



# Mayor and City Council Regular Meeting

Thursday, May 04, 2023 at 7:00 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:

### CONSENT AGENDA:

1. Approval of the Minutes from the Regular Meeting on April 6, 2023
2. Bid results for Bid results for Dacula Crossing subdivision improvements
3. Change order for Brookton Station improvement project
4. Refund authorization request

### OLD BUSINESS:

5. Adopt Travel & Expense Policy

### NEW BUSINESS:

6. Resolution to appoint 2023 Elections Superintendent & Absentee Ballot Clerk and one assistant
7. **PUBLIC HEARING: 2023-CD-COC-01**, Applicant: EVAA, LLC, Owner: EVAA, LLC requests changes to 2021-CD-RZ-01 and 2021-CD-VAR-01 condition(s). The property is located in Land Lot 303 of the 5th District and contains 1.84 acres more or less.
8. **Change of Conditions Application: 2023-CD-COC-01**, Applicant: EVAA, LLC, Owner: EVAA, LLC requests changes to 2021-CD-RZ-01 and 2021-CD-VAR-01 condition(s). The property is located in Land Lot 303 of the 5th District and contains 1.84 acres more or less.
9. **PUBLIC HEARING: 2023-CD-SUP-02**, Applicant: WREG Harbins Land, LLC, Owner: WREG Harbins Land, LLC requests special use permit for a self-storage facility. The property is located in Land Lot 300 of the 5th District and contains 6.37 acres more or less.
10. **Special Use Permit Application: 2023-CD-SUP-02**, Applicant: WREG Harbins Land, LLC, Owner: WREG Harbins Land, LLC requests special use permit for a self-storage facility. The property is located in Land Lot 300 of the 5th District and contains 6.37 acres more or less.
11. **PUBLIC HEARING: 2023-CD-VAR-01**; Applicant CHA - Matt Meo, Owner: QuikTrip Corporation - Michael Burk requests variance to reduce the front yard setback and allow

encroachment within the landscape strip. The property is located in Land Lot 242/271 of the 5th District and contains 8.06 acres more or less.

12. **Variance Application: 2023-CD-VAR-01**, Applicant CHA - Matt Meo, Owner: QuikTrip Corporation - Michael Burk requests variance to reduce the front yard setback and allow encroachment within the landscape strip. The property is located in Land Lot 242/271 of the 5th District and contains 8.06 acres more or less.

13. **PUBLIC HEARING: 2023-CD-VAR-02**; Applicant: Integrity Engineering & Development Services, Inc., Owner: WREG Harbins Retail, LLC requests variance to reduce the minimum required parking spaces. The property is located in Land Lot 299/300 of the 5th District and contains 1.14 acres more or less.

14. **Variance Application: 2023-CD-VAR-02**; Applicant: Integrity Engineering & Development Services, Inc., Owner: WREG Harbins Retail, LLC requests variance to reduce the minimum required parking spaces. The property is located in Land Lot 299/300 of the 5th District and contains 1.14 acres more or less.

**STAFF COMMENTS:**

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

**PUBLIC COMMENTS:**

**EXECUTIVE SESSION: Personnel matters**

**ADJOURNMENT:**

**CITY OF DACULA**  
**442 Harbins Rd**  
**P. O. Box 400**  
**Dacula, GA, 30019**

**COUNCIL MEETING**  
**MINUTES**  
**April 6, 2023**

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

Mayor Trey King called the April 6, 2023 Council Meeting to order at 7:04 p.m. and a roll call of the members was taken. A quorum was present. He welcomed everyone the meeting.

**Council Members Present:**

Trey King, Mayor  
 Sean Williams, Council  
 Daniel Spain, Council  
 Ann Mitchell, Council  
 Denis W. Haynes, Jr.

**City Staff Present:**

Jack Wilson, City Attorney  
 Brittni Nix, City Administrator  
 Courtney Mahady, Administrative Clerk  
 Heather Coggins, Assistant City Administrator of Finance & Human Resources  
 Dana Stump, Administrative Assistant for Planning & Zoning  
 Angelica Schaper, Court Administrator  
 Alethia Hyman, City Tax Clerk  
 Renee Cooke, Front Desk Clerk  
 Amy White, City Marshal

**II. INVOCATION:**

Amy White gave invocation.

**III. PLEDGE OF ALLEGIANCE:**

Mayor King led the Pledge of Allegiance

Mayor then called for a motion to amend the agenda to include Bid awardment for Janitorial Services as item #12a under the consent agenda.

Councilman Spain motioned to approve the amendment to the agenda. Councilwoman Mitchell seconded. Motion passed unanimously.

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**IV. PROCLAMATION:**

1. Georgia Cities Week Announcement

Mayor King read the Proclamation to encourage citizens to participate in a Georgia Cities Week activity during the month of April. The activity is a coloring page for school-aged children. Mayor King stated that the coloring pages would be displayed during the May 4, 2023 Council Meeting.

**V. CONSENT AGENDA:**

2. Approval of the Minutes from the Regular Meeting on March 2, 2023
3. 431 Harbins Road settlement with Gwinnett County
4. Ordinance to amend Chapter 12, Article 1 - Business Licenses and Regulations
5. Adopt Travel & Expense Policy
6. Bid results for 2050 Comprehensive Plan
7. Security improvements for City facilities
8. Logo and Style Guide Proposal
9. Appoint Courtney Mahady as Pension Secretary
10. Appoint Courtney Mahady as Open Records Officer
11. Intergovernmental Agreement for Elections Equipment
12. Refund authorization request
- 12a. Bid awardment for Janitorial Services

Councilwoman Mitchell requested to remove item #5 from the consent agenda.

Councilman Haynes, Jr. motioned to approve the consent agenda with the exception of item #5. Councilman Spain seconded. Motion passed unanimously.

Mayor King called for a motion to table item #5 to the May 4, 2023 meeting.

Councilwoman Mitchell motioned to table item #5 to May 4, 2023. Councilman Haynes, Jr. seconded. Motion passed unanimously

**VI. OLD BUSINESS:**

*None*

**VII. NEW BUSINESS:**

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**13. PUBLIC HEARING: 2023-CD-RZ-01, 2023-CD-SE-01, 2023-CD-SUP-01;** Applicant: Gary L. Wilson, Jr., Owner: All Investments, LLC requests rezoning from C-1 Neighborhood Commercial District to C-2 General Business District, requests a special exception for an automotive muffler, brake and tune-up shop, and requests special use permits for auto body repair, and automotive sales and associated service facilities. The property is located in Land Lot 302A of the 5th District and contains 0.46 acres more or less.

Councilman Williams motioned to open the public hearing. Councilwoman Mitchell seconded. Motion passed unanimously.

City Administrator, Brittini Nix, present the staff report for the rezoning, special exception, and special use permit applications. The applicant requested rezoning from C-1 Neighborhood Commercial District to C-2 General Business District, requested a special exception for an automotive muffler, brake and tune-up shop, and requested special use permits for auto body repair, and automotive sales and associated service facilities. Ms. Nix stated staff recommended approval with conditions of the requested rezoning, special exception, the special use permit for automotive sales and associated service facilities, and denial of the special use permit for auto body repair.

*Comment in favor*

Karen McDaniel, 681 Providence Club Drive, Monroe, GA 30656, on behalf of the applicant, stated that measures would be taken to ensure the property would be compliant with the state and that the property would remain clean for the surrounding properties in regards to the requested auto body repair shop.

*Questions/Comments*

Councilman Haynes, Jr. inquired about the intent of the automotive sales request from the applicant.

Ms. McDaniel stated the intent of the auto sales is to permit the sale of vehicles that have been abandoned by owners who are unable to afford the necessary repairs. She said that this was a great method to reimburse the store for part of the expenses.

Mayor King inquired about what was going to be done to mitigate the fumes from the paint that is used to spray the cars.

Ms. McDaniel stated that the owner would work with the state and what they require to make sure they were in compliance.

Councilman Spain motioned to close the public hearing. Councilman Haynes, Jr. seconded. Motion passed unanimously.

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**14. Rezoning Application: 2023-CD-RZ-01**, Applicant: Gary L. Wilson, Jr., Owner: All Investments, LLC requests rezoning from C-1 Neighborhood Commercial District to C-2 General Business District. The property is located in Land Lot 302A of the 5th District and contains 0.46 acres more or less.

Councilman Williams motioned to approve with staff recommended conditions [listed below]. Councilman Spain seconded. Motion passed unanimously.

#### Concept Plan and Land Use

1. Any substantial deviation from the conditions of zoning shall be resubmitted to the Mayor and City Council for consideration. The City Administrator shall determine what constitutes substantial deviation.
2. Any modifications to the existing property improvements (ex: paint, repairs, additions, concrete, asphalt, etc.) shall be reviewed and approved by the City.
3. Outdoor storage shall only be allowed within the screened rear portion of the site. Outdoor storage includes, but not limited to, automobiles for sale, automobiles for service, junk vehicles vehicle parts, and machinery. All items must be located on a hard surface excluding contained gravel.
4. Outdoor display of parts, new or used tires, junked vehicles or other materials is prohibited. No outside loudspeakers shall be allowed.
5. All automotive mechanical services shall be contained within the proposed structure.

#### Architectural Design

6. New structures or building expansion shall have the following: exterior facades constructed of brick, stone or stucco, and mechanical, HVAC and like systems shall be screened from street level on all sides by an opaque wall of brick, stucco, or split faced block. Final architectural plans and color palate shall be submitted to the City for approval.
7. Exterior walls of primary and accessory structures shall be maintained free from holes, breaks, loose or rotting materials and shall be maintained weatherproof and properly surface coated as needed to prevent deterioration. All exterior surfaces, including, but not limited to, doors, door and window frames, cornices, porches and trim shall be maintained in good repair. Exterior wood surfaces, other than decay-resistant woods, shall be protected from the elements and decay by painting or other protective covering or treatment. Peeling, flaking and chipped paint shall be eliminated and surfaces repainted. All siding and masonry joints shall be maintained weather-resistant and watertight. Color palate shall be submitted to the City for approval.
8. Roofs of buildings shall be maintained so that they are structurally sound and in a safe condition and have no defects which might admit rain or cause dampness in the interior portions of a building. All portions, additions or sections of a roof, including, but not limited to, the fascia, eave, soffit, sheathing, rafter tail, barge rafter, vent screening, gutter, downspout, roof jack, and metal flashing, shall be complete with all trim strips, moldings, brackets, braces and supports

attached or fastened in accordance with common building practices. Gutters must be free of vegetation and in good repair. Roof drainage shall be adequate to prevent rainwater from causing dampness or deterioration in the walls or interior portion of the building.

9. The outdoor storage area in the rear shall be screened by a 6-foot high wooden privacy fence or a black chain link fence with opaque green, brown, or black slates. The fence shall be enhanced with a 10-foot wide landscape strip subject to review and approval by the City of Dacula.

#### Landscaping and Parking

10. A four-foot tall split-rail fence shall be installed along the perimeter of the front parking area where it abuts to McMillan Road right-of-way. The fence shall be submitted to the City for approval prior to the issuance of a fence permit.
11. The required undisturbed buffer along the south side property line shall be eliminated and replaced with fencing and a 10-foot wide landscape strip (see condition #6).
12. The addition of a paved parking lot or entrance / exit drives shall have the following: a parking lot landscape plan submitted to the City for approval. At a minimum, the landscape plan shall include monument sign location and should insure that each parking island / strip will have a minimum of two (2) ornamental shade trees. All parking area trees shall be a minimum of 2-inch dbh caliper.
13. 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.
14. Specimen trees on-site shall be saved when feasible.
15. A hydrology study or compliance letter from a licensed Georgia Engineer shall be required prior to the installation, modification or addition of any impervious / hard surfaces on the subject property.
16. All hard surfaces must be in good repair and maintained in a passable condition so as to allow safe vehicular and pedestrian ingress and egress. Impassable includes, but not limited to, cracking, reflection cracks, deterioration, depression (pothole), sinkholes, rutting, raveling, shoving, upheaval, peeling, root cracks, and uneven surfaces.
17. A minimum of thirteen (13) marked parking spaces shall be required for customer and employee parking. Said spaces shall not be used for the sale, repair, dismantling, or servicing or storing of any vehicle, equipment, materials, or supplies.

#### Signage and Advertising

18. Oversized signs or billboards shall not be permitted.
19. Ground signage shall be limited to one monument-type sign and shall not be located within the right-of-way. The monument sign shall not exceed a maximum of 5-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. The monument sign shall not impede site distance along McMillan Road. Sign location and design are subject to review and approval by the City of Dacula.

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20. Blinking, exposed neon, portable, inflatable and temporary signage shall be prohibited.
21. 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 without appropriate permit(s). No decorative balloons or hot-air balloons shall be displayed on the site.
22. Live human advertisement shall be prohibited within the subject area. This includes, but is not limited to, sign spinners, twirlers, dancers, clowns, and / or other similar temporary advertising methods commonly provided by costumed or animated humans.

#### Transportation and Infrastructure

23. Parking lot lighting shall be directed in toward the property so as not to shine directly onto adjacent properties.
24. All new utility lines shall be located underground. The developer shall be responsible for the relocation of public or private utilities and stormwater infrastructure.
25. 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.
26. All vehicular access must meet the City of Dacula's project access improvement standards of a public road. All improvements shall be provided by the developer/owner.

**15. Special Exception Application: 2023-CD-SE-01**, Applicant: Gary L. Wilson, Jr., Owner: All Investments, LLC requests a special exception for an automotive muffler, brake and tune-up shop. The property is located in Land Lot 302A of the 5th District and contains 0.46 acres more or less.

Councilman Haynes, Jr. motioned to approve with staff recommended conditions [listed below].  
 Councilman Spain seconded. Motion passed unanimously.

#### Concept Plan and Land Use

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### Architectural Design

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### Landscaping and Parking

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15. A hydrology study or compliance letter from a licensed Georgia Engineer shall be required prior to the installation, modification or addition of any impervious / hard surfaces on the subject property.
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#### Transportation and Infrastructure

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**16. Special Use Permit Application: 2023-CD-SUP-01**, Applicant: Gary L. Wilson, Jr., Owner: All Investments, LLC requests special use permit for auto body repair. The property is located in Land Lot 302A of the 5th District and contains 0.46 acres more or less.

Councilwoman Mitchell motioned to approve with staff recommended conditions [listed below]. Councilman Haynes, Jr. seconded. Vote was 3-0 with Councilman Williams voting against.

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**17. Special Use Permit Application: 2023-CD-SUP-01**, Applicant: Gary L. Wilson, Jr., Owner: All Investments, LLC requests special use permit for automotive sales and associated service facilities. The property is located in Land Lot 302A of the 5th District and contains 0.46 acres more or less.

Councilman Haynes, Jr. motioned to approve with staff recommended conditions [listed below].  
 Councilman Williams seconded. Motion passed unanimously.

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10. A four-foot tall split-rail fence shall be installed along the perimeter of the front parking area where it abuts to McMillan Road right-of-way. The fence shall be submitted to the City for approval prior to the issuance of a fence permit.
11. The required undisturbed buffer along the south side property line shall be eliminated and replaced with fencing and a 10-foot wide landscape strip (see condition #6).
12. The addition of a paved parking lot or entrance / exit drives shall have the following: a parking lot landscape plan submitted to the City for approval. At a minimum, the landscape plan shall include monument sign location and should insure that each parking island / strip will have a minimum of two (2) ornamental shade trees. All parking area trees shall be a minimum of 2-inch dbh caliper.
13. 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.
14. Specimen trees on-site shall be saved when feasible.

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15. A hydrology study or compliance letter from a licensed Georgia Engineer shall be required prior to the installation, modification or addition of any impervious / hard surfaces on the subject property.
16. All hard surfaces must be in good repair and maintained in a passable condition so as to allow safe vehicular and pedestrian ingress and egress. Impassable includes, but not limited to, cracking, reflection cracks, deterioration, depression (pothole), sinkholes, rutting, raveling, shoving, upheaval, peeling, root cracks, and uneven surfaces.
17. A minimum of thirteen (13) marked parking spaces shall be required for customer and employee parking. Said spaces shall not be used for the sale, repair, dismantling, or servicing or storing of any vehicle, equipment, materials, or supplies.

#### Signage and Advertising

18. Oversized signs or billboards shall not be permitted.
19. Ground signage shall be limited to one monument-type sign and shall not be located within the right-of-way. The monument sign shall not exceed a maximum of 5-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. The monument sign shall not impede site distance along McMillan Road. Sign location and design are subject to review and approval by the City of Dacula.
20. Blinking, exposed neon, portable, inflatable and temporary signage shall be prohibited.
21. 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 without appropriate permit(s). No decorative balloons or hot-air balloons shall be displayed on the site.
22. Live human advertisement shall be prohibited within the subject area. This includes, but is not limited to, sign spinners, twirlers, dancers, clowns, and / or other similar temporary advertising methods commonly provided by costumed or animated humans.

