gives supporting grounds to approval a revision of the PUD zoning that reduces density and number of units (***supports request***). The request if approved is an opportunity to attach conditions of approval that will mitigate off-site impacts and reduce incompatibilities with the abutting and nearby rural character.

Finding: The city in 2023 completed a citywide housing needs assessment. That assessment notes that more than one-third of the housing available in the city is single-family detached, and another sizable share is student housing. This study has been cited by the applicant in support of the housing types proposed in the PUD rezoning application and also in favor of lifting the current restriction in the PUD zoning relative to “active adult” (55 and over) housing. While the study finds significant demand for rental housing in future years, much of the demand is from low and moderate income households who are probably not candidates for living in this PUD if approved (***inconclusive***).

**ANALYSIS OF CONSISTENCY WITH PUD DEVELOPMENT GUIDELINES
(Sec. 1308 zoning ordinance)**

This report section analyses the application in terms of the site planning guidelines provided for the PUD zoning district. Strict compliance with all guidelines is not required, although successive departures from the guidelines should be considered grounds for disapproval of the requested PUD zoning district.

- 1. Land uses which have traditionally been viewed as incompatible (e.g. single-family subdivision and a manufacturing plant) should not be proposed in the same Planned Unit Development unless considerable screening and physical separation is provided.**

Finding: All of the land uses proposed (detached housing, attached housing, and commercial) are all considered compatible with one another (**meets guideline**).

- 2. Office, commercial and/or industrial uses should be located adjacent to major thoroughfares or in other areas with suitable access that will not result in traffic through residential areas.**

Finding: The commercial area proposed is proposed to front on Dawsonville Highway (a major thoroughfare) with access only the entrance road, not to residential subdivision streets (**meets guideline**).

- 3. Lot sizes, lot widths, unit sizes and other characteristics of residential development within the Planned Unit Development should be similar to those characteristics of adjacent or nearby residential subdivisions or provide a suitable transition from such adjacent uses.**

Finding: The surrounding area is mostly low density residential, agricultural and vacant land. The urban-sized townhouse and detached residential lots are not similar to any adjacent or nearby subdivisions. However, there is substantial open space around the periphery of the PUD such that there should be suitable transition and buffering from abutting properties (**meets guideline**).

- 4. Location of land uses should conform substantially with land use plan goals, policies and suggested types of uses.**

Finding: The PUD is considered consistent with land use policies and goals as described in the comprehensive plan (this is addressed in the general criteria evaluated in a previous section of this report) (**meets guideline**).

- 5. Street lengths, alignments, patterns and other characteristics should conform to city subdivision regulations or standard planning principles.**

Finding: Generally, the PUD meets this criterion (**meets guideline**). There are only two cul-de-sacs proposed, and the road network is considered mostly interconnected. However, in the single-family residential portion of the PUD, the street lengths are long and would benefit from a mid-block pedestrian connection (**supports conditional approval**).

6. *Proposed developments should make maximum use of natural features of the land.*

Finding: The PUD is designed to protect the riparian corridors on site. The project must content with steep slopes and challenging topography. All in all, the project is designed to minimize impacts in the most severely constrained portions of the site (***meets guideline***).

7. *For developments that are predominantly residential, only limited commercial uses (up to 10,000 square feet, or 10% of the total development site area) of a convenience retail nature, internally oriented and intended to serve the needs of the residents of the development, should be proposed.*

Finding: The proposed commercial area is 17,000 square feet on 2.17 acres. While the proposed commercial square footage exceeds the 10,000 square feet suggested, the proposal is not considered excessive. The acreage devoted to commercial use does not exceed 10 percent of the total site area (***meets guideline***). The commercial area is internally oriented, without a curb cut onto Dawsonville Highway (***meets guideline***).

CONCLUSIONS

The requested PUD zoning would be a “downzoning” of the approved PUD due to a sizable reduction in the number of dwelling units. The proposed PUD is preferable in terms of neighborhood compatibility because it removes the four-story residential condominium buildings in the approved PUD. The rezoning application compares favorably with both the generally applicable zoning criteria and the PUD site design guidelines. Therefore, consulting planner recommends approval, but with a number of conditions.

RECOMMENDED CONDITIONS OF ZONING APPROVAL

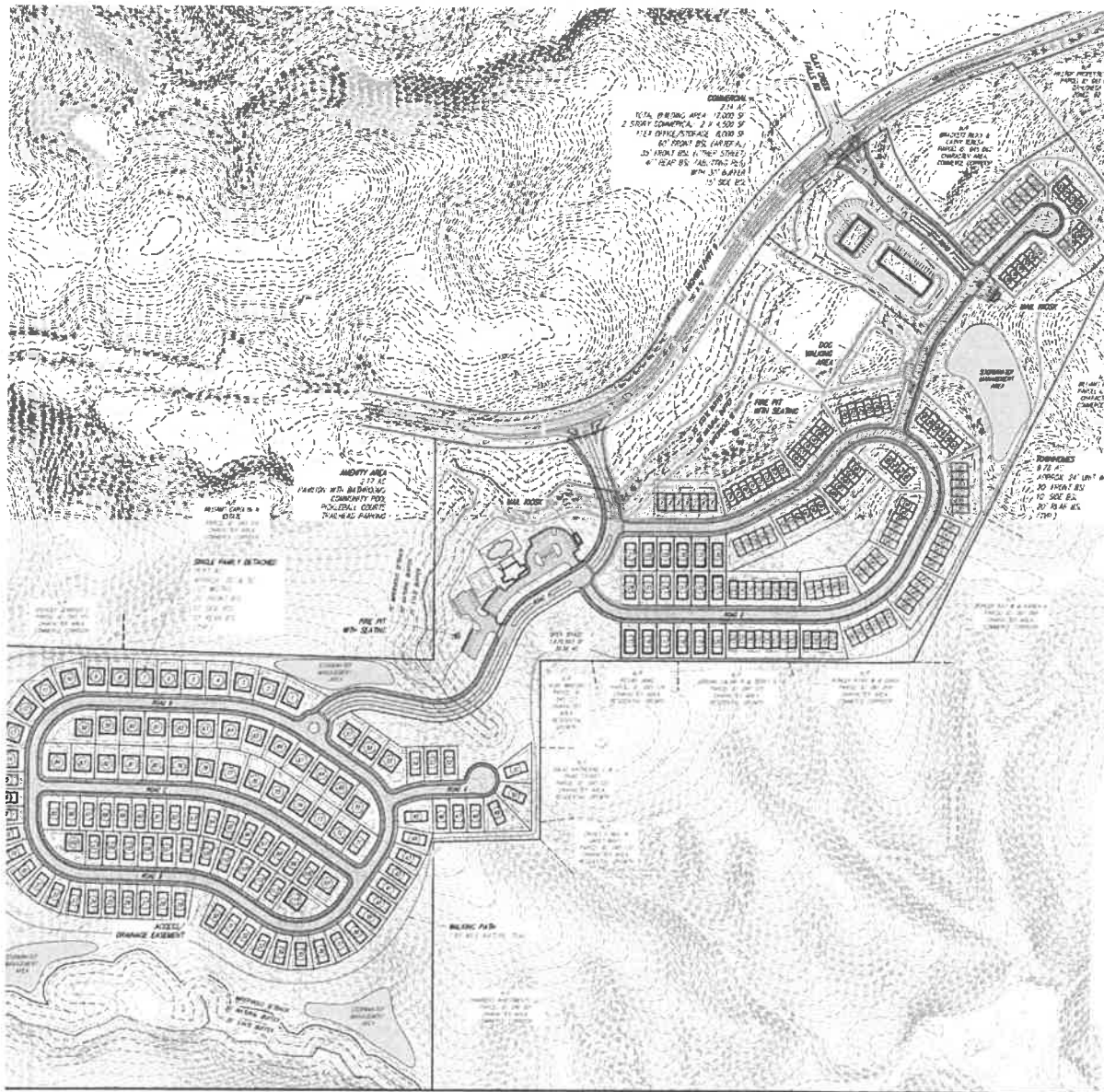
If this request for rezoning to PUD is approved, it should be approved PUD conditional, subject to the owner’s agreement to abide by the following conditions:

1. **Generally.** As required by the Dahlonega zoning ordinance, the site plan and letter of intent are adopted by reference and are conditions of approval. Any major deviation from the approved site plan and/or letter of intent, as determined by the zoning administrator, shall require an amendment to the approved PUD zoning district following applicable zoning procedures.
2. **Uses.** Uses within the PUD shall be limited to those as described in the letter of intent and as shown on the site plan. Within the commercial area, commercial uses shall be limited to those permitted in the B-1 (Neighborhood Business) zoning district. The zoning administrator may authorize accessory uses and

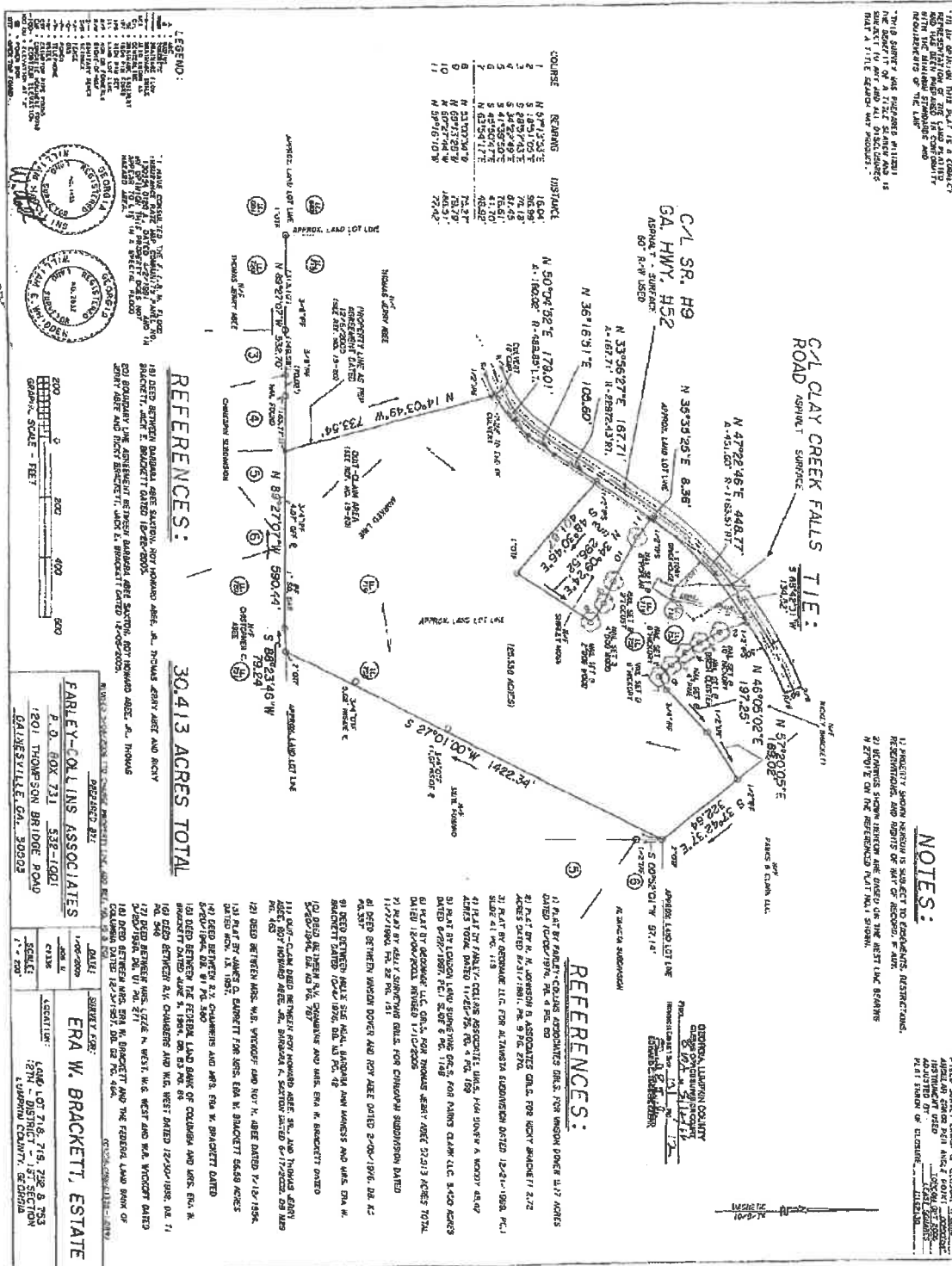
structures not specifically described in said letter of intent or shown on the site plan.

3. **Access and highway frontage improvements.** There shall be at least two project entrances from Dawsonville Highway (SR 9), both of which shall meet requirements of the Georgia Department of Transportation (GDOT) and which unless otherwise approved by GDOT and the city shall include deceleration lanes and left-turn lanes. One of the project entrances shall align with Clay Creek Falls Road.
4. **Water and sewer improvements.** The owner shall be required to provide public water and sanitary sewer connections and upgrade sewer lift station(s) to serve the development at no cost to the city.
5. **Commercial area access.** No access directly from the commercial area to Dawsonville Highway (SR 9) shall be authorized.
6. **Commercial building architecture.** Unless otherwise approved by the City Council, the architecture of buildings in the commercial area shall have pitched roofs with deep (1' or greater) overhangs, and wood or masonry siding (i.e., brick or stone, or brick or stone veneer, but excluding "thin brick" or "thin stone").
7. **Frontage for internal open space.** There shall be at least 30 feet of street access to the central open space (i.e., that area surrounded by townhouse lots).
8. **Street standards.** All streets within the PUD shall be designed to meet city standards and specifications for public streets, including but not limited to right of way, pavement width, cul-de-sac right of way and pavement radii, and maximum grade. Deviations to city street standards shall only be made by variance application approved by City Council.
9. **Street "A".** The principal street ("A") shall have a center median separating directions of travel, except for median cuts necessary to access adjacent land uses. Said center median shall be planted with street trees of species and at spacing/ on-center intervals approved by the zoning administrator.
10. **Amenity area development timing.** No more than 100 permits for dwelling units shall be issued for the PUD by the city until the amenity area is permitted, constructed, and ready for occupancy. The dog-walking area shown on the site plan shall be developed prior to issuance of more than 68 building permits for fee-simple townhouse units. The walking trail within the PUD shall be phased such that construction takes place no later than the same time development abutting that portion of the trail network is constructed or final plat for adjacent lots is approved.

