



CITY OF DAHLONEGA
City Council Public Hearing Agenda
May 18, 2026, 4:00 PM
Gary McCullough Chambers, Dahlonega City Hall

I. CALL TO ORDER

II. APPROVAL OF AGENDA

III. 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).
Doug Parks, City Attorney

IV. ADJOURNMENT



Agenda Memo

DATE: 5/18/2026
TITLE: REZN 26-3
PRESENTED BY: Doug Parks, City Attorney
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 Previous application was withdrawn prior to action being taken. The current application was addressed by the Planning Commission. The Planning Commission recommended approval with conditions. The “on the fly” language of the conditions suggested by the Planning Commission has been adjusted for clarity while retaining the original intent. See attachment section below.

FINANCIAL IMPACT

None.

RECOMMENDATION

At the next regular meeting of the Council, approval with the adjusted conditions. See Attachments section.

SUGGESTED MOTIONS

Motion to approve with the adjusted conditions as noted at the next regular meeting when an ordinance is proposed for adoption.

ATTACHMENTS

(1) Adjusted recommended conditions of the Planning Commission; and
(2) Consulting Planner’s Report.

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 Dahlonge 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 Dahlonge 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 40 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) and the remaining 80% of the façade shall be limited to wood siding, Hardie-plank or similar engineered fiber cement composite siding material, stone, brick, or a combination of these 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 four (4) 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.
 - E. For any residential unit containing three or more bedrooms, the number of full bathrooms shall be at least one fewer than the number of bedrooms. For purposes of this condition, a half-bath or powder room shall not count as a full bathroom. Any room capable of being used for sleeping, including a room labeled as a study, den, office, flex room, or media room, shall be counted as a bedroom if it contains a closet or direct access to a bathroom.
- 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, unless required by the Fire Marshal for emergency access and agreed to by the Lumpkin County School System.
 - 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.
 - C. Along the private internal street(s) within the zoned property, speed tables and/or raised crosswalks shall be required every 300' of road surface. Installation shall meet the requirements of the City Engineer.
 - D. Sidewalks along the private streets within the zoned property shall be required pursuant to and consistent with City regulations for public roads or streets.

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 20% of the residential units may be rented by 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 20% 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. Rental of any residential unit for a period of less than 31 days shall be prohibited.

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.

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:

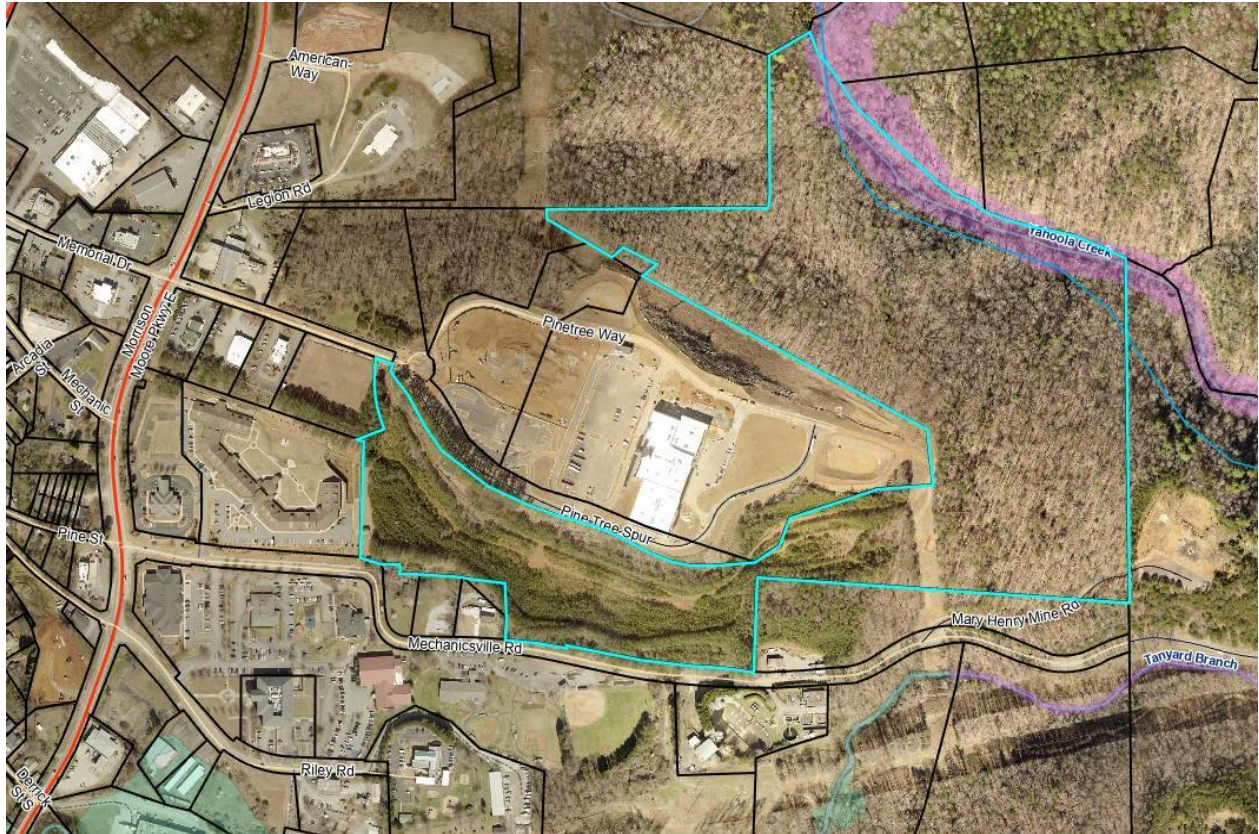
NORTH: (north of Pinetree Way): vacant (same property owner), IND (Industrial District) and public institutional (county school), IND; vacant and commercial (Consolidated Gold Mine), B-2 (Highway Business District)

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 Gouling) 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.

