



# Planning Commission Public Hearing

Monday, February 26, 2024 at 6:00 PM

Dacula City Hall, Council Chambers

442 Harbins Rd. | P.O. Box 400 | Dacula, Georgia 30019 | (770) 963-7451

---

## Agenda

### CALL TO ORDER AND ROLL CALL OF MEMBERS:

### INVOCATION:

### PLEDGE OF ALLEGIANCE:

### MINUTES:

1. Approval of the Minutes from the meeting on Monday, January 29, 2024

### OLD BUSINESS:

### NEW BUSINESS:

2. **PUBLIC HEARING: 2024-CD-COC-01**, Applicant: James Clinkscales, Owner: CircaSpaces, Inc. requests changes to 2019-CD-COC-01 condition(s). The property is located in Land Lot 301 of the 5th District and contains 1.40 acres more or less.
3. **Change of Conditions Application: 2024-CD-COC-01**, Applicant: James Clinkscales, Owner: CircaSpaces, Inc. requests changes to 2019-CD-COC-01 condition(s). The property is located in Land Lot 301 of the 5th District and contains 1.40 acres more or less.
4. **PUBLIC HEARING: 2024-CD-COC-02**, Applicant: WREG Harbins, LLC, Owner: WREG Harbins, LLC requests changes to 2020-CD-RZ-03 condition(s). The property is located in Land Lot 300 of the 5th District and contains 1.22 acres more or less.
5. **Change of Conditions Application: 2024-CD-COC-02**, Applicant: WREG Harbins, LLC, Owner: WREG Harbins, LLC requests changes to amend 2020-CD-RZ-03 condition(s). The property is located in Land Lot 300 of the 5th District and contains 1.22 acres more or less.
6. **PUBLIC HEARING: 2024-CD-SUP-01**, Applicant: Barbara Quartey-Papafio, Owner: Rodriguez Ventura Jesus Edith requests a special use permit to allow for a day-care facility and associated facility use. The property is located in Land Lot 302A of the 5th District and contains 0.26 acres more or less.
7. **Special Use Permit Application: 2024-CD-SUP-01**, Applicant: Barbara Quartey-Papafio, Owner: Rodriguez Ventura Jesus Edith requests a special use permit to allow for a day-care facility and associated facility use. The property is located in Land Lot 302A of the 5th District and contains 0.26 acres more or less.
8. **PUBLIC HEARING:** Ordinance to amend Article IX of the Zoning Resolution
9. Ordinance to amend Article IX of the Zoning Resolution

**ADJOURNMENT:**

# CITY OF DACULA

442 Harbins Rd.  
P. O. Box 400  
Dacula, Georgia 30019

## PLANNING COMMISSION

### MINUTES

January 29, 2024

#### **I. CALL TO ORDER AND ROLL CALL OF MEMBERS:**

The Planning Commission met on Monday, January 29, 2024 in the Council Chambers at Dacula City Hall, Dacula, Georgia.

Chairman Mark Chandler called the meeting to order at 6:00 p.m. and conducted a roll call of the members. A quorum was present.

#### **Planning Commission Present:**

Chairman Mark Chandler  
Member Lisa Bradberry  
Member Gene Greeson  
Member Monica Francis  
Member Myra Montalbano

#### **City Staff Present:**

Brittni Nix, City Administrator  
Courtney Mahady, Administrative Clerk  
Hayes Taylor, City Planner  
Dana Stump, Administrative Assistant for Planning & Zoning  
Amy White, Chief Marshal  
James Ross, City Marshal

#### **II. INVOCATION:**

Mayor King gave the invocation.

#### **III. PLEDGE OF ALLEGIANCE:**

Chairman Mark Chandler led the Pledge of Allegiance.

#### **IV. MINUTES:**

1. Approval of the Minutes from the meeting on Monday, November 27, 2023

Member Francis motioned to approve the November 27, 2023 minutes. Member Bradberry seconded. Motion passed unanimously.

V. **OLD BUSINESS:**

*None*

VI. **NEW BUSINESS:**

2. 2024 Planning Commission Chairman Appointment

Brittini Nix, City Administrator, stated that since this was the first business meeting of the year for 2024, the Planning Commission must designate a Chairman and Vice-Chairman in accordance with the City's Zoning Resolution.

Member Franics motioned to nominate Mark Chandler as 2024 Planning Commission Chairman. Member Greeson seconded. Motion passed unanimously.

3. 2024 Planning Commission Vice-Chairman Appointment

Member Franics motioned to nominate Lisa Bradberry as 2024 Planning Commission Vice-Chairman. Member Greeson seconded. Motion passed unanimously.

4. **PUBLIC HEARING: 2023-CD-RZ-04**, Applicant: CHI/Acquisitions LP c/o Mahaffey Pickens Tucker, LLP, Owner: Walton Georgia, LLC requests rezoning from Planned Mixed-Use Development to M-1 Light Manufacturing District. The property is located in Land Lot 270 of the 5th District and contains 40.22 acres more or less.

Member Bradberry motioned to open the public hearing. Member Greeson seconded. Motion passed unanimously.

City Planner, Hayes Taylor, presented the staff case report for the rezoning application. The applicant has requested rezoning from Planned Mixed-Use Development to M-1 Light Manufacturing District. Mr. Taylor stated staff recommend approval with conditions.

Applicant Representative, Shane Lanham, 1550 North Brown Road, Suite 125, Lawrenceville, Georgia 30043, stated that the updated concept plan removed the residential component and now contained only the industrial component. Mr. Lanham added that the update was compatible with surrounding land uses as well as the City's Comprehensive Plan.

*Comment in favor:*

*None*

*Comment in opposition:*

Tiffany Wilburn, 280 Sarah Lane, Lawrenceville, Georgia 30046 and Satanja Battle, 549 Watson Bay, Stone Mountain, Georgia 30087 expressed that the rezoning application would negatively impact the value of their property along Pipeline Road.



Member Franics motioned to close the public hearing. Member Greeson seconded. Motion passed unanimously.

- 5. Rezoning Application: 2023-CD-RZ-04**, Applicant: CHI/Acquisitions LP c/o Mahaffey Pickens Tucker, LLP, Owner: Walton Georgia, LLC requests rezoning from Planned Mixed-Use Development to M-1 Light Manufacturing District. The property is located in Land Lot 270 of the 5th District and contains 40.22 acres more or less.

Member Francis motioned to recommend approval of rezoning application 2023-CD-RZ-04 with conditions [listed below]. Member Greeson seconded. Motion passed unanimously.

#### Concept Plan and Land Use

- 1) The property shall be developed in accordance with the conceptual site plan prepared by Kimley-Horn entitled CHI Dacula Industrial Development – submitted with the application on November 20, 2023. Any discrepancies between the subject concept plan and the approved zoning conditions/City Ordinances shall not be interpreted as an administrative variance. Development plans must adhere to the approved zoning conditions for the site and City Ordinances.

Any substantial deviation from the approved conceptual plan and/or remaining conditions of zoning shall be resubmitted to the City Council for consideration. The City Administrator shall determine what constitutes substantial deviation.

- 2) The following uses in the Light Manufacturing District shall be prohibited and made part of the owner’s restrictive covenants: splitting operations or storage lots, mobile home leasing or sales lots, taxi cab, limousine, or other for hire vehicle services (excluding public or private ambulatory services), solid waste transfer stations, the storage or warehousing of caustic or hazardous materials, animal rendering plants, bulk petroleum or natural gas plant and/or storage facilities, landfills, composting facilities, fertilizer manufacturing, foundries, heavy equipment rental or repair, hardship mobile homes, incinerators, junkyards, lawnmower repair shops, livestock feedlots, materials recovery facility, pawn shops, poultry houses, the raising of dangerous animals for profit or gain, privately owned septic treatment facilities, stack houses, stand-alone crematories, truck stops and/or semi storage lots.
- 3) The following uses in the Light Manufacturing District shall be allowed with the approval of a Special Use Permit by the Mayor and City Council of the City of Dacula: helicopter landing pads, fleet vehicle parking lots, or any other non-specified commercial and/or industrial business or use that could require outside storage.
- 4) All forms of on-site outdoor storage shall be subject to Special Use Permit and require approval by the Mayor and City Council.
- 5) The open space shall not be subdivided, and the open space shall be owned and maintained by a mandatory property owners’ association. The deed to the mandatory property’s association shall require that the open space be perpetually maintained as open space subject only to the development of Gwinnett County/City of Dacula trail system and approved utilities easements.

#### Architectural Design

- 6) Architectural design of industrial/warehouse facilities shall comply with the following performance guidelines:
- a. Building facades shall be of architectural treatments of glass and/or brick, stone, stucco, or tilt-up concrete subject to review and approval of the City of Dacula.
  - b. Contrasting accent colors of any wall, awning or other feature (other than dark green or brick red) shall be limited to no more than 15% of the total area for any single facade.
  - c. Buildings shall incorporate live plant material growing immediately in front of or on the building.
  - d. All mechanical, HVAC and like systems shall be screened from street level view (within 300 feet) on all sides by an opaque wall or fence of brick, stucco, split-faced block or wood.
  - e. Any accessories provided such as railings, benches, trash receptacles and/or bicycle canopies shall complement the building design and style.
  - f. Walls visible from roadways or parking areas shall incorporate changes in building material/color.

Final architectural plans and color palate shall be submitted to the Department of Planning and Development for approval. The Department reserves the right to deny the architectural plans and color palate if they do not capture the intent of the condition to provide structures with quality materials and pleasing visual interest.

- 7) Nonresidential buildings shall be limited to a maximum height of 50-feet.
- 8) Chain link fence shall be prohibited except around the stormwater management ponds, any dog parks, and where not visible from the right-of-way. All chain link fences shall be black vinyl.
- 9) All trash dumpsters shall be screened by an enclosure using the same exterior building material as the adjacent occupied buildings. Pickup shall be limited to the hours of 7:00 a.m. to 9:00 p.m. Monday through Saturday. Dumpster enclosures shall remain closed, locked, and in good repair at all times.

#### Landscaping and Parking

- 10) A twenty (20) foot wide landscape strip from the proposed right-of-way shall be provided along Stanley Road and Pipeline Road. The landscape strip shall be planted so as to not impede site distance.
- a. Provide non-ornamental shade trees spaced twenty (20) feet on-center along Pipeline Road and the proposed Stanley Road right-of-way. All street trees shall be a minimum 3-inch caliper (dbh) at the time of planting. Street trees shall be planted at least six-feet from back-of-curb subject to review and approval of the City of Dacula.

Street trees shall be of one or a combination of the following species:

- a. Blood Good Japanese Maple
- b. Willow Oak
- c. Carolina Silverbell
- d. Nuttal Oak
- e. Shumard Oak

- f. White Oak
- g. Japanese Zelkova
- h. Red Maple
- i. North Red Oak

- 11) Provide a 10-foot-wide landscaped buffer along the side and rear property lines of developing parcels, units, or phases. Landscape buffers shall be planted with a single row of Leyland Cypress, Shumard Oak, or Cryptomeria trees, planted fifteen (15) foot on center. The buffer can be eliminated after a Building Permit has been issued on adjacent property.
- 12) Landscaping and fencing shall be provided around all stormwater ponds. Fencing shall remain closed, locked, and in good repair at all times. Proposed landscaping shall adhere to best management practices and provide visual interest and screening. Landscaping plans shall be reviewed and approved by the Department of Planning and Development.
- 13) A parking lot landscape plan shall be submitted to the City for approval prior to a development permit issuance. At a minimum, the landscape plan shall include monument sign locations and should ensure that each parking island/strip will have a minimum of one (1) ornamental shade tree per 10 linear feet. Fifty (50) percent of all parking area trees shall be a minimum of 2-inch dbh caliper and fifty (50) percent shall be a minimum of 3-inch dbh caliper.
- 14) Parking lot lighting shall be directed in toward the property so as not to shine directly into adjacent properties. Interior street lights shall be black, decorative, and utilize downward illumination or frosted globes only. Design rendering and lighting specification shall be subject to review and approval by the City Administrator or his/her designee.
- 15) Natural vegetation shall remain on the property until issuance of a land disturbance permit.
- 16) A specimen tree survey shall be provided for review. Specimen trees on-site shall be saved when feasible.

#### Signage and Advertising

- 17) The subject site shall be limited to one (1) off-site project monument sign located out of the right-of-way at the intersection of Winder Highway and relocated Stanley Road as long as written notarized permission from the property owner is provided to the City prior to permit issuance. The monument sign shall not exceed a maximum of 20-foot in height, is limited to a maximum 150-square foot of advertising space, and shall be constructed with a brick or masonry base (minimum two feet in height) matching the materials of the buildings. The sign shall be located so as to not impede site distance along Winder Highway. Neon or self-illuminating ground signs shall be prohibited. Sign location and design criteria are subject to review and approval by the City of Dacula.
- 18) Ground signage shall be limited to one monument-type sign for each parcel. Each sign is limited to a maximum 50-square foot of advertising space. Monument signs shall not exceed a maximum of 6-foot in height and shall be constructed with a brick or masonry base (minimum two feet in height) matching the materials of the buildings. Neon or self-illuminating ground signs shall be prohibited. Signs shall

be set back 15 feet from the Stanley Road right-of-way and located so as to not impede site distance along Stanley Road. Sign location and design subject to review and approval by the City of Dacula.

- 19) Temporary signage shall be regulated and/or permitted as stated in Article XII (Signs and Advertising) of the City of Dacula Zoning Resolution with the following exceptions:
  - a. Business specific temporary signage must be mounted flush onto or against existing permitted structures within the development.
  - b. Temporary signage shall be prohibited on individual residential units.
- 20) Live human advertisement shall be prohibited within the subject area. To include, but not necessarily be limited to, sign spinners, twirlers, dancers, clowns, and/or other similar temporary advertising methods commonly provided by costumed or animated humans.
- 21) Tents, free-standing-canopies, streamers or roping decorated with flags, tinsel, decorative balloons, hot-air balloons or other similar materials shall be prohibited on the site.
- 22) Oversized signs or billboards shall be reviewed and permitted separately and must abide by the procedures and regulations as stated in Article XII of the Zoning Resolution.

#### Transportation and Infrastructure

- 23) A Traffic Impact Study shall be provided prior to the issuance of a development permit. Prior to the issuance of the first certificate of occupancy, the applicant shall make any improvements recommended by the traffic impact study, provided the improvements are approved by the City of Dacula, Gwinnett County Department of Transportation respectively, and Georgia Department of Transportation.
- 24) Install a traffic signal when warranted and approved by GDOT.
- 25) The entire section of Stanley Road and Pipeline Road within the development shall be improved and paved with asphalt to the City of Dacula/Gwinnett County performance standards respectively. Stanley Road improvements shall meet existing asphalt to ensure a continuous paved road. Road improvements shall be fully installed and functional prior to the issuance of a certificate of occupancy for any portion of the development.
- 26) The developer/owner shall, at its expense, construct all improvements associated with a phase of construction including, but not limited to, paving and striping roadways, curb, gutter, road signage, and installation of all water and sewer infrastructure necessary for the development of that phase prior to the issuance of any certificate of occupancy permits for that phase of work.
- 27) It shall be the responsibility of the applicant to secure at no cost to the City and/or Gwinnett County, all necessary right-of-way to implement the required improvements.
- 28) Ownership and maintenance of drives, roads, side streets, alleys, and/or parking lots found on the subject site shall be the responsibility of the developer and/or private property owner.

- 29) All new utility lines shall be located underground. The developer shall be responsible for the relocation of public or private utilities and stormwater infrastructure.
- 30) Utilities shall be placed on the developer's property whenever possible. Appropriate access and maintenance easements shall be filed at the time of final plat approval for any one parcel or section of the subject development.
- 31) All vehicular access onto the proposed private drive must meet the City of Dacula's project access improvement standards of a public road. All improvements shall be provided by the developer.
- 32) A five-foot sidewalk shall be required adjacent to the proposed Stanley Road right-of-way. The sidewalk location shall be reviewed and approved by the City of Dacula and Gwinnett County Department of Transportation respectively.
- 33) Sidewalks shall be constructed with an additional 2-foot by 8-foot pad approximately every 300 linear feet to accommodate pedestrian amenities such as benches, planters, and trash receptacle. All such required amenities shall be decorative, commercial-quality fixtures. Sidewalk design and placement of any of these amenities shall be reviewed and approved by the City of Dacula.
- 34) A bike rack with a canopy or shelter shall be installed on site. The bike rack and canopy shall be decorative, commercial-quality fixtures. The design and placement of the bike rack and canopy shall be reviewed and approved by the City of Dacula.
- 35) Provide decorative light poles/fixtures along proposed Stanley Road right-of-way. Streets lights shall be staggered, 150 feet on-center. Light poles shall be black and a maximum 20 feet high. All street lighting shall be subject to review and approval of the City of Dacula and Gwinnett County Department of Transportation. Where applicable, streetlights shall be placed adjacent to required pedestrian amenity sidewalk pads. A separate lighting plan showing the type of light and locations shall be submitted to the City for review and approval.
- 36) Construct relocated Stanley Road as a three-lane roadway with one (1) lane in each direction and a center two-way left-turn lane along the property frontage. Stanley Road may taper into a two-lane roadway with location approval from the City of Dacula.
- 37) A sign prohibiting truck access at the intersection of Stanley Road and Pipeline Road shall be required adjacent to the Stanley Road right-of-way/dedicated easement at the end of the proposed Stanley Road improvements.
- 38) Construct a northbound left-turn lane and a channelized right-turn lane along Stanley Rd.
- 39) Construct a channelized eastbound right-turn lane along Winder Highway (SR 8/US 29) and a westbound left-turn lane along Winder Highway (SR 8/US 29).

#### Private Access

- 40) It is the responsibility of the owner and/or developer to provide passcodes, keys, and/or up to date contact information for controlled entrance locations to the Dacula Marshal's Office, Gwinnett County Police Department, and Gwinnett County Fire Department.

41) Contact information for any maintenance associations, and/or private security companies shall be submitted and updated regularly with the Dacula Marshal's Office and the Dacula Planning and Development Department.

### Grading and Phasing

42) Prior to the issuance of a Land Disturbance Permit or Development Permit for mass grading of residential uses exceeding 10 acres, the Developer or Land Owner will submit a "Bond Stabilization and Landscape Plan" to the City of Dacula which will provide for the permanent stabilization of disturbed area(s) via rye grass seeding, tree replanting and landscaping in accordance with the City's Development Regulations and these conditions of zoning. Tree replanting along the frontage of both sides of Stanley Road and Pipeline Road shall include non-ornamental shade trees spaced 20-feet on-center, six feet from the right-of-way or pavement edge of the private drive. All street trees shall be a minimum 2-inch caliper (dbh) at the time of planting. Interior replanting of disturbed areas shall include five (5) two-inch caliper trees (DBH) per acre.

Once the "Bond Stabilization and Landscape Plan" has been approved by the City Administrator or designee, and prior to the issuance of any Land Disturbance or Development Permit, Developer or Land Owner shall post a performance bond in favor of the City of Dacula to guarantee the replanting of the disturbed acreage in accordance with the City's Development Regulations and these conditions of zoning. The performance bond amount shall be equal to \$15,000.00 per acre disturbed. The bond shall be in the form of a Letter of Credit from an FDIC insured institution or an insurance company in good standing with the Georgia Insurance Commissioner's office, authorized to do business in Georgia, and rated "A" or better by the rating agency A.M. Best. The Surety must also be listed on the U.S. Department of Treasury's Circular 570. The City staff shall approve the form of the performance bond and the qualifications of the surety prior to execution of the bond.

In the event that Developer/Land Owner has not obtained a building permit within twelve (12) months of the issuance of the Land Disturbance or Development Permit, whichever is first issued, then the City of Dacula will redeem the performance bond [or equivalent security acceptable to the City of Dacula] to fund the implementation of the Bond Stabilization and Landscape Plan. The performance bond [or equivalent security acceptable to the City of Dacula] will terminate and/or be surrendered or returned once the improvements shown in the Bond Stabilization and Landscape Plan have been completed or a building permit is issued on any parcel of the development

43) Site grading adjacent to access points shall be consistent in elevation to the proposed Stanley Road right-of-way to ensure adequate sight distance.

### **VII. ADJOURNMENT:**

Member Greeson motioned to adjourn. Member Francis seconded. Motion passed unanimously. Meeting adjourned at 6:16 p.m.

*Minutes approved*

---

*Date*

---

*Signature*

# Memorandum

**To:** City of Dacula Planning Commission/  
City of Dacula Mayor and City Council

**From:** Hayes Taylor, City Planner

**Date:** February 26, 2024

**Subject:** Change of Conditions Case: 2024-CD-COC-01

**Proposed Zoning:** C-1 (Neighborhood Commercial District)

**Existing Zoning:** C-1 (Neighborhood Commercial District)

**Size:** 1.40 acres

**Proposed Use:** Meeting, office, and event space

**Applicant:** James Clinkscates  
1352 Innsfail Court  
Snellville, Georgia 30078  
404-944-0762

**Owner:** CircaSpaces, Inc.  
1352 Innsfail Court  
Snellville, Georgia 30078  
404-944-0762

**Location:** LL 301 - 5th District, Parcel 040

## Existing Land Use and Zoning:

The subject property is located on the west side of Harbins Road and south of the Harbins Road and McMillan Road intersection. The site is approximately 1.40 acres, contains one (1) three-story structure totaling 3,196 +/- square feet, and has a concrete parking lot with twelve (12) marked spaces including two (2) handicap spaces. The site was previously utilized for a gift and antique shop after it was rezoned from OI Office Institutional District to C-1 Neighborhood Commercial District with conditions in 2006 pursuant to 2006-CD-RZ-15. The applicant requested a change of conditions in 2019 pursuant to 2019-CD-COC-01, allowing for indoor meeting and office use. That application was approved with conditions.

