

DAWSON COUNTY REZONING APPLICATION

This portion to be completed by Zoning Administrator

ZA 19.03 Tax Map & Parcel # (TMP): _____
Submittal Date: Feb. 6 '19 Time: 4:00 am/pm Received by: UNA (staff initials)
Fees Assessed: \$500 Paid: CHECK Commission District: 27
Planning Commission Meeting Date: March 19, 2019
Board of Commissioners Meeting Date: April 18, 2019

APPLICANT INFORMATION (or Authorized Representative)

Printed Name: Linda I. Dunlavy

Address: 1026 B Atlanta Ave, Decatur, GA 30030

Phone: Listed _____ Email: Business _____
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: Etowah Water and Sewer Authority

Street Address of Property being rezoned: 1349 Martin Road (part)

Rezoning from: RA to: RPC Total acreage being rezoned: 304.289

Directions to Property: From Atlanta, head north on GA 400, turn left on Dawson Forest Rd East. Continue
approximately 4.4 miles and the property is on the right.

Subdivision Name (if applicable): _____ Lot(s) #: 087 001

Current Use of Property: Vacant land

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? No (yes/no)

If yes, what section? _____

SURROUNDING PROPERTY ZONING CLASSIFICATION:

North RSR South RSR/RA East RA West RA

Future Land Use Map Designation: Planned Residential Community

Access to the development will be provided from:

Road Name: Dawson Forest Road Type of Surface: Asphalt

REQUESTED ACTION & DETAILS OF PROPOSED USE

[] Rezoning to: RPC [] Special Use Permit for: _____

Proposed Use: Residential subdivision with +/- 288 lots

Existing Utilities: [] Water [] Sewer [] Gas [] Electric

Proposed Utilities: [] Water [] Sewer [] Gas [] Electric

RESIDENTIAL

No. of Lots: 288 Minimum Lot Size: 5500 square feet (acres) No. of Units: 288

Minimum Heated Floor Area: 1200 sq. ft. Density/Acre: 0.95/acre

Type: [] Apartments [] Condominiums [] Townhomes [] Single-family [] Other

Is an Amenity Area proposed: Yes.; if yes, what? Pool, clubhouse, and tennis courts

COMMERCIAL & INDUSTRIAL

Building area: _____ No. of Parking Spaces: _____

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 2-1-19
Witness  Date 2-1-19

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.

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.**

	<u>Name</u>	<u>Address</u>
TMP <u>087 003</u>	1.	<u>City of Atlanta, c/o Jennifer Andrews, Properties & Airline Affairs, PO Box 20509, Atlanta, GA 30320</u>
TMP <u>087 004</u>	2.	<u>Charles D Sams & Cherry L Richards, 715 Dawson Forest Road West, Dawsonville, GA 30531</u>
TMP <u>087 004 002</u>	3.	<u>Hank T & Emily H Bottoms, 1077 Dawson Forest Rd W, Dawsonville, GA 30534</u>
TMP <u>087 004 003</u>	4.	<u>Phillip & Jacqueline Kaye Hoang, 1023 Dawson Forest Rd, Dawsonville, GA 30534</u>
TMP <u>087 004 004</u>	5.	<u>Charles D Sams & Cherry L Richards, 715 Dawson Forest Road West, Dawsonville, GA 30534</u>
TMP <u>087 004 005</u>	6.	<u>Hoke J & Barbara A Marshall, 1505 Greenwood Ct, Canton, GA 30115</u>
TMP <u>087 004 001</u>	7.	<u>Garland G & Laurie Mills, 8091 Heardsville Circle, Cumming, GA 30028</u>
TMP <u>088 006</u>	8.	<u>Joe R Slaton, 551 Dawson Forest Rd, Dawsonville, GA 30534</u>
TMP <u>088 120</u>	9.	<u>Joe R Slaton, 551 Dawson Forest Rd, Dawsonville, GA 30534</u>
TMP <u>098 002</u>	10.	<u>Jeffrey S Bagley & Jan B Coleman, 5495 Post Rd, Cumming, GA 30040</u>
TMP <u>087 001 006</u>	11.	<u>Dawson Co. Board of Education, 517 Allen Street, Dawsonville, GA 30534</u>
TMP <u>087 001 003</u>	12.	<u>Dawson Co. BoE, River View Middle, 517 Allen Street, Dawsonville, GA 30534</u>
TMP <u>097 009</u>	13.	<u>James Holbrook, 204 Carsons Creek, Dawsonville, GA 30534</u>
TMP <u>097 002</u>	14.	<u>MLH Farms, LLC, 1637 War Hill Park Rd, Dawsonville, GA 30534</u>
TMP <u>097 001</u>	15.	<u>Thomas P Brannon, 213 Banister Rd, Dawsonville, GA 30534</u>

Use additional sheets if necessary.

List of Adjacent Property Owners (continued)

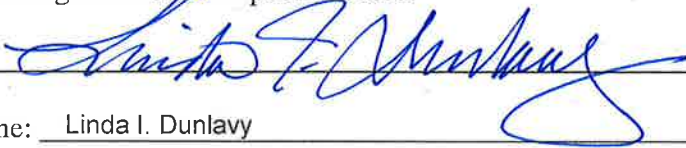
TMP	Name	Address
097 003	16.	MLH Farms, LLC, 1637 War Hill Park Rd, Dawsonville, GA 30534
097 004	17.	MLH Farms, LLC, 1637 War Hill Park Rd, Dawsonville, GA 30534
097 005 003	18.	Dawson County, 25 Justice Way, Suite 1222, Dawsonville, GA 0534
087 001 001	19.	ACCG, 25 Justice Way, Dawsonville, GA 30534
086 006	20.	Dawson Co School District, Dawson Co Bd of Educ, 517 Allen St, Dawsonville, GA 30534
096 009	21.	Jane T & Jerry Smith, 209 Thompson Rd, Dawsonville, GA 30534
086 002	22.	Overstreet Family Farm, LP, 160 Thompson Rd, Dawsonville, GA 30534
096 046	23.	Jerry L & Jane O Smith
096 030 001	24.	Overstreet Family Farm, LP, 160 Thompson Rd, Dawsonville, GA 30534
096 030	25.	Pamela Anne Bragg, 1419 Shoal Creek Rd, Dawsonville, GA 30534 ?? Entirely surrounded by 096 030 001, which abuts EWSA parcel. Include or not??
086 005	26.	??? No owner listed.

