



CITY OF DAHLONEGA

Planning Commission Regular Meeting / Public Hearing Agenda

May 05, 2026, 6:00 PM

Gary McCullough Chambers, Dahlonega City Hall

I. CALL TO ORDER

II. PLEDGE OF ALLEGIANCE TO THE AMERICAN FLAG AND INVOCATION

III. APPROVAL OF AGENDA

IV. APPROVAL OF MINUTES

- (1.) Regular Meeting / Public Hearing of April 7, 2026
Rhonda Hansard, City Clerk

V. RECESS REGULAR MEETING FOR PUBLIC HEARING

VI. PUBLIC HEARING

- (1.) REZN 26-3 (resubmission): Pinetree Development, LLC, by Dillard Sellers, applicant, Vivian L. Cottrell, property owner, seeks rezoning from PUD (Planned Unit Development District), Conditional, to PUD (Planned Unit Development District), Conditional (change of use and conditions of approval) for 55.44 acres fronting on the south side of Pinetree Way and on the north side of Mechanicsville Road (Map/Parcel 079/ 054). Proposed use: 125 residential lots/units (85 detached single-family lots and 40 fee simple townhouse lots/units). Allison Martin, Zoning Administrator
- (2.) BZA 26-1: Steven Leibel, property owner / applicant, seeks a variance from the 60-foot front setback requirement for the property located at 3619 South Chestatee St, Dahlonega, GA 30533 (Tax Parcel 081-476) to allow the placement of a deck structure. Requested is a ten-foot reduction. Allison Martin, Zoning Administrator
- (3.) REZN 25-11 Rezoning: Cathy Cain, owner, by Applicant, Shiri R. Gantt, and Doug Sherrill, Agent, seeks to rezone the subject property (Tax Parcel D10-076), located at 117 Turner Road, Dahlonega, Georgia, from Zoning Classification R-2 (Multi-Family Residential District) to Classification B-1 (Neighborhood Business District) for retail, office or service uses allowed in Classification B-1. The subject property contains 1.02 acres, more or less. Allison Martin, City Manager

VII. ADJOURN PUBLIC HEARING

VIII. RECONVENE REGULAR MEETING

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

IX. OLD BUSINESS

X. NEW BUSINESS

- (1.) REZN 26-3 (resubmission): Pinetree Development, LLC, by Dillard Sellers, applicant, Vivian L. Cottrell, property owner, seeks rezoning from PUD (Planned Unit Development District), Conditional, to PUD (Planned Unit Development District), Conditional (change of use and conditions of approval) for 55.44 acres fronting on the south side of Pinetree Way and on the north side of Mechanicsville Road (Map/Parcel 079-054). Proposed use: 125 residential lots/units (85 detached single-family lots and 40 fee simple townhouse lots/units). Allison Martin, Zoning Administrator
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XI. ADJOURNMENT



Agenda Memo

DATE: 5/5/2026
TITLE: REZN 26-3
PRESENTED BY: Allison Martin, Zoning Administrator
PRIORITY: Strategic Priority - Communication

AGENDA ITEM DESCRIPTION

REZN 26-3 (resubmission): Pinetree Development, LLC, by Dillard Sellers, applicant, Vivian L. Cottrell, property owner, seeks rezoning from PUD (Planned Unit Development District), Conditional, to PUD (Planned Unit Development District), Conditional (change of use and conditions of approval) for 55.44 acres fronting on the south side of Pinetree Way and on the north side of Mechanicsville Road (Map/Parcel 079/ 054). Proposed use: 125 residential lots/units (85 detached single-family lots and 40 fee simple townhouse lots/units).

HISTORY/PAST ACTION

No prior action regarding this applicant. Previous application was withdrawn prior to action being taken.

FINANCIAL IMPACT

None.

RECOMMENDATION

Approval with conditions.

SUGGESTED MOTIONS

Motion to approve with conditions at such time to do so.

ATTACHMENTS

Consultant's Report.

CONSULTING PLANNER'S REPORT

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

FROM: Jerry Weitz, Consulting Planner

DATE: April 29, 2026

SUBJECT: **REZN 26-3** Rezoning from PUD (Planned Unit Development District to PUD) (modification of existing zoning conditions)

PUBLIC HEARINGS: May 5, 2026 @ 6:00 p.m. (Planning Commission)
May 18, 2026 @ 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 (56.020 acres per recorded plat; see Tract A) and 079/123 (0.248 acre; see Tract B per recorded plat)

ACREAGE: 56.268 per application; 32.36 developed

EXISTING USE: Vacant

PROPOSED USE: 125 housing units (40 townhouses on 24' x 50' lots and 85 detached homes on 40' x 110' lots)

SURROUNDING LAND USE/ZONING:

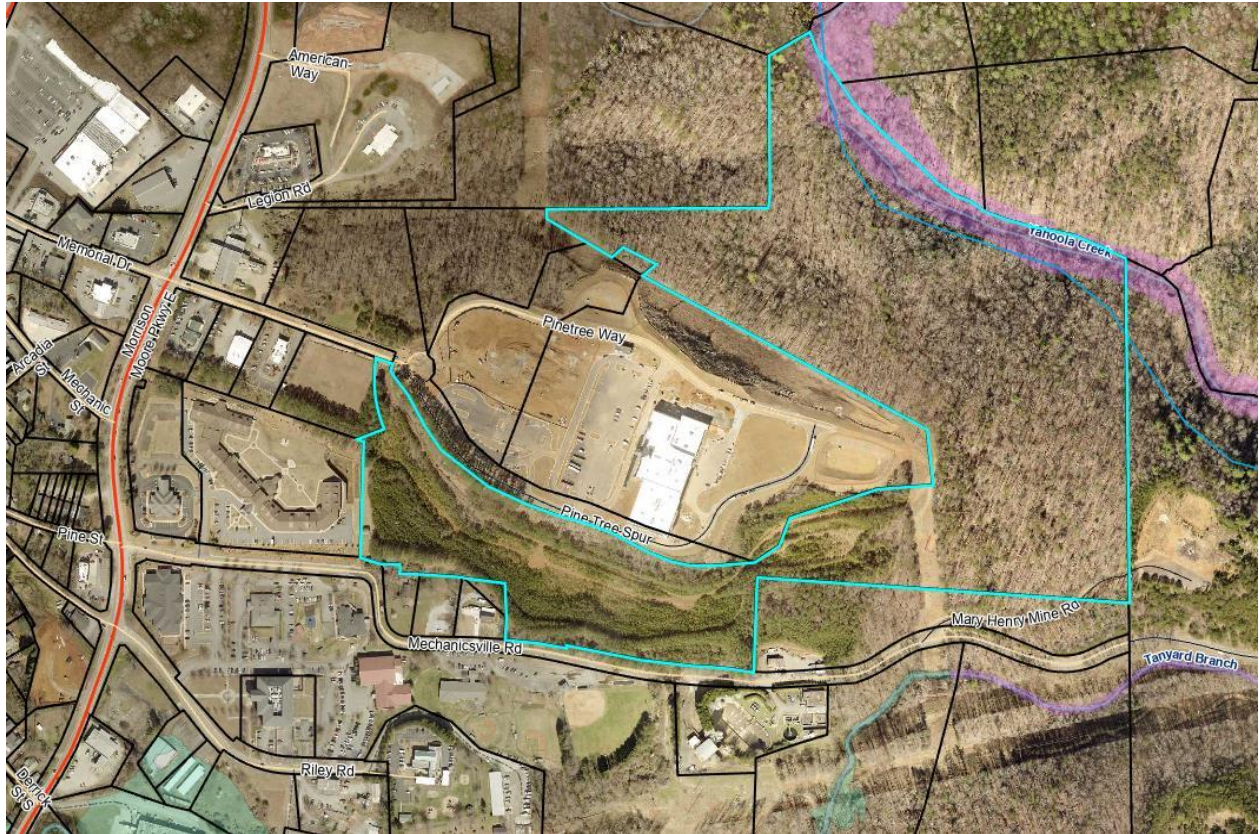
NORTH: (north of Pinetree Way): vacant (same property owner), IND (Industrial District) and public institutional (county school), IND; vacant and commercial (Consolidated Gold Mine), B-2 (Highway Business District)

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

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

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

RECOMMENDATION: **Approval, conditional**



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

APPLICATION/ZONING HISTORY

PUD Zoning (2001)

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

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

PUD Rezoning Application (2023)

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

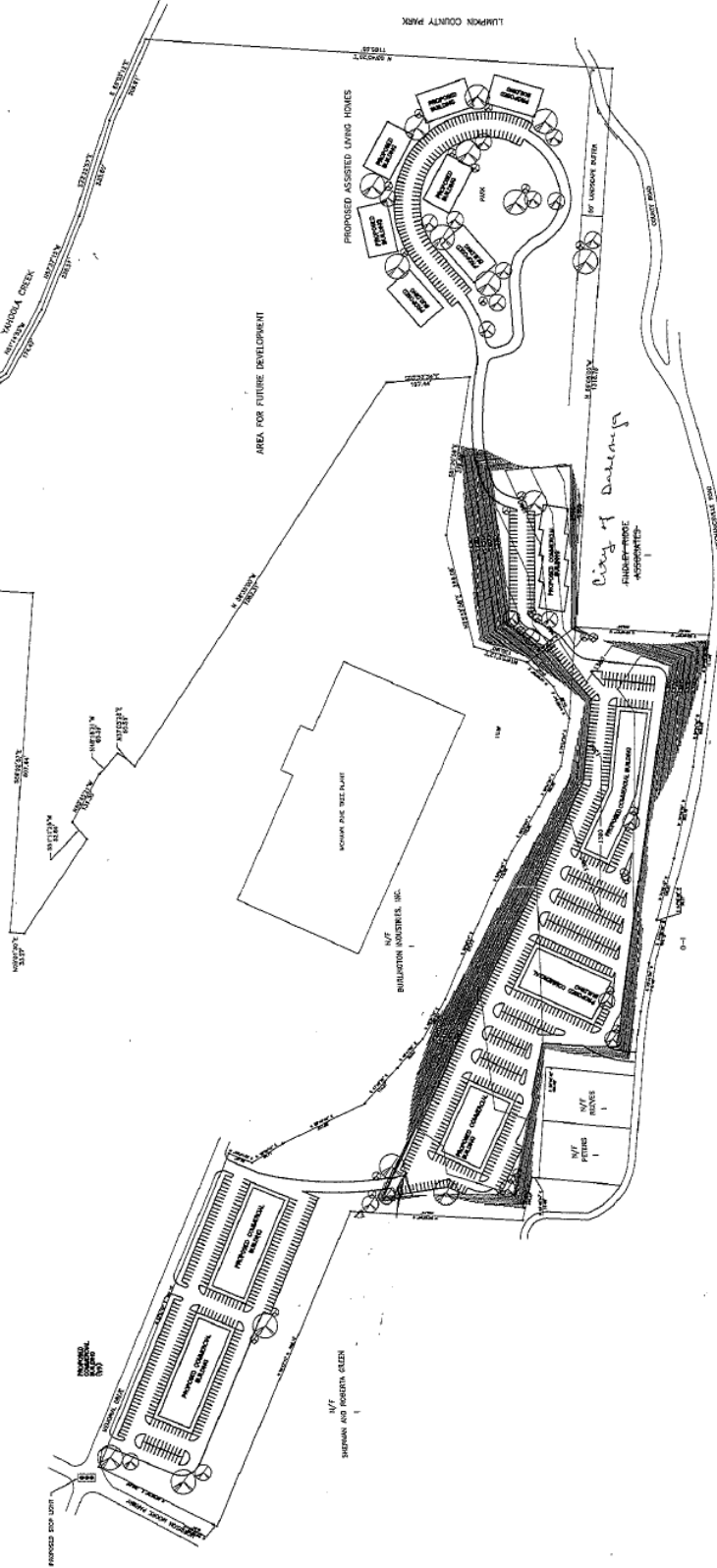
Although the DRI was for more land and some different uses, that review is of interest here. Attached to the DRI final report was a letter from the chair of the Lumpkin County Board of Commissioners dated January 18, 2023, which raised concern about the impact 1,000+ new residents would have on county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

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

Appeal of Administrative Decision (2025)

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

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



2001 PUD Site Plan Excerpt

PROPERTY DESCRIPTION AND EXISTING CONDITIONS



Property Description and Surroundings

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



Approximate Location of Proposed Entrance onto Pinetree Way (Right)

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.