The property neighbors a private school, Dacula Classical Academy, located south of the subject parcel. Residential properties zoned R-1200 and R-1400, Single Family Residential District, are located north and across Harbins Road to the east.



**The Proposed Development:**

The applicant has requested a change of conditions to allow for special/social events, outdoor events, expanded business hours, use of tents, the use of banners/streamers, fencing along Harbins Rd, an interior chain-link fence, and the elimination of the 50-foot buffer. The inclusion of special events as a permitted use would allow the applicant to hold indoor special events. Currently the maximum occupancy permitted by the Gwinnett County Fire Marshal certificate of occupancy is thirty-two (32) persons. Staff recommends permitting indoor special events as an allowable use on the property, provided the maximum occupancy remains thirty-two (32) persons. In addition, staff could find it permissible to encroach within the 50-foot buffer for a water feature or landscaping enhancements.

In addition to requesting indoor special events, the applicant requests extending all permitted uses beyond the structure to allow for outdoor special events. The application materials seek the allowance of tents, canopies, gazebos, banners, streamers, or roping decorated with flags, tinsel, or other similar materials. Application materials request the maximum height of front yard fencing along Harbins Rd to be increased from six (6) feet in height to eight (8) feet in height with less restrictive fence designs. Furthermore, the applicant requests that the interior fencing options include a chain-link fence.

Outdoor events could greatly impact the neighboring residential properties. The Department notes that the City offers a Temporary Use Permit, which allows applicants to apply for up to six (6) special events per year. Six (6) outdoor events a year would provide some protection for the adjacent residential properties. Staff recommends any outdoor use to be regulated by the temporary use permit process provided in the City's Zoning Resolution (Section 904 (C)).

The letter of intent requests an extension of business hours from 6:00 am to 9:00 pm under the current zoning conditions. The hours of operations were intended to reduce adverse impacts on neighboring residential properties. The applicant has requested to extend business hours an additional two (2) hours in the evening to provide time for closing procedures. Staff recommends allowing meetings, office, and special events to operate until 9:00 pm and allowing two (2) hours for closing procedures.

**Summary:**

Some of the requested changes to conditions could be considered suitable. Staff recommends the allowance of indoor special events, outdoor special events and temporary canopies/tents with a temporary use permit, a provision for closing procedures after business operations have concluded, and a black interior chain-link fence. However, the Department recommends denial for the requested changes to allow outdoor decorative materials, and the front yard fencing along Harbins Road.

**Comprehensive Plan:**

The subject parcel is designated as Dacula West on Dacula's 2050 Future Development Map in the City of Dacula Comprehensive Plan. The Dacula West character area is described as

allowing “small scale neighborhood commercial activities along Harbins Roads,” providing community amenities while maintaining the single-family character.

The analysis of the application should be made based upon the “Standards Governing Exercise of the Zoning Power” as stated in Section 1702 of the 2000 Zoning Resolution of the City of Dacula.

***1. Whether a proposed change of conditions will permit a use that is suitable in view of the use and development of an adjacent and nearby property?***

The recommended changes in conditions are suitable in view of the use as an indoor event space in consideration of the adjacent residential uses.

***2. Whether the proposed change of conditions will adversely affect the existing use or usability of adjacent or nearby properties?***

With the recommended conditions, certain limited changes in conditions would not be expected to negatively impact surrounding properties.

***3. Whether the property to be affected by a proposed change of conditions has a reasonable economic use as currently zoned?***

Yes, the property has reasonable economic use as currently zoned.

***4. Whether the proposed change of conditions will result in a use which will or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities or schools?***

No, excessive and burdensome use of existing streets, transportation facilities, utilities or schools would not be expected should the recommended changes be approved with the listed conditions.

***5. Whether the proposed change of conditions is in conformity with the policy and intent of the Land Use Plan?***

The recommended change in conditions would be consistent with the small-scale neighborhood commercial characterization of the Dacula West and is consistent with the development pattern along this portion of Harbins Road.

***6. Whether there are other existing or changing conditions affecting the use and development of the property which give supporting grounds for either approval or disapproval of the proposed rezoning?***

The proposed conditions would allow for meeting, office, and special event uses and thus expand the usability of the property without adversely impacting the surrounding area.

**Recommendation:**

Based upon the Application, the following Change of Conditions are recommended for Approval.

**Bold – Addition**

**Strikethrough – Deletion**

1. Permitted uses shall be limited to meeting and office use, **and indoor special events. The maximum occupancy shall not exceed thirty-two (32) persons.**
2. All business activities shall be contained within the existing structure on the property. **Outdoor events are permitted with a temporary use permit.**
3. The fence that adjoins residential properties must remain in place and the structural and visual characteristics of the fence shall be maintained at all times.
4. The existing zoning buffer must remain in place and be maintained at all times.
5. Ground signage shall be limited to a single monument type only with indirect lighting or a LED reader board. Sign shall be constructed with a brick or stacked stone base of at least 2 feet in height. Neon or internally lit ground signs shall be prohibited. The light from any illuminated sign shall not be of an intensity and brightness which will interfere with the peace, comfort, convenience, and general welfare of residents or occupants of adjacent and nearby properties.
6. Property lighting shall be directed in towards the property so as not to reflect into adjacent residential properties. A separate lighting plan (showing location and type of light) shall be submitted to the City for approval.
7. Normal business hours of operation shall be limited from 6:00 am to 9:00 pm. **Closing procedures may continue until 11:00 pm.**
8. Any dumpster enclosures shall be constructed with brick, stacked stone, or split face block (CMU). Subject enclosures shall have a completely opaque wood or steel door. Garbage/Sanitation or dumpster service pickups shall be conducted between the hours of 7:00 am and 6:00 pm, as scheduled Monday through Friday only.
9. No outdoor storage shall be permitted on site. Accessory storage sheds / structures shall be allowed in the side and rear yards. Said structures shall be enclosed on all four sides.
10. No outside loudspeakers shall be allowed.
11. No **tents, canopies,** temporary banners, streamers or roping decorated with flags, tinsel, or other similar material shall be displayed, hung, or strung on the site. No decorative balloons or hot-air balloons shall be displayed on the site. **Temporary tents and canopies may be permitted with an approved temporary use permit.**
12. Any fencing along Harbins Road shall be wrought-iron style with stacked stone or brick columns spaced every 30 feet or white decorative vinyl and/or steel as shown in Exhibit A. Fencing shall not exceed six (6) feet in height. A fence plan shall be subject to review and approval by the City of Dacula.
13. Any interior fencing shall be of decorative iron, painted/stained wood slat, **or** a similar vinyl material, **or a black chain link fence** not to exceed six (6) feet in height.

14. Any garbage, litter, or construction debris must be removed from the site prior to the issuance of a certificate of occupancy for the site.
15. All drive and/or parking areas shall be paved with either concrete or asphalt, prior to issuance of an Occupational Tax Certificate for the property. Parking requirements will adhere to Article X of the Zoning Resolution of the City of Dacula.
16. The property generally shall be developed as approved by the Mayor and City Council. Any substantial deviation from the approved conditions of zoning shall be resubmitted to the City Council for approval. The City Administrator shall determine what constitutes substantial deviation.
17. **The 50-foot undisturbed buffer may be encroached by a maximum of twenty (20) feet for the installation of one (1) six (6) foot water feature/fountain, and/or landscape enhancements. A location plan for the water feature/fountain shall be submitted to the City for approval. The existing trees with a 2-inch dbh or greater will not be disturbed for the construction of said water feature/fountain, or landscape enhancements.**



City of Dacula

P. O. Box 400

Dacula, GA 30019

(770) 962-0055 / Fax (770) 513-2187

REZONING/ CHANGE OF CONDITIONS/ SPECIAL USE PERMIT APPLICATION

AN APPLICATION TO AMEND THE OFFICIAL ZONING MAP OF THE CITY OF DACULA, GEORGIA.

(Please Type or Print using BLACK INK)

Form with two columns: APPLICANT \* and PROPERTY OWNER \*. Includes fields for NAME, ADDRESS, CITY, STATE, ZIP, PHONE, and FAX.

APPLICANT IS THE:

- Owner's Agent, Property Owner, Contract Purchaser checkboxes.

Contact person information: James Clinkscates, CircaSpaces, 491 Harbins Road, Dacula, GA 30019.

\* Include any person having a property interest and/or a financial interest in any business entity having property interest (use additional sheets if necessary).

PRESENT ZONING DISTRICT(S) 5th, REQUESTED ZONING DISTRICT 5th, LAND LOT(S) 301, PARCEL # R5276040, DISTRICT(S) 5th, ACREAGE 1.40

PROPOSED DEVELOPMENT OR SPECIAL USE REQUESTED modification to existing zoning condition as defined in Letter of Intent. Modifications to conditions: #1, 2, 7, 11, 12. 1 Permitted use includes intimate social/business events, use of outside; 7 hours 6am-11pm; 11 allow tents/canopies; 12 8ft fencing

RESIDENTIAL DEVELOPMENT: NO. OF LOTS/DWELLINGS UNITS, DWELLING UNIT SIDE (SQ. FT.) NON-RESIDENTIAL DEVELOPMENT: No Development, NO. OF BUILDINGS/LOTS, TOTAL GROSS SQ. FEET

LETTER OF INTENT & LEGAL DESCRIPTION OF PROPERTY

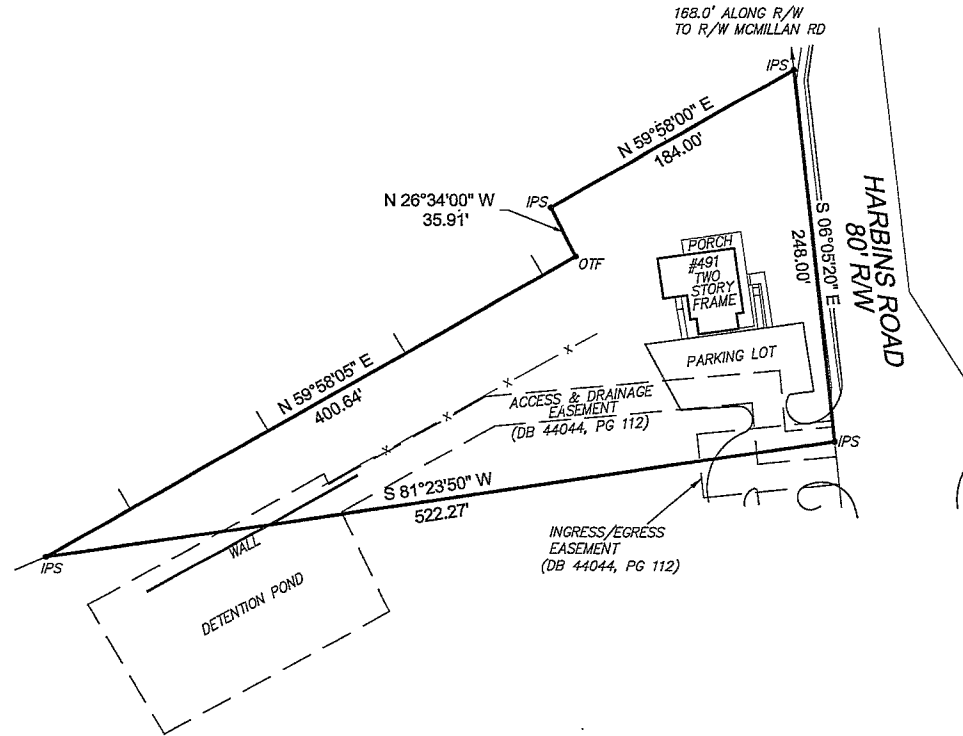
\*\*\* PLEASE ATTACH A "LETTER OF INTENT" EXPLAINING WHAT IS PROPOSED and TYPED "LEGAL DESCRIPTION" OF PROPERTY TO BE AMENDED \*\*\*

CASE NUMBER

RESERVED FOR THE CLERK OF COURTS

**LEGEND AND SYMBOLS USED**

- IPF - Iron Pin Found
- IPS - Iron Pin Set (1/2" Capped Rebar)
- RBF - Rebar Found
- OTF - Open Top Pipe Found
- CTF - Crimped Top Pipe Found
- MON - Monument Found
- CMF - Concrete Monument Found
- CP - Calculated Point
- ⚡ PP - Power Pole
- ⚡ LP - Light Pole
- ⊕ PED - Utility Pedestal
- ⊕ FH - Fire Hydrant
- ⊕ WM - Water Meter
- ⊕ WV - Water Valve
- ⊕ GM - Gas Meter
- ⊕ SMH - Sewer Manhole
- ⊕ CB - Catch Basin
- ⊕ DI - Drop Inlet
- ⊕ C/O - Cleanout
- ⊕ PBX - Power Box
- ⊕ Deciduous Tree
- ⊕ Coniferous Tree
- CMP - Corrugated Metal Pipe
- RCP - Reinforced Concrete Pipe
- R/W - Right of Way
- N-F - Now or Formerly
- DB, PG - Deed Book and Page
- FB, PG - Plat Book and Page
- POB - Point of Beginning



**SURVEYOR'S NOTES:**

1. The field data upon which this plat is based has a relative positional accuracy of 0.02 feet.
2. This plat has been calculated for closure and has a mathematical error of 1: 300,000+.
3. Field angles and measurements acquired for the production of this plat were obtained on 5/31/19 using a Leica TCRP 1203 Total Station.
4. This plat was prepared without benefit of a current title examination. Easements or other encumbrances may exist which are not shown hereon. All matters pertaining to title are excepted.
5. No provisions have been made to secure the delineation of any wetlands, historical, or cultural features that may exist on this property.
6. Information regarding the reputed presence, size, character, and location of existing underground utilities and structures is shown hereon. There is no certainty of the accuracy of this information and it shall be considered in that light by those using this drawing. The location and arrangement of underground utilities and structures shown hereon may be inaccurate and utilities and structures not shown may be encountered. The owner, his employees, his consultants, his contractors and/or his agents shall hereby distinctly understand that the surveyor is not responsible for the correctness or sufficiency of this information shown hereon as to such underground installations.
7. The certification, as shown hereon, is purely a statement of professional opinion based on knowledge, information and belief; and based on existing field evidence and documentary evidence available. The certification is not an expressed or implied warranty or guarantee.

AREA  
60,816 SQ.FT.  
1.40 ACRES



**SURVEYOR'S CERTIFICATION**

This survey is a retracement of an existing parcel or parcels of land and does not subdivide or create a new parcel. The recording information of the document(s), map(s), plat(s) or other instrument(s) which created the parcel(s) are stated hereon. Recordation of this survey does not imply approval of the local jurisdiction, availability of permits, compliance with local regulations or requirements, nor suitability for any use or purpose of the land.

Further, the undersigned land surveyor certifies that this map, plat or plan complies with the minimum 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 and as set forth in the Georgia Plat Act OCGA 15-6-67.

*John C. Groves, Jr.*  
John C. Groves, Jr. RLS 3237



BOUNDARY SURVEY PREPARED FOR  
CIRCSPACES, INC

LOCATED IN LAND LOT 301  
5TH DISTRICT,  
GWINNETT COUNTY, GEORGIA

DATE:	6/4/19
SCALE:	1"=80'
DRAWING:	19-176
COORD:	
REVISIONS:	
SHEET #:	1 of 1



**LETTER OF INTENT - REQUEST FOR MODIFICATIONS IN EXISTING ZONING CONDITIONS**

January 10, 2024

To City of Dacula:

Please accept this letter of intent as the formal request to update the existing zoning condition for 491 Harbins Road Dacula, GA 30078 also referred as Circaspaces, Inc.. Circaspaces has been operating as a solid, collaborative and positive entity in the city of Dacula since 2019. As owners, we have invested meaningful time, resources and finances in the city and the community. Prior to our acquiring the building, it stood as an old, dilapidated, vacant building, and a drain to the valuation and optics of the Harbins Road corridor in the city. Over the past few years, as small business owners, we continue to invest in our business operating model to provide an Intimate (up to 32 people) rentable gathering meeting (with no distinction between business-related or social-related) and office space for the community.”

**The property is zoned C-1** which is intended to conveniently serve through commercial uses, the needs of the community. We are serving the needs of those in the community wishing to have intimate (up to 32 persons per our Fire Marshal Occupancy limit) gatherings such as: workshops, business and social gatherings, conference calls, receptions, ceremonies, training, seminars, client discussions, etc. In the flex/shared/co-working industry, these are considered micro gatherings with no distinction of social or office related.

Within the the flex-space (or shared-space) industry, there are locations (one is Best of Gwinnett) that are similar to Circaspaces and they are allowed to rent/host their spaces for social gatherings (bridal/baby showers, graduation, etc.) and also business gatherings.

CircaSpaces, Inc. is requesting the following Modifications to the 2019 (existing) Zoning Conditions:

	<b>Existing</b>	<b>Requested Updates</b>	<b>Just Comments</b>
1	Permitted uses shall be limited to meeting and office use only	Permitted uses for business and social meetings, office and related activities. Social meetings will be limited to the # of occupancy, currently 32, and are considered intimate gatherings such as ceremonies, receptions, seminars, training, workshops, bible study, celebration and other like-kind intimate private and public gatherings.	

	<b>Existing</b>	<b>Requested Updates</b>	<b>Just Comments</b>
2	All business activities shall be contained within the existing structure on the property	Activities permitted to occur on the property, inside and outside.	e.g. A Spring Garden Elopement Ceremony with 10 guests that lasts less than 15min.
3	The fence that adjoins residential properties must remain in place, and the structure and visual characteristics of the fence shall be maintained at all times	No modification	
4	The existing zone and buffer must remain in place and be maintained at all times	No modification	
5	Ground signage shall be limited to a single monument type only with indirect light in or an LED reader board. Sign shall be constructed with a brick or deck, stone base of at least 2 feet and height, neon or internally lit ground signs shall be prohibited. The light from any eliminated sign shall not be off an intensity and brightness, which will interfere with the peace, comfort convenience, and general welfare of residence or occupants of the Adjacent and nearby properties	No modification	
6	Proper lighting shall be directed in towards the property, so as not to reflect into adjacent residential properties. A separate Lighting plan (showing location and type of light) shall be submitted to the city for approval.	No modification	
7	Normal business hours of operation should be limited from 6 AM to 9 PM	Normal business hours of operation shall be limited from 6 AM - 11 PM	e.g. to allow adequate time for winding down and clean-up.



	<b>Existing</b>	<b>Requested Updates</b>	<b>Just Comments</b>
8	Any dumpster enclosure shall be constructed with brick stack stone or split face block (CMU). Subject enclosure shall have a completely opaque wood or steel door. Garbage/sanitation or dumpster service pick up shall be conducted between the hours of 7 AM to 6 PM as scheduled Monday through Friday only	No modification	
9	No outdoor storage shall be permitted on site. Accessory storage shed/structures shall be allowed in the side and rear yards. Set structures shall be closed on all four sides.	No modification	
10	No outside loudspeakers shall be allowed	No modification	
11	No tents, canopies, temporary banners, streamers or roping decorated with flags, tinsel, or other similar material shall be displayed, hung, or strung on the site. No decorative balloons, or hot air balloons shall be displayed on the site.	Tents, canopies, gazebo are permitted on the site at side or back of property.  Banners, streamers or roping, decorated with flags, tinsel or other similar material shall be displayed, hung or strung on the site.  No hot air balloons shall be displayed on the site.	
12	Any fencing along Harbins Rd., shall be wrought- iron style with stacked stone or brick columns faced every 30 feet or white decorative vinyl and/or steel as shown in exhibit A. Fencing should not exceed six (6) feet in height. A fence plan shall be subject to review and approved by the city of Dacula	Fencing along Harbins Road shall be wrought-iron style, stacked stone, brick or a combination thereof, and shall not exceed eight (8) feet in height.	There is consistent, heavy and loud traffic on Harbins Road. For the proper usability, it is desirable to have adequate noise buffering to allow members and clients to safely and reasonably use the spaces.
13	Any interior fencing shall be off decorative iron, painted/stain, wood, slat, or a similar final material, not to exceed 6 feet and height	Any interior fencing shall be off decorative iron, painted/stain, wood, slat, chain-link or a similar final material, not to exceed 6 feet and height	Chain-link fence added, as this is similar to existing interior fencing and neighboring fencings.