**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.

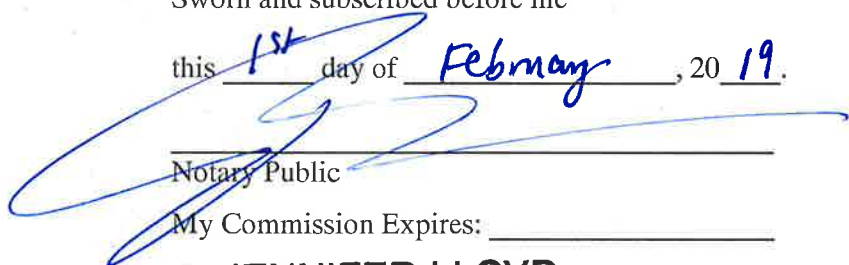
This notice and acknowledgement shall be public record.

Applicant Signature: 
Applicant Printed Name: Linda I. Dunlavy

Application Number: _____

Date Signed: 2-1-19

Sworn and subscribed before me
this 1st day of February, 20 19.


Notary Public
My Commission Expires: _____

**JENNIFER LLOYD
NOTARY PUBLIC
DEKALB COUNTY, GEORGIA
MY COMM. EXPIRES
03/25/2022**

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 whom campaign contribution was made:

None. _____

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 \$0 _____ 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: 2-1-19

**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.

PROPERTY OWNER AUTHORIZATION

I/we, Etowah Water and Sewer Authority, hereby swear that I/we own the property located at (fill in address and/or tax map & parcel #):

1349 Martin Road, Parcel ID 087 001

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: Linda I. Dunlavy

Signature of applicant or agent: [Signature] Date: 2-1-19

Printed Name of Owner(s): Etowah Water and Sewer Authority by Brooke Anderson, Gen. Mgr.

Signature of Owner(s): [Signature] Date: _____

Mailing address: _____

City, State, Zip: _____

Telephone Number: Listed _____
Unlisted _____

Sworn and subscribed before me this 1 day of February, 2019.

[Signature]
Notary Public

My Commission Expires: March 2022



(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.)

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 Decatur (city), Georgia (state)


Signature of Applicant

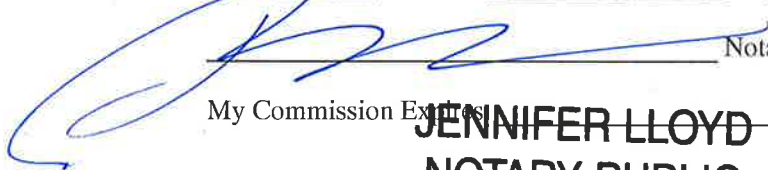
2-1-19
Date

Linda I. Dunlavy
Printed Name

Etowah Water and Sewer Authority
Name of Business

SUBSCRIBED AND SWORN BEFORE ME ON

THIS 1st DAY OF February, 2019


Notary Public

My Commission Expires

JENNIFER LLOYD
NOTARY PUBLIC
DEKALB COUNTY, GEORGIA
MY COMM EXPIRES
(Notary Seal)
03/25/2022

LETTER/STATEMENT OF INTENT

And

Other Material Required by
Dawson County Land Use Resolution

By

ETOWAH WATER AND SEWER AUTHORITY

To Rezone +/- 304.289 acres of Land

Located near the intersection of Dawson Forest Road and SR 9
Land Lots 983,984,989, 900, 901, 1050, 1051, 1052, 1053, 1057, 1058, 1059, 4th
District, Dawson County
Parcel Id. 087 001

Submitted for Applicant by:

Linda I. Dunlavy

Dunlavy Law Group, LLC

1026 B Atlanta Avenue

Decatur, Georgia 30030

(404) 371-4101 Phone

(404) 371-8901 Facsimile

ldunlavy@dunlavylawgroup.com

I. INTRODUCTION

This Application seeks to rezone a +/- 304.289¹ acre parcel near the intersection of Dawson Forest Road and Highway 9 in (“Subject Property”). This parcel is part of a larger tract of contiguous land owned by Etowah of approximately 945 acres. Etowah originally purchased approximately 1155 acre contiguous tract to create, upgrade and improve the provision of sewer services facilities and systems for the servicing of what is now the Georgia 400 retail/outlet center. Etowah conveyed 50.80 acres of the original tract to the County for Rock Creek Park in December of 1999. In mid-2001 an additional 116.90 acres of the original tract was sold to Georgia Power and in March of 2007 an additional 18.05 acres was sold to the Board of Education for what would ultimately be used for Riverview Elementary and Middle Schools. Etowah would like to rezone and sell the +/- 304.289 acre parcel for development of a conservation subdivision zoned RPC and developed with single family detached residences at a density of 0.94 to 0.95 units per acre.

