



# **CITY OF DAHLONEGA**

## **Planning Commission Regular Meeting / Public Hearing Agenda**

**February 03, 2026, 6:00 PM**

**Gary McCullough Chambers, Dahlonega City Hall**

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**I. CALL TO ORDER**

**II. PLEDGE OF ALLEGIANCE TO THE AMERICAN FLAG**

**III. APPROVAL OF AGENDA**

**IV. APPROVAL OF MINUTES**

- (1.) Regular Meeting of January 6, 2026  
Rhonda Hansard, City Clerk

**V. RECESS REGULAR MEETING FOR PUBLIC HEARING**

**VI. PUBLIC HEARING**

- (1.) Ordinance 2026-101 regarding REZN 26-1: 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.  
Allison Martin, Zoning Administrator

**VII. ADJOURN PUBLIC HEARING**

**VIII. RECONVENE REGULAR MEETING**

**IX. OLD BUSINESS**

- (1.) REZN 25-1 Annexation and Zoning: Bryan Bergstein, applicant and property owner, seeks annexation and PUD (Planned Unit Development) zoning for 4.30 acres (Land Lot 145, 2nd District, 1st Section, Lumpkin County) (Map/Parcel 081 009) fronting 384.22 feet on the west side of South Chestatee Street (SR 60/US Hwy 19) 162 feet northwest of Old Village Lane (a.k.a. 3400 South Chestatee Street). Existing character area in unincorporated Lumpkin County is a gateway corridor. Proposed use: Fee simple townhouses (40 units).  
Allison Martin, Zoning Administrator

**X. NEW BUSINESS**

- (1.) Ordinance 2026-101 regarding REZN 26-1: 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.  
Allison Martin, Zoning Administrator

**XI. ADJOURNMENT**



# Agenda Memo

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**DATE:** 2/3/2026

**TITLE:** REZN 26-1

**PRESENTED BY:** Allison Martin, Zoning Administrator

**PRIORITY** Strategic Priority - Communication

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## AGENDA ITEM DESCRIPTION

Ordinance 2026-101 regarding REZN 26-1 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.

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## HISTORY/PAST ACTION

See Consulting Planner's Report.

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## FINANCIAL IMPACT

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## RECOMMENDATION

Denial.

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## SUGGESTED MOTIONS

Denial at the appropriate time.

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## ATTACHMENTS

Consulting Planner's Report.

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## CONSULTING PLANNER'S REPORT

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

**FROM:** Jerry Weitz, Consulting Planner

**DATE:** January 20, 2026

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

**PUBLIC HEARINGS:** February 3, 2026 @ 6:00 p.m. (Planning Commission)  
February, 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)

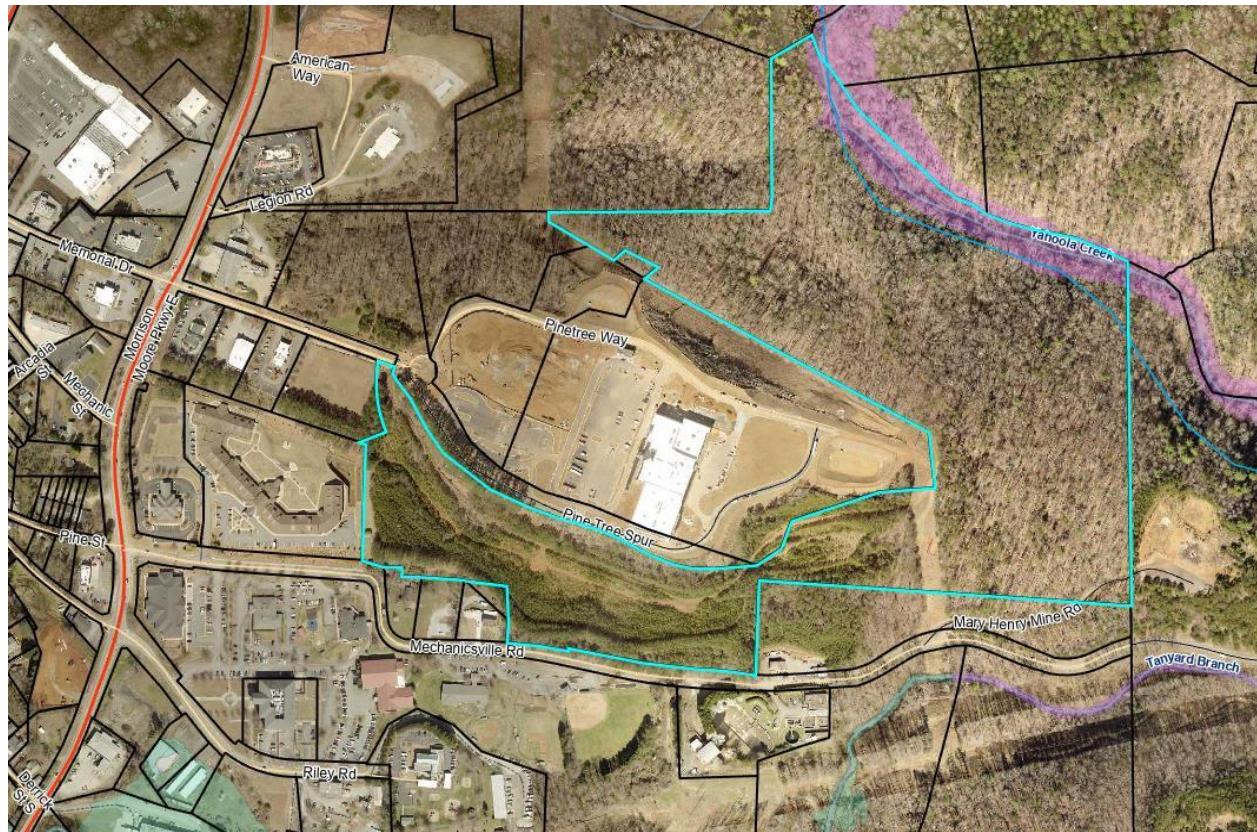
**EAST:** (across Yahoola Creek): vacant (accessed by Captain McDonald Road) (unincorporated); county recreation complex, PUD

