

DAWSON COUNTY REZONING APPLICATION

*****This portion to be completed by Zoning Administrator*****

ZA _____ Tax Map & Parcel # (TMP): _____

Submittal Date: _____ Time: _____ am/pm Received by: _____ (staff initials)

Fees Assessed: _____ Paid: _____ Commission District: _____

Planning Commission Meeting Date: _____

Board of Commissioners Meeting Date: _____

APPLICANT INFORMATION (or Authorized Representative)

Printed Name: Jim King

Address: 131 Prominence Court, Suite 230

Phone: Listed _____ Email: Business [REDACTED]
 Unlisted _____ Personal _____

Status: Owner Authorized Agent Lessee Option to purchase

Notice: If applicant is other than owner, enclosed Property Owner Authorization form must be completed.

I have /have not participated in a Pre-application meeting with Planning Staff.

If not, I agree /disagree to schedule a meeting the week following the submittal deadline.

Meeting Date: _____ Applicant Signature: _____

PROPERTY OWNER/PROPERTY INFORMATION

Name: Georgia 400 Industrial Park, Inc

Street Address of Property being rezoned: [REDACTED]

Rezoning from: AG to: CHB Total acreage being rezoned: 23.11

Directions to Property: NW Corner of Dawson Forest Rd & Highway 53. Across from Byrd's Boat Storage

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2008

Subdivision Name (if applicable): n/a Lot(s) #: _____

Current Use of Property: Agricultural

Any prior rezoning requests for property? no if yes, please provide rezoning case #: ZA _____

*****Please refer to Dawson County's Georgia 400 Corridor Guidelines and Maps to answer the following:**

Does the plan lie within the Georgia 400 Corridor? yes (yes/no)

If yes, what section? South

SURROUNDING PROPERTY ZONING CLASSIFICATION:

North RA South RA East RA West C-HB

Future Land Use Map Designation: Commercial Hwy

Access to the development will be provided from:

Road Name: State Route 53 Type of Surface: Asphalt

REQUESTED ACTION & DETAILS OF PROPOSED USE

Rezoning to: CHB Special Use Permit for: _____

Proposed Use: Residential Neighborhood aimed at 55+ Seniors

Existing Utilities: Water Sewer Gas Electric

Proposed Utilities: Water Sewer Gas Electric

RESIDENTIAL

No. of Lots: n/a Minimum Lot Size: n/a (acres) No. of Units: n/a

Minimum Heated Floor Area: _____ sq. ft. Density/Acre: _____

Type: Apartments Condominiums Townhomes Single-family Other

Is an Amenity Area proposed: No; if yes, what? N/A

COMMERCIAL & INDUSTRIAL

Building area: 264,900 SF No. of Parking Spaces: _____

2016
Dawson
County
GA

APPLICANT CERTIFICATION

I hereby request the action contained within this application relative to the property shown on the attached plats and site plan and further request that this item be placed on both the Planning Commission and Board of Commissioners agenda(s) for a public hearing.

I understand that the Planning & Development staff may either accept or reject my request upon review. My request will be rejected if all the necessary data is not presented.

I understand that I have the obligation to present all data necessary and required by statute to enable the Planning Commission and the Board of Commissioners to make an informed determination on my request. I will seek the advice of an attorney if I am not familiar with the zoning and land use requirements.

I understand that my request will be acted upon at the Planning Commission and Board of Commissioner hearings and that I am required to be present or to be represented by someone able to present all facts. I understand that failure to appear at a public hearing may result in the postponement or denial of my rezoning of special use application. I further understand that it is my responsibility to be aware of relevant public hearing dates and times regardless of notification from Dawson County.

I hereby certify that I have read the above and that the above information as well as the attached information is true and correct.

Signature _____

Date 8.11.21

Witness _____

Date 8.11.21

WITHDRAWAL

Notice: This section only to be completed if application is being withdrawn.