The Subject Property is currently vacant undeveloped land with the Etowah River traversing it from west to east and burdened with a sanitary sewer line (not within a recorded easement) on the western third of the subject property. It is zoned RA and is designated on the Future Land Use Map for Planned Residential Community use. Etowah has no current use for the Subject Property and foresees no future use for it by the Authority. This Application seeks to rezone the parcel to RPC to allow for the development of this site with no more than 288 single family detached homes south of the Etowah River. The conceptual site plan depicts lots with 50 and 60 foot frontages and

¹ The site plan shows 304.288 acres, whereas the survey shows 305.233 acres.

minimum lot sizes of 5500 square feet. More than 78% of the Subject Property would remain as open space. Future residents would be served by an amenity package (club house, pool and tennis courts) fronting on Dawson Forest Road along with walking trails along the south side of the Etowah River connected to and into the community. All land north of the river within the rezoned parcel would remain natural and undisturbed. Two access points would be provided from Dawson Forest Road. There would be no access from SR 9.

Immediately to the south east of the Subject Property is Riverview Elementary and Middle Schools zoned RA. Immediately to its north is the Dawson Forest Water Reclamation Plant on Martin Road, Rock Creek Park and the Humane Society zoned RA; to the northeast is River Park and the kayak launch zoned RA; to the west is the Dawson Forest Wildlife Management Area zoned RA. Across the road from the Subject Property on SR9 and on Dawson Forest Road are sparsely scattered agricultural residences, zoned RA and RRE. The Future Land Use Map depicts the Subject property as PRC with properties to the north and east as Public/Institutional; to the south and east as Mixed Use Village and to the west as Forestry.

Included with this Letter of Intent are: a conceptual site plan depicting the conservation community proposed; an existing conditions survey, a tax map depicting the Subject Property and the larger tract with which it is associated (087 001), the Dawson County Road Map, the Dawson County Future Land Use Map 2033, the Dawson County Land Use District Map and relevant tax and zoning information regarding the subject Property and other properties within Dawson County approved for RPC or master planned communities. Counsel for the Applicant and applicant met with the Dawson

County Planning staff for a pre-application meeting on February 4, 2019, and shared the site plan and other information concerning the proposed rezoning. Because the proposed number of housing units exceeds the threshold for DRI review, the Applicant has provided the information required for the filing of a Form 1 within the contemporaneously filed application material. Finally, the Applicant is willing to hold a town hall meeting concerning the proposed rezoning should the Planning staff deem it advisable and will continue to reach out to the community to provide information concerning the proposed rezoning as it moves through the process.

II. IMPACT ANALYSIS

The Dawson County Land Use Resolution provides as follows:

Sec. 121-313. - Guidelines to be considered in granting amendment.

Whenever consideration is being given to an amendment to this chapter, the planning commission shall make its recommendations based on the following criteria:

- 1) The existing uses and classification of nearby property;*
- 2) The extent to which property values are diminished by the particular land use classification;*
- 3) The extent to which the destruction of property values of the applicant promotes the health, safety, morals, or general welfare of the public;*
- 4) The relative gain to the public, as compared to the hardship imposed upon the individual property owner;*
- 5) The suitability of the subject property for the proposed land use classification;*
- 6) The length of time the property has been vacant under the present classification, considered in the context of land development in the area in the vicinity of the property; and*
- 7) The specific, unusual, or unique facts of each case, which give rise to special hardships, incurred by the applicant and/or surrounding property owners.*

The Applicant submits the following facts and information relevant to the Guidelines set forth above:

1. The existing uses and classification of nearby property.

As detailed above all nearby property is used for either institutional/public purposes (schools, parks, water reclamation) or rural residential single family uses. However, the Future Land Use Plan envisions a Residential Planned Community, such as the one proposed by the Applicant for the Subject Property and a Mixed Use Village and Commercial developments on the south side of Dawson Forest Road. The proposed conservation neighborhood furthers the vision of the future Land Use Plan.

2. The extent to which property values are diminished by the particular land use classification.

The RA designation on the subject property currently permits only one residential unit on five acre lots. This would allow a gross yield of 61 units on the Subject Property, however, due to the buffers required around the river and the sewer bisecting the western side of the Subject Property and other development constraints the net yield would likely be significantly lower. With the rising land costs in Dawson County the RA zoning designation is simply not economically viable. Even if it were, to maximize its viability an RA development would require the clear cutting of this relatively pristine property and not allow for the conservation areas proposed in the current application. It would have considerably more environmental impact on the land than the conservation approach proposed by the Applicant through the clustering of housing units and the provision of more than 78% open space.

3. The extent to which the destruction of property values of the applicant promotes the health, safety, morals, or general welfare of the public.

It could be argued that preservation of the RA zoning for the Subject Property promotes the general health, safety, morals or general welfare of the public but it

would do so to the detriment of the future economic development of the County and contrary to the vision set forth in the Future Land Use Plan. Dawson County has numerous large lot residential uses currently but with increasing population pressures sorely needs to provide a diversity of housing types. Not all Dawson County residents desire 5 acres for their residence. The proposed community provides for smaller lots but significant attractive amenities within a forested setting adjacent to the Etowah River. Applicant submits that retention of the RA zoning classification on the Subject Property would not only be a detriment to the Applicant but to future residents of the County. Redevelopment of the Subject Property with a new, vibrant conservation community on site will generate tax dollars for the County and provide stimulus for future development, thereby likely increasing, rather than diminishing property values for the Subject Property and its surrounds.

4. The relative gain to the public, as compared to the hardship imposed upon the individual property owner.

As noted above, the County would improve its housing diversity and options by approving the proposed rezoning. It would receive more tax dollars and the proposed development would spur future development as envisioned in the Future Land Use Plan. The zoning would not result in a use that will or could cause an excessive burden on existing streets, public facilities or schools. There is public sewer on site; gas, water and power will be available. Its proximity to Riverview Elementary and Middle Schools provides a walking opportunity for school children cutting down on traffic in and out of the schools.

The existing infrastructure is more than adequate to handle any additional traffic generated by the proposed use. However, GDOT already has plans for road

improvements at Dawson Forest Road and SR9 with construction slated to begin in July of 2019 and completed by 2021. The proposed GDOT project would replace the existing unsignalized intersection with a double round about. The roundabout is expected to reduce accidents at the intersection and promote better traffic flow.