SITE DATA:	
SITE AREA	32.36 AC (TOTAL SITE 56.268 AC)
ZONING	
EXISTING ZONING	PUD
ZONING JURISDICTION	CITY OF DAHLONEGA
SETBACK REQUIREMENTS	
PROPOSED FRONT SETBACK	15 FEET
PROPOSED SIDE SETBACK	5 FEET
PROPOSED REAR SETBACK	20 FEET
REQUIRED BUFFERS	NA
DEVELOPMENT STANDARDS	
PROPOSED MAX BUILDING HEIGHT	40 FEET
MINIMUM LOT SIZE	2,000 SF
MINIMUM FLOOR AREA	1,500 SF
MINIMUM LOT WIDTH/FRONTAGE	18 FEET
24' X 50' FRONT LOADED TOWNHOMES PROVIDED	40 UNITS
40' X 110' DETACHED SINGLE FAMILY LOT PROVIDED	85 LOTS
TOTAL RESIDENTIAL UNITS/LOTS PROVIDED	125 UNITS/LOTS
TOTAL SITE DENSITY PROVIDED	3.86 DUA (2.22 UPA FOR OVERALL SITE)
PARKING REQUIREMENTS	
TOTAL PARKING REQUIRED	250 SPACES (2 SPACES/ DWELLING UNIT)
PROPOSED RESIDENT PARKING	500 SPACES(2 GARAGE, 2 DRIVEWAY)
PROPOSED GUEST PARKING	20 SPACES
TOTAL PARKING PROVIDED	520 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 approximate 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.



Approximate Location of Proposed Entrance On Mechanicsville Road (Left)

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. Though not shown on the site plan, 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 letter of intent is attached to this report. The original letter of intent included an Exhibit B, which is a memo from A & R Engineering dated October 12, 2025, summarizing the traffic impact of the proposed PUD (an earlier version) 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 40 fee simple townhouse buildings and 80 detached dwellings would be platted. As noted, the street would provide one entrance/exit to Pinetree Way and another on Mechanicsville Road. The application does not indicate whether the subdivision street is proposed to be public or private.

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 residential uses: Attached, single-family, fee simple townhouses and detached dwellings on individual lots. 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 call for 24-foot-wide townhouse lots and 24' x 50' foot lots (1,200 square feet minimum). 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***).

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 subject property 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 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 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 townhouse 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.

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.

If 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. Except as modified by these conditions of zoning approval, 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, by Planners & Engineers Collaborative (PEC+), dated March 12, 2026, on file with the City of Dahlonega in Case file REZN 26-3. 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 125 dwelling units along with common areas for parking, recreation, mail kiosks, and stormwater management. Of the total units, no more than 40 shall be fee-simple townhouse units.

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 1,200 square feet, and the minimum width of all townhouse lots shall be 24 feet.

B. For detached units on individual lots, the minimum lot size shall be 4,400 square feet, and the minimum lot width shall be 50 feet.

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 Lumpkin County school property).
 - D. 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.

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 (other than home occupations as may be approved by the city) 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@dillard sellers.com

March 25, 2026

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

Re: Letter of Intent (Pinetree Way)

Dear Ms. Martin:

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

The Applicant seeks approval of the site plan submitted for a new residential community in the City. The community will appeal to current and new residents in Dahlonega by offering 40 townhomes and 85 single-family detached homes. In the last few years, the City commissioned Housing Needs Assessment and a Revitalization Plan. The 2026 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 situated for the relatively low housing density reflected on the 2026 site plan (~3.86 units per acre when calculated only based on the developed portion of the property and 2.22 units per acre for the overall site). The Dahlonega Zoning Ordinance allows up to 8 units per acre. As such, this request is a low density and within the density anticipated by the City's Code.

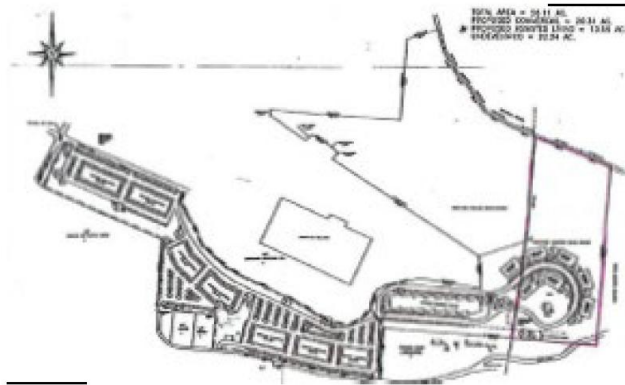
Letter of Intent (1 of 3)



City of Dahlonega
March 25, 2026
Page 2

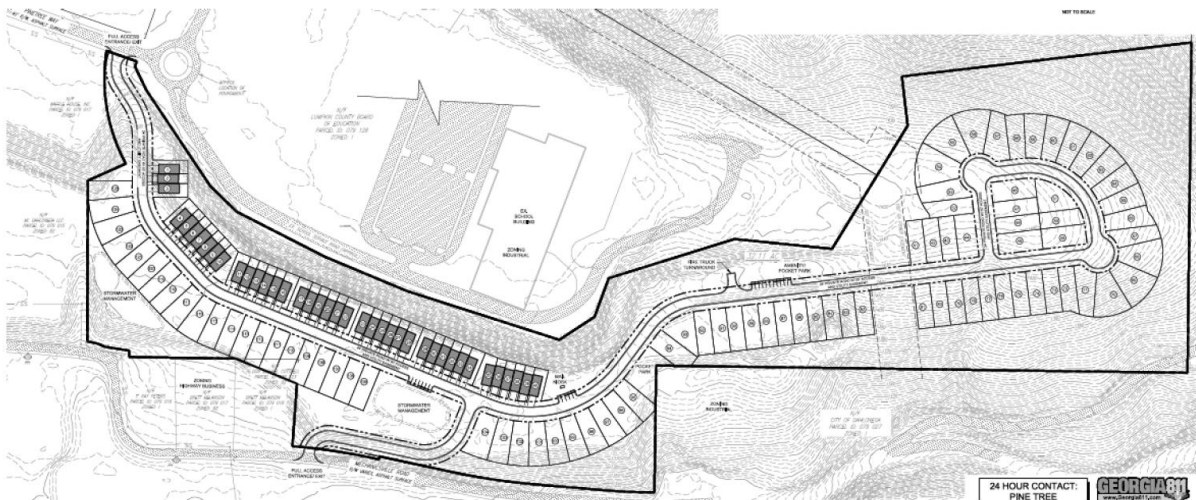
Current Zoning/Site Plan:

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).

2026 site plan submitted:



Letter of Intent (2 of 3)



City of Dahlonega
March 25, 2026
Page 3

The 2026 site plan eliminates the significant amount of commercial/retail use and creates much needed housing. The 2026 plan reflects additional greenspace and a use that is better aligned with the surrounding area. Another benefit of the approval of the 2026 site plan is the traffic reduction between the 2001 site plan and the residential development set forth in the 2026 plan.

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

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

Sincerely,

Dillard Sellers, LLC

A handwritten signature in blue ink, appearing to read "Julie L. Sellers".

Julie L. Sellers

Enclosures

Letter of Intent (3 of 3)

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 that requires ~32 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 and single family residential units. The application requests a modification to specifically update the site plan to reflect the residential use 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 and single family residential detached homes 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 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 and single family residential homes 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.areneg.com

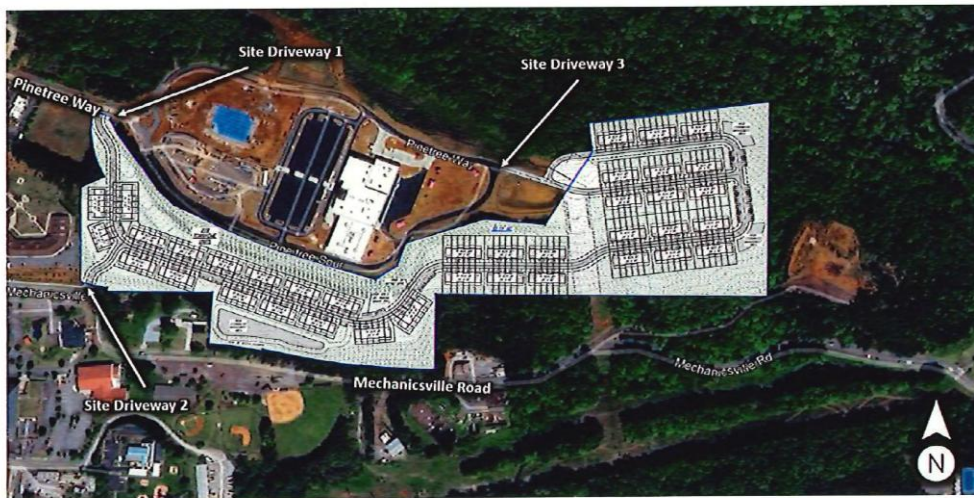


Memorandum

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

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

A site overlay for the proposed development is included below.



The land-use for the proposed development:

- Single-Family Attached Housing: 219 units

Land-uses permitted under current PUD:

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

METHODOLOGY

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

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

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

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

TRIP GENERATION

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

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

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

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

TRIP GENERATION COMPARISON

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

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

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



Agenda Memo

DATE: 5/5/2026
TITLE: BZA 26-1
PRESENTED BY: Allison Martin, Zoning Administrator
PRIORITY: Strategic Priority - Communication

AGENDA ITEM DESCRIPTION

BZA 26-1: Steven Leibel, property owner applicant seeks a variance from the 60-foot front setback requirement for the property located at 3619 South Chestatee St, Dahlonega, GA 30533 tax parcel 081 476 to allow the placement of a deck structure. Requested is a ten-foot reduction.

HISTORY/PAST ACTION

None.

FINANCIAL IMPACT

None.

RECOMMENDATION

The consultant's report contemplates receipt of additional information not available at the time of the writing of the report. Staff will review and advise a recommendation orally at the time of the meeting on this matter.

SUGGESTED MOTIONS

See preceding comments.

ATTACHMENTS

Consulting Planner's Report.