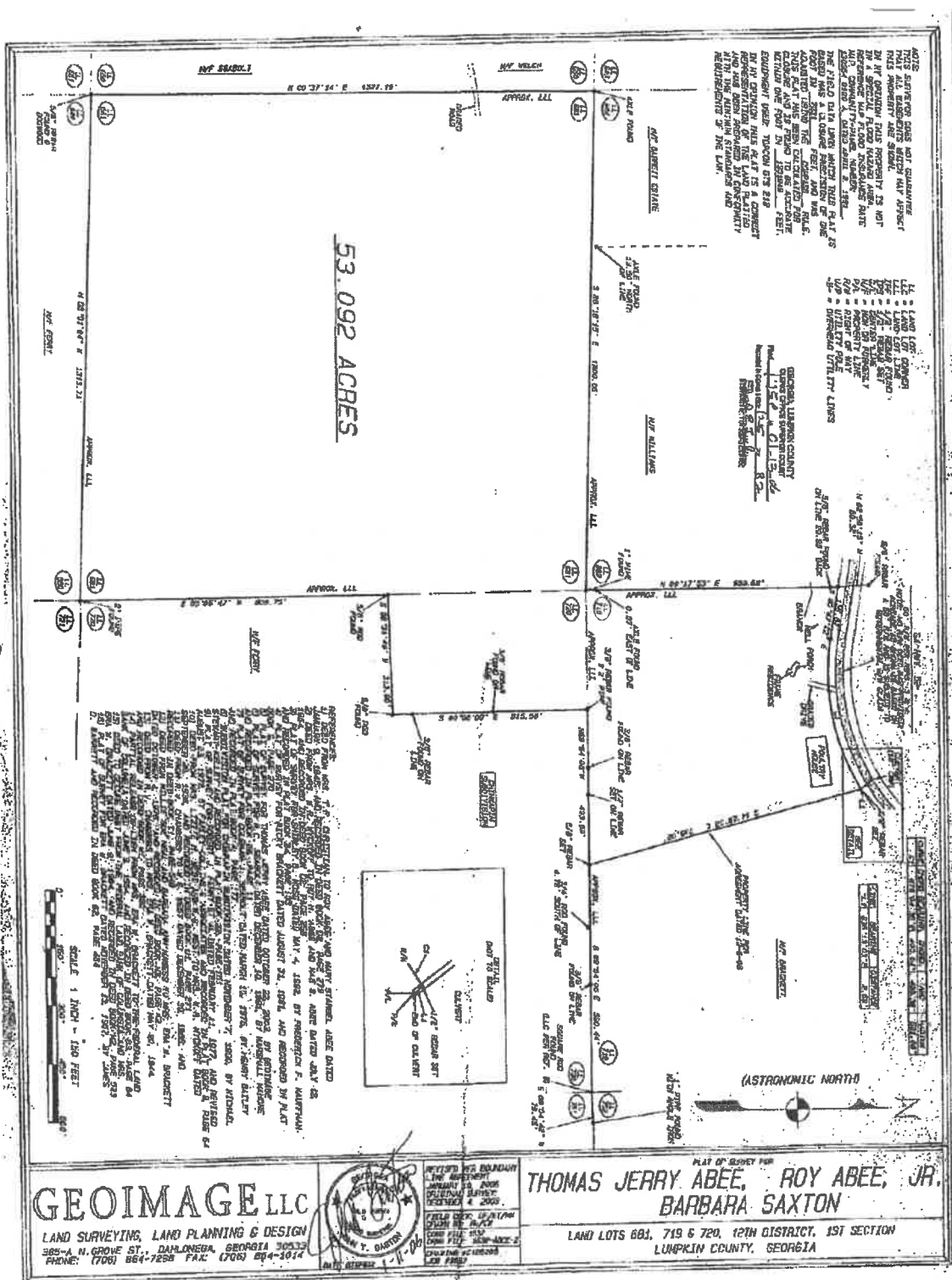
11. **Townhouse dwelling phasing.** No more than 68 building permits for townhouse units shall be issued until a final plat(s) for at least 34 detached single-family units is approved by the city.
12. **Pedestrian access connections.** The owner shall provide minimum 10-foot wide pedestrian access easements and construct improved (cleared and paved or impervious) walking paths within the easements as follows, prior to final plat approval for the respective lots (exact locations are subject to the approval of the zoning administrator):
 - (a) At least two pedestrian access ways between the townhouse building with units 1-7 and the townhouse building with units 22-27 (connecting to fire pit shown on the site plan).
 - (b) At least three pedestrian access ways between townhouse buildings with units 34 through 68 (connecting to the peripheral walking trail).
 - (c) At least four pedestrian access ways connecting the central open space and street network between townhouse buildings with units 69 through 111.
 - (d) At least two pedestrian access ways between townhouse buildings with units 112 through 136 (connecting to the peripheral walking trail).
 - (e) At least one pedestrian access way between single-family dwelling lots 1 through 10 (connecting the adjacent street to the peripheral walking trail).
 - (f) At least one pedestrian access way between single-family dwelling lots 11 through 20 (connecting the adjacent street to the peripheral walking trail).
 - (g) At least one pedestrian access way between single-family dwelling lots 21 through 29 (connecting the adjacent street to the peripheral walking trail).
 - (h) At least one pedestrian access way between single-family dwelling lots 30 through 45 (connecting the adjacent street to the peripheral walking trail).
 - (i) One mid-block pedestrian access way connecting Road "B" (south) and Road "C" at or near the common side lot boundary between single-family lots 93-95 and 108-110.
 - (j) One mid-block pedestrian access way connecting Road "B" (north) and Road "C" at or near the common side lot boundary of lots 77/78 and lots 63/64.
13. **Stormwater management areas.** A minimum 20-foot wide access easement shall be provided from the nearest adjacent street and stormwater management areas. Stormwater ponds shall be fenced; if chain link is utilized it shall be vinyl coated.



Site Plan Excerpt (proposed PUD)



Boundary Survey (1 of 2)



Boundary Survey (2 of 2)



Agenda Memo

DATE: 10/7/2025
TITLE: REZN 25-06
PRESENTED BY: Doug Parks, City Attorney
PRIORITY Strategic Priority - Communication

AGENDA ITEM DESCRIPTION

REZN 25-06 Rezoning: The Overlook of Dahlonega, LLC, by Warren Welch, applicant, Emerling Resources, LLC, property owner, seeks to rezone 83.505 acres fronting on the south side of Dawsonville Highway (State Route 9/ State Route 52) across from Clay Creek Falls Road (Land Lots 681, 718, 719, 720, 752, and 753, District 12, 1st Section Lumpkin County (Map/Parcels 045/063 and 045/ 066) (550 and 497 Dawsonville Highway) from PUD (Planned Unit Development District) to PUD (Planned Unit Development District). Proposed use: mixed use development (132 detached single-family lots, 136 townhome lots, and 17,000 square feet of commercial building space) (development of regional impact #4518).

HISTORY/PAST ACTION

None.

FINANCIAL IMPACT

None.

RECOMMENDATION

Approval with conditions.

SUGGESTED MOTIONS

Motion to approve as noted above.

ATTACHMENTS

Planning Consultant's Report.

CONSULTING PLANNER'S REPORT

TO: Dahlonge Planning Commission and City Council
c/o Doug Parks, City Attorney

FROM: Jerry Weitz, PhD, FAICP, Consulting Planner

DATE: September 15, 2025 (*preliminary- subject to revision*)

SUBJECT: REZN 25-06 Rezoning from Planned Unit Development (PUD) ("Buckhorn Development") to PUD ("The Overlook of Dahlonge")

COMPANION APP: Development of Regional Impact #4518 (pending)

PUBLIC HEARINGS: October 7, 2025 @ 6:00 p.m. (Planning Commission)
November 3, 2025 @ 4:00 p.m. (Mayor and City Council)

APPLICANT: The Overlook of Dahlonge, LLC, by Warren Welch

OWNER(S): Emerling Resources, LLC

LOCATION: Fronting on the south side of Dawsonville Highway (State Route 9) across from Clay Creek Falls Road (Land Lots 681, 718, 719, 720, 752, and 753, District 12, 1st Section Lumpkin County) (550 and 497 Dawsonville Highway)