#### Transportation and Infrastructure

23. Parking lot lighting shall be directed in toward the property so as not to shine directly onto adjacent properties.
24. All new utility lines shall be located underground. The developer shall be responsible for the relocation of public or private utilities and stormwater infrastructure.
25. 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.
26. All vehicular access must meet the City of Dacula's project access improvement standards of a public road. All improvements shall be provided by the developer/owner.

#### **VIII. STAFF COMMENTS:**

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*None*

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

Councilwoman Mitchell commemorated Heather Coggins on her years of service and hard work with the City and wished her well in her next venture.

Councilman Haynes, Jr. wished Ms. Coggins good luck in her future endeavors and thanked her for all of her help over the years.

Mayor King expressed his appreciation to Ms. Coggins for everything that she has done for the city and wished her success in her next venture.

**X. PUBLIC COMMENTS:**

City Tax Clerk, Alethia Hyman, 442 Harbins Road, Dacula, GA 30019, expressed her gratitude and appreciation to Ms. Coggins for her knowledge and value to the City. Ms. Hyman stated that she would be missed and wished her well in her next career.

**XI. EXECUTIVE SESSION: Personnel Matters**

Councilman Spain motioned to exit regular session. Councilwoman Mitchell seconded. Motion passed unanimously. Regular session adjourned and executive session began for the purposes of personnel matters at 7:43 p.m.

Councilman Haynes, Jr. motioned to exit executive session and reconvene regular session. Councilwoman Mitchell seconded. Motion passed unanimously. Regular session reconvened at 8:04 p.m.

City Attorney, Jack Wilson, reported there were no votes taken in executive session. The Council met to discuss personnel matters as allowed by the Open Meetings Act.

**XII. ADJOURNMENT:**

Councilman Spain motioned to adjourn. Councilman Haynes, Jr. seconded. Motion passed unanimously. Meeting adjourned at 8:05 p.m.

*Minutes approved*

\_\_\_\_\_

*Date*

\_\_\_\_\_

*Signature*

**TO:** Mayor and City Council of the City of Dacula  
**FROM:** Brittni Nix, City Administrator  
**DATE:** April 21, 2023  
**SUBJECT:** Bid results for Dacula Crossing subdivision improvements

---

The City requested bids for the approved Dacula Crossing Subdivision Asphalt Milling and Repaving Improvements Project. The project includes asphalt milling and deep patch milling, repaving, and thermoplastic striping. All disturbed areas will be sodded as needed.

The bid results are below:

Allied Paving Contractors, Inc. - \$267,187.00

East Coast Grading - \$314,905.29

The lowest qualified bid was \$267,187 from Allied Paving Contractors, Inc., which is less than the opinion of probable construction cost of \$327,060.00 dated August 5, 2022. Staff recommends awarding the bid to Allied Paving Contractors, Inc. at \$267,187 and authorizing the Mayor and City Administrator to execute all necessary documents to implement the subject project.

4174 Silver Peak Parkway, Suwanee, GA 30024

Office 770.932.6550 • Fax 770.932.6551 • bowman.com

April 12, 2023

Mayor & Council  
**City of Dacula**  
P.O. Box 400  
Dacula, GA 30019

RE: Bid Evaluation & Recommendation  
Dacula Crossing Subdivision Asphalt Milling and Repaving Project

Dear Mayor & Council,

We have reviewed the bids which were submitted to the City of Dacula on April 11, 2023 for the "Dacula Crossing Subdivision Asphalt Milling and Repaving Project". The Bidders and their bid amounts are listed below beginning with the apparent lowest Bidder for work described in Section 00 300 and set forth as Total Bid in the Bid Proposal Form.

<b>Bid Submitted By:</b>	<b>Addenda #1 Attached</b>	<b>Bid Bond Attached</b>	<b>Total Bid</b>
<b>** Allied Paving Contractors, Inc.</b>	<b>X</b>	<b>X</b>	<b>\$ 267,187.00</b>
East Coast Grading	X	X	\$ 314,905.29

*\*Bid Bonds verified for authenticity and for bonding capacity for Performance & Payment Bonds.*

*\*\*Apparent Low Bidder*

Based on our evaluation of the bids outlined above, we recommend that the City of Dacula issue a "Letter of Intent" stating that the "Dacula Crossing Subdivision Asphalt Milling and Repaving Project" be awarded to Allied Paving Contractors, Inc. with a Total Bid in the amount of **Two Hundred Sixty-Seven Thousand, One Hundred Eighty-Seven and 00/100 Dollars (\$267,187.00)** with said amounts determined as representing the lowest, responsive, responsible bid for the Work as illustrated by the Specifications and Drawings entitled "Dacula Crossing Subdivision Asphalt Milling and Repaving Project" prepared by Bowman Consulting Group and dated February 10, 2023.

It is recommended that the City should state in their "Letter of Intent" to the successful Contractor that the following documentation should be provided to the City prior the processing of any payments for the work. The Letter of Intent shall be accompanied by a "draft" Contract for their review and use in securing Performance and Payment bonds. The successful Contractor shall provide the following documents on or before commencing work.

1. Performance / Payment Bonds for 100% of Contract Amount.
2. Schedule of Values (Breakdown of Bid Amounts).
3. Certificate of Insurance.
4. List of Sub-Contractors to be performing work on this Project.
5. Georgia Security and Immigration Sub-Contractors Affidavit.

The actual Contract will be signed and sealed by the City and the Contractor upon receipt of the above documentation. The "Notice to Proceed" will be issued by a date agreed upon by the City and the Contractor. Once issued by the City and accepted by the successful Contractor, work shall begin within 10 days of the date of the Notice to Proceed.

Should you have any questions, please feel free to call.

Sincerely,

**Bowman Consulting Group**



Kevin D. Whigham, P.E.  
Director of Engineering  
KDW/mrf

*(P: 2022/1203/Bid/Letter of Recommendation)*



**TO:** Mayor and City Council of the City of Dacula  
**FROM:** Brittni Nix, City Administrator  
**DATE:** April 24, 2023  
**SUBJECT:** Change order for Brookton Station improvement project

---

The City has received a total of \$744,555.52 in grant money from CDBG and LMIG to fund the Brookton Station improvement project. The grant monies received exceeds the project bid amount by \$57,770.52. The entirety of the grant funds allocated for the project must either be spent on the project or be returned to the respective agency.

To maximize the funding received, a change order was approved via verbal consent to expand the scope of the project to include additional sidewalk and curb & gutter replacement. The subject change order equals the remainder of the funds, \$57,770.52.

Staff respectfully requests the subject change order be ratified through council vote.



P. O. Box 509  
Pendergrass, GA 30567  
(706) 693-4042 (706) 693-4052 Fax

**Change Order Request #1**

April 24, 2023

RE: Brookton Station

Item	Description	QTY	Units	Unit Price	Total
1	For additional scope of sidewalk and curb & gutter replacement within Brookton Station Subdivision for amount of 2022 CDBG and LMIG funding received above and beyond Allied Paving Contractor's Bid Amount	1	LS	\$57,770.52	\$57,770.52
<b>Total Change Order Amount</b>					<b>\$57,770.52</b>

All other terms and conditions of the original contract will remain in full force.

Thank you for your attention in this matter. Please do not hesitate to call if we may be of further assistance.

Sincerely,

Bryan Jones  
Vice President

# memo

To: Mayor and City Council of Dacula  
 From: Alethia Hyman, Tax Clerk  
 Date: May 4, 2023  
 Re: Refund Authorization Request – Overpayment of Property Taxes

During the month of April, there were 7 requests for refunds totaling \$973.63

Five refunds are a result of property value reassessments performed by the County’s Tax Assessor’s Office. Two refunds are the result of the overpayment of property taxes and/or interest charges.

As the Mayor and City Council are the taxing authority for the City, staff is requesting your approval for the following:

Mozumder, Mohammed	\$75.36	1186 Trophy Club Ave	MCR Reassessment 3/1/23 to 3/31/23
Leach, James	\$43.64	977 Trophy Club Ave	MCR Reassessment 3/1/23 to 3/31/23
Robert R Cross Trust	\$53.83	2600 Winder Hwy	MCR Reassessment 3/1/23 to 3/31/23
Cuspid Enterprises LLC	\$215.89	100 Dacula Rd	MCR Reassessment 3/1/23 to 3/31/23
Dacula Plaza LLC	\$578.65	465 Dacula Rd	MCR Reassessment 3/1/23 to 3/31/23
Serrano Umpierre LLC	\$5.87	2862 Hill Cir	Overpayment of property taxes
Fox, Doug	\$0.39	865 Tanner Rd	Overpayment of interest charges

**TO:** City of Dacula City Council and Mayor

**FROM:** Jack Wilson, City Attorney

**DATE:** April 26, 2023

**SUBJECT:** Travel & Expense Policy

Dear Mayor and Members of the City Council:

City staff reviewed the City's procedures for reimbursement of expenses and travel in the Personnel Management System and recommends adopting a standalone Travel & Expense Policy to supplement said procedures. This Policy includes most recent updated amounts from the federal General Services Administration (GSA) and provides a framework for the accounting staff to monitor and manage these expenses. Staff recommends approval of the updated draft in the form following this memo.

If you have any questions or need any additional information, please do not hesitate to contact me.

## City of Dacula: Travel and Expense Policy

*Revised: April 10, 2023*

### **Purpose**

All associated travel and expenses incurred while on City business, whether in-state or out-of-state, shall fall under this policy. When employees, appointed committees/boards, or elected officials of the City are required to travel on official business for meetings, conferences, and training programs, the City shall pay reasonable amounts for transportation, meals, lodging and miscellaneous approved expenses in accordance with the terms, condition and limitations in this Policy. Education and training opportunities shall be considered on the basis of merit to the City and allocated resources.

### **Provisions**

- A. All business travel for employees where expenses may occur must be authorized in advance. The Department Head must approve requests for training, conferences, meetings, or other official functions, which require overnight accommodations.
- B. The City shall not pay expenses for contractors or those pre-hired and sponsored for an employment certification are not eligible under this Policy.
- C. Travelers who choose to extend a business trip for personal reasons either before or after business is concluded, will be responsible for all non-business-related charges.
- D. Travel expenses must be authorized or the traveler will be held responsible for all non-authorized expenses and all expenses incurred in excess of the limits outlined in this Policy.

### **Meal Expenses Per Diem**

- A. Any employee traveling on City business may receive reimbursement for meals that are paid for by the employee. Per Diem is intended to supplement the cost incurred due to business travel and is not intended to cover excessive expenses.
- B. Per Diem rates are pursuant to the GSA Per Diem rates plus an additional 10% and the appropriate sales with up to 18% gratuity. For a copy of those rates, please see [www.gsa.gov](http://www.gsa.gov) or ask the Finance Department or the Accounts Payable Clerk. The City shall not pay any expenses in excess of the total Per Diem rates outlined ~~by the GSA~~. If any employee or official incurs expenses in excess of the GSA-Per Diem daily limits, that employee or official shall reimburse the City for all amounts over the Per Diem GSA-daily limits within four (4) weeks of returning. The City Administrator may extend the deadline at his or her discretion.

~~C. Where conference registration or training tuition fees include one or more meals, only those meals not covered by such fees shall be paid or reimbursed by the City.~~

~~D.C.~~ All receipts are required for reimbursement or pursuant to the City's Procurement Card Policy.

~~E.D.~~ In addition to the restaurant's itemized receipt, the following information must be documented:

1. The name and location of the restaurant.
2. The names of the people served.
3. The date.
4. Total expense including gratuity.

### Use of City Owned Vehicle Business Travel

- A. Under no circumstances, may anyone under the age of 18 ride in a city vehicle.
- B. Receipts for gas, oil and out of town repairs should also be submitted along with any expense reports.
- C. Insurance identification card must be kept in the City vehicle at all times.
- D. When any employee is driving a City-owned vehicle, he/she shall observe all traffic laws and accept responsibility for the payment of any fines incurred. If a traffic citation is received while operating any City vehicle or an accident occurs, the employee must report it immediately to the proper supervisor. The supervisor will be responsible for reporting the incident to his/her Department Head and the Human Resources Department.

### Transportation

- A. When practical, employees will carpool when attending the same conference, community meeting, or training.
- B. *Personal Vehicle* – Travel by personal vehicle can either-be reimbursed for mileage at the same cents per mile as stated by the IRS mileage allowance or be reimbursed actual fuel costs.
- C.
  1. If more than one employee rides in the vehicle, only the owner of the vehicle will be reimbursed.
  2. All personal vehicles used for City business must be adequately insured for liability, personal injury and property damage.
  3. When using a personal automobile for a day trip, which originates from home, the mileage reported for reimbursement should be from home to destination and back home or to City Hall.

## Lodging

- A. Employees must reserve lodging at the GSA rate or at the least costly room rate within the designated hotel. If an employee is attending a conference, reimbursement will be made for the standard room rate, at the conference facility. A conference facility is either directly at the site of the conference or listed in the brochure as a conference hotel.
- B. An employee may submit a request to stay at an alternative comparable hotel or short-term rental based on price and amenities.
- C. The City will only pay the actual room rental cost supported by the hotel bill for each day that lodging was approved. Upgrades and other amenities will not be reimbursed. Any expenses incurred over the GSA daily limits will not be paid by the City. If any employee or official incurs expenses in excess of the GSA daily limits, that employee or official shall reimburse the City for all amounts over the GSA daily limits.
- D. The City will not reimburse for taxes paid on lodging when traveling in Georgia. It is the responsibility of the traveler to obtain a sales/use exemption form and a hotel/motel tax form from the Finance Department.

## Non-Reimbursed Expenses

- A. Expenses of spouse, family, or other persons not directly employed by the City.
- B. Alcoholic beverages.
- C. Fines for parking or traffic violations.
- D. Airline and other trip insurance not approved in advance.
- E. Loss or damage of personal property.
- F. Personal entertainment (in-room movies, etc.) during any trip.
- G. Non-approved travel upgrades or extensions.
- H. Gifts, clothing or purchase of personal items.

## Compliance Auditing

- A. The Department Head/Supervisor is responsible for ensuring that all travel request/claims originating from their department is in compliance with the City's Travel and Expense Policy.
- B. The traveler is responsible for submitting all receipts and expense documents related to his/her travel within two (2) weeks of returning. All documentation should be returned to the Accounts Payable Clerk or Finance Department.

- C. Reimbursement shall be made in the next payables cycle.
- D. Any excess expenditures about the limits outlined in this policy shall be reimbursed to the City with in four (4) weeks of returning or within ten (10) days of notice from the Accounts Payable Clerk or Finance Department, whichever is greater. Any sums not reimbursed within that time shall be deducted from the employee or official's pay in the next pay cycle.
- E. Expenditures in excess of the limits outlined herein may subject the employee incurring such expenses to disciplinary action.

**RESOLUTION**  
**APPOINTMENT OF ELECTION OFFICERS**  
**CITY OF DACULA, GWINNETT COUNTY GEORGIA**

WHEREAS, a municipal election within the City of Dacula is scheduled for Tuesday, November 7, 2023; and

WHEREAS, the Georgia Municipal Election Code, requires that the Mayor and Council appoint certain officials prior to the election; including a Superintendent and an Absentee Ballot Clerk;

SECTION 1. APPOINTMENT OCGA 21-2-70.1 and 21-2-380.1

NOW, THEREFORE, the Mayor and Council of the City of Dacula hereby ordain that Courtney Mahady be appointed as the Municipal Election Superintendent, and Absentee Ballot Clerk; Renee Cooke and Amy Morris as Assistant Superintendents, and Assistant Absentee Ballot Clerks for the City of Dacula, effective immediately and their terms of office shall continue indefinitely until replaced by subsequent ordinance of the Mayor and Council of the City of Dacula. The Municipal Superintendent shall have authority to appoint a Poll Manager, Assistant Poll Managers, and such Poll Workers as reasonable and necessary to carry out such election as per the Georgia Municipal Election Code.

SECTION 2. COMPENSATION 21-2-98

The compensation shall be fixed and paid by the governing authority of the City of Dacula. The compensation shall be \$145.00 for the Poll Manager, Assistant Manager and Poll Workers. The Superintendent and other City employees shall be paid for hours above the regular eight hours at overtime rate.

SO RESOLVED THIS \_\_\_\_\_ DAY OF MAY, 2023.

\_\_\_\_\_  
Mayor Trey King

\_\_\_\_\_  
Councilwoman Ann Mitchell

\_\_\_\_\_  
Councilman Denis W. Haynes, Jr.

