

**AGENDA**  
**PLANNING COMMISSION REGULAR MEETING**  
**G.L. Gilleland Council Chambers on 2<sup>nd</sup> Floor**  
**Monday, December 12, 2022, 5:30 P.M.**

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1. Call to Order
2. Roll Call
3. Invocation and Pledge
4. Announcements
  - Alexis Noggle, new Planning Commission Member Post 1 introduction
5. Approval of the Agenda
6. Approval of the Minutes
  - Regular Meeting held Monday, November 14, 2022
7. Recognition of Services
  - Matt Fallstrom, Planning Commission
  - Carrie Fallstrom, Historic Preservation Commission

**PUBLIC HEARING**

8. **VAR-C2300048**: Adams Homes is requesting a variance for driveway grade slope for TMP 084 003 032, Located at 80 Thunder Valley. Public Hearing Date: Planning Commission on December 12, 2022.
9. **ZA-C2300046**: Eastwood Homes of Georgia, LLC has petitioned a change of zoning condition for TMP 082 021; Located at 592 Hwy 53 West, with a city zoning of RPC (Residential Planned Community). Applicant is requesting a removal stipulation 1a and 1b of ZA-C9-00004 pertaining to Housing for Older Persons Act (fifty-five (55) years of age or older). Public Hearing Dates: Planning Commission on November 14, 2022, and City Council on December 5, 2022. City Council for a decision on December 19, 2022. *Planning Commission postponed the public hearing until Monday, December 12, 2022.*

**PLANNING DIRECTOR REPORT**

**PLANNING COMMISSION REPORTS**

**ADJOURNMENT**

***The next scheduled Planning Commission meeting is Monday, January 9, 2023***

*Those persons with disabilities who require reasonable accommodations in order to allow them to observe and/or participate in this meeting or who have questions regarding the accessibility of the meeting, should contact the Clerk at Dawsonville City Hall at 706-265-3256 at least two (2) business days prior to the meeting.*

**MINUTES**  
**PLANNING COMMISSION REGULAR MEETING**  
**G.L. Gilleland Council Chambers on 2<sup>nd</sup> Floor**  
**Monday, November 14, 2022**

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1. **CALL TO ORDER:** Chairperson Randy Davis called the meeting to order at 5:30 p.m.
2. **ROLL CALL:** Present were Planning Commission Members Sandy Sawyer, Josh Nichols, Anna Tobolski, City Manager Bob Bolz, Councilmember Liaison John Walden, Director of Planning and Zoning Harmit Bedi, Administrative Assistant Diane Callahan, Zoning Administrative Assistant Stacy Harris.

Matt Fallstrom was absent from the meeting.

3. **INVOCATION AND PLEDGE:** Bob Bolz led the Invocation and Pledge.
4. **ANNOUNCEMENTS:** Chairperson Davis introduced the new Director of the Planning and Zoning Department, Harmit Bedi. Mr. Bedi stated that he looks forward to working with the commission members, to improve the quality of life for Dawsonville citizens.
5. **APPROVAL OF THE AGENDA:** Motion to approve the agenda made by A. Tobolski; second by J. Nichols. Vote carried unanimously in favor.
6. **APPROVAL OF THE MINUTES:** Motion to approve the Regular Meeting minutes on Monday, September 12, 2022, made by A. Tobolski; second by J. Nichols. Vote carried unanimously in favor.

**PUBLIC HEARING**

7. **ZA-C2300046:** Eastwood Homes of Georgia, LLC has petitioned a change of zoning condition for TMP 082 021; Located at 592 Hwy 53 West, with a city zoning of RPC (Residential Planned Community). Applicant is requesting a removal of stipulation 1a and 1b of ZA-C-900004 pertaining to Housing for Older Persons Act (fifty-five (55) years of age or older). Public Hearing Dates: Planning Commission on November 14, 2022, and City Council on December 5, 2022. City Council for a decision on December 19, 2022.

Chairperson Davis read the zoning request and conducted the public hearing.

Director Bedi presented the request from the applicant and staff to postpone the request to the Regular Planning Commission Meeting on December 12, 2022.

He further stated that, the Public Hearing was advertised in newspaper, signs were posted, and neighboring property owners were notified via certified mail. The Planning Commission is required to open the Public Hearing and invite comments from the public. The Planning Commission may consider opening the Public Hearing at the next meeting on Monday, December 12, 2022.

Motion to open the public hearing made by A. Tobolski; second by J. Nichols. Vote carried unanimously in favor.

No one spoken in favor of the zoning request.

No one spoke in opposition of the zoning request.

**MINUTES**  
**PLANNING COMMISSION REGULAR MEETING**  
**G.L. Gilleland Council Chambers on 2<sup>nd</sup> Floor**  
**Monday, November 14, 2022**

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Motion to postpone the public hearing until Monday, December 12, 2022, made by S. Sawyer; second by J. Nichols. Vote carried unanimously in favor.

Motion to close the public hearing made by S. Sawyer; second J. Nichols. Vote carried unanimously in favor.

8. **VAR-C2300047:** SDH Atlanta, LLC has requested to reduce to one street access for Cornerstone Subdivision (TMP 084 004 and 084 005); Located at 1694 and 1768 Hwy 9 South. Public Hearing Date: Planning Commission on November 14, 2022

Chairperson Davis read the variance request and conducted the public hearing.

Director Bedi provided staff analysis and case study on variance application. Mr. Bedi stated reduction from two full access points to one full access point, with an emergency only access point with a Knox Box/Lock, customary on similar projects in Dawson County and must have approval of the Fire Marshal.

Motion to open the public hearing made by A. Tobolski; second by J. Nichols. Vote carried unanimously in favor.

The following person spoke in favor of the request:

- Corey Gutherie, 3384 Elliott Family Pkwy, Dawsonville, GA – Mr. Gutherie stated that in the original zoning requirements, two access entrances were approved per City Ordinance. He stated that he met with the GDOT to discuss the access points on HWY 9 South. GDOT recommended only one full access with an emergency only access. The traffic study states that a left hand turn in lane, right deceleration lane, and two lanes coming out of the subdivision.

No one spoke in opposition of the variance request.

Chairperson Tobolski asked if the emergency access point would be paved and did the Fire Marshal approve one full access entrance. Mr. Gutherie stated that the emergency only access point would be grass paved, with a Knox Box/Lock, and would meet the Fire Code that would support an 80,000 lbs. emergency vehicle. The Fire Marshal did agree with one full access entrance and an emergency only access.