**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:** **Denial; conditional approval if approved**



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

*Prior reports prepared by the consulting planner noted important inconsistencies in terms of property descriptions that needed to be addressed by the applicant. The applicant refiled the PUD rezoning application in December 2025 with a site plan revised in November 2025. However, no changes have been made to the legal description for the subject application, and the revised application does not reconcile inconsistencies as requested. Accordingly, consulting planner recommends denial of the application, since the applicant after opportunities has not corrected the inconsistencies in the application. If City Council elects to proceed with approval, conditional approval is recommended.*

## **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.

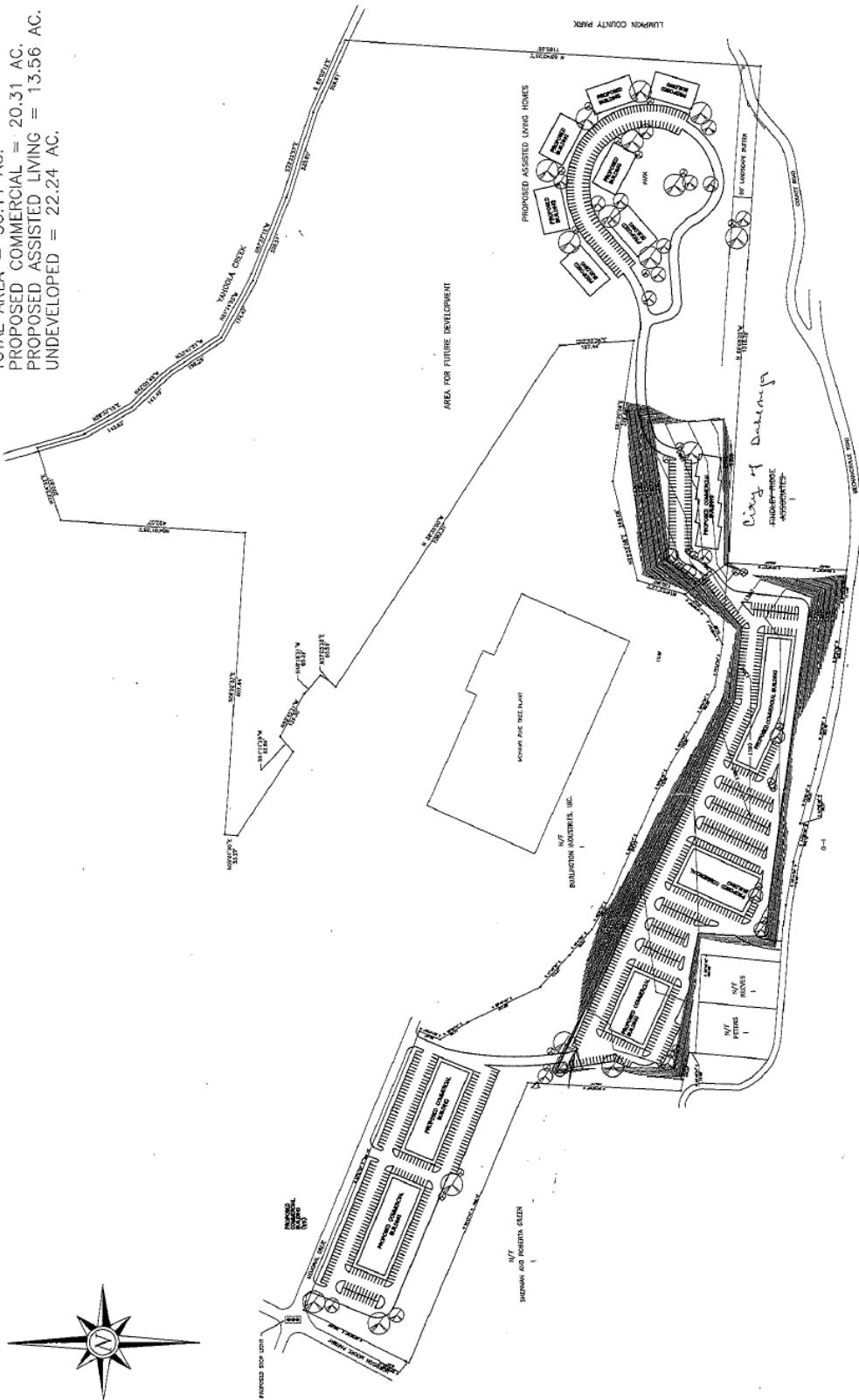
Also in January 2023, the Lumpkin County school superintendent commented in writing about the proposed development as part of the DRI review process. The letter reflected some concern over the challenge 325 housing units and 1,055 bedrooms would

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. 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

