

Dawson County
Rezoning Application
(AMENDMENT TO LAND USE MAP)

APPLICANT INFORMATION (or Authorized Representative)

If applicant is other than owner, the Property Owner Authorization form must be completed.

Printed Name: Hybrid Properties and Investments, LLC c/o Kimley-Horn and Miles, Hansford & Tall

Address: _____

Phone (Listed only please) _____

Email (Business/Personal): _____

Status: Owner Authorized Agent Lessee Option to purchase

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: 4/26/2023 Applicant Signature: _____

REQUESTED ACTION & DETAILS OF PROPOSED USE

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

Proposed Use: Medical Office Building

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

Type of Amenity: _____ Amount of Open Space: _____

COMMERCIAL & RESTRICTED INDUSTRIAL:

Building area: 25,000

No. of Parking Spaces: 112

Property Owner/ Property Information

Name: Hybrid Properties and Investments, LLC c/o Kimley-Horn and Miles, Hansford & Tallant, LLC

Street Address of Property being rezoned: SE corner of SR19 (GA400) and Kilough Church Road

Rezoning from: R-A to: C-HB Total acreage being rezoned: 4.93

Directions to Property (if no address):

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

Current Use of Property: Vacant

Does this proposal reach DRI thresholds? No If yes, the application will require submittal of a transportation study. DRIs require an in depth review by County agencies, and regional impact review by the Georgia Mountains Regional Planning staff. This adds several weeks to processing; additionally, the applicant is responsible for the expense of third party review of the required technical studies associated with the project.

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

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

SURROUNDING PROPERTY ZONING CLASSIFICATION:

North Kilough R/W South R-MF/C-HB East R-MF West GA 400 R/W

Future Land Use Map Designation: C-HB

Access to the development will be provided from:

Road Name: Kilough Church Road Type of Surface: Asphalt

Property Owner Authorization

(and Scott Buncilda)

I/we, Hybrid Properties & Investments LLC, hereby swear that I/we own the property located at (fill in address and/or tax map parcel #s):

Street Address of Property being rezoned:

TMP#: 113-098-001 & 113-053

as shown in the tax maps and/or deed records of Dawson County, Georgia, and which parcel or parcels 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: Scott Evan Buncilda

Signature of applicant or agent: [Signature] Date: 4.20.23

Printed Name of Owner(s): Scott Evan Buncilda

Signature of Owner(s): [Signature] Date: 4.20.23

Mailing address: _____

City, State, Zip: _____

Phone (Listed/Unlisted): _____

Sworn and subscribed before me this 26th day of April, 2023.

{Notary Seal}

[Signature]
Notary Public

My Commission Expires:

(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.)

Applicant Certification

I hereby request the action contained within this application relative to the property shown on the attached survey, plat, 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. The staff will send notices to adjacent property owners advising of the request and proposed use prior to the public hearing.

I understand that I have the obligation to present all data necessary and required by code 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 or a land use professional 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 or 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 Scott Buwalda 

Date May 19, 2023

Witness John Harding

Date May 19, 2023

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 acknowledgment shall be public record.

Applicant Signature: _____ 

Applicant Printed Name: _____

Date Signed: _____

Sworn and subscribed before me

this ____ day of _____, 20____.

Notary Public

My Commission Expires: _____

{Notary Seal}

Application Number (by staff): _____

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 - no contributions 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 \$ N/A 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

May 19, 2023

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.



Letter of Intent

Date: May 18, 2023

Subject: 4.9 Acres at S.E.C. of Kilough Church Rd & GA 400; Dawson County, GA
Rezoning Request

Overview:

Kimley-Horn submits the attached Rezoning Application on behalf of the landowner, Hybrid Properties and Investments, LLC (the "Applicant") relating to the proposed development of approximately 4.9 acres (the "Property") located at the southeast corner of Kilough Church Road and GA 400, Dawson County, GA. This Letter of Intent is offered to detail the Applicant's plans to develop the Property into a Medical Office Development. It should be noted that the existing tract of land is currently two separate parcels that will be combined and recorded through the Combination Plat process with the county.

The development proposes to construct approximately 25,000 square feet of Medical Office Building on the Property in two phases and will employ approximately 45-55 people. The Property is currently designated as Commercial Highway Business in the Future Land Use Map, which matches our proposed zoning category. The proposed use will include 112 parking spaces, and one pick up/drop off lane. The development will provide buffering and enhanced landscaping strips to provide suitable transition adjacent to surrounding residential areas. The development team has engaged the surrounding community members within the Kilough Residential Community Task Force for input on the proposed development prior to this re-zoning application request. Revisions to the proposed layout have been implemented based on conversations with the Task Force.

