



CITY OF DAHLONEGA

Planning Commission Meeting / Public Hearing Agenda

December 02, 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

- a. Regular Meeting / Public Hearing of November 4, 2025
Rhonda Hansard, City Clerk

RECESS REGULAR MEETING FOR PUBLIC HEARING

PUBLIC HEARING

- a. Ordinance 2025-10 regarding REZN 25-09 Rezoning: Laurel Hackinson, applicant and property owner, seeks rezoning from B-3 (Historical Business District), Conditional (use limited to a quilt shop) to B-3 (Historical Business District) for 0.52 acre fronting on the northwest side of Warwick Street and the southwest side of Church Street (Map/Parcel D07/056) (315 Church Street). Proposed use: Multi-family residential/short-term rental and any historic business use (remove existing condition limiting the property to a quilt shop).
Doug Parks, City Attorney
- b. BZA 25-05 Variance: Greg Imig, applicant, by Samantha Tinsley and Jim Pierce, agent, Sandra Moore and Barbara Armstrong, property owners, seeks a variance to the Dahlonega Zoning Ordinance, Article XX, "Minimum Dimensional Requirements", Section 2001, "Minimum setback requirements by zoning district (in feet)", to reduce the principal building setback required by the R-1, Single-Family Residential District from 35 to 15 feet along the Jones Street frontage for property (0.39 acre) fronting on the east side of Jones Street, the southwest side of Meaders Street, and the north side of Park Street (Map/Parcel D11/036) (95 Jones Street). Proposed use: detached, single-family dwelling.
Doug Parks, City Attorney

- c. Ordinance 2025-11 regarding REZN 25-10 Pinetree Development, LLC has requested an amendment to the existing planned unit development zoning for the purpose of constructing 219 fee simple town homes with zoning conditions for Tax Parcels 079 054 and 079 074, City of Dahlonaga.
Allison Martin, Zoning Administrator

RECONVENE REGULAR MEETING

OLD BUSINESS

NEW BUSINESS

1. Ordinance 2025-10 regarding REZN 25-09 Rezoning: Laurel Hackinson, applicant and property owner, seeks rezoning from B-3 (Historical Business District), Conditional (use limited to a quilt shop) to B-3 (Historical Business District) for 0.52 acre fronting on the northwest side of Warwick Street and the southwest side of Church Street (Map/Parcel D07/056) (315 Church Street). Proposed use: Multi-family residential/short-term rental and any historic business use (remove existing condition limiting the property to a quilt shop).
Doug Parks, City Attorney
2. BZA 25-05 Variance: Greg Imig, applicant, by Samantha Tinsley and Jim Pierce, agent, Sandra Moore and Barbara Armstrong, property owners, seeks a variance to the Dahlonaga Zoning Ordinance, Article XX, "Minimum Dimensional Requirements", Section 2001, "Minimum setback requirements by zoning district (in feet)", to reduce the principal building setback required by the R-1, Single-Family Residential District from 35 to 15 feet along the Jones Street frontage for property (0.39 acre) fronting on the east side of Jones Street, the southwest side of Meaders Street, and the north side of Park Street (Map/Parcel D11/036) (95 Jones Street). Proposed use: detached, single-family dwelling.
Doug Parks, City Attorney
3. Ordinance 2025-11 regarding REZN 25-10 Pinetree Development, LLC has requested an amendment to the existing planned unit development zoning for the purpose of constructing 219 fee simple town homes with zoning conditions for Tax Parcels 079 054 and 079 074, City of Dahlonaga.
Allison Martin, Zoning Administrator

ADJOURNMENT

Guideline Principles - The City of Dahlonaga 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, Dahlonaga commits to Transparency and Honesty, Dedication and Responsibility, Preservation and Sustainability, Safety and Welfare...for ALL!



Agenda Memo

DATE: 12/2/2025
TITLE: REZN 25-09
PRESENTED BY: Doug Parks, City Attorney
PRIORITY Strategic Priority - Communication

AGENDA ITEM DESCRIPTION

Ordinance 2025-10 regarding REZN 25-09 Rezoning: Laurel Hackinson, applicant and property owner, seeks rezoning from B-3 (Historical Business District), Conditional (use limited to a quilt shop) to B-3 (Historical Business District) for 0.52 acre fronting on the northwest side of Warwick Street and the southwest side of Church Street (Map/Parcel D07/056) (315 Church Street). Proposed use: Multi-family residential/ short-term rental and any historic business use (remove existing condition limiting the property to a quilt shop).

HISTORY/PAST ACTION

None.

FINANCIAL IMPACT

None.

RECOMMENDATION

Approval.

SUGGESTED MOTIONS

Motions to approve when action is to be taken.

ATTACHMENTS

Consulting Planner's report.

CONSULTING PLANNER'S REPORT

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

FROM: Jerry Weitz, Consulting City Planner

DATE: November 17, 2025

SUBJECT: **REZN 25-09:** Rezoning from B-3 (Historical Business District), Conditional (use limited to a quilt shop) to B-3 (Historical Business District)

PUBLIC HEARINGS: December 2, 2025 @ 6:00 p.m. (Planning Commission)
December 15, 2025 @ 6:00 p.m. (City Council)

APPLICANT: Laurelanne Hackinson

OWNER(S): Laurelanne Hackinson

LOCATION: Fronting on the northwest side of Warwick Street and the southwest side of Church Street (315 Church Street)

PARCEL #: D07/ 056

ACREAGE: 0.52

EXISTING USE: Retail store and home

PROPOSED USE: Multi-family rental/ short-term rental

SURROUNDING LAND USE/ZONING:

NORTH: (fronting on Hawkins St. and Church St.): Detached, single-family dwelling, R-1

EAST: (across Church St.): Detached single-family dwelling and church, R-1

SOUTH: (across Warwick St.): Detached single-family dwellings, B-3

WEST: Detached single-family dwelling, R-1

RECOMMENDATION: **Approval**

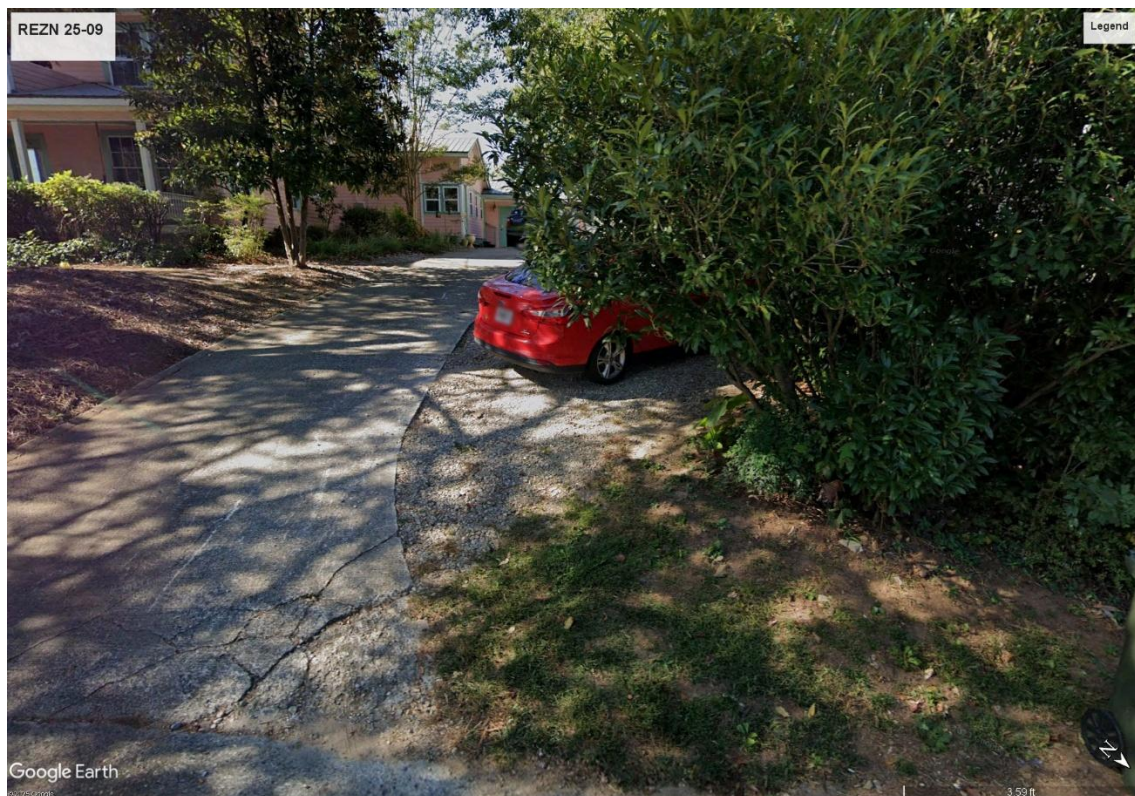


Tax Map/Aerial Photograph of Property (blue outline)

SUMMARY OF PROPOSAL

The applicant seeks to remove an existing condition of zoning approval that limits the use of the subject property to a quilt shop. The specific request is for rezoning from B-3 Conditional to B-3, either unrestricted as it pertains to uses, or for multiple uses including short-term rental, long-term rentals, offices, and retail uses. There is no boundary survey provided. There is no site plan provided in the application. A detailed letter of intent is provided which also addresses zoning criteria stated in the rezoning application.

The subject property has a dwelling which is 3,754 square feet according to the records of the Lumpkin County tax assessor and is classified as residential.



Short-term rentals are regulated per Article VIII of the Dahlonega zoning ordinance.

The purpose of the B-3 zoning district is in part to “protect and promote the educational, cultural, economic, and general welfare of the public through the preservation and protection of the old, historic, architecturally worthy structures in historic areas or neighborhoods which exhibit a distinct aspect of the community and which serve as visible reminders of the history and cultural heritage of the community, state or nation.” According to the tax record, the residential structure on the subject property was constructed in 1834. A wide variety of uses are permitted outright in B-3, including but not limited to all enclosed retail trade establishments, churches and schools, lodging, and all forms of multiple-family residential uses.

Per Chapter 109 of the Dahlonega City code, B-3 zoning districts are a part of the locally designated historic district (Sec. 109-21) and subject to provisions requiring certificates of appropriateness for material changes in appearance to buildings, structures, and grounds (Sec. 109-22). This is important in that changes to the property will be required to be reviewed and approved by the Dahlonega Historic Preservation Commission. There is thus less of a need for conditions of zoning approval addressing architectural compatibility.

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.

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 Dahlonga 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 diagonally across a street intersection from the central business district. B-3 zoning (unconditional) exists to the south of the property on lots developed with detached, single-family dwellings. The site is surrounded on the other three sides (north, east, and west) by detached single-family dwellings on properties zoned R-1. The subject property is already zoned B-3 (but with a zoning condition limiting the use), so the B-3 zoning is considered appropriate and suitable even though there is single-family use and R-1 zoning on three sides of the subject property.

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

Finding: Given the predominant use as single-family dwellings surrounding the subject property, certain uses could have some adverse impacts on them, depending on the exact use of the property and the amount and location of on-site parking, if added to accommodate certain uses as would be required by the zoning ordinance **(inconclusive)**. It is consulting planner's opinion that most if not all uses permitted in the B-3 zoning district can be compatible and appropriate, so long as they are conducted within the existing historic residential building. There is probably no need to make it a condition of zoning approval that all uses must be conducted within the existing historic building, because demolition of the historic building would require approval by the historic preservation commission and would appear highly unlikely to be granted given the age of the dwelling and its contribution to the overall historic character of the central business district and surroundings. If appropriate, the planning commission can recommend and city council can impose additional conditions to ensure compatibility; again, however, because a certificate of appropriateness would be required for material changes in appearance, those issues could be left to the preservation commission to decide.

Finding: Uses that would be appropriate to exclude on the subject property but that would otherwise be allowed in B-3 absent a use restriction via zoning condition are as follows: car wash, drive-through facility, outdoor automated teller machine, gasoline sales, parking garage, and appliance repair.

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: Impacts may vary considerably depending on the exact use established. Conversion to multiple family (e.g., apartments) could have some impacts on the school system but any such impacts are likely to be negligible at most. No major impact to utilities would be expected. Most uses permitted in B-3 would not cause an excessive or burdensome use of existing streets (***supports request***).

4. *Whether the zoning proposal is consistent with the Comprehensive Plan, transportation plans, or other plans adopted for guiding development within the City of Dahlenega.*

Finding: The subject property is within the “public square” character area established in the 2022 comprehensive plan. Preservation of existing structures in this character area is recommended in the description of the public square character area. Also, per the description, a wide range of uses are contemplated, including mixed use structures, a variety of residential uses, and commercial and institutional uses. The request is considered consistent with the character area designation of the comprehensive plan (***meets criterion/ supports 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: Land uses can change over time, and though the subject property has had a specific commercial use operated within it for two decades per the applicant, there may be a need to change the use of the structure over time. Since the property is conditioned to a single use (quilt shop), the zoning does not permit the owner to change uses when conditions affecting the property also change, such as market trends, preferences of owner, etc. In consulting planner’s view the application to add a wider range of uses to the property’s zoning permission is appropriate (***supports request***).

CONCLUSION

Findings in this report support approval of the rezoning request. The city may consider the need for conditions of zoning approval as appropriate.

Letter of Intent for Rezoning Request

To: Dahlongega City Council

From: Laurelanne Hackinson

Subject: Request for Rezoning and Clause Removal – 315 Church St, Dahlongega, GA 30533

Date: 9/12/2025

Dear Members of the Dahlongega City Council,

I am writing to formally request the rezoning of my property located at 315 Church St from its current designation with a restrictive clause to **Historical Business**, allowing for **short-term rentals, long-term rentals, and any Historical business use**.

My property has a long-standing history of responsible business operation. For over 20 years, I ran a retail store, *Magical Threads*, which was permitted under the Historical Business zoning. However, a clause was added—restricting the use to a quilt store only. This clause has significantly limited the property's marketability and utility.

The proposed rezoning and clause removal will:

- Align with existing uses in the area, including nearby multi-family residences and commercial businesses.
- Preserve the historical integrity of the property while allowing adaptive reuse.
- Support Dahlongega's economic development goals by expanding business opportunities in the Historic District.
- Maintain neighborhood harmony, as confirmed by my closest neighbor, Jim Gribben, who supports the change.

I have a prospective buyer who has expressed interest in using the property as short term rentals and long term rentals, —all of which are compatible with the Historical Business designation and the character of the area.

I respectfully request the Council's approval to:

1. Remove the restrictive clause limiting the property to a quilt store.
2. Rezone the property to Historical Business with allowances for short-term and long-term rentals.

1. Existing uses and zoning of nearby property and whether the proposed zoning will adversely affect them:

The surrounding properties include a church, multi-family residences, and a long-standing commercial business operated from a garage. My property has operated as a retail business for over 20 years without negatively impacting neighbors. The proposed zoning aligns with existing uses and will not adversely affect the usability of nearby properties. My closest neighbor, Jim Gribben, supports the rezoning.

2. Extent to which property values are diminished by the current zoning restrictions:

The restrictive clause limiting the property to a quilt store significantly reduces its marketability and value. Removing this clause and allowing broader business and rental

1 of 3

Letter of Intent (1 of 3)

uses will restore the property's full potential and align it with comparable properties in the Historical District.

3. Extent to which the destruction of property values promotes public welfare:

Restricting the property to a single type of business does not promote public welfare. In contrast, allowing flexible use—such as short term rentals, long term rentals, office space, bed and breakfast, or multi-family housing—will support economic growth, tourism, and housing diversity, all of which benefit the general welfare of Dahlongega.

4. Relative gain to the public vs. hardship to the property owner:

The public gains will increase business activity, tourism, and housing options. The hardship to me as the property owner is significant—limiting the sale and use of my property reduces its value and utility. Removing the clause and rezoning will balance public benefit with private rights.

5. Physical suitability of the property for current and proposed zoning:

The property is already suited for business use, having operated as a retail store. It includes separate living quarters, making it suitable for multi-family or rental use. Its location in the Historical District supports its continued and expanded use under Historical Business zoning.

6. Length of time the property has been vacant and changed conditions:

The property is currently on the market and has not been vacant. However, the interest from buyers in using it for varied purposes reflects changing conditions and demand in Dahlongega for flexible, mixed-use properties in the Historical District.

7. Zoning history of the property:

The property was previously zoned Historical Business and operated as “Magical Threads,” a quilt store. The clause limiting it to a craft business should be removed to reflect the original intent of historical business and allow broader use consistent with Historical Business zoning.

8. Potential burden on public infrastructure:

The proposed uses—short term rental, long term rentals, offices, bed and breakfast, or multi-family etc—will not place excessive burden on streets, utilities, or public services. The infrastructure already supports similar uses in the area, and the Historical District's oversight ensures responsible development.

9. Conformity with the comprehensive plan and city policies:

The City previously approved a retail business on the property, indicating alignment with city goals. Expanding permitted uses supports Dahlongega's vision for a thriving, diverse

downtown and aligns with the comprehensive plan's emphasis on economic development and historical preservation.

Thank you for your consideration and for your continued commitment to the growth and preservation of Dahlonega.

Sincerely,

Laurelanne Hackinson

706-429-7740

lolathyme@gmail.com

Letter of Intent (3 of 3)



Agenda Memo

DATE: 12/2/2025
TITLE: BZA 25-05
PRESENTED BY: Doug Parks, City Attorney
PRIORITY Strategic Priority - Communication

AGENDA ITEM DESCRIPTION

BZA 25-05 Variance: Greg Imig, applicant, by Samantha Tinsley and Jim Pierce, agent, Sandra Moore and Barbara Armstrong, property owners, seeks a variance to the Dahlonaga Zoning Ordinance, Article XX, "Minimum Dimensional Requirements," Section 2001, "Minimum setback requirements by zoning district (in feet)," to reduce the principal building setback required by the R-1, Single-Family Residential District from 35 to 15 feet along the Jones Street frontage for property (0.39 acre) fronting on the east side of Jones Street, the southwest side of Meaders Street, and the north side of Park Street (Map/Parcel D11/036) (95 Jones Street). Proposed use: Detached, single-family dwelling.

HISTORY/PAST ACTION

None.

FINANCIAL IMPACT

None.

RECOMMENDATION

Approval.

SUGGESTED MOTIONS

Motions to approve when action is to be taken.

ATTACHMENTS

Consulting Planner's report.

CONSULTING PLANNER'S REPORT FOR BZA 25-05

TO: City of Dahlonega, c/o Doug Parks, City Attorney

BY: Jerry Weitz, Consulting City Planner

DATE OF REPORT: November 17, 2025

SUBJECT REQUEST: **BZA 25-05 Variance** to the Dahlonega zoning ordinance, Article XX, "Minimum Dimensional Requirements," Section 2001, "Minimum setback requirements by zoning district (in feet)," to reduce the principal building setback required by the R-1, Single-Family Residential District from 35 to 15 feet along the Jones Street frontage

EXISTING ZONING: R-1, Single Family Residential District

EXISTING USE: Detached, single-family dwelling

BZA HEARING: December 15, 2025 @ 6:00 p.m.

APPLICANT: Greg Imig, applicant, by Samantha Tinsley and Jim Pierce, agent

OWNER(S): Sandra Moore and Barbara Armstrong

PROPOSED USE: Detached, single-family dwelling (tear down/replace)

LOCATION: Fronting on the east side of Jones Street, the southwest side of Meaders Street, and the north side of Park Street (95 Jones Street)

PARCEL(S) #: D11/ 036

ACREAGE: 0.39

SURROUNDING LAND USE AND ZONING:

North: (across Meaders Street): detached single-family dwelling, R-1

East: (across Meaders Street): Multi-family dwellings (apartments),

South: Detached single-family dwellings, R-1

West: (across Jones St.): Two-family dwelling (duplex), R-1; (across Park St.): off-street parking lot (city), PUD

RECOMMENDATION: Approval

LEGAL FRAMEWORK AND REQUIREMENTS FOR VARIANCES

The Board of Zoning Appeals shall exercise its powers in such a way that the purpose and intent of the zoning regulations shall be accomplished, public health, safety and welfare secured, and substantial justice done (Sec. 2401 zoning ordinance).

The Board of Zoning Appeals is a body of limited powers, and its actions are taken in a quasi-judicial capacity rather than a legislative capacity. Failure to adopt written findings justifying all decisions shall render such decision null and void (Sec. 2403 zoning ordinance).

A variance is defined in Sec. 301 of the zoning ordinance as "a minimal relaxation or modification of the strict terms of the height, area, placement, setback, yard, buffer, landscape strip, parking and loading regulations as applied to specific property when, because of particular physical surroundings, shape, or topographical condition of the property, compliance would result in a particular hardship upon the owner, as distinguished from a mere inconvenience or a desire to make a profit."

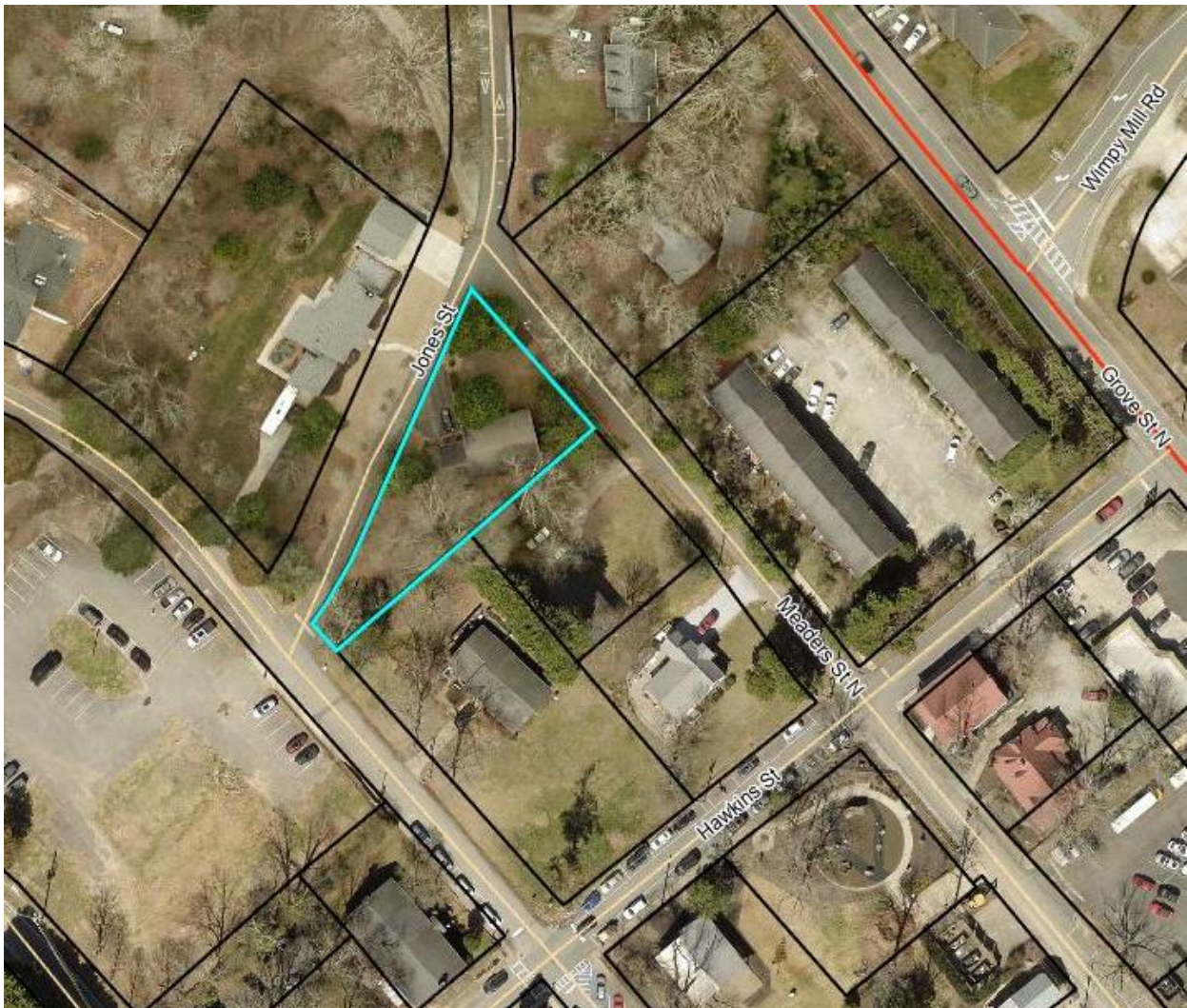
The Board of Zoning Appeals is empowered to authorize upon application in specific cases such variance from the terms of these regulations as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of these regulations will in an individual case, result in unnecessary hardship, so that the spirit of these regulations shall be observed, public safety and welfare secured, and substantial justice done. A variance may be granted in an individual case of unnecessary hardship, after appropriate application in accordance with Article XXVI, upon specific findings that all of the following conditions exist. The absence of any one (1) of the conditions shall be grounds for denial of the application for variance (Sec. 2406 zoning ordinance).