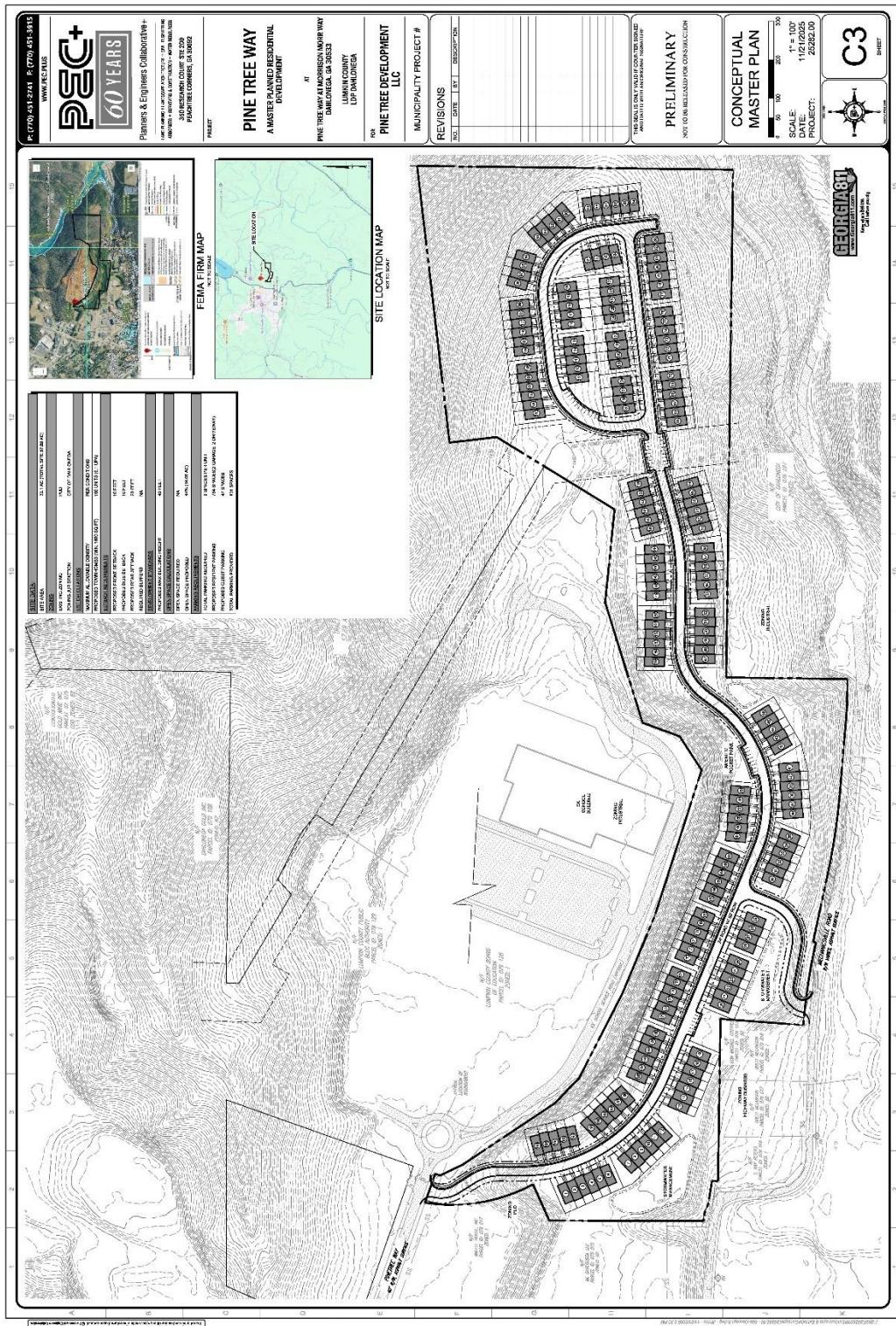
## **REZN 25-10 PUD to PUD Pinetree Way, City of Dahlonega**

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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 21, 2025)**

(note: only 32.10 acres of approximately 56 acres is shown)

<b><u>SITE DATA:</u></b>	
SITE AREA	32.1 AC (TOTAL SITE 57.89 AC)
<b><u>ZONING</u></b>	
EXISTING ZONING	PUD
ZONING JURISDICTION	CITY OF DAHLONEGA
<b><u>USE CALCULATIONS</u></b>	
MAXIMUM ALLOWABLE DENSITY	PER CONDITIONS
PROPOSED TOWNHOMES (MIN. 1800 SQ FT)	196 UNITS (6.1 UPA)
<b><u>SETBACK REQUIREMENTS</u></b>	
PROPOSED FRONT SETBACK	10 FEET
PROPOSED SIDE SETBACK	10 FEET
PROPOSED REAR SETBACK	20 FEET
REQUIRED BUFFERS	NA
<b><u>DEVELOPMENT STANDARDS</u></b>	
PROPOSED MAX BUILDING HEIGHT	40 FEET
<b><u>OPEN SPACE CALCULATIONS</u></b>	
OPEN SPACE REQUIRED	NA
OPEN SPACE PROPOSED	44% (14.06 AC)
<b><u>PARKING REQUIREMENTS</u></b>	
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 (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 revised letter of intent dated December 22, 2025. The letter of intent is attached to this report. The original letter of intent an 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 (attached to this report). The applicant's responses to zoning criteria are also attached to this report. 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.***

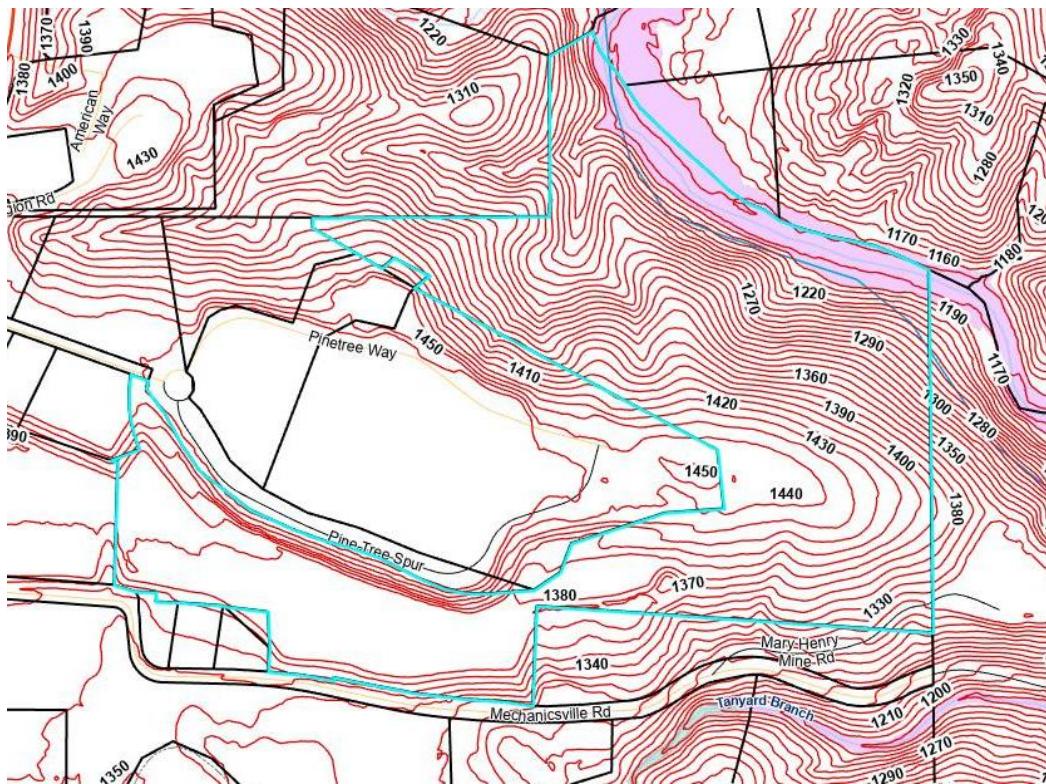
Finding: See the zoning criteria discussed in a later section of this report relative to consistency with land use plan goals, policies, and suggested land uses.

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

Finding: The 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 given the proposed street is not a through street.