Water, sanitary sewer, natural gas and electricity are available to the Property. The development will install private underground utilities that will be connected to public utility mains within the rights-of-way to serve the project. Access to public water and sanitary sewage utilities will be provided by the Etowah Water & Sewer Authority.

Development Summary:

Current Zoning:	RA: Residential Agricultural
Proposed Zoning:	C-HB: Commercial Highway Business
Published Future Land Use:	C-HB: Commercial Highway Business
Overlay District:	GA 400 Corridor
Acreage:	4.9 Acres
Existing Use:	Wooded and Undeveloped
Proposed Use:	25,000 SF of Medical Office Buildings
Right-of-Way Access:	Direct access onto Kilough Church Road

The Applicant respectfully submits that the proposed development is consistent with the policies and intent of the county's Future Land Use Plan and would complement nearby land uses. The Applicant welcomes the opportunity to meet with staff and board members to answer any questions or to address any concerns relating to the matters set forth in this letter or in the Application filed herewith. The Applicant respectfully requests your approval of the Application.

Sincerely,



Brad Horbal, P.E.

Associate

25 Justice Way Suite 1222
Dawsonville, GA 30534

Trans No	Property ID/District Description	Original Due	Interest & Penalty	Prev Paid	Amount Due	Amount Paid	Transaction Balance
28042 Year-Bill No 2022 - 17558	113 053 / 001 LL 220 LD 13S-1 FMV: \$225,300.00	1,930.60	0.00 Fees 0.00	0.00	1,930.60	1,930.60	0.00
						Paid Date 10/4/2022 09:19:31	Current Due 0.00
Transactions:	28040 - 28043 Totals	1,930.60	0.00	0.00	1,930.60	1,930.60	0.00

Paid By :

HYBRID PROPERTIES AND INVESTMENTS LLC

HYBRID PROPERTIES AND INVESTMENTS LLC
6775 PAYTON RD
CUMMING GA 30041

Check No
Charge Acct

Cash Amt: 0.00
Check Amt: 0.00
Charge Amt: 0.00
Change Amt: 0.00
Refund Amt: 0.00
Overpay Amt: 0.00

**Official Tax Receipt
Nicole Stewart
DAWSON COUNTY Tax Commissioner**

25 Justice Way Suite 1222
Dawsonville, GA 30534

Trans No	Property ID/District Description	Original Due	Interest & Penalty	Prev Paid	Amount Due	Amount Paid	Transaction Balance
28043 Year-Bill No 2022 - 17559	113 098 001 / 001 LL 220 LD 13-1 FMV: \$382,000.00	3,273.36	0.00 Fees 0.00	0.00	3,273.36	3,273.36	0.00
						Paid Date 10/4/2022 09:19:32	Current Due 0.00
Transactions:	28040 - 28043 Totals	3,273.36	0.00	0.00	3,273.36	3,273.36	0.00

Paid By :

HYBRID PROPERTIES AND INVESTMENTS LLC

HYBRID PROPERTIES AND INVESTMENTS LLC
6775 PAYTON RD
CUMMING GA 30041

Check No 1100
Charge Acct

Cash Amt: 0.00
Check Amt: 9,213.38
Charge Amt: 0.00
Change Amt: 0.00
Refund Amt: 0.00
Overpay Amt: 0.00

RESERVATION OF CONSTITUTIONAL AND OTHER LEGAL RIGHTS

Applicant: Hybrid Properties and Investments, LLC c/o Kimley-Horn and Miles Hansford & Tallant, LLC
Subject Property: 4.9+/- Acres Designated as Dawson County Tax Parcel(s): 113-053 and 113-098-001
Current Zoning: Residential Agricultural District (RA)
Proposed Zoning: Commercial Highway Business (C-HB)
Proposed Use: Medical Office
Application: Rezoning
ROW Access: Kilough Church 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, annexation, conditional use permit, sketch plat and variances) (collectively, the “Application”) of the Applicant/Owner of the Subject Property and to put the Dawson County Board of Commissioners on notice of the Applicant’s/Owner’s assertion of its constitutional and legal rights.

The Applicant/Owner objects to the standing of any opponents who are not owners of land adjoining the Subject Property and to the consideration by Dawson County of testimony or evidence presented by any party without standing in making its decision regarding the Application. The Applicant/Owner also objects to the consideration of testimony or evidence that is hearsay, violates any applicable rules of procedure or evidence, or that is presented by any party who fails to comply with notice and campaign disclosure requirements.