PARCEL #: 045/063 and 045/ 066

ACREAGE: 83.505

EXISTING USE: Vacant/undeveloped and single-family dwelling

PROPOSED USE: Mixed use development (132 detached single-family lots, 136 townhome lots (268 total units), and 17,000 square feet of commercial building space, plus amenities and open space)

SURROUNDING LAND USE/ZONING:

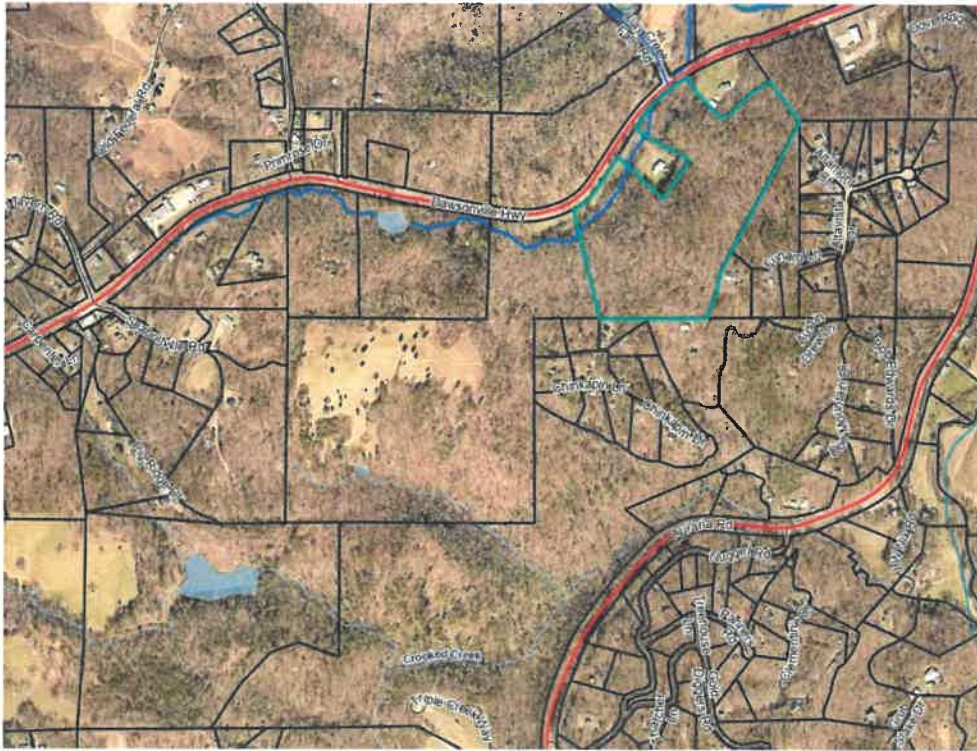
NORTH: Single-family dwellings, vacant, and (across Dawsonville Hwy.) vacant/agricultural (unincorporated)

EAST: Vacant, R-2 (city); single-family dwellings (unincorporated)

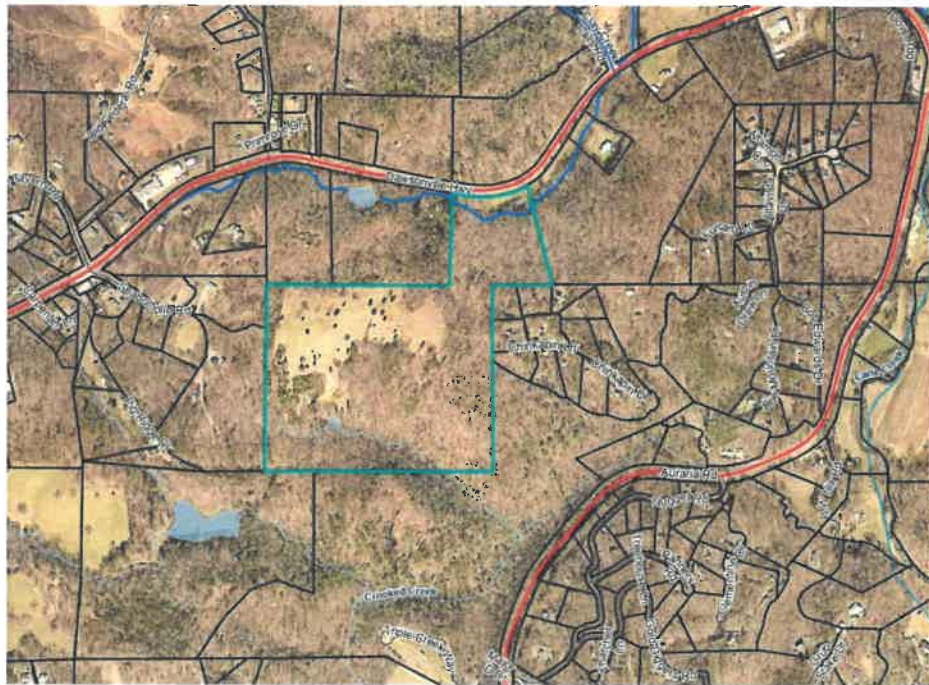
SOUTH: Vacant/ agricultural and conservation use (unincorporated)

WEST: Manufactured home and single-family dwelling (unincorporated)

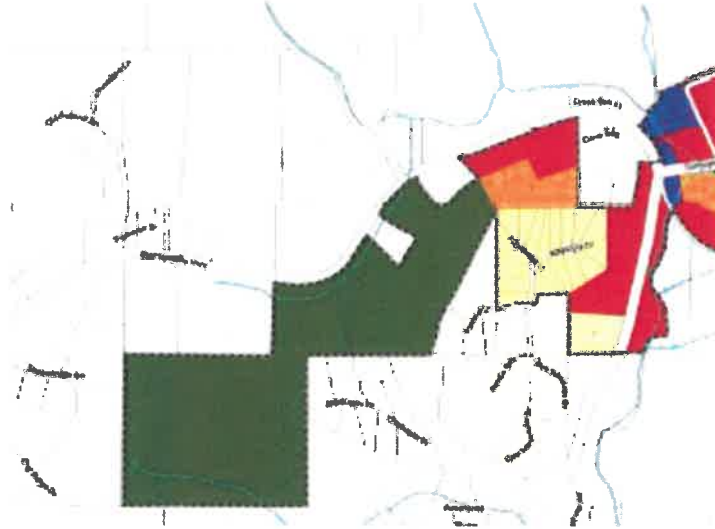
RECOMMENDATION: **Approval, conditional**



**Tax Map/Aerial Photograph of Property 1 of 2
(property outlined in blue)**



**Tax Map/Aerial Photograph of Property 2 of 2
(property outlined in blue)**



Dahlongega Zoning Map Excerpt
(green = PUD zoning) (red = B-2 zoning) (yellow = R-1 zoning)



ABOUT PLANNED UNIT DEVELOPMENT (PUD) ZONING DISTRICTS

Definition and Intentions

The Dahlonega zoning ordinance defines “Planned Unit Development” as follows: “A form of development usually characterized by a unified site design for a number of housing units, clustered buildings, common open space, density increases, and a mix of building types and land uses.” The purposes and intentions of the PUD zoning district are specified in Sec. 1301 of the zoning ordinance and include: flexible development standards, a mix of residential unit types, and a mix of land uses.

Permitted Uses

The PUD zoning district is very flexible with regard to land uses. Sec. 1302 of the zoning district indicates a PUD zoning district can include: “any land uses and combinations thereof, including signs and accessory buildings and uses, which have been specifically proposed by the applicant and approved by the Governing Body as a part of a Planned Unit Development site plan, report, and/or other supporting information.”