5. The suitability of the subject property for the proposed land use classification.

The proposed rezoning is suitable for the Subject Property because it is compatible with the Future Land Use Map, it will not stimulate any adverse environmental impacts but rather will allow for preservation of more than 78% open space, it will stimulate future growth in the area, such as providing roof tops for the envisioned Mixed Use Village and Commercial land use designations south of the Subject Property and will take a property that does not contribute to the tax base of Dawson County and put in on the tax rolls. Dawson County has approved several master planned communities to which this proposed conservation community is comparable if not superior. Those approved communities include Crystal Falls, Big Canoe, the Dawson County part of Riverview Manor, Chestatee and Gold Creek when it was in Dawson County. The proposed community compares favorably with these other approved master planned communities. Details regarding these communities is found below:²

² Some details were difficult to find due to changes in the original master plans and lack of a public data base with this information. However, relevant documents concerning these communities are found in the application packet filed with this Letter of Intent.

Name of Development	No. of acres	No. of units	Density	Lot size minimum
Big Canoe		1908		0.25
Chestatee	530	543	1.02 upa	
River Manor	25.21 (Dawson Co)	21	0.84 upa	25,500 sq. ft
Crystal Falls	1039	1013	0.975 upa	6000 sq. feet
Gold Creek	+/- 600	498	2.02 upa	5500 sq. ft

The density and lot sizes of the proposed community are within range of previously approved communities. Moreover, it is believed that the 78% of open space provided far exceeds the open space of any of the other communities. In other words, the zoning is clearly suitable in light of previous approved master planned communities and the land use classification for the Subject Property.

6. The length of time the property has been vacant under the present classification, considered in the context of land development in the area in the vicinity of the property.

The Applicant attempted to get the Subject Property rezoned to RPC in 2007. This previous proposal sought rezoning of 248 acres of the Subject Property for a mixed use development with 494 units (townhomes and single family detached), +/- 9.5 acres of commercial and 48% open space. This request (ZA 07-01) was unanimously denied by the Board of Commissioners. The land has been vacant and undeveloped for the entirety of the intervening 12 years.

7. The specific, unusual, or unique facts of each case, which give rise to special hardships, incurred by the applicant and/or surrounding property owners.

The unique facts concerning the Subject Property, while presenting a hardship to the Applicant if not rezoned, present a unique opportunity if rezoned. The heavy

vegetation on site and the Etowah River flowing through the site provide a unique development opportunity for the creation of a creative conservation community with amenities of limited availability in the County which will likely increase property values for surrounding owners and stimulate growth in this section of the County.

CONCLUSION

For all the foregoing reasons, the Applicant respectfully requests that the Subject Property be rezoned from RA to RPC pursuant to the conceptual site plan submitted herewith and any other conditions appropriate to minimize perceived impacts of the development on the surrounding community.

This 6th day of February, 2019.