	Existing	Requested Updates	Just Comments
14	Any garbage, litter, or construction debris must be removed from the site prior to the issuance of certificate of occupancy for the site.	No modification	
15	all drive and/or parking areas shall be paved with either concrete or asphalt prior to issuance of an occupational tax certificate for the property. Parking requirements will adhere to article X of the Zoning resolution of the city of Dacula.	No modification	
16	The property generally shall be developed as approved by the Mayor and city Council. Any substantial deviation from the approved conditions of zoning, shall be submitted to the city Council for approval. The city administrator should determine what constitutes substantial deviation.	No modification	

The request for modifications will allow CircaSpaces at 491 Harbins Rd to better serve the community wishing to use the facility for business and social gatherings. This will improve the local community's access to services and provide business opportunities for local vendors. During the 1/4/2024 Dacula City Council Meeting, multiple Dacula residents and business owners in the community showed FULL SUPPORT for having a viable flex space for social and business gatherings. They voiced their concerns around the impacts to the overall community, not just to Circaspaces, if business with flexible spaces are not allowed to conduct social gatherings for common purpose. All the requested modifications to the zoning conditions address Circaspaces' ability to provide quality services and enhancement to the constituents seeking an Intimate flexible space (up to 32 people) where social and business gatherings can occur.

If there are any additional information needed or questions, please feel free to contact our office. Thank you for the continued support.

Sincerely,

James Clinkscales  
Co-owner CircaSpaces, Inc  
(O) 770-524-7133  
(C) 404-944-0762  
james@circaspaces.com

January 17, 2024

To: City of Dacula

From: CircaSpaces, Inc.  
James Clinkscates  
491 Harbins Road  
Dacula, GA 30091

RE: APPLICATION CASE # 2024-CD-COC-01

Please accept this document as a formal request to be added to the already submitted COC form.

Request a variance to eliminate zoning buffers. There is currently approximately 6-ft fencing along the side and back where the adjoining properties are located (north/west), and evergreen trees were planted, in addition to several existing trees and shrubs that provide adequate buffer to contiguous properties.

## EXHIBIT A

### LEGAL DESCRIPTION

All that tract or parcel of land lying and being in Land Lot 301, 5th District, in the City of Dacula, of Gwinnett County, Georgia, and being more particularly shown on that survey for James R. Williams, Charles Taylor, Peachtree Bank and Chicago Title Insurance, prepared by W. T. Dunahoo, G.R.L.S. No. 1577, dated July 26, 2005, and more particularly described as follows:

BEGINNING at a point located on the Northwesterly right-of-way line of Harbins Road (an 80-foot right-of-way), 168.00 feet Southernly, along said right-of-way line, from its intersection with the centerline of McMillan Road; from said POINT OF BEGINNING thence run South  $06^{\circ} 05' 20''$  East, along said Northwesterly right-of-way line of Harbins Road, 248.00 feet to a point; thence running South  $81^{\circ} 23' 50''$  West, 522.27 feet to an iron pin set; thence running North  $59^{\circ} 58' 05''$  East, 400.64 feet to an iron pin found; thence running North  $26^{\circ} 34' 00''$  West, 35.91 to an iron pin set; thence running  $59^{\circ} 58' 00''$  East, 184.00 feet to the POINT OF BEGINNING, being 1.40 Acres, more or less, as shown on the survey referenced above.

Together With an Access Easement and Detention Easement as set forth in that certain Easement Agreement, dated August 15, 2005, between James R. Williams, Charles H. Taylor and Harbins Dacula Properties, LLC, recorded in Deed Book 44044, Page 112, of the Gwinnett County, Georgia Deed Book Records.

**APPLICANT CERTIFICATION**

The undersigned is authorized to make this application and is aware that if an application is denied, no application or re-application affecting the same property shall be acted upon within twelve (12) months from the date of last action unless waived by the City.

Signature of Applicant James Clinkscales Date 12-7-2023  
Type or Print Name/Title James Clinkscales, Co-owner  
Notary Public \_\_\_\_\_ Date \_\_\_\_\_

**PROPERTY OWNER CERTIFICATION**

The undersigned, or as attached, is the record owner of the property considered in this application and is aware that if an application is denied, no application or re-application affecting the same land shall be acted upon within twelve months from the date of last action unless waived by the City.



Signature of Property Owner James Clinkscales Date 12-7-2023  
Type or Print Name/Title James Clinkscales, Co-owner  
Notary Public Kalona Teusdau Date 12/7/2023

**FOR ADMINISTRATIVE USE ONLY**

DATE RECEIVED \_\_\_\_\_ RECEIVED BY \_\_\_\_\_ FEE \_\_\_\_\_ RECEIPT # \_\_\_\_\_

LAND LOT \_\_\_\_\_ DISTRICT \_\_\_\_\_ PARCEL # \_\_\_\_\_ HEARING DATE \_\_\_\_\_

ACTION TAKEN \_\_\_\_\_

SIGNATURE \_\_\_\_\_ DATE \_\_\_\_\_

STIPULATIONS \_\_\_\_\_

**CONFLICT OF INTEREST CERTIFICATION**

The undersigned, making application for rezoning/SUP, has complied with the Official Code of Georgia, Section 36-67A-1, et. seq, Conflict of Interest in Zoning Actions and has submitted or attached the required information on the forms provided.

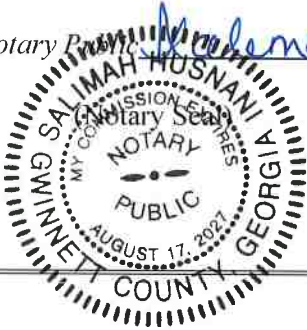
Signature of Applicant James Clinkscales Date 12-7-2023

Type or Print Name/Title James Clinkscales Co-owner

Signature of Applicant' Attorney N/A Date N/A

Type or Print Name/Title N/A

Notary Public Salimah Husnani Date 12/7/2023



**Official Use Only**

DATE RECEIVED \_\_\_\_\_ ZONING CASE NUMBER \_\_\_\_\_

RECEIVED BY \_\_\_\_\_

Your search returned 1 records

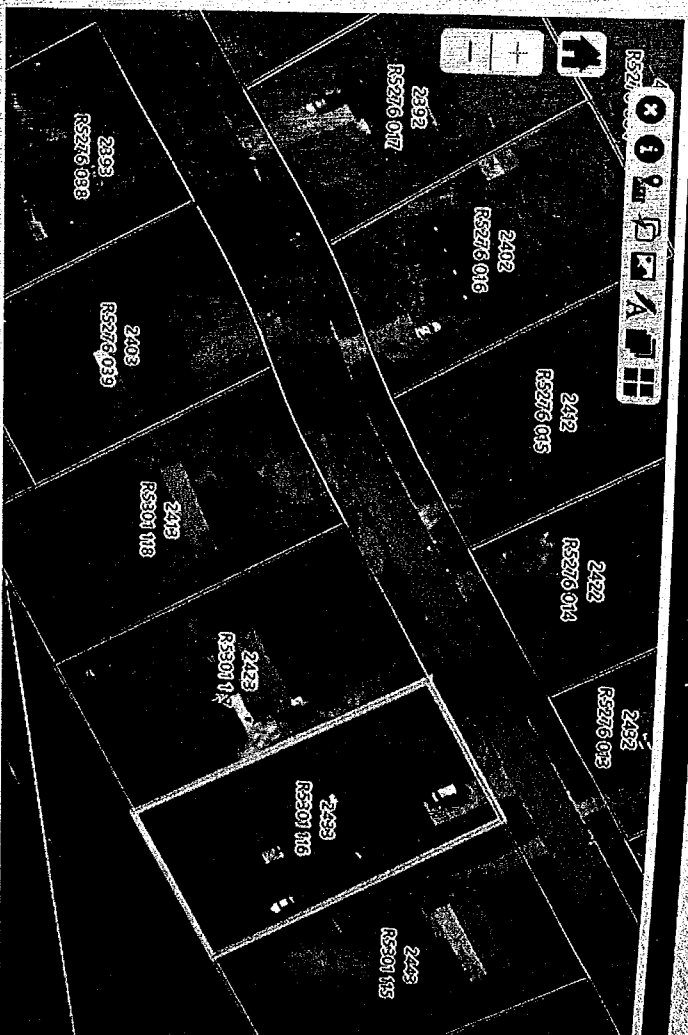
MANVRA DIEGO SANCHEZ VAZQUEZ CONCEPCION CURIE  
2433 ROBIN RIDGE DR  
DACLIA, GA 30019-2124  
0.68 ACRES  
2433 ROBIN RIDGE DR DACLIA 30019 RS301 116

Map It  
Land: \$60,000  
Building: \$247,100  
Total Fair Market: \$307,100

### Search Hints

Steps to search for additional property information and sales in your neighborhood

1. Enter one of the following in the search box above: Your Parcel Number (example: R8001 001 or R8001A001) OR Property Owner Name OR Property Address. Click on the ? for additional examples
2. Click on the Search box
3. Click on the name of the owner (underlined in blue text) from the returned search results to view comparable sales and additional information for the property



307F  
Class

Search

Terms Of Use Privacy Statement Copyright 2019 by Aumentum Technologies



MOULDOUGH, ROBERT E  
2551 JUNE EDWARDS RD  
Dacula, GA 30019-2508

0.48 ACRES  
2443 ROBIN RIDGE DR DACULA, 30019 | RS301.115

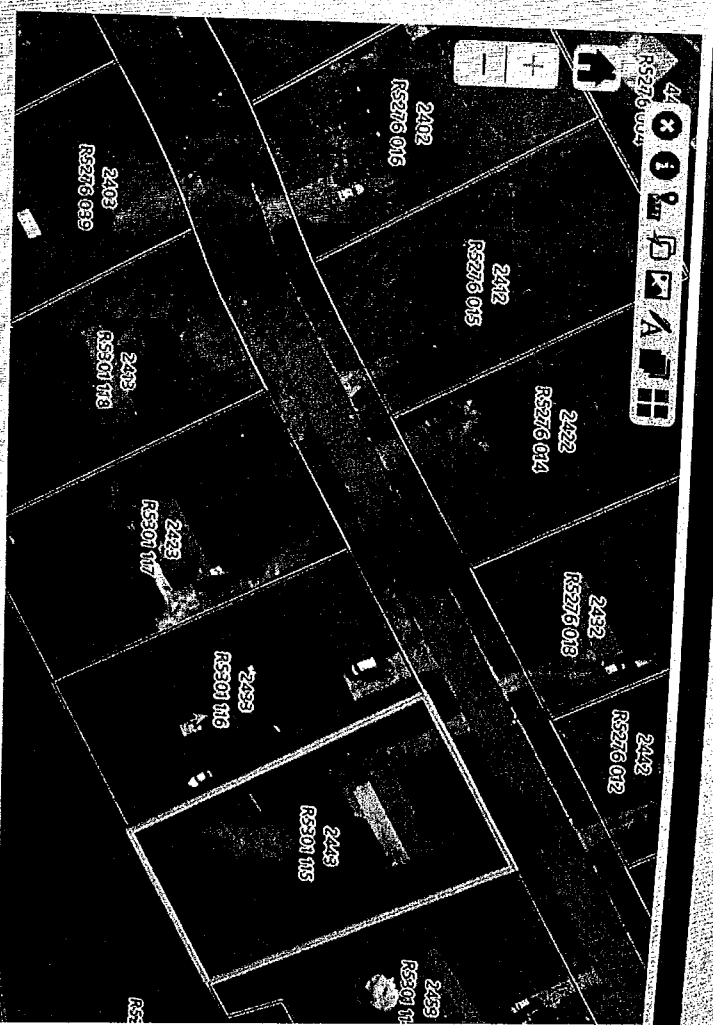
MapIt!  
Land: \$60,000  
Building: \$150,500  
Total Fair Market: \$210,500

Your search returned 1 records

### Search Hints

Steps to search for additional property information and sales in your neighborhood

1. Enter one of the following in the search box above: Your Parcel Number (example: R8001 001 or R8001A001) OR Property Owner Name OR Property Address. Click on the ? for additional examples.
2. Click on the Search box
3. Click on the name of the owner (underlined in blue text) from the returned search results to view comparable sales and additional information for the property.



30°F  
11:58

Search

Zoom

Map

Layers

Home

Print

Fullscreen

Terms Of Use Privacy Statement Copyright 2019 by Aumentum Technologies



Your search returned 1 records.

OWNERS  
2453 ROBIN RIDGE DR  
Dacula, GA 30019-2024  
0.45 ACRES  
2453 ROBIN RIDGE DR Dacula, GA 30019 RS301 114

	Market
Land	\$60,000
Building	\$189,000
Total Fair Market	\$249,000

### Search Hints

Steps to search for additional property information and sales in your neighborhood

1. Enter one of the following in the search box above: Your Parcel Number (example: R8001 001 or R8001A001) OR Property Owner Name OR Property Address. Click on the ? for additional examples.
2. Click on the Search box
3. Click on the name of the owner (underlined in blue text) from the returned search results to view comparable sales and additional information for the property.



Your search returned 1 records.

COURSON, TERIS  
2453 ROBIN RIDGE DR  
Dacula, GA 30019-2824  
B-45, A062  
2453 ROBIN RIDGE DR Dacula, GA 30019

RS301 114

Land: \$60,000  
Building: \$189,000  
Total Fair Market: \$249,000

### Search Hints

Steps to search for additional property information and sales in your neighborhood

1. Enter one of the following in the search box above: Your Parcel Number (example: R8001 001 or R8001A001) OR Property Owner Name OR Property Address. Click on the ? for additional examples.
2. Click on the Search box
3. Click on the name of the owner (underlined in blue text) from the returned search results to view comparable sales and additional information for the property.



Your search returned 1 records.

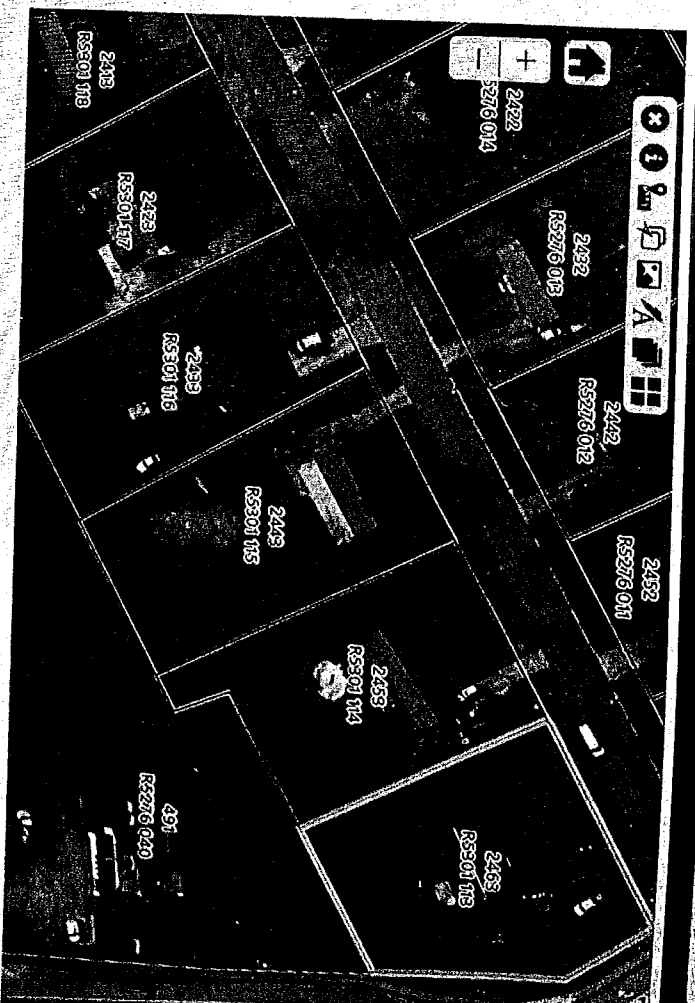
CLARK STEPHANIE LYNETTE  
1099 PATRIOT CV  
Dacula, GA 30019-6845  
0.50 ACRES  
2463 ROBIN RIDGE DR Dacula 30019 | RS301 113

Map It  
Land: \$60,000  
Building: \$209,400  
Total Fair Market: \$269,400

### Search Hints

Steps to search for additional property information and sales in your neighborhood.

1. Enter one of the following in the search box above: Your Parcel Number (example: R8001 001 or R8001A001) OR Property Owner Name OR Property Address. Click on the ? for additional examples
2. Click on the Search box
3. Click on the name of the owner (underlined in blue text) from the returned search results to view comparable sales and additional information for the property.







### Tax Assessor's Office

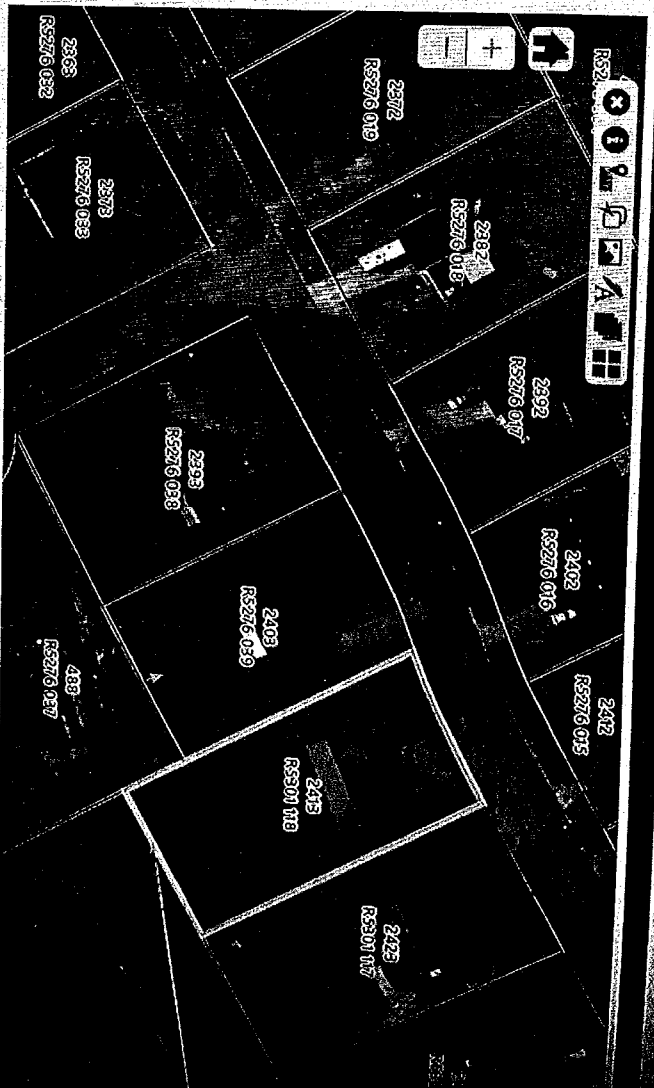
SEARCH RESULTS  
 PO BOX 382  
 DACULA, GA 30019-0007  
 0.75 ACRES  
 2418 ROBIN WIDGE DR DACULA 30019 | R5301 118

Map ID: \$60,000  
 Land: \$191,800  
 Building: \$251,600  
 Total Full Market:

Your search returned 1 records.

### Search Hints

- Steps to search for additional property information and sales in your neighborhood:
1. Enter one of the following in the search box above: Your Parcel Number (example: R8001 001 or R8001 A001) OR: Property Owner Name OR: Property Address. Click on the ? for additional examples.
  2. Click on the Search box
  3. Click on the name of the owner (underlined in blue text) from the returned search results to view comparable sales and additional information for the property.



Your search returned 1 records.

CROSBY'S INC  
1352 HANSALE CT  
SMELVILLE, GA 30078-5884  
1.40 ACRES  
4911 HARBINS RD Dacula 30019 | RS2276 040

Map: 114  
Total Building: \$150,000  
Total Market: \$300,000



### Search Hints

Steps to search for additional property information and sales in your neighborhood:

1. Enter one of the following in the search box above: Your Parcel Number (example: R8001.001 or R8001A001) OR Property Owner Name OR Property Address. Click on the ? for additional examples.
2. Click on the Search box
3. Click on the name of the owner (underlined in blue text) from the returned search results to view comparable sales and additional information for the property.



Your search returned 1 records

DORJEI KARENS  
929 HIGHWAY 383  
TOWNSHIP 06647 5755  
0.48 ACRES  
2426 ROBIN RIDGE DR DALLAS 30019 | RS301 117

MAPLE  
Land: \$60,000  
Building: \$194,800  
Total Fair Market: \$254,800

### Search Hints

Steps to search for additional property information and sales in your neighborhood:

1. Enter one of the following in the search box above: Your Parcel Number (example: R8001 001 or R8001 A001) OR Property Owner Name OR Property Address. Click on the ? for additional examples.
2. Click on the Search box
3. Click on the name of the owner (underlined in blue text) from the returned search results to view comparable sales and additional information for the property.