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
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
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
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 unreasonably affect their value; and
5. The special circumstances are not the result of the actions of the applicant; and
6. The variance requested is the minimum variance that will make possible the legal use of the land, building, or structure; and

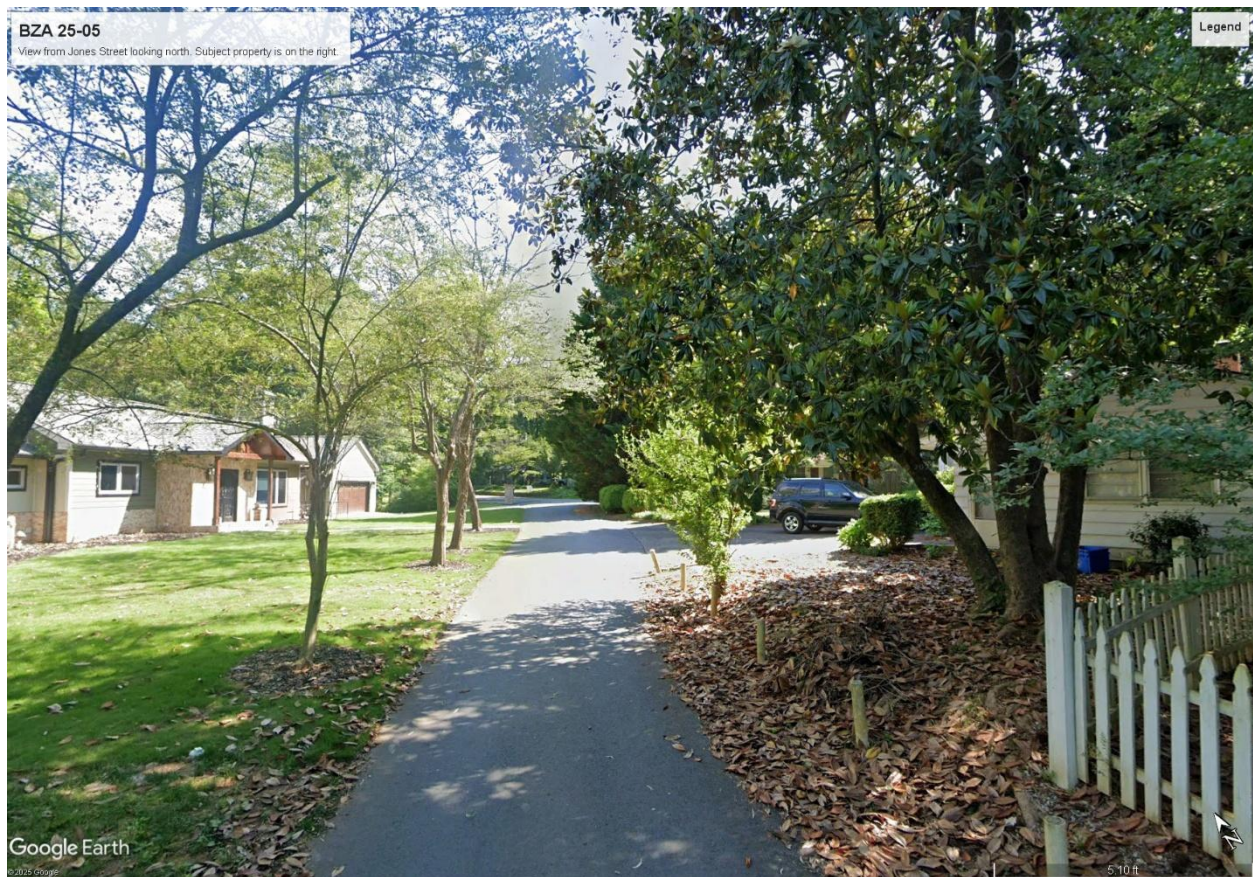
7. The variance is not a request to permit a use of land, building or structures which are not permitted by right in the district involved.

Note: The Board of Zoning Appeals may adopt the findings and determinations provided in this report in whole or in part as written, if appropriate, or it may modify them. The Board of Zoning Appeals may cite one or more of these findings in its own determinations, if appropriate. The Board may modify the language provided here, as necessary, in articulating its own findings. Or, the Board of Zoning Appeals can reject these findings and make its own determinations and findings for one or more of the criteria for granting variances as specified in Section 2405 of the Dahlonga zoning ordinance.

In exercising the powers to grant appeals and approve variances, the Board may attach any conditions to its approval which it finds necessary to accomplish the reasonable application of the requirements of these [zoning] regulations (Sec. 2407 zoning ordinance).



Aerial Photograph/Tax Map



PROPERTY DESCRIPTION AND APPLICABLE REGULATIONS

R-1 zoning districts require principal building setbacks of 35 feet (front; other than arterial street), 15 feet (side), and 15 feet (rear). Per the definition of building setback line in Article III of the zoning ordinance, "...in the case of corner lots or double frontage lots, front yard requirements shall be observed for those areas adjacent to street right-of-ways." This means that a 35 foot principal building setback is required along three frontages of the subject property (those abutting street right of ways). The applicant seeks to replace the existing home on the lot, which does not comply with applicable R-1 building setbacks, with a new dwelling of roughly the same building footprint but oriented differently.

FINDINGS

Written findings below are those of the consulting planner; the applicant has addressed these criteria, and those answers are included as an attachment to this report.

- 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;**

Consulting planner's finding: The size of the lot is 0.39 acre (approximately 17,000 square feet), which is smaller than the minimum lot size of 30,000 square feet required for the zoning district. R-1 building setbacks are established for a larger lots than the subject property. Size of the lot is therefore an extraordinary condition pertaining to the lot that is generally not applicable to other lots in the R-1 zoning district **(supports request/ meets criterion)**.

Consulting planner's finding: The subject property fronts public rights of ways on three sides. This means that a principal building on the lot is required to meet three front setbacks. A lot with three road frontages is an exceptional condition not applicable to most other lots in the R-1 zoning district **(supports request/ meets criterion)**.

Consulting planner's finding: The shape of the subject property is irregular. Its frontage on the south end is only about 20 feet. The irregular shape places constraints on potential for building placement **(supports request/ meets criterion)**.

- 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;**

Consulting planner's finding: Because the lot fronts on three streets, and therefore requires adherence to three front yard requirements, the owner faces unnecessary hardship that deprives the owner of permissions extended to owners of other R-1 lots to utilize side and rear setbacks of 15 feet along lot lines other than front yards **(supports request/ meets criterion)**.

- 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;**

Consulting planner's finding: Across Jones Street, an existing two-family dwelling does not meet the 35-foot front setback otherwise required by the R-1 zoning district. Similarly, the existing dwelling on the subject property does not comply with the 35 foot minimum required front building setback along Jones Street. Therefore, granting relief in the form of a building setback reduction along Jones Street would not be considered a special privilege that is denied other properties in the R-1 zoning district **(supports request/ meets criterion)**.

- 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 unreasonably affect their value;**

Consulting planner's finding: Constructing the proposed replacement dwelling at a location similar to that which exists will not injure the neighborhood or general welfare and will not interfere with or discourage development of adjacent land and buildings or unreasonably affect their value, because there is an existing duplex across the street from the subject site that does

not meet the required setback from the right of way of Jones Street, and because the two dwellings abutting the subject property to the south will not be affected by the variance if granted (***supports request/ meets criterion***). Also, the applicant has chosen to ask for a variance along Jones Street rather than Meaders Street, because the shallower setback would apply along a one-way street as opposed to a two-way street; that choice helps to avoid interference with the neighborhood.

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

Consulting planner's finding: The current owner and applicant was not responsible for platting the lot in its current shape and area which contributes to the need for a variance. The applicant was not responsible for constructing the dwelling in its current configuration in a manner that does not meet all required building setbacks. The applicant is generally not making a request to enlarge the building footprint for the new dwelling when compared with the existing dwelling to be demolished. Therefore, the special circumstances are not the result of the owner or applicant (***supports request/ meets criterion***).

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

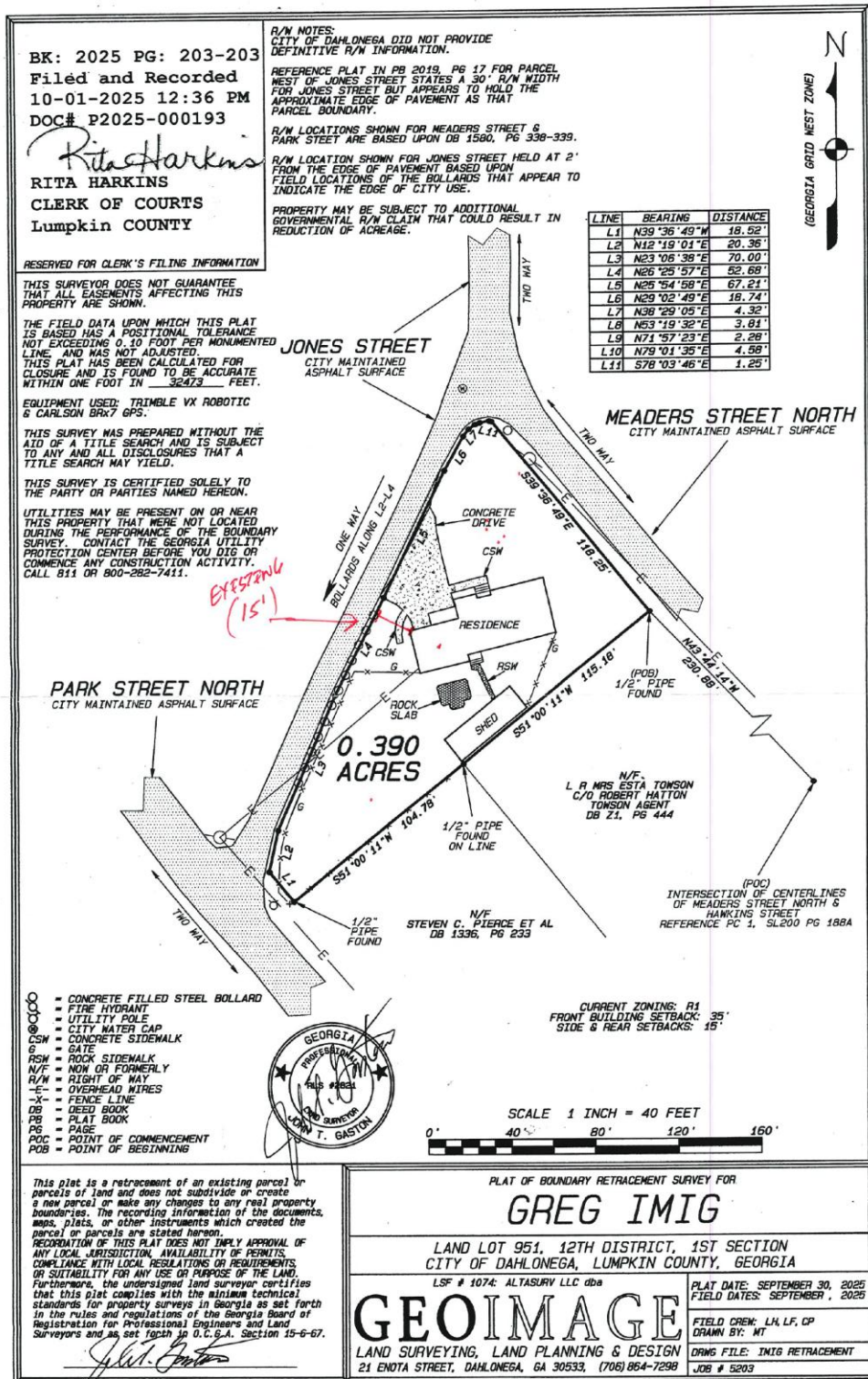
Consulting planner's finding: The applicant has provided a site plan for proposed building placement. It shows the proposed dwelling will meet the 35 foot minimum principal building setback required along Meaders Street and will also meet the minimum 15 feet setback required for a rear and side property line. This is significant in that the applicant actually proposes to reduce the nonconformity of the existing dwelling which does not currently meet a 35 foot building setback from Meaders Street. The proposed dwelling also will meet the minimum setback required from Park Street. The only setback not met is the front setback along Jones Street, and the applicant is not asking for more of a variance than would be needed to make the current dwelling lawful. Therefore, the requested variance is considered the minimum that makes lawful the proposed placement of the single-family dwelling on the lot (***supports request/ meets criterion***).

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.

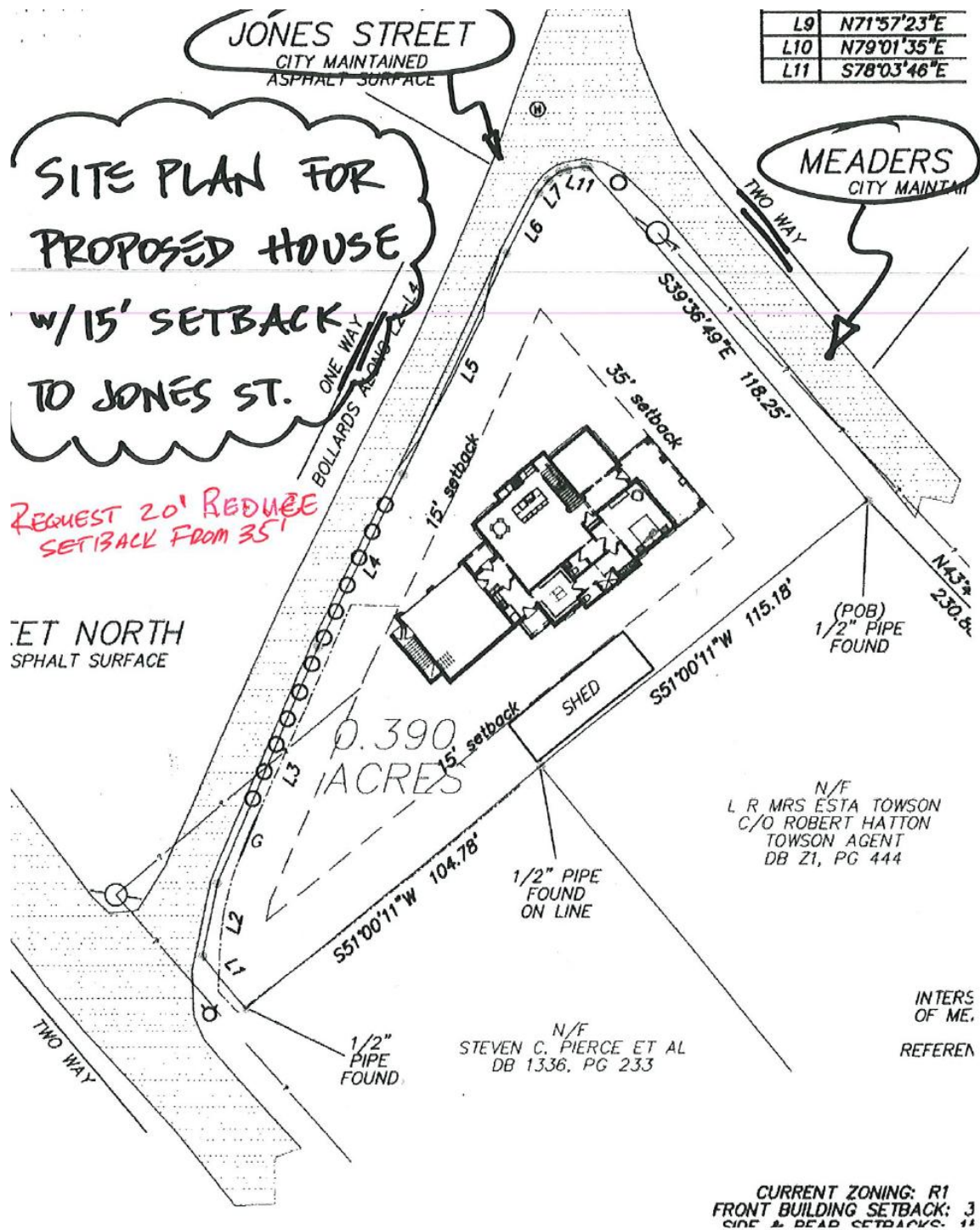
Consulting planner's finding: The application ***meets this criterion (supports request)*** because the proposed building is a permitted use in the R-1 zoning district.

CONCLUSIONS AND RECOMMENDATION

For the BZA to grant a variance, the Dahlonga zoning ordinance requires that affirmative findings be made that the variance application meets ***all seven*** of the criteria specified in Sec. 2406 of the zoning ordinance. Based on the consulting planner's findings, the application meets all criterion. Consulting planner therefore recommends approval of this request to reduce the required minimum front building setback along Jones Street from 35 feet to 15 feet.



Retracement Survey



Site Plan of Proposed House Location



Interior Layout of Proposed Home

Attachment to Variance Application – questions from online form

1. Describe variance request

This variance is being requested by the prospective property buyer. The sale of property is contingent upon variance approval.

The existing structure on the property is in violation of the 35' setbacks from two roadways. There are violations both to the east (Meaders Street) and to the north (Jones Street). The prospective buyer sees no good possibility to recondition the existing house, as it is not parallel to either street. Thus, any expansion of the existing footprint will result in zoning violations to both street setbacks.

As such, a new house is planned which would be parallel to (and properly set back from) Meaders Street. This side was chosen since Meaders Street is the major street adjacent to the property. This section of Jones Street is a narrower one-way street, as it passes on the north side of the property.

The new house planned has a marginally larger footprint than the existing house. With the property being wedge-shaped, it is not possible to locate even the same size house where 35' setbacks would be maintained to both Jones and Meaders streets.

Buyer requests that the Jones Street setback requirement be reduced to 15' due to (a) the shape of the lot and (b) because Jones St. is a minor one-way street.

2. Exceptional property conditions

The acute angle of the wedge-shaped lot results in the buildable area being less than 23% of the total lot area, if the standard setbacks are enforced. If the variance request is granted, the buildable area would therefore be raised to 42% of the total lot area.

3. Hardship created

If the requested variance is not granted, the existing sales agreement will be terminated.

4. Special privileges

This variance request is not expected to grant any special privileges to the buyer.

Applicant's Response to Variance Criteria (1 of 2)

5. Relief granted will be in harmony with the purpose of the regulations

If the variance is granted, the replacement of the existing house with the proposed house will be in harmony with the surrounding neighborhood. Refer to preliminary plans and elevations attached of the proposed house.

It is expected that such work will result in improvements to surrounding home values.

6. Actions of the applicant

This request is in no way due to action of the applicant.

7. Minimum variance possible

The variance requested is for the setback from Jones Street to be reduced to 15'. This will result in the best use of the property and not be unduly close to the roadway in this one-way section. The existing structure is approximately the same distance from Jones Street currently.

Note also, that this site plan eliminates the current setback violation to Meaders St.

8. Special land use

There is no use planned for the new structure which is not permitted by right in the district involved.

Thank you for your consideration of this matter.



Greg Imig

404-545-9076

Applicant's Response to Variance Criteria (2 of 2)



Agenda Memo

DATE: 12/2/2025
TITLE: REZN 25-10
PRESENTED BY: Allison Martin, Zoning Administrator
PRIORITY Strategic Priority - Communication

AGENDA ITEM DESCRIPTION

Ordinance 2025-11 regarding REZN 25-10 Pinetree Development, LLC has requested an amendment to the existing planned unit development zoning for the purpose of constructing 219 fee simple town homes with zoning conditions for tax parcels 079 054 and 079 074, City of Dahlonega.

HISTORY/PAST ACTION

See Consultant's Report.

FINANCIAL IMPACT

None.

RECOMMENDATION

The consultant's report recommends several items that should be provided by the applicant to supplement the application. Thus, it is recommended that this matter be postponed to the Commission's meeting of January 6, 2026, in order for the application to be supplemented by the applicant.

SUGGESTED MOTIONS

Motion to continue as noted above to the January 6, 2026, meeting of the Planning Commission.

ATTACHMENTS

Consulting Planner's report.

CONSULTING PLANNER'S REPORT

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

FROM: Jerry Weitz, Consulting Planner

DATE: November 17, 2025

SUBJECT: **REZN 25-10** Rezoning from PUD (Planned Unit Development District to PUD) (modification of existing zoning conditions)

PUBLIC HEARINGS: December 2, 2025 @ 6:00 p.m. (Planning Commission)
December 15, 2025 @ 4:00 p.m. (Mayor and City Council)

APPLICANT: Pinetree Development, LLC, by Julie Sellers (Dillard and Sellers)

OWNER(S): Vivian L. Cottrell

LOCATION: Fronting on the south side of Pinetree Way, fronting on the south side of Pine Tree Spur, fronting on the north side of Mechanicsville Road, and fronting on the west side of Yahoola Creek

MAP/PARCEL: 079/054 (see also "property description" in this report)

ACREAGE: 55.44 per application; 56.02 per legal description; 57.89 total per revised site plan; 32.10 developed per revised site plan

EXISTING USE: Vacant

PROPOSED USE: Fee simple townhouses (219 units per letter of intent) (196 units in 35 buildings per revised site plan)

SURROUNDING LAND USE/ZONING:

NORTH: (north of Pinetree Way): vacant (same property owner), IND (Industrial District) and public institutional (county school), IND; vacant and commercial (Consolidated Gold Mine), B-2 (Highway Business District)

EAST: (across Yahoola Creek): vacant (accessed by Captain McDonald Road) (unincorporated); county recreation complex, PUD

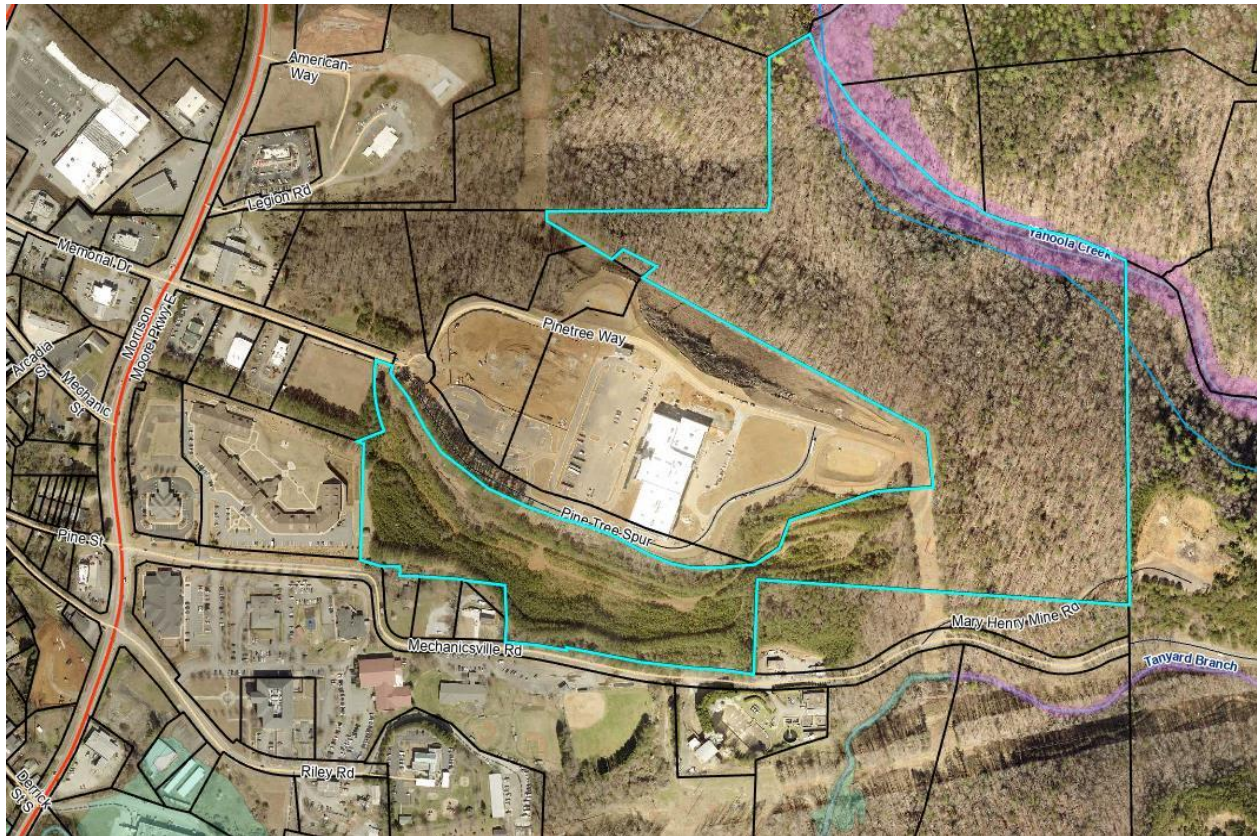
SOUTH: (fronting on the north side of Mechanicsville Road): single family dwelling and warehouse), B-2; public-institutional (city), IND;

WEST:

(fronting on the south side of Mechanicsville Road): public-institutional (city and county), O-I (Office-Institutional District) (fronting on the south side of Pinetree Way); Vacant, PUD; (fronting on the north side of Mechanicsville Road): institutional residential (assisted living facility), B-2

RECOMMENDATION:

Approval, conditional



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

APPLICATION/ZONING HISTORY

PUD Zoning (2001)

The subject property and an adjacent parcel (approximately 62 acres total) was rezoned from I (Industrial) to PUD (Planned Unit Development) per a rezoning request submitted by AAMR and approved by the Dahlonega City Council on April 2, 2001, for commercial and retail office space as well as multi-family residential development, referred to at the time as “Pine Tree Hill” Planned Unit Development. The PUD was approved subject to conditions as follows: “contingent upon receiving an amended letter of intent to reflect that the permitted uses would be the same as the current B-2 and R-2 zone classification and furthermore that each lot/phase would be required to have an approved site plan” (source: minutes of Dahlonega city council, April 2, 2001).