Submission Requirements

Sec. 1303 of the zoning ordinance, relative to PUD zoning districts, indicates that a development summary report is required which lists each land use and the acreage devoted to each, along with the proposed development standards such as building setbacks, maximum density, intensity of nonresidential buildings, and so forth. The time frame for construction is also supposed to be included. A site plan is required (Sec. 1304 zoning ordinance). The city may also require architectural elevations or other materials and information to be included in PUD zoning applications.

Sec. 1305 of the zoning ordinance provides that the application materials if approved by the city (including 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.” This means that the application materials if approved (unless modified by the city) are binding on the property.

District Standards and Requirements

To establish a PUD zoning district, a minimum of two acres with a minimum frontage of 100 feet is required (Sec. 1307 zoning ordinance). The application meets and exceeds these basic requirements.

Dahlonega’s zoning ordinance also specifies “suggested site planning guidelines” (Sec. 1308). Guidelines are not mandatory but should be considered; this report addresses the

extent to which the proposed PUD zoning district meets suggested site planning guidelines.

ZONING HISTORY/ SUMMARY OF EXISTING PUD ZONING

This section summarizes relevant information about the previous PUD zoning for the subject property (known as and referred to as “Buckhorn”). Such information is important, particularly because the current PUD conditional zoning district is the existing zoning regulations for the subject property and will remain so unless rezoned.

In 2008, GA Investments (GeoImage LLC, property owner) filed an application to zone the subject property PUD for a mixed use, “active adult” 55+ community with the following land uses and acreages (per letter of intent dated August 9, 2008, supplemented with additional information of record:

Use	Quantity	Acreage	Other Dimensional
Residential condominiums (with subterranean parking deck)	408 units	19.5	1,100-2,200 square feet of heated floor area; four-story building height (52')
Townhouses	40 units	4.5	25 ft. min. lot width
Detached single-family	62 units	10.0	0.15 acre min. lot area (6,534 sq. ft.); 50 ft. min. lot width; 2,100 square feet of heated floor area min.
Commercial	15,000 sq. ft.	2.5	B-1 zoning district
Amenities	12,000 sq. ft. clubhouse	2.0	Heated pool, hot tub
Green/open space		34.5	
TOTAL SHOWN	511 units	73.0	

Records also refer to this application as a rezoning from R2”C” to PUD. The Buckhorn project was processed as a development of regional impact (DRI) #1890. At the time, the Georgia Mountains Regional Development Center (now regional commission) found that the project was “in the best interests of the state,” provided that it included road improvements required by the Georgia Department of Transportation. Architectural elevations and floor plans of proposed dwellings were provided in the application, as were photos of likely architecture for the commercial portion of the PUD.

REZN 25-06 Overlook PUD to PUD, City of Dahlonga



Buckhorn Development Conceptual Site Plan (2009)

Dahlonega's planning and zoning commission initially considered the Buckhorn project in September 2008 (subsequently withdrawn and then resubmitted) and then again on March 2, 2009. The commission recommended approval of the rezoning from R2 "C" to PUD with the condition that setbacks in the Single family area comply with city's R-1 zoning standards. The Dahlonega City Council considered the Buckhorn project rezoning on April 6, 2009; it approved the project without the recommended condition of the planning commission pertaining to R-1 zoning standards. The August 19, 2008, letter of intent signed by Jason Davis of GeoImage was attached to the City Council minutes, along with a table including dimensional requirements. Also, the entire application including site plan was made a part of the record.

While not made a part of the Buckhorn PUD approval, city staff made the following points which are considered relevant going forward as the city reviews the subject application:

1. Developer understands approval would be to rezone property to PUD; establish the zoning standards and approve the conceptual site plan. Developer would file for preliminary plan approval which requires submittal of engineered set of plans.
2. Required improvements to existing water and sewer, i.e. upgrade of existing lift stations, sewer lines or water lines will be at developers expense.
3. Only the main arterial road will be considered for city maintenance,
4. Based on length time for build out of development, staff suggest that after each phase of development an assessment of the purposed city maintained roads be performed and failures will be repaired. Upon completion of the project the city maintained roads will then be re-surfaced.
5. As always performance bonds/letters of credit will be due for acceptance of roads, water and sewer before final plat approval can be given and permits issued.

PROPERTY CONDITIONS

The subject property consists of two parcels. At the north end, the high point of the property topographically is the northeast corner (approximately 1,340 feet msl). The property slopes down more than 100 feet to the west to a stream near Dawsonville Highway (SR 9) which is classified as a trout stream (elevation 1,210 msl). At the middle of the property, the high point is approximately 1,400 feet msl with slopes to the west and east. The southern part of the property includes the highest elevation, at 1,450 feet msl. Another stream runs west to east in the southern part of the site, leaving the subject property at an elevation of approximately 1,290 feet msl and continues to Auraria Road. Hence, the site has severe changes in topography and steep slopes.

SUMMARY OF SUBJECT PROPOSAL

The proposed PUD would have two access points onto Dawsonville Highway (SR 9). The northern entrance is proposed to align with Clay Creek Falls Road. The site plan shows deceleration lane (northbound) and left-turn lane (southbound) into this project entrance. Commercial development is proposed on a lot with frontage on Dawsonville Highway and the interior street, with access to the commercial development from the interior street only. The commercial development would consist of 17,000 square feet in two, two-story buildings. To the northeast of the commercial area, a cul-de-sac street with 25 townhouse dwellings is proposed.

Moving south through the proposed PUD, multiple townhouse buildings are proposed. The number of units attached in the same building ranges from four to eight. The city's fee simple townhouse regulations in the zoning ordinance (Sec. 1004) allow up to 10 units in one building. The townhouse buildings surround an interior open space that is cut off from any street frontage. Amenities are in the vicinity, including a dog-walk area and a fire pit with seating near the stream running along Dawsonville Highway. There is also a 1.88-mile peripheral walking trail proposed throughout the development.

At the proposed second entrance to the PUD, road improvements are shown including a northbound deceleration lane and a left-turn lane southbound on Dawsonville Highway. From the entrance, access to townhouses and detached dwellings is provided. To the right of the southern entrance is a proposed amenity area (2.17 acres), proposed to include a community pool, pickleball courts, pavilion with bathroom, and trailhead parking.

Moving south along the main access road in the PUD, there are 114 detached, single-family dwellings/lots proposed. Lot widths range from 50 to 70 feet and more. The road network is connected and circular except for a short cul-de-sac. A trail within peripheral open space is proposed to surround the single-family residential portion of the PUD.

ZONING CRITERIA

Section 2607 of the Dahlonega zoning ordinance articulates the criteria by which an application for rezoning should be evaluated. They are as follows:

1. Whether the zoning proposal will permit a use that is suitable in view of the use and development of adjacent and nearby property.
2. Whether the zoning proposal will adversely affect the existing use or usability of adjacent or nearby property.
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.

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.
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 report provides consulting planner's findings below. The applicant has addressed criteria in writing as provided in the zoning application (see attachment to this report) (Note: those criteria listed in the rezoning application form are not exactly the same as the criteria in the zoning ordinance).

Note: The Planning Commission and City Council may adopt the findings and determinations provided in this report as written (provided below), if appropriate, or it may modify them. The planning commission and city council may cite one or more of these in its own determinations, as it determines appropriate. The Planning Commission and City Council may modify the language provided here, as necessary, in articulating its own findings. Or, the Planning Commission and City Council can reject these findings and make their own determinations and findings for one or more of the criteria as specified in the Dahlonega zoning ordinance and any additional considerations it determines appropriate.

