



# Mayor and City Council Regular Meeting

Thursday, March 07, 2024 at 7:00 PM

Dacula City Hall, Council Chambers

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

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## Minutes

*This document is tentative, has not been ratified or approved by the Mayor and Council of the City of Dacula, and is not binding on the City or any officer*

*Minutes scheduled for approval April 4, 2024*

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

Mayor Trey King called the March 7, 2024 Council Meeting to order at 7:00 p.m. and a roll call of the members was taken. A quorum was present. He welcomed everyone to the meeting.

#### **Councilmembers Present:**

Mayor Trey King  
Councilmember Sean Williams  
Councilmember Daniel Spain  
Councilmember Ann Mitchell

#### **Councilmembers Absent:**

Councilmember Denis W. Haynes, Jr.

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

Brittni Nix, City Administrator  
Courtney Mahady, Administrative Clerk  
Hayes Taylor, City Planner  
Dana Stump, Administrative Assistant for Planning & Zoning  
Stephen Mayer, Director of Finance  
Jennifer Turner, Accounts Payable Clerk  
Alethia Hyman, City Tax Clerk  
Renee Cooke, Front Desk Clerk  
Amy White, Chief Marshal  
James Ross, City Marshal

### **II. INVOCATION:**

Pastor Mark Chandler gave invocation.

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

Mayor Trey King led the Pledge of Allegiance.

**IV. CONSENT AGENDA:**

1. Approval of the Minutes from the Regular Meeting on February 1, 2024
2. Adopt Records Management Policy
3. Amendments to the Marshal's Office Policy and Procedure
4. Proposal for tax collection services
5. Proposal for architect services
6. CDBG Subrecipient Agreements for the McMillan Road improvement project
7. Proposal to prepare the 2025 Community Development Block Grant Application

Motion to approve the consent agenda items as listed made by Councilmember Mitchell, Seconded by Councilmember Spain.

Voting Yea: Councilmember Williams, Councilmember Spain, Councilmember Mitchell

**V. OLD BUSINESS:**

8. **Rezoning Application: 2023-CD-RZ-03;** Applicant: Archon Homes, Owner: Dacula Real Estate requests rezoning from MH Mobile Home Park District to R-TH Single Family Residence Townhouse District. The property is located in Land Lot 275 of the 5th District and contains 4.04 acres more or less. (*Public Hearing was held on December 7, 2023*)

Mayor King noted that the public hearing for this rezoning application was held on December 3, 2023.

City Planner, Hayes Taylor, stated that the applicant requests rezoning from MH Mobile Home Park District to R-TH complete Single Family Residence Townhouse District. The applicant requested tabling the application to do their due diligence and update the site plan. Mr. Taylor noted that the applicant has assured the city that they will be ready for the April council meeting.

Mayor King requested a motion to table application 2023-CD-RZ-03 to the April 4 council meeting.

Motion to table rezoning application 2023-CD-RZ-03 to the April 4, 2024 meeting made by Councilmember Spain, Seconded by Councilmember Williams.

Voting Yea: Councilmember Williams, Councilmember Spain, Councilmember Mitchell

**VI. NEW BUSINESS:**

9. **PUBLIC HEARING: 2024-CD-COC-01,** Applicant: James Clinkscates, 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.

Motion to open the public hearing made by Councilmember Mitchell, Seconded by Councilmember Williams.

Voting Yea: Councilmember Williams, Councilmember Spain, Councilmember Mitchell

City Planner, Hayes Taylor, presented the staff case report for the change of conditions application. The applicant has requested changes to the 2019-CD-COC-01 condition(s) to amend allowable uses and other conditions. Mr. Taylor stated staff recommend approval with conditions.

Councilmember Mitchell asked for clarification about the condition regarding the height of the fence along Harbins Road.

Mr. Taylor stated that the current condition reads that the front yard fence shall not exceed six (6) feet in height and the applicant is requesting the front yard fence be eight (8) feet in height. Staff recommends keeping the six (6) foot height maximum.

Applicant Representative, Arlene Clinkscales, 1352 Innsfail Court, Snellville, GA 30078, co-owner of CircaSpaces, Inc. stated that they have been working closely with city staff to ensure that their business can offer their services to benefit the community. Mrs. Clinkscales thanked staff for their recommendation and the city council for their service.

*Comment in favor:*

None

*Comment in opposition:*

None

Motion to close the public hearing made by Councilmember Spain, Seconded by Councilmember Mitchell.

Voting Yea: Councilmember Williams, Councilmember Spain, Councilmember Mitchell

**10. 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.

Motion to approve the change of conditions application with staff's recommended conditions [listed below] made by Councilmember Williams, Seconded by Councilmember Mitchell.

Voting Yea: Councilmember Williams, Councilmember Spain, Councilmember Mitchell

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 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, 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.

**11. 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.

Motion to open the public hearing made by Councilmember Spain, Seconded by Councilmember Williams.

Voting Yea: Councilmember Williams, Councilmember Spain, Councilmember Mitchell

City Planner, Hayes Taylor, presented the staff case report for the change of conditions application. The applicant has requested changes to the 2020-CD-RZ-03 condition(s) to allow for a restaurant with a limited drive-thru window. Mr. Taylor stated staff recommend denial of the change of conditions application.

Applicant Representative, Robbie Swan, 2206 Drew Valley Road, Atlanta, GA 30319, stated that the original intent of the rezoning conditions was to limit the number of fast-food restaurants with drive-thru windows and as the master developers they want to keep the original intent. The goal is to have a “pick-up window” that is specific to Chipotle and for their use to operate more efficiently. Mr. Swan added that all orders would be made in advance to mitigate the number of cars going through the drive-thru.

