

DAWSON COUNTY REZONING APPLICATION

This portion to be completed by Zoning Administrator

ZA 19-21 Tax Map & Parcel # (TMP): 113-051, 113-049, 113-050
 Submittal Date: 10-11-19 Time: 10:10 am/pm Received by: Chg (staff initials)
 Fees Assessed: \$475 Paid: check Commission District: 3
 Planning Commission Meeting Date: Nov. 19, 2019
 Board of Commissioners Meeting Date: Dec. 19, 2019

APPLICANT INFORMATION (or Authorized Representative)

Printed Name: Ensate Civil Consulting, LLC Mr. Jim King
 Address: _____
 Phone: Listed _____ Email: Business _____
 Unlisted _____ Personal _____
 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 X /have not _____ participated in a Pre-application meeting with Planning Staff.
 If not, I agree X /disagree _____ to schedule a meeting the week following the submittal deadline.
 Meeting Date: _____ Applicant Signature: Jim King

PROPERTY OWNER/PROPERTY INFORMATION

Name: Kilough Ventures, LLC (113 051) and Earnie, Bill, & Dan Elliott (113 049, 113 050, 113 098)
 Street Address of Property being rezoned: Ga 400 from the Old Kroger up to Kilough Church Rd
 Rezoning from: R-A to: RMF Total acreage being rezoned: 78

Directions to Property: North on Ga 400 to the Dawson Village Shopping Center (Old Kroger) Property is adjacent to the North and extends north almost to Kilough Church Rd

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Subdivision Name (if applicable): _____ Lot(s) #: 360

Current Use of Property: Agriculture

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

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

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

If yes, what section? north

SURROUNDING PROPERTY ZONING CLASSIFICATION:

North _____ South _____ East _____ West _____

Future Land Use Map Designation: Commercial Highway Business, Multi-Family Residential

Access to the development will be provided from:

Road Name: Ga 400 only Type of Surface: Asphalt

REQUESTED ACTION & DETAILS OF PROPOSED USE

Rezoning to: RMF Special Use Permit for: _____

Proposed Use: a mixed-use development with a mix of townhomes and single-family homes combined with various commercial uses to complement each other and the surrounding community.

Existing Utilities: Water Sewer Gas Electric

Proposed Utilities: Water Sewer Gas Electric

RESIDENTIAL

No. of Lots: 360 Minimum Lot Size: _____ (acres) No. of Units: _____

Minimum Heated Floor Area: varies sq. ft. Density/Acre: 4.62 units/Ac

Type: Apartments Condominiums Townhomes Single-family Other

Is an Amenity Area proposed: yes; if yes, what? Pool & Pool House, Playground,

Walking Trails

COMMERCIAL & INDUSTRIAL

Building area: _____ No. of Parking Spaces: _____

19 OCT 11 10:16 AM

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 10.11.19

Witness _____

Date 10.11.19

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.

19OCT11 10:16AM

ZA _____

TMP#: _____

List of Adjacent Property Owners

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

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

	<u>Name</u>	<u>Address</u>
TMP _____	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.

19OCT11 10:16AM

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

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

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

This notice and acknowledgement shall be public record.

Applicant Signature: 

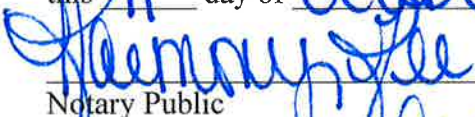
Applicant Printed Name: Jim King for Ensite Civil Consulting, LLC

Application Number: ZA 19.21

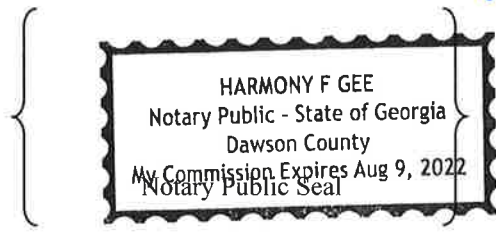
Date Signed: 10.11.19

Sworn and subscribed before me

this 11 day of October, 2019.


Notary Public

My Commission Expires: August 9, 2022



19OCT11 10:17AM

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.