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

1. Whether the zoning proposal will permit a use that is suitable in view of the use and development of adjacent and nearby property.
2. Whether the zoning proposal will adversely affect the existing use or usability of adjacent or nearby property.
3. Whether the zoning proposal will result in a use that will or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities, or schools.

4. Whether the zoning proposal is consistent with the Comprehensive Plan, transportation plans, or other plans adopted for guiding development within the City of Dahlonega.
5. Whether there are other existing or changing conditions affecting the use and development of property that give supporting grounds for either approval or disapproval of the zoning or special use proposal.

*This report provides consulting planner's findings below. The applicant has addressed criteria in writing as provided in the zoning application (see attachment to this report)*

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

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

Finding: 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 Dahlonega.**

Finding: The comprehensive plan indicates that the subject property is appropriate for “mixed use residential” (see City of Dahlonega 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

The applicant has revised this application and the site plan a number of times. Changes to the site plan have improved the design and layout of the proposed development, in consulting planner's opinion. However, revisions to the application have not been made to reconcile differences in property descriptions among the application, legal description, and conceptual site plan. Given ample opportunity to reconcile these issues and having neglected to address them in the revised application, consulting planner does not believe the application should be approved in its current form for the following reasons among others:

- The metes and bounds legal description, the application form, and the revised site plan have differences shown for total acreage of the PUD (portion).
- The applicant has not submitted the plat of record, and the 2013 survey, and The conceptual master plan does not incorporate metes and bounds and perimeter boundary distances.
- All of the dimensional requirements for the PUD as required by the Dahlonega zoning ordinance for PUD applications, have not been submitted. Some of these are shown on the revised site plan, but critically important ones like building height, lot area, and lot width, are not indicated.
- The applicant has not provided a description of the 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.

During the process of reviewing the previous application, the applicant hired a new land planner and revised the site plan that was first 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 dead-end streets that were considered problematic.

As approved as proposed, the remainder of the subject property not shown as development (i.e., that part of the site not proposed at this time for development) will have no future use except for open space.

## **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 21, 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.
- 4. 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.

5. **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.

6. **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.

7. **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.

8. **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.

**9. 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.

**10. 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.

**11. Sanitation.** All proposed solid waste loading centers shall be accessible by rear-loading solid waste vehicles, consistent with those used by the City of Dahlonega.



Julie L. Sellers  
404.665.1242

Email:  
jsellers@dillardsellers.com

December 22, 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:

Applicant, Pinetree Development, LLC submits this application to modify the current zoning of PUD 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 residential 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 located for the relatively low housing density proposed by Applicant (~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.

**Letter of Intent (1 of 2)**

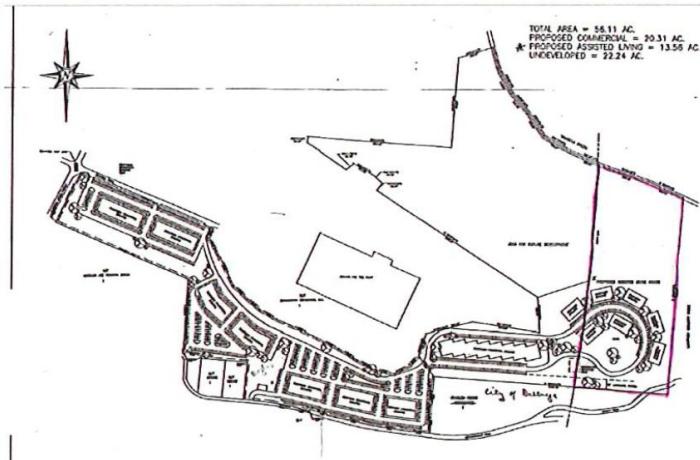
**DILLARD *Sellers***  
ATTORNEYS AT LAW

City of Dahlonega  
December 22, 2025  
Page 2

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**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.



The approved plan includes approximately 100,000 square feet of retail/commercial use and 108 apartments (assisted living). By approval of this application, commercial use will be eliminated and housing will be created. The Applicant has satisfied the zoning 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 (2 of 2)**

Exhibit A



6-UNIT BUILDING  
FRONT ELEVATION

Dahlonega Townhomes



## Dahlonega Townhomes

### Exterior Color Collections

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#### Scheme #1



Color selections created by:  
Main Street Designs of Georgia, LLC  
[www.MainStreetDesignsLLC.com](http://www.MainStreetDesignsLLC.com)

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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.

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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)**

Exhibit B



**A&R Engineering Inc.**

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

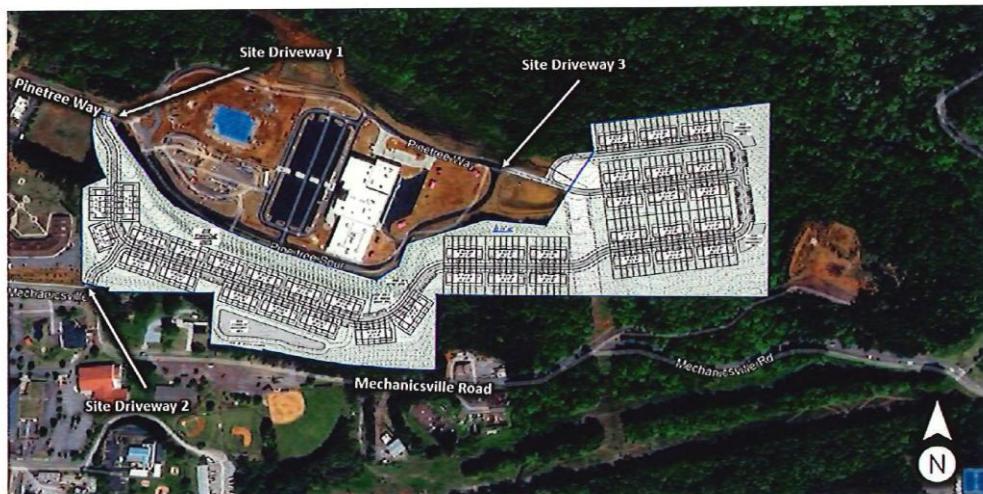
**Memorandum**

**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 12<sup>th</sup> 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 12<sup>th</sup> 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	
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	
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
<b>Total Trips (without Reductions)</b>		<b>111</b>	<b>99</b>	<b>210</b>	<b>270</b>	<b>265</b>	<b>535</b>	<b>7,266</b>
<b>New External Trips (with Reductions)</b>		<b>98</b>	<b>86</b>	<b>184</b>	<b>159</b>	<b>149</b>	<b>308</b>	<b>4,940</b>

**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 Two-way
	Enter	Exit	Total	Enter	Exit	Total	
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.