A revised letter of intent, dated (amended) April 20, 2001, was submitted (3 pages by Glenn Melvin, PE, of Jordan, Jones and Goulding) and is on record with the city. That letter of intent called for office and retail commercial uses and for a future assisted living development with minimum 700 square foot units at a maximum density of eight (8) units per acre. All uses permitted in the B-2 zoning district were permitted on the subject property. A site plan was submitted with the application which shows six commercial buildings and seven assisted living facility buildings (see excerpt below).

PUD Rezoning Application (2023)

In March, 2023, a rezoning application was filed by Mountain Top Real Estate Group, LLC, to rezone 62.77 acres (Map/Parcel 079/054 containing 55.44 acres and part of 079/074) from PUD (Planned Unit Development District) and I (Industrial District) to PUD (Planned Unit Development District) for 325 multi-family residential dwelling units (1,055 bedrooms) and 10,000 square feet of commercial space. The application was reviewed by the Georgia Mountains Regional Commission as Development of Regional Impact (DRI) #3909, referred to as “Mountain Top Real Estate”; a final report was issued by the regional commission on February 23, 2023. The Dahlonega City Council denied the rezoning application filed by Mountain Top Real Estate Group, LLC.

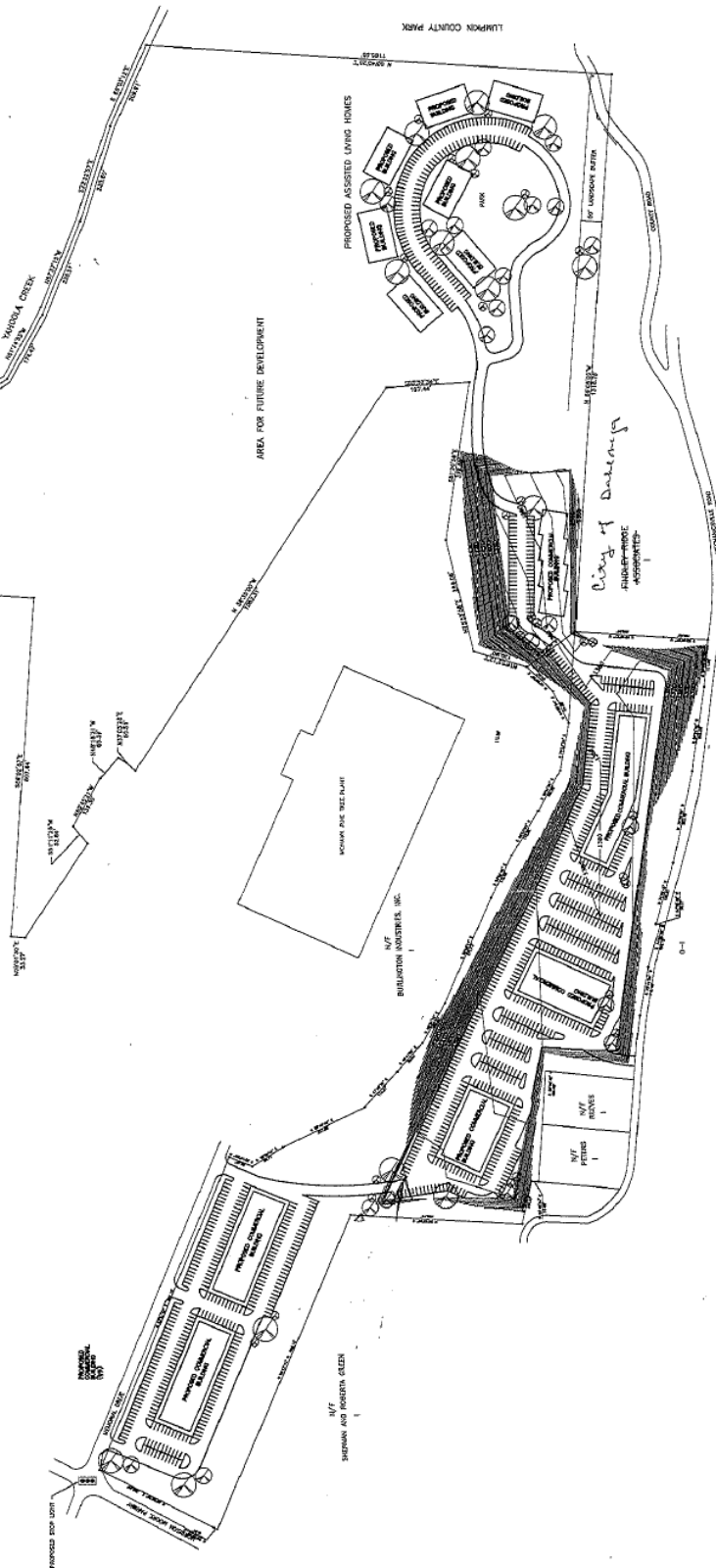
Although the DRI was for more land and some different uses, that review is of interest here. Attached to the DRI final report was a letter from the chair of the Lumpkin County Board of Commissioners dated January 18, 2023, which raised concern about the impact 1,000+ new residents would have on county facilities and the impact the development would have on the design characteristics of Pine Tree Way. The county chair’s letter asked that Mechanicsville Road be a “primary” access way and that Pine Tree Way be a “secondary” means of access.

Also in January 2023, the Lumpkin County school superintendent commented in writing about the proposed development as part of the DRI review process. The letter reflected some concern over the challenge 325 housing units and 1,055 bedrooms would bring to the school system but also noted the project would increase the tax base for county schools. The superintendent’s letter also urged that Pine Tree Way not be used as a “primary” entrance to the proposed apartment complex.

Appeal of Administrative Decision (2025)

On June 12, 2025, the owner/applicant filed an appeal of an administrative decision, contesting the city zoning administrator’s determination that the existing PUD zoning only allowed assisted living and commercial uses and did not allow fee simple townhouses and apartments. The appeal application was not heard; instead, the applicant filed the subject rezoning request to modify PUD zoning conditions to authorize fee-simple townhouses instead of the commercial uses and assisted living facility. The Georgia Mountains Regional Commission was consulted regarding the rezoning request, and it was determined that another Development of Regional Impact review was not needed.

TOTAL AREA = 56.11 AC.
 PROPOSED COMMERCIAL = 20.31 AC.
 PROPOSED ASSISTED LIVING = 13.56 AC.
 UNDEVELOPED = 22.24 AC.



2001 PUD Site Plan Excerpt

PROPERTY DESCRIPTION AND EXISTING CONDITIONS



Legal Description

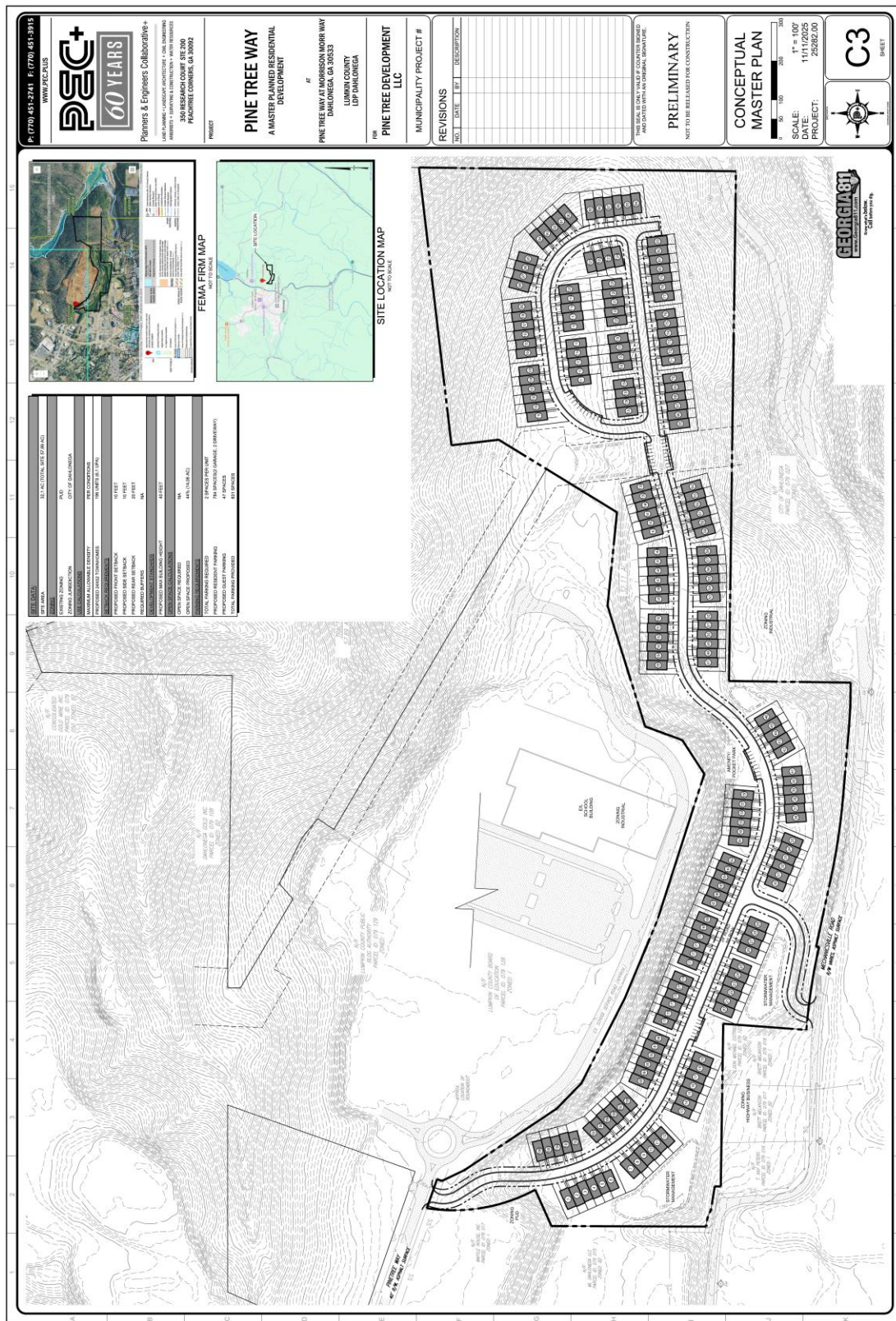
The application components are inconsistent in terms of the amount of acreage associated with the request. The application form indicates the request includes 55.44 acres (Map/parcel 079/054). The legal description shows the acreage of Map/Parcel 079/054 is 56.02 acres, less and except a small area, plus Map/Parcel 079/123 (0.248 acres) for a total of approximately 56.26 acres. Though shown in the legal description, Map/Parcel 079/123 does not show in the Lumpkin County tax assessor's database as a parcel. The revised site plan submitted with the application shows a total acreage of 57.89 acres of which only 32.10 is proposed to be developed. The survey referenced in the metes and bounds legal description (with a date of October 2013) has not been submitted with the application. These differences in acreage, while small, should be reconciled by the applicant and available boundary surveys and recorded plats submitted as supplements to the application.

Property Description and Surroundings

The subject property has approximately 60 feet of frontage on the south side of Pinetree Way (just west of a roundabout) (see image below). Pinetree Way is a 40-foot-wide right of way that runs east-west, connecting Morrison Moore Parkway (U.S. Highway 19) to Lumpkin County school properties and the subject tract. The subject property continues east along the south side of Pine Tree Spur, which wraps around the county school property and re-connects with Pinetree Way.



The subject property also fronts on the north side of Mechanicsville Road, which is a variable right of way running west to east from Morrison Moore Parkway (U.S. Highway 19) to the county's recreation (ballfield) complex north and west of Yahoola Creek. Along the south side of Mechanicsville Road is a county-owned public facility complex including Lumpkin County library, Lumpkin County health department, and recreation facilities including ballfields. Also along the south side of Mechanicsville Road is a city-owned property utilized for utilities and public works. The city also owns property abutting the subject property to the east along the north side of Mechanicsville Road, partially utilized for city facilities. At its eastern point, the subject property abuts the county recreational complex property. The subject property also abuts Yahoola Creek.



Proposed Conceptual Master Plan (Revised November 11, 2025)
(note: only 32.10 acres of approximately 56 acres is shown)

<u>SITE DATA:</u>	
SITE AREA	32.1 AC (TOTAL SITE 57.89 AC)
<u>ZONING</u>	
EXISTING ZONING	PUD
ZONING JURISDICTION	CITY OF DAHLONEGA
<u>USE CALCULATIONS</u>	
MAXIMUM ALLOWABLE DENSITY	PER CONDITIONS
PROPOSED 24X52 TOWNHOMES	196 UNITS (6.1 UPA)
<u>SETBACK REQUIREMENTS</u>	
PROPOSED FRONT SETBACK	10 FEET
PROPOSED SIDE SETBACK	10 FEET
PROPOSED REAR SETBACK	20 FEET
REQUIRED BUFFERS	NA
<u>DEVELOPMENT STANDARDS</u>	
PROPOSED MAX BUILDING HEIGHT	40 FEET
<u>OPEN SPACE CALCULATIONS</u>	
OPEN SPACE REQUIRED	NA
OPEN SPACE PROPOSED	44% (14.06 AC)
<u>PARKING REQUIREMENTS</u>	
TOTAL PARKING REQUIRED	2 SPACES PER UNIT
PROPOSED RESIDENT PARKING	784 SPACES(2 GARAGE, 2 DRIVEWAY)
PROPOSED GUEST PARKING	47 SPACES
TOTAL PARKING PROVIDED	831 SPACES

Dimensional Requirements/Development Data (Enlarged from site plan)

Proposed Access

The site plan submitted with the application shows a proposed street connection to Pinetree Way, as well as a street connection to Mechanicsville Road (the location of which has been revised in the most recent site plan submitted; see image below for approximately location). An earlier version of the site plan proposed an “emergency” fire access road connection to the Lumpkin County school property. That connection to county property is no longer shown on the revised site plan.



Other Property Characteristics

A 100-foot-wide overhead power easement (Georgia Power Company) traverses the subject property in a north-south direction, effectively dividing the property into east and west sections. The subject property includes some flood plain along Yahoola Creek, which is classified as a trout stream.

Topography/relief of the subject property ranges from a low of 1,180 feet m.s.l. at Yahoola Creek at the east side, to a high point of approximately 1,450 feet. As such, the relief is extensive with some 270 feet of elevation change.



SUMMARY PROPOSAL AND SITE PLAN REVIEW

The applicant has submitted a letter of intent dated October 21, 2025. The letter of intent is attached to this report. The letter of intent includes two attachments: Exhibit A titled “architectural inspiration images” and Exhibit B, which is a memo from A & R Engineering dated October 12, 2025, summarizing the traffic impact of the proposed PUD in comparison with the 2001 approved development. Also attached are the applicant’s responses to zoning criteria. The site plan submitted with the application is included in the text of this report (see above) and is evaluated further in this section.

The proposed project entails construction of an internal subdivision street, along which 35 fee simple townhouse buildings containing 196 units would be platted. As noted, the street would provide one entrance/exit to Pinetree Way and another on Mechanicsville Road. An earlier site plan showed emergency fire access to Lumpkin County school property, but that proposal was removed from the most recent revision. The application does not indicate whether the subdivision street is proposed to be public or private. The application does not include proposed specifications for the street, such as right of way, pavement width, and maximum grade, nor does it provide all of the dimensional requirements (e.g., height, minimum lot frontage, minimum lot area, building coverage, minimum percentage of open space, and so forth) that are required for a complete PUD zoning application.

No development is proposed for that northern portion of the site, much of which slopes steeply toward Yahoola Creek.

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: The application proposes only one land use for the site: Attached, single-family subdivision of fee simple townhouses. It therefore does not propose to mix land uses or to have any incompatible uses ***(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 proposed PUD does not include nonresidential uses ***(inapplicable)***.

- 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 site plan and letter of intent do not provide specific minimums for lot width and lot size for the townhouse lots ***(inconclusive)***. Nonetheless, the surrounding uses are almost entirely public-institutional, institutional residential (assisted living), commercial, and vacant tracts. There is therefore no abutting property that can be compared with the proposed development. For that reason, there are no real concerns about the density of the proposed residential development ***(tends to support request)***.

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

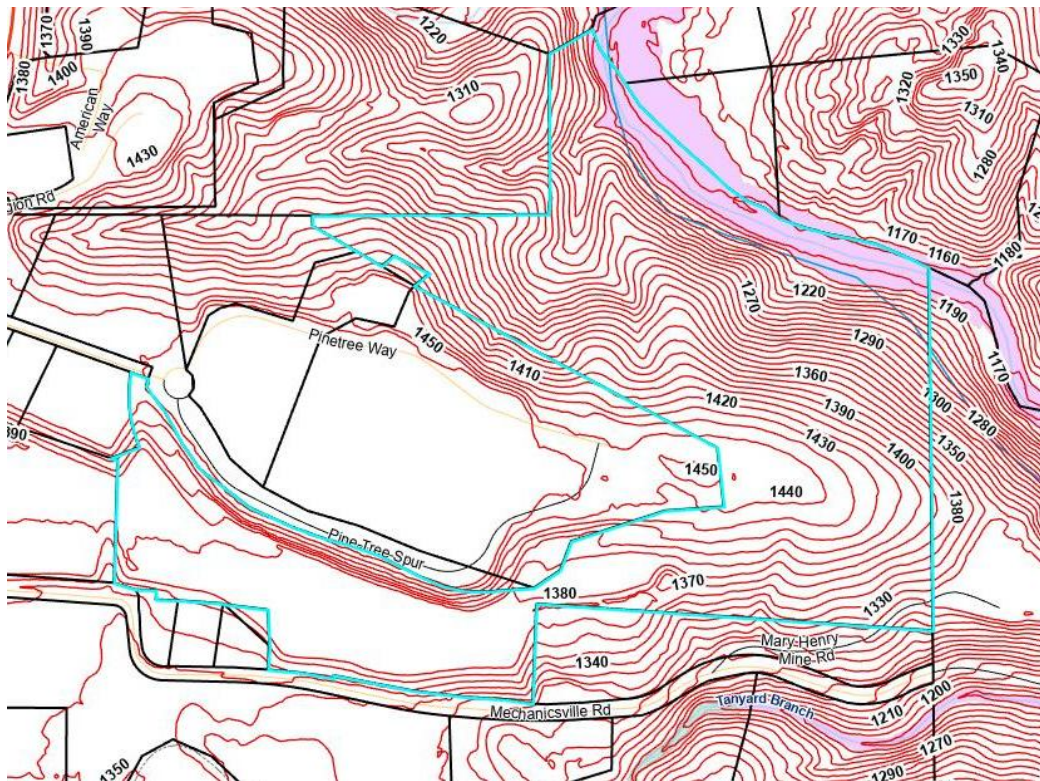
Finding: See the zoning criteria discussed in a later section of this report relative to consistency with land use plan goals, policies, and suggested land uses.

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

Finding: The street length is considered excessive, and one additional turnaround is recommended. Also, the site plan indicates parking spaces (disassociated with any residential lot) will be directly adjacent to the subdivision street, causing users to back out into the main vehicle stream (a practice usually discouraged for uses other than single-family detached homes or duplexes). Typically, such backing movements may be authorized for single-family detached subdivisions with relatively lower traffic volumes; in the subject case, such backing movements may be cause for concern but probably are acceptable (**supports conditional approval**).

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

Finding: The site has challenging, steep topography. The site plan proposes to leave the most environmentally challenging portion of the site (along Yahoola Creek) undeveloped. That proposal to leave part of the site undeveloped is consistent with this criterion, provided it is made a condition of approval (**supports conditional approval**).



Topography (Source: Lumpkin County Q Public)

- 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 project does not include any commercial uses (**not applicable**).

ZONING CRITERIA

Section 2607 of the Dahlongega 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 Dahlongega.
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: 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 Dahlongega 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: As noted on the cover page of this report, the land use pattern in the area is highly varied and complex, including commercial uses, institutional residential (assisted living) and city and county institutional properties. The subject site surrounds on three sides a Lumpkin County elementary school property. From a pure land use standpoint, the proposed PUD is considered compatible with surrounding and nearby land uses **(meets criterion/ supports request)**.

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

Finding: The site abuts unincorporated, vacant land on the other side of Yahoola Creek which would perhaps be affected by the subject proposal, if approved, but there is substantial distance between the developed portion of the site and those rural parcels such that there are unlikely to be any incompatible conditions **(tends to support request)**. The proposal will add traffic to local streets that are used predominantly for access to public facilities, including the county school, county recreational complex, other county facilities, and city institutional properties. While the land use itself does not present issues of incompatibility with these nearby uses, there is potential for adverse effects due to the amount of additional traffic that will be generated by the PUD if approved **(may not meet criterion)**. However, the city in 2001 approved a PUD for the subject site that would have greater traffic volumes than the proposed PUD, as noted in the memorandum from A & R Engineering which is included as an exhibit to the letter of intent and attached to this report **(tends to support 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: Utility availability and capacity are not evaluated in this report **(inconclusive)**. The local streets that will be utilized for access – Mechanicsville Road and Pinetree Way – do not appear to meet full standards for right of way, right of way width, curb and gutter, and sidewalk, etc. **(does not support request)**. The application does not propose any mitigating actions to upgrade roads serving the proposed development or major road intersections in the vicinity **(does not support request)**. However, it is also the case that the approved PUD development does not include conditions of approval that require upgrading of the road network and street intersections. Development regulations may or may not be adequate to ensure such needed road upgrades are provided at the time of development, in any event **(inconclusive)**. Some off-site upgrading of the streets used to access the proposed PUD is desirable and may be required under the city's code or via conditions of zoning **(supports conditional approval)**.

4. Whether the zoning proposal is consistent with the Comprehensive Plan, transportation plans, or other plans adopted for guiding development within the City of Dahlongega.

Finding: The comprehensive plan indicates that the subject property is appropriate for “mixed use residential” (see City of Dahlongega Character Areas, 2022, p. 41 of the comprehensive plan). Most of the description of the mixed-use character area appears to apply to properties other than the subject property. The description of the mixed-use residential character area indicates in part that “land use strategies within the district aim to intensify residential development through the redevelopment of the large parcels of land. Increased residential densities should be allowed with the intent to design and build a sustainable neighborhood along the steep contours of the properties.” The subject property is undeveloped, and the proposed rezoning if approved would authorize new development that is not considered “redevelopment” and may not have steep topography along the road frontages (thus part of this policy may be inapplicable) **(inconclusive)**. For development standards for the mixed-use residential character area, the plan states that uses are to be “primarily residential but neighborhood commercial uses.” The proposed PUD is consistent with this description in that it is residential **(supports request)**, but additional neighborhood commercial uses are not proposed. The description provides further that “1-2-story structures oriented close to the street front, with on-site parking and pedestrian accessibility where possible” are recommended. The two-story townhouses are consistent with this provision **(supports request)**.

Finding: The comprehensive plan’s description of the mixed-use residential character area specifies the following: “For the most part, a new roadway system would be needed when developing the mixed-use neighborhoods...These streets would meet the requirements for pedestrian use, with sufficient stop sign, crosswalks, landscaping, street furniture and streetlights.” The application does not propose to upgrade the supporting road network to meet this vision **(may be inconsistent or may require conditions of approval to be consistent)**.

Finding: Under community goals and issues of the 2022 comprehensive plan (p. 12), regarding housing types and affordability, the 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. The proposed rezoning would add multi-family units and replace the current approved plan for assisted living development. The proposed PUD meets the intent of this statement of the comprehensive plan **(supports request)**.”

Finding: Under community goals and issues of the 2022 comprehensive plan, with regard to expanding walkability and passive use parks (p. 12), the plan states: “Ideas for more trails and parks have been nominated and, done appropriately, would enhance the charm and appeal of the City to residents and visitors alike. A bigger trail network and more accessible passive-use park system offers a cost-efficient opportunity for more recreational and tourist destinations, spaces for art and commemorations of local history, and ways to strengthen community connections. Any proposal to “donate the

undeveloped land and natural preservation zone for public use” (i.e., along Yahoola Creek, for potential recreation purposes would be consistent with this plan observation/recommendation ***(would support request if dedication of land and/or trail network development is included)***).

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: When the city council approved the existing zoning (PUD), the site the subject property surrounds was zoned and utilized for industry. Now, the county school board has a public elementary school which changes dynamics with new considerations that were not present in 2001.