19OCT11 10:17AM

PROPERTY OWNER AUTHORIZATION

I/we, ERNEST G. ELLIOTT, DANIEL L. ELLIOTT, WILLIAM C. ELLIOTT, hereby swear that I/we own the property located at (fill in address and/or tax map & parcel #):

113 049

LL 280 LD 13-5 4.87 AC

as shown in the tax maps and/or deed records of Dawson County, Georgia, and which parcel will be affected by this request.

I hereby authorize the person named below to act as the applicant or agent in pursuit of the rezoning requested on this property. I understand that any rezone granted, and/or conditions or stipulations placed on the property will be binding upon the property regardless of ownership. The under signer below is authorized to make this application. The under signer is aware that no application or reapplication affecting the same land shall be acted upon within six (6) months from the date of the last action by the Board of Commissioners.

Printed Name of applicant or agent: JIM KING FOR ENSITE CIVIL CONSULTING, LLC

Signature of applicant or agent: [Signature] Date: 9.16.19

Printed Name of Owner(s): ERNEST G. ELLIOTT, DANIEL L. ELLIOTT, WILLIAM C. ELLIOTT

Signature of Owner(s): [Signature] Date: 9-16-19

Mailing address: _____

City, State, Zip: _____

Telephone Number: Listed Unlisted _____

Sworn and subscribed before me this 16th day of September, 2019.

[Signature]
Notary Public

My Commission Expires: 5-26-2023



(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.)

1900CT11 10:17AM

PROPERTY OWNER AUTHORIZATION

I/we, ERNEST G. ELLIOTT, DANIEL L ELLIOTT, WILLIAM C. ELLIOTT, hereby swear that I/we own the property located at (fill in address and/or tax map & parcel #):

113 050

LL 279 280 LD 13-5 19.90 ac

as shown in the tax maps and/or deed records of Dawson County, Georgia, and which parcel will be affected by this request.

I hereby authorize the person named below to act as the applicant or agent in pursuit of the rezoning requested on this property. I understand that any rezone granted, and/or conditions or stipulations placed on the property will be binding upon the property regardless of ownership. The under signer below is authorized to make this application. The under signer is aware that no application or reapplication affecting the same land shall be acted upon within six (6) months from the date of the last action by the Board of Commissioners.

Printed Name of applicant or agent: JIM KING FOR ENSITE CIVIL CONSULTING, LLC

Signature of applicant or agent: [Signature] Date: 9-16-19

Printed Name of Owner(s): ERNEST G. ELLIOTT, DANIEL L ELLIOTT, WILLIAM C. ELLIOTT

Signature of Owner(s): [Signature] Date: 9-16-19

Mailing address: _____

City, State, Zip: _____

Telephone Number: _____

Listed
Unlisted

Sworn and subscribed before me this 16th day of September, 2019.

[Signature]
Notary Public

My Commission Expires: 5-26-2023



(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.)

19OCT11 10:17AM

PROPERTY OWNER AUTHORIZATION

I/we, ERNEST G. ELLIOTT + SHEILA G. ELLIOTT, hereby swear that I/we own the property located at (fill in address and/or tax map & parcel #):

113 098

LL 220 257 LD 135 8.53 AC

as shown in the tax maps and/or deed records of Dawson County, Georgia, and which parcel will be affected by this request.

I hereby authorize the person named below to act as the applicant or agent in pursuit of the rezoning requested on this property. I understand that any rezone granted, and/or conditions or stipulations placed on the property will be binding upon the property regardless of ownership. The under signer below is authorized to make this application. The under signer is aware that no application or reapplication affecting the same land shall be acted upon within six (6) months from the date of the last action by the Board of Commissioners.

Printed Name of applicant or agent: JIM KING FOR ENSITE CIVIL CONSULTING, LLC

Signature of applicant or agent: [Signature] Date: 9-16-19

Printed Name of Owner(s): ERNEST G. ELLIOTT + SHEILA G. ELLIOTT

Signature of Owner(s): [Signature] Date: 9-16-19

Mailing address: _____

City, State, Zip: _____

Telephone Number: Listed Unlisted _____

Sworn and subscribed before me this 16th day of September, 2019.

[Signature]
Notary Public

My Commission Expires: 5-26-2023



(The complete names of all owners must be listed; if the owner is a partnership, the names of all partners must be listed; if a joint venture, the names of all members must be listed. If a separate sheet is needed to list all names, please identify as applicant or owner and have the additional sheet notarized also.)