Respectfully submitted,



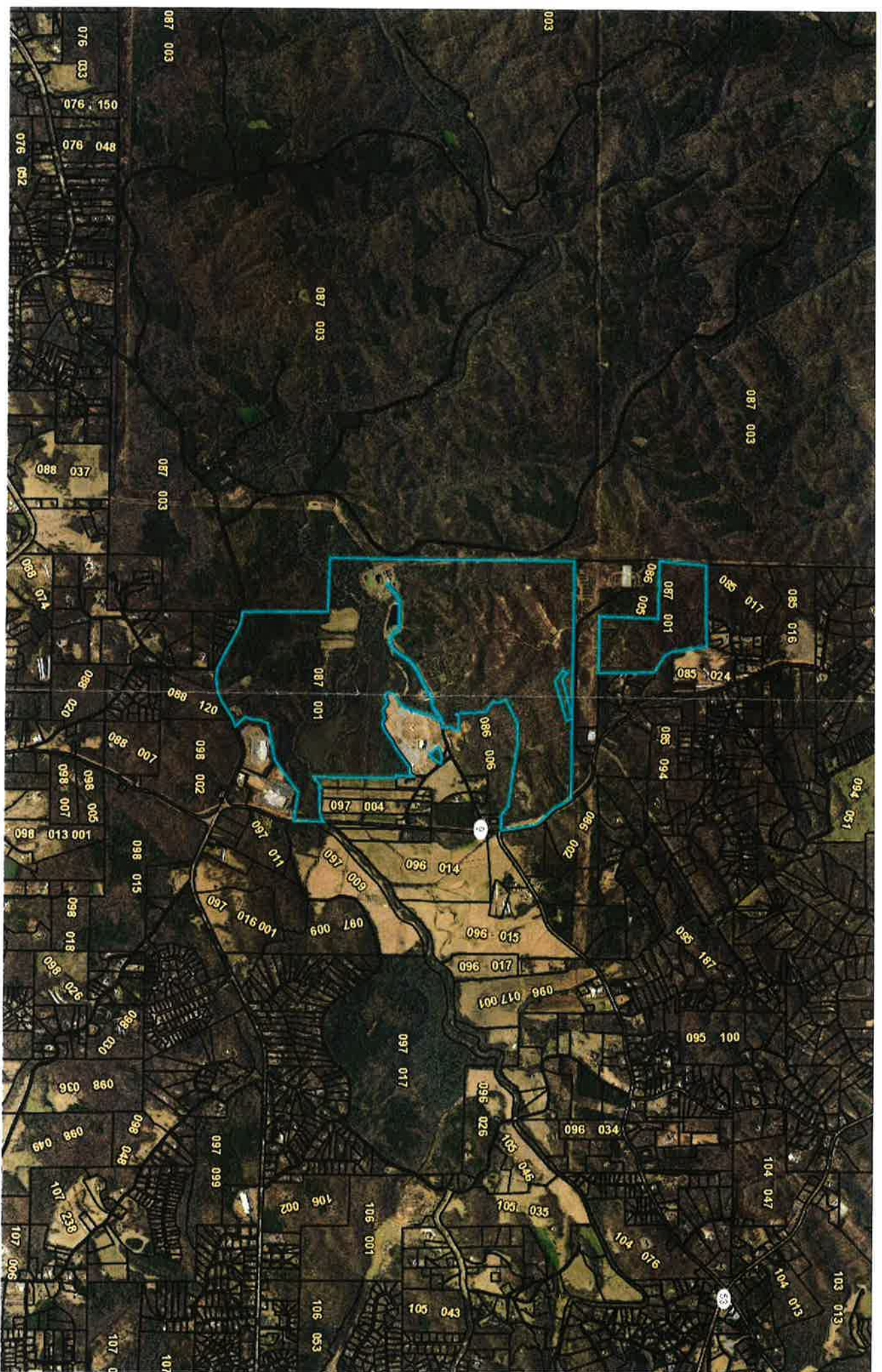
Linda I. Dunlavy
Attorney for Applicant

Dunlavy Law Group, LLC
1026 B Atlanta Avenue
Decatur, Georgia 30030
(404) 371-4101 Telephone
(404) 371-8901 Facsimile
ldunlavy@dunlavylawgroup.com

PRESERVATION OF CONSTITUTIONAL RIGHTS

The Applicant respectfully submits that the current zoning classification, to the extent that it prohibits the use proposed, constitutes an arbitrary, irrational abuse of discretion and unreasonable use of the zoning power because it bears no substantial relationship to the public health, safety, morality or general welfare of the public and substantially harm the Property owners in violation of the due process and equal protection rights of the property owner guaranteed by the Fifth Amendment and Fourteenth Amendment of the Constitution of the United States, and Article I, Section I, Paragraph I and Article I, Section III, Paragraph I of the Constitution of the State of Georgia. Further, the failure to allow this use would constitute a taking of the owner's private property without just compensation and without due process in violation of the Fifth Amendment and Fourteenth Amendment of the Constitution of the United States, and Article I, Section I, Paragraph I and Article I, Section III, Paragraph I of the Constitution of the State of Georgia.

Further, the Applicant respectfully submits that the Board of Commissioners failure to approve the requested zoning map amendment would be unconstitutional and would discriminate in an arbitrary, capricious and unreasonable manner between the Property owner and owners of similarly situated property in violation of Article I, Section III, Paragraph I of the Constitution of the State of Georgia and the Equal Protection Clause of the Fourteenth Amendment of the Constitution of the United States.



DRI Information

Developments of Regional Impact

[DRI Home](#)
 [DRI Rules](#)
 [Thresholds](#)
 [Tier Map](#)
 [FAQ](#)
 [Apply](#)
 [View Submissions](#)
 [Login](#)

DEVELOPMENT OF REGIONAL IMPACT Initial DRI Information

This form is to be completed by the city or county government to provide basic project information that will allow the RDC to determine if the project appears to meet or exceed applicable DRI thresholds. Refer to both the [Rules for the DRI Process](#) and the [DRI Tiers and Thresholds](#) for more information.

Local Government Information

Submitting Local Government:	Dawson County
Individual completing form:	Linda I. Dunlavy
Telephone:	404-371-4101
E-mail:	ldunlavy@dunlavylawgroup.com

*Note: The local government representative completing this form is responsible for the accuracy of the information contained herein. If a project is to be located in more than one jurisdiction and, in total, the project meets or exceeds a DRI threshold, the local government in which the largest portion of the project is to be located is responsible for initiating the DRI review process.

Proposed Project Information

Name of Proposed Project:	Dawson Forest Planned Community
Location (Street Address, GPS Coordinates, or Legal Land Lot Description):	1349 Martin Road, Parcel 087 001
Brief Description of Project:	A single family detached master planned community of 288 lots on +/- 304 acres.

Development Type:

- | | | |
|--|---|---|
| <input type="radio"/> (not selected) | <input type="radio"/> Hotels | <input type="radio"/> Wastewater Treatment Facilities |
| <input type="radio"/> Office | <input type="radio"/> Mixed Use | <input type="radio"/> Petroleum Storage Facilities |
| <input type="radio"/> Commercial | <input type="radio"/> Airports | <input type="radio"/> Water Supply Intakes/Reservoirs |
| <input type="radio"/> Wholesale & Distribution | <input type="radio"/> Attractions & Recreational Facilities | <input type="radio"/> Intermodal Terminals |
| <input type="radio"/> Hospitals and Health Care Facilities | <input type="radio"/> Post-Secondary Schools | <input type="radio"/> Truck Stops |
| <input checked="" type="radio"/> Housing | <input type="radio"/> Waste Handling Facilities | <input type="radio"/> Any other development types |
| <input type="radio"/> Industrial | <input type="radio"/> Quarries, Asphalt & Cement Plants | |

If other development type, describe:

Project Size (# of units, floor area, etc.):	288 single family detached units, 5500 sf lot minimum		
Developer:	Etowah Water & Sewer Authority		
Mailing Address:	P. O. Box 769, 1162 Hwy 53 East		
Address 2:			
City:	Dawsonville	State:	GA Zip: 30534
Telephone:	706-216-8474, x234		
Email:	banderson@etowahwater.org		
Is property owner different from developer/applicant?	<input type="radio"/> (not selected) <input type="radio"/> Yes <input checked="" type="radio"/> No		
If yes, property owner:			
Is the proposed project entirely located within your local government's jurisdiction?	<input type="radio"/> (not selected) <input checked="" type="radio"/> Yes <input type="radio"/> No		
If no, in what additional jurisdictions is the project located?			
Is the current proposal a continuation or expansion of a previous DRI?	<input type="radio"/> (not selected) <input type="radio"/> Yes <input checked="" type="radio"/> No		
If yes, provide the following information:	Project Name: <input type="text"/>		
	Project ID: <input type="text"/>		
The initial action being requested of the local government for this project:	<input checked="" type="checkbox"/> Rezoning <input type="checkbox"/> Variance <input type="checkbox"/> Connect Sewer <input type="checkbox"/> Connect Water <input type="checkbox"/> Permit <input type="checkbox"/> Other <input type="text"/>		
Is this project a phase or part of a larger overall project?	<input type="radio"/> (not selected) <input type="radio"/> Yes <input checked="" type="radio"/> No		
If yes, what percent of the overall project does this project/phase represent?			
Estimated Project Completion Dates:	This project/phase: <input type="text"/> 12/2019 Overall project: <input type="text"/> 2021		
<input type="button" value="Submit Application"/> <input type="button" value="Save without Submitting"/> <input type="button" value="Cancel"/>			
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GDOT Improvements