# Agenda Memo

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**DATE:** 2/3/2026

**TITLE:** REZN 25-1

**PRESENTED BY:** Allison Martin, Zoning Administrator

**PRIORITY** Strategic Priority - Communication

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## AGENDA ITEM DESCRIPTION

REZN 25-1 Annexation and Zoning: Bryan Bergstein, applicant and property owner, seeks annexation and PUD (Planned Unit Development) zoning for 4.30 acres (Land Lot 145, 2<sup>nd</sup> District, 1<sup>st</sup> Section, Lumpkin County) (Map/Parcel 081 009) fronting 384.22 feet on the west side of South Chestatee Street (SR 60/US Hwy 19) 162 feet northwest of Old Village Lane (a.k.a. 3400 South Chestatee Street). Existing character area in unincorporated Lumpkin County is a gateway corridor. Proposed use: Fee simple townhouses (40 units).

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## HISTORY/PAST ACTION

None.

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## FINANCIAL IMPACT

None.

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## RECOMMENDATION

Recommendation is for this to be continued.

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## SUGGESTED MOTIONS

Continuance.

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## ATTACHMENTS

None.

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# Agenda Memo

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**DATE:** 2/3/2026

**TITLE:** REZN 26-1

**PRESENTED BY:** Allison Martin, Zoning Administrator

**PRIORITY** Strategic Priority - Communication

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## AGENDA ITEM DESCRIPTION

Ordinance 2026-101 regarding REZN 26-1 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.

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## HISTORY/PAST ACTION

See Consulting Planner's Report.

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## FINANCIAL IMPACT

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## RECOMMENDATION

Denial.

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## SUGGESTED MOTIONS

Denial at the appropriate time.

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## ATTACHMENTS

Consulting Planner's Report.

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## CONSULTING PLANNER'S REPORT

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

**FROM:** Jerry Weitz, Consulting Planner

**DATE:** January 20, 2026

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

**PUBLIC HEARINGS:** February 3, 2026 @ 6:00 p.m. (Planning Commission)  
February, 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)

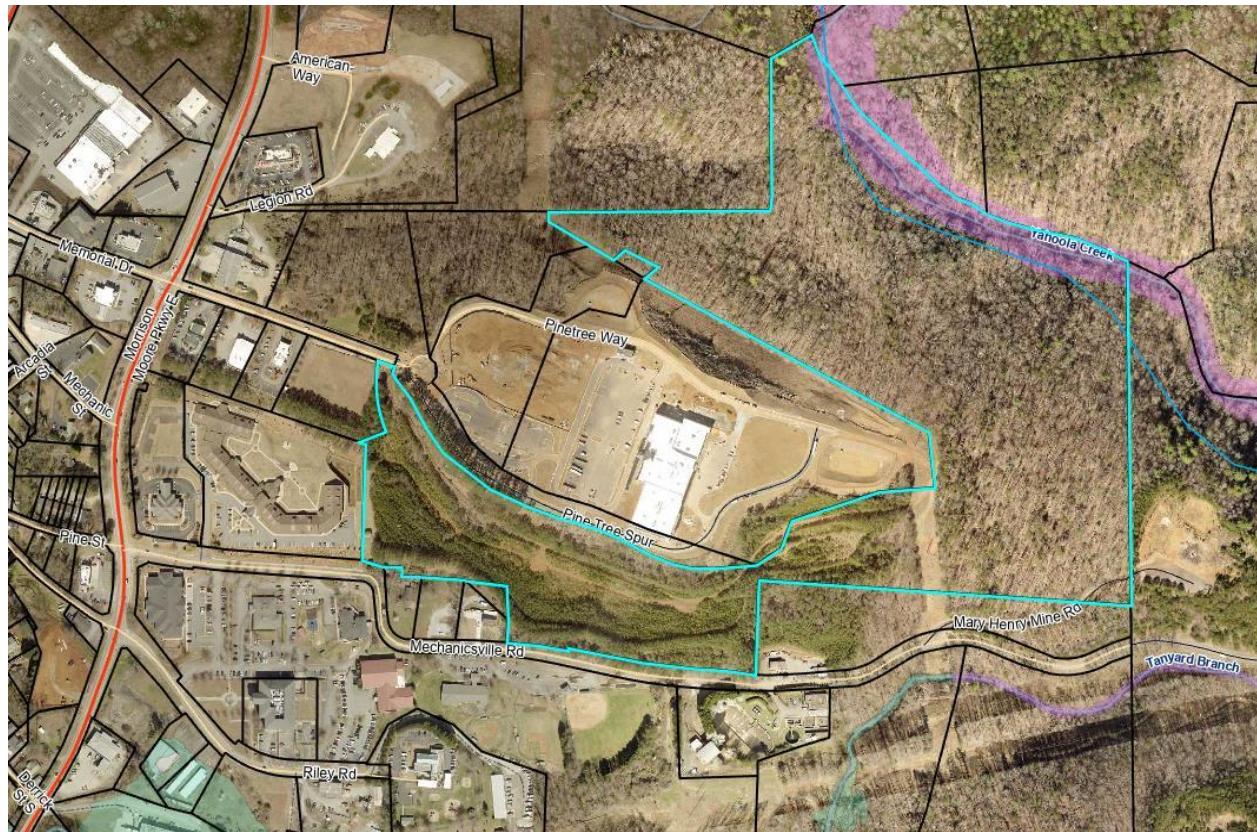
**EAST:** (across Yahoola Creek): vacant (accessed by Captain McDonald Road) (unincorporated); county recreation complex, PUD

**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:** **Denial; conditional approval if approved**



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

**Prior reports prepared by the consulting planner noted important inconsistencies in terms of property descriptions that needed to be addressed by the applicant. The applicant refiled the PUD rezoning application in December 2025 with a site plan revised in November 2025. However, no changes have been made to the legal description for the subject application, and the revised application does not reconcile inconsistencies as requested. Accordingly, consulting planner recommends denial of the application, since the applicant after opportunities has not corrected the inconsistencies in the application. If City Council elects to proceed with approval, conditional approval is recommended.**

