

# DAWSON COUNTY REZONING APPLICATION

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

ZA 20-07 Tax Map & Parcel # (TMP): 107-319  
Submittal Date: 7-10-20 Time: 11:13 (am/pm) Received by: Uhope (staff initials)  
Fees Assessed: 3900.00 Paid: check Commission District: \_\_\_\_\_  
Planning Commission Meeting Date: Aug. 18  
Board of Commissioners Meeting Date: Sept. 17

## APPLICANT INFORMATION (or Authorized Representative)

Printed Name: Tri-Mark 400, LLC  
Address: \_\_\_\_\_

Phone:  Listed \_\_\_\_\_  Unlisted \_\_\_\_\_ Email:  Business \_\_\_\_\_  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: Tri-Mark 400, LLC  
Street Address of Property being rezoned: Corner of Ga 400 & Blue Ridge Parkway

Rezoning from: N/A: Site Plan Amendment Only Total acreage being rezoned: 52

Directions to Property: Ga 400 North, property is on the east (right) just as you cross into Dawson County from Forsyth County.

20 JUL 10 11:13 AM

Subdivision Name (if applicable): \_\_\_\_\_ Lot(s) #: \_\_\_\_\_

Current Use of Property: Vacant

Any prior rezoning requests for property? Yes if yes, please provide rezoning case #: ZA 17-09

**\*\*\*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 400

**SURROUNDING PROPERTY ZONING CLASSIFICATION:**

North CBD South CBD East RA West CBD

Future Land Use Map Designation: \_\_\_\_\_

Access to the development will be provided from:

Road Name: GA 400 Type of Surface: Asphalt

**REQUESTED ACTION & DETAILS OF PROPOSED USE**

Rezoning to: N/A- Only a Site Plan Modification [ ] Special Use Permit for: \_\_\_\_\_

Proposed Use: We are not changing the Proposed Use  
We are not changing any Conditions of the Current Zoning other than eliminating the age restriction

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

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

**RESIDENTIAL**

No. of Lots: \_\_\_\_\_ Minimum Lot Size: \_\_\_\_\_ (acres) No. of Units: 300

Minimum Heated Floor Area: \_\_\_\_\_ sq. ft. Density/Acre: 5.76

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

Is an Amenity Area proposed: Yes; if yes, what? Pool, Clubhouse, fitness room, walking trails

**COMMERCIAL & INDUSTRIAL**

Building area: Retail= 31,500 sf, Office= 130,000 sf No. of Parking Spaces: per County Ordinance (varies based upon uses)  
Hotel= 70,000 sf, Assisted Living= 141,000 sf

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**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 \_\_\_\_\_

Witness \_\_\_\_\_

Date 7-10-20

**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.

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ZA 20-07

TMP#: 107-319

107-319 005

**List of Adjacent Property Owners**

107-319-004

107-319-002

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 \_\_\_\_\_ 2. \_\_\_\_\_
- TMP \_\_\_\_\_ 3. \_\_\_\_\_
- TMP \_\_\_\_\_ 4. \_\_\_\_\_
- TMP \_\_\_\_\_ 5. \_\_\_\_\_
- TMP \_\_\_\_\_ 6. \_\_\_\_\_
- TMP \_\_\_\_\_ 7. \_\_\_\_\_
- TMP \_\_\_\_\_ 8. \_\_\_\_\_
- TMP \_\_\_\_\_ 9. \_\_\_\_\_
- TMP \_\_\_\_\_ 10. \_\_\_\_\_
- TMP \_\_\_\_\_ 11. \_\_\_\_\_
- TMP \_\_\_\_\_ 12. \_\_\_\_\_
- TMP \_\_\_\_\_ 13. \_\_\_\_\_
- TMP \_\_\_\_\_ 14. \_\_\_\_\_
- TMP \_\_\_\_\_ 15. \_\_\_\_\_

Use additional sheets if necessary.

**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: \_\_\_\_\_ *Jim King*

Applicant Printed Name: Jim King for Tri-Mark 400, LLC

Application Number: \_\_\_\_\_

Date Signed: 7.10.2020

Sworn and subscribed before me

this 10 day of July, 2020.

*Lisa Hester*  
Notary Public

My Commission Expires: 8/30/2021



20 JUL 10 11:14AM

**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:

\_\_\_\_\_

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.

**PROPERTY OWNER AUTHORIZATION**

I/we, Tri-Mark 400, LLC, 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): Jim King for Tri-Mark 400, LLC

Signature of Owner(s): \_\_\_\_\_ Date: 7.10.2020

Mailing address: \_\_\_\_\_

City, State, Zip: \_\_\_\_\_

Telephone Number:  Listed  Unlisted \_\_\_\_\_

Sworn and subscribed before me this 10 day of July, 2020.

