

DAWSON COUNTY REZONING APPLICATION

This portion to be completed by Zoning Administrator

LO5 040
LO5 041
LO5 097

ZA 19.14

Tax Map & Parcel # (TMP): _____

Submittal Date: 7-18-19 Time: 12:00 am/pm Received by: Woj (staff initials)

Fees Assessed: \$2500- Paid: Check Commission District: 3

Planning Commission Meeting Date: August 20, 2019

Board of Commissioners Meeting Date: September 19, 2019

APPLICANT INFORMATION (or Authorized Representative)

Printed Name: Miles Hansford & Tallant, LLC - J. Ethan Underwood on behalf of Stuart Scruggs

Address: _____

Phone: Listed _____ Email: Business _____
 Unlisted _____ Personal _____ m

Status: [] Owner [X] 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: 7/2/2019 Applicant Signature: J. Ethan Underwood

PROPERTY OWNER/PROPERTY INFORMATION

Name: See Attached.

Street Address of Property being rezoned: See Attached.

Rezoning from: C-HB & RSR to: C-HB Total acreage being rezoned: Approximately 6.063

Directions to Property: Located at the NE intersection of Price Road and Toto Creek Park Road.

19 JUL 12 12:01 PM

PROPERTY OWNER/PROPERTY INFORMATION

Name: Gary D. Smith & Deborah A. Smith

Street Address of Property being rezoned: 61 Toto Creek Park Road Dawsonville, GA 30534

Rezoning from: C-HB to: C-HB Total acreage being rezoned: Approx. 1.989 Acres

Directions to Property: Located approximately 330 feet east of the NE intersection of Price Road and Toto Creek Park Road.

PROPERTY OWNER/PROPERTY INFORMATION

Name: Ralph H. Knight & Major Knight

Street Address of Property being rezoned: Price Road Dawsonville, GA 30534 Parcel ID L05-041

Rezoning from: RSR to: C-HB Total acreage being rezoned: Approx. 1.328 Acres

Directions to Property: Located at the NE intersection of Price Road and Toto Creek Park Road.

PROPERTY OWNER/PROPERTY INFORMATION

Name: Superior Arbor Management Inc.

Street Address of Property being rezoned: 1378 Price Road Dawsonville, GA 30534

Rezoning from: RSR to: C-HB Total acreage being rezoned: Approx. 2.746 Acres

Directions to Property: Located approximately 640 feet north of the NE intersection of Price Road and Toto Creek Park Road.

Subdivision Name (if applicable): N/A Lot(s) #: _____

Current Use of Property: Residential & Vacant

Any prior rezoning requests for property? Yes if yes, please provide rezoning case #: ZA 99-41 & VR99-41

*****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 VC East RSR West VC

Future Land Use Map Designation: Lakefront Residential

Access to the development will be provided from:

Road Name: Toto Creek Park Road Type of Surface: Asphalt

REQUESTED ACTION & DETAILS OF PROPOSED USE

Rezoning to: C-HB Special Use Permit for: _____

Proposed Use:

Boat, RV, & Vehicle Storage Facility

Existing Utilities: Water Sewer Gas Electric

Proposed Utilities: Water Sewer Gas Electric

RESIDENTIAL

No. of Lots: _____ Minimum Lot Size: _____ (acres) No. of Units: _____

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

Type: Apartments Condominiums Townhomes Single-family Other

Is an Amenity Area proposed: _____; if yes, what? _____

COMMERCIAL & INDUSTRIAL

Building area: Approximately 58,000 sq. ft. No. of Parking Spaces: Approximately 192 (Storage Spaces)

APPLICANT CERTIFICATION

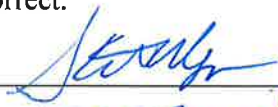

I hereby request the action contained within this application relative to the property shown on the attached plats and site plan and further request that this item be placed on both the Planning Commission and Board of Commissioners agenda(s) for a public hearing.

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 
Witness 

Date 7/9/2019
Date 7/9/19

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 _____

L05 040

L05 041

TMP#: L05 097 _____

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>118 008 001</u>	1. <u>Chestatee Golf Club Inc.</u>	<u>653 Night Fire Drive Dawsonville, GA 30534</u>
TMP <u>L05 038 001</u>	2. <u>McDowell Jeffret Douglas & Teresa Ann</u>	<u>1400 Price Road Dawsonville, GA 30534</u>
TMP <u>L05 039</u>	3. <u>Hulsey John</u>	<u>6985 Nicholes Cove Drive Dawsonville, GA 30534</u>
TMP <u>L05 094</u>	4. <u>Dills Bobby E & Judy A</u>	<u>173 Toto Creek Park Road Dawsonville, GA 30534</u>
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: 

Applicant Printed Name: Stuart Scruggs

Application Number: _____

Date Signed: 7-9-2019

Sworn and subscribed before me

this 9th day of July, 2019.