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PROPERTY OWNER AUTHORIZATION

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

Tax Parcel #113 051

as shown in the tax maps and/or deed records of Dawson County, Georgia, and which parcel will be affected by this request.

I hereby authorize the person named below to act as the applicant or agent in pursuit of the rezoning requested on this property. I understand that any rezone granted, and/or conditions or stipulations placed on the property will be binding upon the property regardless of ownership. The under signer below is authorized to make this application. The under signer is aware that no application or reapplication affecting the same land shall be acted upon within six (6) months from the date of the last action by the Board of Commissioners.

Printed Name of applicant or agent: Jim King for Ensite Civil Consulting, LLC

Signature of applicant or agent: [Signature] Date: 10.10.19

Printed Name of Owner(s): Kilough Ventures, LLC

Signature of Owner(s): [Signature] Date: 10.10.19

Mailing address: _____

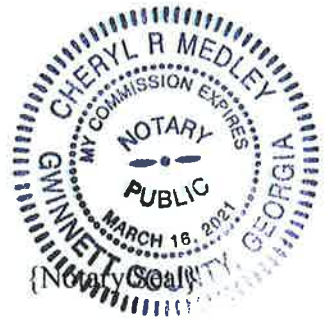
City, State, Zip: _____

Telephone Number: Listed _____
Unlisted _____

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

[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.)

19OCT 11 10:17AM

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 Dawsonville (city), GA (state)

Jim King
Signature of Applicant

10-11-19
Date

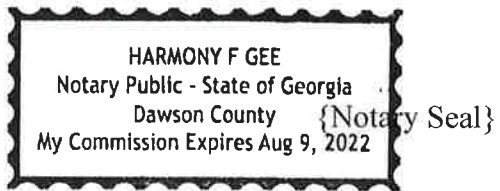
Jim King
Printed Name

Ensite Civil Consulting, LLC
Name of Business

SUBSCRIBED AND SWORN BEFORE ME ON

THIS 11 DAY OF October, 2019

Harmony F GEE Notary Public
My Commission Expires: August 9, 2022



19001110:17AM

APPLICATION PROCESSING: STAFF USE ONLY

ZA _____ Applicant Name: _____

Application Fee: \$ _____

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

29 OCT 11 10:17 AM

LETTER OF INTENT

The applicant, Ensite Civil Consulting, LLC; requests the Rezoning of Parcel Numbers: 113 049, 113 050, 113 051 and 113 098 from RA to RMF in order to build a Residential Neighborhood of 240 homes and 120 Townhomes on 78 acres as part of a larger comprehensive mixed-use development. The property is located at the SE corner of Ga Hwy 400 and Kilough Church Road, Dawsonville, GA 30534. The property is bounded on the west by Ga 400, the north by Kilough Church Road, and the south by Dawson Village, the old Kroger Shopping Center. It is bordered on the east by various single family homes and agricultural land.

The property is designated on the Future Land Use Plan as Residential Multi-Family (RMF), which is precisely what we are proposing. Residential Multi-Family allows for a density of 6 units/acre. The Dawson County Land-Use Resolution does not provide for higher density Single Family Residential uses other than RMF; therefore, even though we are far under the allowed density of RMF, it is the only appropriate zoning category that is applicable. Residential Multi-Family allows for "Semi-Attached" dwellings. Approximately 66.5 acres of the proposed 78 acres will be semi-detached. 240 of the proposed homes will be attached by a connecting foundation. The applicant may or may not construct a fence or above ground structure on this foundation.

Another adjoining neighborhood of approximately 11.5 acres, will be constructed with townhomes. This area will consist of approximately 120 homes. The total development within the proposed RMF Zoning will be 360 Lots on 78 acres. This equates to a density of 4.62 homes per acre. As proposed, the Applicant will be, in essence, be down-zoning from the Future Land Use Map. The proposed higher density residential use will provide a transition from the commercial land use along Ga 400 to the more rural residential areas that currently exist.

The neighborhood will provide a much-needed opportunity for younger families, and support the workforce resonating in the Ga 400 Corridor without placing an extreme burden upon our transportation infrastructure. The proximity to the existing commercial uses creates a highly desired mixed-use activity area and will provide a true live-work environment interconnected with sidewalks.