Lisa W Hester  
Notary Public

My Commission Expires: 8/30/2021



(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.)

20 JUL 10 11:15 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.

  X   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 \_\_\_\_\_ (city), \_\_\_\_\_ (state)

Signature of Applicant

Jim King for Tri-Mark 400, LLC

Printed Name

Date

7.10.2020

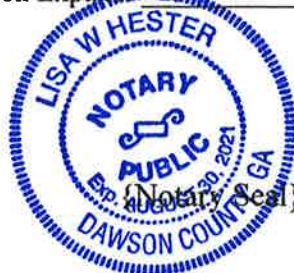
Name of Business

SUBSCRIBED AND SWORN BEFORE ME ON

THIS 10 DAY OF July, 2020

Lisa Hester Notary Public

My Commission Expires 9-30-2021



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## LETTER OF INTENT

The applicant requests a Site Plan Amendment for Parcel Numbers: TMP 107 319, 107 319 002 107 319 004, & 107 319 005 to simply remove the age restriction on the residential units within the currently zoned CPCD Mixed-use Development. The Uses on the newly proposed Site Plan have been shuffled around slightly to satisfy a different developer’s architectural style; however, the general land uses themselves remain the same. The applicant requests the removal of the age requirement simply because the senior market is currently not deep enough to economically support age restriction on 100% of the units. The units will be marketed toward the 55+ community; however, it is not economically feasible to limit it to that requirement. As you can see in the Chart below, the use of the property does not change.

<b>Currently Allowed under Previous Zoning</b>	<b>Proposed Changes</b>
Medical Office: 130,000 Sq Ft	Medical Office: 130,000 Sq Ft
Retail: 31,500 Sq Ft	Retail: 31,500 Sq Ft
Assisted Living: 141,000 Sq Ft	Assisted Living: 141,000 Sq Ft
Hotel: 70,000 Sq Ft	Hotel: 70,000 Sq Ft
Residential Units: 300 Units Age Restricted	Residential Units: 300 Units Non-Age Restrict

The 52-acre property is located at GA 400 North in Dawsonville, GA and is immediately adjacent to Dawson Fine Wine and Spirits, Highland Pointe at Oakmont and All Green Outdoor Center and Landscape Supply. It is bordered on the east by various Residential Agricultural properties which are also designated on the Future Land Use Plan as Commercial Highway Use.

Our Master Planned Development will include an amenities building, and beautifully well maintained open space throughout the property. The community will enjoy easy access to the medical resources including dentists, optometrists and a pharmacy, boutique shopping, dining, recreation opportunities, and common areas close by.

Protective Covenants will insure that the development complies with the aesthetic requirements of the Ga 400 Overlay District and developed to very high standards.

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# TRI-MARK 400, LLC

## DEVELOPMENT PLAN

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Date: July 10, 2020  
To: Jameson Kinley, Planning and Development Director  
From: John Kieffer, Tri-Mark 400, LLC  
Subject: **Blue Ridge Parkway & GA-400 Site Plan Amendment**

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### SUMMARY OF INTENT

The 52-acre site is currently owned by TRI-MARK 400, LLC  
Tri-Mark 400 will be the Master Developer and will develop the Site as mixed-use per current zoning with the following uses:

- Multifamily: 300 units
  - o Parking: 525 spaces (1.75 per unit)
  - o Detached garages: 48 spaces (6 bldgs)
  - o Clubhouse: 8,000 sf clubhouse parking: 10 spaces
- Retail: up to 31,500 sf
  - o Parking: 1 per 200 sf (general)
  - o Parking: 1 per 100 sf (restaurant)
- Office (MOB): up to 130,000 sf (96,000 sf shown) parking: 384 spaces (1 per 250 sf)
- Hotel: 70,000 sf (128 keys) parking: 128 spaces (1 per key) + (1 per 2 employees)
- Assisted Living: 141,000 sf (130 rooms) parking: 130 spaces (1 per unit)
- Other Design Standards
  - o Two (2) multi-tenant pylon signs to be located along GA 400 not to exceed 35' in height
  - o Building heights for all uses and structures shall not exceed 60'
  - o Setbacks:
    - 25' side
    - 60' front
    - 75' along GA-400
    - 35' rear along interior property lines

It is anticipated that the development will be built over a six-year period or as market conditions allow. The current plan calls for the multifamily portion to commence pre-development activities immediately and construction will