CONSULTING PLANNER'S REPORT FOR BZA 26-01

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

BY: Jerry Weitz, Consulting City Planner

DATE OF REPORT: March 30, 2026

SUBJECT REQUEST: **BZA 26-01 Variance** to the Dahlonega zoning ordinance, Article XX, "Minimum Dimensional Requirements," Section 2001, "Minimum setback requirements by zoning district (in feet)," to reduce the 60-foot minimum required front principal building setback in a B-2 zoning district (along an arterial street)

EXISTING ZONING: B-2, Highway Business District

EXISTING USE: Event center

BZA HEARING: TBD

APPLICANT: Steven Leibel

OWNER(S): Steven Leibel

PROPOSED USE: Event center with deck in front

LOCATION: Fronting on the east side of South Chestatee Street (SR 60) approximately 100 feet north of Calhoun Mine Road

PARCEL(S) #: Part of 081/ 476

ACREAGE: 0.658 (not a lot of record) (parent parcel is 4.32 acres)

SURROUNDING LAND USE AND ZONING:

North: Commercial (self storage), B-2

East: Church (unincorporated)

South: Office, B-2

West: (across SR 60): Detached, single-family dwelling (unincorporated)

RECOMMENDATION: Postpone pending plat approval and additional information



Tax Map/Aerial Photograph (parent tract)

LEGAL FRAMEWORK AND REQUIREMENTS FOR VARIANCES

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

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

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

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

1. There are extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its size, shape or topography that are not applicable to other land or structures in the same district; and
2. A literal interpretation of the provisions of these zoning regulations would create an unnecessary hardship and would deprive the applicant of rights commonly enjoyed by other property owners within the district in which the property is located; and
3. Granting the variance requested will not confer upon the property of the applicant any special privileges that are denied to other properties of the district in which the applicant's property is located; and
4. Relief, if granted, will be in harmony with the purpose and intent of these regulations and will not be injurious to the neighborhood or general welfare in such a manner as will interfere with or discourage the appropriate development and use of adjacent land and buildings or unreasonably affect their value; and
5. The special circumstances are not the result of the actions of the applicant; and
6. The variance requested is the minimum variance that will make possible the legal use of the land, building, or structure; and

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

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

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

FINDINGS

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

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

Consulting planner's finding: The tract, described by metes and bounds as 0.658 acre, and shown on an unrecorded survey with as-built conditions, does not appear to be a lot of record, but rather, is part of a larger tract. The Lumpkin County Tax Assessor shows the subject property is 4.02 acres owned by an entity different from the applicant. The 4.02 acres is divided into two with a church parcel in between (see map). The western portion of the tract has an office building and the subject event center; collectively, the western portion of the tract is approximately 1.658 acres. The applicant should be required to produce a plat of the property that has been recorded. If it has not been recorded, then the legal description is incorrect, and a plat should be recorded so that the subject tract is a lot of record.

Consulting planner's finding: The tract is relatively narrow. It is only 100 feet wide. There is not any room along side yards to construct a deck (**may support request**). The subject tract (not a lot of record) is relatively small, at less than 0.7 acre (**may support request**), and the size does not provide for many options to expand the existing structure.

Consulting planner's finding: The subject unrecorded 0.658-acre tract does not have its own driveway access to South Chestatee Street (SR 60). Rather, it is accessed via a commercial driveway on the parent tract, south of the office building constructed to the south of the event center. The commercial driveway bisects the 0.658-acre tract, with the building being to the west (between the commercial drive and SR 60). This is important, in that the tract has additional land that could be built upon but it is on the other side of the commercial driveway. In other words, it would not be feasible to have an improvement related to the event center on the other side of the commercial driveway. This may in itself be an extraordinary condition (**may support request**) pertaining to the layout of the tract (if made a lot of record).

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

Consulting planner's finding: If the subject tract fronted on a local street instead of an arterial street, the minimum required front building setback would be 35 feet rather than 60 feet, and the deck would appear to meet (or would be close to meeting) that setback. The abutting office has approximately the same building setback as the event center (*inconclusive*).

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

Consulting planner's finding: None (*inconclusive*).

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

Consulting planner's finding: Encroachment within 60 feet of the front yard with a deck will not be injurious to the neighborhood or general welfare and will not discourage or interfere with development of adjacent land. Approval of the deck in the proposed location would not unreasonably affect the value of adjacent land and buildings (*meets criterion/ supports request*).

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

Consulting planner's finding: The application refers to and the boundary survey shows SR 60 having a 150-foot wide right of way, but the right of way scales out in Q Public as a 100-foot-wide right of way. The application indicates that a measurement for the deck setback was taken from the centerline of the highway rather than the edge of right of way (this would be the result of the applicant) (*does not meet criterion*). The application indicates that the deck (which has already been constructed) is needed to provide a safe transition for patrons walking from the parking area. However, the parking on the subject tract is to the rear of the site, not in the front. It is therefore unclear why patrons would not walk directly into the building from the parking area. There is no minimum required lot size or lot width for B-2-zoned lots; therefore, the tract is not required to be any particular size (*inconclusive but may justify in part the variance request*).

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

Consulting planner's finding: The application does not provide a precise indicator of how much variance is being requested. The narrative indicates the request is for about a 10-foot reduction of the setback. However, the amount of setback from the SR 60 right of way is not shown (dimensioned) on the boundary survey and appears to be more than 10 feet. Therefore, this criterion cannot be confirmed (*inconclusive*).

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

Consulting planner's finding: The request does not involve a use which is not permitted in the zoning district (*inapplicable or meets criterion*).

CONCLUSIONS AND RECOMMENDATION

For the BZA to grant a variance, the Dahlonga zoning ordinance requires that affirmative findings be made that the variance application meets **all seven** of the criteria specified in Sec. 2406 of the zoning ordinance. Based on the consulting planner's findings, the application does not meet all of the criteria for relief. Consulting planner recommends that the applicant be required to produce a recorded plat of the 0.658-acre parcel. If not recorded, it should be filed for recording after review by the city (if the subdivision can be approved). The variance should not be approved unless the subject 0.658-acre tract is a lot of record. Not all criteria appear to be met, in any event, so approval at this time is not recommended. The applicant should also be required to show the exact measurement of the deck in relation to the right of way and the minimum required 60 foot setback. Doing so will allow the city to confirm the minimum setback variance needed to make the deck comply.

LETTER OF INTENT: VARIANCE REQUEST
Project: Event Center – Land Lot 148, 11th District
Property Owner: Steve Leibel
Date: March 4, 2026
To the City of Dahlonga Planning & Zoning
Department:

This letter serves as a formal application for a variance from the 60-foot front setback requirement for the property located at Tax Parcel 081 476. We are requesting this relief specifically to allow for the placement of a deck structure associated with the Event Center.

1. Description of the Hardship

The strictly enforced 60-foot front setback creates a functional and safety-related hardship for the operation of this event facility. The necessity of the variance is based on the following factors:

- **Pedestrian Safety and Trip Hazard Mitigation:** The natural terrain between the Event Center building and the parking area is uneven. Because this facility hosts weddings and public gatherings, the deck is essential to provide a level, stable transition that prevents trip-and-fall accidents on the grass.
- **Child Safety and Roadway Buffer:** The property is adjacent to the high-traffic Georgia Hwy. 60 (South Chestatee Street). The deck serves as a structural boundary that naturally contains guests—specifically children—within a designated area, preventing them from wandering toward the 150-foot right-of-way.

Applicant's Letter/ Response to Variance Criteria (1 of 4)

- **Non-Permanent Structure:** Unlike the primary building, this deck is a non-permanent wooden structure. It achieves the necessary safety goals without the environmental or permanent footprint of a masonry expansion.

Conclusion

We believe this request represents the minimum variance necessary to ensure the safety of our guests while respecting the intent of the City's zoning ordinances.

Respectfully,

Steve Leibel

Property Owner

Application Checklist for the Portal:

- **Survey/Plat:** Upload the PDF titled "Plat - event center .pdf".
- **Surveyor Info:** Douglas R. Sherrill, GA #2995.
- **Deed Reference:** D.B. 1299-PG 2.
- **Zoning Reference:** Front Setback 60', Side Setback 15', Rear Setback 15'.

✓

Applicant's Letter/ Response to Variance Criteria (2 of 4)

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

Site Context and Impact

As shown on the Boundary Survey prepared by Land Development Professionals:

- **Limited Buildable Envelope:** The 0.658-acre project site is heavily constrained by the existing Office Building and required Asphalt Parking, leaving the front area as the only viable location for outdoor guest assembly.
- **No Public Detriment:** The deck is set back from the actual property line and will not interfere with the sightlines or maintenance of the Georgia Hwy. 60 right-of-way.
- **Flood Zone Compliance:** The property is not located in a 100-year flood zone.

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

The city allows pedestrian activity in the set back, this is a deck that allows and enhances the activity in a way to prevent accidents and road incidents.

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

See above

3

Applicant's Letter/ Response to Variance Criteria (3 of 4)

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

The property next door is a law office and the event center will be used for seminars and other events.

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

The roadway was measured from the centerline not the property line

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

The variance is for approximately 10 feet and does not ask for building construction but asks for deck usage.

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

This usage is completely congruent with the land use contemplated.

Applicant's Letter/ Response to Variance Criteria (4 of 4)



Agenda Memo

DATE: 5/5/2026
TITLE: REZN 25-11
PRESENTED BY: Allison Martin, City Manager
PRIORITY Strategic Priority - Communication

AGENDA ITEM DESCRIPTION

REZN 25-11 Rezoning: Cathy Cain, owner, by Applicant, Shiri R. Gantt, and Doug Sherrill, Agent, seeks to rezone the subject property (Tax Parcel D10 076), located at 117 Turner Road, Dahlonega, Georgia, from Zoning Classification R-2 (Multi-Family Residential District) to Classification B-1 (Neighborhood Business District) for retail, office or service uses allowed in Classification B-1. The subject property contains 1.02 acres, more or less.

HISTORY/PAST ACTION

None.

FINANCIAL IMPACT

None.

RECOMMENDATION

Approval with conditions consistent with the consultant's recommendation.

SUGGESTED MOTIONS

Motion to approve when action is to be taken as noted in the Recommendation.

ATTACHMENTS

Consulting Planner's report.

CONSULTING PLANNER'S REPORT

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

FROM: Jerry Weitz, Consulting City Planner

DATE: February 27, 2026

SUBJECT: **REZN 25-11:** Rezoning from R-2 (Multiple-Family Residential District) to B-1 (Neighborhood Business District)

PUBLIC HEARINGS: April 7, 2026 @ 6:00 p.m. (Planning Commission)
April 20, 2026 @ 4:00 p.m. (City Council)

APPLICANT: Shiri R. Gantt, Realtor, by Doug Sherrill, agent

OWNER(S): Cathy Cain (Mrs. Phillip G. Cain)

LOCATION: 117 Turner Road; (Land Lots 983 and 1000, 12th District, 1st Section)

PARCEL #: D10/ 076

ACREAGE: 1.02

EXISTING USE: Detached, single-family dwelling

PROPOSED USE: Retail, service, or office

SURROUNDING LAND USE/ZONING:

NORTH: Cemetery, R-2 (Multiple-Family Residential District)
EAST: (across Turner Road): Vacant, PUD (Planned Unit Development District)
SOUTH: Vacant/undeveloped, R-2
WEST: Memorial Park Cemetery, R-2

RECOMMENDATION: **Approval, conditional**



Tax Map/Aerial Photograph of Property (blue outline)

SUMMARY OF PROPOSAL

The applicant seeks a change in zoning from multiple-family residential to neighborhood business for the purpose of commercial, service, or office use(s). No site plan or letter of intent has been submitted with the application. The site is currently developed with a detached, single-family residence. Per the county tax assessor's record for the subject property, the dwelling was constructed in 1979 and consists of 1,000 square feet in area. The dwelling is situated close to the southern property line. The

subject property shows as 1.02 acre on the tax record, but the boundary survey submitted with the application shows the site as being only 0.569 acre.

ZONING CRITERIA

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

1. Whether the zoning proposal will permit a use that is suitable in view of the use and development of adjacent and nearby property.
2. Whether the zoning proposal will adversely affect the existing use or usability of adjacent or nearby property.
3. Whether the zoning proposal will result in a use that will or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities, or schools.
4. Whether the zoning proposal is consistent with the Comprehensive Plan, transportation plans, or other plans adopted for guiding development within the City of Dahlonga.
5. Whether there are other existing or changing conditions affecting the use and development of property that give supporting grounds for either approval or disapproval of the zoning or special use proposal.