Access will be limited exclusively to Ga 400. No access will be provided to Kilough Church Road. A parallel access road will be constructed as part of this development. This access road will serve as a significant segment of the County's proposed parallel access to connect Harmony Church Rd with State Highway 53 and Ga 400 via Dawson Forest Rd. As adjacent tracts are developed in the future, this access road can be continued in order to realize the County's ultimate transportation vision for this area.

19OCT11 10:17AM

EMBIT "D" OF CERTIFICATE OF TITLE EXCEPTIONS

1. The amount of the deed... 2. The amount of the deed... 3. The amount of the deed...

4. All interests shown on this certificate... 5. All interests shown on this certificate... 6. All interests shown on this certificate...

7. Registered instrument from B. W. Robertson to Edward... 8. Registered instrument from B. W. Robertson to Edward...

9. Registered instrument from B. W. Robertson to Edward... 10. Registered instrument from B. W. Robertson to Edward...

11. Registered instrument from B. W. Robertson to Edward... 12. Registered instrument from B. W. Robertson to Edward...

13. Registered instrument from B. W. Robertson to Edward... 14. Registered instrument from B. W. Robertson to Edward...

15. Registered instrument from B. W. Robertson to Edward... 16. Registered instrument from B. W. Robertson to Edward...

17. Registered instrument from B. W. Robertson to Edward... 18. Registered instrument from B. W. Robertson to Edward...

19. Registered instrument from B. W. Robertson to Edward... 20. Registered instrument from B. W. Robertson to Edward...

21. Registered instrument from B. W. Robertson to Edward... 22. Registered instrument from B. W. Robertson to Edward...



THE DESCRIPTION: ALL THAT TRACT or parcel of land lying and being in Lone Lake 220, 221, 250, 255, 257 and 261 of the Dawson County, Georgia, Section 16, Township 21 North, Range 12 West, containing a total of 83.044 acres...

DAWSON COUNTY TAX PARCEL IDS: 113 043, 113 043 044, 113 044 008 & 113 051 TOTAL AREA = 83.044 ACRES

Table with columns: FIELD NO., COUNTY, TOWN, RANGE, SECTION, ACRES, DATE. Includes information for KILOUGH VENTURES, LLC and FIRST AMERICAN TITLE INSURANCE COMPANY.

ROBBIE HENDERSON Surveying & Planning logo and address: 2990 HOLZCLOW ROAD, CLAYTON, GA 30116.



Kilough Ventures logo and contact information: 1000 Peachtree Street, Atlanta, GA 30309.

Elliot's

RN: PLAT SHOW
VARIOUS PLATS
AND MAPS FOR
THE AGENCY
ON FILE

24.746 ACRES

CAROLYN J. ROBERTSON
D. BK. #161 - PG'S. #363 and #364

GERALD & KIM ELLINGTON
D. BK. #251 - PG. #7

1/2" R.B.S.
ROAD STAGE

N 89°27'56"E 1320.00'

OLD CAR SPRING

3/4" R.B.S.

(281)

(280)

(280)

(279)

(257)

(257)

(258)

T BYRD
G'S.

660.00' APPROX. L.L.
N 00°28'13"W 816.60'

113 050

TRACT #1
19.877 ACRES

S 89°06'45"W 1320.03'
TRACT #2
4.869 ACRES

113 049

156.60'

1/2" R.B.S.
ROAD FC. POST

PLASTIC STAKE

S 89°27'56"W 1320.00'

PLASTIC STAKE

ROAD FENCE ENC.

1/2" C.T.P.F.

150.05'

1/2" C.T.P.F.