Motion to close the public hearing made by S. Sawyer; second by J. Nichols. Vote carried unanimously in favor.

Motion to approve the variance application with staff recommendation made by A. Tobolski; second by S. Sawyer. Vote carried unanimously in favor. (Exhibit "A")

**PLANNING DIRECTOR REPORT:**

Director Bedi stated that the staff is working with GMRC regarding the 2023 Comprehensive Plan. Mr. Bedi asked the Planning Commission Members if they have any recommendation for citizens to serve on the steering committee, please forward him their information and he would reach out to see if they are interested in serving on the committee.

**MINUTES**  
**PLANNING COMMISSION REGULAR MEETING**  
**G.L. Gilleland Council Chambers on 2<sup>nd</sup> Floor**  
**Monday, November 14, 2022**

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**PLANNING COMMISSION REPORTS:**

Chairperson R. Davis announced that the next Planning Commission Meeting is Monday, December 12, 2022.

**ADJOURNMENT:**

Motion to adjourn the meeting at 6:00 p.m. made by A. Tobolski; second by S. Sawyer. Vote carried unanimously in favor.

*Approved this 12<sup>th</sup> day of December 2022*

\_\_\_\_\_  
Randy Davis, Commission Chairperson

\_\_\_\_\_  
Matt Fallstrom, Planning Commissioner Post 1

\_\_\_\_\_  
Josh Nichols, Planning Commissioner Post 2

\_\_\_\_\_  
Sandy Sawyer, Planning Commissioner Post 3

\_\_\_\_\_  
Anna Tobolski, Planning Commissioner Post 4

Attested: \_\_\_\_\_  
Stacy Harris, Zoning Administrative Assistant

*Alexis Noggle*  
*Dawsonville, GA 30534*

Dr. Alexis Noggle graduated from the University of Nevada- Las Vegas with a Bachelor of Science in Kinesiology. While attending UNLV, Dr. Noggle was a member of the Sigma Kappa Sorority, L.E.A.D team, and Leadership Advisory Board. To further her educational journey, she attended National University of Health Science in Lombard, Illinois. There, she received her Doctorate in Chiropractic. She has been practicing since 2011.

After observing multiple patients and family members, specifically her young daughter, experience frequent miscommunication amongst their doctors, she decided to receive her Certification in Functional Medicine. Her goal is to work with patients and discover the root of their chronic health conditions and provide the necessary solutions to help them live pain free lives.

Outside of helping people with their health, Dr. Noggle is passionate about being involved within her community. She is actively involved within her church and children's school. She puts her knowledge and experience of leadership, organization, and business to use in helping other business owners along with organizations become more efficient.

Dr. Noggle is originally from Chicago but has spent a majority of her life in Nevada. Her and her family currently reside in Georgia. When she is not working, she enjoys spending time with her husband, three kids, and dog.

With Gratitude,

*Alexis Noggle*



City of Dawsonville

DEPARTMENT OF PLANNING AND ZONING

## PLANNING COMMISSION

### CASE SUMMARY

December 12, 2022

**Case Number: VAR – C2300048**

**Applicant:** Keith Furguson

**Business Name:** Adams Homes

**Property Address:** 80 Thunder Valley – Lot #32

**Parcel Number:** TMZ 084 - 3032

**Project Name:** Thunder Ridge

**Present Zoning:** R-3 (Single Family Residential District)

**Request:** Variance – Driveway Grade – to allow 15.8% from required 10%

**Staff Recommendation:** The Planning Commission may consider **Approval**



**CITY OF DAWSONVILLE  
PLANNING COMMISSION**

**CASE ANALYSIS**

**TO:** The Chairperson and Commission  
**DATE:** December 12, 2022  
**FROM:** Harmit Bedi, Director, Planning and Zoning  
**SUBJECT:** Application for a Variance – Driveway Grade  
**Case Number:** VAR – C2300048

**Findings of Fact:**

Keith Ferguson of Adams Homes, Cumming, Georgia, has applied for a Variance with the City. The subject property is located at 80 Thunder Valley in the Thunder Ridge subdivision with lot #32. The parcel is zoned R-3 (Single Family Residential).

**The Project:**

The project is to build 217 lots / homes in three phases. This parcel is in Phase -1. 68 homes will be built in Phase – 1. The whole subdivision is zoned R-3 (Single Family Residential).

**The Request:**

The request is for a Variance for Driveway Slope Grade to allow 15.8% (average) slope from the required slope of 10%.

Acco **Sec. 109-54. - Driveways.**

All structures erected in the city must be served with access from a public street by an appropriate driveway in accordance with the specifications below. "Residential" shall apply to all residentially zoned property and "Commercial" shall apply to all non-residentially zoned property including, but not limited to, all industrial, highway business, institutional and commercially zoned properties.

All driveways shall have a landing. The landing is defined as the portion of the driveway that connects to the public street.

	Residential	Commercial
Minimum Width	9'	12' (one way entry/exit) 24' (two way entry/exit)
Apron Width minimum	3' on each side	3' on each side
Slope maximum	10%	5%
Minimum Landing Length	20'	30'
Maximum landing slope	5%	4%

All driveways shall be constructed at a minimum of four inches or more of 3,000 psi concrete or two inches or more of asphalt on a compacted base. All culverts under driveways shall be 18 inches or more in diameter and covered with a minimum of four inches of gravel.

All driveways shall be setback at least six feet from the side property line and shall meet the same elevation at the existing (or to be constructed) sidewalk. There shall be at least 20 feet between the entrances for a U-shaped or similar driveway located on a single lot.

**Staff Analysis:**

This request is aftermath. The house is at completing stages. The hardship is created by the existing topography. It is common to not to meet slope standards in such topographic terrain.

**Staff Recommendation:**

The Planning Commission may consider **Approval** of the request to allow 16% average slope.