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.

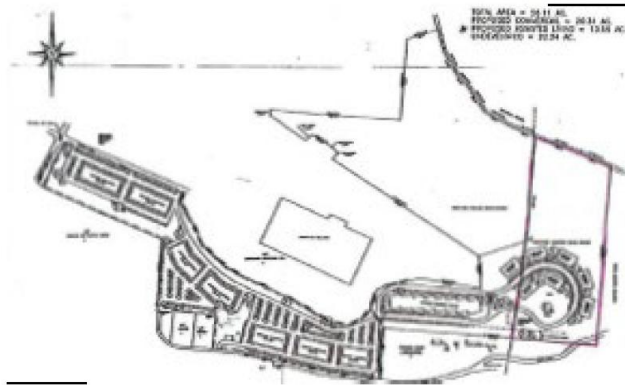
Letter of Intent (1 of 3)



City of Dahlonega
March 25, 2026
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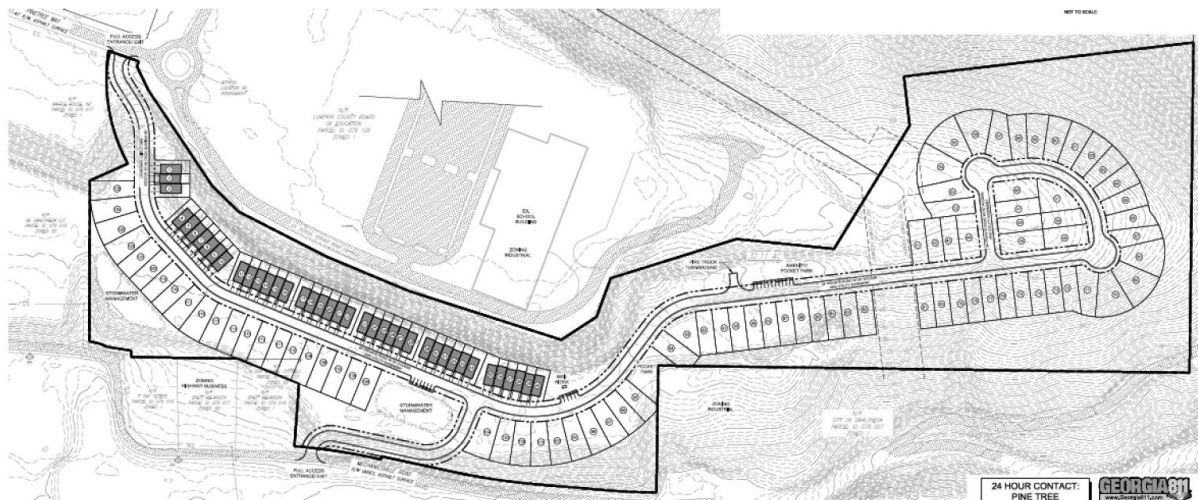
Current Zoning/Site Plan:

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



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

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

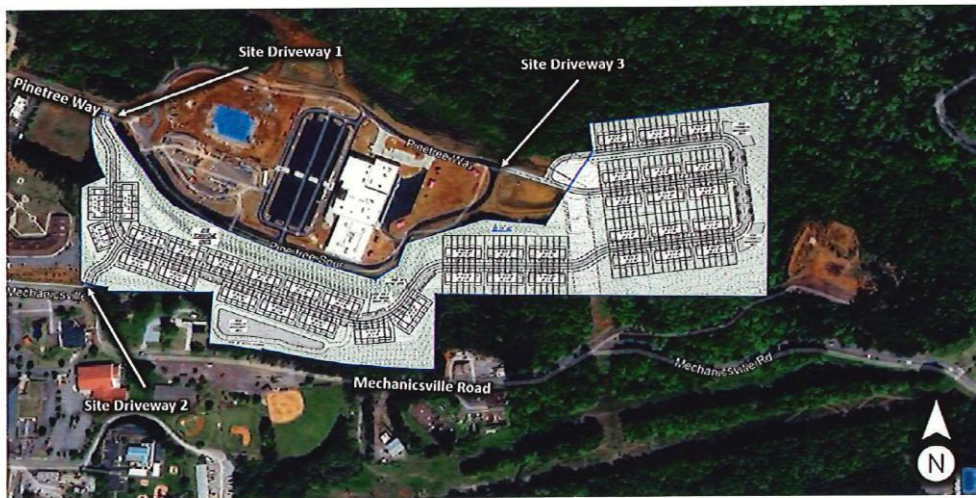


Memorandum

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.