## **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.

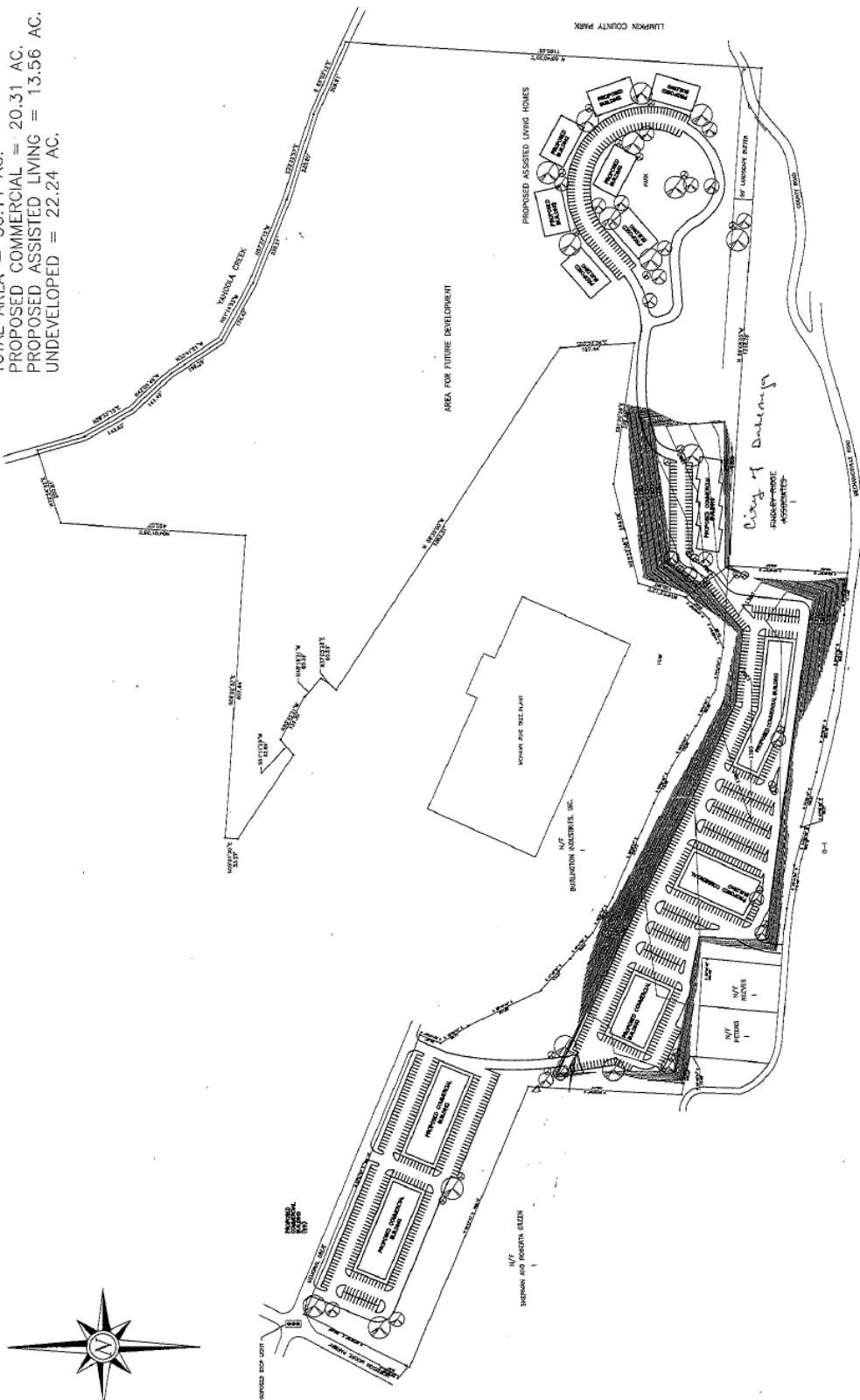
Also in January 2023, the Lumpkin County school superintendent commented in writing about the proposed development as part of the DRI review process. The letter reflected some concern over the challenge 325 housing units and 1,055 bedrooms would

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. 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

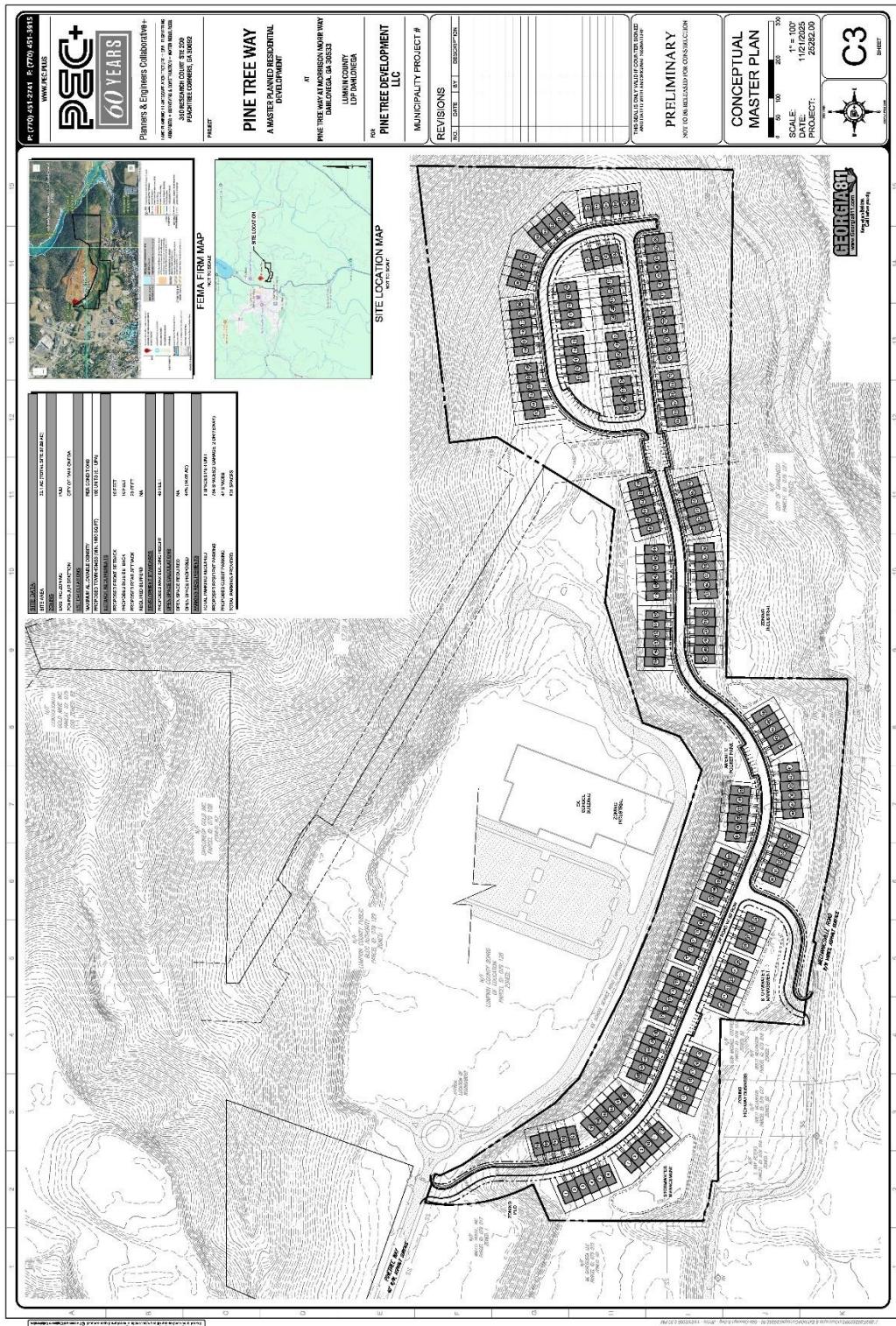
## **REZN 25-10 PUD to PUD Pinetree Way, City of Dahlonega**