Denial of the Application or approval of the Application in any form that is different than as requested by the Applicant/Owner will impose a disproportionate hardship on the Applicant/Owner 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 Zoning Ordinance (the “Ordinance”) that classify, or may classify, the Subject Property into any of the non-requested zoning or use classifications, including the Proposed Zoning District and Proposed Use at a density or intensity less than that requested by the Applicant/Owner, are unconstitutional in that they constitute a taking of the Applicant’s/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 or intensity less than that requested by the Applicant/Owner. Failure to approve the Application as requested by the Applicant/Owner 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/Owner 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/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 Ordinance. 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 Commission'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 conditions or other restrictions imposed on the Subject Property without the consent of the Applicant/Owner that do not serve to reasonably ameliorate the negative impacts of the development are invalid and void. As such, the Applicant/Owner reserve the right to challenge any such conditions or restrictions.

Finally, the Applicant/Owner assert that the Ordinance, Future Land Use/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/Owner's request based upon provisions illegally adopted will deprive the Applicant/Owner of due process under the law.

By filing this Reservation, the Applicant/Owner 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/Owner respectfully requests that the Application be approved as requested by the Applicant/Owner and in the manner shown on the Application, which is incorporated herein by reference. This Reservation forms an integral part of the Applicant's/Owner's Application and I ask that this Reservation be presented with the Applicant's/Owner's other Application materials to the governing authority of the jurisdiction. The Applicant/Owner reserves the right to amend and supplement this Reservation at any time.

Sincerely,



Joshua A. Scoggins

Plat Doc PLAT
 Recorded 09/06/2013
 JUSTIN POWER
 Clerk Superior Court DAWSON County
 Bk 00080 Pg 01-41
 Penalty \$0.00
 Interest \$0.00

GENERAL NOTES

- 1 SURVEY PROCEDURES
 THE FIELD DATA UPON WHICH THIS PLAT IS BASED HAS A CLOSURE PRECISION OF ONE FOOT IN 70,337 FEET WITH AN ANGULAR ERROR OF 1 SECOND PER ANGLE POINT AND WAS ADJUSTED USING THE LEAST SQUARE METHOD. THIS PLAT HAS BEEN CALCULATED FOR CLOSURE AND HAS A PRECISION OF ONE FOOT IN 212,406 FEET.
 EQUIPMENT USED FOR ANGULAR AND LINEAR MEASUREMENTS:
 TOP CON CRT-9003A
- 2 NO PORTION OF THIS PROPERTY IS IN A F.E.M.A. DESIGNATED FLOOD HAZARD AREA, AS PER FIRM PANEL # 13085C 02258 DATED SEPTEMBER 28, 2008
- 3 DAWSON COUNTY TAX MAP 113-053 & 113-98.001
- 4 THE UTILITY PROTECTION SERVICE SHOULD BE CONTACTED AT (800) 282-7411 PRIOR TO ANY EXCAVATION FOR VERIFICATION OF ANY UNDERGROUND UTILITY LOCATIONS. UNDERGROUND UTILITY LOCATIONS SHOWN ARE BASED ON ABOVE GROUND EVIDENCE ONLY.
- 5 THE PUBLIC RECORDS REFERENCED ON THIS PLAT ARE ONLY THOSE USED AND/OR NECESSARY FOR THE ESTABLISHMENT OF THE BOUNDARY OF THESE PARCELS. THEY ARE NOT AND DO NOT CONSTITUTE A TITLE SEARCH.
- 6 CURRENT ZONING IS R-1 (AGRICULTURAL RESIDENTIAL) PER DAWSON COUNTY
- 7 SETBACKS ARE AS FOLLOWS:
 FRONT STREET (400 HWY) = 100'
 FRONT STREET (KILGUGH CHURCH) = 40'
 REAR YARD = 35'
 SIDE YARD = 20'

PLAT REFERENCE

- 1 PLAT FOR OCS ENTERPRISES, INC. BY KUYKENDALL SURVEYING, INC. DATED SEPTEMBER 27, 2005
- 2 RIGHT-OF-WAY PLAT FOR GEORGIA 400 HIGHWAY, BY GEORGIA DEPARTMENT OF TRANSPORTATION (APD-056-1(33) DAWSON) DATED JUNE 24, 1977, REVISED LAST MAY 28, 1981 (SHEET 6)
- 3 PLAT FOR BVS, INC. BY MORELAND ALTOBELLI ASSOCIATES, INC. DATED FEBRUARY 18, 2011 NOT RECORDED (SHOWING 4.84 ACRES)

Planning approval is not approval from the Health Department. Contact that agency for approval.