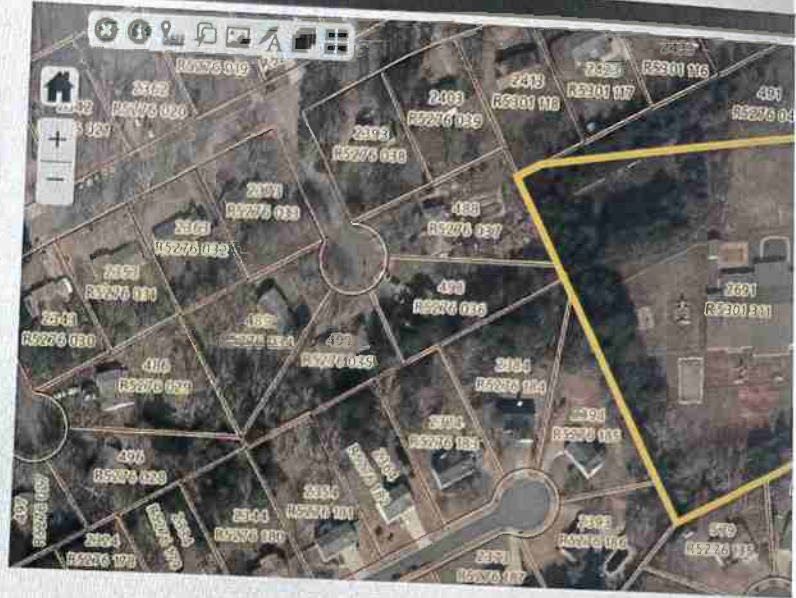


Your search returned 1 records.

**BONNIE BLUE PROPERTIES, LLC**  
 495 HARBINS RD  
 DACULA, GA 30019-2359  
 4.90 ACRES  
 495 HARBINS RD DACULA 30019 | R5301.311

Map It!

Land: \$326,300  
 Building: \$1,859,300  
 Total Fair Market: \$2,185,600



### Search Hints

Steps to search for additional property information and sales in your neighborhood

- 1 Enter one of the following in the search box above: Your Parcel Number (example R8001 001 or R8001A001) OR Property Owner Name OR Property Address. Click on the ? for additional examples.
- 2 Click on the Search box
- 3 Click on the name of the owner (underlined in blue text) from the returned search results to view comparable sales and additional information for the property.





**City of Dacula**  
P. O. Box 400  
Dacula, GA 30019  
(770) 962-0055 / Fax (770) 513-2187

**DISCLOSURE OF CAMPAIGN CONTRIBUTIONS**

Have you, within the two years immediately preceding the filing of this application, made campaign contributions aggregating \$250.00 or more the Mayor and/or a member of the City Council or a member of the Dacula Planning Commission.

Yes  No

If the answer is *Yes*, please complete the following section:

<b>Name of Government Official</b>	<b>Contributions</b> <i>(All which aggregate to \$250.00+)</i>	<b>Contribution Date</b> <i>(within last 2 years)</i>
_____		
_____		
_____		
_____		

Have you, within the two years immediately preceding the filing of this application, made gifts having in the aggregate a value of \$250.00 or more to the Mayor and/or a member of the City Council or a member of the Dacula Planning Commission.

Yes  No

If the answer is *Yes*, please complete the following section:

<b>Name of Government Official</b>	<b>Description of Gifts</b> <i>(Valued aggregate \$250.00+)</i>	<b>Date Gift was Given</b> <i>(within last 2 years)</i>
_____		
_____		
_____		
_____		

*(Attach additional sheets if necessary to disclose or describe all contributions/gifts)*





# City of Dacula

P. O. Box 400  
Dacula, GA 30019  
(770) 962-0055 / Fax (770) 513-2187

## IMPACT ANALYSIS STATEMENT

As required by the Zoning Resolution of the City of Dacula, the following standards are relevant in balancing the interest in promoting the public health, safety, morality, or general welfare against the right to the unrestricted use of property and shall govern the exercise of the zoning power. **ALL APPLICATIONS MUST BE COMPLETED WITH THE COMPLETED IMPACT ANALYSIS STATEMENT.**

DATE 1/10/24 APPLICANT James Clinkscales

A. Whether a proposed rezoning will permit a use that is suitable in view of the use and development of adjacent and nearby property: No Known Impact.

B. Whether a proposed rezoning will adversely affect the existing use or usability of adjacent or nearby property: No Known Impact.

C. Whether the property to be affected by a proposed rezoning has a reasonable economic use as currently zoned: No Known Impact.

D. Whether the proposed rezoning will result in a use which will or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities, or schools. No Known Impact.

E. Whether the proposed rezoning is in conformity with the policy and intent of the Land Use Plan: Yes, to our Knowledge

F. Whether there are other existing or changing conditions affecting the use and development of the property which give supporting grounds for either approval or disapproval of the proposed rezoning: No Known Impact.

**CONFLICT OF INTEREST CERTIFICATION**

The undersigned, making application for rezoning/SUP, has complied with the Official Code of Georgia, Section 36-67A-1, et. seq, Conflict of Interest in Zoning Actions and has submitted or attached the required information on the forms provided.

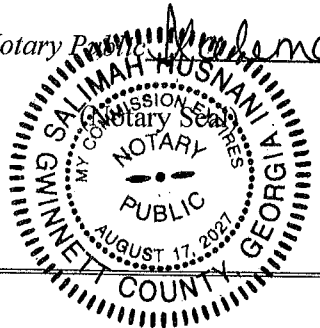
Signature of Applicant James Clinkscales Date 12-7-2023

Type or Print Name/Title James Clinkscales Co-owner

Signature of Applicant' Attorney N/A Date N/A

Type or Print Name/Title N/A

Notary Public Sajimah Husnani Date 12/7/2023



**Official Use Only**

DATE RECEIVED \_\_\_\_\_ ZONING CASE NUMBER \_\_\_\_\_

RECEIVED BY \_\_\_\_\_

LEGAL DESCRIPTION OF CIRCASPACES, INC.  
491 HARBINS ROAD, DACULA, GA 30019

December 5th, 2023

To City of Dacula:

Legal Description of CircaSpaces, request for modification to the existing zoning conditions.

Address: 491 Harbins Road, Dacula, GA 30019

Parcel #: R5276040

Land Lot #: 301

District: 5th District



Ann's Book  
CFA 30019  
1005



Resident  
2443 Robin Ridge Drive  
Dacula GA 30019

U.S. Postal Service™  
CERTIFIED MAIL® RECEIPT  
Domestic Mail Only

For delivery information, visit our website at [www.usps.com](http://www.usps.com)

Dacula, GA 30019

**OFFICIAL USE**

Certified Mail Fee \$4.40

Extra Services & Fees (check box, add fee as appropriate)  
 Return Receipt (hardcopy) \$0.00  
 Return Receipt (electronic) \$0.00  
 Certified Mail Restricted Delivery \$0.00  
 Adult Signature Required \$0.00  
 Adult Signature Restricted Delivery \$0.00

Postage \$0.68

Total Postage and Fees \$5.08

Sent To \_\_\_\_\_  
Street and Apt. No., or PO Box No. \_\_\_\_\_  
City, State, ZIP+4® \_\_\_\_\_

PS Form 3800, January 2023 PSN 7530-02-000-9047 See Reverse for Instructions

USPS.com  
**UNITED STATES POSTAL SERVICE**

SNELLVILLE  
2440 WISTERIA DR  
SNELLVILLE, GA 30078-3325  
(800)275-8777

01/23/2024 02:20 PM

Product	Qty	Unit Price	Price
First-Class Mail® Letter	1		\$0.65
Dacula, GA 30019			
Weight: 0 lb 0.30 oz			
Estimated Delivery Date			
Thu 01/25/2024			
Certified Mail®			\$4.40
Tracking #:			
9589 0710 5270 1554 0311 65			
<b>Total</b>			<b>\$5.08</b>
First-Class Mail® Letter	1		\$0.68
Iowa, LA 70647			
Weight: 0 lb 0.30 oz			
Estimated Delivery Date			
Thu 01/25/2024			
Dacula, GA 30019			
Weight: 0 lb 0.30 oz			
Estimated Delivery Date			
Thu 01/25/2024			
Certified Mail®			\$4.00
Tracking #:			
9589 0710 5270 1554 0341 04			
<b>Total</b>			<b>\$5.08</b>
PurpleHeartMedal	4	\$0.68	\$2.72
<b>Grand Total:</b>			<b>\$3.00</b>
Credit Card Remit			\$3.00
Card Name: Discover			
Account #: XXXXXXXXXXXX4153			
Approval #: 023740			
Transaction #: 481			
AID: A0000001523010			Chip
AL: Discover			
PIN: Not Required			

2d  
30019



Resident  
2423 Robin Ridge Drive  
Dacula, GA 30019

U.S. Postal Service™  
CERTIFIED MAIL® RECEIPT  
Domestic Mail Only

For delivery information, visit our website at [www.usps.com](http://www.usps.com)

Dacula, GA 30019

**OFFICIAL USE**

Certified Mail Fee \$4.40

Extra Services & Fees (check box, add fee as appropriate)  
 Return Receipt (hardcopy) \$0.00  
 Return Receipt (electronic) \$0.00  
 Certified Mail Restricted Delivery \$0.00  
 Adult Signature Required \$0.00  
 Adult Signature Restricted Delivery \$0.00

Postage \$0.68

Total Postage and Fees \$5.08

Sent To \_\_\_\_\_  
Street and Apt. No., or PO Box No. \_\_\_\_\_  
City, State, ZIP+4® \_\_\_\_\_

PS Form 3800, January 2023 PSN 7530-02-000-9047 See Reverse for Instructions

Text your tracking number to 28777 (2US) to get the latest status. Standard Mess and Data rates may apply. You may also visit [www.usps.com](http://www.usps.com) USPS Tracking or call 1-800-222-1811.

In a hurry? Self-service kiosks offer quick and easy check-out. Any Retail Associate can show you how.

Preview your Mail  
Track your Packages  
Sign up for FREE @  
<https://informedelivery.usps.com>

All sales final on stamps and postage  
Refunds for guaranteed services only  
Thank you for your business.

Tell us about your experience.  
Go to: <https://postalexperience.com/>  
or scan this code with your mobile device.

2d  
A 30019



Residents  
2463 Robin Ridge Drive  
Dacula, GA 30019

U.S. Postal Service™  
CERTIFIED MAIL® RECEIPT  
Domestic Mail Only

For delivery information, visit our website at [www.usps.com](http://www.usps.com)

Dacula, GA 30019

**OFFICIAL USE**

Certified Mail Fee \$4.40

Extra Services & Fees (check box, add fee as appropriate)  
 Return Receipt (hardcopy) \$0.00  
 Return Receipt (electronic) \$0.00  
 Certified Mail Restricted Delivery \$0.00  
 Adult Signature Required \$0.00  
 Adult Signature Restricted Delivery \$0.00

Postage \$0.68

Total Postage and Fees \$5.08

Sent To \_\_\_\_\_  
Street and Apt. No., or PO Box No. \_\_\_\_\_  
City, State, ZIP+4® \_\_\_\_\_

PS Form 3800, January 2023 PSN 7530-02-000-9047 See Reverse for Instructions

Postal Service™  
CERTIFIED MAIL® RECEIPT  
Domestic Mail Only

For delivery information, visit our website at [www.usps.com](http://www.usps.com)

Dacula, GA 30019

**OFFICIAL USE**

Certified Mail Fee \$4.40

Extra Services & Fees (check box, add fee as appropriate)  
 Return Receipt (hardcopy) \$0.00  
 Return Receipt (electronic) \$0.00  
 Certified Mail Restricted Delivery \$0.00  
 Adult Signature Required \$0.00  
 Adult Signature Restricted Delivery \$0.00

Postage \$0.68

Total Postage and Fees \$5.08

Sent To \_\_\_\_\_  
Street and Apt. No., or PO Box No. \_\_\_\_\_  
City, State, ZIP+4® \_\_\_\_\_

PS Form 3800, January 2023 PSN 7530-02-000-9047 See Reverse for Instructions

2d  
019



Residents  
2413 Robin Ridge Dr  
Dacula, GA 30019

U.S. Postal Service™  
CERTIFIED MAIL® RECEIPT  
Domestic Mail Only

For delivery information, visit our website at [www.usps.com](http://www.usps.com)

Dacula, GA 30019

**OFFICIAL USE**

Certified Mail Fee \$4.40

Extra Services & Fees (check box, add fee as appropriate)  
 Return Receipt (hardcopy) \$0.00  
 Return Receipt (electronic) \$0.00  
 Certified Mail Restricted Delivery \$0.00  
 Adult Signature Required \$0.00  
 Adult Signature Restricted Delivery \$0.00

Postage \$0.68

Total Postage and Fees \$5.08

Sent To \_\_\_\_\_  
Street and Apt. No., or PO Box No. \_\_\_\_\_  
City, State, ZIP+4® \_\_\_\_\_

PS Form 3800, January 2023 PSN 7530-02-000-9047 See Reverse for Instructions

U.S. Postal Service™  
CERTIFIED MAIL® RECEIPT  
Domestic Mail Only

For delivery information, visit our website at [www.usps.com](http://www.usps.com)

Dacula, GA 30019

**OFFICIAL USE**

Certified Mail Fee \$4.40

Extra Services & Fees (check box, add fee as appropriate)  
 Return Receipt (hardcopy) \$0.00  
 Return Receipt (electronic) \$0.00  
 Certified Mail Restricted Delivery \$0.00  
 Adult Signature Required \$0.00  
 Adult Signature Restricted Delivery \$0.00

Postage \$0.68

Total Postage and Fees \$5.08

Sent To \_\_\_\_\_  
Street and Apt. No., or PO Box No. \_\_\_\_\_  
City, State, ZIP+4® \_\_\_\_\_

PS Form 3800, January 2023 PSN 7530-02-000-9047 See Reverse for Instructions



# Memorandum

**To:** City of Dacula Planning Commission/  
City of Dacula Mayor and City Council

**From:** Hayes Taylor, City Planner

**Date:** February 26, 2024 (*Revised*)

**Subject:** Change of Conditions Case: 2024-CD-COC-02

**Proposed Zoning:** PMUD (Planned Mixed-Use District)

**Existing Zoning:** PMUD (Planned Mixed-Use District)

**Size:** 1.22 acres

**Proposed Use:** Commercial/Fast-food

**Applicant:** WREG Harbins, LLC  
1958 Monroe DR NE  
Atlanta, Georgia 30319  
404-872-8666

**Owner:** WREG Harbins, LLC  
1958 Monroe DR NE  
Atlanta, Georgia 30319  
404-872-8666

**Location:** LL 300 - 5th District, Parcel 145

## Existing Land Use and Zoning:

The subject property totals 1.22 acres and is located in Out Lot A in the northwestern portion of the Harbins 316 development along Harbins Rd. Harbins 316 was zoned PMUD (Planned Mixed-Use District) pursuant to 2020-CD-RZ-03. Within the development there are various uses including a gas station, commercial uses, multi-family living, and senior living, currently under development. Within the planned mixed-use development, there is an existing fast-food restaurant with a drive-thru lane.

## The Proposed Development:

The applicant has requested a change of conditions to amend 2020-CD-RZ-03 Zoning Condition Set #2, Condition #5. The existing conditions limit the mixed-used development to one (1) fast food restaurant with a drive-thru and/or curbside service. The applicant is requesting to change Condition #5 to allow for an additional fast food establishment with curbside service.

The site plan depicts a proposed commercial fast-food restaurant (2,325 square feet) and a proposed urgent care facility (4,550 square feet) occupying a 6,875 square foot building with

no outdoor seating in Out Lot A with three (3) access points from Out Lot B, and none from Harbins Road. Automotive traffic from Harbins Rd must pass through the parking lot of Out Lot B, which contains a gas station designed for heavier automotive use. The application materials show the proposed curb service pick up lane for Chipotle on the northwest side of the building, accessible from a one-way drive, with a ten (10) foot landscape buffer on the southwest and northwest parcel boundaries. Site plans show that of the 1.22 acres, roughly 1.09 acres (48,000 square feet) will be impervious surface. Of the impervious surface area 6,875 square feet (0.15 acres) is the building footprint, roughly 18,556 square feet (0.426 acres) is the parking footprint, 3,700 square feet (0.09 acres) is dedicated to pedestrian walkways, and the remaining impervious acreage is dedicated to automotive traffic.

The letter of intent asserts that the “limited-service pick-up window” will not undermine the intent of the present set of conditions set by council because there are no menu boards or call boxes, decreasing “impulsive” vehicular traffic. Staff notes that the purposed end-user, Chipotle, would not be considered a fast food restaurant per the definition listed under Condition #5 (2020-CD-RZ-03), if there is no drive-thru or curb service use.

Council has set a policy to protect the City, citizens, and traveling public from excessive drive-thru and automotive traffic along Harbins Road (see 2020-CD-RZ-03 and 2022-CD-RZ-02) by limiting the number of fast food restaurants with drive-thru/curb services lanes to one (1) per development. The policy serves the purpose of traffic calming and assuring traffic flow on Harbins Road and internally in commercial parcels nearby. The policy further advances the goal of enhancing air quality by limiting extended vehicle idling. The requested change of conditions would modify this policy, break said precedent, and could lead to the proliferation of drive-thru/curb service lanes along this emerging commercial corridor.

The City of Dacula’s 2050 Comprehensive Plan designates the subject property and the surrounding area as the Emerging Commercial character area. Emerging Commercial land uses are identified as “commercial, office, and public/institutional” buildings with mixed-use character that facilitate “increased connectivity, and transportation model options” (The City of Dacula 2050 Comprehensive Plan, page 66). The proposed commercial food chain use falls within potentially permissible uses; however, the encouragement of expanded automotive transport within a mixed-use development conflicts with the character area’s policy recommendation.

**Summary:**

The requested change of conditions to allow for an additional curb service lane within the Harbins 316 development conflicts with the City’s policy goals outlined in the land use considerations for the Emerging Commercial Comprehensive Plan character area. As such, the Department recommends the requested change of conditions be denied.

**Comprehensive Plan:**

The subject parcel is designated as an Emerging Commercial on the City of Dacula's 2050 Future Development Map and designated Innovation District on the Gwinnett County 2040 Unified Plan.

The Dacula 2050 Comprehensive Plan describes the Emerging Commercial character areas as being "more pedestrian oriented" nodes with "mixed-use buildings" with "non-residential uses... oriented towards the street with direct pedestrian access, outdoor patios, plazas etc." (page 66).

The analysis of the application should be made based upon the "Standards Governing Exercise of the Zoning Power" as stated in Section 1702 of The 2000 Zoning Resolution of the City of Dacula.

***1. Whether the proposed change of conditions will permit a use that is suitable in view of the use and development of an adjacent and nearby property?***

Given the council precedent limiting automotive use in proximal parcels, the proposed change of conditions for an additional drive-thru/curb service is unsuitable. Furthermore, the use could be considered incompatible with the policies outlined in the character area description in the Dacula 2050 Comprehensive Plan.

***2. Whether the proposed change of conditions will adversely affect the existing use or usability of adjacent or nearby properties?***

The change of conditions could expand vehicular traffic within the outparcel and disincentivize pedestrian foot traffic from the nearby multi-family living, and senior living, currently under development.

***3. Whether the property to be affected by the proposed change of conditions has a reasonable economic use as currently zoned?***

Yes, the property has reasonable economic use as currently zoned and with its present conditions.

***4. Whether the proposed change of conditions will result in a use which will or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities, or schools?***

Excessive and burdensome use of utilities or schools would not be expected should the request be approved with adequate measures to control traffic along Harbins Rd. The proposed change could contribute to increased burdens on existing streets and transportation facilities.

***5. Whether the proposed change of conditions is in conformity with the policy and intent of the Land Use Plan?***

The proposed change of conditions furthers dependence on a singular mode of transportation and may deter pedestrian use which may be considered oppositional to the land use considerations within the character area description.

**6. Whether there are other existing or changing conditions affecting the use and development of the property which give supporting grounds for either approval or disapproval of the proposed change of conditions?**

There is a clear Council precedent limiting drive-thru lane traffic within developments. The consequences of diverting from said precedent should be taken into consideration.

**Recommendation:**

Based on the application, the requested change of conditions is recommended for denial. If the City Council approves the change of conditions application, the following conditions are recommended:

*Changes from 2020-CD-RZ-3, Conditions Set #2 are below. Additions are shown in **bold** and deletions in ~~strikethrough~~.*

**Condition Set #2**

Conditions of the City of Dacula

**Concept Plan and Land Use**

- 1) The property shall be developed in accordance with the conceptual site plans prepared by Doulgerakis Consulting Engineers, Inc entitled Inland Pass: A Planned Mixed-Use Development **and Harbins 316-Outlot A Multi-Tenant Commercial** revised on June 17, 2021, **and December 14, 2023, respectively.** Any substantial deviation from the approved conceptual plan and / or remaining conditions of zoning shall be resubmitted to the City Council for consideration. The City Administrator shall determine what constitutes substantial deviation.
- 2) The following uses in the PMUD Zoning District shall be prohibited and made part of the owner's restrictive covenants: adult entertainment establishments, log splitting operations or storage lots, mobile home leasing or sales lots, taxi cab, limousine, or other for hire vehicle services (excluding public or private ambulatory services), solid waste transfer stations, the storage or warehousing of caustic or hazardous materials, animal rendering plants, bulk petroleum or natural gas plant and/or storage facilities, landfills, composting facilities, fertilizer manufacturing, foundries, heavy equipment rental or repair, hardship mobile homes, incinerators, junkyards, lawnmower repair shops, livestock feedlots, materials recovery facility, pawn shops, title loan and check cashing facilities, poultry houses, the raising of dangerous animals for profit or gain, privately owned septic treatment facilities, stack houses, stand-alone crematories, truck stops and/or semi storage lots.
- 3) The following uses in the PMUD Zoning District shall be allowed with the approval of a Special Use Permit by the Mayor and City Council of the City of Dacula: contractor's



offices with outdoor storage, machine/welding/radiator or muffler repair shops, vehicle rental (without driver), churches and/or religious facilities that are not located in a standalone building or structure, automotive sales lots, general auto repair, tire stores, muffler shops, boat sales establishments, crematories as an accessory to a funeral home, equipment rental sales or service (excluding heavy equipment) with associated outside storage, helicopter landing pads, mini-warehouse / personal storage facilities, fleet vehicle parking lots, tattoo and body piercing parlors, pool or billiard halls, liquor and/or package stores, van, moving or truck rental ( i.e. U-Haul, Ryder) or any other non-specified commercial and/or industrial business or use that could require outside storage.