\_\_\_\_\_  
Councilman Daniel Spain

\_\_\_\_\_  
Councilman Sean Williams

ATTEST: \_\_\_\_\_  
Brittni Nix, City Administrator

**OATH**  
**ELECTION SUPERINTENDENT**

I, **COURTNEY MAHADY** do swear (or affirm) that I will as Superintendent duly attend the ensuing election during the continuance thereof, that I will to the best of my ability prevent any fraud, deceit, or abuse in carrying on the same, that I will make a true and perfect return of the said election, and that I will at all times truly, impartially, faithfully perform my duties in accordance with Georgia laws to the best of my judgment and ability. (O.C.G.A. § 21-2-70)

\_\_\_\_\_  
Courtney Mahady, Superintendent

\_\_\_\_\_  
Date

ATTEST:

\_\_\_\_\_  
Jack Wilson, Dacula City Attorney

**OATH**

**ASSISTANT ELECTION SUPERINTENDENT**

I, **RENEE COOKE** do swear (or affirm) that I will as Superintendent duly attend the ensuing election during the continuance thereof, that I will to the best of my ability prevent any fraud, deceit, or abuse in carrying on the same, that I will make a true and perfect return of the said election, and that I will at all times truly, impartially, faithfully perform my duties in accordance with Georgia laws to the best of my judgment and ability. (O.C.G.A. § 21-2-70)

\_\_\_\_\_  
Renee Cooke, Assistant Superintendent

\_\_\_\_\_  
Date

ATTEST:

\_\_\_\_\_  
Jack Wilson, Dacula City Attorney

# Memorandum

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

**From:** Brittini Nix, City Administrator

**Date:** April 20, 2023

**Subject:** Change of Conditions Case: 2023-CD-COC-01

**Proposed Zoning:** O-I (Office-Institutional District)

**Existing Zoning:** O-I (Office-Institutional District)

**Size:** 1.84 acres

**Proposed Use:** Medical / Dental Offices

**Applicant:** EVAA, LLC  
1030 Duluth Hwy  
Lawrenceville, Georgia 30043  
770-891-9142

**Owner:** EVAA, LLC  
1030 Duluth Hwy  
Lawrenceville, Georgia 30043  
770-891-9142

**Location:** LL 303 - 5th District, Parcels 004 and 007

**Existing Land Use and Zoning:**

The site is located on the east side of Dacula Road, south of the Dacula Road and Freemans Walk Drive intersection. The subject property totals 1.84-acres and is zoned O-I (Office Institutional District) pursuant to 2021-CD-RZ-01 and 2021-CD-VAR-01. The site is actively under development for a 12,253 sf medical office building under development permit 2022-CD-DEV-01.

Various commercial uses are located 0.12 +/- miles north of the subject property. These uses include, but are not limited to, a postal facility, chiropractor, day care facility, restaurant, and gas station zoned O-I (Office-Institutional District) and C-1 (Neighborhood Commercial District). Properties zoned R-1200 (Single-Family Residential District) are located adjacent to the north, south, east, and across Dacula Road to the west.

### **The Proposed Development:**

The applicant has requested a change of conditions to eliminate and replace the 20-foot rear undisturbed buffer with a 20-foot rear landscape strip. Replacing the undisturbed buffer with a landscape strip would permit the developer to encroach within the subject area and build the retaining wall as designed.

The proposed 20-foot landscape strip would be in addition to the existing 5-foot landscape strip along the rear of the property. Therefore, the landscape strip abutting the rear property line would total 25 feet. Said landscape strip would still require Leyland Cypress trees, planted 20-foot on center (zoning condition #6) and a 6-foot opaque fence (zoning condition #7) per the zoning conditions.

Application materials do not indicate any additional modifications from the approved site plan nor zoning conditions.

### **Summary:**

The proposed change of conditions to eliminate and replace the rear undisturbed buffer with a landscape strip could be considered suitable at this location as the permanent use of the land would remain a separation between the office and residential uses. As such, the Department recommends the requested change of conditions be approved.

### **Comprehensive Plan:**

The City of Dacula's 2019 Comprehensive Plan labels the subject property as Neighborhood Commercial on the Future Land Use Map. Neighborhood Commercial land uses are described as small office, small retail, small institutional, or parks / recreation uses along major road thoroughfares, such as Dacula Road, that "provide opportunities for small-scale retail, services, and office that are compatible with neighborhoods that do not generate excessive traffic" (The City of Dacula, Georgia 2019 Comprehensive Plan, page 7.18). Considering the above description, the proposed change of conditions for the medical / dentist office is compatible with the Neighborhood Commercial designation given by the Comprehensive Plan.

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?***

The proposed change of conditions for the medical / dentist office use could be considered suitable as a separation between office and residential uses would remain.

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

With the recommended conditions, adverse impacts on adjacent / nearby properties could be minimized.

**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.

**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 request be approved.

**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 for the medical / dentist office is consistent with the Neighborhood Commercial designation of the 2030 Future Land Use Map, which indicates the request should be approved.

**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?***

Eliminating and replacing the rear undisturbed buffer with a landscape strip would allow the development to proceed as designed. Furthermore, only landscaped vegetation and underground infrastructure would be permitted to remain within the 25-foot landscape strip on a permanent basis.

**Recommendation:**

Based upon the application, the requested change of conditions is recommended for **approval with the following conditions.**

*The Department notes the Planning Commission unanimously recommended approval with staff's recommendations conditions for the requested special use permit at the Public Hearing on April 24, 2023. Said conditions are below.*

Changes from 2021-CD-RZ-01 and 2021-CD-VAR-01 zoning conditions are below.  
 Additions are shown in **bold** and deletions in ~~strikethrough~~.

1. The property shall be developed in accordance with the ~~conceptual~~ site plan prepared by **Foresite Group dated May 23, 2022** ~~Hayes, James & Associates dated January 4, 2021~~. 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. All building exteriors shall be constructed of brick, stone, glass or stucco. All buildings shall have flat roofs with architectural treatments to include canopies and parapets. Mechanical, HVAC and like systems shall be screened from street level on all sides by an opaque wall of brick, stucco, or split faced block. Architectural design shall lend the appearance of multi-tenant occupancy; facades of multi-tenant buildings shall be varied in depth and parapet height. Final architectural plans and color palate shall be submitted to the City for approval.
3. No outdoor storage shall be permitted.
4. A 10-foot wide landscape strip shall be provided along the commercial tract frontage of Dacula Road. The landscape strip shall be planted so as to not impede site distance along Dacula Road. A landscape plan shall be submitted to the City for approval prior to the issuance of a development permit.
5. The required 50-foot undisturbed buffer on the side property lines shall be eliminated and replaced with a 15-foot wide landscape strip. Landscape strips shall be planted with a single row of Leyland Cypress trees, planted 30-foot on center.
6. The required 50-foot undisturbed buffer on the rear property line shall be **eliminated and replaced with a 25-foot landscape strip with a minimum planting of Leyland Cypress trees, planted 20-foot on center, and understory plantings.** ~~reduced to a 20-foot undisturbed buffer.~~ Encroachment for one (1) perpendicular sewer line shall be permitted subject to review and approval. ~~A landscape strip shall be required along the rear of the property and with a minimum planting of Leyland Cypress trees, planted 20-foot on center.~~
7. Opaque fencing along the rear of the property shall be required. The fence shall be a 6-foot high black chain link fence with opaque green, brown, or black slats or a 6-foot high green, brown, or black vinyl fence. Fencing shall be located behind the tree line with location subject to review and approval by the Department of Planning and Development.
8. A parking lot landscape plan shall be submitted to the City for approval. At a minimum, the landscape plan shall include monument sign location and should insure that each parking island/strip will have a minimum of two (2) ornamental shade trees. All parking area trees shall be a minimum of 2-inch dbh caliper.

9. One ground sign shall be permitted. The ground sign shall be monument type only with indirect lighting. 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.
10. Parking lot and security lighting shall be directed in towards the property so as to minimize the adverse impact on neighboring properties.
11. 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.
12. A 5-foot wide sidewalk shall be constructed/replaced on the property frontage of Dacula Road.
13. A standard deceleration lane with 50-foot taper and 40-foot right-of-way from the centerline shall be required, reviewed, and approved by Gwinnett County Department of Transportation prior to the issuance of a development permit. The developer shall be limited to one curb cut. Prior to the issuance of a development permit, a sight distance certification shall be provided. Minimum separation from a driveway, public road, or side street shall be provided as specified in the Gwinnett County Unified Development Ordinance.
14. The developer shall be responsible for the relocation of public or private utilities and stormwater infrastructure.
15. 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 without appropriate permit(s). No decorative balloons or hot-air balloons shall be displayed on the site.
16. Human sign spinners and/or twirlers shall be prohibited.



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>EVAA, LLC</u>	NAME <u>EVAA, LLC</u>
ADDRESS <u>1030 Duluth Hwy</u>	ADDRESS <u>1030 Duluth Hwy</u>
CITY <u>Lawrenceville</u>	CITY <u>Lawrenceville</u>
STATE <u>GA</u> ZIP <u>30043</u>	STATE <u>GA</u> ZIP <u>30043</u>
PHONE <u>770-891-9142</u> FAX _____	PHONE <u>770-891-9142</u> 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 Nooredin Nurami  
 COMPANY NAME EVAA, LLC  
 ADDRESS 1030 Duluth Hwy  
Lawrenceville, GA 30043  
 PHONE (770) 891-9142 FAX \_\_\_\_\_

PRESENT ZONING DISTRICT(S) O+I REQUESTED ZONING DISTRICT \_\_\_\_\_  
 LAND LOT(S) 303 PARCEL # 004+007 DISTRICT(S) 5th ACREAGE 1.84  
 PROPOSED DEVELOPMENT OR SPECIAL USE REQUESTED \*change of conditions\*  
Request to landscape 20-ft undisturbed buffer  
at the rear of the property.

RESIDENTIAL DEVELOPMENT: NO. OF LOTS/DWELLINGS UNITS \_\_\_\_\_ DWELLING UNIT SIDE (SQ. FT.) \_\_\_\_\_  
 NON-RESIDENTIAL DEVELOPMENT: NO. OF BUILDINGS/LOTS 1 TOTAL GROSS SQ. FEET ~~12,417~~ 12,253

**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 2023-CD-COC-01

March 1, 2023

City of Dacula  
PO Box 400  
Dacula, GA 30019

Re: **Letter of Intent**  
Rezoning Application  
Tax Parcel R303-007  
Tax Parcel R303-004

Dear Sir or Madam:

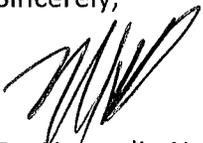
Please consider this as our Letter of Intent to change approved condition of previous rezoning case: 2021-CD-R2-01 & 2021-CD-VAR-01 located at 335 Dacula Road.

We would like to change condition #6 (20-foot buffer at rear of property) from undisturbed to a 20-foot landscaped strip. We feel this will beautify the property by removing the eyesore of the undisturbed buffer. We do not intend on removing any large trees. The adjoining residential property currently has a 6-foot wood fence for privacy. In addition, the plans will also require opaque fencing and Leyland Cypress trees planted at 20-foot on center.

We are also requesting a variance to allow for grading within the 20-foot undisturbed buffer to allow for the construction of the retaining wall.

Thank you for your consideration.

Sincerely,



Dr. Nooredin Nurani  
EVAA, LLC  
1030 Duluth Highway  
Lawrenceville, GA 30043



**335 Dacula Road**

All that tract or parcel of land lying and being in Land Lot 303 of the Fifth Land District, City of Dacula, Gwinnett County, Georgia and as shown on a survey prepared for EVAA, LLC by Carter Engineering Consultants, Inc. dated November 30, 2020, having the following description:

**COMMENCING** at a point at the approximate centerline intersection of Freeman’s Walk Drive and Dacula Road,

Thence South 48 degrees 08 minutes 32 seconds East for a distance of 295.44 feet to a point on the northern right of way margin of Dacula Road,

Thence along the right of way margin of Dacula Road, South 43 degrees 33 minutes 10 seconds East for a distance of 299.95 feet to a point, said point being the **POINT OF BEGINNING**.

From the **POINT OF BEGINNING** Thence leaving the northern right of way margin of Dacula Road, North 46 degrees 08 minutes 54 seconds East for a distance of 199.85 feet to a point;

Thence South 43 degrees 35 minutes 07 seconds East for a distance of 100.20 feet to a point;

Thence South 46 degrees 12 minutes 36 seconds West for a distance of 199.90 feet to a point on the right of way margin of Dacula Road;

Thence, along the right of way margin of Dacula Road, North 43 degrees 33 minutes 10 seconds West for a distance of 99.98 feet to the **POINT OF BEGINNING**.

Said tract or parcel contains 0.459 acres, more or less.

**355 Dacula Road**

All that tract or parcel of land lying and being in Land Lot 303 of the Fifth Land District, City of Dacula, Gwinnett County, Georgia and as shown on a survey prepared for EVAA, LLC by Carter Engineering Consultants, Inc. dated November 30, 2020, having the following description:

**COMMENCING** at a point at the approximate centerline intersection of Freeman's Walk Drive and Dacula Road,

Thence South 48 degrees 08 minutes 32 seconds East for a distance of 295.44 feet to a point on the northern right of way margin of Dacula Road, said point being the **POINT OF BEGINNING**.

From the **POINT OF BEGINNING** Thence leaving the northern right of way margin of Dacula Road, North 46 degrees 15 minutes 52 seconds East for a distance of 199.55 feet to a point;

Thence South 43 degrees 36 minutes 32 seconds East for a distance of 299.55 feet to a point;

Thence South 46 degrees 08 minutes 54 seconds West for a distance of 199.85 feet to a point on the right of way margin of Dacula Road;

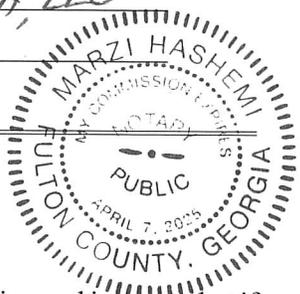
Thence, along the right of way margin of Dacula Road, North 43 degrees 33 minutes 10 seconds West for a distance of 299.95 feet to the **POINT OF BEGINNING**

Said tract or parcel contains 1.374 acres, more or less.

**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.

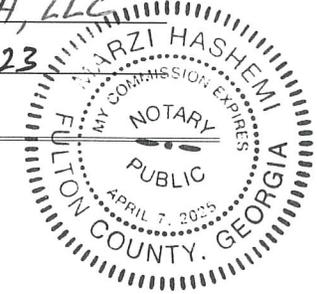
Signature of Applicant [Signature] Date 3-2-23  
Type or Print Name/Title Nooredin Nurani, Member EVAA, LLC  
Notary Public [Signature] Date 3-2-23



**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 3-2-23  
Type or Print Name/Title Nooredin Nurani, Member EVAA, LLC  
Notary Public [Signature] Date 3-2-23



**FOR ADMINISTRATIVE USE ONLY**

DATE RECEIVED 3-6-23 RECEIVED BY BN FEE 1000 RECEIPT # 160785  
LAND LOT 303 DISTRICT 5 PARCEL # 004\* 007 HEARING DATE 5-4-2023

ACTION TAKEN \_\_\_\_\_  
SIGNATURE \_\_\_\_\_ DATE \_\_\_\_\_  
STIPULATIONS \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_



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

*\* Change of condition only \**

**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 3-2-2023 APPLICANT EVAA, 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

B. Whether a proposed rezoning will adversely affect the existing use or usability of adjacent or nearby property: No, change of condition will enhance and beautify property

C. Whether the property to be affected by a proposed rezoning has a reasonable economic use as currently zoned: Better ~~use~~ economic use now that the property has been rezoned to O+I.

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: None

**CONFLICT OF INTEREST CERTIFICATION**

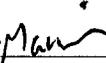
The undersigned, making application for rezoning/SUP, has complied with the Official Code of Georgia, Section 36-67A-1, et. seq, Conflict of Interest in Zoning Actions and has submitted or attached the required information on the forms provided.

Signature of Applicant  Date 3-2-2023

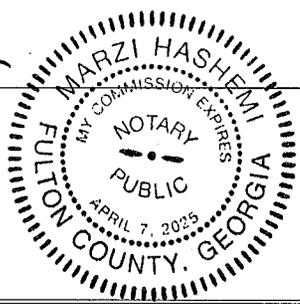
Type or Print Name/Title Nooredin Nurani, Member EN/AD, LLC

Signature of Applicant' Attorne \_\_\_\_\_ Date \_\_\_\_\_

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

Notary Public  Date 3-2-23

(Notary Seal)



**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

**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)*

# Memorandum

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

**From:** Brittni Nix, City Administrator

**Date:** April 14, 2023

**Subject:** Special Use Permit Case: 2023-CD-SUP-02

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

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

**Size:** 6.37 acres

**Proposed Use:** Self-Storage Facility with Watchman's Quarters

**Applicant:** WREG Harbins Land, LLC  
1958 Monroe Dr NE  
Atlanta, Georgia 30324  
404-920-5067

**Owner:** WREG Harbins Land, LLC  
1958 Monroe Dr NE  
Atlanta, Georgia 30324  
404-920-5067

**Location:** LL 300 - 5th District, Parcel 139

## Existing Land Use and Zoning:

The subject property totals 6.37 acres and is located on the north side of Davis Rock Drive, currently addressed 2544 Davis Rock Drive. The site is a tract of land within a planned mixed-use development known as Harbins 316. In 2021, the property was zoned PMUD (Planned Mixed-Use District) pursuant to 2020-CD-RZ-03 and was formally known as Inland Pass.