**City of Dawsonville**  
 415 Highway 53 East, Suite 100  
 Dawsonville, GA 30534  
 Phone: (706) 265-3256

**Variance Application**

VAR- C2300048

Application for:  Appeal  Special Exception  Adjustment

Variance Requested: DRIVEWAY GRADE (Letter of Intent must fully describe this request)

Applicant Name: KEITH FERGUSON Company: ADAMS HOMES  
 Address: 102 MARY ALICE PARK RD #302 City: CUMMING Zip: 30040  
 Cell Phone: 678-725-3272 Email: K.FERGUSON@ADAMSHOMES.COM  
 Owner Name(s): ADAMS HOMES  
 Address: 102 MARY ALICE PARK RD #312 City: CUMMING Zip: 31140  
 Cell Phone: SAME Email: SAME

**Exact Location and Description of Subject Property:**

Address: 80 THUNDER VALLEY Lot # 32  
 Present/Proposed Zoning: R3 Parcel # 084003032  
 District: 2ND Land Lot: 574, 575, 582, 583 Tax Map # \_\_\_\_\_  
 Present and/or Proposed Use of Property: SFR

**Required Items:**

- A completed signed application.
- A detailed Letter of Intent of your request along with any supporting maps, survey's and/or documents requested by the Planning Director.
- The Letter of Intent shall address the criteria specified in Article IX, Sec. 907. Variances, conditional uses and map amendments (see page 2 & 3).
- Sign Variance authorized by City Council only per Chapter 105 Sec 105-8.

**FEE SCHEDULE**

Variance Per Ordinance Amendment	\$300.00
Administrative fee	\$100.00
Appeals and Change of Zoning Conditions	\$500.00
Public Notice Certified Mail	\$7.82 per adjacent property owner

\_\_\_\_\_  
 Signature of Applicant

10-13-22  
 \_\_\_\_\_  
 Date

<b>Office Use Only</b>	
Date Completed Application Rec'd:	Amount Paid: \$ _____ CK Cash CK
Date of Planning Commission Meeting:	Dates Advertised:
Approved by Planning Commission: YES NO	Approved by City Council: YES NO
	Postponed: YES NO Date:

**RECEIVED**  
 OCT 13 2022  
 BY: SH

	<p align="center"><b>City of Dawsonville</b>          415 Highway 53 East, Suite 100          Dawsonville, GA 30534          Phone: (706) 265-3256</p>	<p align="center"><b>Property Owner          Authorization</b></p>
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VAR# C2300048 TMP# 084 003032 Applicant's Name: KEITH FERGUSON

**Property Owner Authorization**

I/We ADAMS HOMES AEC, LLC hereby swear that I/we own the property located at (fill in address and/or tax map & parcel #) 80 THUNDER VALLEY DAWSONVILLE GA 30534 as shown in the tax maps and/or deed records of Dawson County, Georgia, and which parcel will be affected by this request.

I hereby authorize the person(s) or entity(ies) named below to act as the applicant or agent in pursuit of the variance requested on this property. I understand that any variance granted, and/or conditions or stipulations placed on the property will be binding upon the property regardless of ownership. The under signer below is authorized to make this application. The undersigned is aware that no application or reapplication affecting the same land shall be acted upon within 6 months from the date of the last action.

Printed Name of Owner ADAMS HOMES AEC, LLC  
 Signature of Owner [Signature] MANAGER Date \_\_\_\_\_  
 Mailing Address 3000 GULF BREEZE PKWY  
 City GULF BREEZE State FL Zip 32563  
 Telephone Number 850-934-0470

Sworn to and subscribed before me  
 this 11<sup>th</sup> day of OCTOBER 2021.  
[Signature]  
 Notary Public, State of Georgia FLORIDA  
 My Commission Expires: 1.25.23



Notary Seal

(The complete names of all owners must be listed, if the owner is a partnership, the names of all partners must be listed, if a joint venture, the names of all members must be listed, if a separate sheet is needed to list all names, please have the additional sheet/sheets notarized also.)

**City of Dawsonville Land Use and Zoning Ordinance: Article IX Variances.**

**Does This Proposal Qualify For A Variance?**

The purpose of a variance is to provide relief when a strict application of the district requirements would impose unusual practical difficulties or unnecessary physical hardships on the applicant. Practical difficulties and unnecessary hardships may result from the size, shape, or dimensions of a site or the location of existing structures thereon; from geographic, topographic, or other conditions on the site or in the immediate vicinity. No variance shall be granted to allow the use of property for a purpose not authorized within the district in which the proposed use would be located. A variance should be granted only after evidence is presented and accepted that enforcement of all of the required standards on the property in question would render the property useless. This Article establishes conditions; criteria for granting variances; public hearings on proposed variances; variances to road requirements; variance procedures; compliance with conditions of approval; vested interest in approved variances; investigations and reports; revocation; limitations on re-applications; and use variance. **A variance may be granted, upon specific findings that all of the following conditions exist. The absence of any one of the conditions shall be grounds for denial of the application for variance.**

Please Answer The Following In Addition to Providing A Letter Of Intent

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,

Answer:

THE HOUSE WAS SET A LITTLE OVER ONE FOOT  
HIGH TO OBTAIN 10% GRADE FOR DRIVE

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;

Answer:

NO

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;

Answer:

IT WILL NOT

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;

Answer:

NO ONE WILL EVER REALIZE THERE IS A DIFFERENCE  
\_\_\_\_\_  
\_\_\_\_\_ and,

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

Answer:

THEY ARE, BUT AT THIS POINT THE ONLY SOLUTION WOULD BE TEAR DOWN THE HOUSE  
\_\_\_\_\_  
\_\_\_\_\_ and,

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

Answer:

IT IS  
\_\_\_\_\_  
\_\_\_\_\_ and,

7. The variance is a request to permit a use of land, building or structures which is permitted by right in the district involved.

Answer:

YES  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

The applicant, or designated agent, **MUST**\* attend the public hearings for the variance request to be considered.

\*NOTE: If the applicant of a petition before the Planning Commission fails to attend the public hearing, then the Planning Commission may deny the subject petition or may require re-advertisement of the subject petition at the expense of the applicant.

10/13/22

Adams Homes intent for the variance on lot 32 Thunder Ridge, is to allow a driveway grade of 15.8% be allowed to access the property. There are many instances of such slopes throughout the city and it will not cause any problems accessing the property.

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**RECEIVED**  
OCT 24 2022  
BY: SK



**City Council:**

John Walden  
Caleb Phillips  
William Illg  
Mark French



Mike Eason  
Mayor

Robert Bolz  
City Manager

Beverly Banister  
City Clerk

Harmit Bedi  
Planning Director

Stacy Harris  
Zoning Admin Assistant

**Planning Commission:**

Randy Davis, Chairperson  
Matt Fallstrom, Post 1  
Josh Nichols, Post 2  
Sandy Sawyer, Post 3  
Anna Tobolski, Post 4

415 Highway 53 East, Suite 100  
Dawsonville, GA 30534  
Office (706)265-3256  
[www.dawsonville-ga.gov](http://www.dawsonville-ga.gov)

**PUBLIC NOTICE**

The following public hearings will be heard by the City of Dawsonville Planning Commission at 5:30 p.m. and/or the City Council beginning at 5:00 p.m. respectively on the dates indicated below. Public hearings are heard in the Council Chambers on the second floor at City Hall located at 415 Hwy 53 East, Dawsonville, Georgia 30534. The public is invited to participate.