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

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

Finding: Turner Road intersects with Main Street just northeast of the county courthouse complex. Along Main Street, a shopping center is less than 200 feet southwest of Turner Road. Another retail establishment exists on the south side of Main Street east of Turner Road. Much of the frontage of Main Street in the area is zoned B-2 (Highway Business District). At the northwest corner of the intersection of Turner Road and Main Street is a commercial retail use in a residential structure, zoned B-2. North of that on the same side of Turner Road, there is a suite of offices and another office in a residential structure, zoned B-1, Neighborhood Business District.

Along the east side of Turner Road across from these office uses is vacant land zoned highway business. Between the subject property and the B-1 zoned office uses on the west side of Turner Road is a vacant lot zoned R-2. Further north on Turner Road is the city cemetery and a few other houses zoned R-2. The subject property has the only dwelling fronting on Turner Road south of the city cemetery. Based on the surrounding/nearby zoning and land uses, an office or light commercial use appears to be appropriate, meaning that an O-I (Office-Institutional) or restricted B-1 (Neighborhood Business) zoning district is appropriate based on the surrounding and nearby land uses and zoning patterns (**supports request**).

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

Finding: There are no dwellings in the immediate vicinity of the subject property. A change of use on the subject property would therefore not adversely affect any dwellings (**supports request**). In this case, there is a vacant R-2-zoned lot south of the subject property; if the subject property is rezoned, that abutting lot would be more unlikely to develop for a dwelling or dwellings under the R-2 zone and would therefore be expected to transition from R-2 to an office or neighborhood commercial zoning district and use. However, residents of dwellings north of the site on Turner Road may be burdened with a marginal addition of traffic on the road if the request is approved and an office or neighborhood commercial use is established on the site (**inconclusive**).

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: Little if any impact would occur on schools. Rezoning to nonresidential would decrease any expected impact on schools (**supports request**). Turner Road is paved but appears substandard in terms of pavement width and also right of way (apparent 40 feet wide). There are also no street lights and sidewalks. Extensive commercial traffic would not be appropriate on the road unless improvements are made (**does not support request**). However, since existing office uses have been developed on the road, without requiring improvement to the road, it may not be inappropriate to require the subject property owner to upgrade part or all of the road. However, it would be appropriate to require the dedication of additional right of way along the subject property frontage (25 feet from road centerline) to enable the road to be brought up to city standards in the future (**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 Dahlenega.

Finding: The subject property lies within a “residential” character area per the city character area map in the comprehensive plan. Residential character areas in the city are “almost exclusively residential.” Further, the residential character area is described as providing “pastoral settings catering toward quiet, family-friendly environments that

are intrinsically connected to downtown.” The residential character area description suggests that the residential character area may have a “variety of residential, parks and institutional uses, with some office possible adjacent to downtown.” It also suggests that existing structures be preserved, or that “context-sensitive infill development” may be appropriate. Based on these descriptions, an office or commercial use and zoning would not appear to be consistent with the comprehensive plan’s description of the residential character area (***does not support request***).

5. Whether there are other existing or changing conditions affecting the use and development of property that give supporting grounds for either approval or disapproval of the zoning or special use proposal.

Finding: There is a large, undeveloped site fronting on the east side of Turner Road, zoned PUD. That PUD zoning district has not been researched by the consulting planner. However, the likely intensity of a PUD development would add supporting grounds to approve the requested zoning. It also may be the case that PUD development on the east side of Turner Road could be required to upgrade the road, if access to it is proposed (***inconclusive***).

CONCLUSION

An office or neighborhood commercial use in the existing dwelling would have less of an impact than if the dwelling was demolished and a multi-family was constructed. B-1 zoning along Turner Road to the south of the site, as well as commercial and office uses along Turner Road give supporting grounds to approve the request. Consideration can be given to restricting certain uses, but consulting planner does not see any particular issues of compatibility if the subject property was developed for office or neighborhood commercial uses.

Consulting planner recommends a condition of zoning approval requiring the owner to dedicate additional right of way (25 feet along the property frontage) to bring the street up to standard (1/2 of the width of a standard local road right of way).

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.
Nearby uses are primarily commercial. B1 & B2. The proposed B-1 is compatible and will not adversely affect the use or usability of surrounding properties.
2. The extent to which property values are diminished by the particular zoning restrictions. The existing residential zoning restricts commercial use and reduces the property's market value. Rezoning to B-1 would allow its highest and best use and prevent further value limitations.
3. The extent to which the destruction of property values promotes the health, safety, morals or general welfare of the public. The value limitations from current zoning do not serve public welfare; B-1 allows appropriate use while maintaining health and safety protections.
4. The relative gain to the public as compared to the hardship imposed upon the individual property owner. Public gain from current zoning is minimal, while the owner faces significant hardship. B-1 zoning better serves both the owner and community.

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.

Currently the only residential parcel on a road now fully commercial; physically more appropriate for B-1 use.

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.

The property is not vacant, but surrounding parcels have transitioned to commercial use over time. These changed conditions show that residential zoning is no longer consistent with the area and support approval of the request for B-1 zoning.

7. The zoning history of the subject property.

Historically residential with no prior re-zonings, despite nearby properties shifting to B-1/B-2

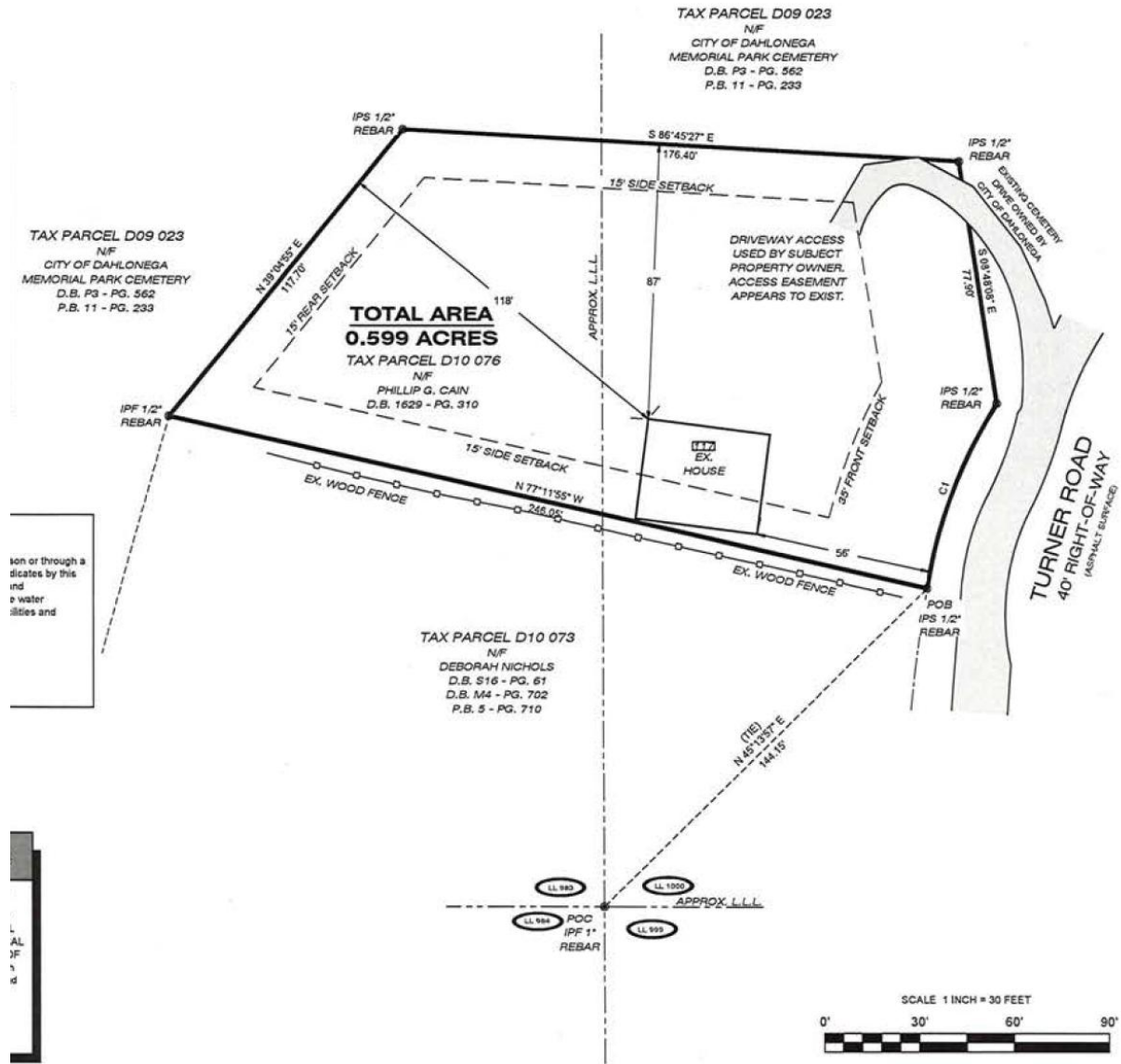
8. The extent to which the proposed zoning will result in a use which will or could cause excessive or burdensome use of existing streets, transportation facilities, utilities, schools, parks, or other public facilities.

The proposed B-1 zoning will not burden streets, utilities, schools, or public facilities. Low-intensity commercial use places fewer demands on public services than residential development.

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, B-1 zoning aligns with the Comprehensive plan and existing commercial land-use pattern.

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



Boundary Survey Excerpt



Agenda Memo

DATE: 5/5/2026
TITLE: REZN 26-3
PRESENTED BY: Allison Martin, Zoning Administrator
PRIORITY: Strategic Priority - Communication

AGENDA ITEM DESCRIPTION

REZN 26-3 (resubmission): Pinetree Development, LLC, by Dillard Sellers, applicant, Vivian L. Cottrell, property owner, seeks rezoning from PUD (Planned Unit Development District), Conditional, to PUD (Planned Unit Development District), Conditional (change of use and conditions of approval) for 55.44 acres fronting on the south side of Pinetree Way and on the north side of Mechanicsville Road (Map/Parcel 079/ 054). Proposed use: 125 residential lots/units (85 detached single-family lots and 40 fee simple townhouse lots/units).

HISTORY/PAST ACTION

No prior action regarding this applicant. Previous application was withdrawn prior to action being taken.

FINANCIAL IMPACT

None.

RECOMMENDATION

Approval with conditions.

SUGGESTED MOTIONS

Motion to approve with conditions at such time to do so.

ATTACHMENTS

Consultant's Report.