CONCLUSIONS

Consulting planner believes that the following supplements to the application should be requested:

- Reconcile the metes and bounds legal description, the application form, and the revised site plan regarding the differences shown for total acreage of the PUD.
- Submit the plats of record and/or the 2013 survey referenced in the letter of intent and incorporated metes and bounds and perimeter boundary distances on the revised conceptual master plan
- Provide all of the dimensional requirements for the PUD as required by the Dahlonega zoning ordinance for PUD applications. Some of these are shown on the revised site plan. In the absence of such detail, a condition of zoning is recommended, tying the development to R-2 zoning district requirements.
- Provide street specifications that will be followed in designing the internal subdivision street, such as minimum required right of way and pavement width and maximum grade. In the absence of such detail, a condition of zoning approval is recommended tying the street standards to city codes, unless a variance is applied for and granted by City Council.

During the process of review, the applicant hired a new land planner and revised the site plan that was introduced in October 2025. Consulting planner was able to provide the new land planner, PEC+, with input on how to improve the overall plan. Revisions were made that maintained two entrances to the development (one to Pine Tree Way and one to Mechanicsville Road, the latter of which was relocated from the first plan prepared by Davis Engineering). Per consulting planner’s recommendation, the interior street network was modified (improved) by PEC+ to circle around and connect back to the street network, thus eliminating some dead-end streets that were considered problematic. One additional change suggested by consulting planner has not yet been made, and that is to provide an additional turnaround (a traffic circle or a “hammerhead” turnaround) in between the two internal subdivision street intersections shown on the revised site plan so that there is an intervening turnaround rather than

some 1,500+ feet of street section without a turnaround. In the absence of a revised plan showing an additional turnaround, a condition of zoning approval has been included.

Consulting planner also recommends that the city consider restricting the remainder of the subject property (that part of the site not proposed at this time for development) so that it will be to be set aside either as private open space with trails or dedicated to the city or county as additional park space and watershed protection. Recommended conditions of zoning approval incorporate these recommendations.

RECOMMENDED CONDITIONS OF ZONING APPROVAL

If this zoning application is approved, it should be approved PUD (Planned Unit Development), conditional, subject to the owner's agreement to abide by the following conditions:

1. **Generally.**

- A. As required by the Dahlonega zoning ordinance, the letter of intent, dimensional requirements, and architectural inspiration images and other information regarding design material submitted with the application are adopted by reference and are conditions of approval, except as modified by these conditions of approval.
- B. The site shall be developed in general accordance with the conceptual master plan for "Pine Tree Way, A Master Planned Residential Development" prepared for Pine Tree Development, LLC, prepared by Planners & Engineers Collaborative (PEC+), dated November 11, 2025, on file with the City of Dahlonega in Case file REZN 25-10. The zoning administrator may authorize minor modifications to the conceptual master plan due to engineering constraints, ingress and egress, and/or to meet conditions of zoning, and city, county and state regulations. Any major deviation from the approved conceptual master plan, as determined by the zoning administrator, shall require an amendment to the approved PUD zoning district following applicable zoning procedures.

2. **Uses.** The site shall be limited to 196 fee simple townhouse dwelling units along with common areas for parking, recreation, mail kiosks, and stormwater management.

3. **Dimensional requirements.** Dimensional requirements shall be as shown on the conceptual master plan, except for the following additional requirements shall apply:

- A. The minimum lot size of a townhouse unit shall be 2,000 square feet, and the minimum width of all townhouse lots shall be 24 feet.
- B. There shall be a minimum of 22 feet of driveway length between the outer edge of sidewalk in the street right of way and the front building wall of the unit. This may require an increase in minimum front setback to more than 10 feet shown.
- C. For any dimensional aspects of the development not shown on the conceptual master plan or specified in these conditions of zoning approval, the PUD shall be subject to the dimensional requirements of the R-2 zoning district of the City.

4. **Undeveloped tract.** There shall be no additional development proposed outside the boundary of the conceptual site plan shown. At least 20 acres, north and northwest of the northern boundary of the developed portion of property shown on the conceptual master plan, shall be either set aside for private, passive open space and watershed protection, or dedicated at no cost to the city for passive parks and recreation and watershed protection. The conceptual master plan shall be revised to show, or any preliminary plat for subdivision shall be required to provide, a 50-foot wide stub for future access to the remaining undeveloped portion of the subject property.
5. **Building and architectural design and exterior material finishes.** In addition to the general requirement of condition #1, which makes the architectural concepts binding, the PUD shall be subject to the following:
 - A. Each unit shall have a gabled roof and shall be brick or stone, or brick or stone veneer for at least 20% of front and side (building end) elevations.
 - B. Units in the same building shall be staggered or offset at the building line or roof line at least two feet from each adjoining dwelling.
 - C. The development must provide for a minimum of six (6) different architectural elevations for attached residential that are staggered throughout the site. Mirrored/reversed floor plans and exterior finishes will not be considered a different elevation.
 - D. Final elevations shall be subject to the review and approval of the zoning administrator prior to issuance of a building permit for any dwelling in the development.
6. **Water and sewer improvements.** The owner shall be required to provide public water and sanitary sewer connections necessary to connect the project to the city's water and sanitary sewer systems at no cost to the city.
7. **Access.**
 - A. The development shall have one street connection (entrance/exit) to Mechanicsville Road.
 - B. The development may have one but not more than one street connection (entrance/exit) to Pinetree Way.
 - C. No street connection or other access shall be permitted to/from Pine Tree Spur (on Lumpkin County school property).

- D. An emergency fire access may be provided to Lumpkin County school property if specifically authorized in writing by the Lumpkin County Board of Education.
- E. The access plan for the development shall require approval by the fire marshal prior to preliminary plat approval and development permitting.

8. Street standards.

- A. All streets within the PUD shall be designed to meet city standards and specifications for a local (city) public street and shall be private streets.
- B. Any deviations to city street standards shall only be made by variance application approved by City Council.
- C. In between the two interior street intersections shown on the conceptual master plan, the subdivision street shall provide a traffic circle or hammerhead turnaround approved by the zoning administrator.

9. **Bond.** On or before the issuance of certificates of occupancy for one half the units, the applicant or applicant's successor in interest (including a builder if the zoning administrator so directs) must post a bond in an amount to be approved by the zoning administrator in consultation with the public works director and city engineer, in a form approved by the city attorney, and in an amount sufficient to insure final completion of the improvements to Pinetree Way and any other access point, after construction on the site is complete, which shall include repair of any damage caused by construction traffic, final paving and striping.

10. Stormwater management areas.

- A. The applicant or applicant's successor in interest shall submit a stormwater management report in accordance with the latest edition of the Georgia Stormwater Management Manual, prior to any land disturbance.
- B. Any stormwater facilities designed and/or maintained as wet detention facilities will be required to be surrounded by a fence of five (5) feet high and which is open to the air. If chain link is utilized for fencing of a wet detention facility, it shall be vinyl coated.
- C. A minimum 20-foot wide access easement shall be provided from the nearest adjacent street to stormwater management areas.

11. Covenant and restriction pertaining to rental.

- A. No more than 30% of the residential units may be rented by individual owners to other parties, at any given time. This restriction shall be and remain an enforceable zoning condition.

- B. In addition, the covenants, conditions and restrictions for the PUD shall have provisions that effectuate the 30% cap at any one time on rental of residential dwelling units.
 - C. The conditions, covenants and restrictions for the development shall be subject to approval by the zoning administrator to ensure that specifics of enforcing the rental restrictions are included.
 - D. The rental restrictions shall also specifically include a prohibition against the rental of individual bedrooms of any residential dwelling unit in the project that has more than one bedroom.
 - E. Rental restrictions shall also reflect that no residential units shall be operated commercially including but not limited to short term rental uses.
12. **Sanitation.** All proposed solid waste loading centers shall be accessible by rear-loading solid waste vehicles, consistent with those used by the City of Dahlonga.



Julie L. Sellers
404.665.1242

Email:
jsellers@dillardsellers.com

October 21, 2025

City of Dahlonega
Zoning Administrator
c/o Allison Martin, City Manager/Zoning Administrator
465 Riley Road
Dahlonega, GA 30533

Re: Letter of Intent (Pinetree Way)

Dear Ms. Martin:

Please accept this letter of intent from Applicant, Pinetree Development, LLC regarding the PUD modification for the Cottrell property on Pinetree Way. As set forth in the application materials, Applicant seeks approval to modify the existing PUD zoning of the property that is tied to a site plan for commercial and multifamily development approved in 2001. Although the current zoning entitlements authorize the use for the B-2 permitted uses (including townhomes and apartments), the site plan has been updated to reflect the proposed development.

The Applicant seeks approval of the site plan submitted for a townhome community consisting of no more than 219 townhomes. In the last few years, the City commissioned Housing Needs Assessment and a Revitalization Plan. The 2025 site plan submitted with the application fulfills the acknowledged need to create additional housing in the City. Specifically, the City's Revitalization Plan recognized most of the households in the City are small (1 or 2 people) and much of the rental housing available is aging and constructed 35 years ago. The location of the Property is ideally situation for the relatively low housing density reflected on the 2025 site plan (~7.8 units per acre when calculated only based on the developed portion of the property). The Code would allow up to 8 units per acre. When calculating density on the overall property, the number would be even lower.

The Applicant engaged an architect team to create a design reflective of the City's location in the foothills of the North Georgia Mountains. *See*, Exhibit A. This intentional attention to design reflects the commitment to create attractive, high-quality housing in Dahlonega. The intent of the development is to create housing for current and new residents in Dahlonega.

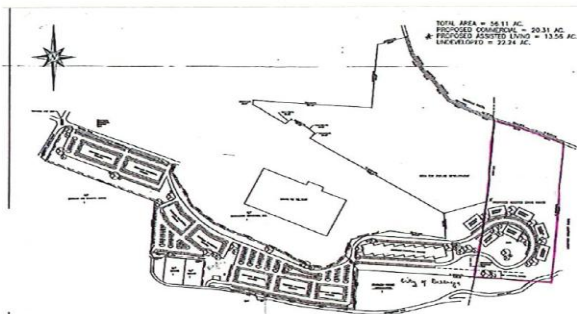
Current Zoning/Site Plan:

In 2001, the City approved the zoning and as shown below, the PUD site plan included buildings along Pinetree Way and a new road connection south of the recently opened school and recreation center.

Letter of Intent (1 of 3)

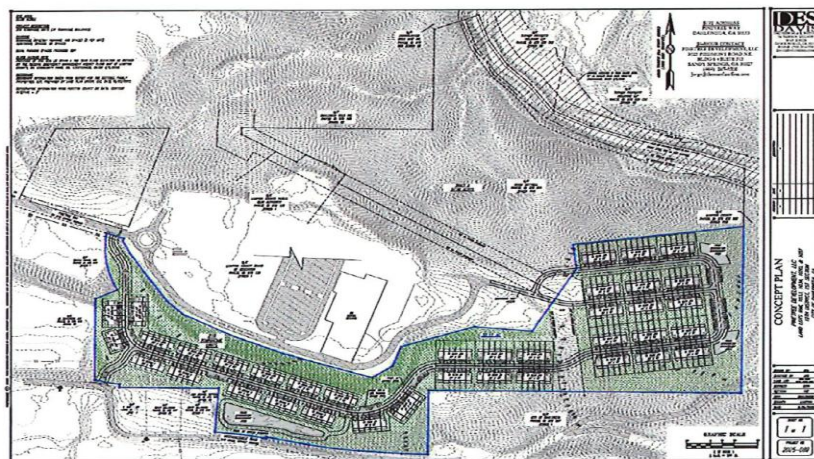
DILLARD *Sellers*
ATTORNEYS AT LAW

City of Dahlongega
October 17, 2025
Page 2



The approved plan includes approximately 100,000 square feet of retail/commercial use and 108 apartments (assisted living).

2025 site plan submitted:



Letter of Intent (2 of 3)

DILLARD *Sellers*
ATTORNEYS AT LAW

City of Dahlonaga
October 17, 2025
Page 3

The 2025 site plan eliminates the significant amount of commercial/retail use and creates much needed housing. The 2025 plan reflects additional greenspace and a use that is better aligned with the surrounding area. Another benefit of the approval of the 2025 site plan is the traffic reduction between the 2001 site plan and the residential development set forth in the 2025 plan. Traffic engineers prepared a comparison of the traffic for both plans and concluded the 2025 plan would result in a reduction in traffic of 71%. See Exhibit B.

As set forth in the application, the Applicant has satisfied the criteria and the current zoning (2001 site plan requirements) deprives the property owner of any reasonable economic use of the Property. As such, the Applicant respectfully requests approval of the townhome community.

Thank you in advance for your time and attention to this application. We look forward to working with the City to create a positive and productive use of the Property and providing additional housing options. Should you have any questions or need any additional information, please let me know.

Sincerely,

Dillard Sellers, LLC



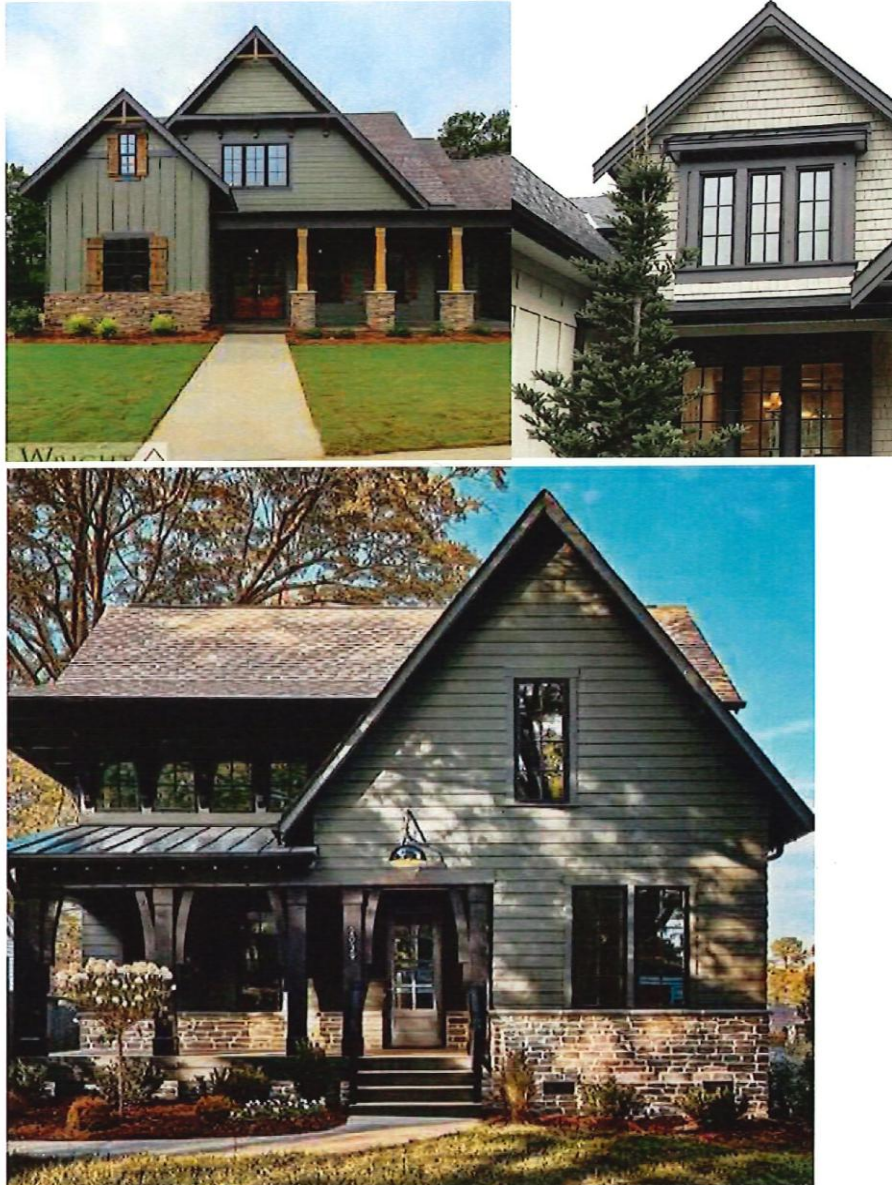
Julie L. Sellers

Enclosures

Letter of Intent (p. 3 of 3)

EXHIBIT A

Architectural Inspiration Images:



Dahlonga Townhomes Exterior Color Collections

October 21, 2025

Scheme #2



Please Note: Brick Images do not reflect actual mortar color. See Index for mortar colors.

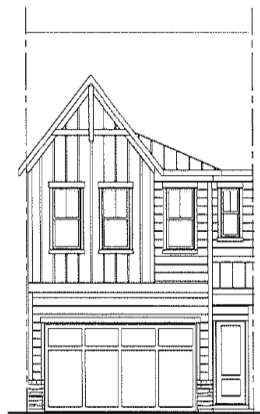


Color selections created by:
Main Street Designs of Georgia, LLC
www.MainStreetDesignsLLC.com

Please Note: The colors shown will only approximate the dry paint color. Actual color will vary depending on application, lighting, technique and material. Please refer to original manufacturers' samples for critical color analysis.



FRONT ELEVATION A
SCALE: 1/8" = 1'-0" (1/4" SHEET)



FRONT ELEVATION B
SCALE: 1/8" = 1'-0" (1/4" SHEET)



FRONT ELEVATION C
SCALE: 1/8" = 1'-0" (1/4" SHEET)

24' DAHLONEGA TH

3050 Rayel Ave, South Gate 135
Alpharetta, GA 30201
(404) 485-3841

MAIN STREET
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PINETREE DEVELOPMENT

October 20, 2025

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24' DAHLONEGA TH

2823 Reynold Street, South Suite 105
Alpharetta, GA 30022
(404) 488-3881

MAIN STREET
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PINETREE DEVELOPMENT

October 20, 2025

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Exhibit B



A&R Engineering Inc.

2160 Kingston Court, Suite O
Marietta, GA 30067
Tel : (770) 690-9255 Fax : (770) 690-9210
www.aren.com

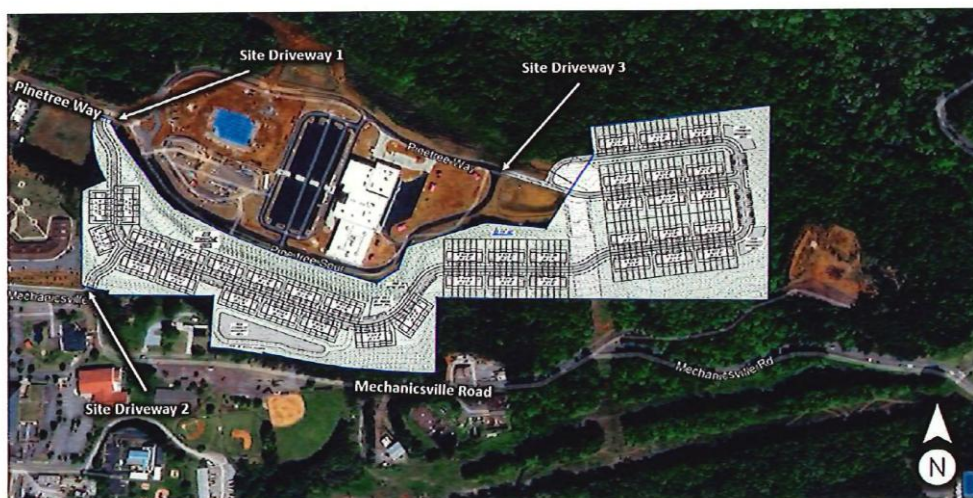
Memorandum



To: Michael Marr, The Marr Law Firm
From: Abdul Amer, PE.
Date: October 13, 2025
Subject: Trip Generation Comparison Memorandum for Residential Development and Mixed-Use Development in Lumpkin County, Georgia | A&R Project No: 25-053

The purpose of this memorandum is to compare the number of trips generated from the proposed 219 townhome development with the land-uses allowed under current PUD (planned unit development) that can currently accommodate 108 apartment units and 100,000 sf retail. The proposed development will be located north of Mechanicsville Road in Lumpkin County.

A site overlay for the proposed development is included below.



The land-use for the proposed development:

- Single-Family Attached Housing: 219 units

Land-uses permitted under current PUD:

- Multifamily Housing (Low-Rise): 108 units
- Shopping Plaza (40K – 150K) – Supermarket - No: 100,000 sf

METHODOLOGY

Trip generation estimates for the project were based on the rates and equations published in the 12th edition of the Institute of Transportation Engineers (ITE) Trip Generation Manual. This reference contains traffic volume count data collected at similar facilities nationwide. The trip generation referenced is based on the following ITE Land Uses: 215- *Single – Family Attached Housing*, 220- *Multifamily Housing (Low-Rise)* and 821 – *Shopping Plaza (40K – 150K) - Supermarket – No*.

Land Use: 215 – Single-Family Attached Housing: Single-family attached housing includes any single-family housing unit that shares a wall with an adjoining dwelling unit, whether the walls are for living space, a vehicle garage, or storage space.

Land Use: 220 – Multifamily Housing (Low Rise): Low-rise multifamily housing includes apartments, townhouses, and condominiums located within the same building with at least three other dwelling units and that have two or three floors (levels).

Land Use: 821 – Shopping Plaza (40K – 150K): A shopping plaza is an integrated group of commercial establishments that is planned, developed, owned, and managed as a unit. Each study site in this land use has between 40,000 and 150,000 square feet of gross leasable area (GLA).

TRIP GENERATION

Trip Generation for the proposed development based on the rates and equations published in the 12th edition of the Institute of Transportation Engineers (ITE) Trip Generation Manual, is given below in Table 1.

TABLE 1 – TRIP GENERATION— PROPOSED DEVELOPMENT								
Land Use	Size	AM Peak Hour			PM Peak Hour			24 Hour
		Enter	Exit	Total	Enter	Exit	Total	Two-way
ITE 215 – Single-Family Attached Housing	219 units	28	86	114	67	50	117	1,433

The results of the analysis for the current PUD are shown in Table 2 below.

TABLE 2 – TRIP GENERATION – CURRENT PUD								
Land Use	Size	AM Peak Hour			PM Peak Hour			24 Hour
		Enter	Exit	Total	Enter	Exit	Total	Two-way
ITE 220 – Multifamily Housing (Low-Rise) - not close to rail transit	108 units	12	39	51	37	22	59	728
Mixed-Use Reduction		-4	-9	-13	-11	-12	-23	-258
ITE 821 – Shopping Plaza (40-150k) - Supermarket - No	100,000 sf	99	60	159	233	243	476	6,538
Mixed-Use Reduction		-9	-4	-13	-12	-11	-23	-258
Passby Trips (0%) (40%)		0	0	0	-165	-173	-338	-3,380
Total Trips (without Reductions)		111	99	210	270	265	535	7,266
New External Trips (with Reductions)		98	86	184	159	149	308	4,940

TRIP GENERATION COMPARISON

Table 3 below shows the difference in the number of trips generated from the proposed development compared to the current PUD.

TABLE 3 - TRIP GENERATION COMPARISON OF PROPOSED DEVELOPMENT AND CURRENT PUD							
Land Use	AM Peak Hour			PM Peak Hour			24 Hour
	Enter	Exit	Total	Enter	Exit	Total	Two-way
Trip Generation – Current PUD	98	86	184	158	150	308	4,940
Trip Generation – Proposed Development	28	86	114	67	50	117	1,433
Difference (Current - Proposed)	-70	0	-70	-92	-99	-191	-3,507
Difference in %	-71%	0%	-38%	-58%	-67%	-62%	-71%

A comparative analysis shows that the proposed development will generate 38% less trips in the A.M. peak hour, 62% less trips in the P.M. peak hour, and 71% less 24 hour two way trips than the current PUD.

3) The following nine questions can be answered within a letter of intent, but failure to answer any one can result in denial of the application.

Complete the following information. (This section may be addressed in the letter of intent.)

1. The existing uses and zoning of nearby property and whether the proposed zoning will adversely affect the existing use or usability of nearby property.

The proposed zoning to add residential use will not adversely affect the usability of nearby property. In fact, the change from primarily commercial to residential uses is more aligned with the surrounding area and will have less impact on traffic conditions

2. The extent to which property values are diminished by the particular zoning restrictions.

While all property has some value, the existing PUD site plan requiring 20 acres of commercial use does not have the market viability for development. As such, the current PUD site plan has rendered the property as lacking any reasonable economic value.

3. The extent to which the destruction of property values promotes the health, safety, morals or general welfare of the public.

The existing PUD site plan with the significant commercial use requirement does not promote health, safety, morals or general welfare of the public. Instead, such requirement has taken the reasonable economic use of the property which is detrimental to the public. The proposed amendment to add residential use promotes the needs and goals of the City to add additional and much needed housing options.

4. The relative gain to the public as compared to the hardship imposed upon the individual property owner.

There is no gain to the public by having private property remain vacant and not contributing to the city. The hardship to the property owner is significant because the site plan requires a specific commercial development for which there is no reasonable market to support such development. The hardship imposed is essentially a taking of the ability to use the property in an economically viable manner.

Applicant's Response to Zoning Criteria (1 of 2)

5. The physical suitability of the subject property for development as presently zoned and under the proposed zoning district.

The property is suitable for the residential use and in large part is a decrease in the intensity when compared to the currently approved PUD development required on the site.