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**VAR-C2300048:** Adams Homes is requesting a driveway grade slope for TMP 084 003 032, Located at 80 Thunder Valley. Public Hearing Date: Planning Commission on December 12, 2022.

If you wish to speak on the requests, please contact City Hall for a CAMPAIGN DISCLOSURE form. ***This form is only needed if you have made campaign contributions in the amount of \$250.00 or more within 2 years prior to this date.***

*Those persons with disabilities who require reasonable accommodations in order to allow them to observe and/or participate in this meeting or who have questions regarding the accessibility of the meeting, should contact the Clerk at Dawsonville City Hall at 706-265-3256 at least two (2) business days prior to the meeting.*



# PUBLIC NOTICE ON ZONING

AN APPLICATION HAS BEEN FILED WITH THE CITY OF  
DAWSONVILLE IN REGARDS TO THE ZONING  
REGULATIONS AS THEY APPLY TO THIS PROPERTY.

THE APPLICATION IS FOR:

*VAR-0200048-*

*driveway grade slope*

HEARINGS WILL BE HELD BY:

PLANNING COMMISSION: \_\_\_\_\_

DATE: *12.12.2022*

TIME: *5:30pm*

HEARING LOCATION:

DAWSONVILLE MUNICIPAL COMPLEX  
415 HIGHWAY 53 E SUITE 100  
DAWSONVILLE, GA 30534

FOR ADDITIONAL INFORMATION CALL  
CITY PLANNING & ZONING DEPT AT 706-265-3256

**THIS SIGN NOT TO BE REMOVED WITHOUT AUTHORIZATION**





City of Dawsonville

DEPARTMENT OF PLANNING AND ZONING

## PLANNING COMMISSION

### CASE SUMMARY

December 12, 2022

ZONING CONDITION CHANGE APPLICATION

**Case Number: ZA – C2300046**

**Applicant:** Eastwood Homes, Alpharetta, Georgia

**Project Name:** Villas at Dawsonville

**Property Address:** 592 Hwy. 53 West, Dawsonville

**Parcel Number:** TMP 379, 380, 437, 488

**Present Zoning:** RPC (Residential Planned Community)

**Present Use:** Vacant with Existing Homes

**Request:**

1. Revised Site Plan
2. Removal of a Pre-approved Stipulation

**Staff Recommendation:** The Planning Commission may consider **Approval** of:

1. Revised Site Plan
2. Removal of a Pre-approved Stipulation



**CITY OF DAWSONVILLE  
PLANNING COMMISSION**

**CASE ANALYSIS**

**TO:** The Chairperson and Commission  
**DATE:** December 12, 2022  
**FROM:** Harmit Bedi, Director, Planning and Zoning  
**SUBJECT:** Application for:

1. Removal of a Pre-approved Stipulation
2. Revised Site Plan for Approval

**Case Number:** ZA – C2300046

**Findings of Fact:**

Eastwood Homes, Alpharetta, Georgia, has submitted Zoning Condition Amendment request with the Department of Planning and Zoning. Also, submitted a revised Site Plan for approval. The subject property is zoned RPC (Residential Planned Community) with 38.55 acreage. Tax parcel number is TMP 082 021.

**The Request:**

The applicant is requesting the following:

1. Removal of Stipulation 1.a and 1.b of approved zoning (Case Number ZA-C9-00004) pertaining to the Housing for Older Persons Act.
2. Request for Approval of Revised Site Plan.

**Details of the Request:**

1. Removal of Stipulations:

On June 3, 2019, the Mayor and City Council approved the following stipulations:

1. The Property and any development thereupon shall comply with the Housing for older Persons Act, as codified at 42 U.S.C. § 3607 and enforced by 24 C.F.R. § 100.300 *et seq.*

- a. Specifically, at a minimum eighty percent (80%) of all occupied units developed upon the Property shall have at least one occupant residing within the unit that is fifty-five (55) years of age or older.
  - b. All units not occupied by an individual fifty-five (55) years of age or older, shall be restricted to persons forty-five (45) years of age or older (the “Secondary Age Restriction”) pursuant to 24 C.F.R. §100.305(h). Notwithstanding the foregoing, the Secondary Age Restriction shall not apply to individuals occupying units pursuant to 24 C.F.R. 100.305(e)(3) or dependent children, under the age of twenty-one (21), of an occupant residing in a unit pursuant to the Secondary Age Restriction.
2. Revised Site Plan:
- The revised plan is proposing 90 homes (Previously approved plan allowed 140 attached units (23 quads and 48 townhomes)
  - 61 single Family Residential and 29 townhomes
  - All homes will have a minimum of 1800 heated space with 2 car garages
  - The proposed density is 2.34 units/acres vs. previously approved density of 3.6 units/acre

**Background:**

- TMP# 082-021, 592 Highway 53 West, 38.82 acres
- 03.17.2003 Annexed to the City.
- 12.06.2004 Rezoning approved from R2 (Single Family Residential, 20,000 sq. lot) to R3 (Single Family Residential, 7,500 sq. lot).
- 06.03.2019 Rezoning approved with stipulations: from R3(Single Residential, 7,000 sq. lot) to RPC (Residential Planned Community).

Stipulations approved on June 3, 2019:

- 55+ age restriction
- 100’ buffer along property lines for parcels 082-020.001,082-023.002, and 082-023.003. A 50’ buffer along all other adjoining properties.
- Overall units shall not exceed 140, and maximum of 70% unusable land may be considered in calculating the density.
- No entrance on Howser Mill Road other than emergency.
- Traffic Study, DOT Permit, Placement of Traffic lights and/or roundabout, street improvements shall be funded as a precondition to the approval of the site plan.
- Water/Sewer lines are a precondition of the site plan approval.
- Requirement of Agricultural verbiage to be on all plats.
- Developer shall maintain and repair any damage to the adjoining driveway of the adjacent property owner (TMP# 083-009).
- 06.03.2019 Denied variance request of 4.5 density
- 10.12.22 Variance request to remove 55+ requirement.