GDOT holds open house for proposed Hwy. 9 and Dawson Forest Road intersection improvements

Double roundabout estimated to open in 2021



Georgia Department of Transportation Project Manager Heidi Schneider talks to a citizen about proposed double roundabout design at an open house May 15. - photo by Ailie Dean

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Allie Dezin
 adezin@dawsonnews.com
 Updated: May 23, 2018, 12:12 p.m.

Dawson County residents trickled into the lunchroom at Riverview Elementary School last Tuesday to see and hear plans for a double roundabout planned at the intersection of Hwy. 9 South and Dawson Forest Road.

Representatives with the Georgia Department of Transportation stood at various stations, passing out information and comment cards to attendees and answering questions about the proposed traffic changes.

Julie Hughes Nix, Dawson County's District 4 commissioner, was one of the first to arrive, and talked with a GDOT representative about the proximity of her home and property to the new roundabouts.

Nix lives on Dawson Forest Road East just before the intersection, but was told that the only thing that would impact her directly would be a few feet of paving at the end of her driveway.

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In fact, no right of way will have to be acquired for the project, which is estimated to cost around \$4 million.



Intersections that will have to be replaced for the project include...

The double roundabout is estimated to open in the summer or fall of 2021 after 18 to 24 months of construction. GDOT will award the contracts for the work in July of 2019, with a potential start date for construction later that summer.

The reason that two single-lane roundabouts are necessary at the crossroads is due to the existing structure of the two intersections.

According to the project plans, there are two intersections on Hwy. 9 prior to the main intersection, and both provide right-turn access to Dawson Forest Road via a connector street. There are also two intersections on Dawson Forest Road prior to the main intersection and both provide left turn access to Hwy. 9 via a connector street.

The proposed project would replace the existing unsignalized intersections with the roundabouts, which will be constructed independently of each other since the existing intersections are offset from each other.

One big roundabout, as one citizen suggested at the open house, wouldn't be feasible.

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table at tonight's city council meeting

Westboro Baptist protesters, counterprotesters demonstrate at Gainesville churches

Georgia Supreme Court issues opinion on former Mayor James Grogan's appeal

Georgia State Patrol releases details in Hwy. 136 wreck that injured five

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Many of the citizens present at the open house were merely curious about how the traffic would flow around the intersection (something difficult to describe even when watching the GDOT-provided video diagrams) or how construction would affect their commute to work, and the question and answer session proved fruitful as many had their queries answered.

Some, however, remained resolute that the concept of two roundabouts is too much in a county still reeling from a certain Continuous Flow Intersection located at Ga. 400 and Hwy. 53, which was completed last May.

"I went to the original meeting for the (CFI), what it ended up with isn't what they originally showed," said Sarah Reed, county resident. "It's common sense versus GDOT. People in the U.S. aren't used to traffic circles unless you've lived in D.C. It's an accident waiting to happen." Reed's pessimism was shared by many, but according to Katie Strickland, District One communications officer with GDOT, once completed, the roundabouts will actually reduce conflict points and enhance safety.

"You're not going to have the high-speed angle crashes, you're not going to have the left turn crashes, you're not going to have the head-on collisions. So those three will be eliminated from these roundabouts."

Between 2009 and 2014, there were 40 crashes, 30 injuries and no fatalities at the intersection, according to Strickland.

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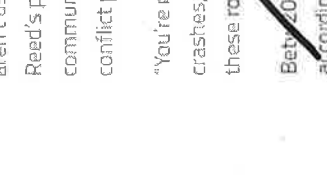
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Between 2009 and 2014, there were 40 crashes, 30 injuries and no fatalities at the intersection, according to Strickland.

"Converting this to the roundabout could result in reducing crashes by 45.6 percent, and that was part of the study that (GDOT) did," she said.





Dawson County Transfer Station is operating under normal business hours (7 a.m.-5 p.m. Monday-Saturday). However, phones are down at the Transfer Station until further notice due to construction. Please call the Public Works department at 706-344-3501 with any questions or concerns.

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GDOT: Proposed Road Projects for Dawson County

SR 400/SR 53 CFI (Continuous Flow Intersection)

Completion date of construction is 5/10/2017. Project is on schedule.

SR 53-Hugh Stowers Road Intersection Improvement

GDOT District Engineer Sue Anne and GDOT District Traffic Operations Engineer Shane Giles are looking into the plans Dawson County has submitted. Discussions took place today with Brent Cook and his staff member regarding the possibility of restricting the access to a right in, right out from SR 53 and to SR 53. Allowing only a left turn in heading west on SR 53. What would be removed is the north bound traffic from Stowers Road turning left on to SR 53 heading toward the city.

SR 53 – SR 183 Roundabout

Issued an NTP (Notice To Proceed). Construction to begin in March or April, 2017.

SR 52 – SR 183 Roundabout

Conducted final field plans and review, in the process of right-of-way acquisition phase, scheduled to be let possibly in 2018, project is considered a priority.