6. The length of time the property has been vacant, considered in the context of land development in the area in the vicinity of the property, and whether there are existing or changed conditions affecting the use and development of the property which give supporting grounds for either approval or disapproval of the rezoning request.

There is significant support for approval of the site plan change to allow for residential instead of the current requirement for a commercial development. The fact that the property remains vacant and undeveloped since the PUD commercial site plan was approved in 2001 is additional evidence in support of the need to modify the site plan to allow for residential use. In addition, the City's housing study identifies the significant need for housing options in the City.

7. The zoning history of the subject property.

Historically, the property was zoned Industrial. In 2001, the City approved a PUD zoning and site plan for the property. The PUD allows commercial and residential uses that include townhomes. The application requests a modification to specifically update the site plan to reflect the townhomes instead of the 2001 site plan that is largely commercial use.

8. The extent to which the proposed zoning will result in a use which will or could cause excessive or burdensome use of existing streets, transportation facilities, utilities, schools, parks, or other public facilities.

No, the revision to the site plan for the townhomes will not result in a use that is burdensome on streets, facilities, utilities, schools, parks or other public facilities. The modification will actually generate less traffic than the current 2001 site plan.

9. Whether the zoning proposal is in conformity with the policy and intent of the comprehensive plan, land use plan, or other adopted plans.

Yes, the 2025 Revitalization Plan recognized a weakness in the City relating to housing options and affordability and the Comprehensive Plan designates the property as Mixed Use Residential. The proposed change for the site plan to add townhomes is aligned with the policy and intent of plans adopted by the City.

Applicant's Response to Zoning Criteria (2 of 2)



Agenda Memo

DATE: 12/2/2025
TITLE: REZN 25-09
PRESENTED BY: Doug Parks, City Attorney
PRIORITY Strategic Priority - Communication

AGENDA ITEM DESCRIPTION

Ordinance 2025-10 regarding REZN 25-09 Rezoning: Laurel Hackinson, applicant and property owner, seeks rezoning from B-3 (Historical Business District), Conditional (use limited to a quilt shop) to B-3 (Historical Business District) for 0.52 acre fronting on the northwest side of Warwick Street and the southwest side of Church Street (Map/Parcel D07/056) (315 Church Street). Proposed use: Multi-family residential/ short-term rental and any historic business use (remove existing condition limiting the property to a quilt shop).

HISTORY/PAST ACTION

None.

FINANCIAL IMPACT

None.

RECOMMENDATION

Approval.

SUGGESTED MOTIONS

Motions to approve when action is to be taken.

ATTACHMENTS

Consulting Planner's report.

CONSULTING PLANNER'S REPORT

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

FROM: Jerry Weitz, Consulting City Planner

DATE: November 17, 2025

SUBJECT: **REZN 25-09:** Rezoning from B-3 (Historical Business District), Conditional (use limited to a quilt shop) to B-3 (Historical Business District)

PUBLIC HEARINGS: December 2, 2025 @ 6:00 p.m. (Planning Commission)
December 15, 2025 @ 6:00 p.m. (City Council)

APPLICANT: Laurelanne Hackinson

OWNER(S): Laurelanne Hackinson

LOCATION: Fronting on the northwest side of Warwick Street and the southwest side of Church Street (315 Church Street)

PARCEL #: D07/ 056

ACREAGE: 0.52

EXISTING USE: Retail store and home

PROPOSED USE: Multi-family rental/ short-term rental

SURROUNDING LAND USE/ZONING:

NORTH: (fronting on Hawkins St. and Church St.): Detached, single-family dwelling, R-1

EAST: (across Church St.): Detached single-family dwelling and church, R-1

SOUTH: (across Warwick St.): Detached single-family dwellings, B-3

WEST: Detached single-family dwelling, R-1

RECOMMENDATION: **Approval**

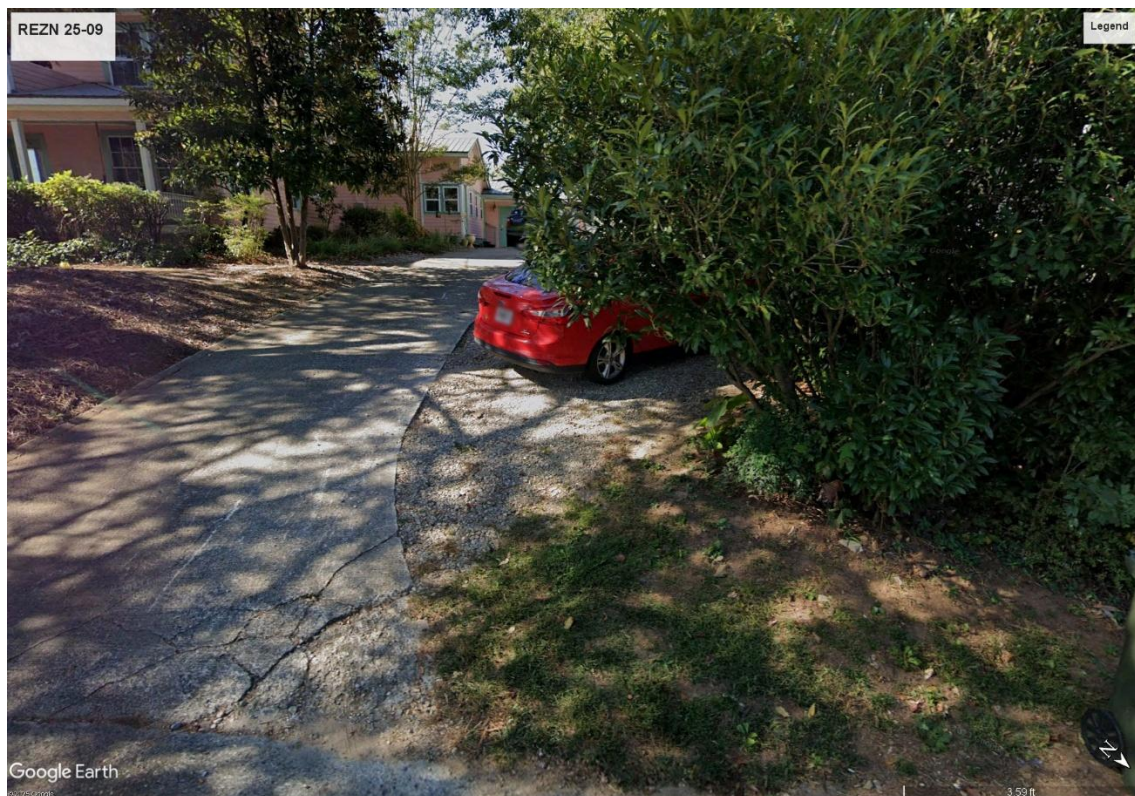


Tax Map/Aerial Photograph of Property (blue outline)

SUMMARY OF PROPOSAL

The applicant seeks to remove an existing condition of zoning approval that limits the use of the subject property to a quilt shop. The specific request is for rezoning from B-3 Conditional to B-3, either unrestricted as it pertains to uses, or for multiple uses including short-term rental, long-term rentals, offices, and retail uses. There is no boundary survey provided. There is no site plan provided in the application. A detailed letter of intent is provided which also addresses zoning criteria stated in the rezoning application.

The subject property has a dwelling which is 3,754 square feet according to the records of the Lumpkin County tax assessor and is classified as residential.



Short-term rentals are regulated per Article VIII of the Dahlonega zoning ordinance.

The purpose of the B-3 zoning district is in part to “protect and promote the educational, cultural, economic, and general welfare of the public through the preservation and protection of the old, historic, architecturally worthy structures in historic areas or neighborhoods which exhibit a distinct aspect of the community and which serve as visible reminders of the history and cultural heritage of the community, state or nation.” According to the tax record, the residential structure on the subject property was constructed in 1834. A wide variety of uses are permitted outright in B-3, including but not limited to all enclosed retail trade establishments, churches and schools, lodging, and all forms of multiple-family residential uses.

Per Chapter 109 of the Dahlonega City code, B-3 zoning districts are a part of the locally designated historic district (Sec. 109-21) and subject to provisions requiring certificates of appropriateness for material changes in appearance to buildings, structures, and grounds (Sec. 109-22). This is important in that changes to the property will be required to be reviewed and approved by the Dahlonega Historic Preservation Commission. There is thus less of a need for conditions of zoning approval addressing architectural compatibility.

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.

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 Dahlonga 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 diagonally across a street intersection from the central business district. B-3 zoning (unconditional) exists to the south of the property on lots developed with detached, single-family dwellings. The site is surrounded on the other three sides (north, east, and west) by detached single-family dwellings on properties zoned R-1. The subject property is already zoned B-3 (but with a zoning condition limiting the use), so the B-3 zoning is considered appropriate and suitable even though there is single-family use and R-1 zoning on three sides of the subject property.

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

Finding: Given the predominant use as single-family dwellings surrounding the subject property, certain uses could have some adverse impacts on them, depending on the exact use of the property and the amount and location of on-site parking, if added to accommodate certain uses as would be required by the zoning ordinance **(inconclusive)**. It is consulting planner's opinion that most if not all uses permitted in the B-3 zoning district can be compatible and appropriate, so long as they are conducted within the existing historic residential building. There is probably no need to make it a condition of zoning approval that all uses must be conducted within the existing historic building, because demolition of the historic building would require approval by the historic preservation commission and would appear highly unlikely to be granted given the age of the dwelling and its contribution to the overall historic character of the central business district and surroundings. If appropriate, the planning commission can recommend and city council can impose additional conditions to ensure compatibility; again, however, because a certificate of appropriateness would be required for material changes in appearance, those issues could be left to the preservation commission to decide.

Finding: Uses that would be appropriate to exclude on the subject property but that would otherwise be allowed in B-3 absent a use restriction via zoning condition are as follows: car wash, drive-through facility, outdoor automated teller machine, gasoline sales, parking garage, and appliance repair.

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: Impacts may vary considerably depending on the exact use established. Conversion to multiple family (e.g., apartments) could have some impacts on the school system but any such impacts are likely to be negligible at most. No major impact to utilities would be expected. Most uses permitted in B-3 would not cause an excessive or burdensome use of existing streets (***supports request***).

4. *Whether the zoning proposal is consistent with the Comprehensive Plan, transportation plans, or other plans adopted for guiding development within the City of Dahlenega.*

Finding: The subject property is within the “public square” character area established in the 2022 comprehensive plan. Preservation of existing structures in this character area is recommended in the description of the public square character area. Also, per the description, a wide range of uses are contemplated, including mixed use structures, a variety of residential uses, and commercial and institutional uses. The request is considered consistent with the character area designation of the comprehensive plan (***meets criterion/ supports 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: Land uses can change over time, and though the subject property has had a specific commercial use operated within it for two decades per the applicant, there may be a need to change the use of the structure over time. Since the property is conditioned to a single use (quilt shop), the zoning does not permit the owner to change uses when conditions affecting the property also change, such as market trends, preferences of owner, etc. In consulting planner’s view the application to add a wider range of uses to the property’s zoning permission is appropriate (***supports request***).

CONCLUSION

Findings in this report support approval of the rezoning request. The city may consider the need for conditions of zoning approval as appropriate.

Letter of Intent for Rezoning Request

To: Dahlonaga City Council

From: Laurelanne Hackinson

Subject: Request for Rezoning and Clause Removal – 315 Church St, Dahlonaga, GA 30533

Date: 9/12/2025

Dear Members of the Dahlonaga City Council,

I am writing to formally request the rezoning of my property located at 315 Church St from its current designation with a restrictive clause to **Historical Business**, allowing for **short-term rentals, long-term rentals, and any Historical business use**.

My property has a long-standing history of responsible business operation. For over 20 years, I ran a retail store, *Magical Threads*, which was permitted under the Historical Business zoning. However, a clause was added—restricting the use to a quilt store only. This clause has significantly limited the property's marketability and utility.

The proposed rezoning and clause removal will:

- Align with existing uses in the area, including nearby multi-family residences and commercial businesses.
- Preserve the historical integrity of the property while allowing adaptive reuse.
- Support Dahlonaga's economic development goals by expanding business opportunities in the Historic District.
- Maintain neighborhood harmony, as confirmed by my closest neighbor, Jim Gribben, who supports the change.

I have a prospective buyer who has expressed interest in using the property as short term rentals and long term rentals, —all of which are compatible with the Historical Business designation and the character of the area.

I respectfully request the Council's approval to:

1. Remove the restrictive clause limiting the property to a quilt store.
2. Rezone the property to Historical Business with allowances for short-term and long-term rentals.

1. Existing uses and zoning of nearby property and whether the proposed zoning will adversely affect them:

The surrounding properties include a church, multi-family residences, and a long-standing commercial business operated from a garage. My property has operated as a retail business for over 20 years without negatively impacting neighbors. The proposed zoning aligns with existing uses and will not adversely affect the usability of nearby properties. My closest neighbor, Jim Gribben, supports the rezoning.

2. Extent to which property values are diminished by the current zoning restrictions:

The restrictive clause limiting the property to a quilt store significantly reduces its marketability and value. Removing this clause and allowing broader business and rental

1 of 3

Letter of Intent (1 of 3)

uses will restore the property's full potential and align it with comparable properties in the Historical District.

3. Extent to which the destruction of property values promotes public welfare:

Restricting the property to a single type of business does not promote public welfare. In contrast, allowing flexible use—such as short term rentals, long term rentals, office space, bed and breakfast, or multi-family housing—will support economic growth, tourism, and housing diversity, all of which benefit the general welfare of Dahlonega.

4. Relative gain to the public vs. hardship to the property owner:

The public gains will increase business activity, tourism, and housing options. The hardship to me as the property owner is significant—limiting the sale and use of my property reduces its value and utility. Removing the clause and rezoning will balance public benefit with private rights.

5. Physical suitability of the property for current and proposed zoning:

The property is already suited for business use, having operated as a retail store. It includes separate living quarters, making it suitable for multi-family or rental use. Its location in the Historical District supports its continued and expanded use under Historical Business zoning.

6. Length of time the property has been vacant and changed conditions:

The property is currently on the market and has not been vacant. However, the interest from buyers in using it for varied purposes reflects changing conditions and demand in Dahlonega for flexible, mixed-use properties in the Historical District.

7. Zoning history of the property:

The property was previously zoned Historical Business and operated as “Magical Threads,” a quilt store. The clause limiting it to a craft business should be removed to reflect the original intent of historical business and allow broader use consistent with Historical Business zoning.

8. Potential burden on public infrastructure:

The proposed uses—short term rental, long term rentals, offices, bed and breakfast, or multi-family etc—will not place excessive burden on streets, utilities, or public services. The infrastructure already supports similar uses in the area, and the Historical District's oversight ensures responsible development.

9. Conformity with the comprehensive plan and city policies:

The City previously approved a retail business on the property, indicating alignment with city goals. Expanding permitted uses supports Dahlonega's vision for a thriving, diverse

downtown and aligns with the comprehensive plan's emphasis on economic development and historical preservation.

Thank you for your consideration and for your continued commitment to the growth and preservation of Dahlonega.

Sincerely,

Laurelanne Hackinson

706-429-7740

lolathyme@gmail.com

Letter of Intent (3 of 3)



Agenda Memo

DATE: 12/2/2025
TITLE: BZA 25-05
PRESENTED BY: Doug Parks, City Attorney
PRIORITY Strategic Priority - Communication

AGENDA ITEM DESCRIPTION

BZA 25-05 Variance: Greg Imig, applicant, by Samantha Tinsley and Jim Pierce, agent, Sandra Moore and Barbara Armstrong, property owners, seeks a variance to the Dahlonaga Zoning Ordinance, Article XX, "Minimum Dimensional Requirements," Section 2001, "Minimum setback requirements by zoning district (in feet)," to reduce the principal building setback required by the R-1, Single-Family Residential District from 35 to 15 feet along the Jones Street frontage for property (0.39 acre) fronting on the east side of Jones Street, the southwest side of Meaders Street, and the north side of Park Street (Map/Parcel D11/036) (95 Jones Street). Proposed use: Detached, single-family dwelling.

HISTORY/PAST ACTION

None.

FINANCIAL IMPACT

None.

RECOMMENDATION

Approval.

SUGGESTED MOTIONS

Motions to approve when action is to be taken.

ATTACHMENTS

Consulting Planner's report.

CONSULTING PLANNER'S REPORT FOR BZA 25-05

TO: City of Dahlonega, c/o Doug Parks, City Attorney

BY: Jerry Weitz, Consulting City Planner

DATE OF REPORT: November 17, 2025

SUBJECT REQUEST: **BZA 25-05 Variance** to the Dahlonega zoning ordinance, Article XX, "Minimum Dimensional Requirements," Section 2001, "Minimum setback requirements by zoning district (in feet)," to reduce the principal building setback required by the R-1, Single-Family Residential District from 35 to 15 feet along the Jones Street frontage

EXISTING ZONING: R-1, Single Family Residential District

EXISTING USE: Detached, single-family dwelling

BZA HEARING: December 15, 2025 @ 6:00 p.m.

APPLICANT: Greg Imig, applicant, by Samantha Tinsley and Jim Pierce, agent

OWNER(S): Sandra Moore and Barbara Armstrong

PROPOSED USE: Detached, single-family dwelling (tear down/replace)

LOCATION: Fronting on the east side of Jones Street, the southwest side of Meaders Street, and the north side of Park Street (95 Jones Street)

PARCEL(S) #: D11/ 036

ACREAGE: 0.39

SURROUNDING LAND USE AND ZONING:

North: (across Meaders Street): detached single-family dwelling, R-1

East: (across Meaders Street): Multi-family dwellings (apartments),

South: Detached single-family dwellings, R-1

West: (across Jones St.): Two-family dwelling (duplex), R-1; (across Park St.): off-street parking lot (city), PUD

RECOMMENDATION: Approval

LEGAL FRAMEWORK AND REQUIREMENTS FOR VARIANCES

The Board of Zoning Appeals shall exercise its powers in such a way that the purpose and intent of the zoning regulations shall be accomplished, public health, safety and welfare secured, and substantial justice done (Sec. 2401 zoning ordinance).

The Board of Zoning Appeals is a body of limited powers, and its actions are taken in a quasi-judicial capacity rather than a legislative capacity. Failure to adopt written findings justifying all decisions shall render such decision null and void (Sec. 2403 zoning ordinance).

A variance is defined in Sec. 301 of the zoning ordinance as "a minimal relaxation or modification of the strict terms of the height, area, placement, setback, yard, buffer, landscape strip, parking and loading regulations as applied to specific property when, because of particular physical surroundings, shape, or topographical condition of the property, compliance would result in a particular hardship upon the owner, as distinguished from a mere inconvenience or a desire to make a profit."

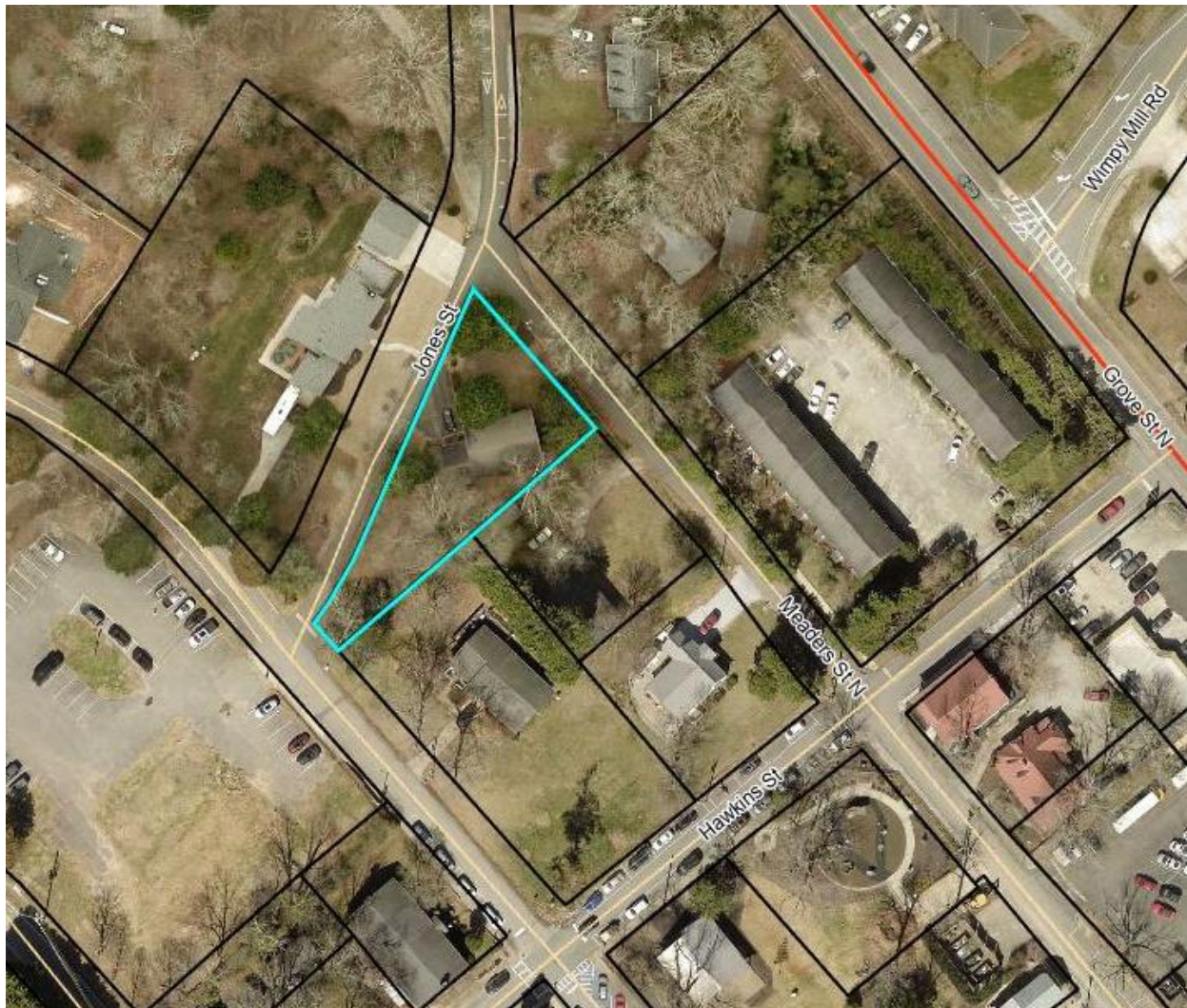
The Board of Zoning Appeals is empowered to authorize upon application in specific cases such variance from the terms of these regulations as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of these regulations will in an individual case, result in unnecessary hardship, so that the spirit of these regulations shall be observed, public safety and welfare secured, and substantial justice done. A variance may be granted in an individual case of unnecessary hardship, after appropriate application in accordance with Article XXVI, upon specific findings that all of the following conditions exist. The absence of any one (1) of the conditions shall be grounds for denial of the application for variance (Sec. 2406 zoning ordinance).

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
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
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
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 unreasonably affect their value; and
5. The special circumstances are not the result of the actions of the applicant; and
6. The variance requested is the minimum variance that will make possible the legal use of the land, building, or structure; and

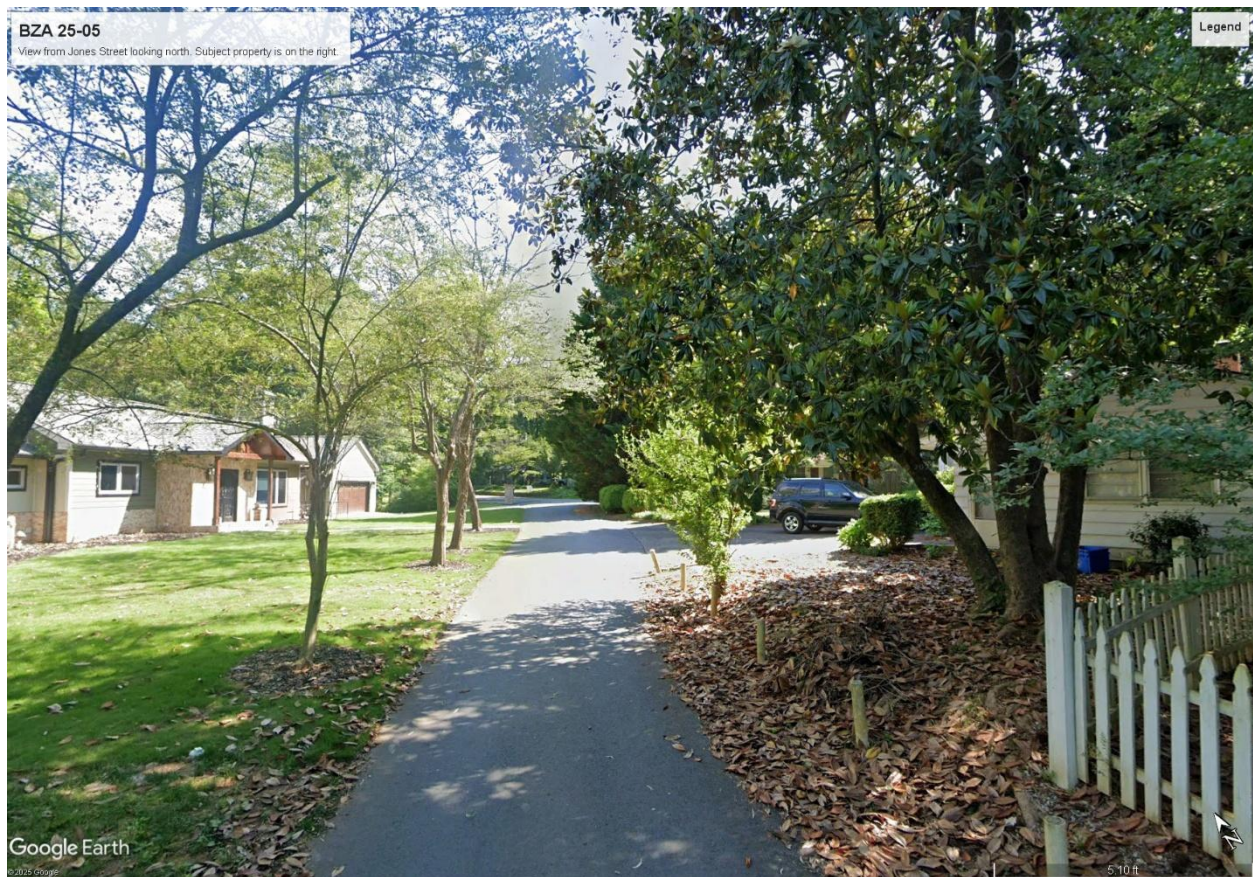
7. The variance is not a request to permit a use of land, building or structures which are not permitted by right in the district involved.