Notary Public

My Commission Expires: 7/12/21



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:

N/A

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: 7-9-19

**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, Gary D. Smith & Deborah A. Smith, hereby swear that I/we own the property located at (fill in address and/or tax map & parcel #):

61 Toto Creek Park Road Dawsonville, GA 30534

Parcel ID: L05 040

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: Stuart Scruggs

Signature of applicant or agent: [Signature] Date: 7-10-19

Printed Name of Owner(s): Gary D. Smith & Deborah A. Smith

Signature of Owner(s): [Signatures] Date: 7/10/19

Mailing address: [Address]

City, State, Zip: Dawsonville, Ga. 30534

Telephone Number: Listed [Number]
Unlisted [Number]

Sworn and subscribed before me this 10 day of July, 2019.

[Signature]
Notary Public

My Commission Expires: 2/21/2022



(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.)

PROPERTY OWNER AUTHORIZATION

I/we, Ralph H. Knight & Major Robert Knight, hereby swear that I/we own the property located at (fill in address and/or tax map & parcel #):

Parcel ID LOS 041

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: STUART M SCRUGGS

Signature of applicant or agent: [Signature] Date: 7-9-19

Printed Name of Owner(s): Ralph H. Knight

Signature of Owner(s): Ralph H. Knight Date: 7/11/2019

Mailing address: _____

City, State, Zip: _____

Telephone Number: Listed _____
Unlisted _____

Sworn and subscribed before me this 11th day of July, 2019.

Louise Beebe
Notary Public

My Commission Expires: Mar 28, 2020



(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.)

PROPERTY OWNER AUTHORIZATION

I/we, Superior Arbor Management Inc., hereby swear that I/we own the property located at (fill in address and/or tax map & parcel #):

1378 Price Road Dawsonville, GA 30534

Parcel ID: L05 097

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: Stuart Scruggs

Signature of applicant or agent: [Signature] Date: 7-10-19

Printed Name of Owner(s): Superior Arbor Management Inc.

Signature of Owner(s): [Signature] (President) Date: 7/9/19

Mailing address: _____

City, State, Zip: _____

Telephone Number: Listed _____ Unlisted _____

Sworn and subscribed before me this 9th day of July, 2019.

Elaine Thomas
Notary Public

My Commission Expires: 10-21-19 {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.)

DRI INFORMATION

IF YOUR DEVELOPMENT FALLS WITHIN ANY OF THE FOLLOWING THRESHOLDS,
PLEASE ASK PLANNING STAFF FOR DRI REVIEW CHECKLISTS.

**Table 1: Developments of Regional Impact - Tiers and Development Thresholds
Effective January 1, 2005**

Type of Development	Non-metropolitan Regions (Dawson County status eff. 1/2005)
(1) Office	Greater than 125,000 gross square feet
(2) Commercial	Greater than 175,000 gross square feet
(3) Wholesale & Distribution	Greater than 175,000 gross square feet
(4) Hospitals and Health Care Facilities	Greater than 200 new beds; or generating more than 250 peak hour vehicle trips per day
(5) Housing	Greater than 125 new lots or units
(6) Industrial	Greater than 175,000 gross square feet; or employing more than 500 workers; or covering more than 125 acres
(7) Hotels	Greater than 250 rooms
(8) Mixed Use	Gross square feet greater than 125,000 (with residential units calculated at 1800 square feet per unit toward the total gross square footage); or covering more than 40 acres; or if any of the individual uses meets or exceeds a threshold as identified herein
(9) Airports	Any new airport with a paved runway; or runway additions of more than 25% of existing runway length
(10) Attractions & Recreational Facilities	Greater than 1,500 parking spaces or a seating capacity of more than 6,000
(11) Post-Secondary School	New school with a capacity of more than 750 students, or expansion by at least 25 percent of capacity
(12) Waste Handling Facilities	New facility or expansion of use of an existing facility by 50 percent or more
(13) Quarries, Asphalt & Cement Plants	New facility or expansion of existing facility by more than 50 percent
(14) Wastewater Treatment Facilities	New facility or expansion of existing facility by more than 50 percent
(15) Petroleum Storage Facilities	Storage greater than 50,000 barrels if within 1,000 feet of any water supply; otherwise, storage capacity greater than 200,000 barrels
(16) Water Supply Intakes/Reservoirs	New Facilities
(17) Intermodal Terminals	New Facilities
(18) Truck Stops	A new facility with more than three diesel fuel pumps; or containing a half acre of truck parking or 10 truck parking spaces.
(19) Any other development types not identified above (includes parking facilities)	1000 parking spaces

APPLICATION PROCESSING: STAFF USE ONLY

ZA 19.14

Applicant Name: Miles Fitzgerald Talant

Application Fee: \$ 2500-

IF APPLICABLE:

- Legal Advertisement Submitted to Newspaper Date: _____
- Planning Commission & Board of Commissioners Packets Delivered Date: _____
- Application Posted on County Website Date: _____
- Adjacent Property Owner Notices Mailed Date: _____
- Interdepartmental Forms Submitted for Review Date: _____
- Department of Transportation Notified Date: _____
- Georgia Mountains Notified (DRI) Date: _____
- Public Notice Signs on Property Verified Date: _____
- Approval or Denial Form placed in folder Date: _____
- Applicant Notified of Final Action Date: _____
- Approval or Denial Form to Office Manager/Building Official/Marshal Date: _____
- Rezoning Change Form to Director Date: _____
- Zoning Map Amended Date: _____
- Change Zoning in EnerGov by Parcel Date: _____
- Planning Commission Meeting Minutes placed in folder Date: _____
- Board of Commission Meeting Minutes placed in folder Date: _____