APPROVED

SEP 06 2013 RB

FOR RECORDING

CERTIFICATION
 THIS SURVEY WAS PREPARED IN CONFORMITY WITH THE TECHNICAL STANDARDS FOR PROPERTY SURVEYS IN GEORGIA AS SET FORTH IN CHAPTER 180-7 OF THE RULES OF THE GEORGIA BOARD OF REGISTRATION FOR PROFESSIONAL ENGINEERS AND LAND SURVEYORS AS SET FORTH IN THE GEORGIA PLAT ACT D.C.C.A. 15-8-87

STATEMENT OF LIMITATIONS

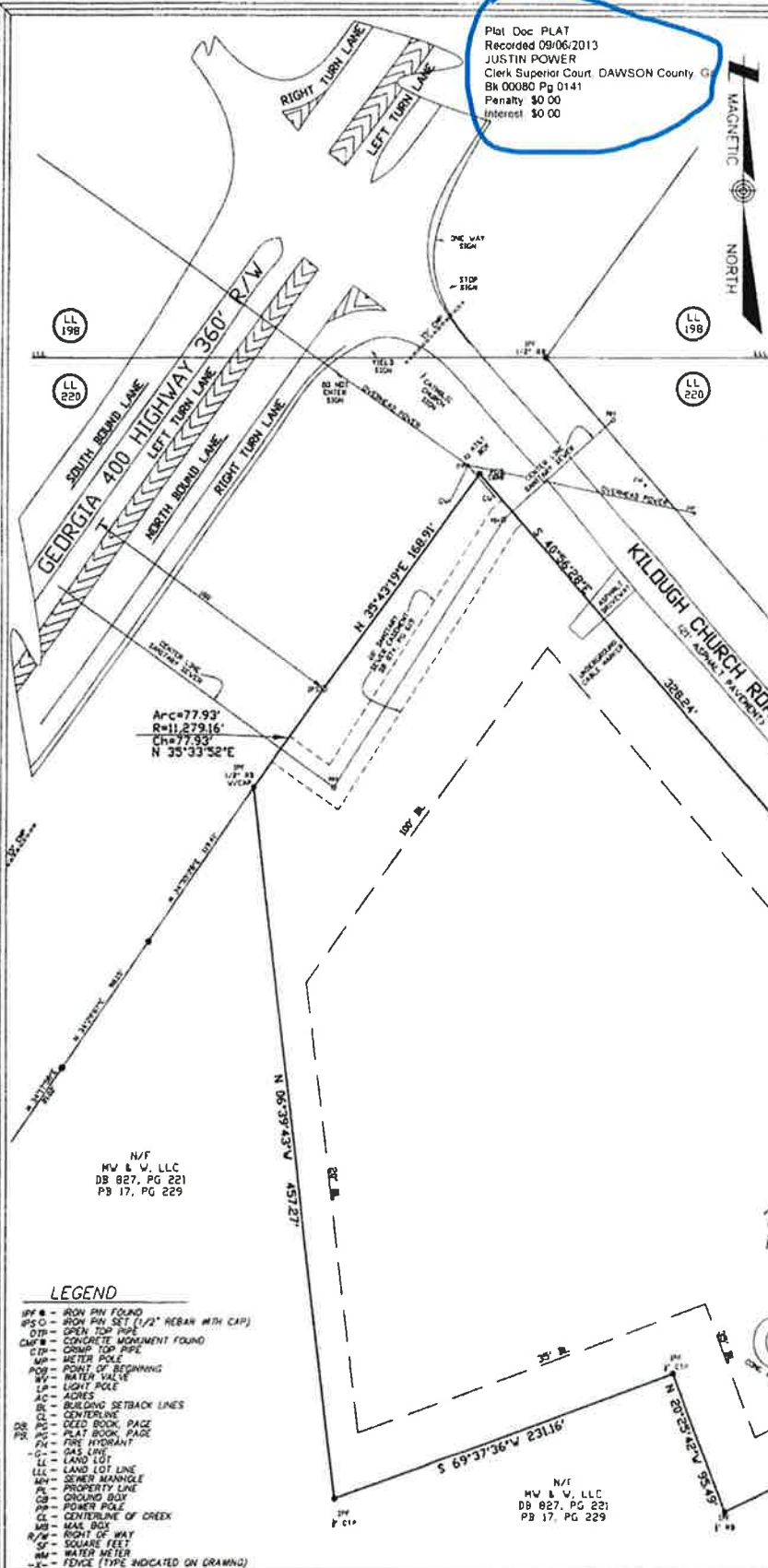
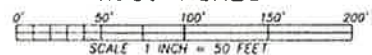
The undersigned assumes no responsibility or liability for statements or certifications made or implied on this document or plat except those specifically defined by the laws of the state of Georgia and the state board of registration for the professional engineers and land surveyors as being within the scope of training, education, experience and expertise necessary for registration and practice as a professional land surveyor.