As the property is part of a planned mixed-use development, it is adjacent to PMUD zoned properties. The abutting approved uses include senior living, multi-family apartments, and retail. The surrounding area includes properties within unincorporated Gwinnett County and are zoned C-2 (General Business District), R-100 (Single-Family Residence District), and RA-200 (Agriculture-Residence District). These uses include a gas station/ convenience food mart, single-family residential, and undeveloped property. To the south is a commercially zoned property, C-1 (Neighborhood Commercial District), located within the City limits. Across Harbins Road is a vacant home care facility within the City limits zoned O-I (Office-Institutional District).

### **The Proposed Development:**

The applicant, WREG Harbins Land, LLC, is controlled by Watkins Real Estate Group, which is the developer of the Harbins 316 planned mixed-use development. They have requested a special use permit to allow a 4-story self-storage facility with watchman's quarters within the planned mixed-use development per the 2020-CD-RZ-03 zoning conditions. The proposed self-storage facility is 348,000 sf with 94 parking spaces and is anticipated to occupy 3.72 acres of the subject property, which is located in the middle of Harbins 316. As such, the proposed location would have less visibility from Harbins Road.

Application materials state the self-storage facility could be an amenity for potential residents within the planned mixed-use development and the adjacent community. Self-storage facilities are commonly used by seniors and apartment renter for storage.

### **Summary:**

The proposed special use permit for a self-storage facility with watchman's quarters could be considered suitable at this location as it would be contained within the structure and provide a service to existing and future residents. Furthermore, the site is located interior of the planned development and not along Harbins Road. As such, the Department recommends the requested special use permit be approved with conditions at this location.

### **Comprehensive Plan:**

The City of Dacula's 2019 Comprehensive Plan labels the subject property as Community Mixed Activity Use Center on the Future Land Use Map. Community Mixed Use land uses are defined as "relatively large-scale (40,000 to 100,000 square feet) of commercial, office, and institutional facilities which serve surrounding neighborhoods. They may include some mix of uses, including commercial areas that primarily cater to the community as a whole" (The City of Dacula, Georgia 2019 Comprehensive Plan, page 7.14). The proposed planned mixed-use development follows the description of Community Mixed Use.

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?***

Yes, the proposed use of the site could be considered suitable at this location.

***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 not be expected to negatively impact surrounding properties.

**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 a 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 not expected to increase the burden of use for existing streets, transportation facilities, utilities, or 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 for community mixed activity use center. As such, the proposed use and variance could be considered suitable at this location.

**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 self-storage facility with watchman's quarters could be a complementary use with the approved multi-family apartments and senior living. Furthermore, the use would be less visible from Harbins Road as it is set back within the development.

**Recommendation:**

Based upon the application, the requested special use permit is recommended for **approval with the following conditions.**

*The Department notes the Planning Commission unanimously recommended approval with staff's recommendations conditions for the requested special use permit at the Public Hearing on April 24, 2023. Said conditions are below.*

*Changes from 2020-CD-RZ-03 zoning conditions are below. Additions are shown in **bold** and deletions in **strikethrough**.*

**Condition Set #1**

Resulting from regional review (DRI) by the Atlanta Regional Commission (ARC) & the Georgia Regional Transportation Authority (GRTA)

**Attachment A - GRTA General Conditions**

**Pedestrian, Bicycle, and Transit Facilities**

- 1) Provide pedestrian connectivity between all buildings and uses.

2) Install sidewalks along the entire property frontage of Harbins Road  
Harbins Road at W Drowning Creek Road

- 3) Install a traffic signal, if and when warranted, per Gwinnett County Department of Transportation standards and approval.
- 4) Install a southbound left turn lane.
- 5) Install a northbound right turn deceleration lane.
- 6) Install a northbound left turn lane.

**Attachment B - Required Elements of the DRI Plan of Development:  
Conditions Related to Altering Site Plan after GRTA Notice of Decision**

The on-site development will be constructed materially (substantially) in accordance with the Site Plan. Changes to the Site Plan will not require re-review from GRTA so long as the following GRTA conditions are included as part of any changes:

- 7) All “Proposed Conditions to GRTA Notice of Decision” set forth in Attachment A are provided.

### **Attachment C – Required Improvements to Serve the DRI**

Pursuant to Section 1-201.R. of the *Procedures and Principles for GRTA Development of Regional Impact Review*, a “Required Improvement means a land transportation service [def. in Section 1-201.N] or access [def. in Section 1-201.A.] improvement which is necessary in order to provide a safe and efficient level of service to residents, employees and visitors of a proposed DRI.”

The Required Improvements in the study network were identified in the Review Package as necessary to bring the level of service up to an applicable standard before the build-out of the proposed project. These requirements are identified in Sections 1 and 2 of this Attachment. Section 1 contains improvements that do not require GRTA approval at this time because they are to be constructed prior to the completion of the DRI Plan of Development. However, GRTA approval shall be required in the event state and/or federal funds are proposed at a later date to be used for any portion of the improvements described in Section 1. Section 2 contains improvements that require GRTA approval prior to the expenditure of state and/or federal funding. Subject to the conditions set forth in Attachment A and Attachment B, GRTA approves the expenditure of state/and or federal funding for the improvements contained in Section 2.

#### ***Section 1:***

##### ***General Conditions of Approval to GRTA Notice of Decision:***

###### Pedestrian, Bicycle and Transit Facilities

- 8) Provide pedestrian connectivity between all buildings and uses.
- 9) Install sidewalks along the entire property frontage of Harbins Road.

##### ***Roadway Improvement Conditions to GRTA Notice of Decision:***

###### Harbins Road at W Drowning Creek Road

- 10) Install a traffic signal, if and when warranted per Gwinnett County Department of Transportation standards and approval.
- 11) Install a southbound left turn lane.
- 12) Install a northbound right turn deceleration lane.
- 13) Install a northbound left turn lane.

***Section 2:***

Pedestrian, Bicycle and Transit Facilities

- 14) Include pedestrian connections from the proposed apartment and senior living tracts to the proposed community park on the eastern portion of the project.
- 15) Include pedestrian connections from the proposed apartment tract to the proposed retail/grocer and shops tract.

Harbins Road at W Drowning Creek Road

- 16) Install an eastbound left turn lane.
- 17) Install a southbound right turn deceleration lane.

Harbins Road at New Hope Road

- 18) Monitor traffic conditions and identify needed improvements, as necessary.

## 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 plan prepared by Doulgerakis Consulting Engineers, Inc entitled **Harbins 316: Inland Pass: A Planned Mixed-Use Development dated April 7, 2023** ~~revised on June 17, 2021~~. 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.

- 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. Nuttall Oak
4. Pin Oak
5. Shumard Oak
6. Lacebark Elm
7. Japanese Zelkova

- 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 insure 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.

### Signage and Advertising

- 23) 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.
- 24) 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. **One monument sign shall be permitted for each subdivided lot of the office/commercial/industrial tract. Tract names refer to the 2020-CD-RZ-02 approved concept plan.** 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.

### **Condition Set #3**

Approved Conditions of requested variances, variations, and waivers to City ordinances and regulations.

- 1) The maximum number of multi-family units shall not exceed 320.

### **Condition Set #4**

Approved Conditions of the requested special use permit.

- 1) A special use permit for a self-storage facility with watchman's quarters is granted. The self-storage facility shall be interior access only and a maximum of 4-stories. The building exterior shall be constructed primarily of brick, stone, stacked stone, and/or glass.**
- 2) A self-storage facility with watchman's quarters shall be developed in accordance with the conceptual site plan prepared by Doulgerakis Consulting Engineers, Inc entitled Self-Storage Building at Harbins 316: A Planned Mixed-Use Development revised on April 7, 2023. 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.**

- 3) One (1) parking space per 3,000 square feet of gross storage space and one (1) parking space per 250 square feet of gross office area shall be required.**

## **REZONING CASE: 2020-CD-RZ-03**

**Owner: IMCC Harbins, LLC c/o Inland Mortgage Capital, LLC**

**Applicant: WWP Acquisition, LLC c/o Andersen, Tate & Carr, P.C.**

### **APPROVED CONDITIONS OF ZONING– July 1, 2021**

#### **Condition Set #1**

Resulting from regional review (DRI) by the Atlanta Regional Commission (ARC) & the Georgia Regional Transportation Authority (GRTA)

#### **Attachment A - GRTA General Conditions**

##### **Pedestrian, Bicycle, and Transit Facilities**

- 1) Provide pedestrian connectivity between all buildings and uses.
- 2) Install sidewalks along the entire property frontage of Harbins Road.

##### **Harbins Road at W Drowning Creek Road**

- 3) Install a traffic signal, if and when warranted, per Gwinnett County Department of Transportation standards and approval.
- 4) Install a southbound left turn lane.
- 5) Install a northbound right turn deceleration lane.
- 6) Install a northbound left turn lane.

#### **Attachment B - Required Elements of the DRI Plan of Development: Conditions Related to Altering Site Plan after GRTA Notice of Decision**

The on-site development will be constructed materially (substantially) in accordance with the Site Plan. Changes to the Site Plan will not require re-review from GRTA so long as the following GRTA conditions are included as part of any changes:

- 7) All “Proposed Conditions to GRTA Notice of Decision” set forth in Attachment A are provided.

### **Attachment C – Required Improvements to Serve the DRI**

Pursuant to Section 1-201.R. of the *Procedures and Principles for GRTA Development of Regional Impact Review*, a “Required Improvement means a land transportation service [def. in Section 1-201.N] or access [def. in Section 1-201.A.] improvement which is necessary in order to provide a safe and efficient level of service to residents, employees and visitors of a proposed DRI.”

The Required Improvements in the study network were identified in the Review Package as necessary to bring the level of service up to an applicable standard before the build-out of the proposed project. These requirements are identified in Sections 1 and 2 of this Attachment. Section 1 contains improvements that do not require GRTA approval at this time because they are to be constructed prior to the completion of the DRI Plan of Development. However, GRTA approval shall be required in the event state and/or federal funds are proposed at a later date to be used for any portion of the improvements described in Section 1. Section 2 contains improvements that require GRTA approval prior to the expenditure of state and/or federal funding. Subject to the conditions set forth in Attachment A and Attachment B, GRTA approves the expenditure of state/and or federal funding for the improvements contained in Section 2.

#### ***Section 1:***

##### ***General Conditions of Approval to GRTA Notice of Decision:***

###### Pedestrian, Bicycle and Transit Facilities

- 8) Provide pedestrian connectivity between all buildings and uses.
- 9) Install sidewalks along the entire property frontage of Harbins Road.

##### ***Roadway Improvement Conditions to GRTA Notice of Decision:***

###### Harbins Road at W Drowning Creek Road

- 10) Install a traffic signal, if and when warranted per Gwinnett County Department of Transportation standards and approval.
- 11) Install a southbound left turn lane.
- 12) Install a northbound right turn deceleration lane.
- 13) Install a northbound left turn lane.

***Section 2:***Pedestrian, Bicycle and Transit Facilities

- 14) Include pedestrian connections from the proposed apartment and senior living tracts to the proposed community park on the eastern portion of the project.
- 15) Include pedestrian connections from the proposed apartment tract to the proposed retail/grocer and shops tract.

Harbins Road at W Drowning Creek Road

- 16) Install an eastbound left turn lane.
- 17) Install a southbound right turn deceleration lane.

Harbins Road at New Hope Road

- 18) Monitor traffic conditions and identify needed improvements, as necessary.

## 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 plan prepared by Doulgerakis Consulting Engineers, Inc entitled Inland Pass: A Planned Mixed-Use Development revised on June 17, 2021. 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 curbside 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.
- 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
7. Japanese Zelkova

- 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 insure 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.

### Signage and Advertising

- 23) 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.
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site distance along Harbins Road. Sign location and design subject to review and approval by the City of Dacula.

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- 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.
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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.

### **Condition Set #3**

Approved Conditions of requested variances, variations, and waivers to City ordinances and regulations.

- 1) The maximum number of multi-family units shall not exceed 320.



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>WREG Harbins Land, LLC</u>	NAME <u>WREG Harbins Land, LLC</u>
ADDRESS <u>1958 Monroe Dr NE</u>	ADDRESS <u>1958 Monroe Dr NE</u>
CITY <u>Atlanta</u>	CITY <u>Atlanta</u>
STATE <u>GA</u> ZIP <u>30324</u>	STATE <u>GA</u> ZIP <u>30324</u>
PHONE <u>404-920-5067</u> FAX _____	PHONE <u>404-920-5067</u> 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 30324  
 PHONE 404-920-5067 FAX \_\_\_\_\_  
 EMAIL rswan@watkinsreg.com

PRESENT ZONING DISTRICT(S) PMUD REQUESTED ZONING DISTRICT PMUD  
 LAND LOT(S) 300 PARCEL # 139 DISTRICT(S) 5 ACREAGE 6.37

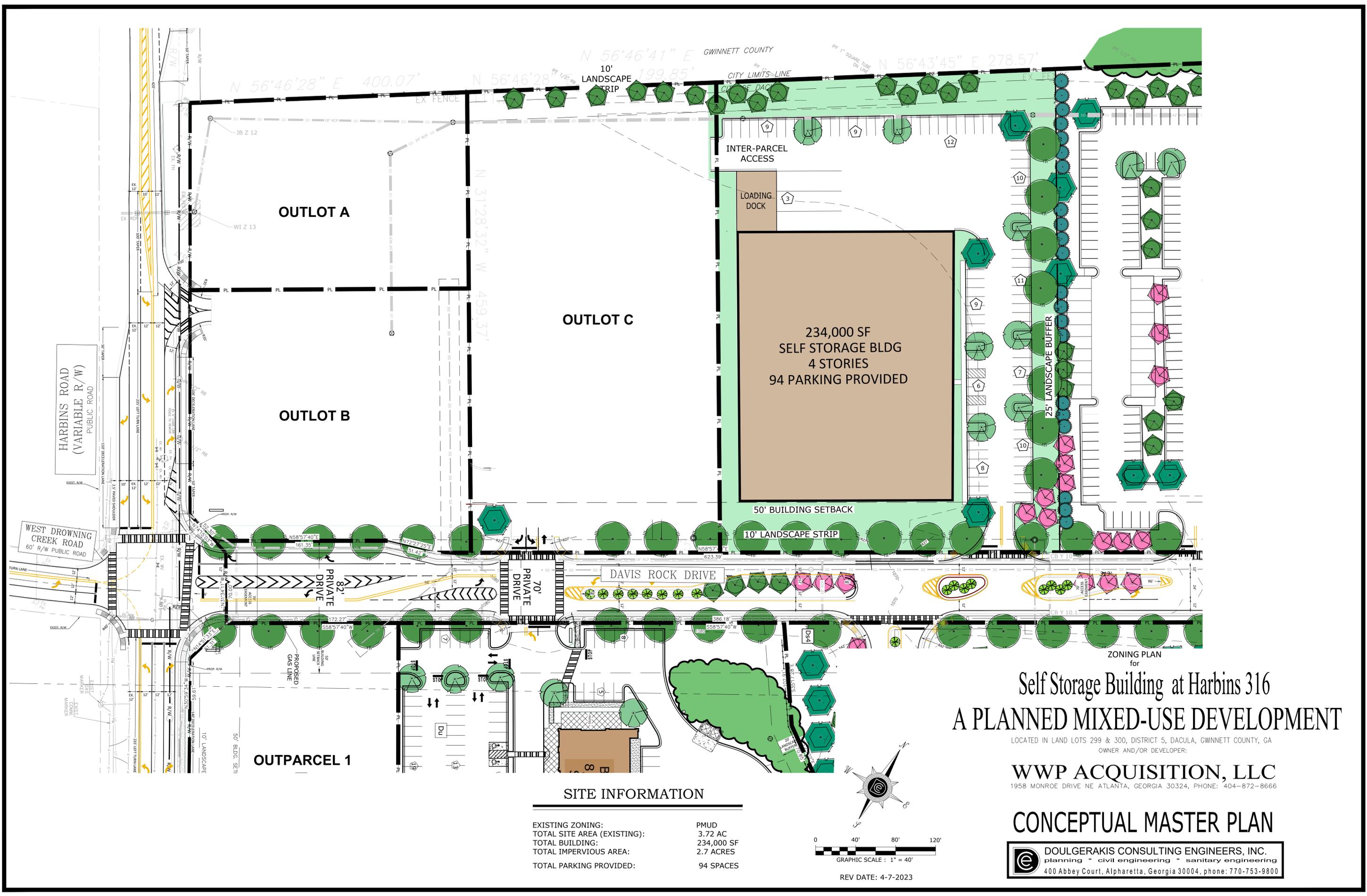
PROPOSED DEVELOPMENT OR SPECIAL USE REQUESTED \_\_\_\_\_  
 Requesting special use for maximum 4 story 384,000 sq ft climate controlled self storage facility with parking of 2 spaces for the office and 1 per 5000 sq ft.