I hereby withdraw application # _____

Signature _____

Date _____

Withdrawal of Application:

Withdrawals of any application may be accommodated within the Planning & Development Department if requested before the Planning Commission agenda is set. Therefore, withdrawals may not be made after ten (10) days prior to the scheduled Planning Commission meeting hearing, unless accompanied by written request stating specific reasons for withdrawal. This withdrawal request is to be published in the legal organ prior to the meeting. Following the written request and publication the Planning Commission will vote to remove the item from the agenda at the scheduled hearing. Please note that should the withdrawal be denied, the item will receive deliberation and public hearing with a decision by the Planning Commission. Further, the applicant is encouraged to be present at the hearing to substantiate reasons for withdrawal. Please note that no refund of application fees may be made unless directed by the Board of Commissioners.

SUBMITTED

ZA _____

TMP#: _____

List of Adjacent Property Owners

It is the responsibility of the Applicant to provide a list of adjacent property owners. This list must include the name and mailing address of anyone who has property touching your property or who has property directly across the street from your property.

****Please note this information should be obtained using the Tax Map & Parcel (TMP) listing for any parcel(s) adjoining or adjacent to the parcel where a variance or rezone is being requested.**

Name

Address

- TMP _____ 1. _____
- TMP 114 018 2. Same Owner
- TMP 114 020 001 3. 3Mind Dawson Forest LLC & SG Atlantic, LLC c/o Alliance Tax Advisors
- TMP 114 033 001 4. Michael G Hughes: 7142 HWY 53 EAST DAWSONVILLE, GA 30534
- TMP 114 033 003 5. Etowah Water & Sewer Authority: 1162 Highway 53 E, Dawsonville, GA 30534
- TMP 114 033 005 6. Georgia 400 Industrial Park, Inc: Same Owner
- TMP 114 046 002 7. Farmington Creek, LP: 3825 PACES WALK SUITE 100 ATLANTA, GA 30339
- TMP 114 033 8. Dawson Forest Holdings, LLC, 4635 HARRIS TRAIL ATLANTA, GA 30327
- TMP 114 022 004 9. Dawson County Government, 25 Justice Way, Dawsonville, GA 30534
- TMP 114 022 003 10. David, Billy & Rocky Hughes: 33 Parkside Cir, Dawsonville, GA 30534
- TMP 114 022 006 11. David, Billy & Rocky Hughes: 33 Parkside Cir, Dawsonville, GA 30534
- TMP 114 022 009 12. Penler Dawsonville, LLC: P.O. BOX 56607 ATLANTA, GA 30343
- TMP 114 022 005 13. David, Billy & Rocky Hughes: 33 Parkside Cir, Dawsonville, GA 30534
- TMP 114 021 14. Byrd Elliott Properties, LLC: 7342 HWY 53 EAST DAWSONVILLE, GA 30534
- TMP 114 022 003 15. David, Billy & Rocky Hughes: 33 Parkside Cir, Dawsonville, GA 30534

Use additional sheets if necessary.

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NOTICE OF RESIDENTIAL EXURBAN/AGRICULTURAL DISTRICT (R-A) ADJACENCY

Agricultural districts include uses of land primarily for active farming activities and result in odors, noise, dust and other effects, which may not be compatible with adjacent development. Future abutting developers in non RA land use districts shall be provided with this "Notice of RA Adjacency" prior to administrative action on either the land use district or the issuance of a building or occupancy permit.

Prior to administrative action the applicant shall be required to sign this waiver which indicates that the applicant understands that a use is ongoing adjacent to his use which will produce odors, noise, dust and other effects which may not be compatible with the applicant's development. Nevertheless, understanding the effects of the adjacent RA use, the applicant agrees by executing this form to waive any objection to those effects and understands that his district change and/or his permits are issued and processed in reliance on his agreement not to bring any action asserting that the adjacent uses in the RA district constitute a nuisance) against local governments and adjoining landowners whose property is located in an RA district.

This notice and acknowledgement shall be public record.

Applicant Signature: _____

Applicant Printed Name: Jim King

Application Number: 21-07

Date Signed: 2-11-21

Sworn and subscribed before me

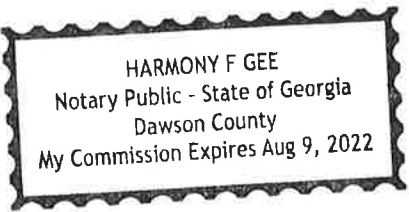
this 11 day of Feb., 2021.