- 4) All forms of on-site outdoor storage shall be subject to Special Use Permit approval by the Mayor and City Council. Garages within the multifamily and senior living projects shall be allowed.
- 5) Only one (1) fast food restaurant with or without drive-thru windows and/or curb service shall be permitted. A fast food restaurant shall be defined as any establishment which dispenses food for consumption on or off the premises, and which has the following characteristics: a limited menu, items prepared in advance or prepared or heated quickly, no table orders, and food served in disposable wrapping or containers. Said definition shall exclude restaurants with drive-thru services whose primary product focuses on specialty coffees or donuts and exclude restaurants without a drive thru in a multi-tenant building. **One (1) restaurant located within a multitenant building may have drive-thru / curb service limited to a single “pick-up window” provided there are no menu boards/call boxes and all food orders take place off site and in advance.**
- 6) The senior living facility shall include improvements to accommodate and assist the senior age group. Necessary improvements and services include elevators, interior corridors, larger hallways (minimum width of 72 inches or compliant with ADA requirements, whichever is greater), resident programming, on-site staff to assist with the needs of residents, and off-site transit / shuttle bus services for residents. In addition, seven (7) of the following amenities / services shall be provided: social clubs, a weekly schedule of activities, nail and hair salon, on-site physical therapy, water aerobics, massage and meditation rooms, wine bar, game rooms, movie theatre, and/or a community concierge.
- 7) The maximum number of senior living units shall not exceed 180.

#### Architectural Design

- 8) The fronts and visible sides of non-residential building exteriors shall be constructed of brick, stone, stacked stone, stucco, EIFS, tilt-up concrete, and/or glass. The rear of the structures shall be finished with brick, stone, stucco, tilt-up concrete, glass, split faced block (CMU), painted block on the rear of the structures, or any combination thereof. Non-residential structures may contain accents of fiber-cement siding in addition to the

primary construction materials. The Department of Planning and Development shall decide what is considered rear of the structure (if any). All non-residential buildings shall be constructed with flat roofs with architectural treatments to include canopies and varying parapet heights. A combination of pitched roofs and architectural parapet treatments shall be allowed with City approval. The appearance of flat roof structures shall be avoided. Mansard style roofs shall be prohibited. Ground mounted mechanical, HVAC and like systems shall be screened on all sides by an opaque wall of brick, stucco, split faced block or wood. Elevated or roof mounted mechanical, HVAC and like systems shall be positioned in such a way as to not be visible from the front street level or surface parking areas of the development. Architectural design shall lend the appearance of multi-tenant occupancy; facades of multi-tenant buildings shall have varied parapet height. Final architectural plans and color palate shall be submitted to the Department of Planning and Development for approval.

- 9) Residential building exteriors shall, at a minimum, be constructed of fiber cement siding with accents of brick, stone, stacked stone, stucco, or cedar shake on all sides. Vinyl siding shall be prohibited except as used for maintenance free accent elements such as soffits, and window casings. Residential buildings shall be constructed with a pitched roof, minimum 4 to 12 pitch, or flat roof with architectural treatments to include canopies and parapets of varying heights to avoid the appearance of a flat roof. A combination of pitched roofs and architectural parapet treatments shall be allowed with City approval. Ground mounted mechanical, HVAC and like systems shall be screened from public view by an opaque wall of brick, stucco, split faced block or wood, or landscaping. Elevated or roof mounted mechanical, HVAC and like systems shall be positioned in such a way as to not be visible from the front street level or parking areas of the development. Final architectural plans and color palate shall be submitted to the Department of Planning and Development for approval.
- 10) Architectural design of multi-family and senior living facilities shall be developed in accordance with the elevations/renderings received on March 28, 2021. Any substantial deviation shall be resubmitted to the City Council for consideration. The City Administrator or his/her designee shall determine what constitutes substantial deviation. Color changes shall not constitute a substantial deviation.
- 11) Multi-family and senior living facilities shall be limited to a maximum of 5-stories.
- 12) Attached residential units shall be a minimum of 720 square feet for single bedroom, 1,000 square feet for two bedroom, and 1,200 square feet for three bedrooms.
- 13) Any accessories provided such as railings, benches, trash receptacles and / or bicycle racks shall complement the building design and style.
- 14) Chain link fence shall be prohibited except around the stormwater management ponds and the multifamily and senior living dog parks. All chain link fences shall be black vinyl.

- 15) All trash dumpsters shall be screened by an enclosure using the same exterior building material as the adjacent occupied buildings. Pickup shall be limited to the hours of 7:00 a.m. to 9:00 p.m. Monday through Saturday. Dumpster enclosures shall remain closed, locked, and in good repair at all times.

#### Landscaping and Parking

- 16) A ten (10) foot wide landscape strip from the proposed ROW shall be provided along the entire tract frontage of Harbins Road. The landscape strip shall be planted so as to not impede site distance along Harbins Road.
- a. Provide non-ornamental shade trees spaced 30-feet on-center along the Harbins Road right-of-way and both sides of the private drive. All street trees shall be a minimum 3-inch caliper (dbh) at the time of planting. Street trees shall be planted at least six-feet from back-of-curb subject to review and approval of the City of Dacula and Gwinnett Department of Transportation.

Street trees shall be of one or a combination of the following species:

1. Willow Oak
2. Overcup Oak
3. Nuttal Oak
4. Pin Oak
5. Shumard Oak
6. Lacebark Elm

- 17) A fifty (50) foot wide landscape strip measured from the property line shall be provided along the southern property line of the multi-family tract. The landscape strip shall be planted with a minimum of two (2), 6-foot high trees staggered every 15 linear feet and supplemented with understory plantings.
- 18) Provide a 20-foot wide landscaped buffer along the rear boundary line of the retail tract as shown on the concept plan. The landscape buffer shall be planted with a row of Leyland Cypress or Cryptomeria trees, planted 20-foot on center, and include a 6-foot height decorative fence. Said fence shall be maintained by the property owner and be in good repair at all times.
- 19) Provide a 10-foot wide landscaped buffer along the side and rear property lines of developing parcels, units, or phases. Landscape buffers shall be planted with a single row of Leyland Cypress or Cryptomeria trees, planted 30-foot on center. The buffer can be eliminated after a Building Permit has been issued on adjacent property.
- 20) A parking lot landscape plan shall be submitted to the City for approval prior to a development permit issuance. At a minimum, the landscape plan shall include monument sign locations and should ensure that each parking island/strip will have a

minimum of one (1) ornamental shade tree per 25 feet. Fifty (50) percent of all parking area trees shall be a minimum of 2-inch dbh caliper and fifty (50) percent shall be a minimum of 3-inch dbh caliper.

- 21) Parking lot lighting shall be directed in toward the property so as not to shine directly into adjacent properties.
- 22) Natural vegetation shall remain on the property until issuance of a land disturbance permit.
- 23) **Curb service lanes must have protruding corners with adequate landscaping to protect the curb service lane from street view. The subject site, pursuant to 2024-CD-COC-02, with drive-thru and/or curb service must have raised pedestrian crosswalks, and a bicycle rack protected by a canopy or the building awning to encourage multi-modal activity. The additional requirements will be submitted with the landscape plan for the City's approval.**

#### Signage and Advertising

- 24) The subject site shall be limited to two (2) planned multi-use center signs along Harbins Road. Each sign is limited to a maximum 150-square foot of advertising space. Monument signs shall not exceed a maximum 20-foot in height for Harbins Road, signs shall be constructed with a brick or masonry base (minimum two feet in height) matching the materials of the buildings. Signs shall be located so as to not impede site distance along Harbins Road. Internally illuminated and indirect lighting shall be allowed for signage at the project entrance(s) along Harbins Road. Sign location and design criteria are subject to review and approval by the City of Dacula.
- 25) Ground signage shall be limited to one monument-type sign for each commercial out lot / out parcel fronting Harbins Road and one monument-type sign per road frontage abutting each of the specified tracts: retail/grocer tract, office/commercial/industrial tract, multi-family tract, and senior living tract. Each sign is limited to a maximum 50-square foot of advertising space. Monument signs shall not exceed a maximum of 6-foot in height and shall be constructed with a brick base (minimum two feet in height) matching the materials of the buildings. Neon signs shall be prohibited. Signs shall be set back 15-feet from right-of-way of Harbins Road and located so as to not impede site distance along Harbins Road. Sign location and design subject to review and approval by the City of Dacula.
- 25) Temporary signage shall be regulated and/or permitted as stated in Article XII (Signs and Advertising) of the City of Dacula Zoning Resolution with the following exceptions:
  - a. Business specific temporary signage must be mounted flush onto or against existing permitted structures within the development.
  - b. Temporary signage shall be prohibited on individual residential units.

- 26) Live human advertisement shall be prohibited within the subject area. To include, but not necessarily be limited to, sign spinners, twirlers, dancers, clowns, and / or other similar temporary advertising methods commonly provided by costumed or animated humans.
- 27) Tents, free-standing-canopies, streamers or roping decorated with flags, tinsel, decorative balloons, hot-air balloons or other similar materials shall be prohibited on the site. Yard and sail signs shall be permitted for residential leasing purposes only.
- 28) Oversized signs or billboards shall be reviewed and permitted separately and must abide by the procedures and regulations as stated in Article XII of the Zoning Resolution.

#### Transportation and Infrastructure

- 29) A Traffic Impact Study shall be provided prior to the issuance of a development permit. Prior to the issuance of the first certificate of occupancy, the applicant shall make any improvements recommended by the traffic impact study, provided the improvements are approved by the City of Dacula and Gwinnett County Department of Transportation respectively. All design and construction will be subject to Gwinnett County D.O.T. review and approval.
- 30) Provide a Signal Warrant Study for the signalization of the intersection of West Drowning Creek Road and Harbins Road to the City of Dacula and Gwinnett County Department of Transportation for review. If it is determined by the signal warrant study that a signal is warranted, and the signal is approved by the Gwinnett County D.O.T., The developer shall incur all costs of the required signal including studies, design with interconnect to adjoining signals, any additional right of way/easements, utility relocations and construction. The developer shall also contract for the installation of the signal by a D.O.T. approved contractor. All design and construction will be subject to Gwinnett County D.O.T. review and approval. The signal will be installed and operational prior to the issuance of the first certificate of occupancy. The developer shall provide documentation to the City verifying payment for materials and installation of the traffic signal.
- 31) Include Interconnect with the signalized intersections of SR 316 and Harbins Road.
- 32). Coordinate with the Georgia Department of Transportation (DOT) for their project PI#0013899 located on SR 316 University Parkway
- 33) All intersection/street widening/entrance plans for Harbins Road shall be submitted and are subject to review and approval by the City of Dacula and the Gwinnett County Department of Transportation.
- 34) Street widening and road improvements, to include the first 400 linear feet of the new two-lane private drive with planted median, shall be installed and functional prior to the issuance of a certificate of occupancy for any portion of the development.

- 35) It shall be the responsibility of the applicant to secure at no cost to the City and/or Gwinnett County, all necessary right-of-way to implement the required improvements.
- 36) Ownership and maintenance of drives, roads, side streets, alleys, and/or parking lots found on the subject site shall be the responsibility of the developer and/or private property owner.
- 37) All new utility lines shall be located underground. The developer shall be responsible for the relocation of public or private utilities and stormwater infrastructure.
- 38) Utilities shall be placed on the developer's property whenever possible, appropriate access and maintenance easements shall be filed at the time of final plat approval for any one parcel or section of the subject development.
- 39) Provide inter-parcel access (curb cuts) where possible to contiguous parcels of the mixed use development.
- 40) All vehicular access onto the proposed private drive must meet the City of Dacula's project access improvement standards of a public road. All improvements shall be provided by the developer.
- 41) A five-foot sidewalk shall be required adjacent to Harbins Road right-of-way. The sidewalk location shall be reviewed and approved by the City of Dacula and Gwinnett County Department of Transportation.
- 42) Five-foot wide sidewalks shall be required adjacent to both sides of the proposed private drive. Sidewalks shall be constructed with an additional 2-foot by 8-foot pad approximately every 300 linear feet to accommodate pedestrian amenities such as benches, planters, and trash containers. All such required amenities shall be decorative, commercial-quality fixtures. Sidewalk design and placement of any of these amenities shall be reviewed and approved by the City of Dacula.
- 43) Provide decorative light poles / fixtures along Harbins Road right-of-way and the interior private drive. Streets lights shall be staggered, 150 feet on-center. Light poles shall be black and a maximum 20 feet high. All street lighting shall be subject to review and approval of the City of Dacula and Gwinnett County Department of Transportation. Where applicable, streetlights shall be placed adjacent to required pedestrian amenity sidewalk pads. The property owner shall be responsible for street light maintenance and lighting fees. A separate lighting plan showing type of light and locations shall be submitted to the City for review and approval.
- 44) Applicant shall construct a southbound right turn deceleration lane along Harbins Road at W Drowning Creek Road with any modification or variation from design approved in writing by the Director of Gwinnett Department of Transportation.

Private Access

- 45) The free-standing multi-family residential and senior living portion(s) of the mixed use development may be gated, with controlled resident access, both vehicular and pedestrian.
- 46) It is the responsibility of the owner and/or developer to provide pass codes, keys, and/or up to date contact information for controlled entrance locations to the Dacula Marshal's Department, Gwinnett County Police Department, and Gwinnett County Fire Department.
- 47) Contact information for any maintenance associations, homeowner associations, and/or private security company's shall be submitted and updated regularly with the Dacula Marshal's Department.
- 48) Provide controlled access for all residential apartment pods. Controlled access shall consist of gates, swing fences, entry posts, or other similar mechanism to control vehicular or pedestrian movement within residential (apartment) pods.

#### Grading and Phasing

- 49) Prior to the issuance of a Land Disturbance Permit or Development Permit for mass grading, the Developer or Land Owner will submit a "Bond Stabilization and Landscape Plan" to the City of Dacula which will provide for the permanent stabilization of disturbed area(s) via rye grass seeding, tree replanting and landscaping in accordance with the City's Development Regulations and these conditions of zoning. Tree replanting along the frontage of Harbins Road and both sides of the private drive shall include non-ornamental shade trees spaced 30-feet on-center, six feet from the right-of-way or pavement edge of the private drive. All street trees shall be a minimum 2-inch caliper (dbh) at the time of planting. Interior replanting of disturbed areas shall include five (5) two-inch caliper trees (DBH) per acre.

Once the "Bond Stabilization and Landscape Plan" has been approved by the City Administrator, and prior to the issuance of any Land Disturbance or Development Permit, Developer or Land Owner shall post a performance bond in favor of the City of Dacula to guarantee the replanting of the disturbed acreage in accordance with the City's Development Regulations and these conditions of zoning. The performance bond amount shall be equal to \$15,000.00 per acre disturbed. The bond shall be in the form of a Letter of Credit from an FDIC insured institution or an insurance company in good standing with the Georgia Insurance Commissioner's office, authorized to do business in Georgia, and rated "A" or better by the rating agency A.M. Best. The Surety must also be listed on the U.S. Department of Treasury's Circular 570. The City staff shall approve the form of the performance bond and the qualifications of the surety prior to execution of the bond.

In the event that Developer/Land Owner has not obtained a building permit within twelve (12) months of the issuance of the Land Disturbance or Development Permit, whichever is first issued, then the City of Dacula will redeem the performance bond [or equivalent security acceptable to the City of Dacula] to fund the implementation of the

Bond Stabilization and Landscape Plan. The performance bond [or equivalent security acceptable to the City of Dacula] will terminate and/or be surrendered or returned once the improvements shown in the Bond Stabilization and Landscape Plan have been completed or a building permit is issued on any parcel of the development.

- 50) Site grading adjacent to the main project entrance shall be consistent in elevation to the right-of-way of Harbins Road to ensure adequate sight distance.





**City of Dacula**  
 P. O. Box 400  
 Dacula, GA 30019  
 (770) 962-0055 / Fax (770) 513-2187

**REZONING/ CHANGE OF CONDITIONS/ SPECIAL USE PERMIT APPLICATION**

AN APPLICATION TO AMEND THE OFFICIAL ZONING MAP OF THE CITY OF DACULA, GEORGIA.  
 (Please Type or Print using BLACK INK)

APPLICANT *		PROPERTY OWNER *	
NAME	WREG Harbins Land, LLC	NAME	WREG Harbins Land, LLC
ADDRESS	1958 Monroe DR NE	ADDRESS	1958 Monroe DR NE
CITY	Atlanta	CITY	Atlanta
STATE	GA	STATE	GA
ZIP	30319	ZIP	30319
PHONE	404-872-8666	PHONE	404-872-8666
FAX		FAX	

**APPLICANT IS THE:**

- OWNER'S AGENT
- PROPERTY OWNER
- CONTRACT PURCHASER

\* Include any person having a property interest and/or a financial interest in any business entity having property interest (use additional sheets if necessary).

CONTACT PERSON Robbie Swan

COMPANY NAME Watkins Real Estate Group

ADDRESS 1958 Monroe DR NE  
Atlanta, GA 30319

PHONE 404-920-5067 FAX \_\_\_\_\_

EMAIL rswan@watkinsreg.com

PRESENT ZONING DISTRICT(S) PMUD REQUESTED ZONING DISTRICT PMUD

LAND LOT(S) 300 PARCEL # 5300 145 DISTRICT(S) 5th ACREAGE 1.22

PROPOSED DEVELOPMENT OR SPECIAL USE REQUESTED \_\_\_\_\_  
Change in conditions to allow a pick up only window on a multi tenant building

RESIDENTIAL DEVELOPMENT:	NON-RESIDENTIAL DEVELOPMENT:
NO. OF LOTS/DWELLINGS UNITS <u>0</u>	NO. OF BUILDINGS/LOTS <u>1</u>
DWELLING UNIT SIDE (SQ. FT.) <u>0</u>	TOTAL GROSS SQ. FEET <u>6,875</u>

**LETTER OF INTENT & LEGAL DESCRIPTION OF PROPERTY**

\*\*\* PLEASE ATTACH A "LETTER OF INTENT" EXPLAINING WHAT IS PROPOSED and TYPED "LEGAL DESCRIPTION" OF PROPERTY TO BE AMENDED \*\*\*

**CASE NUMBER**

## Letter of Intent – Change in Conditions – Pick-up Window

This Change in Conditions request is for the 1.22 acres on the north side of Davis Rock Drive in the mixed-use development known as Harbins 316 (“Subject Property”) to allow a limited-service pick-up only window on the end of the proposed retail building.

WREG Harbins Land, LLC is the owner and applicant and is controlled by Watkins Real Estate Group (“Watkins”), who is the master developer. Watkins is also the current developer for the Publix anchored shopping center and out parcels associated with Harbins 316 and has been actively developing the project for over a year.

Since the COVID pandemic, many retail and food service tenants have had to change the way they operate and serve their customers. Consumer trends have also changed dramatically as we shift to a more online and e-commerce economy. As such, our buildings and infrastructure also have been changing to adapt to these new trends and needs from consumers and businesses which is what Watkins is proposing.

Watkins is requesting a change in conditions to allow for a limited service, pick-up only window on the northern end of the proposed retail building on Outlot A. This limited-service pick-up only window is specific to Chipotle, who is a national restaurant. This limited-service pick-up only window differs from a drive thru lane for a number of reasons:

1. There are no menu boards, no call boxes, and no way to order from a car.
2. There queuing for the limited-service pick-up window is limited to only 4 – 5 cars compared to 12-20 for a typical fast-food chain.
3. Customers must have previously ordered on the Chipotle App in order to pick-up their good in the limited-service pick-up window.

The original rezoning of Harbins 316 limited the project to only one fast food restaurant with a drive thru, and Watkins believes that this limited-service pick-up window does not compromise the original intent of the zoning. The limited-service pick-up window will not create more impulse driven consumer traffic, which is generated by typical fast-food restaurants, because the pick-up window can only be used after an order is placed online. Furthermore, once orders are placed online, the limited-service pick-up window increases the efficiency of the restaurant as the average service time from the limited-service pick-up window is 2 minutes and 33 seconds as compared to 6 minutes and 13 seconds from normal fast food restaurants with a drive thru. This not only gets the customer their food quicker but alleviates any potential traffic stacking, which is common with typical fast-food restaurants with drive thrus. Finally – the design of this building and limited-service pick-up window is to limit the car stacking and appearance of a pick-up window.