Note: The Board of Zoning Appeals may adopt the findings and determinations provided in this report in whole or in part as written, if appropriate, or it may modify them. The Board of Zoning Appeals may cite one or more of these findings in its own determinations, if appropriate. The Board may modify the language provided here, as necessary, in articulating its own findings. Or, the Board of Zoning Appeals can reject these findings and make its own determinations and findings for one or more of the criteria for granting variances as specified in Section 2405 of the Dahlonga zoning ordinance.

In exercising the powers to grant appeals and approve variances, the Board may attach any conditions to its approval which it finds necessary to accomplish the reasonable application of the requirements of these [zoning] regulations (Sec. 2407 zoning ordinance).



Aerial Photograph/Tax Map



PROPERTY DESCRIPTION AND APPLICABLE REGULATIONS

R-1 zoning districts require principal building setbacks of 35 feet (front; other than arterial street), 15 feet (side), and 15 feet (rear). Per the definition of building setback line in Article III of the zoning ordinance, "...in the case of corner lots or double frontage lots, front yard requirements shall be observed for those areas adjacent to street right-of-ways." This means that a 35 foot principal building setback is required along three frontages of the subject property (those abutting street right of ways). The applicant seeks to replace the existing home on the lot, which does not comply with applicable R-1 building setbacks, with a new dwelling of roughly the same building footprint but oriented differently.

FINDINGS

Written findings below are those of the consulting planner; the applicant has addressed these criteria, and those answers are included as an attachment to this report.

- 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;***

Consulting planner's finding: The size of the lot is 0.39 acre (approximately 17,000 square feet), which is smaller than the minimum lot size of 30,000 square feet required for the zoning district. R-1 building setbacks are established for a larger lots than the subject property. Size of the lot is therefore an extraordinary condition pertaining to the lot that is generally not applicable to other lots in the R-1 zoning district **(supports request/ meets criterion)**.

Consulting planner's finding: The subject property fronts public rights of ways on three sides. This means that a principal building on the lot is required to meet three front setbacks. A lot with three road frontages is an exceptional condition not applicable to most other lots in the R-1 zoning district **(supports request/ meets criterion)**.

Consulting planner's finding: The shape of the subject property is irregular. Its frontage on the south end is only about 20 feet. The irregular shape places constraints on potential for building placement **(supports request/ meets criterion)**.

- 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;***

Consulting planner's finding: Because the lot fronts on three streets, and therefore requires adherence to three front yard requirements, the owner faces unnecessary hardship that deprives the owner of permissions extended to owners of other R-1 lots to utilize side and rear setbacks of 15 feet along lot lines other than front yards **(supports request/ meets criterion)**.

- 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;***

Consulting planner's finding: Across Jones Street, an existing two-family dwelling does not meet the 35-foot front setback otherwise required by the R-1 zoning district. Similarly, the existing dwelling on the subject property does not comply with the 35 foot minimum required front building setback along Jones Street. Therefore, granting relief in the form of a building setback reduction along Jones Street would not be considered a special privilege that is denied other properties in the R-1 zoning district **(supports request/ meets criterion)**.

- 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 unreasonably affect their value;***

Consulting planner's finding: Constructing the proposed replacement dwelling at a location similar to that which exists will not injure the neighborhood or general welfare and will not interfere with or discourage development of adjacent land and buildings or unreasonably affect their value, because there is an existing duplex across the street from the subject site that does

not meet the required setback from the right of way of Jones Street, and because the two dwellings abutting the subject property to the south will not be affected by the variance if granted **(supports request/ meets criterion)**. Also, the applicant has chosen to ask for a variance along Jones Street rather than Meaders Street, because the shallower setback would apply along a one-way street as opposed to a two-way street; that choice helps to avoid interference with the neighborhood.

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

Consulting planner's finding: The current owner and applicant was not responsible for platting the lot in its current shape and area which contributes to the need for a variance. The applicant was not responsible for constructing the dwelling in its current configuration in a manner that does not meet all required building setbacks. The applicant is generally not making a request to enlarge the building footprint for the new dwelling when compared with the existing dwelling to be demolished. Therefore, the special circumstances are not the result of the owner or applicant **(supports request/ meets criterion)**.

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

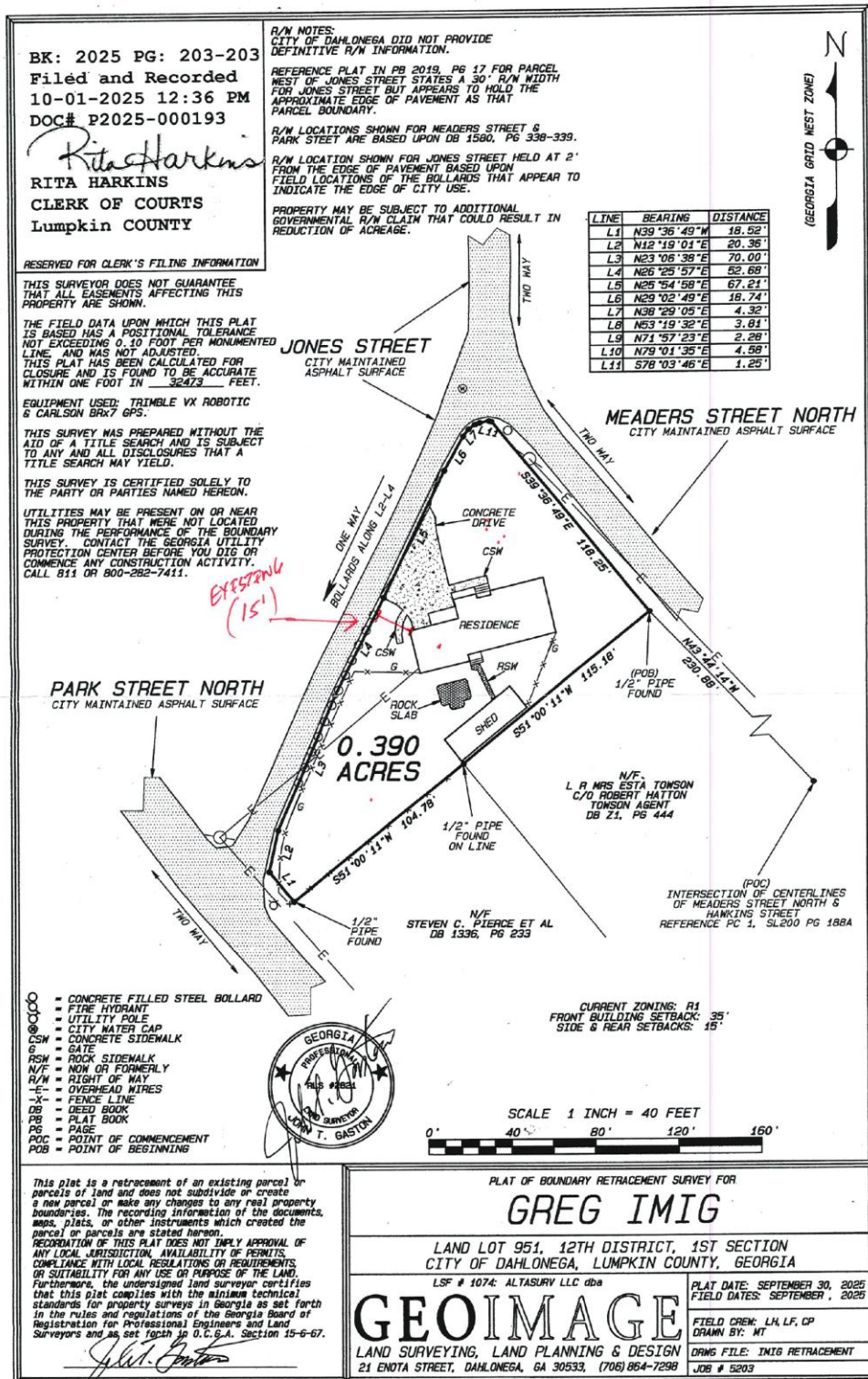
Consulting planner's finding: The applicant has provided a site plan for proposed building placement. It shows the proposed dwelling will meet the 35 foot minimum principal building setback required along Meaders Street and will also meet the minimum 15 feet setback required for a rear and side property line. This is significant in that the applicant actually proposes to reduce the nonconformity of the existing dwelling which does not currently meet a 35 foot building setback from Meaders Street. The proposed dwelling also will meet the minimum setback required from Park Street. The only setback not met is the front setback along Jones Street, and the applicant is not asking for more of a variance than would be needed to make the current dwelling lawful. Therefore, the requested variance is considered the minimum that makes lawful the proposed placement of the single-family dwelling on the lot **(supports request/ meets criterion)**.

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.

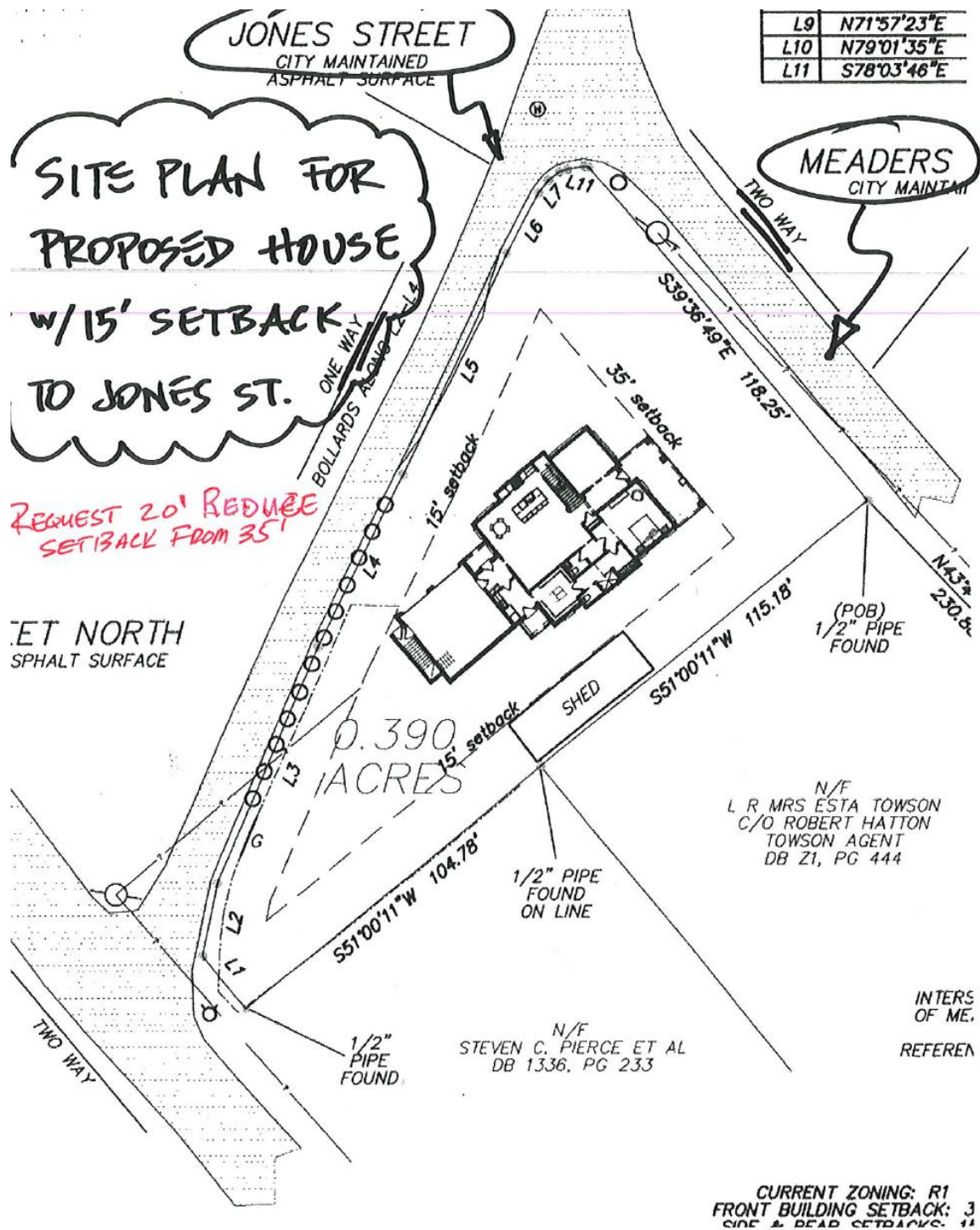
Consulting planner's finding: The application **meets this criterion (supports request)** because the proposed building is a permitted use in the R-1 zoning district.

CONCLUSIONS AND RECOMMENDATION

For the BZA to grant a variance, the Dahlonga zoning ordinance requires that affirmative findings be made that the variance application meets **all seven** of the criteria specified in Sec. 2406 of the zoning ordinance. Based on the consulting planner's findings, the application meets all criterion. Consulting planner therefore recommends approval of this request to reduce the required minimum front building setback along Jones Street from 35 feet to 15 feet.



Retracement Survey



Site Plan of Proposed House Location



Interior Layout of Proposed Home

Attachment to Variance Application – questions from online form

1. Describe variance request

This variance is being requested by the prospective property buyer. The sale of property is contingent upon variance approval.

The existing structure on the property is in violation of the 35' setbacks from two roadways. There are violations both to the east (Meaders Street) and to the north (Jones Street). The prospective buyer sees no good possibility to recondition the existing house, as it is not parallel to either street. Thus, any expansion of the existing footprint will result in zoning violations to both street setbacks.

As such, a new house is planned which would be parallel to (and properly set back from) Meaders Street. This side was chosen since Meaders Street is the major street adjacent to the property. This section of Jones Street is a narrower one-way street, as it passes on the north side of the property.

The new house planned has a marginally larger footprint than the existing house. With the property being wedge-shaped, it is not possible to locate even the same size house where 35' setbacks would be maintained to both Jones and Meaders streets.

Buyer requests that the Jones Street setback requirement be reduced to 15' due to (a) the shape of the lot and (b) because Jones St. is a minor one-way street.

2. Exceptional property conditions

The acute angle of the wedge-shaped lot results in the buildable area being less than 23% of the total lot area, if the standard setbacks are enforced. If the variance request is granted, the buildable area would therefore be raised to 42% of the total lot area.

3. Hardship created

If the requested variance is not granted, the existing sales agreement will be terminated.

4. Special privileges

This variance request is not expected to grant any special privileges to the buyer.

Applicant's Response to Variance Criteria (1 of 2)

5. Relief granted will be in harmony with the purpose of the regulations

If the variance is granted, the replacement of the existing house with the proposed house will be in harmony with the surrounding neighborhood. Refer to preliminary plans and elevations attached of the proposed house.

It is expected that such work will result in improvements to surrounding home values.

6. Actions of the applicant

This request is in no way due to action of the applicant.

7. Minimum variance possible

The variance requested is for the setback from Jones Street to be reduced to 15'. This will result in the best use of the property and not be unduly close to the roadway in this one-way section. The existing structure is approximately the same distance from Jones Street currently.

Note also, that this site plan eliminates the current setback violation to Meaders St.

8. Special land use

There is no use planned for the new structure which is not permitted by right in the district involved.

Thank you for your consideration of this matter.



Greg Imig

404-545-9076

Applicant's Response to Variance Criteria (2 of 2)



Agenda Memo

DATE: 12/2/2025
TITLE: REZN 25-10
PRESENTED BY: Allison Martin, Zoning Administrator
PRIORITY Strategic Priority - Communication

AGENDA ITEM DESCRIPTION

Ordinance 2025-11 regarding REZN 25-10 Pinetree Development, LLC has requested an amendment to the existing planned unit development zoning for the purpose of constructing 219 fee simple town homes with zoning conditions for tax parcels 079 054 and 079 074, City of Dahlonega.

HISTORY/PAST ACTION

See Consultant's Report.

FINANCIAL IMPACT

None.

RECOMMENDATION

The consultant's report recommends several items that should be provided by the applicant to supplement the application. Thus, it is recommended that this matter be postponed to the Commission's meeting of January 6, 2026, in order for the application to be supplemented by the applicant.

SUGGESTED MOTIONS

Motion to continue as noted above to the January 6, 2026, meeting of the Planning Commission.

ATTACHMENTS

Consulting Planner's report.

CONSULTING PLANNER'S REPORT

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

FROM: Jerry Weitz, Consulting Planner

DATE: November 17, 2025

SUBJECT: **REZN 25-10** Rezoning from PUD (Planned Unit Development District to PUD) (modification of existing zoning conditions)

PUBLIC HEARINGS: December 2, 2025 @ 6:00 p.m. (Planning Commission)
December 15, 2025 @ 4:00 p.m. (Mayor and City Council)

APPLICANT: Pinetree Development, LLC, by Julie Sellers (Dillard and Sellers)

OWNER(S): Vivian L. Cottrell

LOCATION: Fronting on the south side of Pinetree Way, fronting on the south side of Pine Tree Spur, fronting on the north side of Mechanicsville Road, and fronting on the west side of Yahoola Creek

MAP/PARCEL: 079/054 (see also "property description" in this report)

ACREAGE: 55.44 per application; 56.02 per legal description; 57.89 total per revised site plan; 32.10 developed per revised site plan

EXISTING USE: Vacant

PROPOSED USE: Fee simple townhouses (219 units per letter of intent) (196 units in 35 buildings per revised site plan)

SURROUNDING LAND USE/ZONING:

NORTH: (north of Pinetree Way): vacant (same property owner), IND (Industrial District) and public institutional (county school), IND; vacant and commercial (Consolidated Gold Mine), B-2 (Highway Business District)

EAST: (across Yahoola Creek): vacant (accessed by Captain McDonald Road) (unincorporated); county recreation complex, PUD

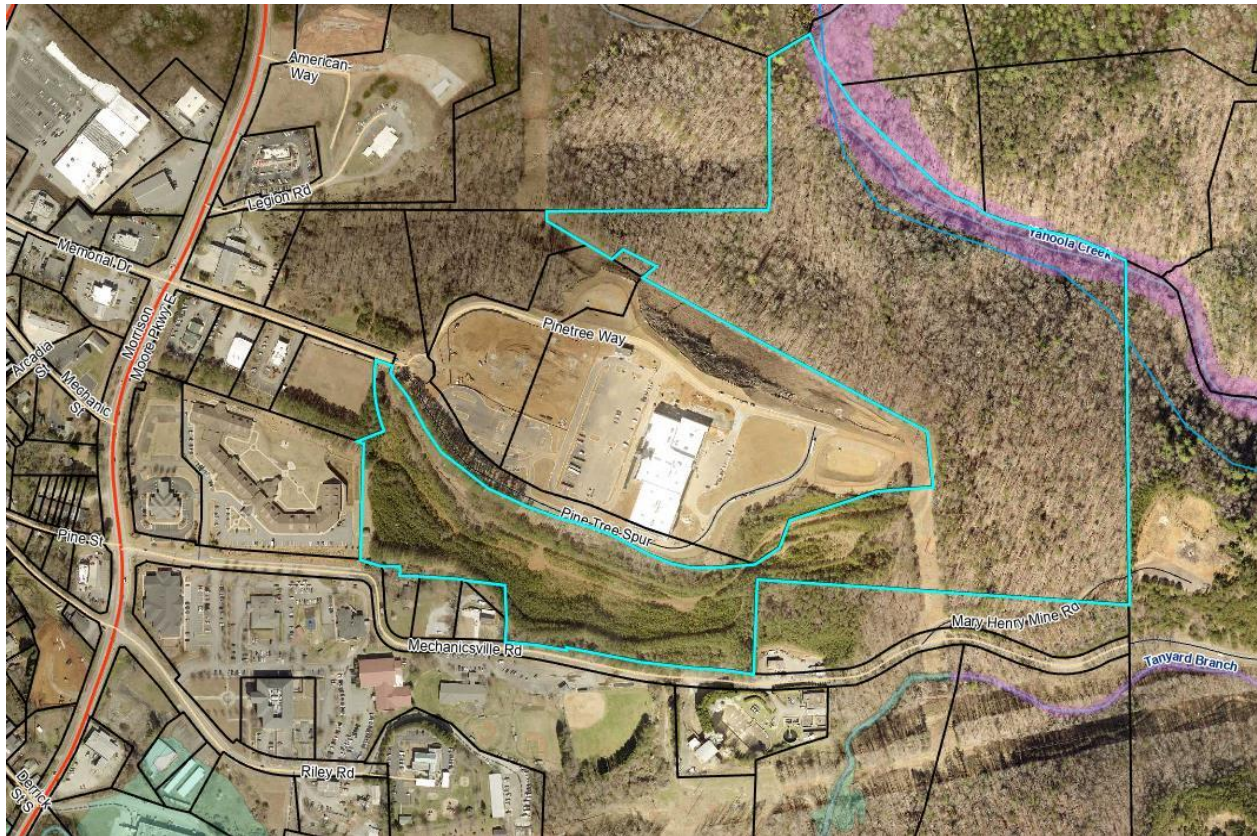
SOUTH: (fronting on the north side of Mechanicsville Road): single family dwelling and warehouse), B-2; public-institutional (city), IND;

WEST:

(fronting on the south side of Mechanicsville Road): public-institutional (city and county), O-I (Office-Institutional District) (fronting on the south side of Pinetree Way); Vacant, PUD; (fronting on the north side of Mechanicsville Road): institutional residential (assisted living facility), B-2

RECOMMENDATION:

Approval, conditional



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

APPLICATION/ZONING HISTORY

PUD Zoning (2001)

The subject property and an adjacent parcel (approximately 62 acres total) was rezoned from I (Industrial) to PUD (Planned Unit Development) per a rezoning request submitted by AAMR and approved by the Dahlonega City Council on April 2, 2001, for commercial and retail office space as well as multi-family residential development, referred to at the time as “Pine Tree Hill” Planned Unit Development. The PUD was approved subject to conditions as follows: “contingent upon receiving an amended letter of intent to reflect that the permitted uses would be the same as the current B-2 and R-2 zone classification and furthermore that each lot/phase would be required to have an approved site plan” (source: minutes of Dahlonega city council, April 2, 2001).

A revised letter of intent, dated (amended) April 20, 2001, was submitted (3 pages by Glenn Melvin, PE, of Jordan, Jones and Goulding) and is on record with the city. That letter of intent called for office and retail commercial uses and for a future assisted living development with minimum 700 square foot units at a maximum density of eight (8) units per acre. All uses permitted in the B-2 zoning district were permitted on the subject property. A site plan was submitted with the application which shows six commercial buildings and seven assisted living facility buildings (see excerpt below).