Planning Commission & Board of Commissioners Actions

PC Recommendation Date: _____ Approval Approval w/stipulations Denial

BOC Decision Date: _____ Approval Approval w/stipulations Denial

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: **Driver's License**

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 Cumming (city), Georgia (state)

Stuart Scuggs
Signature of Applicant

7-9-2019
Date

Stuart Scuggs
Printed Name

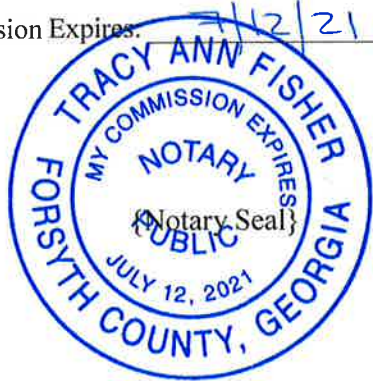
Name of Business

SUBSCRIBED AND SWORN BEFORE ME ON

THIS 9th DAY OF July, 2019

T. Fisher Notary Public

My Commission Expires 7/12/21



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]



J. Ethan Underwood
eunderwood@mhtlegal.com

July 12, 2019

CAMPAIGN DISCLOSURE

Applicant:	Stuart Scruggs
Subject Property:	Approx. 6.063 Acres Designated as Dawson County Tax Parcel(s): L05-040, L05-041, & L05-097
Current Zoning:	C-HB – Community Highway Business & RSR – Residential Sub-Rural
Proposed Zoning:	C-HB – Community Highway Business
Proposed Use:	Boat, RV, & Vehicle Storage Facility
ROW Access:	Toto Creek Park Road

Pursuant to O.C.G.A § 36-67A-1, *et seq.*, please be advised that Miles, Hansford & Tallant, LLC, has not given campaign contributions and/or sponsorships to any Dawson County government officials.

This letter constitutes the disclosure of campaign contributions with respect to the above-referenced application and is forms a part of such application.

Sincerely,

Ethan Underwood
Attorney for Applicant



J. Ethan Underwood
eunderwood@mhtlegal.com

LETTER OF INTENT REGARDING LAND USE APPLICATION

Applicant:	Stuart Scruggs
Subject Property:	Approx. 6.063 Acres Designated as Dawson County Tax Parcel(s): L05-040, L05-041, & L05-097
Current Zoning:	C-HB – Community Highway Business & RSR – Residential Sub-Rural
Proposed Zoning:	C-HB – Community Highway Business
Proposed Use:	Boat, RV, & Vehicle Storage Facility
ROW Access:	Toto Creek Park Road

This statement is intended to comply with the application procedures established by the Dawson County Land Use Resolution (the "Resolution"), Dawson County Application for Rezoning, Use Permit, & Concurrent Variances, and other Dawson County Ordinances and Standards. The Applicant incorporates all statements made in the Application for Rezoning, Use Permit, & Concurrent Variances by the Applicant (the "Application") as its letter of intent required by Dawson County.

The Applicant intends to develop the Subject Property for the Proposed Use, as more fully described in the Application, incorporated herein by this reference. Any zoning request, conditional use permit, and variance applications submitted concurrently with the Application are also incorporated herein by this reference. The zoning request, conditional use permit, and/or variance applications, along with all supplemental plans and documents are collectively referred to as the "Applicant's Proposal."

PROPOSED USE

The Applicant proposes to develop a facility for storage of recreational and marine equipment and vehicles with an approximate total building footprint of 58,000 square feet, facilitating approximately 192 storage spaces. The property is located adjacent to residential uses, and is located between the Chestatee Golf Club and Lake Lanier.

Importantly, one of the component properties (Tax Parcel: L05-040) is currently zoned C-HB and allows development of a boat storage facility.

COMPREHENSIVE PLAN

The Dawson County Comprehensive Plan and the Future Development Map incorporated therein designates the Subject Property as located within the Lakefront Residential Character Area. The Proposed Use conforms to the Comprehensive Plan in that it provides an amenity for future residential development contemplated for this Character Area. Though the Lakefront Residential Character Area is intended to facilitate homes for residents who seek to engage in boating, camping and RV-ing, new residential developments will likely be subject to private covenants that will prohibit the onsite storage of boats, campers and recreational vehicles. In order to facilitate these future residents and maintain

desirable aesthetics, well-maintained and secure commercial storage facilities need to be made available in this Character Area.

In this regard, the Proposed Use will be scaled and landscaped to enhance the architectural quality of the lake community. Heavy landscaping and screening will border the entire development, except at necessary access points, which will be aesthetically landscaped.

IMPACT ON THE LOCAL POPULATION DENSITY PATTERN AND PUBLIC INFRASTRUCTURE

(A) Public Road System

Permanent access to the development will be from the ROW Access. All of the development's interior streets and driveways will be privately-owned and maintained.