In closing, we believe the approval of the limited-service pick-up window does not undermine the original rezoning of fast-food restaurant with a drive thru. There is no menu board, no call box, and no noise pollution. Limited car stacking and a narrow pick-up lane will limit the visual appearance and the pick-up window can only be used after online orders are placed limiting the impulse consumer traffic. Watkins appreciates your consideration and look forward to delivering another first class building with a best-in-class restaurant in Chipotle.

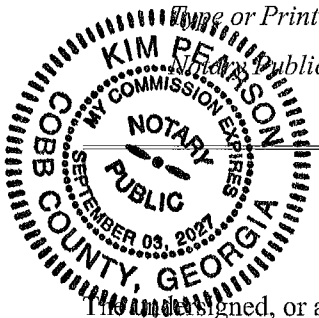


**APPLICANT CERTIFICATION**

The undersigned is authorized to make this application and is aware that if an application is denied, no application or re-application affecting the same property shall be acted upon within twelve (12) months from the date of last action unless waived by the City.

Signature of Applicant [Signature] Date 1/11/24

Type or Print Name/Title Michael Aide, as President of Watkins Real Estate Group, Inc.,  
Manager of WREG Harbins Land, LLC  
Notary Public [Signature] Date 1/11/24



**PROPERTY OWNER CERTIFICATION**

The undersigned, or as attached, is the record owner of the property considered in this application and is aware that if an application is denied, no application or re-application affecting the same land shall be acted upon within twelve (12) months from the date of last action unless waived by the City.

Signature of Property Owner [Signature] Date 1/11/24

Type or Print Name/Title Michael Aide, as President of Watkins Real Estate Group, Inc.,  
as Manager of WREG Harbins Land, LLC  
Notary Public [Signature] Date 1/11/24



**FOR ADMINISTRATIVE USE ONLY**

DATE RECEIVED \_\_\_\_\_ RECEIVED BY \_\_\_\_\_ FEE \_\_\_\_\_ RECEIPT # \_\_\_\_\_

LAND LOT \_\_\_\_\_ DISTRICT \_\_\_\_\_ PARCEL # \_\_\_\_\_ HEARING DATE \_\_\_\_\_

ACTION TAKEN \_\_\_\_\_

SIGNATURE \_\_\_\_\_ DATE \_\_\_\_\_

STIPULATIONS \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_



**City of Dacula**  
P. O. Box 400  
Dacula, GA 30019  
(770) 962-0055 / Fax (770) 513-2187

**DISCLOSURE OF CAMPAIGN CONTRIBUTIONS**

Have you, within the two years immediately preceding the filing of this application, made campaign contributions aggregating \$250.00 or more the Mayor and/or a member of the City Council or a member of the Dacula Planning Commission.

Yes  No

If the answer is *Yes*, please complete the following section:

<b>Name of Government Official</b>	<b>Contributions</b> <i>(All which aggregate to \$250.00+)</i>	<b>Contribution Date</b> <i>(within last 2 years)</i>
_____		
_____		
_____		
_____		

Have you, within the two years immediately preceding the filing of this application, made gifts having in the aggregate a value of \$250.00 or more to the Mayor and/or a member of the City Council or a member of the Dacula Planning Commission.

Yes  No

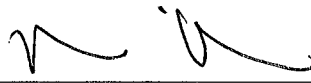
If the answer is *Yes*, please complete the following section:

<b>Name of Government Official</b>	<b>Description of Gifts</b> <i>(Valued aggregate \$250.00+)</i>	<b>Date Gift was Given</b> <i>(within last 2 years)</i>
_____		
_____		
_____		
_____		

*(Attach additional sheets if necessary to disclose or describe all contributions/gifts)*

**CONFLICT OF INTEREST CERTIFICATION**

The undersigned, making application for rezoning/SUP, has complied with the Official Code of Georgia, Section 36-67A-1, et. seq, Conflict of Interest in Zoning Actions and has submitted or attached the required information on the forms provided.

Signature of Applicant  Date 1/11/24

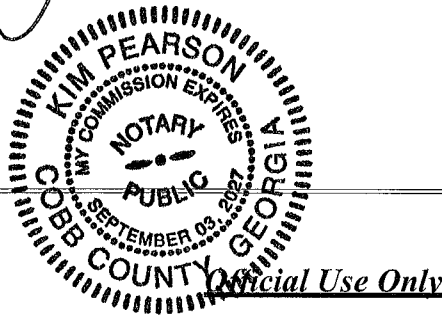
Type or Print Name/Title Michael Aide, President of Watkins Real Estate Group, Inc,  
Manager of WREG Harbins Land, LLC

Signature of Applicant' Attorney \_\_\_\_\_ Date \_\_\_\_\_

Type or Print Name/Title \_\_\_\_\_

Notary Public  Date 1/11/2024

(Notary Seal)



DATE RECEIVED \_\_\_\_\_ ZONING CASE NUMBER \_\_\_\_\_

RECEIVED BY \_\_\_\_\_



## City of Dacula

P. O. Box 400

Dacula, GA 30019

(770) 962-0055 / Fax (770) 513-2187

### IMPACT ANALYSIS STATEMENT

As required by the Zoning Resolution of the City of Dacula, the following standards are relevant in balancing the interest in promoting the public health, safety, morality, or general welfare against the right to the unrestricted use of property and shall govern the exercise of the zoning power. **ALL APPLICATIONS MUST BE COMPLETED WITH THE COMPLETED IMPACT ANALYSIS STATEMENT.**

DATE 1/10/24

APPLICANT WREG Harbins Retail, LLC

- A. Whether a proposed rezoning will permit a use that is suitable in view of the use and development of adjacent and nearby property: Yes, use will compliment the existing retail and residential uses
- B. Whether a proposed rezoning will adversely affect the existing use or usability of adjacent or nearby property: No, the change will enhance exiting uses and usability of adjacent properties.
- C. Whether the property to be affected by a proposed rezoning has a reasonable economic use as currently zoned: The change in conditions is needed for this restaurant to effeciently operate as a fast casual concept. The restaurant business is extremely competitve and the pick up window is needed for this business to operate.
- D. Whether the proposed rezoning will result in a use which will or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities, or schools. No
- E. Whether the proposed rezoning is in conformity with the policy and intent of the Land Use Plan: Yes
- F. Whether there are other existing or changing conditions affecting the use and development of the property which give supporting grounds for either approval or disapproval of the proposed rezoning: The current zoning allows for retail uses. The mixed use development will thrive with more restaurants to serve the residents and community. Allowing a pick up window enables the restaumt to stay in business but does not conflict with the drive thru condition as this is a pick up only window.

# **APPENDIX**

*(For Informational Purposes)*



## CONFLICT OF INTEREST IN ZONING ACTIONS

Sec. 36-67A-1.	Definitions
Sec. 36-67A-2.	Disclosure of Financial Interests
Sec. 36-67A-3.	Disclosure of Campaign Contributions
Sec. 36-67A-4.	Penalties

Effective Date: This Chapter became effective July 1, 1984.

Cross References: Codes of Ethics and Conflicts of Interest, T. 45, Ch. 10.

Code Commission Notes: Ga. L. 1986, p. 1269, Sec. 1 and Ga. L. 1986, pa. 1496, Sec. 1, both enacted a Chapter 85 of Title 36. The chapter enacted by Ga. L. 1986, p. 1269, Sec. 1 was redesignated as Chapter 67A of Title 36 pursuant to Sec. 26-9-3.

### **36-67A-1. Definitions**

As used in this chapter, this term:

- (1) "Applicant" means any individual or business entity applying for rezoning action.
- (2) "Business entity" means any corporation, partnership, limited partnership, firm, enterprise, franchise, association or trust.
- (3) "Financial interest" means all direct ownership interests of the total assets or capital stock of a business entity where such ownership interest is 10 percent or more.
- (4) "Local government" means any county or municipality of this State.
- (5) "Local government official" means any member of the governing authority of a local government or any member of a planning or zoning commission.
- (6) "Member of the family" means the spouse, mother, father, brother, sister, son, or daughter of a local government official.
- (7) "Property interest" means the direct or indirect ownership of real property and includes any percentage of ownership less than total ownership.
- (8) "Real property" means any tract or parcel of land and, if developed, any buildings or structures located on the land.
- (9) "Rezoning action" means action by local government adopting an amendment to a zoning ordinance which as the effect of rezoning real property from one zoning classification to another. (Code 1981, Sec. 36-67A-1, enacted by Ga. L. 1986, p. 1269, Sec. 1.)

## **DISCLOSURE & PENALTIES**

### **36-67A-2 Disclosure of Financial Interests**

A local government official who:

- (1) Has a property interest in any real property affected by a rezoning action upon which that official is authorized to vote.
- (2) Has a financial interest in any business entity which a property interest in any real property affected by a rezoning action upon which that official is authorized to vote; or
- (3) Has a member of the family having any interest described in paragraph (1) or (2) of this Code section shall immediately disclose the nature and extent of such interest, in writing to the governing authority of the local government in which the local government official is a member. Such disclosures shall be a public record and available for public inspection at any time during normal working hours. (Code 1981, Sec. 36-67A-2, enacted by Ga.L. 1986, p. 1269, Sec.1.).

### **36-67A-3 Disclosure of Campaign Contributions.**

- (a) When any applicant for rezoning action has made, within two years immediately preceding the filing of that applicant's application for the rezoning action, campaign contributions aggregating \$250.00 or more or made gifts having in the aggregate a value of \$250.00 or more to a local government official of the local government which will consider the applications, it shall be the duty of the applicant and the attorney representing the applicant to file a disclosure report with the governing authority of the respective local government showing:
  - (1) The name of the local government official to whom the campaign contribution or gift was made;
  - (2) The dollar amount of each campaign contribution made by the applicant to the local government official during the two years immediately preceding the filing of the application for the rezoning action and the date of each such contribution; and
  - (3) An enumeration and description of each gift having a value of \$250.00 or more made by the applicant to the local government official during the two years immediately preceding the filing of the application for the zoning change.
- (b) The disclosures required by subsection (1) of this Code shall be filed within ten days after the application for the rezoning action if first filed. (Code 1981, Sec. 36-67A-3, enacted by Ga. L. 1986, p. 1269, Sec. 1)

### **36-67A-4 Penalties**

Any local government official knowingly failing to make a disclosure required by Code Section 36-85-2 shall be guilty of a misdemeanor. Any applicant for rezoning action knowingly failing to make any disclosures as required by Code Section 36-83-3 shall be guilty of a misdemeanor. (Code 1981, Sec. 36-67A-4, enacted by Ga.L. 1986, p. 269, Sec.1.)

ADJOINING PROPERTY OWNER(S)  
RECORD NOTIFICATION

DATE: \_\_\_\_\_

TO: \_\_\_\_\_

(Sent by First Class Mail and Certified Mail - Return Receipt Requested)

FROM: \_\_\_\_\_

RE: Application Case #: \_\_\_\_\_

Application Case #: \_\_\_\_\_

Application Case #: \_\_\_\_\_

Property Location: 5th District, Land Lot \_\_\_\_\_ Parcel \_\_\_\_\_

LOCATION/ADDRESS: \_\_\_\_\_

---

You are hereby notified that an application a zoning change from \_\_\_\_\_  
to \_\_\_\_\_ has been submitted to the City of Dacula.

The proposed rezoning is contiguous to your property.

The PLANNING COMMISSION Public Hearing/Meeting will be held at the Dacula City Hall,  
442 Harbins Rd., Dacula, Georgia on \_\_\_\_\_ at 6:00 P. M. in the Council  
Chambers. *(date)*

The CITY COUNCIL Public Hearing/Meeting will be held at the Dacula City Hall, 442 Harbins Rd.,  
Dacula, Georgia on \_\_\_\_\_ at 7:00 P. M. in the Council Chambers.  
*(date)*

If you have any comments or concerns concerning this matter, please plan to attend the public  
hearings.

Thank you.

**LEGAL DESCRIPTION OF OUTLOT A**

That tract or parcel of land lying and being situated in Gwinnett County, Georgia and being more particularly described as "Outlot A" in Plat Book 156, Page 254-256, filed October 10, 2022.









Adjoining Property Owners List

WREG Harbins Land, LLC

Change in Conditions

<b>Adjoining Property Owner / Tax Parcel</b>	<b>Mailing Address</b>
WREG Harbins Land LLC / 5300 139	1958 Monroe Dr. NE, Atlanta, GA 30324
Quiktrip Corporation / 5300 140	4705 S 129 <sup>th</sup> East Ave, Tulsa OK, 74134-7005
Lynn and Tai Bing Chang / 5300 074	1598 Brandon SQ, Lawrenceville, GA 30044
Lynn and Tai Bing Chang / 5300 074	852 Harbins Road, Dacula GA 30019

**Economic and Community Infrastructure Facilities Impact  
Worksheet**



**To be completed and submitted with applications for:  
Annexation, Rezoning, Change of Conditions,  
Special Use Permit, Special Exception, or Variance.**

Date Received: \_\_\_\_\_

Reviewed By: \_\_\_\_\_

**Proposed Project Information**

Name of Proposed Project: Harbins 316 – Outlot A Retail

Developer/Applicant: WREG Harbins Land, LLC

Telephone: 404-920-5067

Fax:

Email(s): Rswan@watkinreg.com

**Economic Impacts**

Estimated Value at Build-Out:

\$4M

Will the proposed project generate population and/or employment increases in the area? If yes, what would be the major infrastructure and facilities improvement needed to support the increase?

No population increases. 15-20 total jobs. All major infrastructure is in place.

How many short-term and /or long-term jobs will the development generate?

15-20 mix or short and long term jobs.

Estimated annual local tax revenues (i.e., property tax, sales tax) likely to be generated by the proposed development:

50,000

Is the regional work force sufficient to fill the demand created by the proposed project?

Yes

**Community Facilities & Infrastructure Impacts**

**Water Supply**

Name of water supply provider for this site: Gwinnett County

What is the estimated water supply demand to be generated by the project, measured in Gallons Per Day (GPD)? 168,650 GPD this is for the entire development

Is sufficient water supply capacity available to serve the proposed project? yes

If no, are there any current plans to expand existing water supply capacity? All complete.

If there are plans to expand the existing water supply capacity, briefly describe below: no

If water line extension is required to serve this project, how much additional line (in feet) will be required? All work has been completed

**Wastewater Disposal**

What is the estimated sewage flow to be generated by the project, measured in Gallons Per Day (GPD)? 146,652 GPD. This is for the entire Harbins 316 Development

Name of wastewater treatment provider for this site: Gwinnett county

Is sufficient wastewater treatment capacity available to serve this proposed project? yes

If no, are there any current plans to expand existing wastewater treatment capacity? NO

If there are plans to expand existing wastewater treatment capacity, briefly describe below: no

If sewer line extension is required to serve this project, how much additional line (in feet) will be required? All work complete.

**Land Transportation**

How much traffic volume is expected to be generated by the proposed development, in peak hour vehicle trips per day?

List any traffic and/or road improvements being made and how they would affect the subject area. All improvements complete.

**Solid Waste Disposal**

How much solid waste is the project expected to generate annually (in tons)? 1484 tons/year. This is for the entire Harbins 316 Project

Is sufficient landfill capacity available to serve this proposed project? Yes

If no, are there any current plans to expand existing landfill capacity?

---

If there are plans to expand existing landfill capacity, briefly describe below:

---

Will any hazardous waste be generated by the development? If yes, please explain below: No

---

### **Stormwater Management**

What percentage of the site is projected to be impervious surface once the proposed development has been constructed? 49.2%

---

Is the site located in a water supply watershed? yes

---

If yes, list the watershed(s) name(s) below: Alcovy and Apalachee

---

Describe any measures proposed (such as buffers, detention or retention ponds, and/or pervious parking areas) to mitigate the project's impacts on stormwater management: In addition to preserving a large portion of the property for park buffers and open space, the project will include water quality and storm water management basins per the guidelines of the Georgia Storm water management manual.

---

### **Environmental Quality**

Is the development located within or likely to affect any of the following:

1. Water supply watersheds? Alcovy and Apalachee watersheds

---

2. Significant groundwater recharge areas? No

---

3. Wetlands? No

---

4. Protected river corridors? No

---

5. Floodplains? yes

---

6. Historic resources? No

---

7. Other environmentally sensitive resources? No

---

If you answered yes to any question 1-7 above, describe how the identified resource(s) may be affected below: the proposed uses are allowed with no restrictions on the Alcovy and Apalachee watersheds.

---

**Other Facilities**

What intergovernmental impacts would the proposed development generate for:

Schools?  
None

Libraries?  
None

Fire, Police, or EMS  
None

Other community services/resources (day care, health care, low income, non-English speaking, elderly, etc.)?

---

**Additional Comments:**

---

---

---

---

ADJOINING PROPERTY OWNER(S)  
RECORD NOTIFICATION

DATE: 1/24/2024

TO: WREG Harbins Land LLC

(Sent by First Class Mail and Certified Mail - Return Receipt Requested)

FROM: WREG Harbins Land LLC

RE: Application Case #: 2024-CD-COC-02

Application Case #: \_\_\_\_\_

Application Case #: \_\_\_\_\_

Property Location: 5th District, Land Lot 300 Parcel 5300145

LOCATION/ADDRESS: 862 Harbins Rd Dacula, GA 30019

---

You are hereby notified that an application a zoning change from PMUD  
to PMUD - change in conditions has been submitted to the City of Dacula.

The proposed rezoning is contiguous to your property.

The PLANNING COMMISSION Public Hearing/Meeting will be held at the Dacula City Hall,  
442 Harbins Rd., Dacula, Georgia on 2/26/2024 at 6:00 P. M. in the Council  
Chambers. (date)

The CITY COUNCIL Public Hearing/Meeting will be held at the Dacula City Hall, 442 Harbins Rd.,  
Dacula, Georgia on 3/7/2024 at 7:00 P. M. in the Council Chambers.  
(date)

If you have any comments or concerns concerning this matter, please plan to attend the public  
hearings.

Thank you.



ADJOINING PROPERTY OWNER(S)  
RECORD NOTIFICATION

DATE: 01/24/2024  
TO: Quiktrip Corporation  
(Sent by First Class Mail and Certified Mail - Return Receipt Requested)  
FROM: WREG Harbins Land LLC  
RE: Application Case #: 2024-CD-COC-02  
Application Case#: \_\_\_\_\_  
Application Case#: \_\_\_\_\_  
Property Location: 5th District, Land Lot 300 Parcel 5300 145  
LOCATION/ADDRESS: 862 Harbins Rd Dacula, GA 30019

---

You are hereby notified that an application a zoning change from PMUD  
to PMUD - change in conditions has been submitted to the City of Dacula.

The proposed rezoning is contiguous to your property.

The PLANNING COMMISSION Public Hearing/Meeting will be held at the Dacula City Hall,  
442 Harbins Rd., Dacula, Georgia on 02/26/2024 at 6:00 P. M. in the Council  
Chambers. (date)

The CITY COUNCIL Public Hearing/Meeting will be held at the Dacula City Hall, 442 Harbins Rd.,  
Dacula, Georgia on 03/07/2024 at 7:00 P. M. in the Council Chambers.  
(date)

If you have any comments or concerns concerning this matter, please plan to attend the public  
hearings.

Thank you.

ADJOINING PROPERTY OWNER(S)  
RECORD NOTIFICATION

DATE: 01/24/2024

TO: Lynn and Tai Bing Chang

(Sent by First Class Mail and Certified Mail - Return Receipt Requested)

FROM: WREG Harbins Land LLC

RE: Application Case #: 2024-CD-COC-02

Application Case #: \_\_\_\_\_

Application Case #: \_\_\_\_\_

Property Location: 5th District, Land Lot 300 Parcel 5300 145

LOCATION/ADDRESS: 862 Harbins Rd Dacula, GA 30019

---

You are hereby notified that an application a zoning change from PMUD  
to PMUD - change in conditions has been submitted to the City of Dacula.

The proposed rezoning is contiguous to your property.

The PLANNING COMMISSION Public Hearing/Meeting will be held at the Dacula City Hall,  
442 Harbins Rd., Dacula, Georgia on 02/26/2024 at 6:00 P. M. in the Council  
Chambers. (date)

The CITY COUNCIL Public Hearing/Meeting will be held at the Dacula City Hall, 442 Harbins Rd.,  
Dacula, Georgia on 03/07/2024 at 7:00 P. M. in the Council Chambers.  
(date)

If you have any comments or concerns concerning this matter, please plan to attend the public  
hearings.

Thank you.