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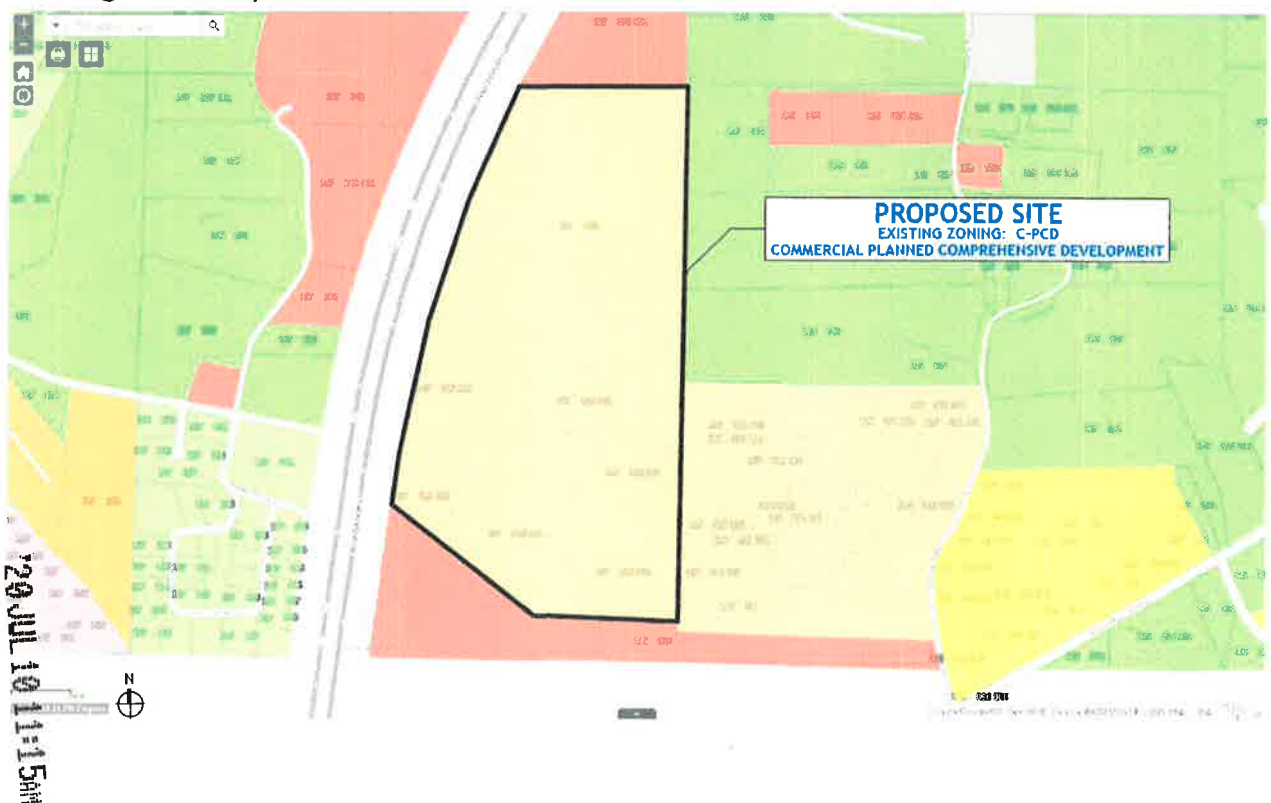
commence immediately following the receipt of all necessary building permits. The remaining uses will follow at a later date with market demand determining the timeline for those developments. The full buildout of the plan and all of its uses cannot be firmly established at this time. The project is governed by a Declaration of Easements, Covenants, and Restrictions, which is provided as an enclosure herein.