Access and traffic are not anticipated to be a problem as traffic generated from the development will be minimal and the entrance will be at a location where sight distance is sufficient. The Applicant anticipates most vehicle trips will be during off-peak traffic hours and on weekends. The Applicant also anticipates the Proposed Use will generate more vehicle trips during summer months, with significant decreases in vehicle trips from October through April.

All curb cuts shall be coordinated and approved by Dawson County and acceleration and deceleration lanes will be installed as required. All streets within the development will be constructed to conform to Dawson County standards. Parking will be provided onsite as required by the Resolution.

(B) County School System

As the Subject Property will be a commercial use, any increase to school population would be due to relocation of employees and their families to the Dawson County area.

(C) Water and Waste Water Systems

The development's water will be provided by the Etowah Water & Sewer Authority. As sanitary sewage treatment is *not* available to the Subject Property, the development's sewage treatment requirements will be served by on-site septic system(s).

(D) Utilities

With regard to public utilities, water and electricity are available to the Subject Property. The impact on public utilities is anticipated to be minimal. The Applicant will install underground utility lines within the development to serve the project on an as-needed basis.

(E) Environmental Impact

The project should also have a minimal impact on the environment. There should be no impact on air quality. Drainage, soil erosion, and sedimentation controls will be extensively utilized on the site after obtaining all required approvals from all applicable regulatory authorities.

The Applicant will submit plans detailing the development for approval by the Dawson County Department of Planning and Development and all other appropriate governmental agencies, based on conformity with applicable land use and development regulations.

Sincerely,



Ethan Underwood
Attorney for Applicant



J. Ethan Underwood
eunderwood@mhtlegal.com

RESERVATION OF CONSTITUTIONAL AND OTHER LEGAL RIGHTS

Applicant:	Stuart Scruggs
Subject Property:	Approx. 6.063 Acres Designated as Dawson County Tax Parcel(s): L05-040, L05-041, & L05-097
Current Zoning:	C-HB – Community Highway Business & RSR – Residential Sub-Rural
Proposed Zoning:	C-HB – Community Highway Business
Proposed Use:	Boat, RV, & Vehicle Storage Facility
ROW Access:	Toto Creek Park Road

This Reservation of Constitutional and Other Legal Rights (“the Reservation”) is intended to supplement and form a part of the land use application (including any request for zoning, conditional use permit and variances) (collectively, the “Application”) of the Applicant and the Owners of the Subject Property and to put the Dawson County Board of Commissioners on notice of the Applicant’s assertion of its constitutional and legal rights.

Denial of the Application or approval of the Application in any form that is different than as requested by the Applicant will impose a disproportionate hardship on the Applicant and Owners of the Subject Property without benefiting any surrounding property owners. There is no reasonable use of the Subject Property other than as proposed by the Application and no resulting benefit to the public from denial of modification of the Application.

Any provisions in the Dawson County Land Use Resolution (“LUR”) that classify, or may classify, the Subject Property into any of the non-requested zoning or use classifications, including the Proposed Use at a density less than that requested by the Applicant, are unconstitutional in that they constitute a taking of the Applicant’s and Owner’s property rights without first paying fair, adequate, and just compensation for such rights in violation of Article I, Section III, Paragraph I of the Georgia Constitution of 1983, as amended and the Fifth and Fourteenth Amendments to the Constitution of the United States.

The Subject Property is presently suitable for development as proposed in the Application and it is not suitable for development under any other zoning classification, use, or at a density less than that requested by the Applicant. Failure to approve the Application as requested by the Applicant will constitute an arbitrary and capricious abuse of discretion in violation of Article I, Section I, Paragraph I of the Georgia Constitution of 1983, as amended and the Due Process Clause of the Fifth and Fourteenth Amendments to the Constitution of the United States.

A refusal by the Dawson County Board of Commissioners to approve the Application as requested by the Applicant will prohibit the only viable economic use of the Subject Property, will be unconstitutional and will discriminate in an arbitrary, capricious and unreasonable manner between the Applicant and Owner

and the owners of similarly situated properties in violation of Article I, Section I, Paragraph II of the Georgia Constitution of 1983, as amended, and the Equal Protection Clause of the Fourteenth Amendment to the Constitution of the United States.

Furthermore, the Board of Commissioners cannot lawfully impose more restrictive standards on the Subject Property's development than are presently set forth in the LUR. To do so not only will constitute a taking of the Subject Property as set forth above, but it will also amount to an unlawful delegation of the Board's authority in response to neighborhood opposition, in violation of Article IX, Section II, Paragraph IV of the Georgia Constitution of 1983, as amended. Any zoning conditions or other restrictions imposed on the Subject Property without the consent of the Applicant and Owner that do not serve to reasonably ameliorate the negative impacts of the development are invalid and void. As such, the Applicant and Owner reserve the right to challenge any such zoning conditions.

Finally, the Applicant and Owner assert that the LUR, Future Development Map and Comprehensive Plan were not adopted in compliance with the laws or constitutions of the State of Georgia or of the United States, and a denial of the Applicant's request based upon provisions illegally adopted will deprive the Applicant and Owners of due process under the law.