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

Finding: The subject property is large and thus abuts multiple properties. Abutting land uses are summarized on the cover page of this report. Except for contiguous property to the northeast, all abutting properties are in unincorporated Lumpkin County. Surrounding and nearby land uses are mostly vacant/agricultural and very low density residential. Though not abutting the subject site, there is a single-family subdivision ("Altavista") to the northeast, zoned R-1 in the city. Lots in Altavista are served by on-site sewage management systems (septic tanks). Abutting the southern part of the subject property to the east, is a very low density residential subdivision ("Chinkapin") which is within the Dahlonega water service area but does not appear to have city water service. The proposed PUD, if approved, will introduce urban-sized residential lots and townhomes in an area that is rural. Consulting planner believes the proposed development within a rural area will be out of character with the rural nature of the area in surrounding Lumpkin County (**does not support request**). However, even though the rural nature of the area may present reasons against approving the PUD, the fact that the city has already approved urban densities (including 4-story condominium buildings) must be taken into account, and the applicant is proposing to extensively reduce the number of housing units and remove the four-story condominium buildings. Reduction of the existing zoning supports the request, even if incompatibilities still exist. The project's impact on the rural area should be mitigated with conditions of zoning approval (**supports conditional approval**).

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

Finding: See the cover page for a summary of abutting land uses. The proposed PUD is designed so that it is not expected to impact any abutting properties because **(meets criterion/ supports request)**.

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.*

Finding: The subject site lies within the Dahlonega water service area. A water main appears to be available within the Dahlonega Highway right of way. Road improvements are proposed at both entrances to the PUD. A trip generation report or traffic impact report is not available or has not been reviewed here. However, the fronting highway with the improvements proposed is considered adequate and will not be overburdened with the traffic created by the development **(meets criterion)**. The project is likely to generate extensive additional student population in the county school system; that may be considered burdensome, but the project overall proposes a reduction of units from the approved PUD. Improvements to the water and sewer system will be required in order to develop the PUD.

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.*

Finding: The frontage of the subject property along Dawsonville Highway is designated as “gateway corridor” while the balance of the property is within the “residential” character area as shown on the city’s map of character areas in the comprehensive plan. The description of “gateway corridor” includes: “regional to sub-regional scale industrial, retail, office or institutional uses, with rural/ mountain themed design elements preferred, such as steeply pitched roofs with deep (1’ or greater) overhangs, wood or masonry siding (p. 35 comprehensive plan). The residential character area contemplates mostly 1 and 2-story detached dwellings, but the description does not necessarily preclude other residential dwelling types such as townhouses (pp. 26-27 comprehensive plan). The requested rezoning is therefore considered consistent with the city’s character area map and description of character areas **(supports request)**. For more information, see also the evaluation of PUD guidelines to the subject request in a separate section of this report.

Weaknesses and liabilities recognized in the comprehensive plan include topographic challenges and few opportunities for large-scale developments (p. 10 comprehensive plan). Both apply here. The site has extensive topographic challenges, but yet it is a large site that is one of the few areas in the city that can be utilized for a large-scale planned unit development. Plan policies recognize the need for affordable housing, which can tend to support the subject request, but also it would argue for systematic consideration of the character of its surroundings. Specifically, the comprehensive plan states: “The

City should also be prepared for more multi-family developments by planning where and how best to accommodate such projects most efficiently and without damaging local character” (p. 12 comprehensive plan).

Finding: Under “development trends” in the comprehensive plan (p. 10), it states “...in the part of Lumpkin County between Dahlonega and Dawsonville, is the area that’s seen the most request for development permits in the past 5 years. Even without significant investment by the County it appears at least some growth will come to this area as Dawson County to the south welcomes the encroaching suburbia.” This statement tends to support the PUD rezoning request.

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.*

Finding: If the subject request were new, there could be many arguments made that the project would be incompatible with the rural surroundings. However, the prior PUD approval in 2009 for a dense mixed use project gives supporting grounds to approval a revision of the PUD zoning that reduces density and number of units (**supports request**). The request if approved is an opportunity to attach conditions of approval that will mitigate off-site impacts and reduce incompatibilities with the abutting and nearby rural character.

Finding: The city in 2023 completed a citywide housing needs assessment. That assessment notes that more than one-third of the housing available in the city is single-family detached, and another sizable share is student housing. This study has been cited by the applicant in support of the housing types proposed in the PUD rezoning application and also in favor of lifting the current restriction in the PUD zoning relative to “active adult” (55 and over) housing. While the study finds significant demand for rental housing in future years, much of the demand is from low and moderate income households who are probably not candidates for living in this PUD if approved (**inconclusive**).

**ANALYSIS OF CONSISTENCY WITH PUD DEVELOPMENT GUIDELINES
(Sec. 1308 zoning ordinance)**

This report section analyses the application in terms of the site planning guidelines provided for the PUD zoning district. Strict compliance with all guidelines is not required, although successive departures from the guidelines should be considered grounds for disapproval of the requested PUD zoning district.

- 1. Land uses which have traditionally been viewed as incompatible (e.g. single-family subdivision and a manufacturing plant) should not be proposed in the same Planned Unit Development unless considerable screening and physical separation is provided.**

Finding: All of the land uses proposed (detached housing, attached housing, and commercial) are all considered compatible with one another (**meets guideline**).

- 2. Office, commercial and/or industrial uses should be located adjacent to major thoroughfares or in other areas with suitable access that will not result in traffic through residential areas.**

Finding: The commercial area proposed is proposed to front on Dawsonville Highway (a major thoroughfare) with access only the entrance road, not to residential subdivision streets (**meets guideline**).

- 3. Lot sizes, lot widths, unit sizes and other characteristics of residential development within the Planned Unit Development should be similar to those characteristics of adjacent or nearby residential subdivisions or provide a suitable transition from such adjacent uses.**

Finding: The surrounding area is mostly low density residential, agricultural and vacant land. The urban-sized townhouse and detached residential lots are not similar to any adjacent or nearby subdivisions. However, there is substantial open space around the periphery of the PUD such that there should be suitable transition and buffering from abutting properties (**meets guideline**).

- 4. Location of land uses should conform substantially with land use plan goals, policies and suggested types of uses.**

Finding: The PUD is considered consistent with land use policies and goals as described in the comprehensive plan (this is addressed in the general criteria evaluated in a previous section of this report) (**meets guideline**).

- 5. Street lengths, alignments, patterns and other characteristics should conform to city subdivision regulations or standard planning principles.**

Finding: Generally, the PUD meets this criterion (**meets guideline**). There are only two cul-de-sacs proposed, and the road network is considered mostly interconnected. However, in the single-family residential portion of the PUD, the street lengths are long and would benefit from a mid-block pedestrian connection (**supports conditional approval**).

6. *Proposed developments should make maximum use of natural features of the land.*

Finding: The PUD is designed to protect the riparian corridors on site. The project must content with steep slopes and challenging topography. All in all, the project is designed to minimize impacts in the most severely constrained portions of the site (***meets guideline***).

7. *For developments that are predominantly residential, only limited commercial uses (up to 10,000 square feet, or 10% of the total development site area) of a convenience retail nature, internally oriented and intended to serve the needs of the residents of the development, should be proposed.*

Finding: The proposed commercial area is 17,000 square feet on 2.17 acres. While the proposed commercial square footage exceeds the 10,000 square feet suggested, the proposal is not considered excessive. The acreage devoted to commercial use does not exceed 10 percent of the total site area (***meets guideline***). The commercial area is internally oriented, without a curb cut onto Dawsonville Highway (***meets guideline***).

CONCLUSIONS

The requested PUD zoning would be a “downzoning” of the approved PUD due to a sizable reduction in the number of dwelling units. The proposed PUD is preferable in terms of neighborhood compatibility because it removes the four-story residential condominium buildings in the approved PUD. The rezoning application compares favorably with both the generally applicable zoning criteria and the PUD site design guidelines. Therefore, consulting planner recommends approval, but with a number of conditions.