RESIDENTIAL DEVELOPMENT: NO. OF LOTS/DWELLINGS UNITS \_\_\_\_\_ DWELLING UNIT SIDE (SQ. FT.) \_\_\_\_\_  
 NON-RESIDENTIAL DEVELOPMENT: NO. OF BUILDINGS/LOTS 1 TOTAL GROSS SQ. FEET 384,000

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

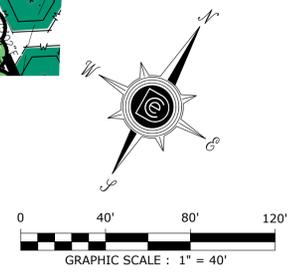
\*\*\* PLEASE ATTACH A "LETTER OF INTENT" EXPLAINING WHAT IS PROPOSED and TYPED "LEGAL DESCRIPTION" OF PROPERTY TO BE AMENDED \*\*\*

**CASE NUMBER**



**SITE INFORMATION**

EXISTING ZONING:	PMUD
TOTAL SITE AREA (EXISTING):	3.72 AC
TOTAL BUILDING:	234,000 SF
TOTAL IMPERVIOUS AREA:	2.7 ACRES
TOTAL PARKING PROVIDED:	94 SPACES



REV DATE: 4-7-2023

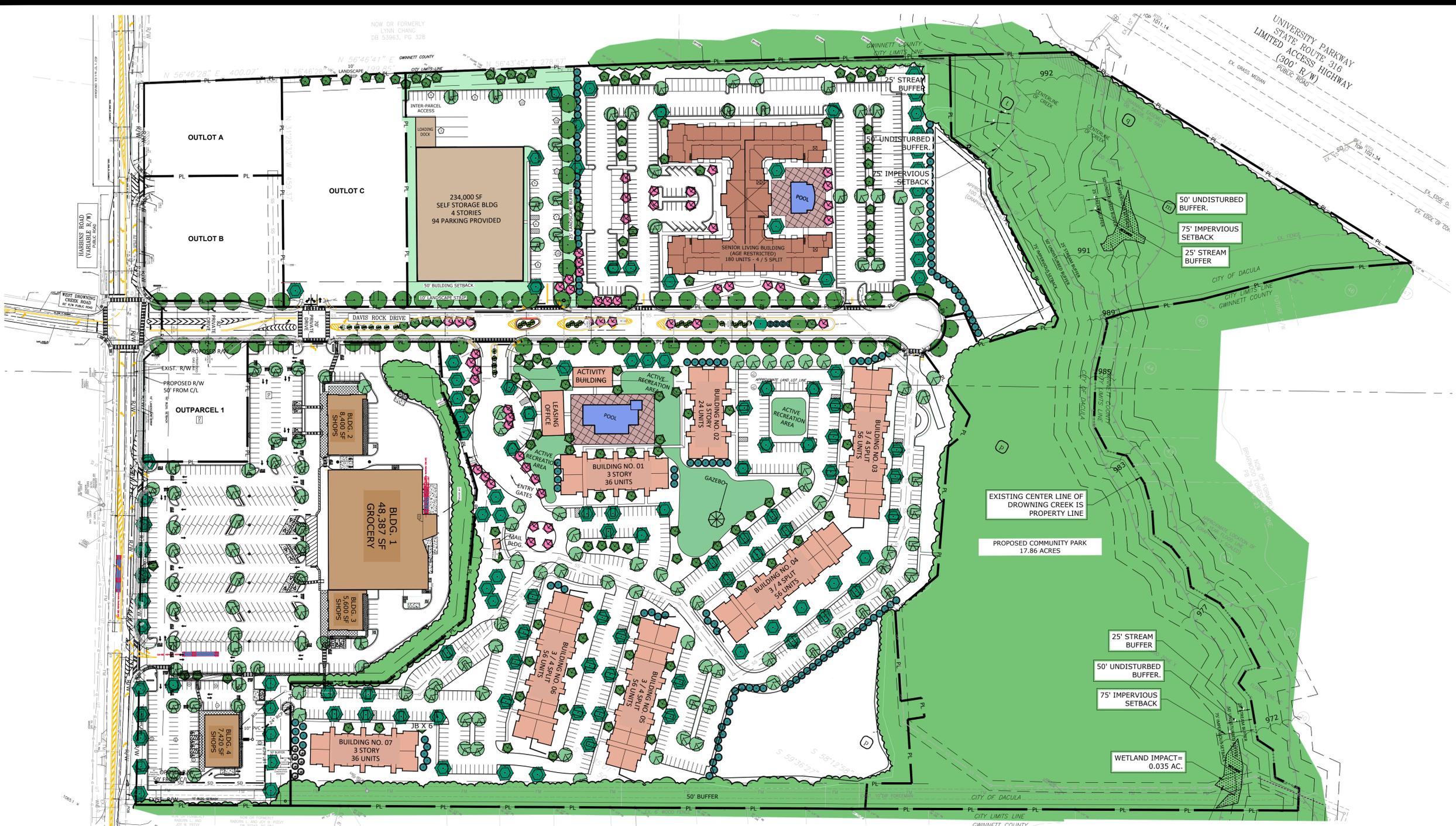
**Self Storage Building at Harbins 316**  
**A PLANNED MIXED-USE DEVELOPMENT**

LOCATED IN LAND LOTS 299 & 300, DISTRICT 5, DACULA, GWINNETT COUNTY, GA  
 OWNER AND/OR DEVELOPER:

**WWP ACQUISITION, LLC**  
 1958 MONROE DRIVE NE ATLANTA, GEORGIA 30324, PHONE: 404-872-8666

**CONCEPTUAL MASTER PLAN**

 **DOULGERAKIS CONSULTING ENGINEERS, INC.**  
 planning \* civil engineering \* sanitary engineering  
 400 Abbey Court, Alpharetta, Georgia 30004, phone: 770-753-9800



# Harbins 316

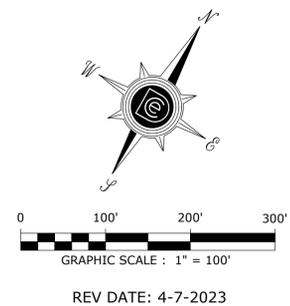
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LOCATED IN LAND LOTS 299 & 300, DISTRICT 5, DACULA, GWINNETT COUNTY, GA  
OWNER AND/OR DEVELOPER:

**WWP ACQUISITION, LLC**  
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### CONCEPTUAL MASTER PLAN

**DOULGERAKIS CONSULTING ENGINEERS, INC.**  
planning \* civil engineering \* sanitary engineering  
400 Abbey Court, Alpharetta, Georgia 30004, phone: 770-753-9800



## Letter of Intent – Special Use Permit – Self Storage

This Special Use Permit request is for the 6.37 acres on the north side of Davis Rock Drive in the mixed use development known as Harbins 316 (“Subject Property”) to allow a maximum 4 story self-storage facility up to 384,000 sq ft with a minimum parking requirement 2 per office plus 1 space per 5,000 sq ft.

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 Harbins 316 was rezoned on July 1 2021, Watkins has been marketing the master development and Subject Property for retail uses. The demand for the Publix anchored shopping center and out parcels that front onto Harbins Road has been well received, however the Subject property has been slower to gain interest due to its lack of visibility location further back into the master development. Watkins has worked with several retail tenants who have ultimately turned the site down due to the above referenced limitation of the site.

During the marketing a development of the master site, Watkins has received great interest for a first-class self-storage facility. This is due to the lack of inventory in the market and potential for self-storage need generated from the 320 apartments and 180 senior living apartments within Harbins 316. Apartment renters are more likely to need self-storage facilities due to the smaller apartment square footage.

Watkins, being the prospective developer for the multifamily and senior living communities, believes the self-storage facility will be a great amenity for the potential renters and also for the surrounding community as well as help acceleration the full development of the Harbins 316 project. The commercial use will have little to no impact on local community services such as police, fire, transportation, and schools. The building design standards will be first class in nature and governed by not only this rezoning but also the Harbins 316 property owners’ association.

In closing, we believe the use to be consistent with the future land use map and current zoning as a commercial use. The location of the facility will be back off Harbins Road and the architectural standards will be consistent with the design elements used throughout Harbins 316 to ensure a constant design. The storage facility is needed not only in the community but also within the Harbins 316 development and will be an amenity for the apartment residents. It has been a pleasure working in Dacula and we appreciate your consideration.







Legal Description

That tract or parcel of land lying and being situated in Gwinnett County, Georgia and being more particularly described the "Commercial/Office/Industrial Tract" in Plat Book 156, Page 254-256, filed October 10, 2022.

Examples





**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 G. Levy Date 3/9/2023

Type or Print Name/Title James G. Levy / Manager

Notary Public [Signature] Date 03/09/2023



**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 James G. Levy Date 3/9/2023

Type or Print Name/Title James G. Levy / Manager

Notary Public [Signature] Date 03/09/2023



**FOR ADMINISTRATIVE USE ONLY**

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

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

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

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

STIPULATIONS \_\_\_\_\_

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

ADJOINING PROPERTY OWNER(S)  
RECORD NOTIFICATION

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

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

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

FROM: WREG Harbins, Land LLC

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

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

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

Property Location: 5th District, Land Lot 300 Parcel 139

LOCATION/ADDRESS: 2544 Davis Rock Dr, Dacula, GA 30019

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You are hereby notified that an application a zoning change from PMUD  
to PMUD - Special Use Permit 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.

Adjoining Property Owners List

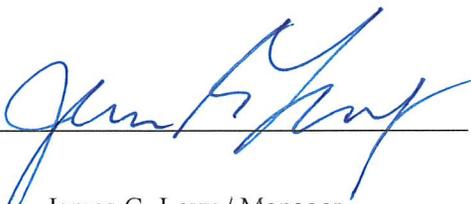
WREG Harbins Land, LLC

Special Use Permit

<b>Adjoining Property Owner / Tax Parcel</b>	<b>Mailing Address</b>
WREG Harbins Land LLC / 5300 141	1958 Monroe Dr. NE, Atlanta, GA 30324
WREG Harbins Land LLC / 5300 140	1958 Monroe Dr. NE, Atlanta, GA 30324
WREG Harbins Land LLC / 5300 145	1958 Monroe Dr. NE, Atlanta, GA 30324
Lynn and Tai Bing Chang / 5300 074	1598 Brandon SQ, Lawrenceville, GA 30044

**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 3/9/2023

Type or Print Name/Title James G. Levy / Manager

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

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

Notary Public  Date 03/09/2023

(Notary Seal)



**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 3/8/2023 APPLICANT WREG Harbins Land, 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, the use will provide a commercial service that will be needed not only within our development, but also the surrounding area. The use is consistent with the surrounding commercial uses

B. Whether a proposed rezoning will adversely affect the existing use or usability of adjacent or nearby property: No, the use will enhance the existing use of nearby properties by providing a needed commercial use.

C. Whether the property to be affected by a proposed rezoning has a reasonable economic use as currently zoned: Owner has marketed the property for its current use and has had no interest, therefore it does not have reasonable economic use as currently zoned.

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, the special use permit will cause less use of existing streets, transportation facilities, utilities, and no impact on schools.

E. Whether the proposed rezoning is in conformity with the policy and intent of the Land Use Plan: Yes. Future land use is Community Mixed Activity Use Center. This is a commercial use that would fit into that description.

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 use would serve a huge need not only in the Harbins 316 Development but also the surrounding area. The subject use is also internal to the site and will have architectural standards to ensure the highest quality and consistency throughout the development.



City of Dacula  
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Dacula, GA 30019  
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**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.

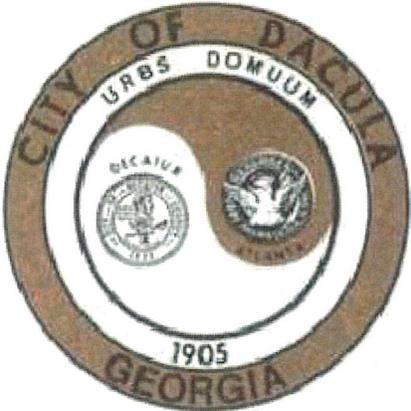
Yes  No

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)*

**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 – Self Storage 6 Acres  
Developer/Applicant: WREG Harbins Land, LLC  
Telephone: 404-920-5067  
Fax:  
Email(s): rswan@watkinsreg.com

**Economic Impacts**

Estimated Value at Build-Out:  
\$15 M

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. Five total jobs. All major infrastructure is in place.

How many short-term and /or long-term jobs will the development generate?  
Max 5 long term jobs.

Estimated annual local tax revenues (i.e., property tax, sales tax) likely to be generated by the proposed development:  
\_\_\_\_\_150,000\_\_\_\_\_

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)?  
138 GPD GPD

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?  
N/A

If there are plans to expand the existing water supply capacity, briefly describe below:  
N/A

If water line extension is required to serve this project, how much additional line (in feet) will be required?  
N/A

**Wastewater Disposal**

What is the estimated sewage flow to be generated by the project, measured in Gallons Per Day (GPD)?  
138 GPD

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?  
N/A

If there are plans to expand existing wastewater treatment capacity, briefly describe below:  
N/A

If sewer line extension is required to serve this project, how much additional line (in feet) will be required?  
N/A

**Land Transportation**

How much traffic volume is expected to be generated by the proposed development, in peak hour vehicle trips per day?  
The original Daily Trips for the overall Harbins 316 Project was estimated at 10,319 trips, which included the subject property. The proposed use would have less trips than originally planned.

List any traffic and/or road improvements being made and how they would affect the subject area.  
Developer is already planning on widening Harbins Road and W Drowning Creek Road and installing a traffic light at Harbins and W Drowning Creek. No further improvements are needed.

**Solid Waste Disposal**

How much solid waste is the project expected to generate annually (in tons)?  
43 tons

Is sufficient landfill capacity available to serve this proposed project?

Yes

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

N/A

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

N/A

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?

74.8%

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: The master project has water quality and storm water management basins per the guidelines of the Georgia Storm water management manual. This site would drain into those basins.

### **Environmental Quality**

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

1. Water supply watersheds?

Alcovy and Apalachee

2. Significant groundwater recharge areas?

No

3. Wetlands?

No

4. Protected river corridors?

No

5. Floodplains?

No

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:

N/A

**Other Facilities**

What intergovernmental impacts would the proposed development generate for:

Schools?

None

Libraries?

None

Fire, Police, or EMS

Given the self storage business we think this would have less of an impact when compared to other commercial uses.

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

None

**Additional Comments:**

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# Memorandum

**To:** City of Dacula Mayor and City Council

**From:** Brittini Nix, City Administrator

**Date:** April 18, 2023

**Subject:** Variance Case: 2023-CD-VAR-01

**Existing Zoning:** C-2 (General Business District)

**Size:** 8.06 acres

**Applicant:** CHA – Matt Meo  
6745 Sugarloaf Parkway, Suite 100  
Duluth, GA 30097

**Owner:** QuikTrip Corporation – Michael Burk  
4705 S 129<sup>th</sup> East Avenue  
PO Box 3475  
Tulsa, OK 74101

**Location:** LL - 242/271, 5th District

## Existing Land Use and Zoning:

The subject property is zoned C-2 (General Business District) and is located in the northeastern quadrant of the Winder Highway and SR 316 intersection. The site totals 8.06 acres and has an existing QuikTrip, a 1,728 sf vacant restaurant and undeveloped wood. The applicant anticipates that the site will be the location of the proposed relocated QuikTrip.

In 2014, the property was legislatively annexed and zoned C-2 General Business District pursuant to 2014-CD-AA-01 and 2014-CD-RZ-01. Properties zoned C-2 (General Business District) are adjacent to the northeast. Across Winder Highway to the south and east are vacant properties zoned M-1 (Light Manufacturing District) and PMUD (Planned Mixed-Use District).

## The Proposed Rezoning & Development:

The applicant has requested two variances to allow for the anticipated relocation of the QuikTrip on Winder Highway to accommodate right-of-way acquisitions by GDOT. These right-of-way acquisitions are to facilitate the off-grade SR 316 and Winder Highway interchange project and future extension of Fence Road. The variances have been requested to compensate for the property's hardships such as lot depth, topography, and three road/railway frontages. Per the application materials, property conditions restrict the ability to design a site that meets necessary standards for optimal maneuverability and for the safety of vehicles and pedestrian.

The first variance is to reduce the minimum front yard setback. Per Section 906 of the Zoning Resolution, a 50-foot front yard setback from the right-of-way is required. The applicant is requesting to reduce the front yard setback from 50 feet to 12 feet. The reduction would allow the primary structure to be located closer to Winder Highway and allow the building, and not parking, to be the focal point. Accessory uses and structures such as parking areas and gas pumps would be located in the rear and side yards.

The second variance request is to allow a 5-foot encroachment of the required 10-foot wide landscape strip along Winder Highway. Encroachment would be limited to 5 feet for drive surfaces, parking spaces, and the primary structure. Application materials do not request a decrease in landscaping and plantings required by the existing zoning conditions and the Buffer, Landscape, and Tree Ordinance.

Granting both variance requests would permit the site to be designed as shown on the proposed concept plan.

### **Summary:**

Site conditions constrain the applicant's ability to design a site to meet the standards of the use for maneuverability and safety. As such, the requested variance could be considered suitable. The Department recommends the requested variance be approved with conditions at this location.