Harmoney Gee

Notary Public

My Commission Expires: _____

{
Notary Public Seal
}



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DISCLOSURE OF CAMPAIGN CONTRIBUTIONS
(APPLICANT(S) AND REPRESENTATIVE(S) OF REZONING)

Pursuant to O.C.G.A. Section 36-67 A-3.A, the following disclosure is mandatory when an applicant or any representation of application for rezoning has been made within two (2) years immediately preceding the filing of the applicant's request for rezoning, campaign contributions aggregating \$250.00 or more to a local government official who will consider the application for rezoning.

It shall be the duty of the applicant and the attorney representing the applicant to file a disclosure with the governing authority of the respective local government showing the following:

1. Name of local official to who campaign contribution was made:

2. The dollar amount and description of each campaign contribution made by the opponent to the local government official during the two (2) years immediately preceding the filing of the application for the rezoning action and the date of each such contribution.

Amount \$ _____ Date: _____

Enumeration and description of each gift when the total value of all gifts is \$250.00 or more made to the local government official during the two (2) years immediately preceding the filing of application for rezoning:

Signature of Applicant/Representative of Applicant:

_____ Date: _____

**BY NOT COMPLETING THIS FORM YOU ARE MAKING A STATEMENT THAT NO
DISCLOSURE IS REQUIRED**

This form may be copied for each applicant. Please attach additional sheets if needed.

21FEB11 12:22PM

PROPERTY OWNER AUTHORIZATION

I/we, David Duncan U.P. GA-400 Industrial Park inc, hereby swear that I/we own the property located at (fill in address and/or tax map & parcel #):

Tax Parcel 114-033, located at The Northwest Corner of Dawson Forrest Rd and GA. Hwy. 53

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 named below to act as the applicant or agent in pursuit of the rezoning requested on this property. I understand that any rezone 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 under signer is aware that no application or reapplication affecting the same land shall be acted upon within six (6) months from the date of the last action by the Board of Commissioners.

Printed Name of applicant or agent: JIM KING

Signature of applicant or agent: [Signature] Date: _____

Printed Name of Owner(s): David Duncan

Signature of Owner(s): [Signature] Date: 2-11-21

Mailing address: _____

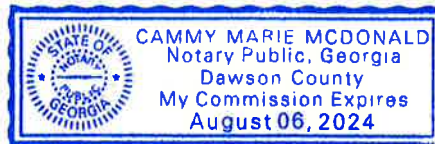
City, State, Zip: _____

Telephone Number: Listed Unlisted _____

Sworn and subscribed before me this 11th day of February, 2021.

Cammy Marie McDonald
Notary Public

My Commission Expires: 8/6/24



{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 identify as applicant or owner and have the additional sheet notarized also.)

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PROPERTY OWNER AUTHORIZATION

I/we, David Duncan, V.P. Ga. 400 Industrial Park inc., hereby swear that I/we own the property located at (fill in address and/or tax map & parcel #):

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 named below to act as the applicant or agent in pursuit of the rezoning requested on this property. I understand that any rezone 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 under signer is aware that no application or reapplication affecting the same land shall be acted upon within six (6) months from the date of the last action by the Board of Commissioners.

Printed Name of applicant or agent: _____

Signature of applicant or agent: _____ Date: _____

Printed Name of Owner(s): David Duncan

Signature of Owner(s): [Signature] Date: 4-7-21

Mailing address: _____

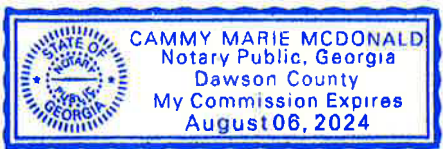
City, State, Zip: _____

Telephone Number: _____

Listed
Unlisted

Sworn and subscribed before me this 7th day of April, 2021.

Cammy Marie McDonald
Notary Public



My Commission Expires: 8/6/2024

{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 identify as applicant or owner and have the additional sheet notarized also.)