CONSULTING PLANNER'S REPORT

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

FROM: Jerry Weitz, Consulting Planner

DATE: April 29, 2026

SUBJECT: **REZN 26-3** Rezoning from PUD (Planned Unit Development District to PUD) (modification of existing zoning conditions)

PUBLIC HEARINGS: May 5, 2026 @ 6:00 p.m. (Planning Commission)
May 18, 2026 @ 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 (56.020 acres per recorded plat; see Tract A) and 079/123 (0.248 acre; see Tract B per recorded plat)

ACREAGE: 56.268 per application; 32.36 developed

EXISTING USE: Vacant

PROPOSED USE: 125 housing units (40 townhouses on 24' x 50' lots and 85 detached homes on 40' x 110' lots)

SURROUNDING LAND USE/ZONING:

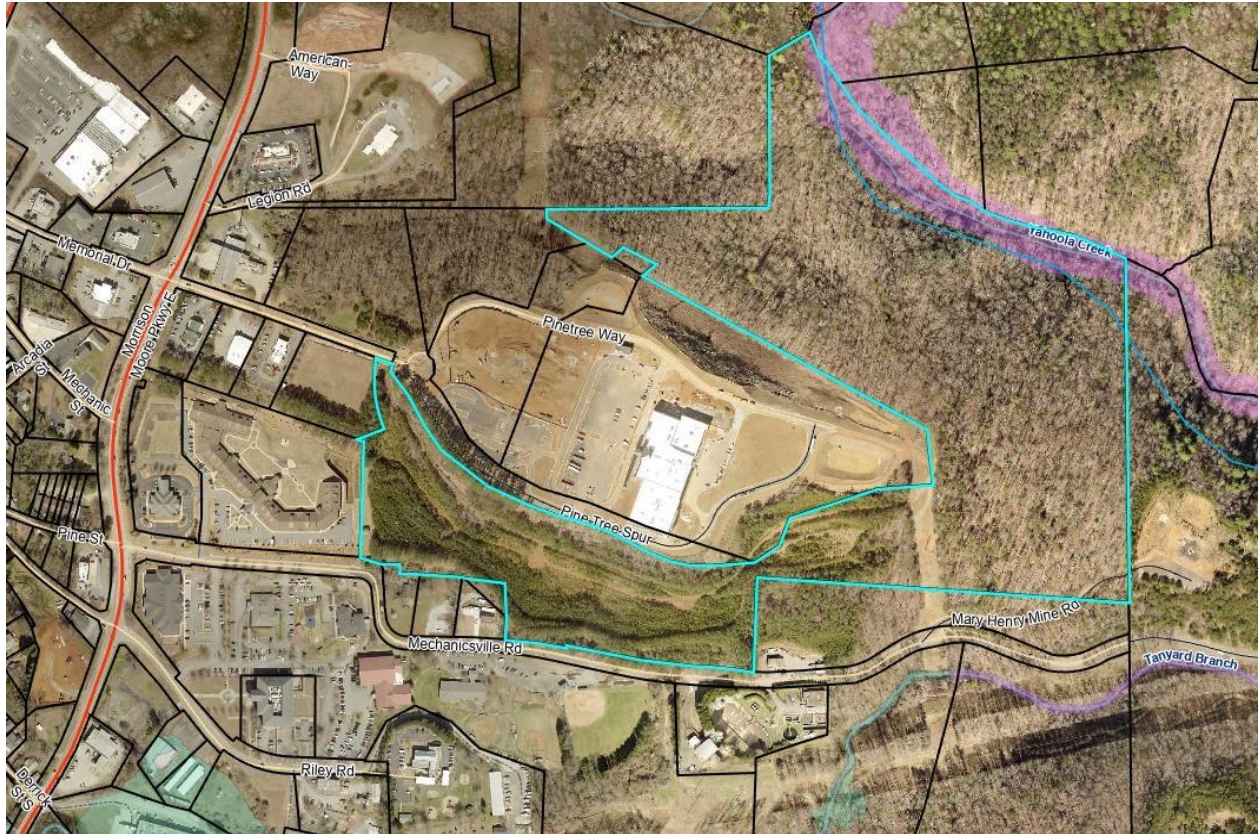
NORTH: (north of Pinetree Way): vacant (same property owner), IND (Industrial District) and public institutional (county school), IND; vacant and commercial (Consolidated Gold Mine), B-2 (Highway Business District)

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

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

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

RECOMMENDATION: **Approval, conditional**



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

APPLICATION/ZONING HISTORY

PUD Zoning (2001)

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

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

PUD Rezoning Application (2023)

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

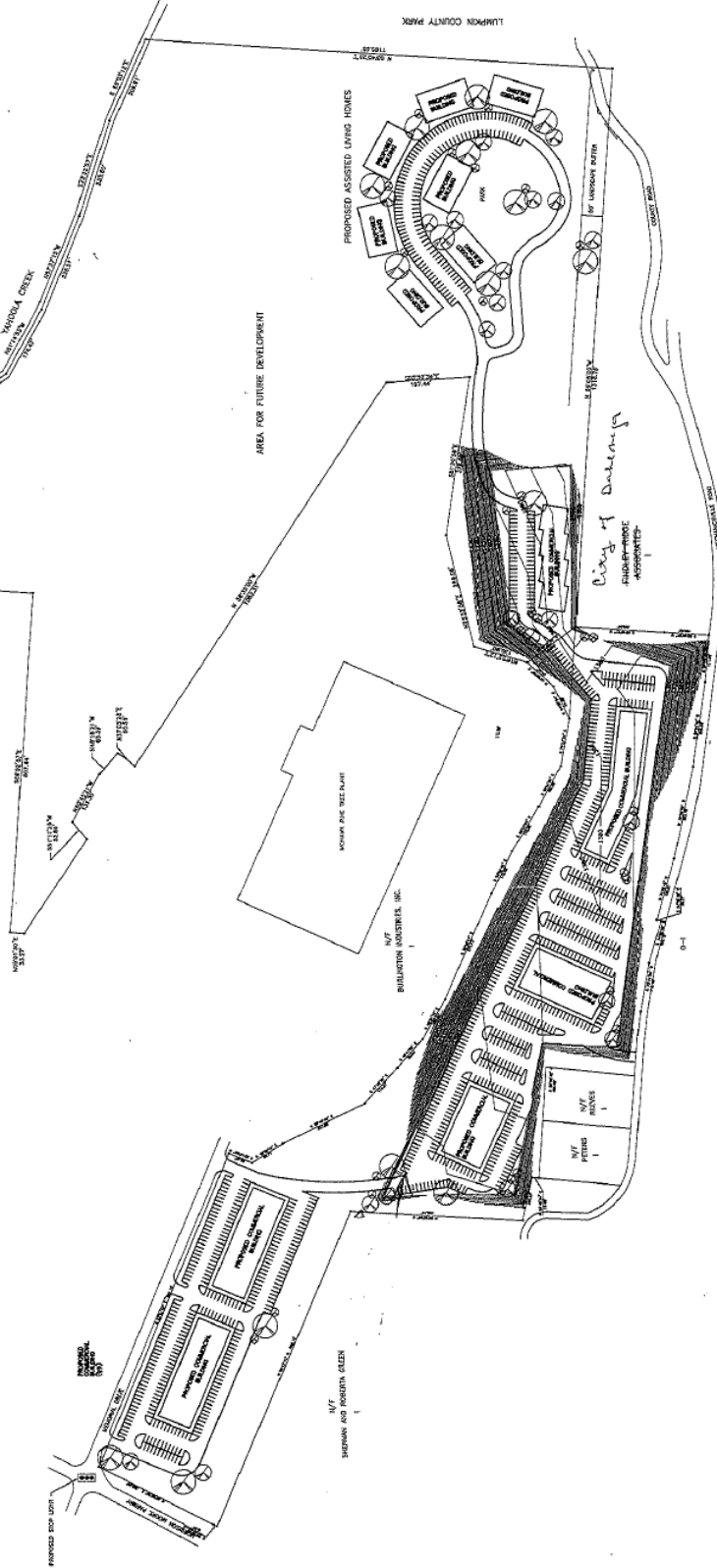
Although the DRI was for more land and some different uses, that review is of interest here. Attached to the DRI final report was a letter from the chair of the Lumpkin County Board of Commissioners dated January 18, 2023, which raised concern about the impact 1,000+ new residents would have on county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

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

Appeal of Administrative Decision (2025)

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

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



2001 PUD Site Plan Excerpt

PROPERTY DESCRIPTION AND EXISTING CONDITIONS



Property Description and Surroundings

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



Approximate Location of Proposed Entrance onto Pinetree Way (Right)

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.

SITE DATA:	
SITE AREA	32.36 AC (TOTAL SITE 56.268 AC)
ZONING	
EXISTING ZONING	PUD
ZONING JURISDICTION	CITY OF DAHLONEGA
SETBACK REQUIREMENTS	
PROPOSED FRONT SETBACK	15 FEET
PROPOSED SIDE SETBACK	5 FEET
PROPOSED REAR SETBACK	20 FEET
REQUIRED BUFFERS	NA
DEVELOPMENT STANDARDS	
PROPOSED MAX BUILDING HEIGHT	40 FEET
MINIMUM LOT SIZE	2,000 SF
MINIMUM FLOOR AREA	1,500 SF
MINIMUM LOT WIDTH/FRONTAGE	18 FEET
24' X 50' FRONT LOADED TOWNHOMES PROVIDED	40 UNITS
40' X 110' DETACHED SINGLE FAMILY LOT PROVIDED	85 LOTS
TOTAL RESIDENTIAL UNITS/LOTS PROVIDED	125 UNITS/LOTS
TOTAL SITE DENSITY PROVIDED	3.86 DUA (2.22 UPA FOR OVERALL SITE)
PARKING REQUIREMENTS	
TOTAL PARKING REQUIRED	250 SPACES (2 SPACES/ DWELLING UNIT)
PROPOSED RESIDENT PARKING	500 SPACES(2 GARAGE, 2 DRIVEWAY)
PROPOSED GUEST PARKING	20 SPACES
TOTAL PARKING PROVIDED	520 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 approximate 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.



Approximate Location of Proposed Entrance On Mechanicsville Road (Left)

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. Though not shown on the site plan, 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 letter of intent is attached to this report. The original letter of intent included an Exhibit B, which is a memo from A & R Engineering dated October 12, 2025, summarizing the traffic impact of the proposed PUD (an earlier version) 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 40 fee simple townhouse buildings and 80 detached dwellings would be platted. As noted, the street would provide one entrance/exit to Pinetree Way and another on Mechanicsville Road. The application does not indicate whether the subdivision street is proposed to be public or private.

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 residential uses: Attached, single-family, fee simple townhouses and detached dwellings on individual lots. 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 call for 24-foot-wide townhouse lots and 24' x 50' foot lots (1,200 square feet minimum). 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***).

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 subject property 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 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 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 townhouse 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.

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.

If 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. Except as modified by these conditions of zoning approval, 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, by Planners & Engineers Collaborative (PEC+), dated March 12, 2026, on file with the City of Dahlonega in Case file REZN 26-3. 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 125 dwelling units along with common areas for parking, recreation, mail kiosks, and stormwater management. Of the total units, no more than 40 shall be fee-simple townhouse units.

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 1,200 square feet, and the minimum width of all townhouse lots shall be 24 feet.

B. For detached units on individual lots, the minimum lot size shall be 4,400 square feet, and the minimum lot width shall be 50 feet.

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 Lumpkin County school property).
 - D. 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.

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 (other than home occupations as may be approved by the city) 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@dillard sellers.com

March 25, 2026

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

Re: Letter of Intent (Pinetree Way)

Dear Ms. Martin:

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

The Applicant seeks approval of the site plan submitted for a new residential community in the City. The community will appeal to current and new residents in Dahlonega by offering 40 townhomes and 85 single-family detached homes. In the last few years, the City commissioned Housing Needs Assessment and a Revitalization Plan. The 2026 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 situated for the relatively low housing density reflected on the 2026 site plan (~3.86 units per acre when calculated only based on the developed portion of the property and 2.22 units per acre for the overall site). The Dahlonega Zoning Ordinance allows up to 8 units per acre. As such, this request is a low density and within the density anticipated by the City's Code.