### **Comprehensive Plan:**

The City of Dacula's 2019 Comprehensive Plan labels the subject property as Community Mixed Activity Use Center on the Future Land Use Map. Community Mixed Use land uses are defined as "relatively large-scale (40,000 to 100,000 square feet) of commercial, office, and institutional facilities which serve surrounding neighborhoods. They may include some mix of uses, including commercial areas that primarily cater to the community as a whole" (The City of Dacula, Georgia 2019 Comprehensive Plan, page 7.14). The proposed planned mixed-use development follows the description of Community Mixed Use.

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 variance will permit a use that is suitable in view of the use and development of an adjacent and nearby property?***

Yes, the proposed use of the site would remain consistent with the existing use of the site and would thus be suitable at this location.

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

The variance would not be expected to negatively impact surrounding properties.

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

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

**4. Whether the proposed variance 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 not expected to increase the burden of use for existing streets, transportation facilities, utilities, or schools.

**5. Whether the proposed variance 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 for community mixed activity use center and neighborhood commercial. As such, the proposed use and variance would be considered suitable at this location.

**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 variance?**

Existing site conditions limit design options. The proposed site design promotes efficiency and safety of the use and is only achievable with the requested variances.

**Recommendation:**

*Based upon the application, the requested variance is recommended for **approval with the following conditions.***

*Changes from the 2014-CD-AA-01 and 2014-CD-RZ-01 zoning conditions are below. Additions are shown in **bold** and deletions in ~~strikethrough~~.*

**1. Transportation/Infrastructure**

1.A. Provide interparcel vehicle access points between all contiguous commercial, office, industrial or attached residential tracts. This requirement may be waived by the City only if it is demonstrated that an interparcel connection is not feasible due to traffic safety or topographic concerns.

1.B. All new utility lines shall be located underground.

1.C. Sidewalks shall be required adjacent to all public rights-of-way. The location of sidewalks shall be reviewed and approved by the City of Dacula, Gwinnett County D.O.T or Georgia Department of Transportation depending on who owns the subject right-of-way. It is required that a minimum five-foot wide sidewalk connection be provided from public rights-of-way to the entrance(s) of buildings.

1.D. Sidewalks shall be constructed with an additional 2-foot by 8-foot pad approximately every 300 linear feet to accommodate future 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, Gwinnett County D.O.T or Georgia Department of Transportation depending on who owns the subject right-of-way.

1.E. Provide streetlights along all public rights-of-way utilizing decorative light poles/fixtures. Light source shall be high-pressure sodium. Streets lights shall be staggered, 150 feet on-center, along both sides of the roadway. All street lighting shall be subject to review and approval of the City of Dacula, Gwinnett County D.O.T or Georgia Department of Transportation depending on who owns the subject right-of-way. Where applicable, streetlights shall be placed adjacent to required pedestrian amenity sidewalk pads. Light Fixtures which are utilized shall be as follows:

- Fixture Head Pole Type (Streetlight)
- Max. Pole Height = Cobra Head Fluted (Black) 40 ft. or Cobra Head Smooth (Black) 40 ft.

1.F. Provide lighting throughout all parking areas utilizing decorative light poles/fixtures. Light source shall be metal halide, not exceeding an average of 4.5 foot-candles of light output throughout the parking area. Other than pedestrian light fixtures which will be less than 14 feet tall, light fixtures shall be hooded. All lighting will be metal halide. Lighting shall be directed to avoid intrusion on adjacent properties and away from adjacent thoroughfares.

2. Landscaping Requirements

2.A. Provide, at a minimum, 20 Tree Density Units per acre for all non-residential development. Type and size of plantings shall be in compliance with the Dacula Buffer Landscape and Tree Ordinance. At least 50% of plantings shall consist of trees 3-inches in caliper (dbh) or greater.

2.B. Provide landscaped islands throughout all surface parking areas as required by the Dacula Buffer, Landscape and Tree Ordinance.

2.C. Provide a minimum ten-foot wide landscaped strip between all road rights-of-way and the back of-curb of abutting off-street paved parking lots. Landscaped strips between road rights-of-way and the edge of abutting off-street grassed parking areas shall be five-feet in width. At a minimum, landscaped strips shall be planted in accordance with the Dacula Buffer, Landscape and Tree Ordinance.

2.D. Provide **at minimum two (2)** non-ornamental shade trees **and two (2) shrubs** spaced 50-feet on-center or grouped at 120-feet on-center along the right of way Highway 29. All street trees shall be a minimum 4-inch caliper (dbh) at the time of planting. Street trees shall be planted ~~six feet from~~ **with a minimum of a 25 square foot planting area and set back from the** back-of-curb subject to review and approval of the City of Dacula, Georgia, or 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
7. Japanese Zelkova

2.E. Dumpsters which may be seen from adjacent properties or public parking lots shall be screened from view on all four sides. Screening shall consist of three solid walls of brick, stucco or split-face block construction, at least six feet in height, with 100 percent solid metal or wooden gates. Dumpsters shall be placed in the rear yard and may be located 0-feet from the property line if the adjoining property is zoned non-residential and 0-feet from all applicable buffers if the adjoining property is zoned residential.

2.F. Natural vegetation shall remain on the property until issuance of a development permit.

### 3. Parking/Yard, Height & Setback

3.A. For retail developments exceeding 125,000 square feet of gross floor area, at least 10% of all required parking spaces shall be provided in parking areas of porous paving or grass paving systems, such as "Grasscrete" or "Grasspave," not to exceed 1,000 parking spaces or as approved by the City of Dacula.

3.B. Up to 25% of the required parking spaces for any development may be reduced in total area, width or depth for designated small vehicle parking. Each small vehicle parking space shall not be less than eight feet in width and 17 feet in depth.

3.C. Freestanding buildings or shopping center developments containing 7,500 gross square feet of space or less shall provide no more than 20% of parking areas in the front of building(s) and be limited to no more than one double row of parking. No more than 20% of off-street parking areas may be located to the sides of building(s), with the balance of parking located to the rear the building(s).

3.D. For developments exceeding 7,500 square feet, building placement is encouraged to be close to, and oriented toward, the public right-of-way with the majority of parking to the sides and rear where possible.

3.E. Decorative, commercial-quality, bicycle racks, benches and trash receptacles shall be required for all retail and office developments.

4. Signage; Temporary Uses; Peddling

- 4.A. Except as contained herein, sizes and amount of signage shall not exceed the requirements of the Sign Ordinance.
- 4.B. Oversized Signs or Billboards shall not be permitted.
- 4.C. Ground signs shall be limited to monument-type signs. Base and sign structure shall be constructed of materials such as brick, stone, stucco, wood or metal consistent with the architecture and exterior treatment of the building.
- 4.D. Canopy and awning sign(s) shall be limited to 15 square feet per road frontage. If lighted, lettering shall be individually formed and lighted. No spreader bar signage shall be allowed except as required by the State Fire Marshall.
- 4.E. Blinking, exposed neon, portable, inflatable and temporary signage shall be prohibited.
- 4.F. Peddlers shall be prohibited.
- 4.G. 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.

5. Architectural Design

- 5.A. Architectural design of all non-residential buildings should comply with the following performance guidelines:
  - (1) Building facades shall be of architectural treatments of glass and/or brick, stone or stucco. Tilt-up or pre-cast concrete or alternate material may be used for industrial, multistory office (3-stories or greater) or hotel development subject to review and approval of the City of Dacula.
  - (2) 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.
  - (3) Metal sided or portable buildings shall be prohibited.
  - (4) Buildings shall incorporate live plant material growing immediately in front of or on the building.
  - (5) Buildings of less than 5,000 square feet of gross floor area shall be designed with pitched roofs, minimum pitch of 4 in 12.

(6) Roofing materials for pitched or mansard roofs shall be limited to the following:

- \* Metal standing seam of red, green or silver in color.
- \* Tile, slate or stone.
- \* Wood shake.
- \* Shingles with a slate, tile or metal appearance.

(7) 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.

(8) Any accessories provided such as railings, benches, trash receptacles and/or bicycle racks shall complement the building design and style.

5.B. Architectural design of all commercial/retail buildings should comply with the following additional performance guidelines:

(1) To lend the appearance of multi-tenant occupancy, facades of multi-tenant buildings shall be varied in depth or parapet height.

(2) Within planned shopping centers, distinct architectural entry identity for individual tenants' entrances shall be provided for suites exceeding 10,000 square feet of leasable area.

(3) Walls visible from roadways or parking areas shall incorporate changes in building material/color or varying edifice detail such as trellises, false windows or recessed panels reminiscent of window, door or colonnade openings, landscaping or storefront every 150 linear feet.

(4) Roof parapets shall be articulated to provide visual diversity. Parapets shall include articulations or architectural features at least every 100 linear feet. The minimum height of articulations or features shall be one foot, and may be provided in height offset or facade projections such as porticoes or towers.

(5) Building design shall include minimum one foot deep cornices, extending along the entire front of buildings and the sides of buildings at least ten feet.

(6) Building design shall include a minimum one foot high contrasting base, extending along the entire front of buildings and the sides of buildings at least ten feet.

5.C. The City Administrator or his or her designee shall have the authority to grant variances for properties contained within the subject area. For clarification purposes, all variance requests within the subject area are considered administrative in nature and shall not require Mayor and City Council Approval.

All appeals to requests of variances shall revert to the pre-existing variance process as outlined in the City of Dacula Zoning Resolution.

- 5.D. The property located at 2145 Winder Highway (Parcel Number 5274-047) shall be rezoned to M-1 (Light Manufacturing District) in the City.

## **6. Variance**

- 6.A. The property shall be developed in accordance with the concept site plan entitled QuikTrip No. 0766. prepared by CHA dated November 1, 2021. Any substantial deviation from the concept plan and / or conditions of zoning shall be resubmitted to the City Council for consideration. The City Administrator shall determine what constitutes substantial deviation.**
- 6.B. The minimum front yard setback shall be reduced to 12-feet from the right-of-way along Winder Highway.**
- 6.C. The Winder Highway landscape strip may be encroached up to 5-feet as shown on the concept site plan entitled QuikTrip No. 0766. prepared by CHA dated November 1, 2021.**
- 6.D. The façade of the primary structure facing Winder Highway shall have the appearance of a front building elevation. Architectural design is subject to review and approval of the City of Dacula.**



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

**APPLICATION**

<b>City Council</b>
<input type="checkbox"/> Waivers
<input checked="" type="checkbox"/> Variance

**Staff Approval Only**

Modifications

*(Please Type or Print using BLACK INK)*

APPLICANT *	PROPERTY OWNER *
NAME <u>CHA - Matt Meo</u>	NAME <u>QuikTrip Corporation - Michael Burk</u>
ADDRESS <u>6745 Sugarloaf Parkway, Suite 100</u>	ADDRESS <u>PO Box 3475 / 4705 S 129th East Ave</u>
CITY <u>Duluth</u>	CITY <u>Tulsa</u>
STATE <u>GA</u> ZIP <u>30097</u>	STATE <u>OK</u> ZIP <u>74101 / 74134</u>
PHONE <u>(678) 405-3131</u> FAX _____	PHONE <u>(770) 325-6720</u> FAX _____

**APPLICANT IS THE:**

- OWNER'S AGENT
- PROPERTY OWNER

*\* 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 Matt Meo

COMPANY NAME CHA

ADDRESS 6745 Sugarloaf Parkway, Suite 100  
Duluth, GA 30097

PHONE (678) 405-3131 FAX \_\_\_\_\_

PRESENT ZONING DISTRICT(S) C-2 LAND LOT(S) 242 & 271 DISTRICT(S) 5

ADDRESS OF PROPERTY 1750/1800/1831 Winder Hwy ACREAGE 8.06 (total)

Describe your request in detail and state justification/hardship: \_\_\_\_\_

See attached Letter of Intent.

*(Attach additional sheets if necessary)*

HAS THE APPLICANT FILED ANY OTHER APPLICATIONS FOR THIS PROPERTY WITHIN THE PAST 12 MONTHS ?  Yes  No

If Yes, please describe: \_\_\_\_\_

*(Attach additional sheets if necessary)*

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

\*\*\* PLEASE ATTACH A "LETTER OF INTENT" EXPLAINING REQUEST and TYPED "LEGAL DESCRIPTION" OF PROPERTY TO BE AFFECTED \*\*\*

**CASE NUMBER:** \_\_\_\_\_



March 9, 2023

## Letter of Intent for Variance Application of QuikTrip Corporation

QuikTrip Corporation (the “Applicant”) submits this Letter of Intent and attached variance application for the purpose of requesting variances from requirements of the Zoning Resolution of the City of Dacula (the “Zoning Resolution”) and the City of Dacula Buffer, Landscape, and Tree Ordinance (the “Landscape Ordinance”).

The requested variance is related to the proposed relocation of an existing QuikTrip to an adjacent tract of approximately 3.47 acres located at the north quadrant of the intersection of Winder Highway and the future extension of Fence Road (portions of 1750/1800/1831 Winder Hwy after anticipated GDOT right-of-way acquisitions) (the “Property”) due to the needs of GDOT to obtain right of way and access rights from the existing store’s property for the off-grade SR-316 and Winder Hwy interchange project. The Property is zoned C-2 for commercial use and the current zoning classification allows for the development of a convenience store with fuel pumps. A portion of the property is currently developed.

The Applicant proposes to develop the Property by constructing a new QuikTrip store. The proposed QuikTrip store will consist of a 5,312 square foot building, an auto fuel canopy, and a diesel fuel canopy. The development of this site also provides for a QuikTrip Kitchen café and additional amenities to serve customers in the area. However, there are constraints on the Property that discourage the proposed development. Therefore, the Applicant requests the approval of the following variances:

- (1) Variance to reduce the minimum front yard setback to 12 feet from right-of-way on Winder Highway:

Pursuant to Section 906 of the Zoning Resolution, a 50-foot front yard setback is required for developments zoned C-2 (General Business District). The Applicant is requesting the minimum front yard setback on Winder Highway be reduced from 50-foot to 12-foot to allow the convenience store building to be closer to the right-of-way. Due to the configuration of the parcel and location of the fuel canopy, a variance is necessary to develop the property in a manner consistent with the submitted site plan and will provide optimal maneuverability and safety for the customers, both pedestrian and vehicular. The site plan provided also considers the substantial amount of topographic relief across the subject site and will allow for acceptable proposed slopes within driveways, parking, and canopy areas.

(2) Variance to allow encroachments within the landscape strip:

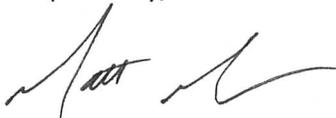
Pursuant to Article 4.1.1 of the Landscape Ordinance, non-residential uses shall provide landscape plantings in a landscape strip 10 feet in width adjacent to any street right-of-way abutting the property and running the length of the entire property frontage. Per the definition of a landscape strip in the Landscape Ordinance, limited encroachments are authorized. The Applicant is requesting the convenience store building, parking spaces, and driveway surface be authorized to encroach within the landscape strip along Winder Highway. Due to the configuration of the parcel and location of the fuel canopies, a variance is necessary to develop the property in a manner consistent with the submitted site plan and will provide optimal maneuverability and safety for the customers, both pedestrian and vehicular. The Applicant is proposing encroachments not to exceed 5 feet.

The Applicant has submitted a site plan depicting the proposed development. However, constraints on the property prevent development without the referenced variances. According to Section 706 of the Zoning Resolution, The City Administrator and the Mayor and City Council may approve variances to the minimum or maximum requirements unless prohibited in the Ordinance. The requested variances are the minimum necessary to afford the Applicant relief so that the Property may be developed in accordance with the intent of the site plan which is attached hereto and included herein. Additionally, granting relief would not cause substantial detriment to the public good. By granting relief, the Property may be developed in a safe manner to better serve the public and surrounding land uses.

QuikTrip is the standard that all convenience stores and gas stations should be striving to achieve. They have built a brand with an unparalleled reputation for clean, well-lit stores, staffed by friendly and helpful employees. The Applicant is committed to developing a quality convenience store to continue to serve the City of Dacula's residents and visitors.