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DAWSON COUNTY, GEORGIA
REAL ESTATE TRANSFER TAX
DATE: 10-4-2001
BY: Gregory McLeod
SUPERIOR CLERK
SUPERIOR COURT

GEORGIA, DAWSON COUNTY
CLERK'S OFFICE, SUPERIOR COURT
FILED FOR RECORD
AT 9:50A M 10-3-01
Recorded in Book 403 Page 205-206
This 4 day of Oct. 2001
Judy Mead, Clerk

Return To:
Carey, Jarrard & Walker
P. O. Box 635
Gainesville, Georgia 30503

LIFE ESTATE DEED

STATE OF GEORGIA,
COUNTY OF HALL.

THIS INDENTURE, made this 28th day of September, 2001, between Mountainview Development Company, Inc., a Georgia corporation, and Joe K. Smith, party of the first part, and Michael G. Hughes, for and during the lifetime of Tommy Hughes, party of the second part.

WITNESSETH: That the said party of the first part, for in consideration of the sum of One Dollar (\$1.00), in hand paid, the receipt whereof is acknowledged, has bargained, sold, and by these presents does remise, convey and Quit Claim to the said party of the second part, his heirs and assigns:

SEE EXHIBIT "A" ATTACHED HERETO AND BY THIS REFERENCE
MADE A PART HEREOF.

The interest conveyed to Michael G. Hughes by this deed is a life estate interest only for and during the lifetime of Tommy Hughes.

TO HAVE AND TO HOLD the said described premises to the said party of the second part.

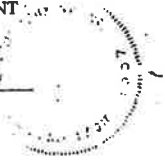
IN WITNESS WHEREOF, The said party of the first part has hereunto set their hands and seals, the day and year above written.

Signed, sealed and delivered
in presence of:

Witness
Julie Stargel
Notary Public
My Commission Expires
NOV. 18, 2004
HALL COUNTY
PUBLIC

MOUNTAINVIEW DEVELOPMENT
COMPANY, INC., a Georgia corp.

BY: *Elora Stargel*
Name: Elora Stargel
Title: CEO



(CORPORATE SEAL)

Joe K. Smith
JOE K. SMITH (SEAL)

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EXHIBIT "A"

(LIFE ESTATE PARCEL)

ALL THAT TRACT or parcel of land, together with improvements thereon, situate, lying and being in Lots 341, 342, 375 and 376 of the south half, 13th District, 1st Section, Dawson County, Georgia, and being more particularly described as follows:

To find the Point of Beginning, begin at a point common to the corners of Land Lots 342, 343, 374 and 375, said district and county; thence run North 86 degrees 55 minutes 18 seconds East, 1158.88 feet to a point which marks the True Point of Beginning; from said True Point of Beginning, run thence North 88 degrees 51 minutes 06 seconds East, 207.43 feet to an iron pin found located on the westerly right of way line of S.R. 53 (60 foot right of way); thence along said right of way line South 01 degree 08 minutes 54 seconds East, 210.00 feet to an iron pin found; thence leaving said right of way line and running South 88 degrees 51 minutes 06 seconds West, 207.43 feet to a point; thence running North 01 degree 08 minutes 54 seconds West, 210.00 feet to the Point of Beginning.

Containing 1.00 acres, as shown and delineated on plat of survey prepared for Joe K. Smith by Richard May & Associates, Inc., dated September 27, 2001, which plat is incorporated herein for a more complete description of the property.

21 APR 9 10 56 AM

Dawson County, Georgia Board of Commissioners
Affidavit for Issuance of a Public Benefit
As Required by the Georgia Illegal Immigration Reform and Enforcement Act of 2011

By executing this affidavit under oath, as an applicant for a Dawson County Business License, Out of County Business Registration, Alcohol License, or other public benefit as referenced in the Georgia Illegal Immigration Reform and Enforcement Act of 2011 [O.C.G.A. § 50-36-1(e)(2)], I am stating the following with respect to my application for such Dawson County public benefit.