ADJOINING PROPERTY OWNER(S)  
RECORD NOTIFICATION

DATE: 01/24 / 2024  
TO: Lynn and Tai Bing Chang  
(Sent by First Class Mail and Certified Mail - Return Receipt Requested)  
FROM: WREG Harbins Land LLC  
RE: Application Case #: 2024 - CD - COC - 02  
Application Case #: \_\_\_\_\_  
Application Case #: \_\_\_\_\_  
Property Location: 5th District, Land Lot 300 Parcel 5300 145  
LOCATION/ADDRESS: 862 Harbins Rd Dacula, GA 30019

---

You are hereby notified that an application a zoning change from PMUD  
to PMUD - Change in conditions has been submitted to the City of Dacula.

The proposed rezoning is contiguous to your property.

The PLANNING COMMISSION Public Hearing/Meeting will be held at the Dacula City Hall,  
442 Harbins Rd., Dacula, Georgia on 02/26/2024 at 6:00 P. M. in the Council  
Chambers. (date)

The CITY COUNCIL Public Hearing/Meeting will be held at the Dacula City Hall, 442 Harbins Rd.,  
Dacula, Georgia on 03/07 / 2024 at 7:00 P. M. in the Council Chambers.  
(date)

If you have any comments or concerns concerning this matter, please plan to attend the public  
hearings.

Thank you.

9589 0710 5270 0923 9675 55

U.S. Postal Service™  
CERTIFIED MAIL® RECEIPT  
Domestic Mail Only

For delivery information, visit our website at [www.usps.com](http://www.usps.com)®.

OFFICIAL USE

Certified Mail Fee	\$
Extra Services & Fees (check box, add fee as appropriate)	
<input type="checkbox"/> Return Receipt (hardcopy)	\$
<input type="checkbox"/> Return Receipt (electronic)	\$
<input type="checkbox"/> Certified Mail Restricted Delivery	\$
<input type="checkbox"/> Adult Signature Required	\$
<input type="checkbox"/> Adult Signature Restricted Delivery	\$
Postage	\$
Total Postage and Fees	\$



Sent To WREG Hobins Land GA 30355  
 Street and Apt. No., or PO Box No.  
1958 Monroe Dr NE  
 City, State, ZIP+4®  
Atlanta, GA 30324

PS Form 3800, January 2023 PSN 7530-02-000-9047 See Reverse for Instructions

9589 0710 5270 0923 9675 48

U.S. Postal Service™  
CERTIFIED MAIL® RECEIPT  
Domestic Mail Only

For delivery information, visit our website at [www.usps.com](http://www.usps.com)®.

OFFICIAL USE

Certified Mail Fee	\$
Extra Services & Fees (check box, add fee as appropriate)	
<input type="checkbox"/> Return Receipt (hardcopy)	\$
<input type="checkbox"/> Return Receipt (electronic)	\$
<input type="checkbox"/> Certified Mail Restricted Delivery	\$
<input type="checkbox"/> Adult Signature Required	\$
<input type="checkbox"/> Adult Signature Restricted Delivery	\$
Postage	\$
Total Postage and Fees	\$



Sent To Quicktrip Corporat GA 30355  
 Street and Apt. No., or PO Box No.  
4705 S 129th East Ave  
 City, State, ZIP+4®  
Tulsa, OK 74134

PS Form 3800, January 2023 PSN 7530-02-000-9047 See Reverse for Instructions

9589 0710 5270 0923 9675 62

U.S. Postal Service™  
CERTIFIED MAIL® RECEIPT  
Domestic Mail Only

For delivery information, visit our website at [www.usps.com](http://www.usps.com)®.

OFFICIAL USE

Certified Mail Fee	\$
Extra Services & Fees (check box, add fee as appropriate)	
<input type="checkbox"/> Return Receipt (hardcopy)	\$
<input type="checkbox"/> Return Receipt (electronic)	\$
<input type="checkbox"/> Certified Mail Restricted Delivery	\$
<input type="checkbox"/> Adult Signature Required	\$
<input type="checkbox"/> Adult Signature Restricted Delivery	\$
Postage	\$
Total Postage and Fees	\$



Sent To Lynn and Tai Bing GA 30355  
 Street and Apt. No., or PO Box No.  
1598 Brandon Sq  
 City, State, ZIP+4®  
Lawrenceville, GA 30044

PS Form 3800, January 2023 PSN 7530-02-000-9047 See Reverse for Instructions

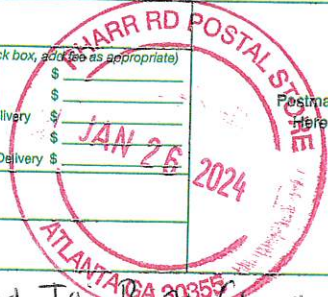
9589 0710 5270 0923 9675 24

U.S. Postal Service™  
CERTIFIED MAIL® RECEIPT  
Domestic Mail Only

For delivery information, visit our website at [www.usps.com](http://www.usps.com)®.

OFFICIAL USE

Certified Mail Fee	\$
Extra Services & Fees (check box, add fee as appropriate)	
<input type="checkbox"/> Return Receipt (hardcopy)	\$
<input type="checkbox"/> Return Receipt (electronic)	\$
<input type="checkbox"/> Certified Mail Restricted Delivery	\$
<input type="checkbox"/> Adult Signature Required	\$
<input type="checkbox"/> Adult Signature Restricted Delivery	\$
Postage	\$
Total Postage and Fees	\$



Sent To Lynn and Tai Bing GA 30355  
 Street and Apt. No., or PO Box No.  
852 Harbins Rd  
 City, State, ZIP+4®  
Dacula, GA 30019

PS Form 3800, January 2023 PSN 7530-02-000-9047 See Reverse for Instructions

# Memorandum

**To:** City of Dacula Planning Commission/  
City of Dacula Mayor and City Council

**From:** Hayes Taylor, City Planner

**Date:** February 26, 2024

**Subject:** Special Use Permit Case: 2024-CD-SUP-01

**Proposed Zoning:** OI (Office-Institutional District)

**Existing Zoning:** OI (Office-Institutional District)

**Size:** 0.26 acres

**Proposed Use:** Day Care Facility

**Applicant:** Barbara & Clement Quartey-Papafio  
2145 Glynmoore Drive  
Lawrenceville, Georgia 30043  
404-990-0996

**Owner:** Rodriguez Ventura Jesus Edith  
287 Church Street  
Dacula, Georgia 30019  
404-920-5067

**Location:** LL 302A - 5th District, Parcel 104

## Existing Land Use and Zoning:

The subject property totals 0.26 acres along Church Street and is south of the Church Street and Murray Avenue intersection. Per the 1998 City of Dacula Zoning Map, the property is zoned Office-Institutional District (OI). The parcel's current use is non-conforming residential. The property contains a cottage style home (1,270 sf), a gravel driveway, and is adjacent to a mixture of uses and zoning classifications. The parcel borders a church cemetery to the north, abuts residential property to the west, and borders a parcel zoned Office-Institutional to the south. Undeveloped property designated C-2 (General Commercial District) is directly across Church Street to the east of the subject parcel.

### **The Proposed Development:**

The applicant has requested a special use permit to allow a child day care facility within the existing dwelling. Per the application materials, the proposed child-care facility would initially have a maximum of thirty (30) students. The submitted concept plans show three (3) diagonal parking spaces. Proposed materials for the parking spaces are not included within the application. The applicant intends to add additional structures to the property in the future to increase the maximum capacity to no more than fifty-five (55) students.

Staff notes that the structure is considered non-conforming. As such, alterations to the structure could cause the non-conformance status to be revoked and the entire structure would be required to come into compliance with existing setback requirements. Any new structures on the premises would be required to adhere to current standards including setbacks, zoning buffers, and septic system regulations.

Article X, Sec. 1002(AA) of the Zoning Resolution states that day care facilities must have adequate parking for each employee (teacher and staff members), as well as the safe and convenient loading and unloading of students. Application materials propose three (3) parking spaces; however, a traffic circulation plan for the loading and unloading of students is not provided.

Considering the number of day care students, a feasibility letter from Gwinnett County Environmental Health would be prudent to ensure proper capacity of the existing septic tank.

### **Summary:**

The proposed special use permit for a child-care facility at this location could be considered unsuitable due to the limitations of the existing infrastructure and property characteristics. As such, staff recommends the requested special use permit be denied.

### **Comprehensive Plan:**

The City of Dacula's 2050 Comprehensive Plan designates the subject property as Dacula Downtown on the Future Land Use Map. The Dacula Downtown character area is described as "a livable walkable city center to attract tourism, support employment of residents and the provide a place of entertainment and recreational opportunities" (City of Dacula Comprehensive Plan, page 61).

The analysis of the application should be made based upon the "Standards Governing Exercise of the Zoning Power" as stated in Section 1702 of the 2000 Zoning Resolution of the City of Dacula.

***1. Whether the proposed special use permit will permit a use that is suitable in view of the use and development of an adjacent and nearby property?***

No, the size, shape, and infrastructure limitations of the property indicate the proposed use is not suitable.

**2. *Whether the proposed special use permit will adversely affect the existing use or usability of adjacent or nearby properties?***

The special use permit would be expected to negatively impact surrounding properties through increased traffic and noise from students.

**3. *Whether the property to be affected by the proposed special use permit has a reasonable economic use as currently zoned?***

Yes, the subject property has reasonable economic use as currently zoned.

**4. *Whether the proposed special use permit will result in a use which will or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities, or schools?***

The proposed use is expected to increase the burden of use for existing streets, transportation facilities, and the current septic system. The proposed use is not expected to increase the burden on schools.

**5. *Whether the proposed special use permit is in conformity with the policy and intent of the Land Use Plan?***

The City of Dacula's Future Land Use Map designates the property as a Dacula Downtown character area use. As such, barring the special and logistical limitations, the proposed use and special use permit could be considered to conform to the Land Use Plan.

**6. *Whether there are other existing or changing conditions affecting the use and development of the property which give supporting grounds for either approval or disapproval of the proposed special use permit?***

The proposed child-care facility faces considerable infrastructure challenges and property characteristic limitations. The lack of infrastructure for the number of students, increased traffic, and the limited space suggest that the use is not best suited for the subject property.

**Recommendation:**

Based on the application, the requested special use permit is recommended for denial. If the City Council approves the special use permit application, the following conditions are recommended:



Conditions:

1. The property shall be developed for day care, and/or office uses only. Any substantial deviation from the approved conditions of zoning shall be resubmitted to the Mayor and City Council for consideration. The City Administrator shall determine what constitutes substantial deviation.
2. The owner must provide the City with a feasibility letter from Gwinnett County Environmental Health signifying that the child-care facility with 30 students is feasible on the current septic system.
3. One ground sign shall be permitted. The advertisement size of the ground sign shall be limited to thirty (30) square feet. The ground sign shall be monument-type only with indirect lighting. The ground sign shall be limited to a single monument-type sign with a brick or stacked stone base of at least 2 feet in height. Neon or self-illuminating ground signs shall be prohibited.
4. All trash dumpsters shall be screened by an enclosure using the same exterior building material as the adjacent occupied buildings. Pickup shall be limited to the hours of 7:00 a.m. to 6:00 p.m., Monday through Friday. Dumpster enclosures shall remain closed, locked, and in good repair at all times.
5. Business days and hours will be limited to 7 a.m. to 6 p.m., Monday through Friday.
6. No tents, canopies, temporary banners, streamers, or roping decorated flags, tinsel, or other similar material shall be displayed, hung, or strung on the site without appropriate permit(s). No decorative balloons or hot-air balloons shall be displayed on the site.
7. Human sign spinners and/or twirlers shall be prohibited.
8. No outdoor storage shall be permitted.
9. An internal traffic circulation plan is required and shall be submitted to the City for approval.
10. The proposed elevation, building materials, and colors shall be approved by the City prior to building permit issuance. The façades of the structural units shall resemble the surrounding dwellings within the Dacula Downtown character area with the front façade constructed of brick, stone, or stucco with accents of fiber shake, board and batten, or fiber cement siding. The sides and rear shall be constructed of brick, stone, stucco, concrete fiber, or similar material.



City of Dacula  
 P. O. Box 400  
 Dacula, GA 30019  
 (770) 962-0055 / Fax (770) 513-2187

**REZONING/ CHANGE OF CONDITIONS/ SPECIAL USE PERMIT APPLICATION**

AN APPLICATION TO AMEND THE OFFICIAL ZONING MAP OF THE CITY OF DACULA, GEORGIA.  
 (Please Type or Print using BLACK INK)

APPLICANT *	PROPERTY OWNER *
NAME <u>BARBARA QUARTEY-PAPAFIO</u>	NAME <u>Edith Rodriguez Ventura</u> * per conversation on 2/2/24 HHH
ADDRESS <u>2145 GYNNMORE DRIVE</u>	ADDRESS <u><del>CLEMENT QUARTEY-PAPAFIO</del> 2145 GYNNMORE DRIVE 287</u>
CITY <u>LAWRENCEVILLE</u>	CITY <u><del>LAWRENCEVILLE</del> Dacula</u> ch 2/2/24 54.
STATE <u>GEORGIA</u> ZIP <u>30043</u>	STATE <u>GEORGIA</u> ZIP <u>30043 14</u>
PHONE <u>678-687-3547</u> FAX _____	PHONE <u>404-990-0096</u> FAX _____

**APPLICANT IS THE:**

- OWNER'S AGENT
- PROPERTY OWNER
- CONTRACT PURCHASER

CONTACT PERSON BARBARA QUARTEY-PAPAFIO  
 COMPANY NAME BRILLIANT STAR EARLY CHILDHOOD LLC  
 ADDRESS 2145 GYNNMORE DRIVE  
LAWRENCEVILLE GA 30043  
 PHONE 678-687-3547 FAX \_\_\_\_\_  
 EMAIL Barbara.papafio@yahoo.com

\* Include any person having a property interest and/or a financial interest in any business entity having property interest (use additional sheets if necessary).

PRESENT ZONING DISTRICT(S) OI REQUESTED ZONING DISTRICT NOT APPLICABLE  
 LAND LOT(S) 302 PARCEL # R5302A-104 DISTRICT(S) 5TH ACREAGE 0.26  
 PROPOSED DEVELOPMENT OR SPECIAL USE REQUESTED CHILD CARE SERVICES

**RESIDENTIAL DEVELOPMENT:**

NO. OF LOTS/DWELLINGS UNITS \_\_\_\_\_  
 DWELLING UNIT SIDE (SQ. FT.) \_\_\_\_\_

**NON-RESIDENTIAL DEVELOPMENT:**

NO. OF BUILDINGS/LOTS \_\_\_\_\_  
 TOTAL GROSS SQ. FEET \_\_\_\_\_

**LETTER OF INTENT & LEGAL DESCRIPTION OF PROPERTY**

\*\*\* PLEASE ATTACH A "LETTER OF INTENT" EXPLAINING WHAT IS PROPOSED and TYPED "LEGAL DESCRIPTION" OF PROPERTY TO BE AMENDED \*\*\*

**CASE NUMBER**

# LETTER OF INTENT TO OPERATE A DAYCARE

BARBARA QUARTEY-PAPAFIO  
2145 GLYNMOORE DRIVE  
LAWRENCEVILLE GA 30043  
January 9, 2024

Dear Sir/Madam,

## LETTER OF INTENT TO OPERATE AND RUN A DAYCARE CENTER FOR THE COMMUNITY LOCATED AT 287 CHURCH STREET, DACULA GA 30019.

*Brilliant Star Early Childhood Development LLC* is asking for a special permit to utilize a property at 287 Church Street, Dacula GA 30019 for use as a Daycare to assist parents in the community to find a place to bring their children so they can go to work.

The statistics indicate that 87% of families have children and most families have 2 streams of income with both parents working each day and this is only possible if both parents have dependable childcare service they can take their wards.

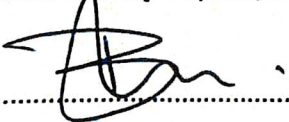
Per the search performed by *Brilliant Star Early Childhood Development LLC*, the nearest childcare is within at least 1.5-2.0 miles from this location address. This childcare center will serve parents within this neighborhood and be of immense help to the community.

The capacity of the daycare will not be more than 55 students even though at the moment the building cannot have more than 30 students. *Brilliant Star* has plans to have additional structures added to increase the capacity of the daycare to approximately 55 students. This will include Pre-K, Aftercare, Before care, and daily childcare services.

Hoping our special request will be granted and looking forward to your kind consideration.

Sincerely Yours,

Barbara Quartey-Papafio, Director



.....

Clement Quartey-Papafio, Assistant Director

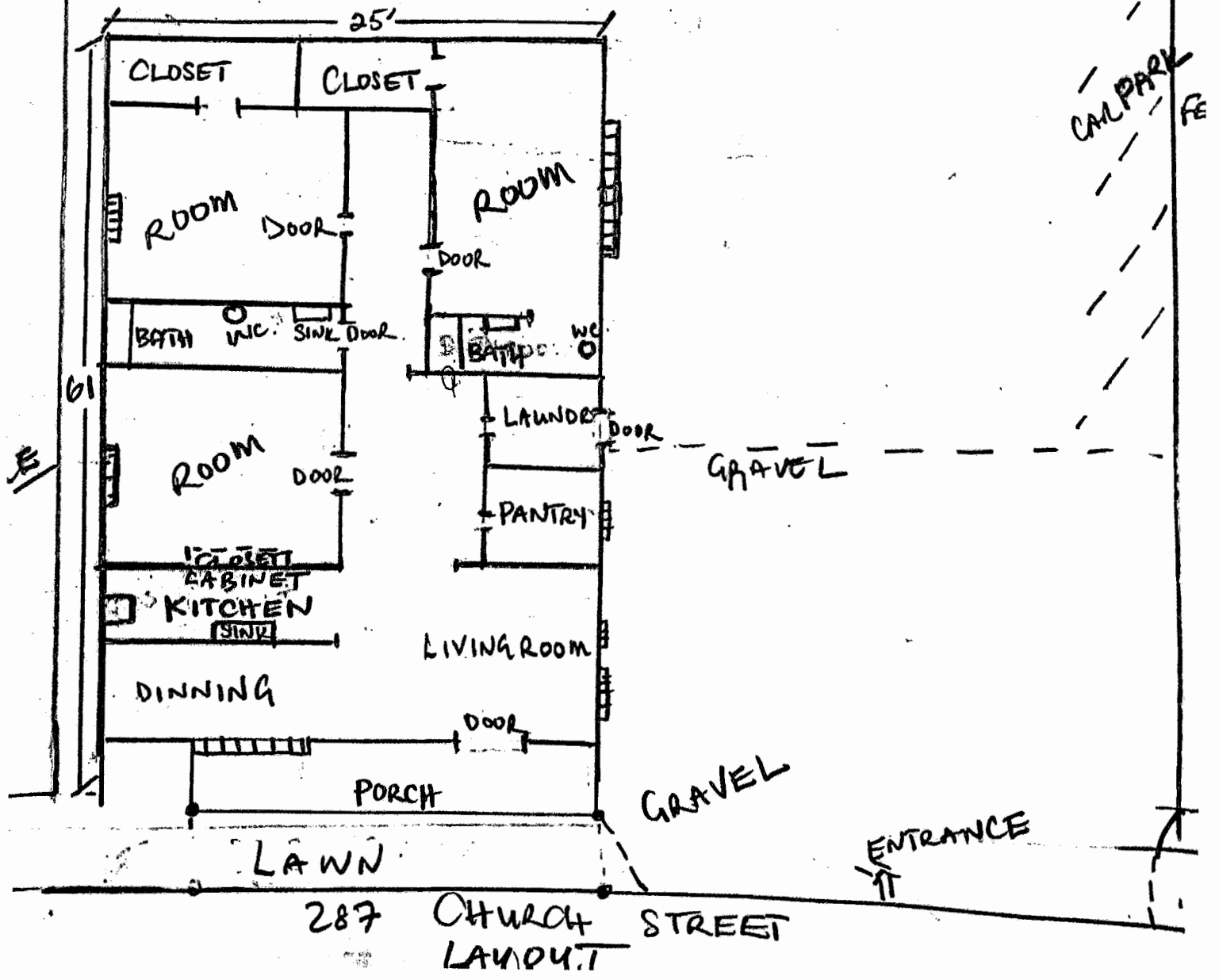


.....