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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 21, 2025)**

(note: only 32.10 acres of approximately 56 acres is shown)

<b><u>SITE DATA:</u></b>	
SITE AREA	32.1 AC (TOTAL SITE 57.89 AC)
<b><u>ZONING</u></b>	
EXISTING ZONING	PUD
ZONING JURISDICTION	CITY OF DAHLONEGA
<b><u>USE CALCULATIONS</u></b>	
MAXIMUM ALLOWABLE DENSITY	PER CONDITIONS
PROPOSED TOWNHOMES (MIN. 1800 SQ FT)	196 UNITS (6.1 UPA)
<b><u>SETBACK REQUIREMENTS</u></b>	
PROPOSED FRONT SETBACK	10 FEET
PROPOSED SIDE SETBACK	10 FEET
PROPOSED REAR SETBACK	20 FEET
REQUIRED BUFFERS	NA
<b><u>DEVELOPMENT STANDARDS</u></b>	
PROPOSED MAX BUILDING HEIGHT	40 FEET
<b><u>OPEN SPACE CALCULATIONS</u></b>	
OPEN SPACE REQUIRED	NA
OPEN SPACE PROPOSED	44% (14.06 AC)
<b><u>PARKING REQUIREMENTS</u></b>	
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 (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 revised letter of intent dated December 22, 2025. The letter of intent is attached to this report. The original letter of intent an 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 (attached to this report). The applicant's responses to zoning criteria are also attached to this report. 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.***

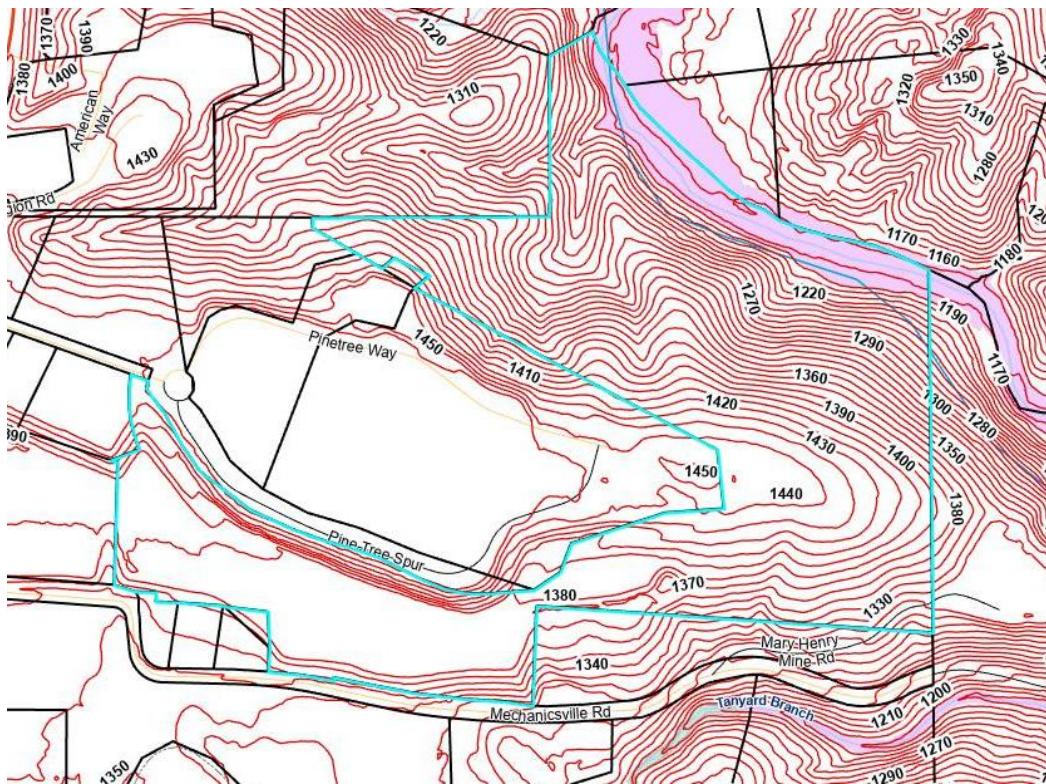
Finding: See the zoning criteria discussed in a later section of this report relative to consistency with land use plan goals, policies, and suggested land uses.

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

Finding: The 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 given the proposed street is not a through street.

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

1. Whether the zoning proposal will permit a use that is suitable in view of the use and development of adjacent and nearby property.
2. Whether the zoning proposal will adversely affect the existing use or usability of adjacent or nearby property.
3. Whether the zoning proposal will result in a use that will or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities, or schools.