PUD Rezoning Application (2023)

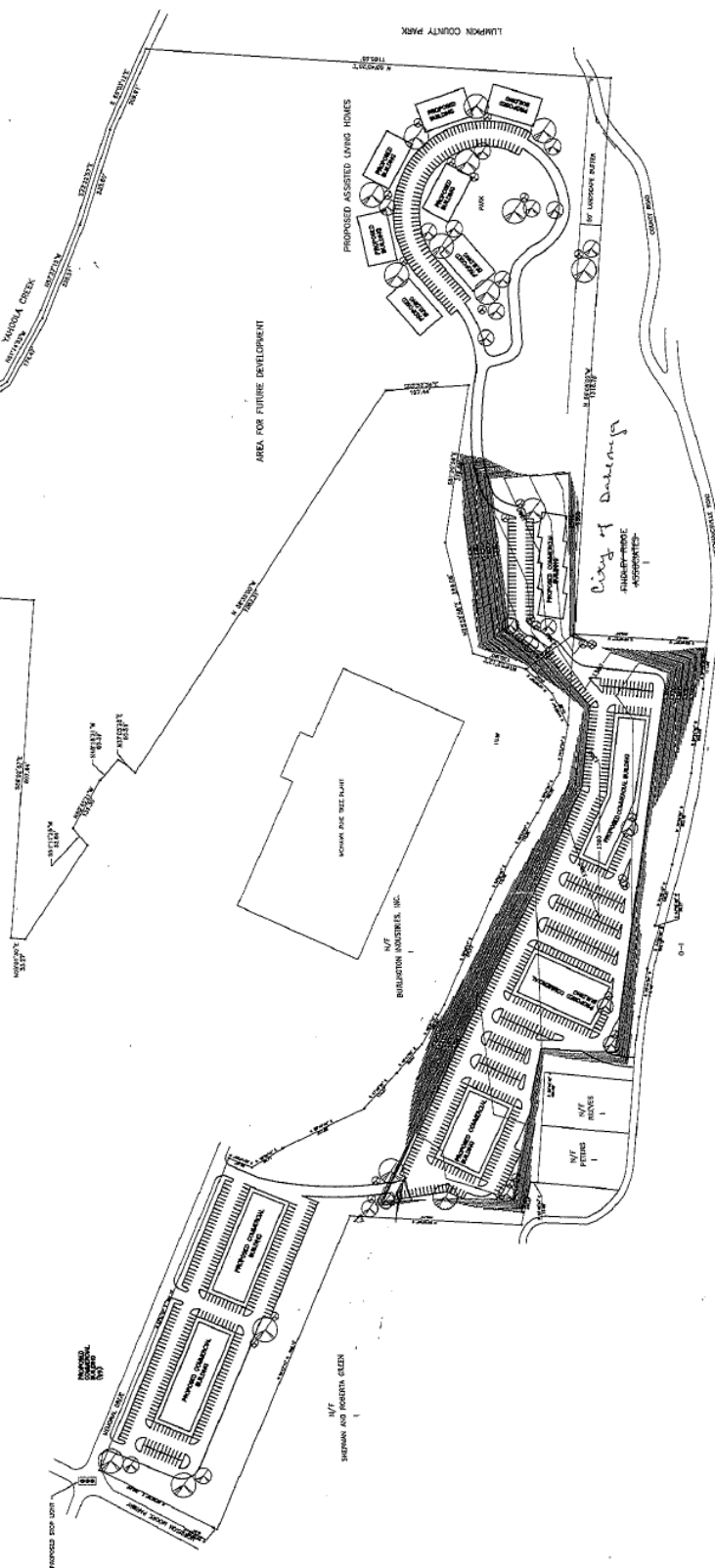
In March, 2023, a rezoning application was filed by Mountain Top Real Estate Group, LLC, to rezone 62.77 acres (Map/Parcel 079/054 containing 55.44 acres and part of 079/074) from PUD (Planned Unit Development District) and I (Industrial District) to PUD (Planned Unit Development District) for 325 multi-family residential dwelling units (1,055 bedrooms) and 10,000 square feet of commercial space. The application was reviewed by the Georgia Mountains Regional Commission as Development of Regional Impact (DRI) #3909, referred to as “Mountain Top Real Estate”; a final report was issued by the regional commission on February 23, 2023. The Dahlonega City Council denied the rezoning application filed by Mountain Top Real Estate Group, LLC.

Although the DRI was for more land and some different uses, that review is of interest here. Attached to the DRI final report was a letter from the chair of the Lumpkin County Board of Commissioners dated January 18, 2023, which raised concern about the impact 1,000+ new residents would have on county facilities and the impact the development would have on the design characteristics of Pine Tree Way. The county chair’s letter asked that Mechanicsville Road be a “primary” access way and that Pine Tree Way be a “secondary” means of access.

Also in January 2023, the Lumpkin County school superintendent commented in writing about the proposed development as part of the DRI review process. The letter reflected some concern over the challenge 325 housing units and 1,055 bedrooms would bring to the school system but also noted the project would increase the tax base for county schools. The superintendent’s letter also urged that Pine Tree Way not be used as a “primary” entrance to the proposed apartment complex.

Appeal of Administrative Decision (2025)

On June 12, 2025, the owner/applicant filed an appeal of an administrative decision, contesting the city zoning administrator’s determination that the existing PUD zoning only allowed assisted living and commercial uses and did not allow fee simple townhouses and apartments. The appeal application was not heard; instead, the applicant filed the subject rezoning request to modify PUD zoning conditions to authorize fee-simple townhouses instead of the commercial uses and assisted living facility. The Georgia Mountains Regional Commission was consulted regarding the rezoning request, and it was determined that another Development of Regional Impact review was not needed.



4

PROPERTY DESCRIPTION AND EXISTING CONDITIONS



Legal Description

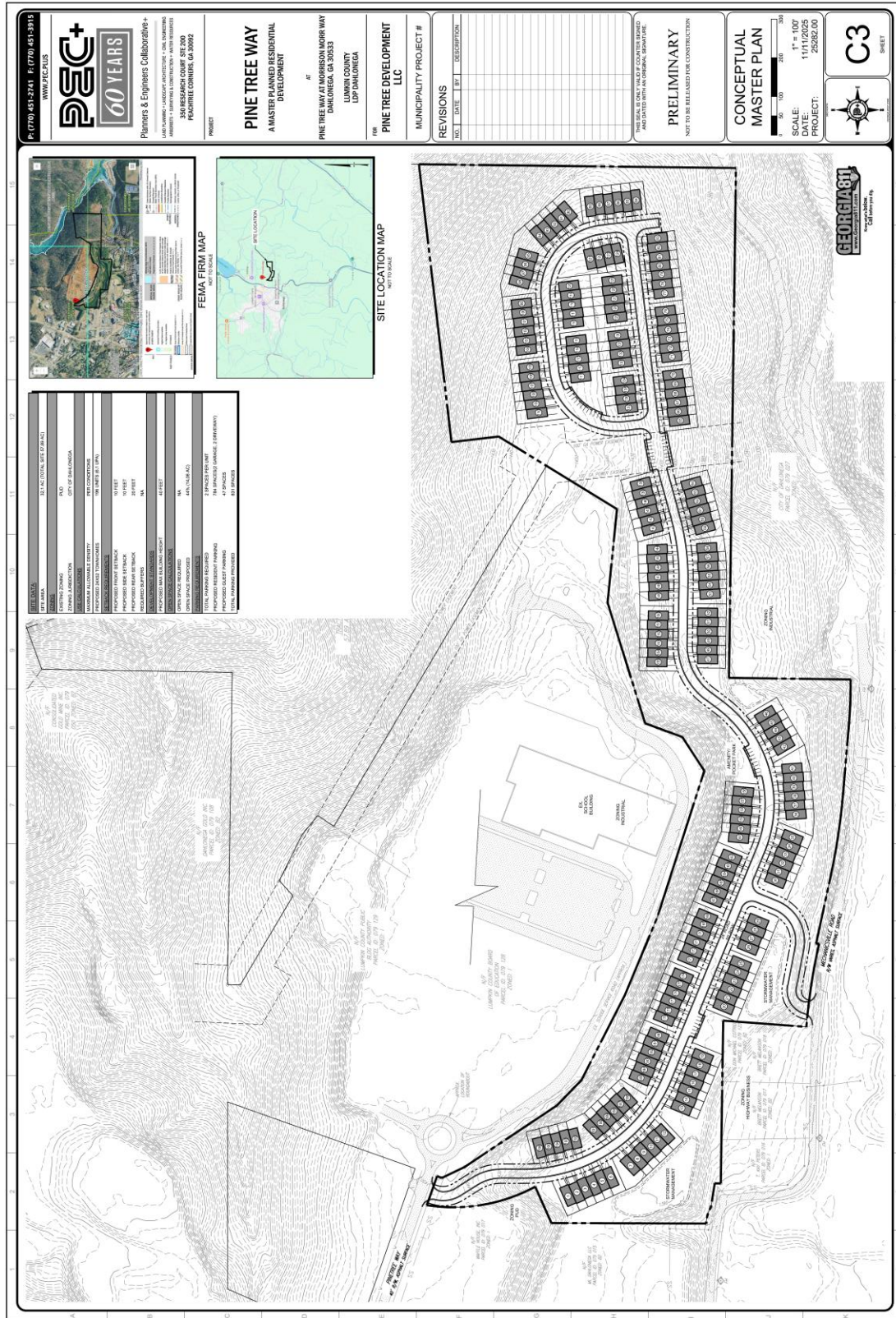
The application components are inconsistent in terms of the amount of acreage associated with the request. The application form indicates the request includes 55.44 acres (Map/parcel 079/054). The legal description shows the acreage of Map/Parcel 079/054 is 56.02 acres, less and except a small area, plus Map/Parcel 079/123 (0.248 acres) for a total of approximately 56.26 acres. Though shown in the legal description, Map/Parcel 079/123 does not show in the Lumpkin County tax assessor's database as a parcel. The revised site plan submitted with the application shows a total acreage of 57.89 acres of which only 32.10 is proposed to be developed. The survey referenced in the metes and bounds legal description (with a date of October 2013) has not been submitted with the application. These differences in acreage, while small, should be reconciled by the applicant and available boundary surveys and recorded plats submitted as supplements to the application.

Property Description and Surroundings

The subject property has approximately 60 feet of frontage on the south side of Pinetree Way (just west of a roundabout) (see image below). Pinetree Way is a 40-foot-wide right of way that runs east-west, connecting Morrison Moore Parkway (U.S. Highway 19) to Lumpkin County school properties and the subject tract. The subject property continues east along the south side of Pine Tree Spur, which wraps around the county school property and re-connects with Pinetree Way.



The subject property also fronts on the north side of Mechanicsville Road, which is a variable right of way running west to east from Morrison Moore Parkway (U.S. Highway 19) to the county's recreation (ballfield) complex north and west of Yahoola Creek. Along the south side of Mechanicsville Road is a county-owned public facility complex including Lumpkin County library, Lumpkin County health department, and recreation facilities including ballfields. Also along the south side of Mechanicsville Road is a city-owned property utilized for utilities and public works. The city also owns property abutting the subject property to the east along the north side of Mechanicsville Road, partially utilized for city facilities. At its eastern point, the subject property abuts the county recreational complex property. The subject property also abuts Yahoola Creek.



Proposed Conceptual Master Plan (Revised November 11, 2025)
(note: only 32.10 acres of approximately 56 acres is shown)

<u>SITE DATA:</u>	
SITE AREA	32.1 AC (TOTAL SITE 57.89 AC)
<u>ZONING</u>	
EXISTING ZONING	PUD
ZONING JURISDICTION	CITY OF DAHLONEGA
<u>USE CALCULATIONS</u>	
MAXIMUM ALLOWABLE DENSITY	PER CONDITIONS
PROPOSED 24X52 TOWNHOMES	196 UNITS (6.1 UPA)
<u>SETBACK REQUIREMENTS</u>	
PROPOSED FRONT SETBACK	10 FEET
PROPOSED SIDE SETBACK	10 FEET
PROPOSED REAR SETBACK	20 FEET
REQUIRED BUFFERS	NA
<u>DEVELOPMENT STANDARDS</u>	
PROPOSED MAX BUILDING HEIGHT	40 FEET
<u>OPEN SPACE CALCULATIONS</u>	
OPEN SPACE REQUIRED	NA
OPEN SPACE PROPOSED	44% (14.06 AC)
<u>PARKING REQUIREMENTS</u>	
TOTAL PARKING REQUIRED	2 SPACES PER UNIT
PROPOSED RESIDENT PARKING	784 SPACES(2 GARAGE, 2 DRIVEWAY)
PROPOSED GUEST PARKING	47 SPACES
TOTAL PARKING PROVIDED	831 SPACES

Dimensional Requirements/Development Data (Enlarged from site plan)

Proposed Access

The site plan submitted with the application shows a proposed street connection to Pinetree Way, as well as a street connection to Mechanicsville Road (the location of which has been revised in the most recent site plan submitted; see image below for approximately location). An earlier version of the site plan proposed an “emergency” fire access road connection to the Lumpkin County school property. That connection to county property is no longer shown on the revised site plan.



Other Property Characteristics

A 100-foot-wide overhead power easement (Georgia Power Company) traverses the subject property in a north-south direction, effectively dividing the property into east and west sections. The subject property includes some flood plain along Yahoola Creek, which is classified as a trout stream.

Topography/relief of the subject property ranges from a low of 1,180 feet m.s.l. at Yahoola Creek at the east side, to a high point of approximately 1,450 feet. As such, the relief is extensive with some 270 feet of elevation change.



SUMMARY PROPOSAL AND SITE PLAN REVIEW

The applicant has submitted a letter of intent dated October 21, 2025. The letter of intent is attached to this report. The letter of intent includes two attachments: Exhibit A titled “architectural inspiration images” and Exhibit B, which is a memo from A & R Engineering dated October 12, 2025, summarizing the traffic impact of the proposed PUD in comparison with the 2001 approved development. Also attached are the applicant’s responses to zoning criteria. The site plan submitted with the application is included in the text of this report (see above) and is evaluated further in this section.

The proposed project entails construction of an internal subdivision street, along which 35 fee simple townhouse buildings containing 196 units would be platted. As noted, the street would provide one entrance/exit to Pinetree Way and another on Mechanicsville Road. An earlier site plan showed emergency fire access to Lumpkin County school property, but that proposal was removed from the most recent revision. The application does not indicate whether the subdivision street is proposed to be public or private. The application does not include proposed specifications for the street, such as right of way, pavement width, and maximum grade, nor does it provide all of the dimensional requirements (e.g., height, minimum lot frontage, minimum lot area, building coverage, minimum percentage of open space, and so forth) that are required for a complete PUD zoning application.

No development is proposed for that northern portion of the site, much of which slopes steeply toward Yahoola Creek.

**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: The application proposes only one land use for the site: Attached, single-family subdivision of fee simple townhouses. It therefore does not propose to mix land uses or to have any incompatible uses (***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 proposed PUD does not include nonresidential uses (***inapplicable***).

- 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 site plan and letter of intent do not provide specific minimums for lot width and lot size for the townhouse lots (***inconclusive***). Nonetheless, the surrounding uses are almost entirely public-institutional, institutional residential (assisted living), commercial, and vacant tracts. There is therefore no abutting property that can be compared with the proposed development. For that reason, there are no real concerns about the density of the proposed residential development (***tends to support request***).

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

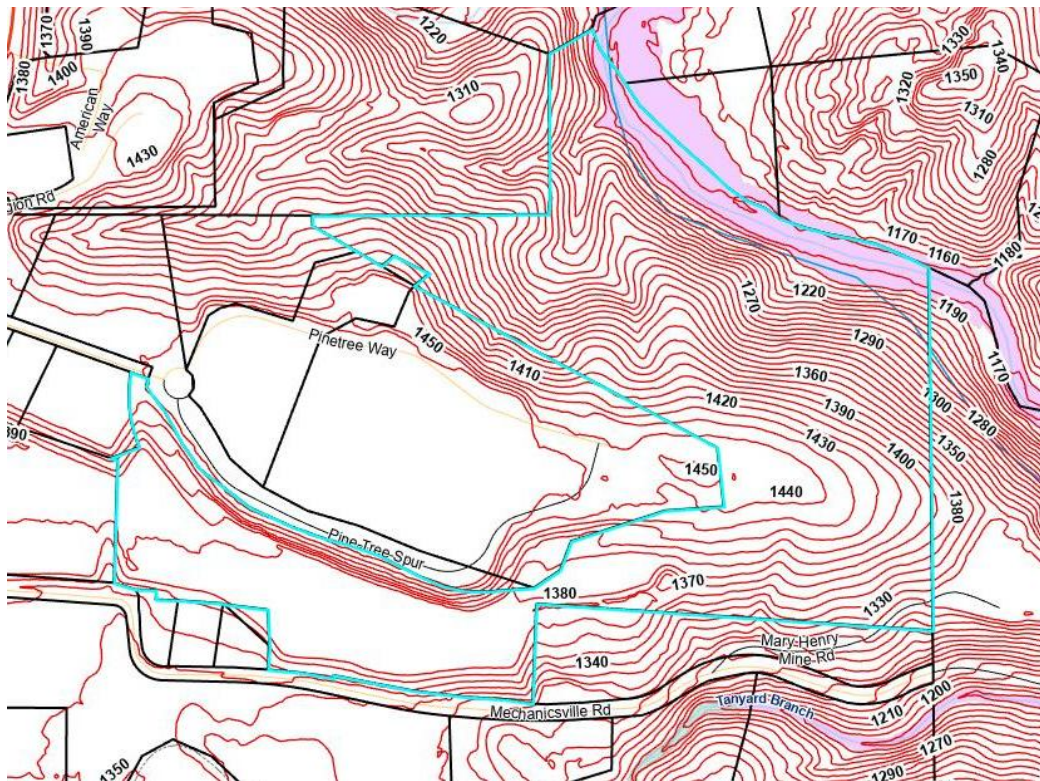
Finding: See the zoning criteria discussed in a later section of this report relative to consistency with land use plan goals, policies, and suggested land uses.

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

Finding: The street length is considered excessive, and one additional turnaround is recommended. Also, the site plan indicates parking spaces (disassociated with any residential lot) will be directly adjacent to the subdivision street, causing users to back out into the main vehicle stream (a practice usually discouraged for uses other than single-family detached homes or duplexes). Typically, such backing movements may be authorized for single-family detached subdivisions with relatively lower traffic volumes; in the subject case, such backing movements may be cause for concern but probably are acceptable (**supports conditional approval**).

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

Finding: The site has challenging, steep topography. The site plan proposes to leave the most environmentally challenging portion of the site (along Yahoola Creek) undeveloped. That proposal to leave part of the site undeveloped is consistent with this criterion, provided it is made a condition of approval (**supports conditional approval**).



Topography (Source: Lumpkin County Q Public)

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 project does not include any commercial uses (***not applicable***).

ZONING CRITERIA

Section 2607 of the Dahlonga 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 Dahlonga.
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: 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 Dahlonga 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: As noted on the cover page of this report, the land use pattern in the area is highly varied and complex, including commercial uses, institutional residential (assisted living) and city and county institutional properties. The subject site surrounds on three sides a Lumpkin County elementary school property. From a pure land use standpoint, the proposed PUD is considered compatible with surrounding and nearby land uses **(meets criterion/ supports request)**.

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

Finding: The site abuts unincorporated, vacant land on the other side of Yahoola Creek which would perhaps be affected by the subject proposal, if approved, but there is substantial distance between the developed portion of the site and those rural parcels such that there are unlikely to be any incompatible conditions **(tends to support request)**. The proposal will add traffic to local streets that are used predominantly for access to public facilities, including the county school, county recreational complex, other county facilities, and city institutional properties. While the land use itself does not present issues of incompatibility with these nearby uses, there is potential for adverse effects due to the amount of additional traffic that will be generated by the PUD if approved **(may not meet criterion)**. However, the city in 2001 approved a PUD for the subject site that would have greater traffic volumes than the proposed PUD, as noted in the memorandum from A & R Engineering which is included as an exhibit to the letter of intent and attached to this report **(tends to support 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: Utility availability and capacity are not evaluated in this report **(inconclusive)**. The local streets that will be utilized for access – Mechanicsville Road and Pinetree Way – do not appear to meet full standards for right of way, right of way width, curb and gutter, and sidewalk, etc. **(does not support request)**. The application does not propose any mitigating actions to upgrade roads serving the proposed development or major road intersections in the vicinity **(does not support request)**. However, it is also the case that the approved PUD development does not include conditions of approval that require upgrading of the road network and street intersections. Development regulations may or may not be adequate to ensure such needed road upgrades are provided at the time of development, in any event **(inconclusive)**. Some off-site upgrading of the streets used to access the proposed PUD is desirable and may be required under the city's code or via conditions of zoning **(supports conditional approval)**.

4. Whether the zoning proposal is consistent with the Comprehensive Plan, transportation plans, or other plans adopted for guiding development within the City of Dahlongega.

Finding: The comprehensive plan indicates that the subject property is appropriate for “mixed use residential” (see City of Dahlongega Character Areas, 2022, p. 41 of the comprehensive plan). Most of the description of the mixed-use character area appears to apply to properties other than the subject property. The description of the mixed-use residential character area indicates in part that “land use strategies within the district aim to intensify residential development through the redevelopment of the large parcels of land. Increased residential densities should be allowed with the intent to design and build a sustainable neighborhood along the steep contours of the properties.” The subject property is undeveloped, and the proposed rezoning if approved would authorize new development that is not considered “redevelopment” and may not have steep topography along the road frontages (thus part of this policy may be inapplicable) **(inconclusive)**. For development standards for the mixed-use residential character area, the plan states that uses are to be “primarily residential but neighborhood commercial uses.” The proposed PUD is consistent with this description in that it is residential **(supports request)**, but additional neighborhood commercial uses are not proposed. The description provides further that “1-2-story structures oriented close to the street front, with on-site parking and pedestrian accessibility where possible” are recommended. The two-story townhouses are consistent with this provision **(supports request)**.

Finding: The comprehensive plan’s description of the mixed-use residential character area specifies the following: “For the most part, a new roadway system would be needed when developing the mixed-use neighborhoods...These streets would meet the requirements for pedestrian use, with sufficient stop sign, crosswalks, landscaping, street furniture and streetlights.” The application does not propose to upgrade the supporting road network to meet this vision **(may be inconsistent or may require conditions of approval to be consistent)**.

Finding: Under community goals and issues of the 2022 comprehensive plan (p. 12), regarding housing types and affordability, the 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. The proposed rezoning would add multi-family units and replace the current approved plan for assisted living development. The proposed PUD meets the intent of this statement of the comprehensive plan **(supports request)**.”

Finding: Under community goals and issues of the 2022 comprehensive plan, with regard to expanding walkability and passive use parks (p. 12), the plan states: “Ideas for more trails and parks have been nominated and, done appropriately, would enhance the charm and appeal of the City to residents and visitors alike. A bigger trail network and more accessible passive-use park system offers a cost-efficient opportunity for more recreational and tourist destinations, spaces for art and commemorations of local history, and ways to strengthen community connections. Any proposal to “donate the

undeveloped land and natural preservation zone for public use” (i.e., along Yahoola Creek, for potential recreation purposes would be consistent with this plan observation/recommendation ***(would support request if dedication of land and/or trail network development is included)***).

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: When the city council approved the existing zoning (PUD), the site the subject property surrounds was zoned and utilized for industry. Now, the county school board has a public elementary school which changes dynamics with new considerations that were not present in 2001.

CONCLUSIONS

Consulting planner believes that the following supplements to the application should be requested:

- Reconcile the metes and bounds legal description, the application form, and the revised site plan regarding the differences shown for total acreage of the PUD.
- Submit the plats of record and/or the 2013 survey referenced in the letter of intent and incorporated metes and bounds and perimeter boundary distances on the revised conceptual master plan
- Provide all of the dimensional requirements for the PUD as required by the Dahlongega zoning ordinance for PUD applications. Some of these are shown on the revised site plan. In the absence of such detail, a condition of zoning is recommended, tying the development to R-2 zoning district requirements.
- Provide street specifications that will be followed in designing the internal subdivision street, such as minimum required right of way and pavement width and maximum grade. In the absence of such detail, a condition of zoning approval is recommended tying the street standards to city codes, unless a variance is applied for and granted by City Council.

During the process of review, the applicant hired a new land planner and revised the site plan that was introduced in October 2025. Consulting planner was able to provide the new land planner, PEC+, with input on how to improve the overall plan. Revisions were made that maintained two entrances to the development (one to Pine Tree Way and one to Mechanicsville Road, the latter of which was relocated from the first plan prepared by Davis Engineering). Per consulting planner’s recommendation, the interior street network was modified (improved) by PEC+ to circle around and connect back to the street network, thus eliminating some dead-end streets that were considered problematic. One additional change suggested by consulting planner has not yet been made, and that is to provide an additional turnaround (a traffic circle or a “hammerhead” turnaround) in between the two internal subdivision street intersections shown on the revised site plan so that there is an intervening turnaround rather than

some 1,500+ feet of street section without a turnaround. In the absence of a revised plan showing an additional turnaround, a condition of zoning approval has been included.

Consulting planner also recommends that the city consider restricting the remainder of the subject property (that part of the site not proposed at this time for development) so that it will be to be set aside either as private open space with trails or dedicated to the city or county as additional park space and watershed protection. Recommended conditions of zoning approval incorporate these recommendations.

RECOMMENDED CONDITIONS OF ZONING APPROVAL

If this zoning application is approved, it should be approved PUD (Planned Unit Development), conditional, subject to the owner's agreement to abide by the following conditions:

1. **Generally.**

- A. As required by the Dahlonega zoning ordinance, the letter of intent, dimensional requirements, and architectural inspiration images and other information regarding design material submitted with the application are adopted by reference and are conditions of approval, except as modified by these conditions of approval.
- B. The site shall be developed in general accordance with the conceptual master plan for "Pine Tree Way, A Master Planned Residential Development" prepared for Pine Tree Development, LLC, prepared by Planners & Engineers Collaborative (PEC+), dated November 11, 2025, on file with the City of Dahlonega in Case file REZN 25-10. The zoning administrator may authorize minor modifications to the conceptual master plan due to engineering constraints, ingress and egress, and/or to meet conditions of zoning, and city, county and state regulations. Any major deviation from the approved conceptual master plan, as determined by the zoning administrator, shall require an amendment to the approved PUD zoning district following applicable zoning procedures.