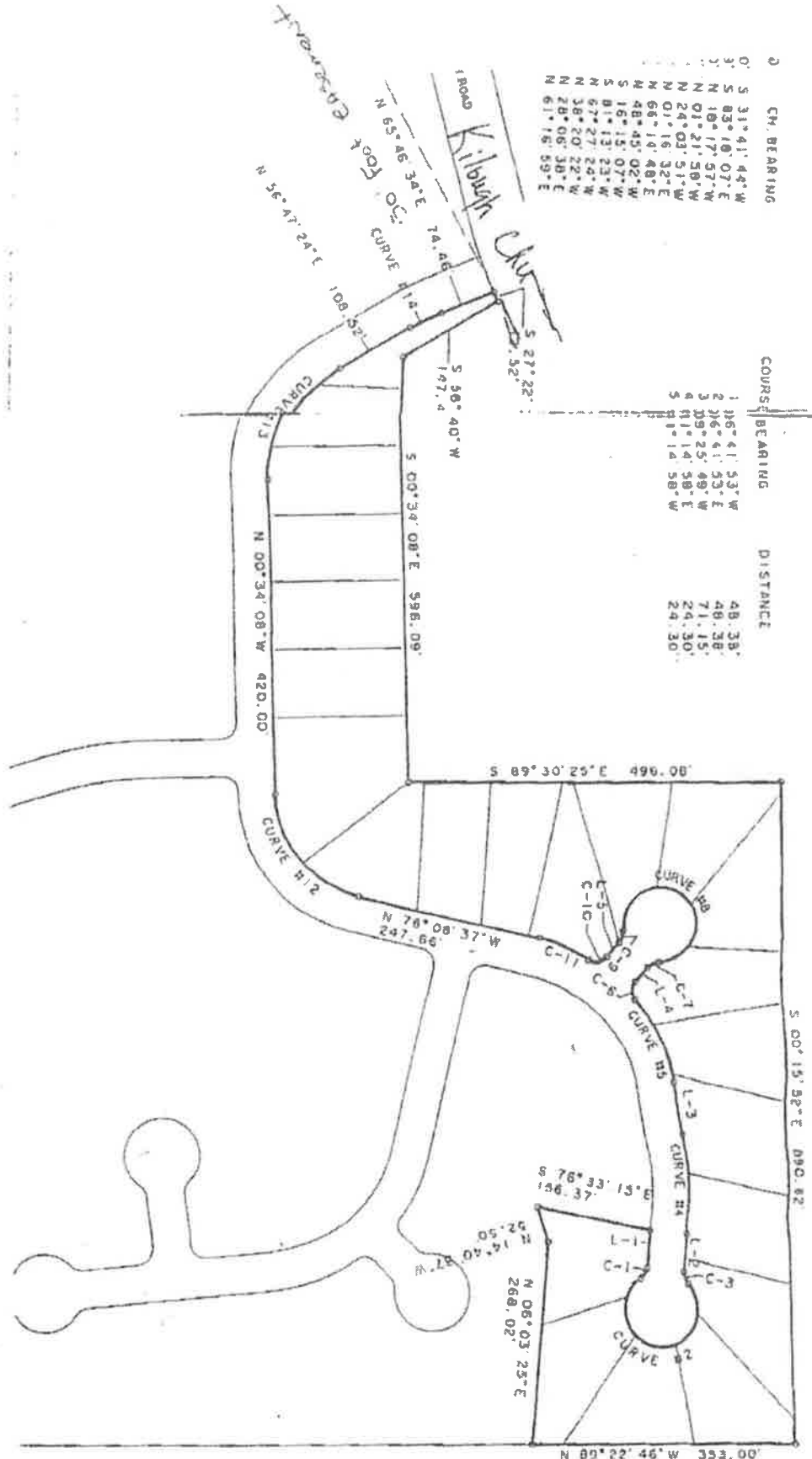
651.86' APPROX. L.L.
S 00°28'13"E 816.60'

PRES
& JUAN
PAYN
D. BK.
#78
PG.
#414

19OCT 11 10:18AM

STATION	CM BEARING
0	S 31° 41' 44" W
1	S 83° 18' 07" E
2	N 18° 17' 57" W
3	N 01° 21' 58" W
4	N 24° 03' 51" W
5	N 01° 16' 32" E
6	N 66° 14' 48" E
7	W 48° 45' 02" W
8	S 16° 15' 07" W
9	S 81° 13' 23" W
10	N 67° 27' 24" W
11	N 38° 20' 22" W
12	N 28° 06' 30" E
13	N 61° 15' 59" E

COURSE	BEARING	DISTANCE
1	105° 41' 53" W	48.38'
2	216° 41' 53" E	48.38'
3	308° 25' 48" W	71.15'
4	111° 14' 58" E	24.30'
5	81° 14' 58" W	24.30'



113 098

ERNEST G. ELLIOTT & SHEILA B. ELLIOTT

19OCT 11 10:18AM