By: *Ben D. Trail*
 Ben D. Trail Reg. No. 1718
 Date: 9-5-13

Justin Power
 9-5-13

KILGUGH RIDGE DRIVE 60' R/W

TOTAL AREA
 215,121 SQ. FT.
 4.939 ACRES



- LEGEND**
- IPF # - IRON PIN FOUND
 - IPF # - IRON PIN SET (1/2" REBAR WITH CAP)
 - OTR - OPEN TOP PIPE
 - CMF # - CONCRETE MONUMENT FOUND
 - CTP - CONCRETE TOP PIPE
 - MP - METER POLE
 - POV - POINT OF BEGINNING
 - WV - WATER VALVE
 - LP - LIGHT POLE
 - AC - ACRES
 - BL - BUILDING SETBACK LINES
 - CL - CENTERLINE
 - DB - DEED BOOK PAGE
 - PL - PLAT BOOK PAGE
 - PH - FIRE HYDRANT
 - GC - GAS LINE
 - LL - LAND LOT
 - LL - LAND LOT LINE
 - SM - SEWER MANHOLE
 - PL - PROPERTY LINE
 - CB - CROSSLING BOX
 - PP - POWER POLE
 - CL - CENTERLINE OF CREEK
 - MB - MAIL BOX
 - MF - RIGHT OF WAY
 - SM - SQUARE FEET
 - WM - WATER METER
 - X- FENCE (TYPE INDICATED ON DRAWING)

Trail and Son, Inc.
 LAND PLANNERS & SURVEYORS
 CONSTRUCTION MANAGEMENT
 389B WAR HILL PARK RD, DAWSONVILLE, GEORGIA 30534
 PHONE: (706) 216-8980 CELL: (706) 974-7046
 FAX: (706) 265-4543 EMAIL: btrail@windstream.net