- I am a United States citizen.
- I am a legal permanent resident of the United States. *(FOR NON-CITIZENS)*
- I am a qualified alien or non-immigrant under the Federal Immigration and Nationality Act with an alien number issued by the Department of Homeland Security or other federal immigration agency. *(FOR NON-CITIZENS)*

My alien number issued by the Department of Homeland Security or other federal immigration agency is:

The undersigned applicant also hereby verifies that he or she is 18 years of age or older and has provided at least one **secure and verifiable document**, as required by O.C.G.A. § 50-36-1(e)(1), with this affidavit. *(See reverse side of this affidavit for a list of secure and verifiable documents.)*

The secure and verifiable document provided with this affidavit can best be classified as:

In making the above representation under oath, I understand that any person who knowingly and willfully makes a false, fictitious, or fraudulent statement or representation in an affidavit shall be guilty of a violation of O.C.G.A. § 16-10-20 and face criminal penalties as allowed by such criminal statute.

Executed in Dawsonville (city), Georgia (state)

Signature of Applicant

Jim King

Printed Name

Date

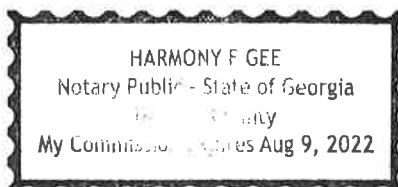
Name of Business

SUBSCRIBED AND SWORN BEFORE ME ON

THIS 11 DAY OF Feb., 2021

Harmony F. Gee Notary Public

My Commission Expires: August 9, 2022



{Notary Seal}

21FEB11 2247

Secure and Verifiable Documents Under O.C.G.A. § 50-36-2

The following list of secure and verifiable documents, published under the authority of O.C.G.A. § 50-36-2, contains documents that are verifiable for identification purposes, and documents on this list may not necessarily be indicative of residency or immigration status.

- A **United States Passport or Passport Card** [O.C.G.A. § 50-36-2(b)(3); 8 CFR § 274a.2]
- A **United States Military Identification card** [O.C.G.A. § 50-36-2(b)(3); 8 CFR § 274a.2]
- A **Driver's License** issued by one of the United States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, the Commonwealth of the Northern Marianas Islands, the United States Virgin Island, American Samoa, or the Swain Islands, provided that it contains a photograph of the bearer or lists sufficient identifying information regarding the bearer, such as name, date of birth, gender, height, eye color, and address to enable the identification of the bearer [O.C.G.A. § 50-36-2(b)(3); 8 CFR § 274a.2]
- An **Identification Card** issued by one of the United States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, the Commonwealth of the Northern Marianas Islands, the United States Virgin Island, American Samoa, or the Swain Islands, provided that it contains a photograph of the bearer or lists sufficient identifying information regarding the bearer, such as name, date of birth, gender, height, eye color, and address to enable the identification of the bearer [O.C.G.A. § 50-36-2(b)(3); 8 CFR § 274a.2]
- A **Tribal Identification Card** of a federally recognized Native American tribe, provided that it contains a photograph of the bearer or lists sufficient identifying information regarding the bearer, such as name, date of birth, gender, height, eye color, and address to enable the identification of the bearer. A listing of federally recognized Native American tribes may be found at:
<http://www.bia.gov/WhoWeAre/BIA/OIS/TribalGovernmentServices/TribalDirectory/index.htm>
[O.C.G.A. § 50-36-2(b)(3); 8 CFR § 274a.2]
- A **United States Permanent Resident Card or Alien Registration Receipt Card** [O.C.G.A. § 50-36-2(b)(3); 8 CFR § 274a.2]
- An **Employment Authorization Document** that contains a photograph of the bearer [O.C.G.A. § 50-36-2(b)(3); 8 CFR § 274a.2]
- A **Passport Issued by a Foreign Government** [O.C.G.A. § 50-36-2(b)(3); 8 CFR § 274a.2]
- A **Merchant Mariner Document or Merchant Mariner Credential** issued by the United States Coast Guard [O.C.G.A. § 50-36-2(b)(3); 8 CFR § 274a.2]
- A **Free and Secure Trade (FAST) card** [O.C.G.A. § 50-36-2(b)(3); 22 CFR § 41.2]
- A **NEXUS Card** [O.C.G.A. § 50-36-2(b)(3); 22 CFR § 41.2]
- A **Secure Electronic Network for Travelers Rapid Inspection (SENTRI) card** [O.C.G.A. § 50-36-2(b)(3); 22 CFR § 41.2]
- A **Driver's License issued by a Canadian Government Authority** [O.C.G.A. § 50-36-2(b)(3); 8 CFR § 274a.2]
- A **Certificate of Citizenship** issued by the United States Department of Citizenship and Immigration Services (USCIS) (Form N-560 or Form N-561) [O.C.G.A. § 50-36-2(b)(3); 6 CFR § 37.11]
- A **Certificate of Naturalization** issued by the United States Department of Citizenship and Immigration Services USCIS) (Form N-550 or Form N-570) [O.C.G.A. § 50-36-2(b)(3); 6 CFR § 37.11]