## **MAPS AND REFERENCES**

### General Location Map:

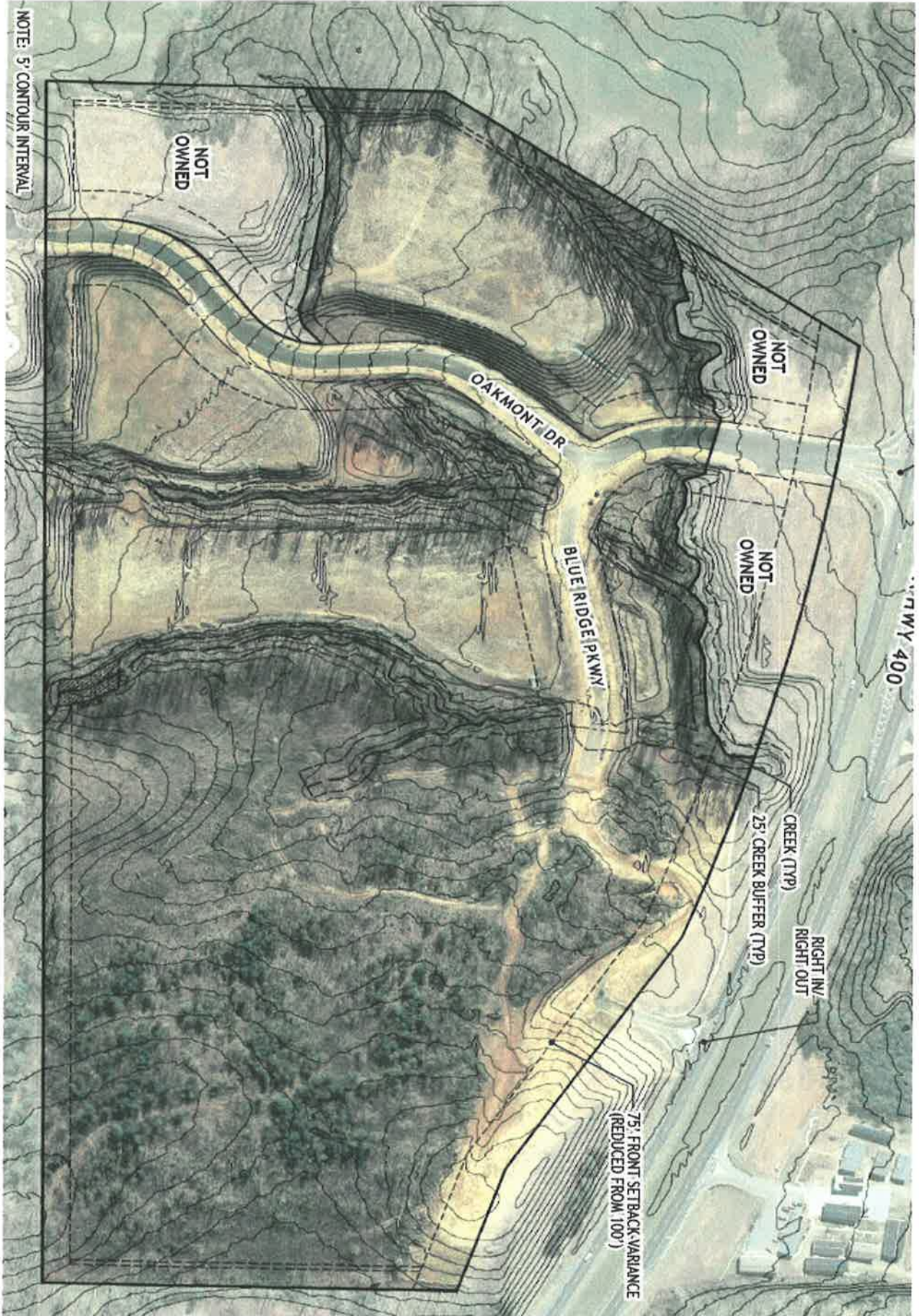


### Existing and Proposed Land Uses:





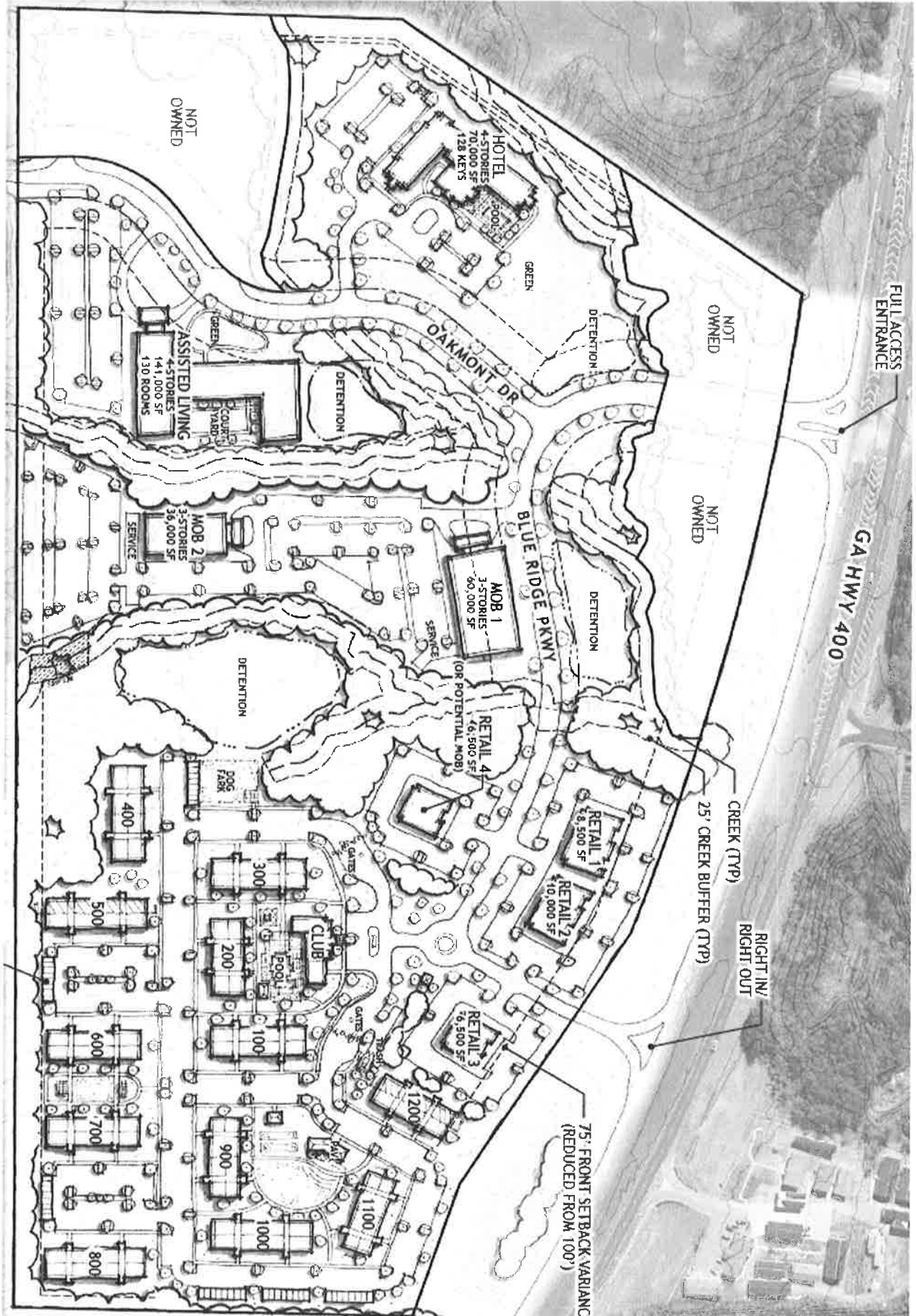
Contour Map:



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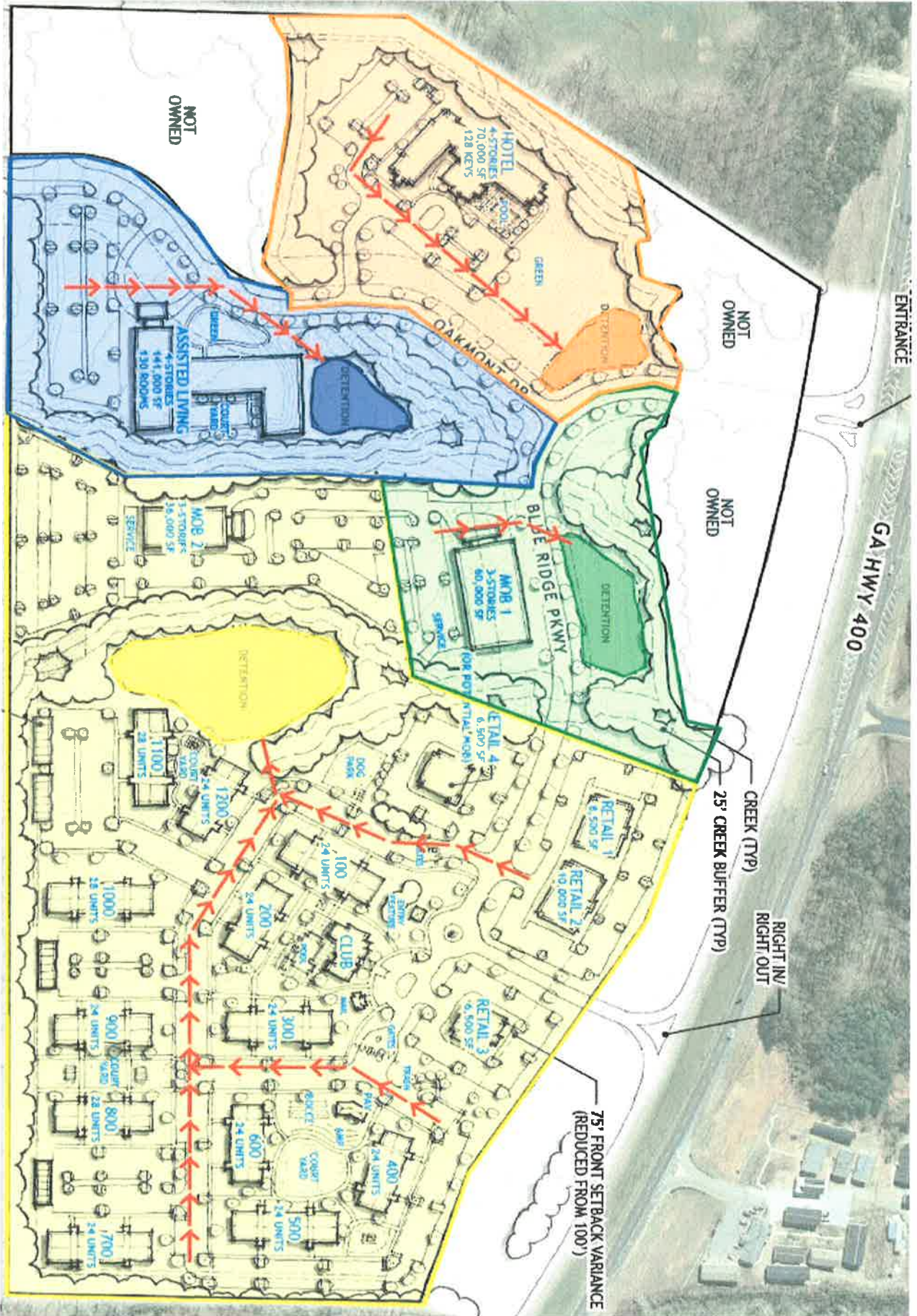
APPROXIMATE LOCATION OF BUILDINGS, ROADS AND MAJOR DETENTION AREAS:



20 JUL 10 11:15AM



MASTER DRAINAGE PLAN:



20 JUL 10 11:15AM

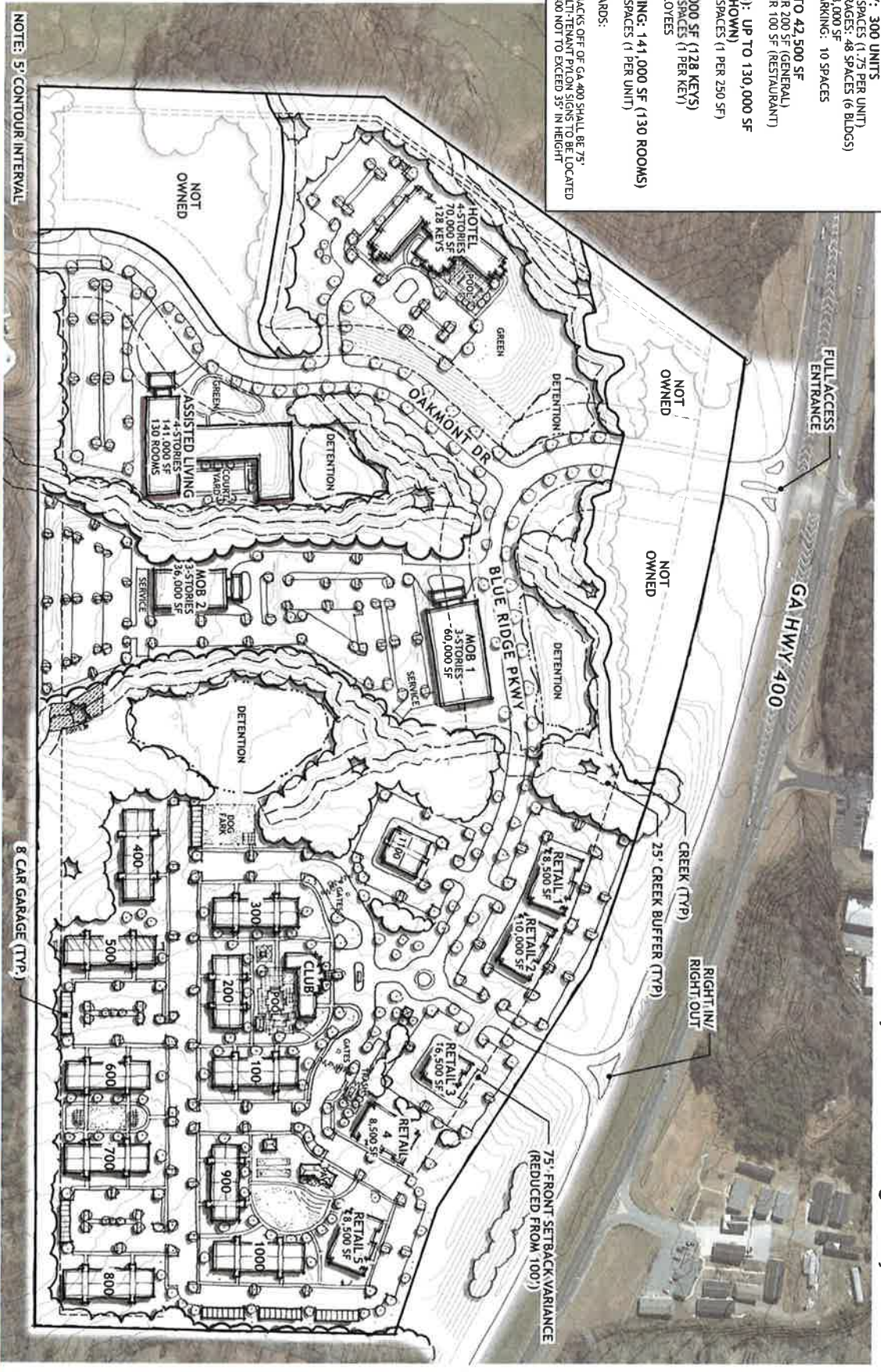


**OVERALL DEVELOPMENT SUMMARY:**

- OVERALL BOUNDARY: +/- 52 ACRES
- GREENSPACE AREA: +/- 16.5 ACRES (31.73%)
- MULTIFAMILY: 300 UNITS
- PARKING: 525 SPACES (1.75 PER UNIT)
- DETACHED GARAGES: 48 SPACES (6 BLDGS)
- CLUBHOUSE: 8,000 SF
- CLUBHOUSE PARKING: 10 SPACES
- RETAIL: UP TO 42,500 SF
- PARKING: 1 PER 200 SF (GENERAL)
- PARKING: 1 PER 100 SF (RESTAURANT)
- OFFICE (MOB): UP TO 130,000 SF (96,000 SF SHOWN)
- PARKING: 384 SPACES (1 PER 250 SF)
- HOTEL: 70,000 SF (128 KEYS)
- PARKING: 128 SPACES (1 PER KEY) + 1 PER 2 EMPLOYEES
- ASSISTED LIVING: 141,000 SF (130 ROOMS)
- PARKING: 130 SPACES (1 PER UNIT)

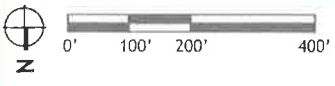
**DESIGN STANDARDS:**

- FRONT SETBACKS OFF OF GA 400 SHALL BE 75'
- TWO (2) MULTI-TENANT Pylon SIGNS TO BE LOCATED ALONG GA 400 NOT TO EXCEED 35' IN HEIGHT



NOTE: 5' CONTOUR INTERVAL

**Conceptual Master Plan**  
GA Hwy 400 & Blue Ridge Pkwy - Dawsonville, GA





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Official Tax Receipt  
Dawson County  
25 Justice Way, Suite 1222  
Dawsonville, GA 30534  
--Online Receipt--

Phone: (706) 344-3520  
Fax: (706) 344-3522

Trans No	Property ID / District Description	Original Due	Interest & Penalty	Amount Due	Amount Paid	Transaction Balance
2019 - 14010	107 319 005 / 1 LL 499 542 543 LD 13S TRACT 5 FMV: 478200	\$4565.28	\$32.34 Fees: \$0.00 \$0.00	\$0.00	\$4597.62	\$0.00
<b>Totals:</b>		<b>\$4565.28</b>	<b>\$32.34</b>	<b>\$0.00</b>	<b>\$4597.62</b>	<b>\$0.00</b>