- 10.12.22 Rezone request to approve site plan changing from 140 units to 90 units for a lower density

**Staff Analysis:**

The subject property is located along Hwy. 53 West with couple of residential structures including sheds, barns. The subject property also has access from Howser Mill Road. The surrounding land uses are predominantly residential. However, closer to the downtown square uses are predominantly commercial.

The subject property has streams with 25’ State Waters Buffers. The parcel has a 20’ wide “temporary construction” easement and 20’ wide “permanent sanitary sewer” easement running North-South in the middle.

The parcel, in the NE, has property line running along Howser Mill Road.

**Staff Recommendation:**

The Planning Commission may consider **Approval** of:

1. Removal of the approved stipulations (#1 a. and #1.b) on June 3, 2019 by the Mayor and City Council as follows:

~~1. The Property and any development thereupon shall comply with the Housing for older Persons Act, as codified at 42 U.S.C. § 3607 and enforced by 24 C.F.R. § 100.300 *et seq.*~~

- ~~a. Specifically, at a minimum eighty percent (80%) of all occupied units developed upon the Property shall have at least one occupant residing within the unit that is fifty five (55) years of age or older.~~
- ~~b. All units not occupied by an individual fifty five (55) years of age or older, shall be restricted to persons forty five (45) years of age or older (the “Secondary Age Restriction”) pursuant to 24 C.F.R. §100.305(h). Notwithstanding the foregoing, the Secondary Age Restriction shall not apply to individuals occupying units pursuant to 24 C.F.R. 100.305(c)(3) or dependent children, under the age of twenty one (21), of an occupant residing in a unit pursuant to the Secondary Age Restriction.~~

2. The Planning Commission may consider **Approval** of the Revised Site Plan, dated, 11.15.2022, File Number 10195-00 with the following stipulations:

*Stipulations Approved on June 3, 2019 by the Mayor and City Council:*

1. A planted buffer to City buffer standards of at least one hundred (100) feet in width shall be created along the boundary of parcels 082 020 001, 082 023 002 and 082 023 003. Additionally, a planted buffer to City buffer standards of a least fifty (50) feet in

width shall be created between the development and any other adjoining property line. (Approved on June 3, 2019)

2. A maximum of seventy percent (70%) of land determined to be unusable, including, but no way limited to, floodplains, may be considered in calculating density. The overall number of units shall not exceed 90 units **(last stipulation it was 140)**. (Approved on June 3, 2019 / modified)
3. A no point in time may an entrance to the Property / Development be placed on Howser Mill Road other than for emergency access as required by the Fire Marshall. All access to the Property/Development shall be from Highway 53 (other than the emergency access on Howser Mill). (Approved on June 3, 2019)
4. Prior to and as precondition to the issuance of a Site Development Permit, the Owner and/or Developer of the Property/Development shall complete an independent Traffic Study (not done by applicant Ensite Civil Consulting, LLC) and have the same approved by the Georgia Department of Transportation and the City Street Department Director of the impact of the property/development as proposed including, not in no way limited to the placement of the traffic lights and/or round-about, as related to the entrance to the Property/Development on Ga. Highway 53 and/or the impact of the proposed development on Ga. Highway 53 West Howser Mill Road intersection. Prior to and as a precondition to the issuance of a Site Development Permit, the Owner and/or Developer of the Property/Development shall fund and construct any street improvements called for in the Traffic Study as approved by the Georgia Department of Transportation and the City Street Department Director. (Approved on June 3, 2019)
5. Prior to and as a precondition to the issuance of a Site Development Permit, the Owner and/or Developer of the Property/Development will install at the Owner/Developer's expense such water and sewer lines as are necessary to reach the Property/Development from the existing City water and sewer line infrastructure as determined by the City Engineer, including the installation of any necessary sewer lift stations. (Approved on June 3, 2019)
6. The following shall be places on all Final Plats and individual surveys, "NOTICE: This property lies withing a rural area and agricultural activities creating dust, noise, and odors may occur in the vicinity. Understanding this the grantee and successors in tile forgo their right to claim against any agricultural operator in the area who has not been negligent." (Approved on June 3, 2019)
7. The owner/developer shall keep the driveway for the adjacent property owner of parcel 083 009 open and will repair any damage sustained during construction. (Approved on June 3, 2019)

*New / Additional Stipulations (December 12, 2022)*

8. Dedicate to the City 20' ROW along the property line on Hwy. 53 West for future road improvements.
9. Dedicate to the City 20' ROW along the property line along Howser Mill Road for future road improvements.
10. All roads within the subdivision shall be public roads. The roads shall be built meeting the City's development standards. The City Engineer and /or the Planning and Zoning Director may request "loaded truck" roll over inspection and core tests, prior to final approval / acceptance of the Final Plat.
11. The Owner/Developer shall grade (sidewalk installation ready) the front along Hwy. 53 West and front along Howser Mill Road for installation/accommodation of 5' sidewalk for future development. Such areas must be stabilized with grass or other means to avoid any erosion after grading.
12. The plans shall provide engineered designed (only) second entrance along Howser Mill Road for future access/development/connectivity.
13. Provide adequate size Children's Park / Picnic Area, meeting architectural design standards, for the residents with picnic/gathering area, children's play area, children's play equipment, adequate size (meeting architectural design standards) commercial designed and commercial material gazebo with fire pit. The developer shall submit list of children's play equipment list to the Director, Planning and Zoning, for approval. This amenity area shall be completed and approved by the Building Official prior to obtaining Certificate of Occupancy prior to completion of 30% of the houses in the subdivision.
14. The Streetlights shall be of decorative design throughout the subdivision.
15. The emergency entrance gate, along Howser Mill Road, design, material and installation shall be approved by the Dawson County Fire Marshal and Director, Planning and Zoning. The Owner/Developer must submit copy of the approval document to the Director, Planning and Zoning Department for the City records.
16. The Knox Box/Lock must be as customary on similar projects in Dawson County and must have approval of the Fire Marshall.
17. The emergency entrance gate and surroundings along Howser Mill Road must be tastefully designed to match with the development of the subdivision houses (material, color, design etc.). The gate plan must be prepared by an engineer or an architect and approved by the Director, Planning and Zoning.