LETTER OF INTENT

The applicant requests Rezoning to a portion of Parcel Number: 114 033 005 from RA to C-HB in order to build Service Style Retail/Office-Warehouse (Flex Space) and General Retail on 14.3 acres. The property is located at the NW Corner of Dawson Forest Rd and Highway 53E, Dawsonville, GA 30534. The property encompasses the remainder of this Parcel which has also been submitted under separate application as a Residential Neighborhood. It is bounded on the West by Wal-Mart and the Dawson Forest Apartments, the North by the Farmington Apartments and the South by the Penler Apartments and Byrd Boat & Self-Storage Facility. It is designated on the Future Land Use Plan as Commercial Highway Business. The proposed development will contain general retail, offices, and warehouse space that will serve the area and will be integrated into the Residential Neighborhood providing a walkable and sustainable live-work-play community. This Business Park will also serve the surrounding community by providing an opportunity and place for local citizens to bring their businesses closer to home.

114 033 005

Owner Information

GEORGIA 400 INDUSTRIAL PARK INC

Payment Information

Status	Paid
Last Payment Date	11/09/2020
Amount Paid	\$34,724.03

Property Information

Parcel Number	114 033 005
District	1 DAWSON COUNTY UNINCORPORATED
Acres	51.44
Description	LL 374 LD 13-S
Assessed Value	\$1,467,440
Appraised Value	\$3,668,600

Bill Information

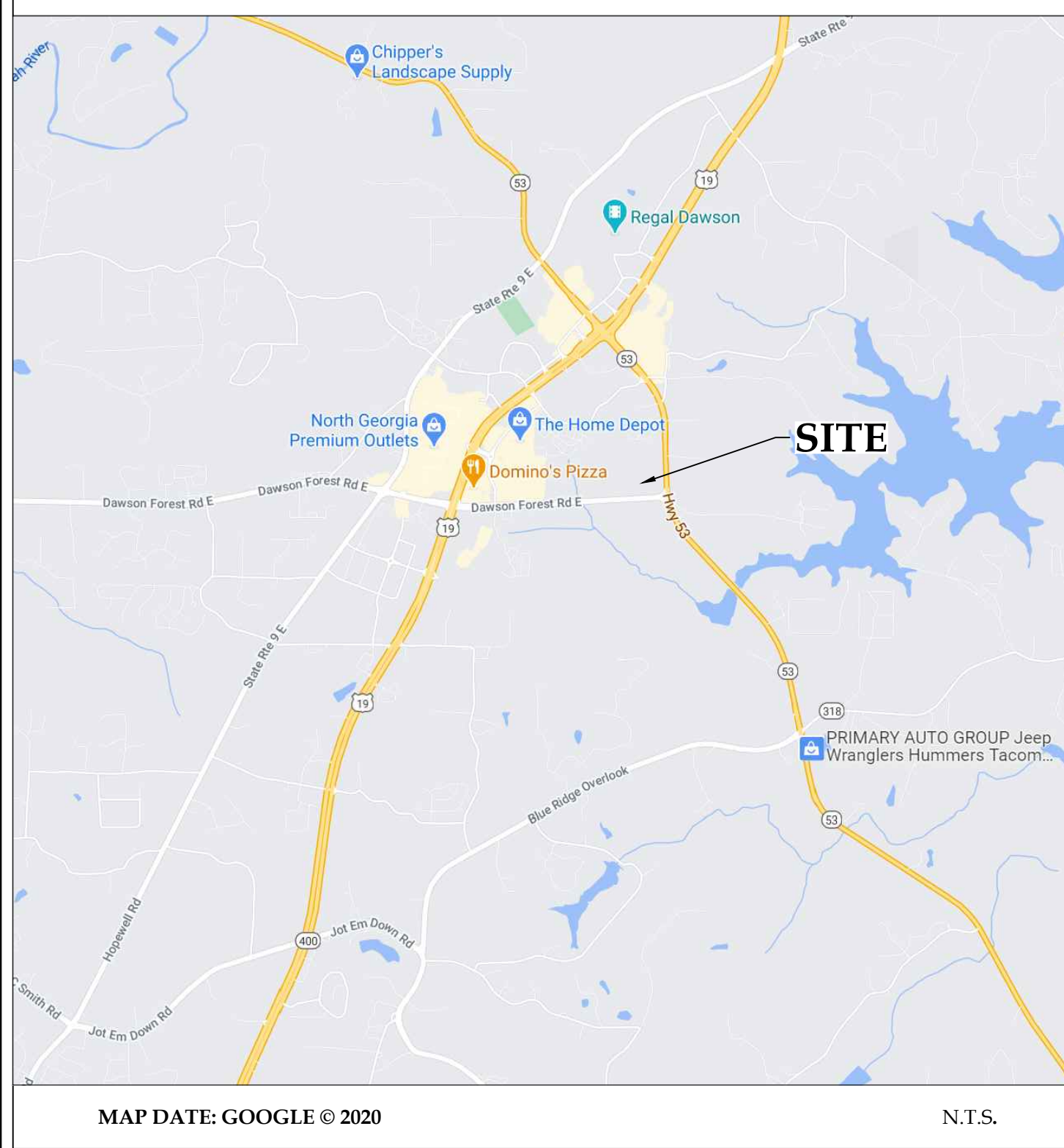
Record Type	Property
Tax Year	2020
Bill Number	5451
Account Number	56913
Due Date	12/01/2020