RECOMMENDED CONDITIONS OF ZONING APPROVAL

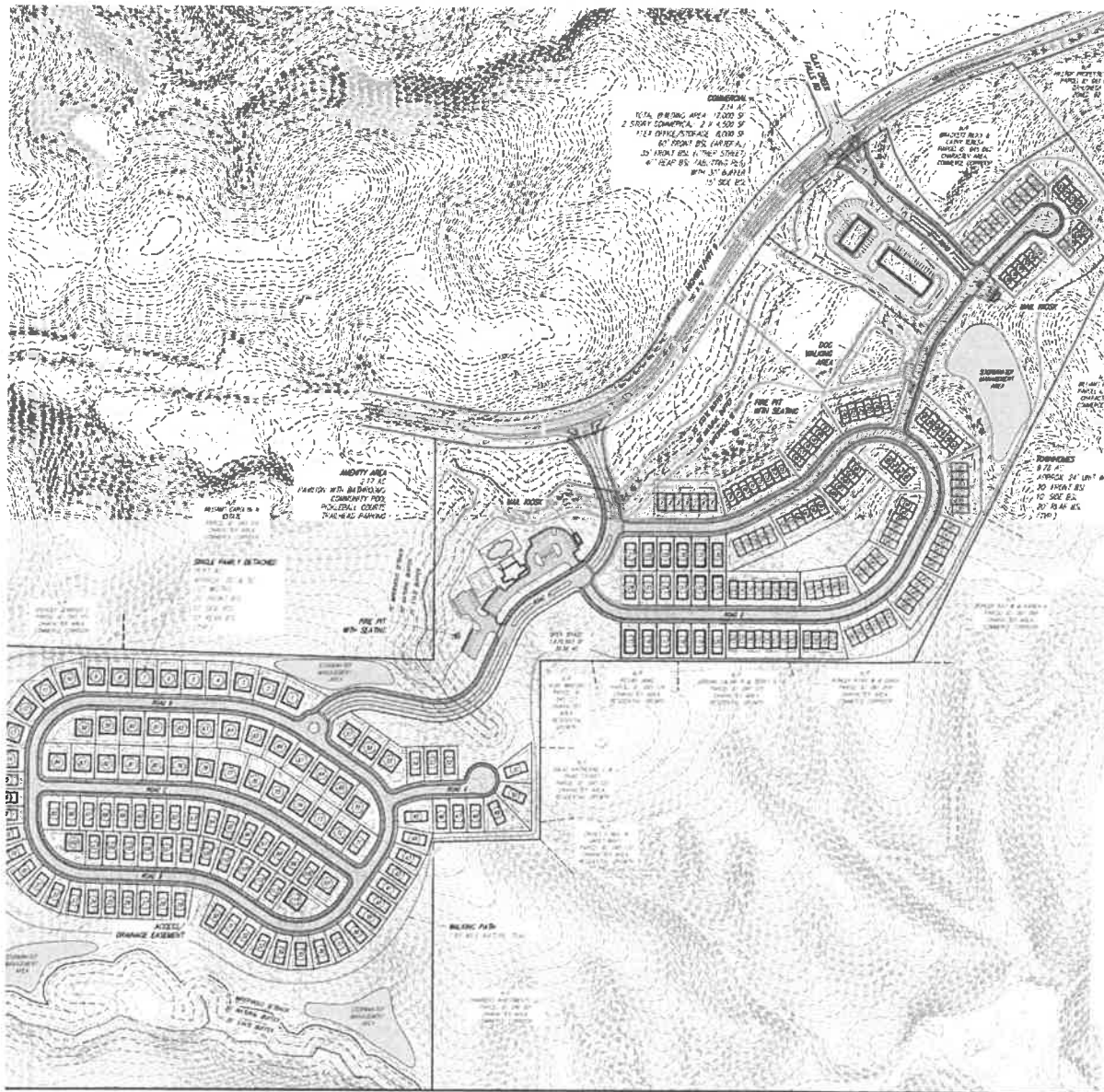
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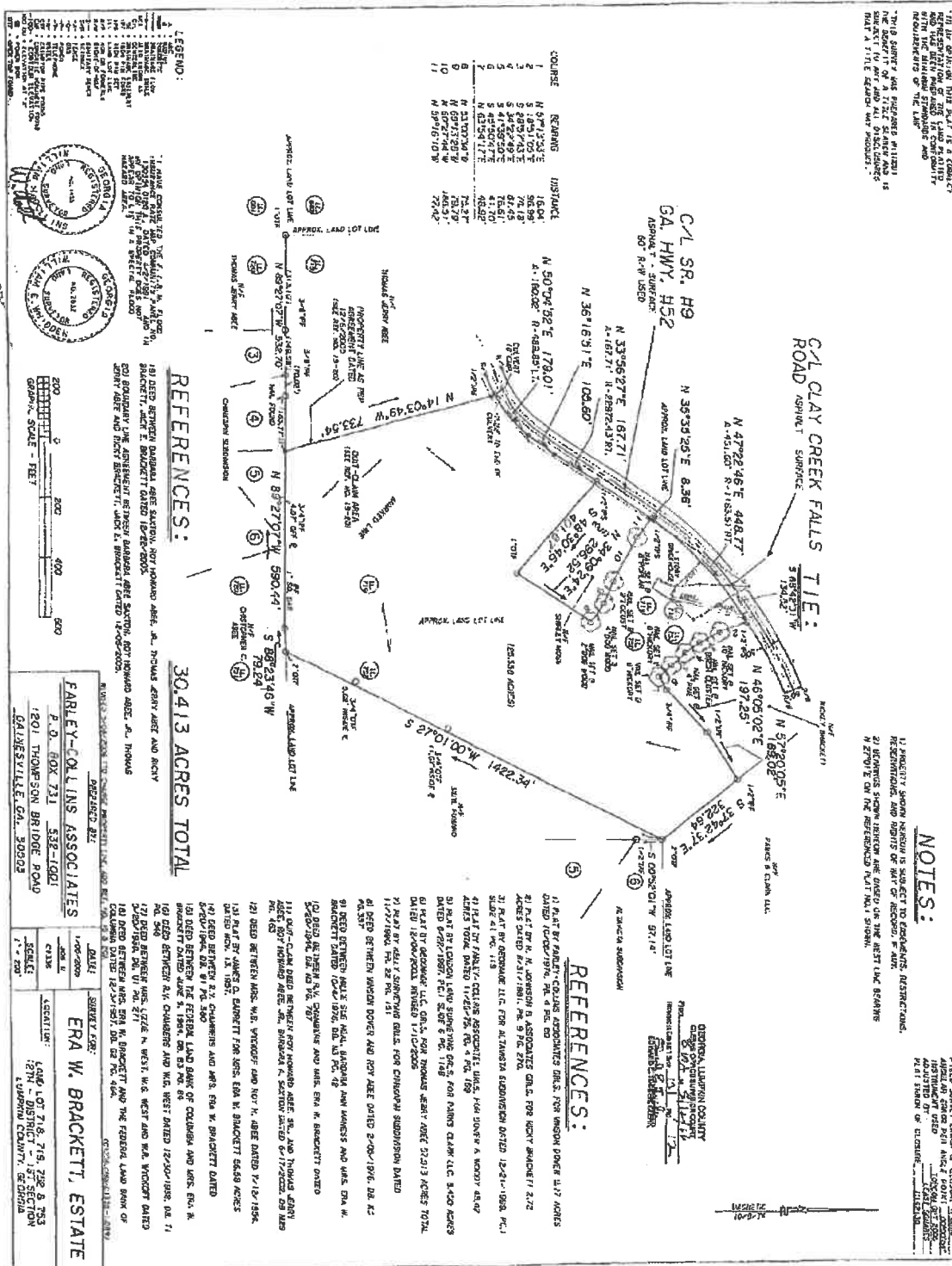
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4. **Water and sewer improvements.** The owner shall be required to provide public water and sanitary sewer connections and upgrade sewer lift station(s) to serve the development at no cost to the city.
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6. **Commercial building architecture.** Unless otherwise approved by the City Council, the architecture of buildings in the commercial area shall have pitched roofs with deep (1' or greater) overhangs, and wood or masonry siding (i.e., brick or stone, or brick or stone veneer, but excluding "thin brick" or "thin stone").
7. **Frontage for internal open space.** There shall be at least 30 feet of street access to the central open space (i.e., that area surrounded by townhouse lots).
8. **Street standards.** All streets within the PUD shall be designed to meet city standards and specifications for public streets, including but not limited to right of way, pavement width, cul-de-sac right of way and pavement radii, and maximum grade. Deviations to city street standards shall only be made by variance application approved by City Council.
9. **Street "A".** The principal street ("A") shall have a center median separating directions of travel, except for median cuts necessary to access adjacent land uses. Said center median shall be planted with street trees of species and at spacing/ on-center intervals approved by the zoning administrator.
10. **Amenity area development timing.** No more than 100 permits for dwelling units shall be issued for the PUD by the city until the amenity area is permitted, constructed, and ready for occupancy. The dog-walking area shown on the site plan shall be developed prior to issuance of more than 68 building permits for fee-simple townhouse units. The walking trail within the PUD shall be phased such that construction takes place no later than the same time development abutting that portion of the trail network is constructed or final plat for adjacent lots is approved.