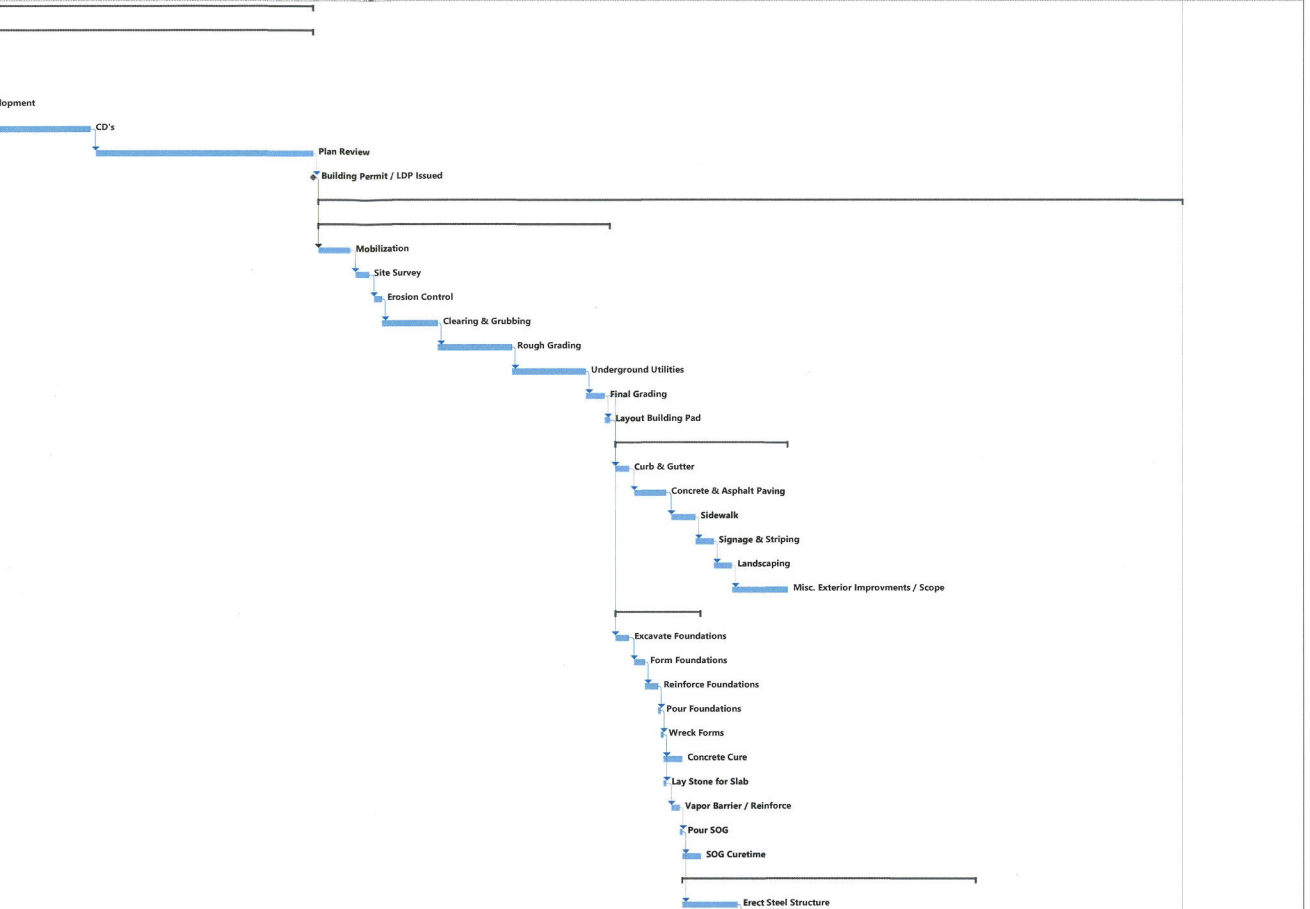
REVISIONS:		PLAT DATE:	AUGUST 26, 2013
ADD BURIED CABLE MARKERS	AUGUST 30, 2013	SURVEY DATE:	AUGUST 14, 2013
ADD COUNTY COMMENTS	SEPTEMBER 5, 2013	FIELD CREW:	JCK
		DRAWN BY:	BDT
		DRWG FILE:	0713-004

BOUNDARY SURVEY FOR
HYBRID PROPERTIES & INVESTMENTS
 LAND LOT 220-SOUTH HALF 13TH. DISTRICT-1ST. SECTION
 DAWSON COUNTY, GEORGIA

80/141

Dawsonville MOB Conceptual Schedule

Oct 1 Oct 6 Oct 1 Oct 7 Oct 2 Nov Nov Nov Dec Dec Dec Dec 1 Dec 1 Jan 7 Jan 1 Jan 2 Jan 2 Feb 4 Feb 1 Feb 1 Feb 2 Mar Mar Mar Mar Mar May May May Jun 2 Jun 5 Jun 1 Jun 2 Jun 3 Jul 7 Jul 11 Jul 7 Jul 21 Aug Aug Aug Aug Sep 1 Sep 1 Sep 1 Sep 2 Sep 2 Oct 6 Oct 1 Oct 2 Oct 2 Nov Nov Nov Nov Dec 1 Dec 1 Dec 1 Dec 2 Jan 5 Jan 1 Jan 2



Dawsonville MOB Conceptual Schedule

Oct 1 Oct 6 Oct 10 Oct 15 Oct 20 Nov 5 Nov 10 Nov 15 Dec 1 Dec 6 Dec 10 Dec 15 Jan 7 Jan 10 Jan 15 Jan 20 Jan 25 Feb 4 Feb 9 Feb 14 Feb 19 Mar 5 Mar 10 Mar 15 Mar 20 Mar 25 Apr 9 Apr 14 Apr 19 Apr 24 May 9 May 14 May 19 May 24 Jun 9 Jun 14 Jun 19 Jun 24 Jul 7 Jul 14 Jul 21 Jul 28 Aug 4 Aug 11 Aug 18 Aug 25 Sep 1 Sep 8 Sep 15 Sep 22 Sep 29 Oct 6 Oct 13 Oct 20 Oct 27 Nov 3 Nov 10 Nov 17 Nov 24 Dec 1 Dec 8 Dec 15 Dec 22 Jan 5 Jan 12 Jan 19 Jan 26