By filing this Reservation, the Applicant reserves all rights and remedies available to it under the United States Constitution, the Georgia Constitution, all applicable federal, state, and local laws and ordinances, and in equity.

The Applicant and Owners respectfully request that the Application be approved as requested by the Applicant and in the manner shown on the Application, which is incorporated herein by reference. This Reservation forms an integral part of the Applicant's Application and we ask that this Reservation be included with the Applicant's other application materials for presentation to the Board of Commissioners. The Applicant and Owners reserve the right to amend and supplement this Reservation at any time.

Sincerely,



Ethan Underwood
Attorney for Applicant

2018 Property Tax Statement

Nicole Stewart
Dawson County Tax Commissioner
25 Justice Way, Suite 1222
Dawsonville, GA 30534

Bill Number	Due Date	CURRENT YEAR DUE
12666	12/1/2018	\$0.00

Payment Good Through:

Map: L05 040

Last payment made on: 11/20/2018

Location: 61 TOTO CREEK PARK RD

SMITH GARY D

Dear Taxpayer,

This is your 2018 Ad Valorem Property Tax Statement. This bill must be paid in full by 12/01/2018 in order to avoid interest and penalty charges. If payment is made after the due date, please call the office for the current amount due. State law requires all bills be mailed to the owner of record as of January 1st of the tax year. If you have sold this property, please forward this bill to the NEW OWNER and notify our office.

Thank you for the privilege to serve as your Tax Commissioner.
 Nicole Stewart

RETURN THIS FORM WITH PAYMENT

Nicole Stewart
Dawson County Tax Commissioner
25 Justice Way, Suite 1222
Dawsonville, GA 30534



Scan this code with your mobile phone to view or pay this bill

Tax Payer: SMITH GARY D
Map Code: L05 040
Description: LL 28 34 LD 13-S
Location: 61 TOTO CREEK PARK RD
Bill Number: 12666
District: 1

Building Value	Land Value	Acres	Fair Market Value	Due Date	Billing Date	Payment Good Through	Exemptions
\$0.00	\$47,300.00	2	47300	12/1/2018	7/3/2018		

TAXING ENTITY	Adjusted FMV	Net Assessment	Exemptions	Taxable Value	Millage Rate	Gross Tax	Credit	Net Tax	
STATE TAX	47300	18920	0	18920	0	0	0	0	
COUNTY M&O	47300	18920	0	18920	14.599	276.21	0	153.97	
SALES TAX ROLLBACK	0	0	0	18920	-6.461	0	-122.24	0	
SCHOOL M&O	47300	18920	0	18920	15.778	298.52	0	298.52	
TOTALS						23.916	574.73	-122.24	452.49

You can pay your bill in person, by mail, online at www.dawsoncountytax.com, or at the drop box in front of the courthouse at the crosswalk. If postmarked after December 1st, 2018, interest at a rate prescribed by law will be added monthly. An additional penalty as prescribed by law will be added every 120 days. If the bill is marked appealed, then this is only 85% of the total bill pending.

NO PAYMENT CONTRACTS WILL BE ALLOWED.

Current Due:	\$452.49
Penalty:	\$0.00
Interest:	\$0.00
Other Fees:	\$0.00
Back Taxes:	\$0.00
Amount Paid:	\$452.49
TOTAL DUE:	\$0.00

2018 Property Tax Statement

Nicole Stewart
Dawson County Tax Commissioner
25 Justice Way, Suite 1222
Dawsonville, GA 30534

Bill Number	Due Date	CURRENT YEAR DUE
8018	12/1/2018	\$0.00

Payment Good Through:

Map: L05 041

Last payment made on: 12/3/2018

Location:

KNIGHT RALPH H & MAJOR RO

Dear Taxpayer,

This is your 2018 Ad Valorem Property Tax Statement. This bill must be paid in full by 12/01/2018 in order to avoid interest and penalty charges. If payment is made after the due date, please call the office for the current amount due. State law requires all bills be mailed to the owner of record as of January 1st of the tax year. If you have sold this property, please forward this bill to the NEW OWNER and notify our office.

Thank you for the privilege to serve as your Tax Commissioner.
 Nicole Stewart

RETURN THIS FORM WITH PAYMENT

Nicole Stewart
Dawson County Tax Commissioner
25 Justice Way, Suite 1222
Dawsonville, GA 30534



Scan this code with your mobile phone to view or pay this bill

Tax Payer: KNIGHT RALPH H & MAJOR RO
Map Code: L05 041
Description: LL 27 35 LD 13S-1
Location:
Bill Number: 8018
District: 1

Building Value	Land Value	Acres	Fair Market Value	Due Date	Billing Date	Payment Good Through	Exemptions
\$9,800.00	\$38,000.00	1.6	47800	12/1/2018	7/3/2018		

TAXING ENTITY	Adjusted FMV	Net Assessment	Exemptions	Taxable Value	Millage Rate	Gross Tax	Credit	Net Tax
STATE TAX	47800	19120	0	19120	0	0	0	0
COUNTY M&O	47800	19120	0	19120	14.599	279.13	0	155.6
SALES TAX ROLLBACK	0	0	0	19120	-6.461	0	-123.53	0
SCHOOL M&O	47800	19120	0	19120	15.778	301.68	0	301.68
TOTALS					23.916	580.81	-123.53	457.28

You can pay your bill in person, by mail, online at www.dawsoncountytax.com, or at the drop box in front of the courthouse at the crosswalk. If postmarked after December 1st, 2018, interest at a rate prescribed by law will be added monthly. An additional penalty as prescribed by law will be added every 120 days. If the bill is marked appealed, then this is only 85% of the total bill pending.