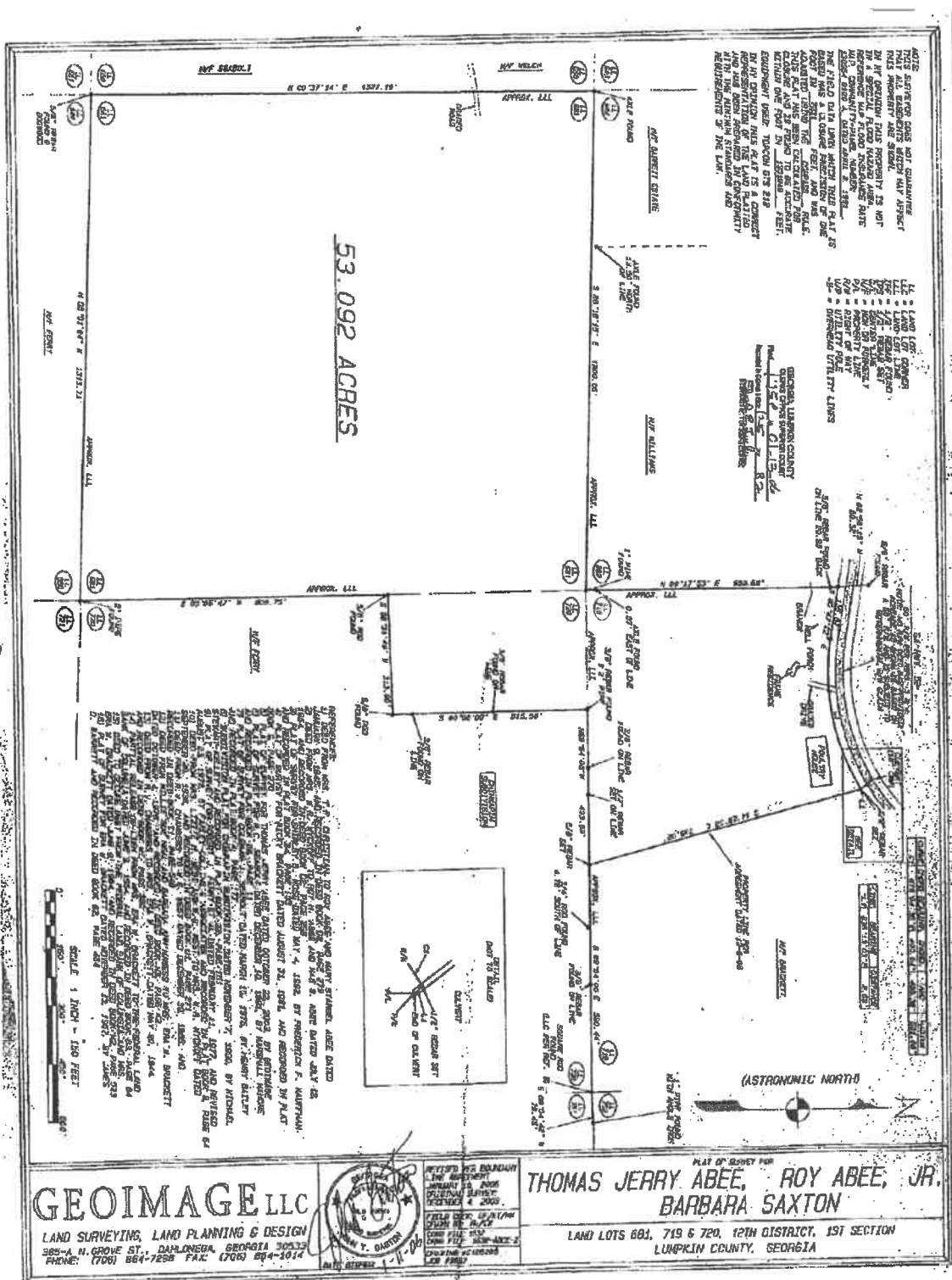
11. **Townhouse dwelling phasing.** No more than 68 building permits for townhouse units shall be issued until a final plat(s) for at least 34 detached single-family units is approved by the city.
12. **Pedestrian access connections.** The owner shall provide minimum 10-foot wide pedestrian access easements and construct improved (cleared and paved or impervious) walking paths within the easements as follows, prior to final plat approval for the respective lots (exact locations are subject to the approval of the zoning administrator):
 - (a) At least two pedestrian access ways between the townhouse building with units 1-7 and the townhouse building with units 22-27 (connecting to fire pit shown on the site plan).
 - (b) At least three pedestrian access ways between townhouse buildings with units 34 through 68 (connecting to the peripheral walking trail).
 - (c) At least four pedestrian access ways connecting the central open space and street network between townhouse buildings with units 69 through 111.
 - (d) At least two pedestrian access ways between townhouse buildings with units 112 through 136 (connecting to the peripheral walking trail).
 - (e) At least one pedestrian access way between single-family dwelling lots 1 through 10 (connecting the adjacent street to the peripheral walking trail).
 - (f) At least one pedestrian access way between single-family dwelling lots 11 through 20 (connecting the adjacent street to the peripheral walking trail).
 - (g) At least one pedestrian access way between single-family dwelling lots 21 through 29 (connecting the adjacent street to the peripheral walking trail).
 - (h) At least one pedestrian access way between single-family dwelling lots 30 through 45 (connecting the adjacent street to the peripheral walking trail).
 - (i) One mid-block pedestrian access way connecting Road "B" (south) and Road "C" at or near the common side lot boundary between single-family lots 93-95 and 108-110.
 - (j) One mid-block pedestrian access way connecting Road "B" (north) and Road "C" at or near the common side lot boundary of lots 77/78 and lots 63/64.
13. **Stormwater management areas.** A minimum 20-foot wide access easement shall be provided from the nearest adjacent street and stormwater management areas. Stormwater ponds shall be fenced; if chain link is utilized it shall be vinyl coated.



Site Plan Excerpt (proposed PUD)



Boundary Survey (1 of 2)



Boundary Survey (2 of 2)