4. Whether the zoning proposal is consistent with the Comprehensive Plan, transportation plans, or other plans adopted for guiding development within the City of Dahlonega.
5. Whether there are other existing or changing conditions affecting the use and development of property that give supporting grounds for either approval or disapproval of the zoning or special use proposal.

*This report provides consulting planner's findings below. The applicant has addressed criteria in writing as provided in the zoning application (see attachment to this report)*

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

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

Finding: 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 Dahlonega.**

Finding: The comprehensive plan indicates that the subject property is appropriate for “mixed use residential” (see City of Dahlonega 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**

The applicant has revised this application and the site plan a number of times. Changes to the site plan have improved the design and layout of the proposed development, in consulting planner's opinion. However, revisions to the application have not been made to reconcile differences in property descriptions among the application, legal description, and conceptual site plan. Given ample opportunity to reconcile these issues and having neglected to address them in the revised application, consulting planner does not believe the application should be approved in its current form for the following reasons among others:

- The metes and bounds legal description, the application form, and the revised site plan have differences shown for total acreage of the PUD (portion).
- The applicant has not submitted the plat of record, and the 2013 survey, and The conceptual master plan does not incorporate metes and bounds and perimeter boundary distances.
- All of the dimensional requirements for the PUD as required by the Dahlonega zoning ordinance for PUD applications, have not been submitted. Some of these are shown on the revised site plan, but critically important ones like building height, lot area, and lot width, are not indicated.
- The applicant has not provided a description of the 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.

During the process of reviewing the previous application, the applicant hired a new land planner and revised the site plan that was first 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 dead-end streets that were considered problematic.

As approved as proposed, the remainder of the subject property not shown as development (i.e., that part of the site not proposed at this time for development) will have no future use except for open space.

## **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 21, 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.
- 4. 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.

5. **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.

6. **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.

7. **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.

8. **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.

**9. 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.

**10. 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.

**11. Sanitation.** All proposed solid waste loading centers shall be accessible by rear-loading solid waste vehicles, consistent with those used by the City of Dahlonega.



Julie L. Sellers  
404.665.1242

Email:  
jsellers@dillardsellers.com

December 22, 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:

Applicant, Pinetree Development, LLC submits this application to modify the current zoning of PUD 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 residential 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 located for the relatively low housing density proposed by Applicant (~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.

**Letter of Intent (1 of 2)**

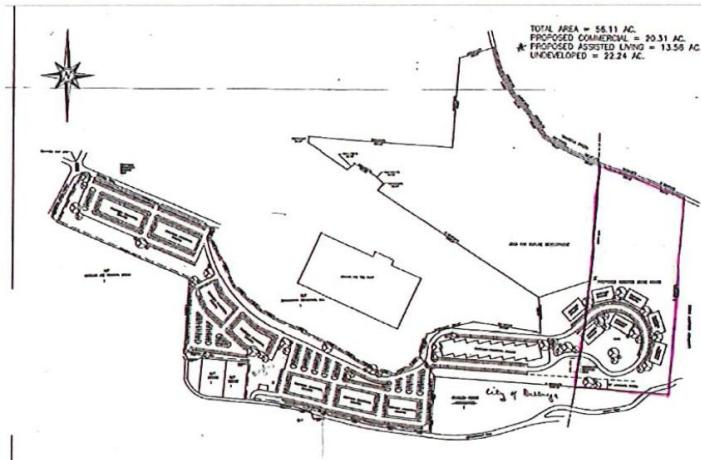
**DILLARD *Sellers***  
ATTORNEYS AT LAW

City of Dahlonega  
December 22, 2025  
Page 2

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**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.



The approved plan includes approximately 100,000 square feet of retail/commercial use and 108 apartments (assisted living). By approval of this application, commercial use will be eliminated and housing will be created. The Applicant has satisfied the zoning 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 (2 of 2)**

Exhibit A



6-UNIT BUILDING  
FRONT ELEVATION

Dahlonega Townhomes



## Dahlonega Townhomes

### Exterior Color Collections

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#### Scheme #1



Color selections created by:  
Main Street Designs of Georgia, LLC  
[www.MainStreetDesignsLLC.com](http://www.MainStreetDesignsLLC.com)

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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.

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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)**

Exhibit B



**A&R Engineering Inc.**

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



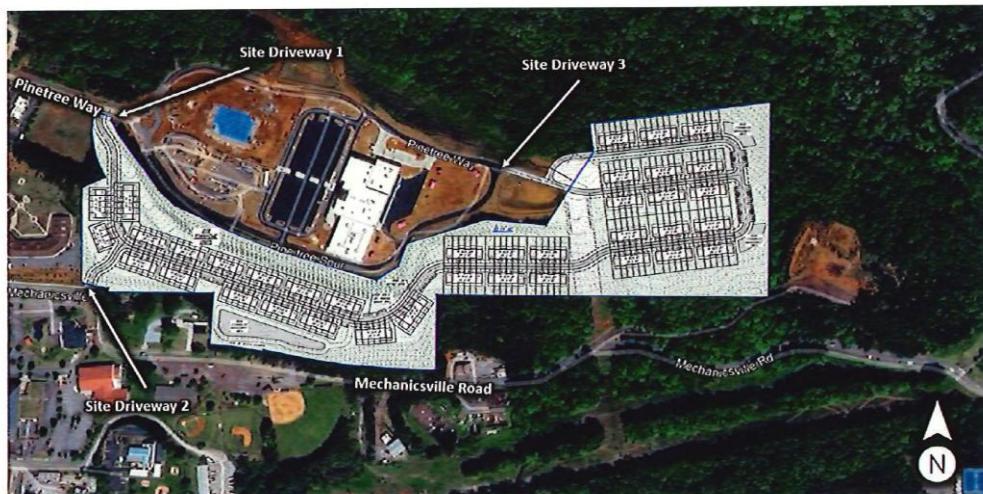
**Memorandum**

**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

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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 12<sup>th</sup> 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 12<sup>th</sup> 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	
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	
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
<b>Total Trips (without Reductions)</b>		<b>111</b>	<b>99</b>	<b>210</b>	<b>270</b>	<b>265</b>	<b>535</b>	<b>7,266</b>
<b>New External Trips (with Reductions)</b>		<b>98</b>	<b>86</b>	<b>184</b>	<b>159</b>	<b>149</b>	<b>308</b>	<b>4,940</b>

**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 Two-way
	Enter	Exit	Total	Enter	Exit	Total	
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.