NO PAYMENT CONTRACTS WILL BE ALLOWED.

Current Due:	\$457.28
Penalty:	\$0.00
Interest:	\$0.00
Other Fees:	\$0.00
Back Taxes:	\$0.00
Amount Paid:	\$457.28
TOTAL DUE:	\$0.00

2018 Property Tax Statement

Nicole Stewart
Dawson County Tax Commissioner
25 Justice Way, Suite 1222
Dawsonville, GA 30534

Bill Number	Due Date	CURRENT YEAR DUE
13278	12/1/2018	\$0.00

Payment Good Through:

Map: L05 097

Last payment made on: 11/29/2018

Location: 1378 PRICE RD

SUPERIOR ARBOR MANAGEMENT INC

DAWSONVILLE, GA 30534

RETURN THIS FORM WITH PAYMENT

Dear Taxpayer,

This is your 2018 Ad Valorem Property Tax Statement. This bill must be paid in full by 12/01/2018 in order to avoid interest and penalty charges. If payment is made after the due date, please call the office for the current amount due. State law requires all bills be mailed to the owner of record as of January 1st of the tax year. If you have sold this property, please forward this bill to the NEW OWNER and notify our office.

Thank you for the privilege to serve as your Tax Commissioner.
 Nicole Stewart

Nicole Stewart
Dawson County Tax Commissioner
25 Justice Way, Suite 1222
Dawsonville, GA 30534



Scan this code with your mobile phone to view or pay this bill

Tax Payer: SUPERIOR ARBOR MANAGEMENT INC
Map Code: L05 097
Description: LL 34 28 LD 13-S
Location: 1378 PRICE RD
Bill Number: 13278
District: 1

Building Value	Land Value	Acres	Fair Market Value	Due Date	Billing Date	Payment Good Through	Exemptions
\$4,600.00	\$65,700.00	2.8	70300	12/1/2018	7/3/2018		

TAXING ENTITY	Adjusted FMV	Net Assessment	Exemptions	Taxable Value	Millage Rate	Gross Tax	Credit	Net Tax	
STATE TAX	70300	28120	0	28120	0	0	0	0	
COUNTY M&O	70300	28120	0	28120	14.599	410.52	0	228.84	
SALES TAX ROLLBACK	0	0	0	28120	-6.461	0	-181.68	0	
SCHOOL M&O	70300	28120	0	28120	15.778	443.68	0	443.68	
TOTALS						23.916	854.20	-181.68	672.52

You can pay your bill in person, by mail, online at www.dawsoncountytax.com, or at the drop box in front of the courthouse at the crosswalk. If postmarked after December 1st, 2018, interest at a rate prescribed by law will be added monthly. An additional penalty as prescribed by law will be added every 120 days. If the bill is marked appealed, then this is only .85% of the total bill pending.

NO PAYMENT CONTRACTS WILL BE ALLOWED.

Current Due:	\$672.52
Penalty:	\$0.00
Interest:	\$0.00
Other Fees:	\$0.00
Back Taxes:	\$0.00
Amount Paid:	\$672.52
TOTAL DUE:	\$0.00

Tracy Fisher

From: Ringle, Bill <Bill.Ringle@dph.ga.gov>
Sent: Tuesday, July 09, 2019 1:21 PM
To: Tracy Fisher
Subject: Toto Creek Boat Storage

Ma'am,

I have spoken with Harmony Gee is the Dawson County Zoning Office, and she will send out requests for information once the application for rezoning has been submitted. We do have a septic system permit on file that has expired twice, since 2013. The permit fee will just need to be paid in order for it to be valid again.

At this point, I do not know what you need, if anything. Please feel free to contact me if you do need anything at this point.