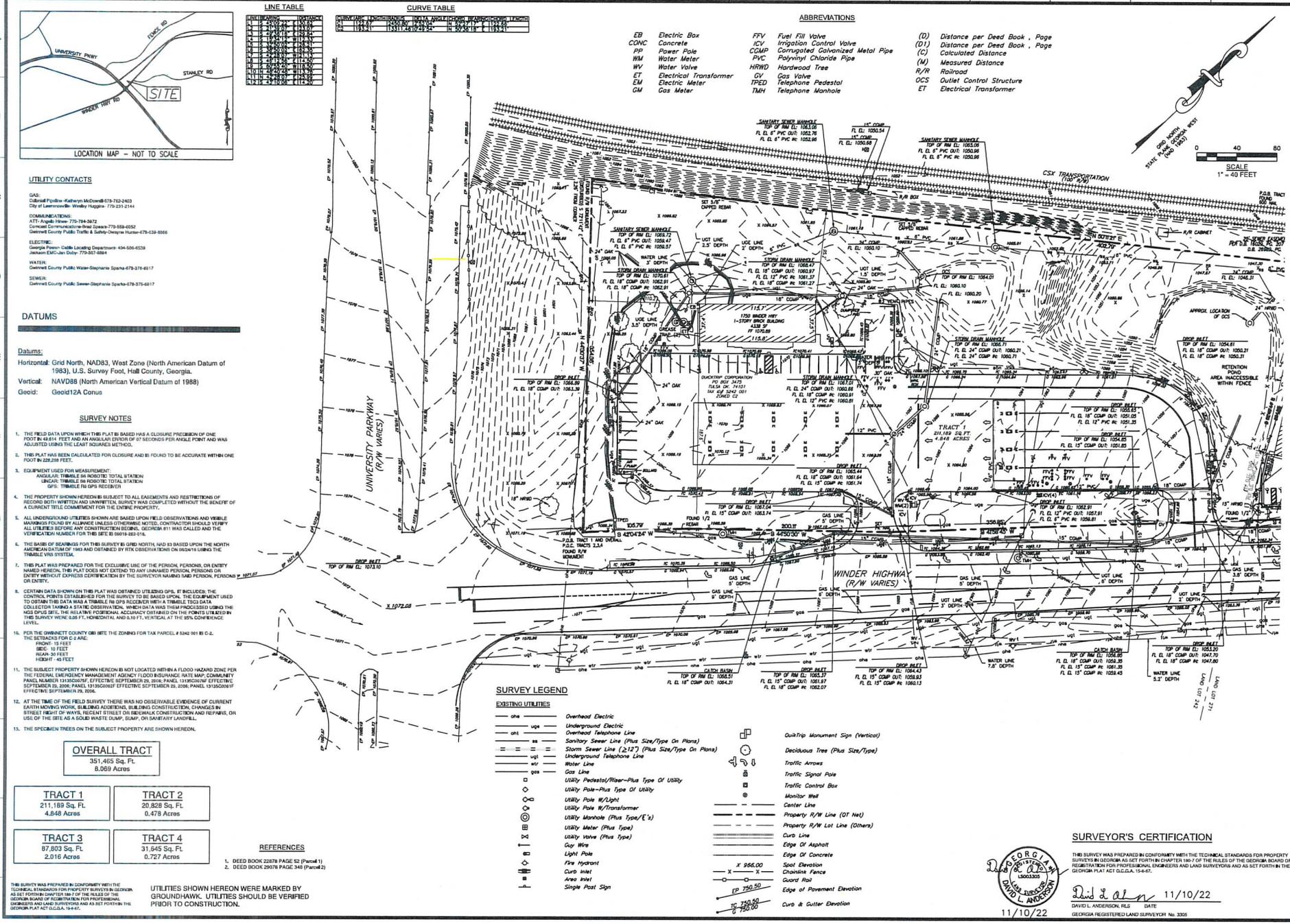
The Applicant and its representatives welcome the opportunity to meet with staff of the City of Dacula Planning and Development Department to answer any questions or to address any concerns relating to the matters set forth in this Letter of Intent or in the variance application filed herewith. The Applicant respectfully requests your approval of this variance application.

Respectfully,



Matt Meo  
Section Manager/Land Development





**LINE TABLE**

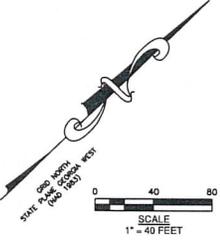
LINE NO.	START STATION	END STATION	LENGTH
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25	2+40	2+50	10.00
26	2+50	2+60	10.00
27	2+60	2+70	10.00
28	2+70	2+80	10.00
29	2+80	2+90	10.00
30	2+90	3+00	10.00

**CURVE TABLE**

STATION	CHORD BEARING	CHORD DIST.	ARC BEARING	ARC DIST.	PI	PC	PT	PT	PT
1+85.21	175°11'24.19"	11.21	175°11'24.19"	11.21	11.21	1+85.21	1+85.21	1+85.21	1+85.21
1+85.21	175°11'24.19"	11.21	175°11'24.19"	11.21	11.21	1+85.21	1+85.21	1+85.21	1+85.21

**ABBREVIATIONS**

EB Electric Box	FFV Fuel Fill Valve	(D) Distance per Deed Book - Page
CONC Concrete	ICV Irrigation Control Valve	(D1) Distance per Deed Book - Page
PP Power Pole	CCMP Corrugated Galvanized Metal Pipe	(C) Calculated Distance
WM Water Meter	PVC Polyvinyl Chloride Pipe	(M) Measured Distance
WV Water Valve	HRWD Hardwood Tree	R/R Railroad
ET Electrical Transformer	GV Gas Valve	OCG Outlet Control Structure
EM Electric Meter	TPED Telephone Pedestal	ET Electrical Transformer
GM Gas Meter	TWV Telephone Manhole	



**UTILITY CONTACTS**

**GAS:**  
 Colonial Pipeline - Kathryn McDowell 770-733-0423  
 City of Lawrenceville - Wanda Haggren 770-921-2144

**COMMUNICATIONS:**  
 AT&T - Hugh Hines 770-794-3872  
 Comcast Communications - Paul Spawr 770-859-6552  
 Gwinnett County Public Traffic & Safety - Cheyenne Hunter 678-538-0555

**ELECTRIC:**  
 Georgia Power - Chris Lougheed - Department 404-506-6339  
 Johnson Electric - Dan Johnson 770-837-4884

**WATER:**  
 Gwinnett County Public Water - Stephanie Spahn 678-378-4917

**SEWER:**  
 Gwinnett County Public Sewer - Stephanie Spahn 678-378-4917

**DATUMS**

**Datums:**  
 Horizontal: Grid North, NAD83, West Zone (North American Datum of 1983), U.S. Survey Foot, Hall County, Georgia.  
 Vertical: NAVD88 (North American Vertical Datum of 1988)  
 Geoid: Geoid12A Conus

**SURVEY NOTES**

1. THE FIELD DATA UPON WHICH THIS PLAN IS BASED HAS A CLOSURE PRECISION OF ONE FOOT IN 8581 FEET AND AN ANGULAR ERROR OF 10" PER SECOND PER ANGLE POINT AND WAS ADJUSTED USING THE LEAST SQUARES METHOD.
2. THIS PLAN WAS CALCULATED FOR CLOSURE AND IS FOUND TO BE ACCURATE WITHIN ONE FOOT IN 8229 FEET.
3. EQUIPMENT USED FOR MEASUREMENT:  
 ANGULAR: TRIMBLE 80 HORNET TOTAL STATION  
 LENGTH: TRIMBLE 80 HORNET TOTAL STATION  
 GPS: TRIMBLE R10 GPS RECEIVER
4. THE PROPERTY SHOWN HEREON IS SUBJECT TO ALL EASEMENTS AND RESTRICTIONS OF RECORD BOTH WRITTEN AND UNWRITTEN. SURVEY WAS COMPLETED WITHOUT THE BENEFIT OF A CURRENT TITLE COMMITMENT FOR THE ENTIRE PROPERTY.
5. ALL UNDERGROUND UTILITIES SHOWN HEREON WERE BASED UPON FIELD OBSERVATIONS AND VISIBLE MARKINGS FOUND BY ALLIANCE UNLESS OTHERWISE NOTED. CONTRACTOR SHOULD VERIFY ALL UTILITIES BEFORE ANY CONSTRUCTION BEGINS. RECORD # 811 WAS CALLED AND THE VERIFICATION NUMBER FOR THIS SITE IS 80619-281-516.
6. THE BASIS OF BEARING FOR THIS SURVEY IS GRID NORTH, AND IS BASED UPON THE NORTH AMERICAN DATUM OF 1983 AND OBTAINED BY RTK OBSERVATIONS ON 08/26/19 USING THE TRIMBLE V5 SYSTEM.
7. THIS PLAN WAS PREPARED FOR THE EXCLUSIVE USE OF THE PERSONS, PERSONS, OR ENTITY NAMED HEREON. THE PLAN DOES NOT EXTEND TO ANY UNNAMED PERSONS, PERSONS OR ENTITY WITHOUT EXPRESS CERTIFICATION BY THE SURVEYOR MAINTAINING PERSONS OR ENTITY.
8. CERTAIN DATA SHOWN ON THIS PLAN WAS OBTAINED UTILIZING GPS. IF INCLUDED, THE CONTROL POINTS ESTABLISHED FOR THE SURVEY TO BE BASED UPON. THE EQUIPMENT USED TO OBTAIN THIS DATA WAS A TRIMBLE R10 GPS RECEIVER WITH A TRIMBLE TSC3 DATA COLLECTOR USING A STATIC OBSERVATION. WHICH DATA WAS THEN PROCESSED USING THE NGS GPS 2.0. THE RELATIVE POSITIONAL ACCURACY OBTAINED ON THE POINTS UTILIZED IN THIS SURVEY WERE 0.05 FT. HORIZONTAL AND 0.10 FT. VERTICAL AT THE 95% CONFIDENCE LEVEL.
9. FOR THE GWINNETT COUNTY OBI WRITE THE ZONING FOR TAX PARCELS # 826 901 B1 B2. THE DETAILS FOR C-2 ARE:  
 FRONT: 35 FEET  
 SIDE: 10 FEET  
 REAR: 30 FEET  
 HEIGHT: 40 FEET
10. THE SUBJECT PROPERTY SHOWN HEREON IS NOT LOCATED WITHIN A FLOOD HAZARD ZONE FOR THE FEDERAL EMERGENCY MANAGEMENT AGENCY FLOOD HAZARD RATE MAP: COMMUNITY FLOOD HAZARD IDENTIFICATION EFFECTIVE SEPTEMBER 26, 2016. PANEL 13350600P EFFECTIVE SEPTEMBER 26, 2006. PANEL 13150600P EFFECTIVE SEPTEMBER 26, 2006. PANEL 13150600P EFFECTIVE SEPTEMBER 26, 2006. PANEL 13150600P EFFECTIVE SEPTEMBER 26, 2006.
11. AT THE TIME OF THE FIELD SURVEY THERE WAS NO OBSERVABLE EVIDENCE OF CURRENT EARTH MOVING WORK, BUILDING ADDITIONS, BUILDING CONSTRUCTION, CHANGES IN STREET RIGHT OF WAY, RECENT STREET OR SIDEWALK CONSTRUCTION AND REPAIRS, OR USE OF THE SITE AS A SOLID WASTE DUMP, SLUMP, OR SANITARY LANDFILL.
12. THE SPECIMEN TREES ON THE SUBJECT PROPERTY ARE SHOWN HEREON.

**OVERALL TRACT**  
 351,465 Sq. Ft.  
 8.089 Acres

<b>TRACT 1</b> 211,189 Sq. Ft. 4.848 Acres	<b>TRACT 2</b> 20,828 Sq. Ft. 0.478 Acres
<b>TRACT 3</b> 87,803 Sq. Ft. 2.016 Acres	<b>TRACT 4</b> 31,645 Sq. Ft. 0.727 Acres

**REFERENCES**

1. DEED BOOK 22878 PAGE 52 (Parcel 1)
2. DEED BOOK 29078 PAGE 346 (Parcel 2)

UTILITIES SHOWN HEREON WERE MARKED BY GROUND-HAWK. UTILITIES SHOULD BE VERIFIED PRIOR TO CONSTRUCTION.

**SURVEY LEGEND**

**EXISTING UTILITIES**

—○—	Overhead Electric	□	QuikTrip Monument Sign (Vertical)
—○—	Overhead Telephone Line	○	Deciduous Tree (Plus Size/Type)
—○—	Sanitary Sewer Line (Plus Size/Type On Plans)	→	Traffic Arrows
—○—	Storm Sewer Line (2-12") (Plus Size/Type On Plans)	⊙	Traffic Signal Pole
—○—	Water Line	⊙	Traffic Control Box
—○—	Gas Line	⊙	Monitor Well
○	Utility Pedestal/Manhole—Plus Type Of Utility	—	Center Line
○	Utility Pole—Plus Type Of Utility	—	Property R/W Lot Line (OT Not)
○	Utility Pole W/Transformer	—	Property R/W Lot Line (Others)
○	Utility Manhole (Plus Type/L')	—	Curb Line
○	Utility Meter (Plus Type)	—	Edge Of Asphalt
○	Utility Valve (Plus Type)	—	Edge Of Concrete
○	Day Valve	—	Spot Elevation
○	Light Pole	—	Chain Link Fence
○	Fire Hydrant	—	Guard Rail
○	Curb Inlet	—	Edge Of Pavement Elevation
○	Area Inlet	—	Curb & Gutter Elevation
○	Single Post Sign		

**SURVEYOR'S CERTIFICATION**

THIS SURVEY WAS PREPARED IN CONFORMITY WITH THE TECHNICAL STANDARDS FOR PROPERTY SURVEYS IN GEORGIA AS SET FORTH IN CHAPTER 180-7 OF THE RULES OF THE GEORGIA BOARD OF REGISTRATION FOR PROFESSIONAL ENGINEERS AND LAND SURVEYORS AND AS SET FORTH IN THE GEORGIA PRACTICE ACT O.C.G.A. 15-6-67.

*David L. Anderson* 11/10/22  
 DAVID L. ANDERSON, RLS DATE  
 GEORGIA REGISTERED LAND SURVEYOR NO. 3305

11/10/22

**811**  
 Know what's Below.  
 Call before you dig.

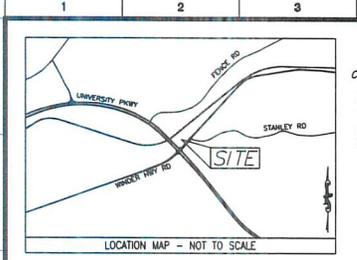
**NOTICE:**  
 UNDERLINES ARE PART OF THE PLAN. UNDEVELOPED AREAS ARE SHOWN IN UNDEVELOPED AREAS. THE SURVEYOR HAS CONDUCTED A VISUAL INSPECTION OF THE PROPERTY AND HAS FOUND NO EVIDENCE OF ANY UNRECORDED INTERESTS IN THE PROPERTY. THE SURVEYOR HAS CONDUCTED A VISUAL INSPECTION OF THE PROPERTY AND HAS FOUND NO EVIDENCE OF ANY UNRECORDED INTERESTS IN THE PROPERTY.

**LOCATED IN**  
 LAND LOT 242 & 271  
 5TH DISTRICT  
 GWINNETT COUNTY, GEORGIA

**QUIKTRIP CORPORATION**  
 BOUNDARY AND TOPOGRAPHIC SURVEY  
 1750 WINDER HIGHWAY  
 Dacula, Georgia  
 TAX PARCELS: 3271-184 3271-185 3271-186 3271-187 3271-188 3271-189 3271-190 3271-191 3271-192 3271-193 3271-194 3271-195 3271-196 3271-197 3271-198 3271-199 3271-200

**DATE**  
 09-01-2016

**REVISIONS**  
 SCALE 0 20 40  
 1" = 40 FEET  
 DR. M.C.B. | CH. CRE  
 PM. D.L.A.  
 BOOK --  
 JOB 22202  
 SHEET NO. 1 OF 3



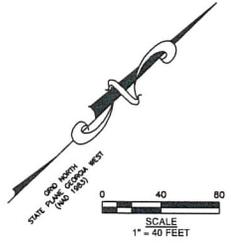
- ABBREVIATIONS**
- |      |                        |      |                                  |      |                              |
|------|------------------------|------|----------------------------------|------|------------------------------|
| EB   | Electric Box           | FFV  | Fuel Fill Valve                  | (D)  | Distance per Deed Book, Page |
| CONC | Concrete               | ICV  | Irrigation Control Valve         | (D1) | Distance per Deed Book, Page |
| CP   | Copper Pipe            | CGMP | Corrugated Galvanized Metal Pipe | (C)  | Calculated Distance          |
| WM   | Water Meter            | PVC  | Polyvinyl Chloride Pipe          | (M)  | Measured Distance            |
| WV   | Water Valve            | HRWD | Hardwood Tree                    | R/R  | Railroad                     |
| ET   | Electrical Transformer | GV   | Gas Valve                        | OC   | Outlet Control Structure     |
| EM   | Electric Meter         | TPCD | Telephone Pedestal               | ET   | Electrical Transformer       |
| GM   | Gas Meter              | TMH  | Telephone Manhole                | SSV  | Sanitary Sewer Valve         |

**LINE TABLE**

LINE NO.	DESCRIPTION	DATE
1	...	...
2	...	...
3	...	...
4	...	...
5	...	...
6	...	...
7	...	...
8	...	...
9	...	...
10	...	...
11	...	...
12	...	...
13	...	...
14	...	...
15	...	...
16	...	...

**CURVE TABLE**

LINE NO.	STARTING POINT	ENDING POINT	CHORD BEARING	CHORD DIST.
1	...	...	...	...
2	...	...	...	...
3	...	...	...	...
4	...	...	...	...
5	...	...	...	...
6	...	...	...	...
7	...	...	...	...
8	...	...	...	...
9	...	...	...	...
10	...	...	...	...
11	...	...	...	...
12	...	...	...	...
13	...	...	...	...
14	...	...	...	...
15	...	...	...	...
16	...	...	...	...