2. **Uses.** The site shall be limited to 196 fee simple townhouse dwelling units along with common areas for parking, recreation, mail kiosks, and stormwater management.

3. **Dimensional requirements.** Dimensional requirements shall be as shown on the conceptual master plan, except for the following additional requirements shall apply:

- A. The minimum lot size of a townhouse unit shall be 2,000 square feet, and the minimum width of all townhouse lots shall be 24 feet.
- B. There shall be a minimum of 22 feet of driveway length between the outer edge of sidewalk in the street right of way and the front building wall of the unit. This may require an increase in minimum front setback to more than 10 feet shown.
- C. For any dimensional aspects of the development not shown on the conceptual master plan or specified in these conditions of zoning approval, the PUD shall be subject to the dimensional requirements of the R-2 zoning district of the City.

4. **Undeveloped tract.** There shall be no additional development proposed outside the boundary of the conceptual site plan shown. At least 20 acres, north and northwest of the northern boundary of the developed portion of property shown on the conceptual master plan, shall be either set aside for private, passive open space and watershed protection, or dedicated at no cost to the city for passive parks and recreation and watershed protection. The conceptual master plan shall be revised to show, or any preliminary plat for subdivision shall be required to provide, a 50-foot wide stub for future access to the remaining undeveloped portion of the subject property.
5. **Building and architectural design and exterior material finishes.** In addition to the general requirement of condition #1, which makes the architectural concepts binding, the PUD shall be subject to the following:
 - A. Each unit shall have a gabled roof and shall be brick or stone, or brick or stone veneer for at least 20% of front and side (building end) elevations.
 - B. Units in the same building shall be staggered or offset at the building line or roof line at least two feet from each adjoining dwelling.
 - C. The development must provide for a minimum of six (6) different architectural elevations for attached residential that are staggered throughout the site. Mirrored/reversed floor plans and exterior finishes will not be considered a different elevation.
 - D. Final elevations shall be subject to the review and approval of the zoning administrator prior to issuance of a building permit for any dwelling in the development.
6. **Water and sewer improvements.** The owner shall be required to provide public water and sanitary sewer connections necessary to connect the project to the city's water and sanitary sewer systems at no cost to the city.
7. **Access.**
 - A. The development shall have one street connection (entrance/exit) to Mechanicsville Road.
 - B. The development may have one but not more than one street connection (entrance/exit) to Pinetree Way.
 - C. No street connection or other access shall be permitted to/from Pine Tree Spur (on Lumpkin County school property).

- D. An emergency fire access may be provided to Lumpkin County school property if specifically authorized in writing by the Lumpkin County Board of Education.
- E. The access plan for the development shall require approval by the fire marshal prior to preliminary plat approval and development permitting.

8. Street standards.

- A. All streets within the PUD shall be designed to meet city standards and specifications for a local (city) public street and shall be private streets.
- B. Any deviations to city street standards shall only be made by variance application approved by City Council.
- C. In between the two interior street intersections shown on the conceptual master plan, the subdivision street shall provide a traffic circle or hammerhead turnaround approved by the zoning administrator.

9. **Bond.** On or before the issuance of certificates of occupancy for one half the units, the applicant or applicant's successor in interest (including a builder if the zoning administrator so directs) must post a bond in an amount to be approved by the zoning administrator in consultation with the public works director and city engineer, in a form approved by the city attorney, and in an amount sufficient to insure final completion of the improvements to Pinetree Way and any other access point, after construction on the site is complete, which shall include repair of any damage caused by construction traffic, final paving and striping.

10. Stormwater management areas.

- A. The applicant or applicant's successor in interest shall submit a stormwater management report in accordance with the latest edition of the Georgia Stormwater Management Manual, prior to any land disturbance.
- B. Any stormwater facilities designed and/or maintained as wet detention facilities will be required to be surrounded by a fence of five (5) feet high and which is open to the air. If chain link is utilized for fencing of a wet detention facility, it shall be vinyl coated.
- C. A minimum 20-foot wide access easement shall be provided from the nearest adjacent street to stormwater management areas.

11. Covenant and restriction pertaining to rental.

- A. No more than 30% of the residential units may be rented by individual owners to other parties, at any given time. This restriction shall be and remain an enforceable zoning condition.

- B. In addition, the covenants, conditions and restrictions for the PUD shall have provisions that effectuate the 30% cap at any one time on rental of residential dwelling units.
 - C. The conditions, covenants and restrictions for the development shall be subject to approval by the zoning administrator to ensure that specifics of enforcing the rental restrictions are included.
 - D. The rental restrictions shall also specifically include a prohibition against the rental of individual bedrooms of any residential dwelling unit in the project that has more than one bedroom.
 - E. Rental restrictions shall also reflect that no residential units shall be operated commercially including but not limited to short term rental uses.
12. **Sanitation.** All proposed solid waste loading centers shall be accessible by rear-loading solid waste vehicles, consistent with those used by the City of Dahlonga.



Julie L. Sellers
404.665.1242

Email:
jsellers@dillardsellers.com

October 21, 2025

City of Dahlonega
Zoning Administrator
c/o Allison Martin, City Manager/Zoning Administrator
465 Riley Road
Dahlonega, GA 30533

Re: Letter of Intent (Pinetree Way)

Dear Ms. Martin:

Please accept this letter of intent from Applicant, Pinetree Development, LLC regarding the PUD modification for the Cottrell property on Pinetree Way. As set forth in the application materials, Applicant seeks approval to modify the existing PUD zoning of the property that is tied to a site plan for commercial and multifamily development approved in 2001. Although the current zoning entitlements authorize the use for the B-2 permitted uses (including townhomes and apartments), the site plan has been updated to reflect the proposed development.

The Applicant seeks approval of the site plan submitted for a townhome community consisting of no more than 219 townhomes. In the last few years, the City commissioned Housing Needs Assessment and a Revitalization Plan. The 2025 site plan submitted with the application fulfills the acknowledged need to create additional housing in the City. Specifically, the City's Revitalization Plan recognized most of the households in the City are small (1 or 2 people) and much of the rental housing available is aging and constructed 35 years ago. The location of the Property is ideally situation for the relatively low housing density reflected on the 2025 site plan (~7.8 units per acre when calculated only based on the developed portion of the property). The Code would allow up to 8 units per acre. When calculating density on the overall property, the number would be even lower.

The Applicant engaged an architect team to create a design reflective of the City's location in the foothills of the North Georgia Mountains. *See*, Exhibit A. This intentional attention to design reflects the commitment to create attractive, high-quality housing in Dahlonega. The intent of the development is to create housing for current and new residents in Dahlonega.

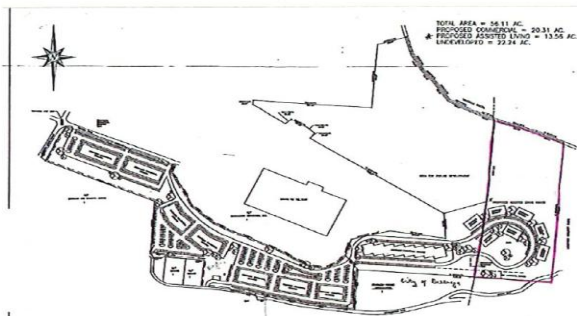
Current Zoning/Site Plan:

In 2001, the City approved the zoning and as shown below, the PUD site plan included buildings along Pinetree Way and a new road connection south of the recently opened school and recreation center.

Letter of Intent (1 of 3)

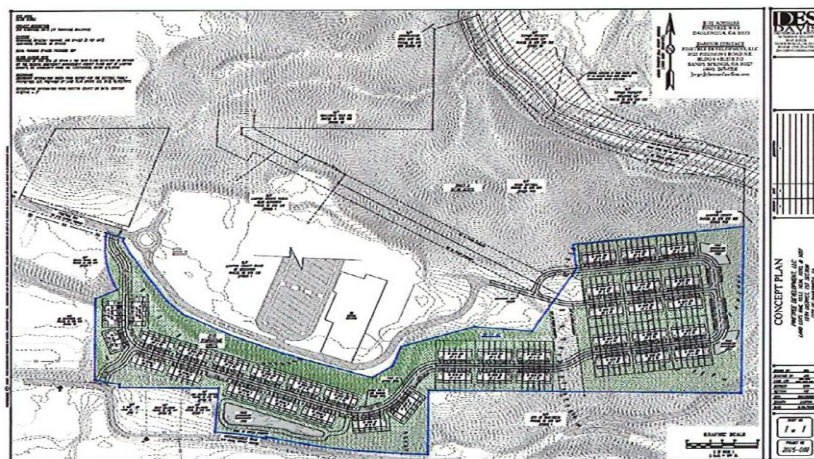
DILLARD *Sellers*
ATTORNEYS AT LAW

City of Dahlongega
October 17, 2025
Page 2



The approved plan includes approximately 100,000 square feet of retail/commercial use and 108 apartments (assisted living).

2025 site plan submitted:



Letter of Intent (2 of 3)

DILLARD *Sellers*
ATTORNEYS AT LAW

City of Dahlonaga
October 17, 2025
Page 3

The 2025 site plan eliminates the significant amount of commercial/retail use and creates much needed housing. The 2025 plan reflects additional greenspace and a use that is better aligned with the surrounding area. Another benefit of the approval of the 2025 site plan is the traffic reduction between the 2001 site plan and the residential development set forth in the 2025 plan. Traffic engineers prepared a comparison of the traffic for both plans and concluded the 2025 plan would result in a reduction in traffic of 71%. See Exhibit B.

As set forth in the application, the Applicant has satisfied the criteria and the current zoning (2001 site plan requirements) deprives the property owner of any reasonable economic use of the Property. As such, the Applicant respectfully requests approval of the townhome community.

Thank you in advance for your time and attention to this application. We look forward to working with the City to create a positive and productive use of the Property and providing additional housing options. Should you have any questions or need any additional information, please let me know.

Sincerely,

Dillard Sellers, LLC



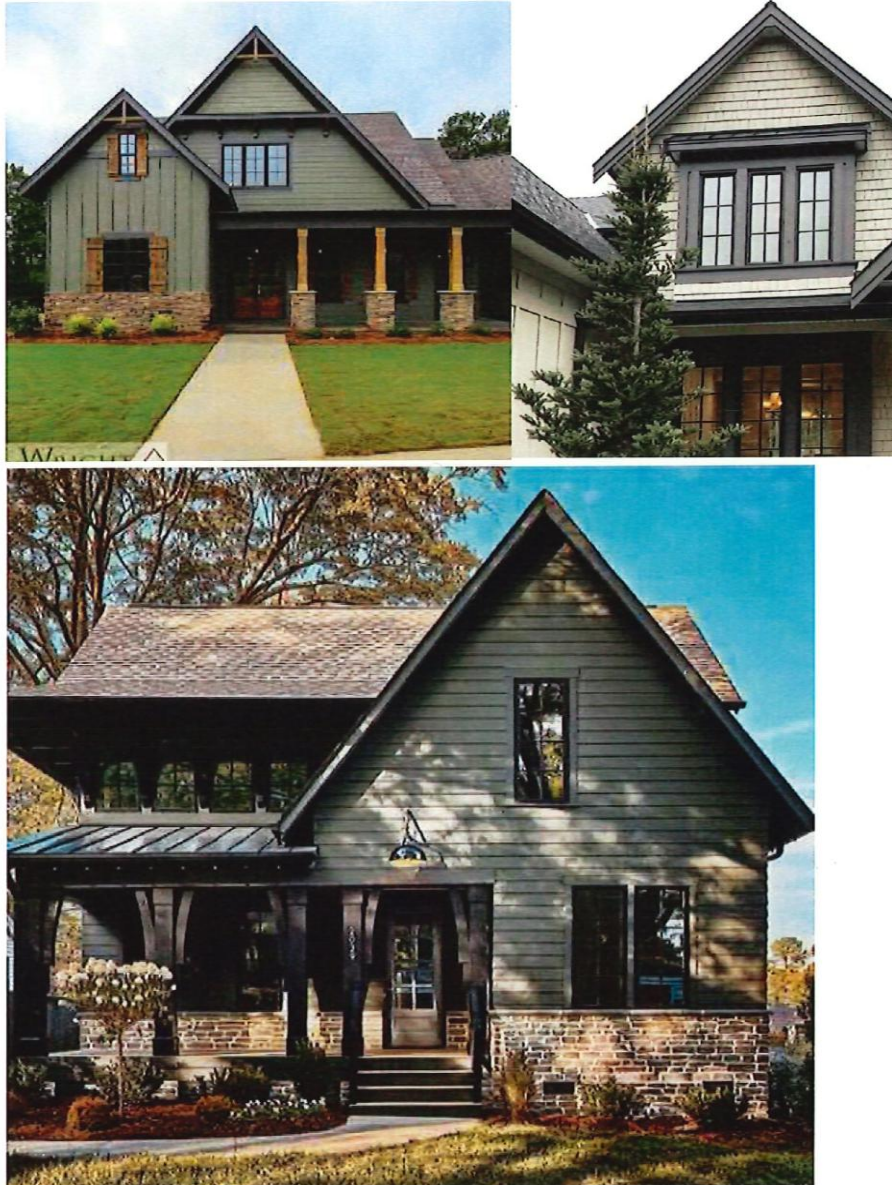
Julie L. Sellers

Enclosures

Letter of Intent (p. 3 of 3)

EXHIBIT A

Architectural Inspiration Images:



Dahlonega Townhomes Exterior Color Collections

October 21, 2025

Scheme #2

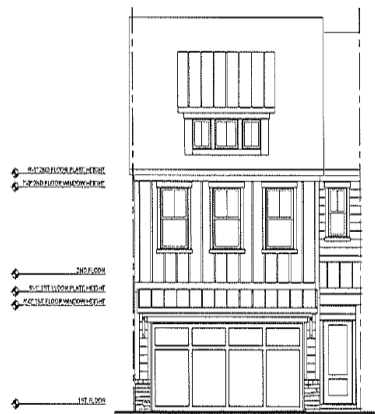


Please Note: Brick Images do not reflect actual
mortar color. See Index for mortar colors.

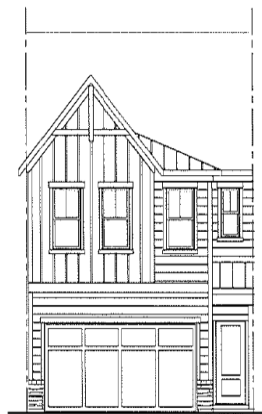


Color selections created by:
Main Street Designs of Georgia, LLC
www.MainStreetDesignsLLC.com

Please Note: The colors shown will only approximate the dry paint color. Actual color will vary depending on application, lighting, technique and material.
Please refer to original manufacturers' samples for critical color analysis.



FRONT ELEVATION A
SCALE: 1/8" = 1'-0" (1/4" SHEET)



FRONT ELEVATION B
SCALE: 1/8" = 1'-0" (1/4" SHEET)



FRONT ELEVATION C
SCALE: 1/8" = 1'-0" (1/4" SHEET)

24' DAHLONEGA TH

3050 Rayel Ave, South Gate 135
Alpharetta, GA 30201
(404) 485-3841

MAIN STREET
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PINETREE DEVELOPMENT

October 20, 2025

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24' DAHLONEGA TH

2823 Reynold Street, South Suite 105
Alpharetta, GA 30022
(404) 488-3881

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PINETREE DEVELOPMENT

October 20, 2025

Pinetree Development, LLC is a registered professional engineering firm in the State of Georgia. The firm is not responsible for the design or construction of the project. The firm is responsible for the design and construction of the project. The firm is responsible for the design and construction of the project.

Exhibit B



A&R Engineering Inc.

2160 Kingston Court, Suite O
Marietta, GA 30067
Tel : (770) 690-9255 Fax : (770) 690-9210
www.areneg.com

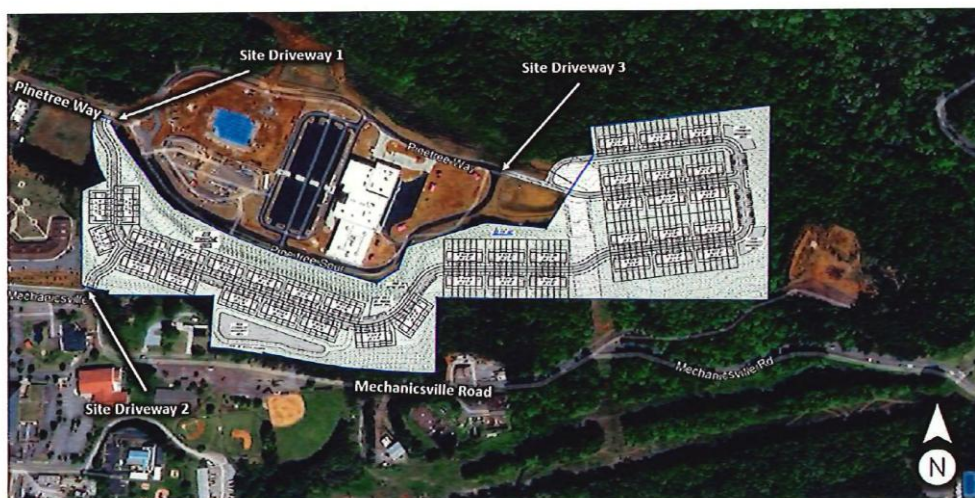
Memorandum



To: Michael Marr, The Marr Law Firm
From: Abdul Amer, PE.
Date: October 13, 2025
Subject: Trip Generation Comparison Memorandum for Residential Development and Mixed-Use Development in Lumpkin County, Georgia | A&R Project No: 25-053

The purpose of this memorandum is to compare the number of trips generated from the proposed 219 townhome development with the land-uses allowed under current PUD (planned unit development) that can currently accommodate 108 apartment units and 100,000 sf retail. The proposed development will be located north of Mechanicsville Road in Lumpkin County.

A site overlay for the proposed development is included below.



The land-use for the proposed development:

- Single-Family Attached Housing: 219 units

Land-uses permitted under current PUD:

- Multifamily Housing (Low-Rise): 108 units
- Shopping Plaza (40K – 150K) – Supermarket - No: 100,000 sf

METHODOLOGY

Trip generation estimates for the project were based on the rates and equations published in the 12th edition of the Institute of Transportation Engineers (ITE) Trip Generation Manual. This reference contains traffic volume count data collected at similar facilities nationwide. The trip generation referenced is based on the following ITE Land Uses: 215- Single – Family Attached Housing, 220- Multifamily Housing (Low-Rise) and 821 – Shopping Plaza (40K – 150K) - Supermarket – No.

Land Use: 215 – Single-Family Attached Housing: Single-family attached housing includes any single-family housing unit that shares a wall with an adjoining dwelling unit, whether the walls are for living space, a vehicle garage, or storage space.

Land Use: 220 – Multifamily Housing (Low Rise): Low-rise multifamily housing includes apartments, townhouses, and condominiums located within the same building with at least three other dwelling units and that have two or three floors (levels).

Land Use: 821 – Shopping Plaza (40K – 150K): A shopping plaza is an integrated group of commercial establishments that is planned, developed, owned, and managed as a unit. Each study site in this land use has between 40,000 and 150,000 square feet of gross leasable area (GLA).

TRIP GENERATION

Trip Generation for the proposed development based on the rates and equations published in the 12th edition of the Institute of Transportation Engineers (ITE) Trip Generation Manual, is given below in Table 1.

TABLE 1 – TRIP GENERATION— PROPOSED DEVELOPMENT								
Land Use	Size	AM Peak Hour			PM Peak Hour			24 Hour
		Enter	Exit	Total	Enter	Exit	Total	Two-way
ITE 215 – Single-Family Attached Housing	219 units	28	86	114	67	50	117	1,433

The results of the analysis for the current PUD are shown in Table 2 below.

TABLE 2 – TRIP GENERATION – CURRENT PUD								
Land Use	Size	AM Peak Hour			PM Peak Hour			24 Hour
		Enter	Exit	Total	Enter	Exit	Total	Two-way
ITE 220 – Multifamily Housing (Low-Rise) - not close to rail transit	108 units	12	39	51	37	22	59	728
Mixed-Use Reduction		-4	-9	-13	-11	-12	-23	-258
ITE 821 – Shopping Plaza (40-150k) - Supermarket - No	100,000 sf	99	60	159	233	243	476	6,538
Mixed-Use Reduction		-9	-4	-13	-12	-11	-23	-258
Passby Trips (0%) (40%)		0	0	0	-165	-173	-338	-3,380
Total Trips (without Reductions)		111	99	210	270	265	535	7,266
New External Trips (with Reductions)		98	86	184	159	149	308	4,940

TRIP GENERATION COMPARISON

Table 3 below shows the difference in the number of trips generated from the proposed development compared to the current PUD.

TABLE 3 - TRIP GENERATION COMPARISON OF PROPOSED DEVELOPMENT AND CURRENT PUD							
Land Use	AM Peak Hour			PM Peak Hour			24 Hour
	Enter	Exit	Total	Enter	Exit	Total	Two-way
Trip Generation – Current PUD	98	86	184	158	150	308	4,940
Trip Generation – Proposed Development	28	86	114	67	50	117	1,433
Difference (Current - Proposed)	-70	0	-70	-92	-99	-191	-3,507
Difference in %	-71%	0%	-38%	-58%	-67%	-62%	-71%

A comparative analysis shows that the proposed development will generate 38% less trips in the A.M. peak hour, 62% less trips in the P.M. peak hour, and 71% less 24 hour two way trips than the current PUD.

3) The following nine questions can be answered within a letter of intent, but failure to answer any one can result in denial of the application.

Complete the following information. (This section may be addressed in the letter of intent.)

1. The existing uses and zoning of nearby property and whether the proposed zoning will adversely affect the existing use or usability of nearby property.

The proposed zoning to add residential use will not adversely affect the usability of nearby property. In fact, the change from primarily commercial to residential uses is more aligned with the surrounding area and will have less impact on traffic conditions

2. The extent to which property values are diminished by the particular zoning restrictions.

While all property has some value, the existing PUD site plan requiring 20 acres of commercial use does not have the market viability for development. As such, the current PUD site plan has rendered the property as lacking any reasonable economic value.

3. The extent to which the destruction of property values promotes the health, safety, morals or general welfare of the public.

The existing PUD site plan with the significant commercial use requirement does not promote health, safety, morals or general welfare of the public. Instead, such requirement has taken the reasonable economic use of the property which is detrimental to the public. The proposed amendment to add residential use promotes the needs and goals of the City to add additional and much needed housing options.

4. The relative gain to the public as compared to the hardship imposed upon the individual property owner.

There is no gain to the public by having private property remain vacant and not contributing to the city. The hardship to the property owner is significant because the site plan requires a specific commercial development for which there is no reasonable market to support such development. The hardship imposed is essentially a taking of the ability to use the property in an economically viable manner.

Applicant's Response to Zoning Criteria (1 of 2)

5. The physical suitability of the subject property for development as presently zoned and under the proposed zoning district.

The property is suitable for the residential use and in large part is a decrease in the intensity when compared to the currently approved PUD development required on the site.

6. The length of time the property has been vacant, considered in the context of land development in the area in the vicinity of the property, and whether there are existing or changed conditions affecting the use and development of the property which give supporting grounds for either approval or disapproval of the rezoning request.

There is significant support for approval of the site plan change to allow for residential instead of the current requirement for a commercial development. The fact that the property remains vacant and undeveloped since the PUD commercial site plan was approved in 2001 is additional evidence in support of the need to modify the site plan to allow for residential use. In addition, the City's housing study identifies the significant need for housing options in the City.

7. The zoning history of the subject property.

Historically, the property was zoned Industrial. In 2001, the City approved a PUD zoning and site plan for the property. The PUD allows commercial and residential uses that include townhomes. The application requests a modification to specifically update the site plan to reflect the townhomes instead of the 2001 site plan that is largely commercial use.

8. The extent to which the proposed zoning will result in a use which will or could cause excessive or burdensome use of existing streets, transportation facilities, utilities, schools, parks, or other public facilities.

No, the revision to the site plan for the townhomes will not result in a use that is burdensome on streets, facilities, utilities, schools, parks or other public facilities. The modification will actually generate less traffic than the current 2001 site plan.

9. Whether the zoning proposal is in conformity with the policy and intent of the comprehensive plan, land use plan, or other adopted plans.

Yes, the 2025 Revitalization Plan recognized a weakness in the City relating to housing options and affordability and the Comprehensive Plan designates the property as Mixed Use Residential. The proposed change for the site plan to add townhomes is aligned with the policy and intent of plans adopted by the City.

Applicant's Response to Zoning Criteria (2 of 2)