Thank you,
Bill

George W. "Bill" Ringle
Environmental Health Manager
Dawson County Environmental Health
189 Hwy 53 West
Suite 102
Dawsonville, GA 30534
phone 706-265-2930
fax 706-265-7529

Dawson County



6/27/2019, 9:25:58 AM

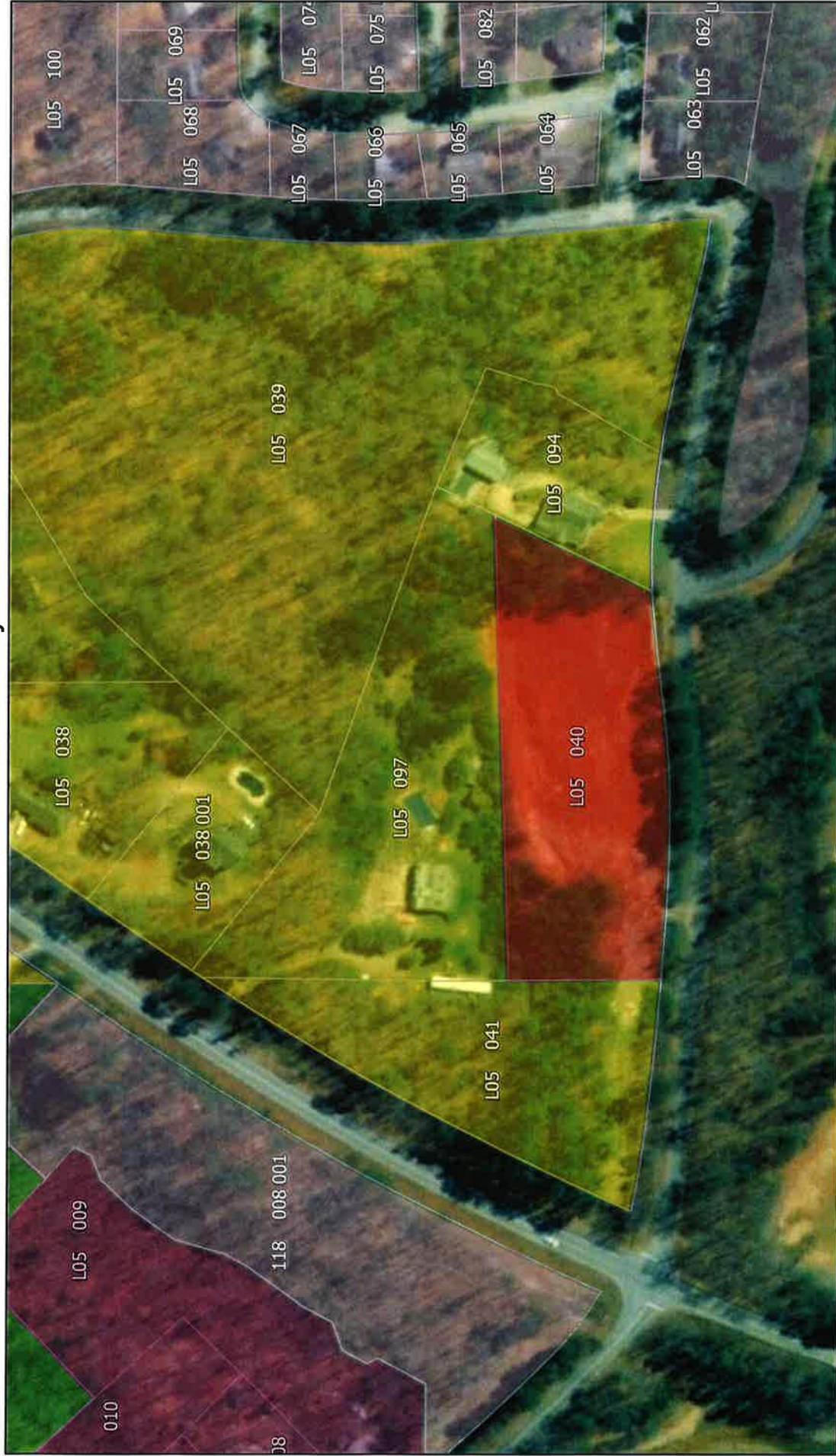
1:4,514

- Zoning
- RA
- RSR
- VCR
- C-HB
- RPC
- VC
- Parcel



Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community

Dawson County



7/9/2019, 3:25:22 PM

- Zoning
- RA
- RSR
- VCR
- C-HB
- VC
- Parcel

1:2,257

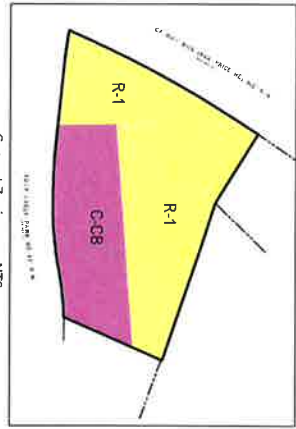
0 0.01 0.03 0.06 mi

0 0.03 0.05 0.1 km

Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community

SYMBOL LEGEND:

- existing utilities
- existing structure
- existing parking
- existing driveway
- existing fence
- existing sidewalk
- existing street
- existing easement
- existing wetland
- existing stream
- existing tree
- existing vegetation
- existing structure
- existing parking
- existing driveway
- existing fence
- existing sidewalk
- existing street
- existing easement
- existing wetland
- existing stream
- existing tree
- existing vegetation



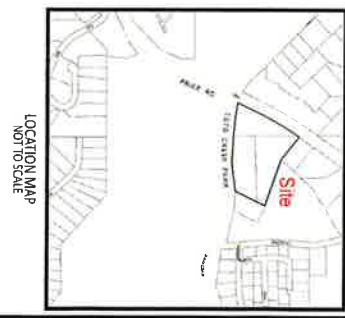
Owners/Developer

Superior Acker Management LLC - 05-097
 Gary Smith & Patsy Smith - 05-041
 Ruppel, Bright & Major (d/b/a) - 05-041
 Developer:
 Toto Creek Boat Storage