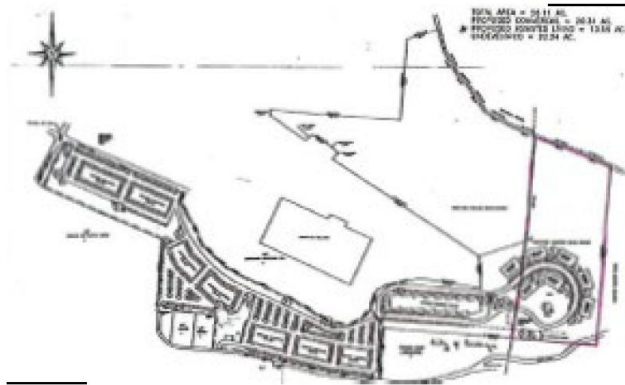
Letter of Intent (1 of 3)



City of Dahlonega
March 25, 2026
Page 2

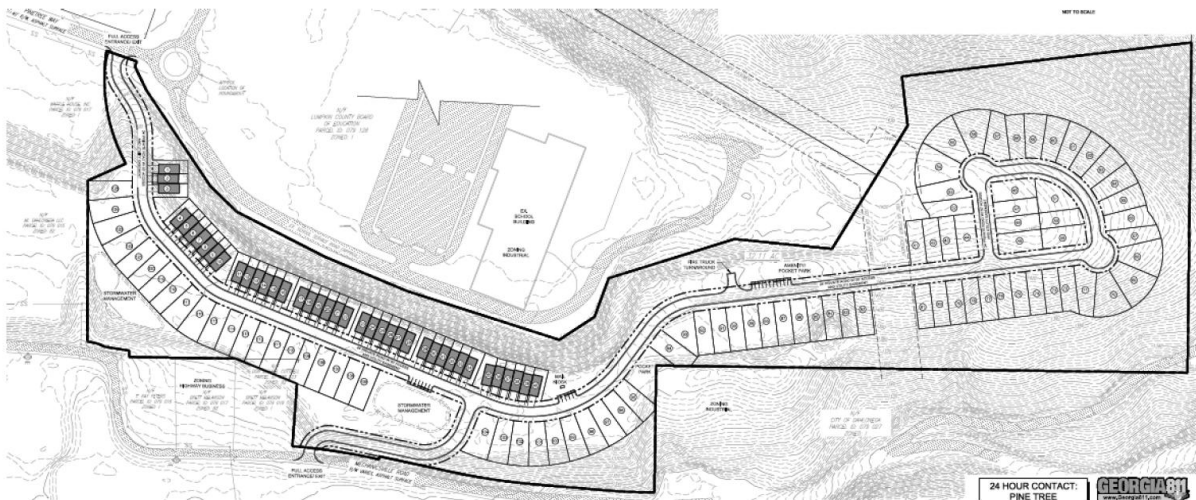
Current Zoning/Site Plan:

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).

2026 site plan submitted:



Letter of Intent (2 of 3)



City of Dahlonega
March 25, 2026
Page 3

The 2026 site plan eliminates the significant amount of commercial/retail use and creates much needed housing. The 2026 plan reflects additional greenspace and a use that is better aligned with the surrounding area. Another benefit of the approval of the 2026 site plan is the traffic reduction between the 2001 site plan and the residential development set forth in the 2026 plan.

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

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

Sincerely,

Dillard Sellers, LLC

A handwritten signature in blue ink, appearing to read "Julie L. Sellers".

Julie L. Sellers

Enclosures

Letter of Intent (3 of 3)

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 that requires ~32 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 and single family residential units. The application requests a modification to specifically update the site plan to reflect the residential use 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 and single family residential detached homes 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 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 and single family residential homes 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.areneg.com

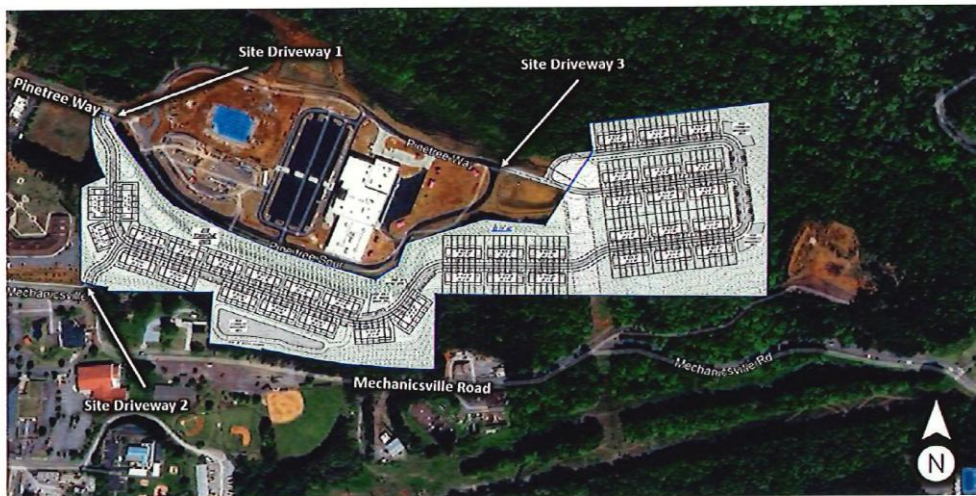


Memorandum

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

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

A site overlay for the proposed development is included below.



The land-use for the proposed development:

- Single-Family Attached Housing: 219 units

Land-uses permitted under current PUD:

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

METHODOLOGY

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

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

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

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

TRIP GENERATION

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

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

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

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

TRIP GENERATION COMPARISON

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

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

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



Agenda Memo

DATE: 5/5/2026
TITLE: BZA 26-1
PRESENTED BY: Allison Martin, Zoning Administrator
PRIORITY: Strategic Priority - Communication

AGENDA ITEM DESCRIPTION

BZA 26-1: Steven Leibel, property owner applicant seeks a variance from the 60-foot front setback requirement for the property located at 3619 South Chestatee St, Dahlonega, GA 30533 tax parcel 081 476 to allow the placement of a deck structure. Requested is a ten-foot reduction.

HISTORY/PAST ACTION

None.

FINANCIAL IMPACT

None.

RECOMMENDATION

The consultant's report contemplates receipt of additional information not available at the time of the writing of the report. Staff will review and advise a recommendation orally at the time of the meeting on this matter.

SUGGESTED MOTIONS

See preceding comments.

ATTACHMENTS

Consulting Planner's Report.

CONSULTING PLANNER'S REPORT FOR BZA 26-01

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

BY: Jerry Weitz, Consulting City Planner

DATE OF REPORT: March 30, 2026

SUBJECT REQUEST: **BZA 26-01 Variance** to the Dahlonega zoning ordinance, Article XX, "Minimum Dimensional Requirements," Section 2001, "Minimum setback requirements by zoning district (in feet)," to reduce the 60-foot minimum required front principal building setback in a B-2 zoning district (along an arterial street)

EXISTING ZONING: B-2, Highway Business District

EXISTING USE: Event center

BZA HEARING: TBD

APPLICANT: Steven Leibel

OWNER(S): Steven Leibel

PROPOSED USE: Event center with deck in front

LOCATION: Fronting on the east side of South Chestatee Street (SR 60) approximately 100 feet north of Calhoun Mine Road

PARCEL(S) #: Part of 081/ 476

ACREAGE: 0.658 (not a lot of record) (parent parcel is 4.32 acres)

SURROUNDING LAND USE AND ZONING:

North: Commercial (self storage), B-2

East: Church (unincorporated)

South: Office, B-2

West: (across SR 60): Detached, single-family dwelling (unincorporated)

RECOMMENDATION: Postpone pending plat approval and additional information



Tax Map/Aerial Photograph (parent tract)

LEGAL FRAMEWORK AND REQUIREMENTS FOR VARIANCES

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

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

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

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

1. There are extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its size, shape or topography that are not applicable to other land or structures in the same district; and
2. A literal interpretation of the provisions of these zoning regulations would create an unnecessary hardship and would deprive the applicant of rights commonly enjoyed by other property owners within the district in which the property is located; and
3. Granting the variance requested will not confer upon the property of the applicant any special privileges that are denied to other properties of the district in which the applicant's property is located; and
4. Relief, if granted, will be in harmony with the purpose and intent of these regulations and will not be injurious to the neighborhood or general welfare in such a manner as will interfere with or discourage the appropriate development and use of adjacent land and buildings or unreasonably affect their value; and
5. The special circumstances are not the result of the actions of the applicant; and
6. The variance requested is the minimum variance that will make possible the legal use of the land, building, or structure; and

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

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

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

FINDINGS

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

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

Consulting planner's finding: The tract, described by metes and bounds as 0.658 acre, and shown on an unrecorded survey with as-built conditions, does not appear to be a lot of record, but rather, is part of a larger tract. The Lumpkin County Tax Assessor shows the subject property is 4.02 acres owned by an entity different from the applicant. The 4.02 acres is divided into two with a church parcel in between (see map). The western portion of the tract has an office building and the subject event center; collectively, the western portion of the tract is approximately 1.658 acres. The applicant should be required to produce a plat of the property that has been recorded. If it has not been recorded, then the legal description is incorrect, and a plat should be recorded so that the subject tract is a lot of record.

Consulting planner's finding: The tract is relatively narrow. It is only 100 feet wide. There is not any room along side yards to construct a deck (**may support request**). The subject tract (not a lot of record) is relatively small, at less than 0.7 acre (**may support request**), and the size does not provide for many options to expand the existing structure.

Consulting planner's finding: The subject unrecorded 0.658-acre tract does not have its own driveway access to South Chestatee Street (SR 60). Rather, it is accessed via a commercial driveway on the parent tract, south of the office building constructed to the south of the event center. The commercial driveway bisects the 0.658-acre tract, with the building being to the west (between the commercial drive and SR 60). This is important, in that the tract has additional land that could be built upon but it is on the other side of the commercial driveway. In other words, it would not be feasible to have an improvement related to the event center on the other side of the commercial driveway. This may in itself be an extraordinary condition (**may support request**) pertaining to the layout of the tract (if made a lot of record).

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

Consulting planner's finding: If the subject tract fronted on a local street instead of an arterial street, the minimum required front building setback would be 35 feet rather than 60 feet, and the deck would appear to meet (or would be close to meeting) that setback. The abutting office has approximately the same building setback as the event center (*inconclusive*).

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

Consulting planner's finding: None (*inconclusive*).

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

Consulting planner's finding: Encroachment within 60 feet of the front yard with a deck will not be injurious to the neighborhood or general welfare and will not discourage or interfere with development of adjacent land. Approval of the deck in the proposed location would not unreasonably affect the value of adjacent land and buildings (*meets criterion/ supports request*).

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

Consulting planner's finding: The application refers to and the boundary survey shows SR 60 having a 150-foot wide right of way, but the right of way scales out in Q Public as a 100-foot-wide right of way. The application indicates that a measurement for the deck setback was taken from the centerline of the highway rather than the edge of right of way (this would be the result of the applicant) (*does not meet criterion*). The application indicates that the deck (which has already been constructed) is needed to provide a safe transition for patrons walking from the parking area. However, the parking on the subject tract is to the rear of the site, not in the front. It is therefore unclear why patrons would not walk directly into the building from the parking area. There is no minimum required lot size or lot width for B-2-zoned lots; therefore, the tract is not required to be any particular size (*inconclusive but may justify in part the variance request*).

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

Consulting planner's finding: The application does not provide a precise indicator of how much variance is being requested. The narrative indicates the request is for about a 10-foot reduction of the setback. However, the amount of setback from the SR 60 right of way is not shown (dimensioned) on the boundary survey and appears to be more than 10 feet. Therefore, this criterion cannot be confirmed (*inconclusive*).

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

Consulting planner's finding: The request does not involve a use which is not permitted in the zoning district (*inapplicable or meets criterion*).

CONCLUSIONS AND RECOMMENDATION

For the BZA to grant a variance, the Dahlonga zoning ordinance requires that affirmative findings be made that the variance application meets **all seven** of the criteria specified in Sec. 2406 of the zoning ordinance. Based on the consulting planner's findings, the application does not meet all of the criteria for relief. Consulting planner recommends that the applicant be required to produce a recorded plat of the 0.658-acre parcel. If not recorded, it should be filed for recording after review by the city (if the subdivision can be approved). The variance should not be approved unless the subject 0.658-acre tract is a lot of record. Not all criteria appear to be met, in any event, so approval at this time is not recommended. The applicant should also be required to show the exact measurement of the deck in relation to the right of way and the minimum required 60 foot setback. Doing so will allow the city to confirm the minimum setback variance needed to make the deck comply.