Paid Date: 12/23/2019

Charge Amount: \$4597.62

TRIMARK 400 LLC  
T

DAWSONVILLE, GA 30534



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Official Tax Receipt  
Dawson County  
25 Justice Way, Suite 1222  
Dawsonville, GA 30534  
--Online Receipt--

Phone: (706) 344-3520  
Fax: (706) 344-3522

Trans No	Property ID / District Description	Original Due	Interest & Penalty	Amount Due	Amount Paid	Transaction Balance
2019 - 14009	107 319 004 / 1 LL 499 542 543 LD 13S TRACT 4 FMV: 376800	\$3597.24	\$25.48 Fees: \$0.00 \$0.00	\$0.00	\$3622.72	\$0.00
Totals:		\$3597.24	\$25.48	\$0.00	\$3622.72	\$0.00

Paid Date: 12/23/2019

Charge Amount: \$3622.72

TRI MARK 400 LLC

DAWSONVILLE, GA 30534



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Official Tax Receipt  
Dawson County  
25 Justice Way, Suite 1222  
Dawsonville, GA 30534  
--Online Receipt--

Phone: (706) 344-3520  
Fax: (706) 344-3522

Trans No	Property ID / District Description	Original Due	Interest & Penalty	Amount Due	Amount Paid	Transaction Balance
2019 - 14007	107 319 / 1 LL 498,499,542,543 LD 13-S FMV: 2735478	\$26115.06	\$184.97 Fees: \$0.00 \$0.00	\$0.00	\$26300.03	\$0.00
<b>Totals:</b>		<b>\$26115.06</b>	<b>\$184.97</b>	<b>\$0.00</b>	<b>\$26300.03</b>	<b>\$0.00</b>

Paid Date: 12/23/2019

Charge Amount: \$26300.03

TRI MARK 400 LLC

DAWSONVILLE, GA 30534



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Official Tax Receipt  
Dawson County  
25 Justice Way, Suite 1222  
Dawsonville, GA 30534  
--Online Receipt--