PARCEL INFORMATION:

Parcel ID Nos.: 05-097, 05-041, and 05-040
TOTAL COMBINED AREA: 6.063 ACRES
 Parcels 05-097 and 05-041 are currently zoned R5L, proposed rezoning to C (Community Business Commercial) and containing
 C-CB Building Structures
 Front along State Road: 60 ft
 Front along County Road: 40 ft
 Side: 25 ft
 Rear: 25 ft
 Rearing: 25 ft

Current zoning information based on DeKalb County GIS Map as of 07/03/2019. DeKalb County may impose additional setbacks and/or any setbacks and buffer dimensions are governed by the local ordinance and should be confirmed in writing prior to land planning or any construction activities.



- ENVIRONMENTAL NOTES:**
1. All wetlands shown on this map were determined by the presence of open water.
 2. All wetlands shown on this map were determined by the presence of open water.
 3. All wetlands shown on this map were determined by the presence of open water.
 4. All wetlands shown on this map were determined by the presence of open water.
 5. All wetlands shown on this map were determined by the presence of open water.
 6. All wetlands shown on this map were determined by the presence of open water.
 7. All wetlands shown on this map were determined by the presence of open water.
 8. All wetlands shown on this map were determined by the presence of open water.

- REFERENCES:**
1. Survey for John D. Bessie prepared by Kirby Coffey, records in File 104, 15, 15-100.
 2. Special Warranty Deed to Superior Acker Management, Inc., recorded in Deed Book 1111, Page 400.
 3. Plat of Survey for Perry & Acker prepared by J.C. Fogg, recorded in Deed Book 53, Page 53.
 4. Plat of Survey for Toton Hangage prepared by Michael Kelly, recorded in Deed Book 53, Page 53.
 5. Plat of Survey for Robb E. & Joyce A. Dills prepared by Michael Kelly, recorded in Deed Book 38, Page 221.

- SURVEY NOTES:**
1. All improvements may not be shown hereon, in: fence lines, guy wires, etc.
 2. Meters of record and shown hereon are recorded.
 3. Measurements shown are US Survey Feet (rounded).
 4. Right of Way and other easements measured on a 1/4" = 120' Bobrick.
 5. The field area upon which this plat is based has a field course of one foot in 702,798 feet and an angular error of seconds per angle point and was not adjusted. Fieldwork completed on July 23, 2019.
 6. The monument shown on this plat is a 12" x 12" x 36" cedar white pine set in (E303) 15' x 121'1" from the corner of the lot shown as indicated on the plat.
 7. No other evidence of former boundary or easement was observed during this course of the plat.
 8. The corner of the plat is established for corners and is found to be accurate within one foot in 1,171,395 feet.

PERVIOUS DRIVING SURFACE

Heavy Landscaping and Screening
 Note: The existing wooded areas around the perimeter of this site to be enhanced where sparsely vegetated.

FLOOD HAZARD NOTE:
 No portion of this property is contained within the limits of a Special Flood Hazard Zone as defined by the Federal Emergency Management Agency Flood Insurance Rate Map No. 13186C00756 of DeKalb County, GA (Community Panel No. 130826 00150) most recently revised April 14, 2018.

Number of Units

Size	Number of Units
10' x 30'	172
5' x 12'	70
Total	242

Stormwater Note
 This property drains to the southeast toward Lake Lanier. The stormwater management plan is subject to review and approval for water quality and reduction of the sedimentation.

Major Utility Access Note:
 All major utilities (i.e. water, gas, electric, phone, cable and sewer) for this property are located in the easement along the east side of Price Road and the south side of Toto Creek Park Rd. This project will require an outside electric system with 100' x 100' x 10' trench to be shown.

Storage Screening Note:
 All areas devoted to the outside storage of vehicles, merchandise, and/or equipment shall be screened from view from the right-of-way of the highway or major road. Screening may be accomplished by a natural vegetation buffer, by an earthen berm, by a 100 percent opaque, solid wooden fence or wall, or combination of these screening methods.

Storage Screening Note:
 All areas devoted to the outside storage of vehicles, merchandise, and/or equipment shall be screened from view from the right-of-way of the highway or major road. Screening may be accomplished by a natural vegetation buffer, by an earthen berm, by a 100 percent opaque, solid wooden fence or wall, or combination of these screening methods.

REVISED: 10/15/2019
DATE: 10/15/2019
SCALE: 1" = 30' (24' x 36")
PROJECT NUMBER: 19-4571

Civil Engineering, Land Surveying, Stream and Wetland Restoration
 108 Allen Street Cumming Georgia 30040
 Phone 770-442-0500 www.engineering303.com

Resoning Exhibit
 1378 Price Road
Toto Creek Boat Storage
 UNINCORPORATED
 1381 DeKalb
 DeKalb County, Georgia
 Land Lots 27, 28, 34, 35

Engineering E303

Engineering E303