18. No two homes, next to each other and opposite to each other shall be of the same façade design, material, and facade color.
19. No two townhomes, next to each other and opposite to each other shall be of the same façade design, material, and facade material color.
20. The mailbox area shall be designed to provide safe access and exit to the residents. The design shall be of covered mail kiosk, providing mailboxes, provide parcel boxes, well illuminated, and at a safe and accessible location in the subdivision.
21. The existing trees shall be preserved, to the maximum possible extent on the property especially along throughout the property lines, stream buffers areas, any other unbuilt spaces. If there are gaps/opening in the existing vegetation / tree area, the Owner/Developer, shall plant trees of matching/local species to provide visual screening. Such plan shall be submitted with Construction Plans to the Department of Planning and Zoning for review and approval.
22. At the subdivision, along the Hwy 53 entrance Two decorative styles, tastefully designed, entrance shall per permitted. One sign shall be permitted to install within dedicated 20' ROW. Which may be removed whenever the Hwy. 53 West improvements are done. The developer may choose to install additional sign of reasonable size along the Hower Mill Road frontage to direct the visitors to the main access / entrance at Hwy. 53 West.
23. The proposed site plan prepared, dated, 11.15.2022, File Number 10195-00 not "site specific" site plan. However, the developer / property owner shall follow this submitted Site Plan for preparation of final Site Plan.
24. The Planning and Zoning Director authorized to approve minor variations during the subdivision development process. Not authorized to approved increased density. The applicant must pay the required fees to the City for variations. In addition, The Planning and Zoning Director is authorized to approve the following as Administrative Variance with the written request by the developer or project engineer or project manager with City's applicable Fee Schedule.
  - Front yard, side yard and rear yard setbacks. Variances shall not exceed 20 percent of the setback in applicable areas of this subdivision.
  - Building height. A variance may be granted up to, but not exceeding, ten feet if such variance does not allow space habitable by humans.
  - Parking. If the required parking standards cannot reasonably be met and if a variance will not adversely affect the spirit or intent of the ordinance, then a variance of not more than ten percent may be granted.
25. Access shall be provided from the main entrance road (Hwy.53 West) to the adjacent parcels 083 009 & 083 047. They shall be granted in accordance with both City of

Dawsonville and Georgia Department of Transportation (GDOT) requirements and shall include driveway aprons and access easements to the adjoining parcels.

Thank you.

	<p align="center"><b>City of Dawsonville</b>                  415 Highway 53 East, Suite 100                  Dawsonville, GA 30534                  (706) 265-3256</p>	<p align="center"><b>Zoning Amendment                  Application</b></p>
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Application#: ZA C2300046  
 Applicant Name(s): EASTWOOD HOMES  
 Address: 1000 MANSELL EXCHANGE W. #350 City: ALPHARETTA Zip: 30022  
 Cell Phone: 678 409 7610 Email: sdozier@eastwoodhomes.com  
 Signature(s): Scott Dozier Date: 10/10/2022

Property Address: 592 HWY 53 WEST DAWSONVILLE GA 30534  
 Directions to Property from City Hall: TURN RIGHT ONTO HWY 53 WEST, AT THE TRAFFIC CIRCLE TAKE 1ST EXIT ONTO MAIN ST, CONTINUE ONTO HWY 53/JASPER ST. PROPERTY ON RIGHT.  
 Tax Map Parcel #: 082 021 Current Zoning: RPC

Land Lot(s) 379, 380, 437, 438 District: 4TH Section: 1ST  
 Subdivision Name: VILLAS AT DAWSONVILLE Lot# \_\_\_\_\_  
 Acres: 38.55 Current use of property: OPEN LAND PASTURE RESIDENTIAL  
 Has a past request of Rezone of this property been made before? YES If yes, provide ZA # C9-00004

The applicant request: CHANGE ZONING CONDITION  
 Rezoning to zoning category: RPC Conditional Use permit for: \_\_\_\_\_

Proposed use of property if rezoned: RESIDENTIAL  
 Residential # of lots proposed: 90 Minimum lot size proposed: SEE CONCEPT (Include Conceptual Plan)

Amenity area proposed YES, if yes, what WALKING PATH, GAZEBO, FIRE PIT

If Commercial: total building area proposed: N/A (Include Conceptual Plan)

Utilities: (utilities readily available at the road frontage):  Water  Sewer  Electric  Natural Gas

Proposed Utilities: (utilities developer intends to provide)  Water  Sewer  Electric  Natural Gas

Road Access/Proposed Access: (Access to the development/area will be provided from)

Road name: Hwy. 53 Type of Surface: PAVED

- Failure to complete all sections will result in rejection of application and unnecessary delays.
- I understand that failure to appear at a public hearing may result in the postponement or denial of this application.

DocuSigned by: Scott Dozier 10/10/2022  
 Signature of Applicant \_\_\_\_\_ Date \_\_\_\_\_

<b>Office Use Only</b>	
Date Completed Application Rec'd:	Amount Paid: \$ <u>811.14</u> <u>4374438</u> Cash CC
Date of Planning Commission Meeting:	Dates Advertised:
Date of City Council Meeting:	Rescheduled for next Meeting:
Date of City Council Meeting:	Approved by City Council: YES NO
Approved by Planning Commission: YES NO	Postponed: YES NO Date:





built with care.

Eastwood Homes of Georgia, LLC  
1000 Mansell Exchange West  
Building 350  
Phone: 248.494.1044

LETTER OF INTENT  
REVISED SITE PLAN  
ZA-C9-00004 ZONED RPC

Mayor and City Council  
Planning Commission  
City of Dawsonville, Georgia

To Whom It May Concern:

Eastwood Homes respectfully submits this Letter of Intent for the purpose of revising the approved master plan for the newly named “Villas at Dawsonville”. The property is at 592 Highway 53 West, just west of the intersection of Highway 53 and Howser Mill Road. We feel that the new plan will better complement the existing neighborhoods and community as a whole while providing improved housing options.

CONDITIONS:

REVISED SITE PLAN APPROVAL (6 and 7)

Our revised master plan is a 35% reduction of density from 140 Homes (quads and townhomes) to a new density of 90 homes (61 single family homes and 29 townhomes). All homes will have a minimum of 1800 heated SF with 2-car garages. Density will be 2.34 per acre. There are 38.55 acres total. *We request a variance to the site plan to reflect a mix of single family homes and townhomes for an overall lower density.*

General (1802.)