Taxes

Base Taxes	\$34,724.03
Penalty	\$0.00
Interest	\$0.00
Total Due	\$0.00

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SITE LOCATION MAP



SITE DATA

Parcels: 114 033 005
 Existing Zoning: R-A
 Total Site Area: 44.755 ac

POD A (Multi Family Residential Semi-Detached) Proposed Zoning: RMF
 Area: 30.480 ac
 Semi-Detached Lots: 145 lots
 Residential Density: 4.8 un/ac
 Open Space Provided: 7.8 ac (25.6%) (Minimum 25% Required)
 2-4 Units Per Building

Setbacks (Exterior): Setbacks (Semi-Detached Lots):
 Front: 20' Front: 20'
 Side: 20' Side: 0-5' (Varies); 20' between detached buildings
 Rear: 20' Rear: 20'

POD B (Commercial Highway Business) Proposed Zoning: C-HB

Area: 14.275 ac
 Setbacks (Exterior):
 Front: 40'
 Side: 25'
 Rear: 25'

PIN	NAME	ADDRESS	ZONING
114 006	WAL-MART REAL ESTATE BUSINESS TRUST	P O BOX 8050 MS 0555 BENTONVILLE, AR 72712-8050	C-PCD
114 019	DAWSON FOREST HOLDINGS LLC	4635 HARRIS TRAIL ATLANTA, GA 30327	RA
114 020 001	3MIND DAWSON FOREST LLC & SG ATLANTIC LL C/O ALLIANCE TAX ADVISORS	433 E LAS COLINAS BLVD SUITE 300 IRVING, TX 75039	RMF
114 033 001	HUGHES MICHAEL G	7142 HWY 53 EAST DAWSONVILLE, GA 30534	C-CB
114 033 003	ETOWAH WATER & SEWER AUTHORITY	1162 HWY 53 E DAWSONVILLE, GA 30534	RA
114 033 004	FJH LLC C/O FRANK J HANNA JR	SUITE 300 FIVE CONCOURSE PARKWAY ATLANTA, GA 30328	C-PCD
114 033 005	GEORGIA 400 INDUSTRIAL PARK INC	6840 BENNETT RD CUMMING, GA 30041	RA
114 046 002	FARMINGTON CREEK LP	3825 PACES WALK SUITE 100 ATLANTA, GA 30339	RMF

TYPICAL LOT LAYOUT (POD A)

2-4 UNITS PER BUILDING