LETTER OF INTENT: VARIANCE REQUEST

Project: Event Center – Land Lot 148, 11th District

Property Owner: Steve Leibel

Date: March 4, 2026

**To the City of Dahlonga Planning & Zoning
Department:**

This letter serves as a formal application for a variance from the 60-foot front setback requirement for the property located at Tax Parcel 081 476. We are requesting this relief specifically to allow for the placement of a deck structure associated with the Event Center.

1. Description of the Hardship

The strictly enforced 60-foot front setback creates a functional and safety-related hardship for the operation of this event facility. The necessity of the variance is based on the following factors:

- Pedestrian Safety and Trip Hazard Mitigation: The natural terrain between the Event Center building and the parking area is uneven. Because this facility hosts weddings and public gatherings, the deck is essential to provide a level, stable transition that prevents trip-and-fall accidents on the grass.**
- Child Safety and Roadway Buffer: The property is adjacent to the high-traffic Georgia Hwy. 60 (South Chestatee Street). The deck serves as a structural boundary that naturally contains guests—specifically children—within a designated area, preventing them from wandering toward the 150-foot right-of-way.**

Applicant's Letter/ Response to Variance Criteria (1 of 4)

- **Non-Permanent Structure:** Unlike the primary building, this deck is a non-permanent wooden structure. It achieves the necessary safety goals without the environmental or permanent footprint of a masonry expansion.

Conclusion

We believe this request represents the minimum variance necessary to ensure the safety of our guests while respecting the intent of the City's zoning ordinances.

Respectfully,

Steve Leibel

Property Owner

Application Checklist for the Portal:

- **Survey/Plat:** Upload the PDF titled "Plat - event center .pdf".
- **Surveyor Info:** Douglas R. Sherrill, GA #2995.
- **Deed Reference:** D.B. 1299-PG 2.
- **Zoning Reference:** Front Setback 60', Side Setback 15', Rear Setback 15'.

✓

Applicant's Letter/ Response to Variance Criteria (2 of 4)

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

Site Context and Impact

As shown on the Boundary Survey prepared by Land Development Professionals:

- **Limited Buildable Envelope:** The 0.658-acre project site is heavily constrained by the existing Office Building and required Asphalt Parking, leaving the front area as the only viable location for outdoor guest assembly.
- **No Public Detriment:** The deck is set back from the actual property line and will not interfere with the sightlines or maintenance of the Georgia Hwy. 60 right-of-way.
- **Flood Zone Compliance:** The property is not located in a 100-year flood zone.

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

The city allows pedestrian activity in the set back, this is a deck that allows and enhances the activity in a way to prevent accidents and road incidents.

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

See above

3

Applicant's Letter/ Response to Variance Criteria (3 of 4)

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

The property next door is a law office and the event center will be used for seminars and other events.

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

The roadway was measured from the centerline not the property line

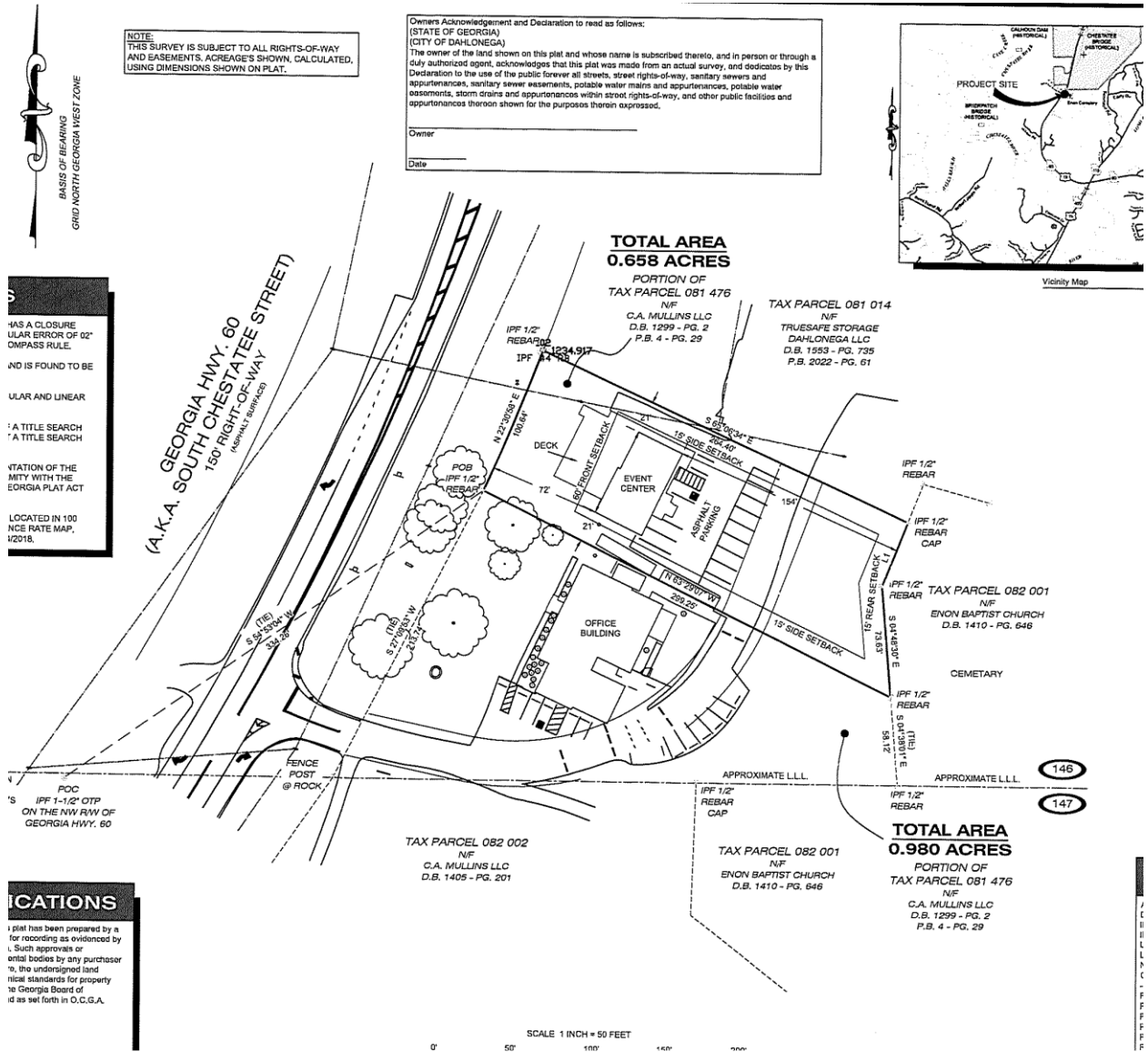
The variance requested is the minimum variance that will make possible the legal use of the land, building or structure.*

The variance is for approximately 10 feet and does not ask for building construction but asks for deck usage.

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

This usage is completely congruent with the land use contemplated.

Applicant's Letter/ Response to Variance Criteria (4 of 4)



Boundary Survey/ Site Plan Excerpt



Agenda Memo

DATE: 5/5/2026
TITLE: REZN 25-11
PRESENTED BY: Allison Martin, City Manager
PRIORITY: Strategic Priority - Communication

AGENDA ITEM DESCRIPTION

REZN 25-11 Rezoning: Cathy Cain, owner, by Applicant, Shiri R. Gantt, and Doug Sherrill, Agent, seeks to rezone the subject property (Tax Parcel D10 076), located at 117 Turner Road, Dahlonega, Georgia, from Zoning Classification R-2 (Multi-Family Residential District) to Classification B-1 (Neighborhood Business District) for retail, office or service uses allowed in Classification B-1. The subject property contains 1.02 acres, more or less.

HISTORY/PAST ACTION

None.

FINANCIAL IMPACT

None.

RECOMMENDATION

Approval with conditions consistent with the consultant's recommendation.

SUGGESTED MOTIONS

Motion to approve when action is to be taken as noted in the Recommendation.

ATTACHMENTS

Consulting Planner's report.

CONSULTING PLANNER’S REPORT

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

FROM: Jerry Weitz, Consulting City Planner

DATE: February 27, 2026

SUBJECT: **REZN 25-11:** Rezoning from R-2 (Multiple-Family Residential District) to B-1 (Neighborhood Business District)

PUBLIC HEARINGS: April 7, 2026 @ 6:00 p.m. (Planning Commission)
April 20, 2026 @ 4:00 p.m. (City Council)

APPLICANT: Shiri R. Gantt, Realtor, by Doug Sherrill, agent

OWNER(S): Cathy Cain (Mrs. Phillip G. Cain)

LOCATION: 117 Turner Road; (Land Lots 983 and 1000, 12th District, 1st Section)

PARCEL #: D10/ 076

ACREAGE: 1.02

EXISTING USE: Detached, single-family dwelling

PROPOSED USE: Retail, service, or office

SURROUNDING LAND USE/ZONING:

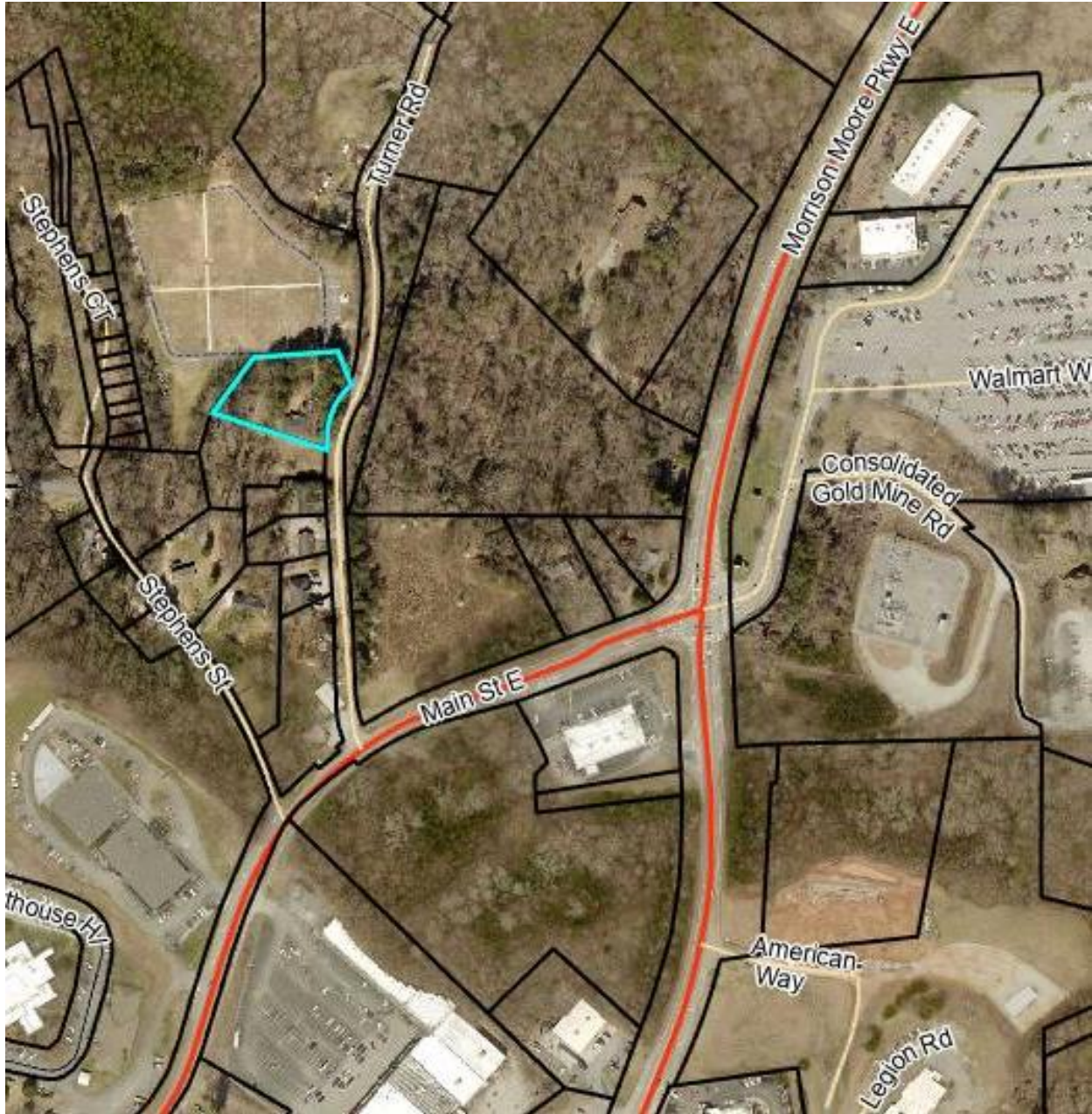
NORTH: Cemetery, R-2 (Multiple-Family Residential District)