The current zoning conditions are unclear in the mix of both single-family homes and townhomes within the same neighborhood. The density has been lowered from 140 to 90 homes for a lower overall yield than previously approved. *We request approval of the mix of Single family homes and Townhomes with a final yield of 2.34 homes per acre.*

Roads and Utilities (1806.a)

There are no current plans to gate the community and all neighborhood roads connect to Highway 53. A traffic study was performed for the 140 unit site plan. Eastwood Homes has since engaged GDOT for concept review (as required in the original zoning conditions) and have received conceptual approval for the 90 home plan. *Since all roads within the neighborhood lead out to HWY 53, we request that they remain public roads.*

REMOVAL OF STIPULATION/AGE RESTRICTION

The homes will be ideal for “empty nesters” and singles of all ages. There will be no amenities that typically attract families with school aged children. These are smaller footprint homes that will be more conducive to singles, couples or possibly those with small children. *We request removal of Stipulation 1.a and 1.b of ZA-C9-00004 of being an age restricted community.... an therefore be open to any interested purchaser.*



**built with care.**

Eastwood Homes of Georgia, LLC  
1000 Mansell Exchange West  
Building 350  
Phone: 248.494.1044

The revised site plan meets or exceeds all other ZA-C9-00004 Stipulations and we request no further changes. We have worked closely with staff to make other additions to the site plans for future ROW expansion within the city main roads and have worked diligently with the water and sewer authority to solve the challenging sewer issues for this site.

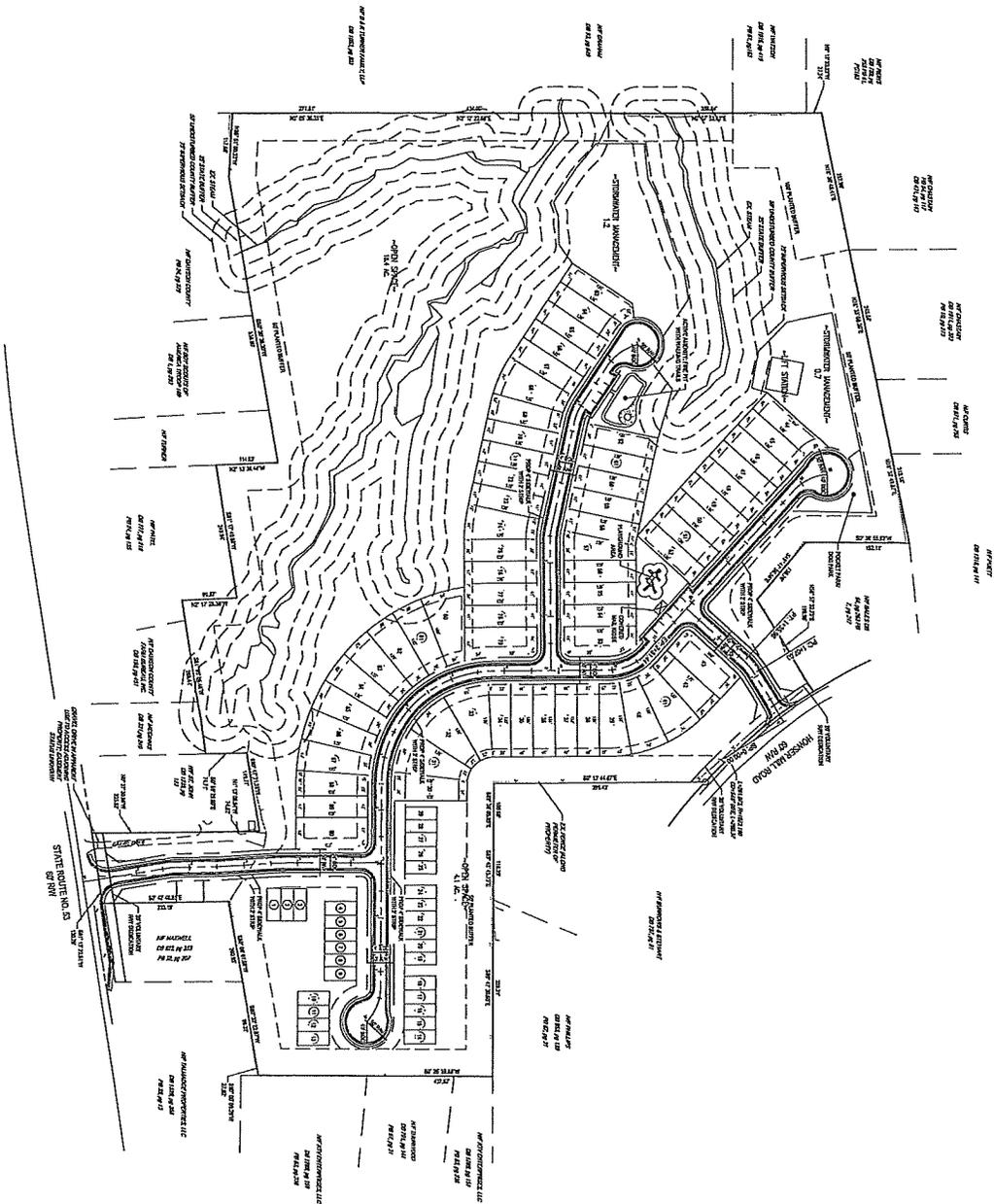
Thank you for your consideration.

Respectfully,

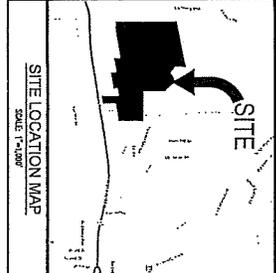
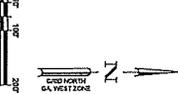
Scott Dozier  
Atlanta Division President  
Eastwood Homes



LOCAL COMMUNITY TO BE MAINTAINED WITHIN A SPECIAL LOCAL MAJOR ZONE. IT IS LOCATED IN ZONE S-1. AS SHOWN ON THE PLAT, THE PROPERTY IS CURRENTLY ZONED S-1. THE PROPOSED ZONING IS S-1. THE PROPOSED ZONING IS S-1. THE PROPOSED ZONING IS S-1.