Dawson Forest-53 Intersection & Thompson Creek Road Roundabout

GDOT has quick-response money available for projects under \$200,000. Depending on the estimates, there is a possibility that this project will qualify. If so, it will be considered a priority project. Possibly 2018.

SR 136-Keith Evans Road Intersection & Bailey Waters Road Roundabout

Will require BOC to authorize the Chairman to construct a support letter requesting GDOT to review.

SR 9 S & Dawson Forest Road Roundabout

Money has been authorized for engineering. There is no schedule yet looking ahead, approximately 2 years out.

SR 9 S Bridge Replacement

BOC to approve GTC easement and restrictive covenant. Once approved, GDOT contractor mobilization date should be in February, clearing in March, construction in April. Traffic will be maintained by a portable traffic light, one way at a time.

SR 136 Bridge Replacement

Bridge closure beginning February 6, 2017, for approximately 180 days to completion.

SR 53-Lumpkin Campground Turn Lane

GDOT is working with the county on funding improvements to the intersection of Lumpkin Campground and SR 53. This will be a joint project between the county & the state. The state will provide the funding and the county will do the work.

Bare Tooth Parkway Traffic Signal

State will not commit to a traffic signal at that location due to the potential impacts to the CFI intersection at SR 53 & SR 400.

Restricted Access at Intersection of Kilough & SR 400 and Outlet Mall Entrance on to SR 400

Several years ago a safety study was conducted on SR 400. Three intersections were identified as critical safety hazards: Kilough Church Road intersection, the Outlet Mall entrance, and Industrial Blvd./ Bare Tooth Pkwy. The crash data showed that most accidents occurred due to cross-over traffic. On or about 2012, GDOT constructed a median break, prohibiting cross-over traffic at the intersection of Bare Tooth Pkwy and Industrial Blvd. GDOT is proposing to install the same at the other locations per approval by the county.

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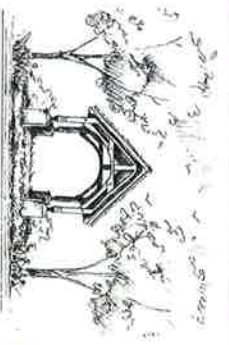
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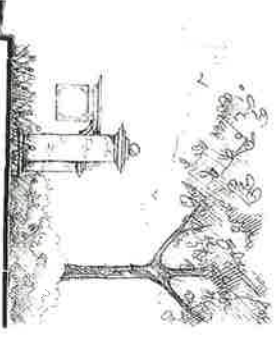
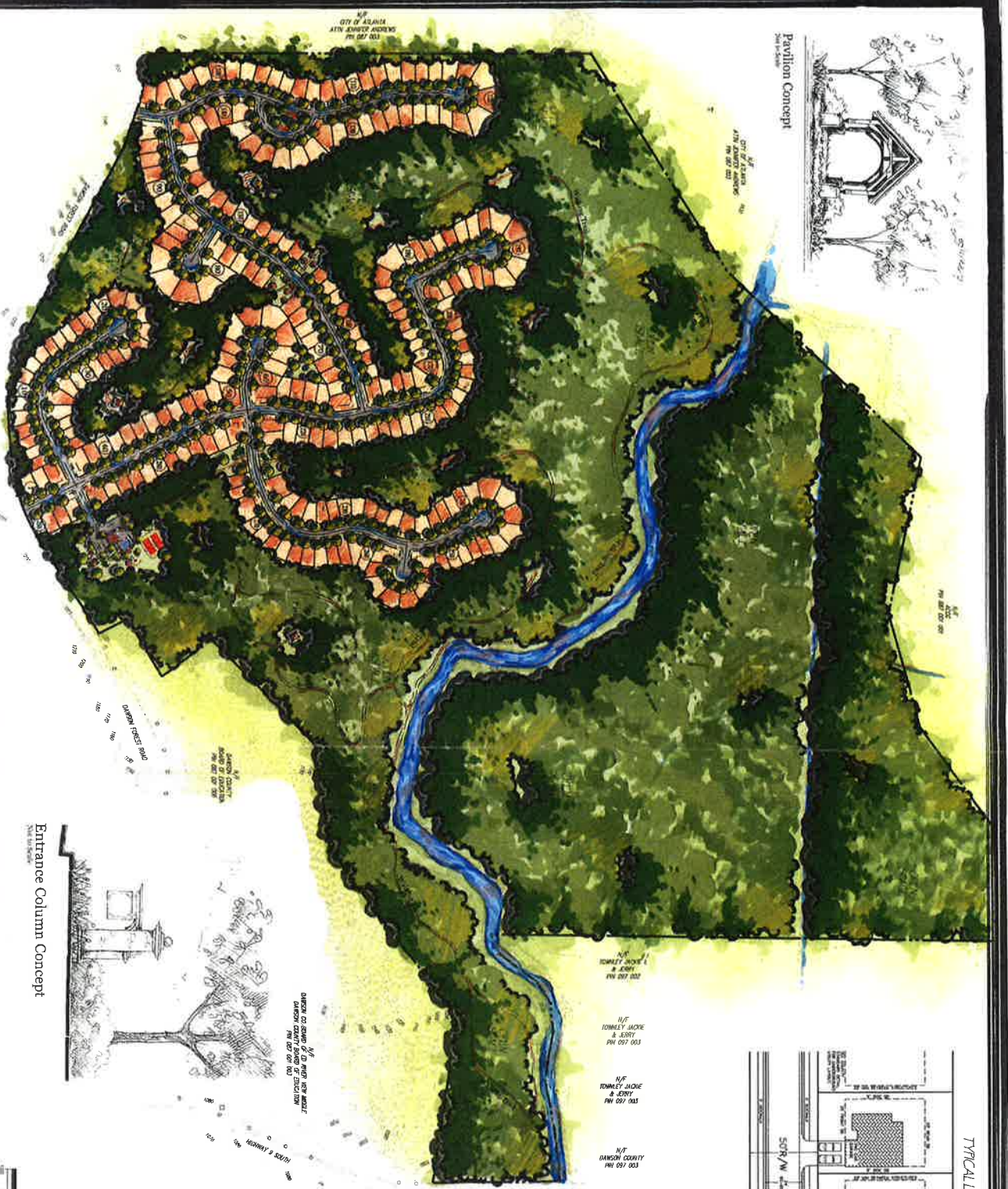
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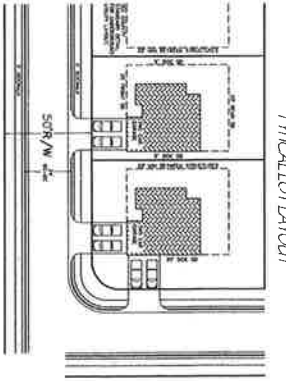
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Pavilion Concept