FENCE

NCE

GRASS AREA



**EXHIBIT "A"**

**ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN LAND LOT 302 OF THE 5TH DISTRICT OF GWINNETT COUNTY, GEORGIA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:**

**BEGINNING AT A POINT LOCATED ON THE SOUTHWESTERLY SIDE OF CHURCH STREET, FORMERLY KNOWN AS SECOND AVENUE AND SOMETIMES KNOWN AS PHARR AVENUE, AT AN IRON PIN LOCATED AT THE SOUTHEAST CORNER OF PROPERTY NOW OR FORMERLY BELONGING TO DACULA BAPTIST CHURCH PROPERTY CEMETERY; RUNNING THENCE SOUTHWESTERLY AS MEASURED ALONG THE SOUTHERLY LINE OF PROPERTY NOW OR FORMERLY BELONGING TO DACULA BAPTIST CHURCH PROPERTY CEMETERY A DISTANCE OF 209 FEET TO AN IRON PIN LOCATED ON THE NORTHEASTERLY SIDE OF AN UNOPENED STREET; RUNNING THENCE SOUTHEASTERLY AS MEASURED ALONG THE NORTHEASTERLY SIDE OF SAID STREET A DISTANCE OF 55 FEET TO AN IRON PIN LOCATED ON THE NORTHWEST CORNER OF PROPERTY NOW OR FORMERLY BELONGING TO MRS. G. F. PHARR; RUNNING THENCE NOTHEASTERLY AS MEASURED ALONG THE NORTHERLY LINE OF PROPERTY NOW OR FORMERLY BELONGING TO MRS. G. F. PHARR A DISTANCE OF 209 FEET TO AN IRON PIN LOCATED ON THE SOUTHWESTERLY SIDE OF CHURCH STREET; RUNNING THENCE NORTHWESTERLY AS MEASURED ALONG THE SOUTHWESTERLY SIDE OF CHURCH STREET A DISTANCE OF 55 FEET TO THE SOUTHEAST CORNER OF DACULA BAPTIST CHURCH PROPERTY CEMETERY AND THE POINT OF BEGINNING; BEING DESCRIBED ACCORDING TO A SURVEY PREPARED BY E. L. CHAPMAN, REGISTERED SURVEYOR, DATED DECEMBER 14,1971, FOR SAMMY S. EVERETT.**

**Being the same property conveyed to Jesus Edith Rodriguez Ventura and Cindy M. Rodriguez Anaya, by virtue of Limited Warranty Deed from Jesus Edith Rodriguez Ventura, dated 5/31/2022, and recorded on 6/6/2022, in Deed Book 59997, page 65, Gwinnett County, Georgia Records.**

**Parcel ID: R5302A104**

**APPLICANT CERTIFICATION**

The undersigned is authorized to make this application and is aware that if an application is denied, no application or re-application affecting the same property shall be acted upon within twelve (12) months from the date of last action unless waived by the City.

Signature of Applicant [Signature] Date 1/12/24  
Type or Print Name/Title BARBARA QUARTEY-PAPAFIO  
Notary Public Courtney Mahady Date 1/12/24

Courtney Mahady

NOTARY PUBLIC

Barrow County, GEORGIA

**PROPERTY OWNER CERTIFICATION** Commission Expires 02/21/2027

The undersigned, or as attached, is the record owner of the property considered in this application and is aware that if an application is denied, no application or re-application affecting the same land shall be acted upon within twelve (12) months from the date of last action unless waived by the City.

Signature of Property Owner [Signature] Date 1-12-2024  
Type or Print Name/Title CLEMENT QUARTEY-PAPAFIO  
Notary Public Courtney Mahady Date 1/12/24

Courtney Mahady

NOTARY PUBLIC

Barrow County, GEORGIA

My Commission Expires 02/21/2027

**FOR ADMINISTRATIVE USE ONLY**

DATE RECEIVED \_\_\_\_\_ RECEIVED BY \_\_\_\_\_ FEE \_\_\_\_\_ RECEIPT # \_\_\_\_\_

LAND LOT \_\_\_\_\_ DISTRICT \_\_\_\_\_ PARCEL # \_\_\_\_\_ HEARING DATE \_\_\_\_\_

.....  
ACTION TAKEN \_\_\_\_\_

SIGNATURE \_\_\_\_\_ DATE \_\_\_\_\_

STIPULATIONS \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_



City of Dacula  
P. O. Box 400  
Dacula, GA 30019  
(770) 962-0055 / Fax (770) 513-2187

### DISCLOSURE OF CAMPAIGN CONTRIBUTIONS

Have you, within the two years immediately preceding the filing of this application, made campaign contributions aggregating \$250.00 or more to the Mayor and/or a member of the City Council or a member of the Dacula Planning Commission.

Yes  No

If the answer is *Yes*, please complete the following section:

Name of Government Official	Contributions <i>(All which aggregate to \$250.00+)</i>	Contribution Date <i>(within last 2 years)</i>
NOT APPLICABLE (N/A) _____ _____ _____	N/A	N/A

Have you, within the two years immediately preceding the filing of this application, made gifts having in the aggregate a value of \$250.00 or more to the Mayor and/or a member of the City Council or a member of the Dacula Planning Commission.

Yes  No

If the answer is *Yes*, please complete the following section:


Name of Government Official	Description of Gifts <i>(Valued aggregate \$250.00+)</i>	Date Gift was Given <i>(within last 2 years)</i>
NOT APPLICABLE _____ _____ _____	N/A	N/A

*(Attach additional sheets if necessary to disclose or describe all contributions/gifts)*



**CONFLICT OF INTEREST CERTIFICATION**

The undersigned, making application for rezoning/SUP, has complied with the Official Code of Georgia, Section 36-67A-1, et. seq, Conflict of Interest in Zoning Actions and has submitted or attached the required information on the forms provided.

Signature of Applicant  Date 1/12/24

Type or Print Name/Title BARBARA QUARRY-PAPAFIO

Signature of Applicant' Attorney \_\_\_\_\_ Date \_\_\_\_\_

Type or Print Name/Title Representing our selves.

Notary Public Courtney Mahady Date 1/12/24

~~Courtney Mahady  
NOTARY PUBLIC  
Barrow County, GEORGIA  
My Commission Expires 02/21/2027~~

Courtney Mahady  
NOTARY PUBLIC  
Barrow County, GEORGIA  
My Commission Expires 02/21/2027

**Official Use Only**

DATE RECEIVED \_\_\_\_\_ ZONING CASE NUMBER \_\_\_\_\_

RECEIVED BY \_\_\_\_\_

\_\_\_\_\_



City of Dacula  
P. O. Box 400  
Dacula, GA 30019  
(770) 962-0055 / Fax (770) 513-2187

### IMPACT ANALYSIS STATEMENT

As required by the Zoning Resolution of the City of Dacula, the following standards are relevant in balancing the interest in promoting the public health, safety, morality, or general welfare against the right to the unrestricted use of property and shall govern the exercise of the zoning power. **ALL APPLICATIONS MUST BE COMPLETED WITH THE COMPLETED IMPACT ANALYSIS STATEMENT.**

DATE 1-12-2024 APPLICANT BARBARA QUARTEY - PAPAIO

- A. Whether a proposed rezoning will permit a use that is suitable in view of the use and development of adjacent and nearby property: NOT APPLICABLE
- B. Whether a proposed rezoning will adversely affect the existing use or usability of adjacent or nearby property: NOT APPLICABLE
- C. Whether the property to be affected by a proposed rezoning has a reasonable economic use as currently zoned: NOT APPLICABLE
- D. Whether the proposed rezoning will result in a use which will or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities, or schools. NO, THIS WILL NOT LEAD TO ANY BURDEN SOME USE OF EXISTING STREET.
- E. Whether the proposed rezoning is in conformity with the policy and intent of the Land Use Plan: YES
- F. Whether there are other existing or changing conditions affecting the use and development of the property which give supporting grounds for either approval or disapproval of the proposed rezoning: THERE ARE NO EXISTING OR CHANGING CONDITIONS AFFECTING THE USE AND DEVELOPMENT OF THE PROPERTY

# **APPENDIX**

*(For Informational Purposes)*

## CONFLICT OF INTEREST IN ZONING ACTIONS

Sec. 36-67A-1.	Definitions
Sec. 36-67A-2.	Disclosure of Financial Interests
Sec. 36-67A-3.	Disclosure of Campaign Contributions
Sec. 36-67A-4.	Penalties

Effective Date: This Chapter became effective July 1, 1984.

Cross References: Codes of Ethics and Conflicts of Interest, T. 45, Ch. 10.

Code Commission Notes: Ga. L. 1986, p. 1269, Sec. 1 and Ga. L. 1986, pa. 1496, Sec. 1, both enacted a Chapter 85 of Title 36. The chapter enacted by Ga. L. 1986, p. 1269, Sec. 1 was redesignated as Chapter 67A of Title 36 pursuant to Sec. 26-9-3.

### **36-67A-1. Definitions**

As used in this chapter, this term:

- (1) "Applicant" means any individual or business entity applying for rezoning action.
- (2) "Business entity" means any corporation, partnership, limited partnership, firm, enterprise, franchise, association or trust.
- (3) "Financial interest" means all direct ownership interests of the total assets or capital stock of a business entity where such ownership interest is 10 percent or more.
- (4) "Local government" means any county or municipality of this State.
- (5) "Local government official" means any member of the governing authority of a local government or any member of a planning or zoning commission.
- (6) "Member of the family" means the spouse, mother, father, brother, sister, son, or daughter of a local government official.
- (7) "Property interest" means the direct or indirect ownership of real property and includes any percentage of ownership less than total ownership.
- (8) "Real property" means any tract or parcel of land and, if developed, any buildings or structures located on the land.
- (9) "Rezoning action" means action by local government adopting an amendment to a zoning ordinance which has the effect of rezoning real property from one zoning classification to another. (Code 1981, Sec. 36-67A-1, enacted by Ga. L. 1986, p. 1269, Sec. 1.)

## DISCLOSURE & PENALTIES

### **36-67A-2 Disclosure of Financial Interests**

A local government official who:

- (1) Has a property interest in any real property affected by a rezoning action upon which that official is authorized to vote.
- (2) Has a financial interest in any business entity which a property interest in any real property affected by a rezoning action upon which that official is authorized to vote; or
- (3) Has a member of the family having any interest described in paragraph (1) or (2) of this Code section shall immediately disclose the nature and extent of such interest, in writing to the governing authority of the local government in which the local government official is a member. Such disclosures shall be a public record and available for public inspection at any time during normal working hours. (Code 1981, Sec. 36-67A-2, enacted by Ga.L. 1986, p. 1269, Sec.1.).

### **36-67A-3 Disclosure of Campaign Contributions.**

- (a) When any applicant for rezoning action has made, within two years immediately preceding the filing of that applicant's application for the rezoning action, campaign contributions aggregating \$250.00 or more or made gifts having in the aggregate a value of \$250.00 or more to a local government official of the local government which will consider the applications, it shall be the duty of the applicant and the attorney representing the applicant to file a disclosure report with the governing authority of the respective local government showing:
  - (1) The name of the local government official to whom the campaign contribution or gift was made;
  - (2) The dollar amount of each campaign contribution made by the applicant to the local government official during the two years immediately preceding the filing of the application for the rezoning action and the date of each such contribution; and
  - (3) An enumeration and description of each gift having a value of \$250.00 or more made by the applicant to the local government official during the two years immediately preceding the filing of the application for the zoning change.
- (b) The disclosures required by subsection (1) of this Code shall be filed within ten days after the application for the rezoning action is first filed. (Code 1981, Sec. 36-67A-3, enacted by Ga. L. 1986, p. 1269, Sec. 1)

### **36-67A-4 Penalties**

Any local government official knowingly failing to make a disclosure required by Code Section 36-85-2 shall be guilty of a misdemeanor. Any applicant for rezoning action knowingly failing to make any disclosures as required by Code Section 36-83-3 shall be guilty of a misdemeanor. (Code 1981, Sec. 36-67A-4, enacted by Ga.L. 1986, p. 269, Sec.1.)

ADJOINING PROPERTY OWNER(S)  
RECORD NOTIFICATION

DATE: \_\_\_\_\_

TO: \_\_\_\_\_

(Sent by First Class Mail and Certified Mail - Return Receipt Requested)

FROM: \_\_\_\_\_

RE: Application Case #: \_\_\_\_\_

Application Case #: \_\_\_\_\_

Application Case #: \_\_\_\_\_

Property Location: 5th District, Land Lot \_\_\_\_\_ Parcel \_\_\_\_\_

LOCATION/ADDRESS: \_\_\_\_\_

---

You are hereby notified that an application a zoning change from \_\_\_\_\_  
to \_\_\_\_\_ has been submitted to the City of Dacula.

The proposed rezoning is contiguous to your property.

The PLANNING COMMISSION Public Hearing/Meeting will be held at the Dacula City Hall,  
442 Harbins Rd., Dacula, Georgia on \_\_\_\_\_ at 6:00 P. M. in the Council  
Chambers. (date)

The CITY COUNCIL Public Hearing/Meeting will be held at the Dacula City Hall, 442 Harbins Rd.,  
Dacula, Georgia on \_\_\_\_\_ at 7:00 P. M. in the Council Chambers.  
(date)

If you have any comments or concerns concerning this matter, please plan to attend the public  
hearings.

Thank you.

U.S. Postal Service  
**CERTIFIED MAIL® RECEIPT**  
 Domestic Mail Only

For delivery information, visit our website at [www.usps.com](http://www.usps.com)

Dacula, GA 30019

**OFFICIAL USE**

Certified Mail Fee	\$4.35	0726
Extra Services & Fees (check box, add fee as appropriate)	\$3.55	07
<input type="checkbox"/> Return Receipt (hardcopy)	\$0.00	
<input type="checkbox"/> Return Receipt (electronic)	\$0.00	
<input type="checkbox"/> Certified Mail Restricted Delivery	\$0.00	
<input type="checkbox"/> Adult Signature Required	\$0.00	
<input type="checkbox"/> Adult Signature Restricted Delivery	\$0.00	
Postage	\$0.66	
Total Postage and Fees	\$8.56	01/19/2024

Postmark Here

Sent To Garcia Francisco  
 Street and Apt. No., or PO Box No.  
 2988 Stockbridge Way  
 City, State, ZIP+4®  
 Dacula GA 30019-6867

PS Form 3800, January 2023 PSN 7530-02-000-9047 See Reverse for Instructions

U.S. Postal Service™  
**CERTIFIED MAIL® RECEIPT**  
 Domestic Mail Only

For delivery information, visit our website at [www.usps.com](http://www.usps.com)

Dacula, GA 30019

**OFFICIAL USE**

Certified Mail Fee	\$4.35	0726
Extra Services & Fees (check box, add fee as appropriate)	\$3.55	07
<input type="checkbox"/> Return Receipt (hardcopy)	\$0.00	
<input type="checkbox"/> Return Receipt (electronic)	\$0.00	
<input type="checkbox"/> Certified Mail Restricted Delivery	\$0.00	
<input type="checkbox"/> Adult Signature Required	\$0.00	
<input type="checkbox"/> Adult Signature Restricted Delivery	\$0.00	
Postage	\$0.66	
Total Postage and Fees	\$8.56	01/19/2024

Postmark Here

Sent To Shampton Angle  
 Street and Apt. No., or PO Box No.  
 290 Maken street  
 City, State, ZIP+4®  
 Dacula GA 30019

PS Form 3800, January 2023 PSN 7530-02-000-9047 See Reverse for Instructions

U.S. Postal Service™  
**CERTIFIED MAIL® RECEIPT**  
 Domestic Mail Only

For delivery information, visit our website at [www.usps.com](http://www.usps.com)

Dacula, GA 30019

**OFFICIAL USE**

Certified Mail Fee	\$4.35	0726
Extra Services & Fees (check box, add fee as appropriate)	\$3.55	04
<input type="checkbox"/> Return Receipt (hardcopy)	\$0.00	
<input type="checkbox"/> Return Receipt (electronic)	\$0.00	
<input type="checkbox"/> Certified Mail Restricted Delivery	\$0.00	
<input type="checkbox"/> Adult Signature Required	\$0.00	
<input type="checkbox"/> Adult Signature Restricted Delivery	\$0.00	
Postage	\$0.66	
Total Postage and Fees	\$8.56	01/20/2024

Postmark Here

Sent To Dacula First Baptist Church  
 Street and Apt. No., or PO Box No.  
 P.O. box 297  
 City, State, ZIP+4®  
 Dacula GA 30019

PS Form 3800, January 2023 PSN 7530-02-000-9047 See Reverse for Instructions

U.S. Postal Service  
**CERTIFIED MAIL® RECEIPT**  
 Domestic Mail Only

For delivery information, visit our website at [www.usps.com](http://www.usps.com)

Dacula, GA 30019

**OFFICIAL USE**

Certified Mail Fee	\$4.35	0726
Extra Services & Fees (check box, add fee as appropriate)	\$3.55	07
<input type="checkbox"/> Return Receipt (hardcopy)	\$0.00	
<input type="checkbox"/> Return Receipt (electronic)	\$0.00	
<input type="checkbox"/> Certified Mail Restricted Delivery	\$0.00	
<input type="checkbox"/> Adult Signature Required	\$0.00	
<input type="checkbox"/> Adult Signature Restricted Delivery	\$0.00	
Postage	\$0.66	
Total Postage and Fees	\$8.56	01/19/2024

Postmark Here

Sent To Garcia Francisco  
 Street and Apt. No., or PO Box No.  
 2528 Pharr Ave.  
 City, State, ZIP+4®  
 Dacula GA 30019

PS Form 3800, January 2023 PSN 7530-02-000-9047 See Reverse for Instructions

U.S. Postal Service™  
**CERTIFIED MAIL® RECEIPT**  
 Domestic Mail Only

For delivery information, visit our website at [www.usps.com](http://www.usps.com)

Dacula, GA 30019

**OFFICIAL USE**

Certified Mail Fee	\$4.35	0726
Extra Services & Fees (check box, add fee as appropriate)	\$3.55	07
<input type="checkbox"/> Return Receipt (hardcopy)	\$0.00	
<input type="checkbox"/> Return Receipt (electronic)	\$0.00	
<input type="checkbox"/> Certified Mail Restricted Delivery	\$0.00	
<input type="checkbox"/> Adult Signature Required	\$0.00	
<input type="checkbox"/> Adult Signature Restricted Delivery	\$0.00	
Postage	\$0.66	
Total Postage and Fees	\$8.56	01/19/2024

Postmark Here

Sent To Dacula First Baptist Church  
 Street and Apt. No., or PO Box No.  
 P.O. box 151  
 City, State, ZIP+4®  
 Dacula GA 30019

PS Form 3800, January 2023 PSN 7530-02-000-9047 See Reverse for Instructions



# MEMO

TO: City of Dacula Planning Commission/  
City of Dacula Mayor and City Council

FROM: Brittni Nix, City Administrator  
Hayes Taylor, City Planner  
Jack Wilson, City Attorney

DATE: February 26, 2024

SUBJECT: Ordinance to Amend Zoning Resolution Article IX

---

Staff has reviewed Article IX, Use Provisions, and recommends amending the Zoning Resolution to replace “parking lot” and/or “parking garages” with “parking deck.” The recommended amendment will clarify the permitted uses within several zoning districts (OI, C-1, C-2, C-3, M-1).





## AN ORDINANCE

### **AN ORDINANCE TO AMEND THE ZONING ORDINANCE OF THE CITY OF DACULA REGARDING PARKING IN CERTAIN DISTRICTS; TO REPEAL ALL ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT HEREWITH; AND FOR OTHER PURPOSES.**

WHEREAS, the City has adopted and maintained a comprehensive Zoning Ordinance; and

WHEREAS, changes in development patterns, proposed land uses, infrastructure and other matters warrant reviewing and updating portions of the Zoning Ordinance related to parking in certain districts; and

WHEREAS, it is in the best interest of the health, safety and welfare of the citizens of the City to review and evaluate the current Zoning Ordinance in view of current development trends and future land use plans in and near the City; and

WHEREAS, the City has undertaken and completed such review and evaluation; and

WHEREAS, as a part of that review process, the Planning Commission and City Council have conducted public hearings in accordance with Georgia law seeking comment on the amendments and updates to the Zoning Ordinance; and

WHEREAS, it is in the best interest of the health, safety and welfare of the citizens and businesses within the City of Dacula to amend the Zoning Ordinance as outlined herein;

NOW THEREFORE, THE MAYOR AND COUNCIL OF THE CITY OF DACULA HEREBY ORDAINS that the Zoning Ordinance and City Code be amended as follows:

#### SECTION 1

The following amendments are approved and adopted:

Subsection 904(B)14 is deleted and the following is substituted in its place:

904(B)14      Parking Decks.

Subsection 905(B)26 is deleted and the following is substituted in its place:

905(B)26      Parking Decks.

Subsection 906(B)41 is deleted and the following is substituted in its place:

906(B)41      Parking Decks.

Subsection 908(B)37 is deleted and the following is substituted in its place:

908(B)37      Parking Decks.

SECTION 2

The City Administrator, Assistant City Administrator, and Director of Planning and Economic Development are further authorized to correct typographical errors in the text of the existing Zoning Ordinance and to produce and publish a final codified version of the Zoning Ordinance with the amendments and revisions outlined herein.

SECTION 3

In the event any Court of competent jurisdiction determines that any portion of the foregoing amendment is invalid, unconstitutional or otherwise illegal, such rulings shall not impair the validity of the rest and remainder of this amendment.

SECTION 4

All laws and parts of laws in conflict with this Ordinance are hereby repealed.

SECTION 5

This Ordinance and the amendments outlined herein shall be effective immediately upon their adoption by the Mayor and City Council.

SO ORDAINED by the governing authority of the City of Dacula, this \_\_\_\_ day of \_\_\_\_\_, 2024.

AYES: \_\_\_\_

NAYES: \_\_\_\_

ATTEST:

\_\_\_\_\_  
HUGH D. KING, III  
MAYOR, CITY OF DACULA

\_\_\_\_\_  
BRITTNI NIX,  
CITY ADMINISTRATOR