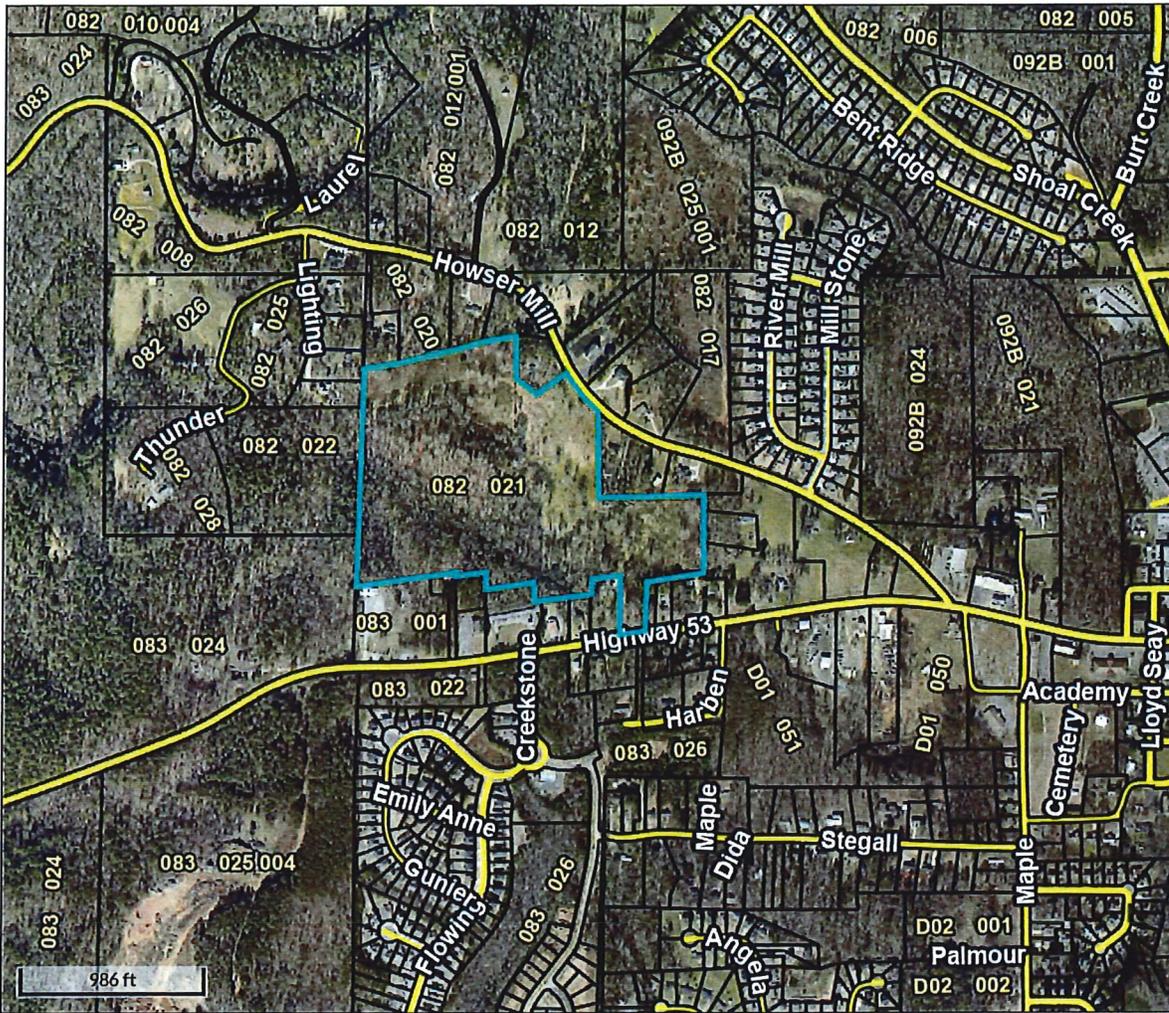
NOV. 7, 2022



- ZONING NOTES:**
1. EXISTING ZONING: S-1
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<p>NOT ISSUED FOR CONSTRUCTION</p> <p>FILE NUMBER: 11055-03-VILLAS AT DAWSONVILLE</p> <p>DATE: 11/02/2022</p> <p>01</p>	<p>SEA</p>	<p>ZONING PLAN</p>	<p>VILLAS AT DAWSONVILLE</p> <p>8000 STATE RD. 53 DOWSONVILLE, GA 30028</p>	<p>EASTWOOD HOMES</p> <p>1000 HUNTERS HOLLOW W SUITE 400 ALPHARETTA, GA 30201</p>	<p><b>BCE</b></p> <p>245 TOWNMARK DRIVE, SUITE 410 KENYESSAW, GEORGIA 30144 WWW.BCEINC.COM PROJECT #11055-03-VILLAS AT DAWSONVILLE</p>	<table border="1"> <tr> <th>REV</th> <th>DATE</th> <th>DESCRIPTION</th> </tr> <tr> <td>1</td> <td></td> <td></td> </tr> <tr> <td>2</td> <td></td> <td></td> </tr> <tr> <td>3</td> <td></td> <td></td> </tr> <tr> <td>4</td> <td></td> <td></td> </tr> <tr> <td>5</td> <td></td> <td></td> </tr> <tr> <td>6</td> <td></td> <td></td> </tr> <tr> <td>7</td> <td></td> <td></td> </tr> <tr> <td>8</td> <td></td> <td></td> </tr> <tr> <td>9</td> <td></td> <td></td> </tr> <tr> <td>10</td> <td></td> <td></td> </tr> <tr> <td>11</td> <td></td> <td></td> </tr> <tr> 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Overview



Legend



Parcel ID: 082 021  
Alt ID: 5808  
Owner: SONG SPARROW LLC  
Acres: 38.58  
Assessed Value: \$416600

Date created: 11/8/2022  
Last Data Uploaded: 11/8/2022 1:18:26 AM

Developed by  Schneider  
GEOSPATIAL

# PUBLIC NOTICE ON ZONING

AN APPLICATION HAS BEEN FILED WITH THE CITY OF  
DAWSONVILLE IN REGARDS TO THE ZONING  
REGULATIONS AS THEY APPLY TO THIS PROPERTY.

THE APPLICATION IS FOR:  
**ZA-C2300046**

HEARINGS WILL BE HELD BY:

<small>PLANNING COMMISSION</small>	<small>CITY COUNCIL</small>
<small>DATE: 11/11/2022</small>	<small>DATE: 12/03/2022</small>
<small>TIME: 5:30pm</small>	<small>TIME: 5:00pm</small>

HEARING LOCATION:  
DAWSONVILLE MUNICIPAL COMPLEX  
415 HIGHWAY 53 E SUITE 100  
DAWSONVILLE, GA 30534

FOR ADDITIONAL INFORMATION CALL  
CITY PLANNING & ZONING DEPT AT 706-269-3254  
**THIS SIGN NOT TO BE REMOVED WITHOUT AUTHORIZATION**