Entrance Column Concept



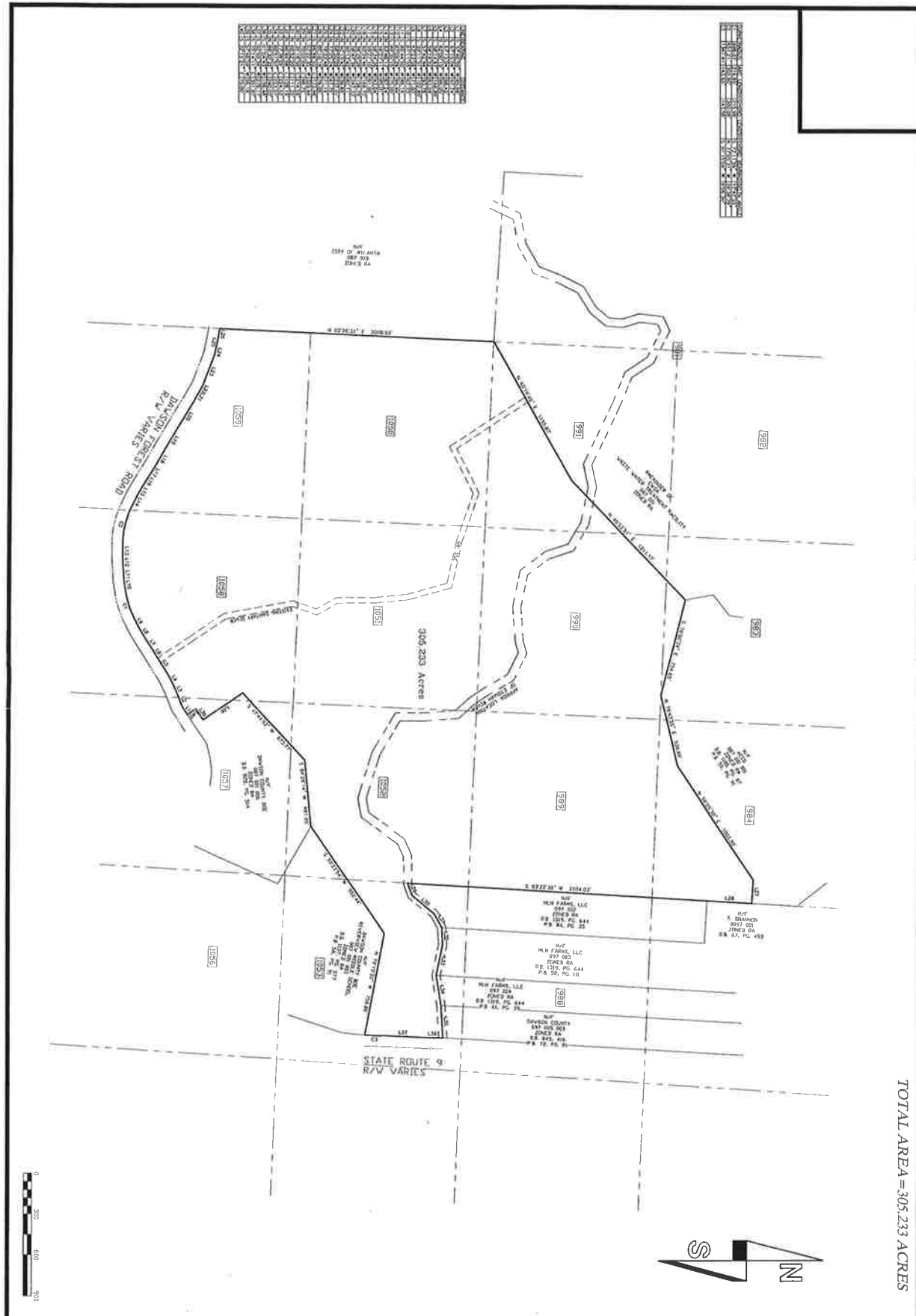
TYPICAL LOT LAYOUT

SITE DATA

- Existing Zoning: R-1A
- Proposed Zoning: R-PC
- 138 50' Lots
- 150 60' Lots
- 288 Total Lots
- Land Area: 304,289 sq. ft.
- 0.701 ac
- 78.7 % Open Space
- Setbacks: Front: 20'
- Side: 5'
- Rear: 20'

Note: Final Development will be served by Town Water & Sewer





TOTAL AREA = 305.233 ACRES

<p>SH.1 OF 1</p>	<p>Surveyed by ROBBIE HENDERSON Surveying & Planning 3040 PILGRIM HILL ROAD CUMMING, GA 30041 PH: 706-854-2018 LY151 1/19/12</p>		<p>ZONING EXEMPT ETOWAH WATER & SEWER AUTHORITY</p>		
	STATE	SCALE	JOB NOS.	FIELD DATE	N/A
	GEORGIA	1" = 300'	19.012	400 - 457	JANUARY 24, 2019