Councilmember Mitchell expressed concern about citizens thinking that the lane is a drive-thru and inquired if there would be signage informing people not to drive through.

Robbie Swan stated he was not sure what the ordinance would say about putting up signage.

City Administrator, Brittni Nix, stated that the ordinance would permit signage to be put in place.

Robbie Swan said that they would need to confirm with the tenant if the requested informational signage is something they have done before and would be acceptable.

Councilmember Mitchell inquired if Chipotle has this type of model at other locations where they have a pick-up window.

Robbie Swan stated that all of their new locations have the pick-up window.

Councilmember Mitchell expressed that her biggest concern is the traffic and getting in and out of the parking lot.

Robbie Swan indicated that the intent of the pick-up window is not to encourage vehicular traffic but is to be more efficient inside to provide better service.

Councilmember Mitchell then inquired about if the food delivery companies would be going through the pick-up window area to pick up to-go orders.

Robbie Swan replied that it would depend on how the order comes in and what time the order is placed.

Councilmember Williams expressed his concern about the traffic and the lane being interpreted as a fast-food window.

Robbie Swan acknowledged the traffic concern and added that the applicant was very specific with the conditions to help with the traffic and for the use not to become a fast-food window.

Councilmember Mitchell inquired about the Chipotle having two kitchens in the design.

Robbie Swan indicated that from his understanding it would be two different prep areas to increase efficiency.

Councilmember Spain added that he understands Chipotle's request because the Starbucks in the same development has a pick-up window and is not considered a fast-food restaurant.

*Comment in favor:*

None

*Comment in opposition:*

None

Motion to close the public hearing made by Councilmember Spain, Seconded by Councilmember Williams.

Voting Yea: Councilmember Williams, Councilmember Spain, Councilmember Mitchell

**12. Change of Conditions Application: 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.

Motion to deny the change of conditions application made by Councilmember Williams, Seconded by Councilmember Mitchell.

Councilmember Mitchell said that she would like to see the applicant come back with a plan to add signage or other alternatives.

Ms. Nix explained to facilitate that, the proper motion would be to table the application.

Councilmember Mitchell decided to maintain the motion to deny.

Mayor King requested votes in favor of denial.

Voting Yea: Councilmember Williams, Councilmember Mitchell

Voting Nay: Councilmember Spain

**13. 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. *(Applicant has withdrawn their application)*

*Applicant withdrew their application. There is no need for items 13 and 14.*

**14. 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. *(Applicant has withdrawn their application)*

*Applicant withdrew their application. There is no need for items 13 and 14.*

**15. PUBLIC HEARING:** Ordinance to amend Article IX of the Zoning Resolution

Motion to open the public hearing made by Councilmember Spain, Seconded by Councilmember Mitchell.

Voting Yea: Councilmember Williams, Councilmember Spain, Councilmember Mitchell

City Planner, Hayes Taylor, stated staff recommends amending Article IX of the Zoning Resolution to replace “parking lot” and/or “parking garages” with “parking deck” as an allowable use for clarification purposes.

*Comment in favor:*

None

*Comment in opposition:*

None

Motion to open the public hearing made by Councilmember Spain, Seconded by Councilmember Williams.

Voting Yea: Councilmember Williams, Councilmember Spain, Councilmember Mitchell

**16. Ordinance to amend Article IX of the Zoning Resolution**

Motion to approve the amendment to Article IX made by Councilmember Spain, Seconded by Councilmember Mitchell.

Voting Yea: Councilmember Williams, Councilmember Spain, Councilmember Mitchell

**VII. STAFF COMMENTS:**

*None*

**VIII. MAYOR AND COUNCIL COMMENT(S):**

Councilmember Mitchell thanked the young members of the audience for their attendance and encouraged them to invite their friends. Councilmember Mitchell added that at the local level you can learn the most about your representation and how it affects you directly.

**IX. PUBLIC COMMENTS:**

Jimmy Phan, 1404 Filigree Place, Dacula, GA 30019, discussed the Gwinnet County’s Unified Plan to address the future challenges that come with increase in population growth. To help with dependency on vehicles, Mr. Phan suggested implementing a “Ride to 5” program that allows students to be picked up from a specified location within a 5-minute walk of their school. He also suggested adding a bike/skate park to Dacula Park and/or Rabbit Hill Park.

Mayor King asked if Mr. Phan could provide more information about the “Ride to 5” program after the meeting.

Tuwanda Rush Williams, 2461 Tack Hill Court, Dacula, GA 30019, introduced herself and stated that she is running for Gwinnett County Superior Court Judge.

Leroy Ranel, 991 Wisteria View Court, Dacula, GA 30019, stated that he is running for Gwinnett County School Board District 1.

**X. EXECUTIVE SESSION: Personnel, real property, and legal matters**

Motion to exit regular session and enter into executive session made by Councilmember Williams,  
Seconded by Councilmember Spain.

Voting Yea: Councilmember Williams, Councilmember Spain, Councilmember Mitchell

Regular session adjourned and executive session began for the purposes of personnel and real property matters at 7:43 p.m.

Motion to exit executive session and reconvene regular session made by Councilmember Spain,  
Seconded by Councilmember Williams.

Voting Yea: Councilmember Williams, Councilmember Spain, Councilmember Mitchell

Regular session reconvened at 8:07 p.m.

City Administrator, Brittini Nix, reported no votes were taken in executive session. The Council met to discuss personnel and real property matters as allowed by the Open Meetings Act.

**XI. ADJOURNMENT:**

Motion to adjourn made by Councilmember Spain, Seconded by Councilmember Mitchell.

Voting Yea: Councilmember Williams, Councilmember Spain, Councilmember Mitchell

Meeting adjourned at 8:07 p.m.

*Minutes approved*

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*Date*

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*Signature*