Phone: (706) 344-3520  
Fax: (706) 344-3522

Trans No	Property ID / District Description	Original Due	Interest & Penalty	Amount Due	Amount Paid	Transaction Balance
2019 - 14008	107 319 002 / 1 LL 499 542 543 LD 13S TRACT 2 FMV: 471600	\$4502.27	\$31.89 Fees: \$0.00 \$0.00	\$0.00	\$4534.16	\$0.00
Totals:		\$4502.27	\$31.89	\$0.00	\$4534.16	\$0.00

Paid Date: 12/23/2019

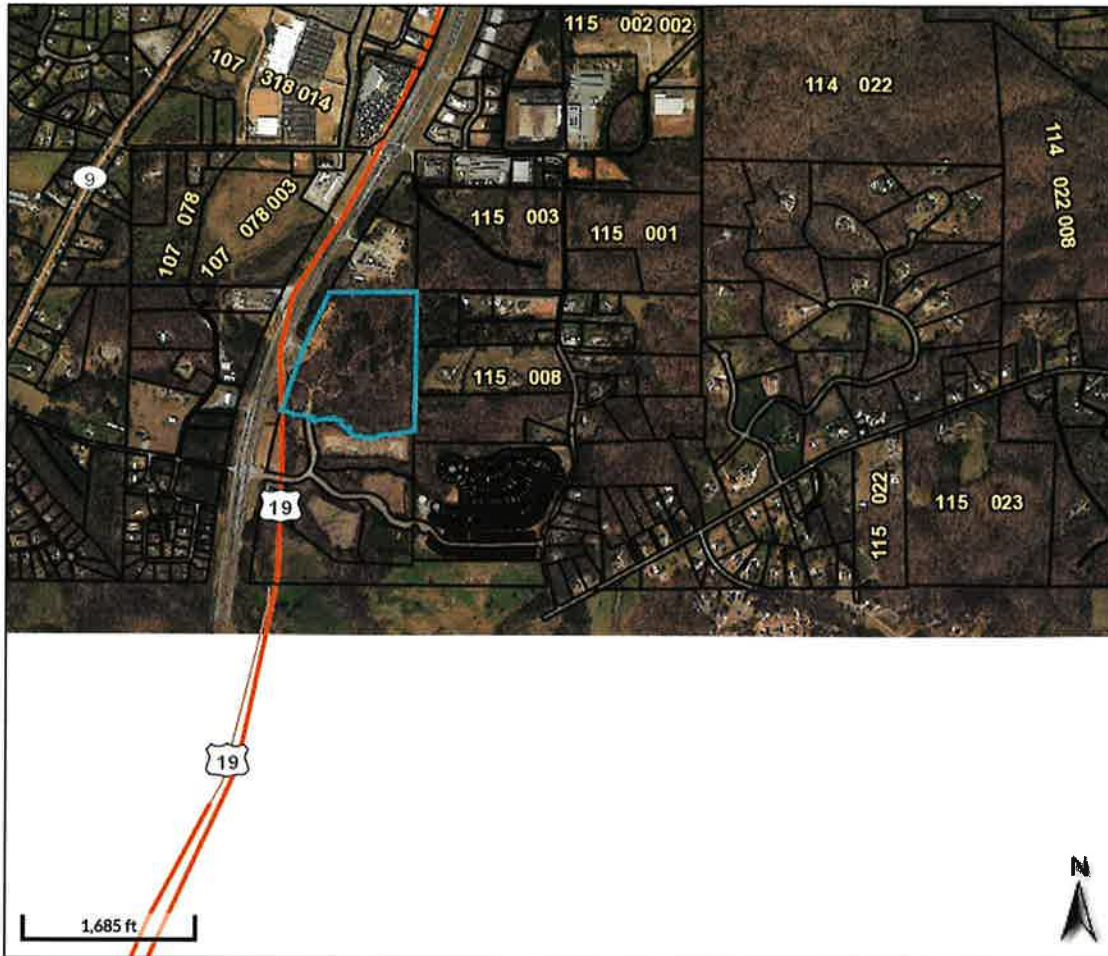
Charge Amount: \$4534.16

TRI MARK 400 LLC

DAWSONVILLE, GA 30534



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**Overview**



**Legend**

-  Parcels
-  Roads

<b>Parcel ID</b>	107 319	<b>Owner</b>	TRI MARK 400 LLC	<b>Last 2 Sales</b>			
<b>Class Code</b>	Commercial			<b>Date</b>	<b>Price</b>	<b>Reason</b>	<b>Qual</b>
<b>Taxing District</b>	UNINCORPORATED			11/14/2012	\$765000	MB	U
<b>Acres</b>	30.31			9/4/2012	0	FC	U
		<b>Physical Address</b>	n/a				
		<b>Assessed Value</b>	Value \$1786200				

(Note: Not to be used on legal documents)

Date created: 7/22/2020  
 Last Data Uploaded: 7/21/2020 11:22:24 PM

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 GEOSPATIAL