EAST: (across Turner Road): Vacant, PUD (Planned Unit Development District)

SOUTH: Vacant/undeveloped, R-2

WEST: Memorial Park Cemetery, R-2

RECOMMENDATION: **Approval, conditional**



Tax Map/Aerial Photograph of Property (blue outline)

SUMMARY OF PROPOSAL

The applicant seeks a change in zoning from multiple-family residential to neighborhood business for the purpose of commercial, service, or office use(s). No site plan or letter of intent has been submitted with the application. The site is currently developed with a detached, single-family residence. Per the county tax assessor's record for the subject property, the dwelling was constructed in 1979 and consists of 1,000 square feet in area. The dwelling is situated close to the southern property line. The

subject property shows as 1.02 acre on the tax record, but the boundary survey submitted with the application shows the site as being only 0.569 acre.

ZONING CRITERIA

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

1. Whether the zoning proposal will permit a use that is suitable in view of the use and development of adjacent and nearby property.
2. Whether the zoning proposal will adversely affect the existing use or usability of adjacent or nearby property.
3. Whether the zoning proposal will result in a use that will or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities, or schools.
4. Whether the zoning proposal is consistent with the Comprehensive Plan, transportation plans, or other plans adopted for guiding development within the City of Dahlonga.
5. Whether there are other existing or changing conditions affecting the use and development of property that give supporting grounds for either approval or disapproval of the zoning or special use proposal.

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

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

Finding: Turner Road intersects with Main Street just northeast of the county courthouse complex. Along Main Street, a shopping center is less than 200 feet southwest of Turner Road. Another retail establishment exists on the south side of Main Street east of Turner Road. Much of the frontage of Main Street in the area is zoned B-2 (Highway Business District). At the northwest corner of the intersection of Turner Road and Main Street is a commercial retail use in a residential structure, zoned B-2. North of that on the same side of Turner Road, there is a suite of offices and another office in a residential structure, zoned B-1, Neighborhood Business District.

Along the east side of Turner Road across from these office uses is vacant land zoned highway business. Between the subject property and the B-1 zoned office uses on the west side of Turner Road is a vacant lot zoned R-2. Further north on Turner Road is the city cemetery and a few other houses zoned R-2. The subject property has the only dwelling fronting on Turner Road south of the city cemetery. Based on the surrounding/nearby zoning and land uses, an office or light commercial use appears to be appropriate, meaning that an O-I (Office-Institutional) or restricted B-1 (Neighborhood Business) zoning district is appropriate based on the surrounding and nearby land uses and zoning patterns (**supports request**).

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

Finding: There are no dwellings in the immediate vicinity of the subject property. A change of use on the subject property would therefore not adversely affect any dwellings (**supports request**). In this case, there is a vacant R-2-zoned lot south of the subject property; if the subject property is rezoned, that abutting lot would be more unlikely to develop for a dwelling or dwellings under the R-2 zone and would therefore be expected to transition from R-2 to an office or neighborhood commercial zoning district and use. However, residents of dwellings north of the site on Turner Road may be burdened with a marginal addition of traffic on the road if the request is approved and an office or neighborhood commercial use is established on the site (**inconclusive**).

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: Little if any impact would occur on schools. Rezoning to nonresidential would decrease any expected impact on schools (**supports request**). Turner Road is paved but appears substandard in terms of pavement width and also right of way (apparent 40 feet wide). There are also no street lights and sidewalks. Extensive commercial traffic would not be appropriate on the road unless improvements are made (**does not support request**). However, since existing office uses have been developed on the road, without requiring improvement to the road, it may not be inappropriate to require the subject property owner to upgrade part or all of the road. However, it would be appropriate to require the dedication of additional right of way along the subject property frontage (25 feet from road centerline) to enable the road to be brought up to city standards in the future (**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 Dahlenega.

Finding: The subject property lies within a “residential” character area per the city character area map in the comprehensive plan. Residential character areas in the city are “almost exclusively residential.” Further, the residential character area is described as providing “pastoral settings catering toward quiet, family-friendly environments that

are intrinsically connected to downtown.” The residential character area description suggests that the residential character area may have a “variety of residential, parks and institutional uses, with some office possible adjacent to downtown.” It also suggests that existing structures be preserved, or that “context-sensitive infill development” may be appropriate. Based on these descriptions, an office or commercial use and zoning would not appear to be consistent with the comprehensive plan’s description of the residential character area (***does not support request***).

5. Whether there are other existing or changing conditions affecting the use and development of property that give supporting grounds for either approval or disapproval of the zoning or special use proposal.

Finding: There is a large, undeveloped site fronting on the east side of Turner Road, zoned PUD. That PUD zoning district has not been researched by the consulting planner. However, the likely intensity of a PUD development would add supporting grounds to approve the requested zoning. It also may be the case that PUD development on the east side of Turner Road could be required to upgrade the road, if access to it is proposed (***inconclusive***).

CONCLUSION

An office or neighborhood commercial use in the existing dwelling would have less of an impact than if the dwelling was demolished and a multi-family was constructed. B-1 zoning along Turner Road to the south of the site, as well as commercial and office uses along Turner Road give supporting grounds to approve the request. Consideration can be given to restricting certain uses, but consulting planner does not see any particular issues of compatibility if the subject property was developed for office or neighborhood commercial uses.

Consulting planner recommends a condition of zoning approval requiring the owner to dedicate additional right of way (25 feet along the property frontage) to bring the street up to standard (1/2 of the width of a standard local road right of way).

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.
Nearby uses are primarily commercial. B1 & B2. The proposed B-1 is compatible and will not adversely affect the use or usability of surrounding properties.
2. The extent to which property values are diminished by the particular zoning restrictions. The existing residential zoning restricts commercial use and reduces the property's market value. Rezoning to B-1 would allow its highest and best use and prevent further value limitations.
3. The extent to which the destruction of property values promotes the health, safety, morals or general welfare of the public. The value limitations from current zoning do not serve public welfare; B-1 allows appropriate use while maintaining health and safety protections.
4. The relative gain to the public as compared to the hardship imposed upon the individual property owner. Public gain from current zoning is minimal, while the owner faces significant hardship. B-1 zoning better serves both the owner and community.

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.

Currently the only residential parcel on a road now fully commercial; physically more appropriate for B-1 use.

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.

The property is not vacant, but surrounding parcels have transitioned to commercial use over time. These changed conditions show that residential zoning is no longer consistent with the area and support approval of the request for B-1 zoning.

7. The zoning history of the subject property.

Historically residential with no prior re-zonings, despite nearby properties shifting to B-1/B-2

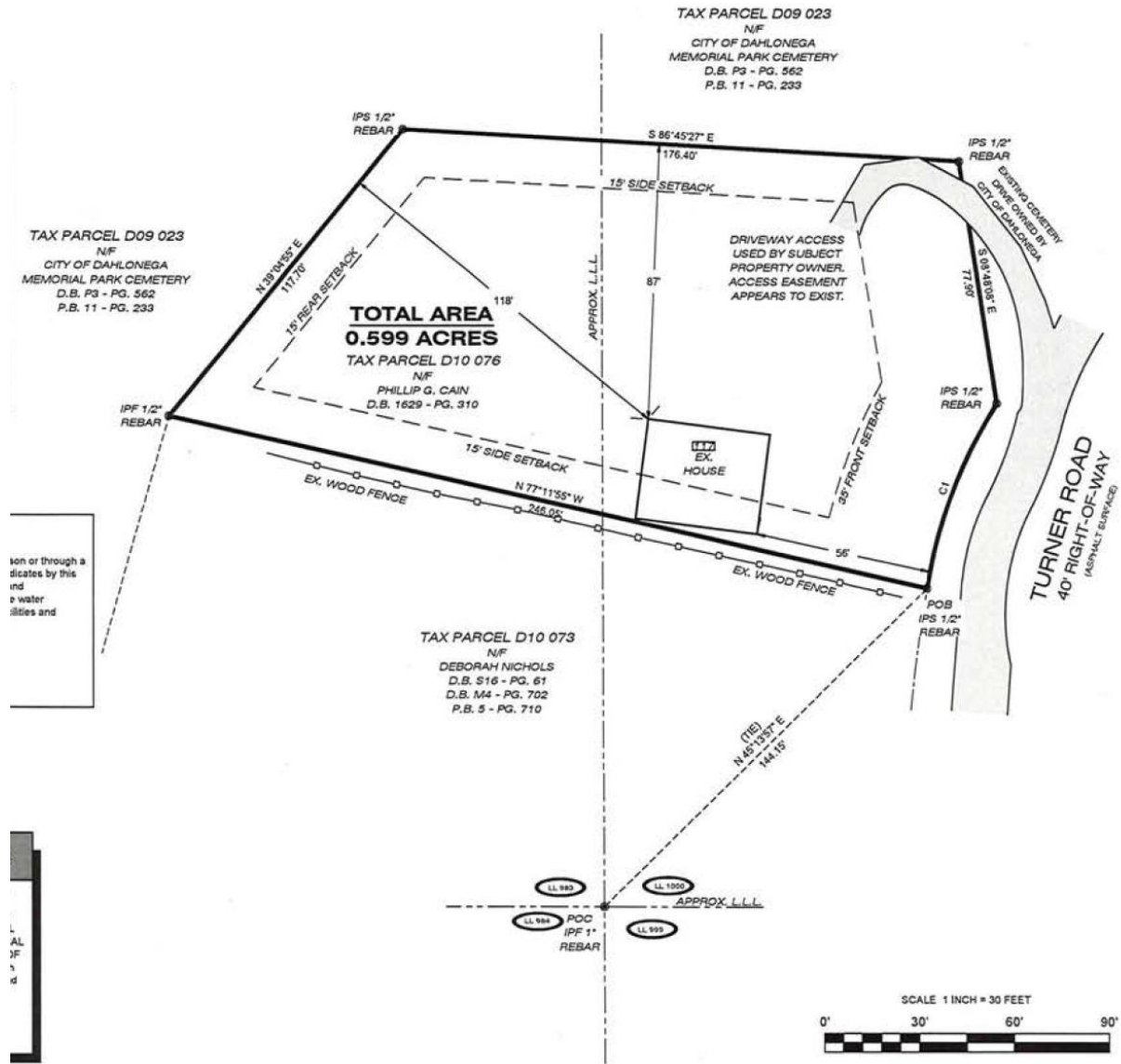
8. The extent to which the proposed zoning will result in a use which will or could cause excessive or burdensome use of existing streets, transportation facilities, utilities, schools, parks, or other public facilities.

The proposed B-1 zoning will not burden streets, utilities, schools, or public facilities. Low-intensity commercial use places fewer demands on public services than residential development.

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, B-1 zoning aligns with the Comprehensive plan and existing commercial land-use pattern.

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



Boundary Survey Excerpt