**UTILITY CONTACTS**

**GAS:**  
 Colonial Pipeline - Kathryn McDowell 678-752-2403  
 City of Lawrenceville - Wesley Haggins 770-231-2144

**COMMUNICATIONS:**  
 ATT - Angelo Howe 770-784-3972  
 Comcast Communications Inc. Service 770-658-6852  
 DeKalb County Public Works & Safety-Deanna Hudson 678-439-6868

**ELECTRIC:**  
 DeKalb Power Grid - Loading Department 404-509-6529  
 Jackson EMC-Ann Dohy 770-367-6854

**WATER:**  
 DeKalb County Public Water-Stephanie Sparks 478-378-0917

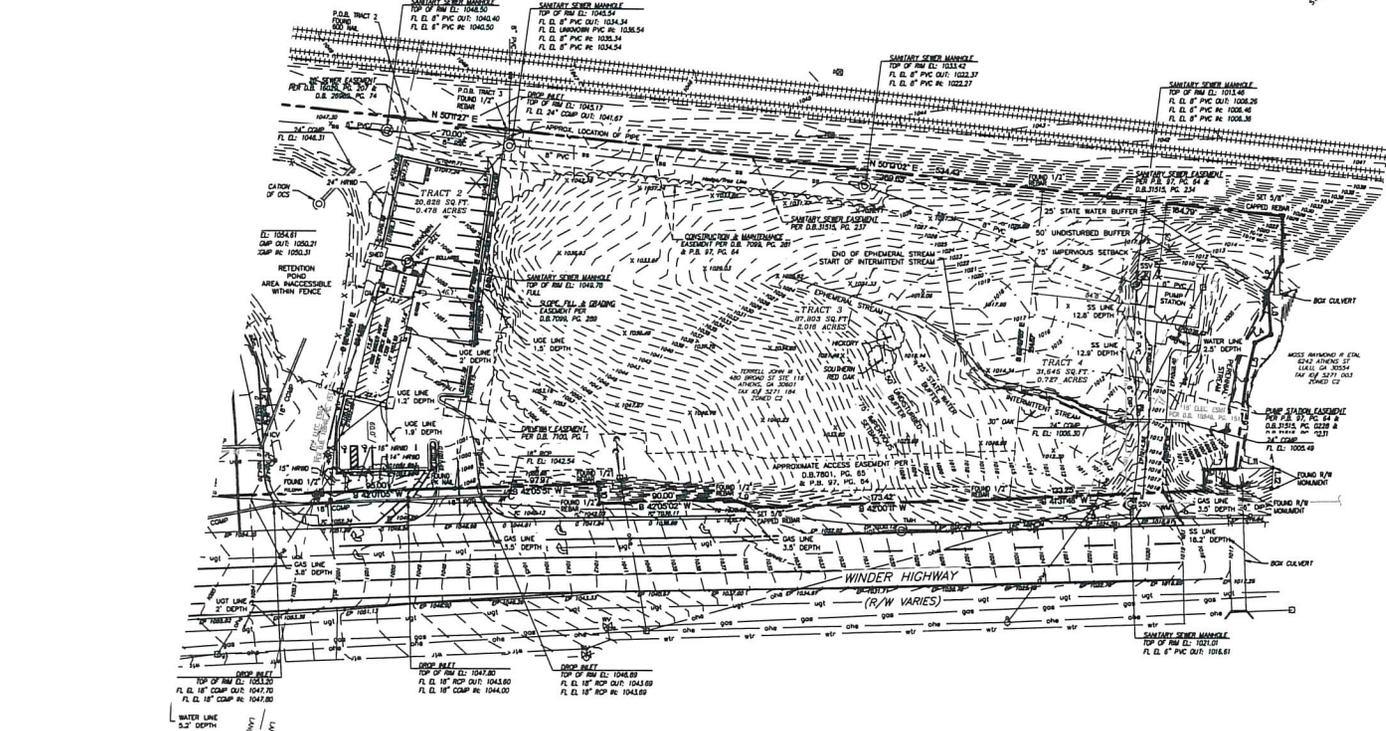
**SEWER:**  
 DeKalb County Public Sewer-Stephanie Sparks 478-378-0917

**DATUMS**

**Datums:**  
 Horizontal: Grid North, NAD83, West Zone (North American Datum of 1983), U.S. Survey Foot, Hall County, Georgia  
 Vertical: NAVD88 (North American Vertical Datum of 1988)  
 Geoid: Geoid12A Conus

**SURVEY NOTES**

- THE FIELD DATA UPON WHICH THIS PLAT IS BASED HAS A CLOSURE PRECISION OF ONE FOOT IN 25,814 FEET AND AN ANGULAR UNCLOSED OF 27 SECONDS PER ANGLE POINT AND WAS ADJUSTED USING THE LEAST SQUARES METHOD.
- THIS PLAT HAS BEEN CALCULATED FOR CLOSURE AND IS FOUND TO BE ACCURATE WITHIN ONE FOOT IN 25,814 FEET.
- EQUIPMENT USED FOR MEASUREMENT:  
 ANGULAR: TRIMBLE S2 ROBOTIC TOTAL STATION  
 LINEAR: TRIMBLE S2 ROBOTIC TOTAL STATION  
 GPS: TRIMBLE R6 GPS RECEIVER
- THE PROPERTY SHOWN HEREON IS SUBJECT TO ALL EASEMENTS AND RESTRICTIONS OF RECORD BOTH WRITTEN AND UNWRITTEN. SURVEY WAS COMPLETED WITHOUT THE BENEFIT OF A CURRENT TITLE COMMITMENT FOR THE ENTIRE PROPERTY.
- ALL UNDERGROUND UTILITIES SHOWN ARE BASED UPON FIELD OBSERVATIONS AND MOBILE APPROPRIATE RECORDS BY ALLIANCES UNLESS OTHERWISE NOTED. CONSTRUCTION SHOULD VERIFY ALL UTILITIES BEFORE ANY CONSTRUCTION BEGINS. GEORGIA 811 WAS CALLED AND THE VERIFICATION NUMBER FOR THE SITE IS 305768216.
- THE BASIS OF BEARINGS FOR THIS SURVEY IS GRID NORTH. LOTS 83 BASED UPON THE NORTH AMERICAN DATUM OF 1983 AND OBTAINED BY RTK OBSERVATIONS ON 09/04/16 USING THE TRIMBLE V90 SYSTEM.
- THIS PLAT WAS PREPARED FOR THE EXCLUSIVE USE OF THE PERSON, PERSONS, OR ENTITY HEREON. THE PLAT DOES NOT EXTEND TO ANY UNNAMED PERSON, PERSONS OR ENTITY WITHOUT EXPRESS NOTIFICATION BY THE SURVEYOR NUMBER AND PERSON, PERSONS OR ENTITY.
- CONTROL DATA SHOWN ON THIS PLAT WAS OBTAINED USING GPS. IT INCLUDES THE CONTROL POINTS ESTABLISHED FOR THE SURVEY TO BE BASED UPON. THE EQUIPMENT USED TO OBTAIN THIS DATA WAS A TRIMBLE R6 GPS RECEIVER WITH A TRIMBLE TSC3 DATA COLLECTOR TAKING A STATIC OBSERVATION. WHICH DATA WAS THEN PROCESSED USING THE 1000 GPS INTO THE RELATIVE POTENTIAL ACCURACY OBTAINED ON THE POINTS FILLED IN. THE SURVEY WERE 2.58 FT. HORIZONTAL AND 5.19 FT. VERTICAL AT THE 95% CONFIDENCE LEVEL.
- FOR THE GWINNETT COUNTY JOB SITE THE ZONING FOR TAX PARCEL 6204 001 015 C-2. THE SETBACKS FOR C-2 ARE:  
 FRONT- 15 FEET  
 REAR- 30 FEET  
 HEIGHT- 45 FEET
- THE SUBJECT PROPERTY SHOWN HEREON IS NOT LOCATED WITHIN A FLOOD HAZARD ZONE PER THE FEDERAL EMERGENCY MANAGEMENT AGENCY FLOOD INSURANCE RATE MAP COMMUNITY PANEL NUMBER 13100070P, EFFECTIVE SEPTEMBER 29, 2006; PANEL 13100070P EFFECTIVE SEPTEMBER 24, 2006; PANEL 13100070P EFFECTIVE SEPTEMBER 29, 2006; PANEL 13100070P EFFECTIVE SEPTEMBER 29, 2006.
- AT THE TIME OF THE FIELD SURVEY THERE WAS NO OBSERVABLE EVIDENCE OF CURRENT EARTH MOVING WORK, FILL OR ADDITIONS, BUILDING CONSTRUCTION, CHANGES BY STREET RIGHT OF WAY, RECENT STREET OR SIDEWALK CONSTRUCTION AND REPAIRS, OR USE OF THE SITE AS A SOLID WASTE DUMP, JUMP, OR SANITARY LANDFILL.
- THE SPECIFIC TREES ON THE SUBJECT PROPERTY ARE SHOWN HEREON.



**OVERALL TRACT**  
 351,485 Sq. Ft.  
 8.089 Acres

<b>TRACT 1</b> 211,189 Sq. Ft. 4.848 Acres	<b>TRACT 2</b> 20,828 Sq. Ft. 0.478 Acres
<b>TRACT 3</b> 87,803 Sq. Ft. 2.016 Acres	<b>TRACT 4</b> 31,645 Sq. Ft. 0.727 Acres

**REFERENCES**

- DEED BOOK 2278 PAGE 52 (Parcel 1)
- DEED BOOK 2970 PAGE 349 (Parcel 2)

UTILITIES SHOWN HEREON WERE LOCATED MARKED BY GROUNDHAWK. UTILITIES SHOULD BE VERIFIED PRIOR TO CONSTRUCTION.

**SURVEY LEGEND**

**EXISTING UTILITIES**

— o —	Overhead Electric	—	Traffic Arrows
— v —	Underground Electric	—	Traffic Signal Pole
— t —	Overhead Telephone Line	—	Traffic Control Box
— ss —	Sanitary Sewer Line (Plus Size/Type On Plans)	—	Monitor Well
— w —	Storm Sewer Line (2 1/2") (Plus Size/Type On Plans)	—	Center Line
— u —	Underground Telephone Line	—	Property R/W Line (OT Not)
— w —	Water Line	—	Curb Line
— p —	Gas Line	—	Edge of Asphalt
—	Utility Pedestal/Riser—Plus Type of Utility	—	Edge of Concrete
—	Utility Pole—Plus Type of Utility	—	Spot Elevation
—	Utility Pole W/Light	—	Chain-link Fence
—	Utility Pole W/Transformer	—	Guard Rail
—	Utility Manhole (Plus Type/E's)	—	Edge of Pavement Elevation
—	Utility Meter (Plus Type)	—	Curb & Gutter Elevation
—	Utility Valve (Plus Type)	—	
—	Gas Valve	—	
—	Light Pole	—	
—	Fire Hydrant	—	
—	Curb Inlet	—	
—	Area Inlet	—	
—	Single Post Sign	—	

**SURVEYOR'S CERTIFICATION**

THIS SURVEY WAS PREPARED IN CONFORMITY WITH THE TECHNICAL STANDARDS FOR PROPERTY SURVEYS IN GEORGIA AS SET FORTH IN CHAPTER 180-7 OF THE RULES OF THE GEORGIA BOARD OF SURVEYING AND MAPPING PROFESSIONAL ENGINEERS AND LAND SURVEYORS AND AS SET FORTH IN THE GEORGIA PLAT ACT O.C.G.A. 15-9-67.

DAVID L. ANDERSON, R.L.S. DATE 11-10-22  
 GEORGIA REGISTERED LAND SURVEYOR No. 3305

SCALE 0 20 40  
 1" = 40 FEET

DR. M.C.B. [Ch. CRE  
 P.L. D.L.A.  
 BOOK  
 JOB 22202  
 SHEET NO. 2 OF 3



### Overall Legal Description

A Tract of land situated in Land Lots 242 and 271 in the 5th District of Gwinnett County, Georgia, said Tract being more particularly described as follows:

Begin at a found Right of Way monument marking the intersection of the Westerly Right of Way of Winder Highway (Right of Way Varies) and the Northerly Right of Way of University Parkway (Right of Way Varies); thence run North 44 degrees 30 minutes 37 seconds West along said Northerly Right of Way of University Parkway for a distance of 354.36 feet to a point (said point lying South 72 degrees 11 minutes 42 seconds East 2.26 feet from a disturbed Right of Way Monument), said point lying on the Easterly Right of Way of a CSX Transportation 100 foot Right of Way and a non-tangent curve to the left, said curve having a radius of 2,450.80 feet, a central angle of 02 degrees 52 minutes 04 seconds, a chord bearing of North 52 degrees 27 minutes 17 seconds East, and a chord distance of 122.66 feet; thence leaving said University Parkway Right of Way run along the arc of said curve and said CSX Transportation Right of Way for a distance of 122.67 feet to a set 5/8 inch capped rebar, said point lying on a curve to the left, said curve having a radius of 13,311.46 feet, a central angle of 0 degrees 49 minutes 54 seconds, a chord bearing of North 50 degrees 36 minutes 18 seconds East, and a chord distance of 193.21 feet; thence run along the arc of said curve and said Right of Way for a distance of 193.21 feet to a set 5/8 inch capped rebar; thence run North 50 degrees 11 minutes 21 seconds East along said Right of Way for a distance of 402.79 feet to a found 60D nail; thence run North 50 degrees 11 minutes 27 seconds East along said Right of Way for a distance of 70.00 feet to a found 1/2 inch rebar; thence run North 50 degrees 13 minutes 02 seconds East for a distance of 369.65 feet to a found 1/2 inch rebar; thence continue along the last described course for a distance of 164.79 feet to a set 5/8 inch capped rebar, said point lying on the continuation of the centerline of a creek; thence run along the centerline of said creek the following calls:

South 45 degrees 09 minutes 22 seconds East for a distance of 30.62 feet;  
 South 21 degrees 39 minutes 07 seconds East for a distance of 23.07 feet;  
 South 49 degrees 36 minutes 16 seconds East for a distance of 29.84 feet;  
 South 15 degrees 34 minutes 12 seconds West for a distance of 12.33 feet;  
 South 32 degrees 50 minutes 02 seconds East for a distance of 26.21 feet;  
 South 38 degrees 50 minutes 02 seconds East for a distance of 62.35 feet to a point, said point lying on the intersection of said centerline with the aforementioned Westerly Right of Way of Winder Highway; thence leaving said centerline run South 42 degrees 28 minutes 07 seconds West along said Westerly Right of Way for a distance of 21.13 feet to a found Right of Way Monument; thence run South 46 degrees 12 minutes 56 seconds East along said Right of Way for a distance of 14.50 feet to a found Right of Way Monument; thence run South 41 degrees 31 minutes 48 seconds West along said Right of Way for a distance of 133.25 feet to a found 1/2 inch rebar; thence run South 42 degrees 00 minutes 11 seconds West along said Right of Way for a distance of 173.42 feet to a set 5/8 inch capped rebar; thence run South 60 degrees 55 minutes 40 seconds West along said Right of Way for a distance of 18.50 feet to a found 1/2 inch rebar; thence run South 42 degrees 05 minutes 02 seconds West along said Right of Way for a distance of 90.00 feet to a found 1/2 inch rebar; thence run North 48 degrees 40 minutes 48 seconds West along said Right of Way for a distance of 13.78 feet to a found 1/2 inch rebar; thence run South 42 degrees 05 minutes 51 seconds West along said Right of Way for a distance of 97.97 feet to a Found PK nail in asphalt; thence run South 42 degrees 01 minutes 05 seconds West along said Right of Way for a distance of 95.00 feet to a found 1/2 inch rebar; thence run South 41 degrees 58 minutes 45 seconds West along said Right of Way for a distance of 356.85 feet to a set PK nail in asphalt; thence run South 44 degrees 50 minutes 30 seconds West along said Right of Way for a distance of 200.11 feet to a found 1/2 inch rebar; thence run South 42 degrees 04 minutes 24 seconds West for a distance of 105.79 feet to the POINT OF BEGINNING. Said Tract contains 351,465 Square Feet or 8.069 Acres.

### Legal Description Tract 1

A Tract of land situated in Land Lot 242 in the 5th District of Gwinnett County, Georgia, said Tract being more particularly described as follows:

Begin at a found Right of Way monument marking the intersection of the Westerly Right of Way of Winder Highway (Right of Way Varies) and the Northerly Right of Way of University Parkway (Right of Way Varies); thence run North 44 degrees 30 minutes 37 seconds West along said Northerly Right of Way of University Parkway for a distance of 354.36 feet to a point (said point lying South 72 degrees 11 minutes 42 seconds East 2.26 feet from a disturbed Right of Way Monument), said point lying on the Easterly Right of Way of a CSX Transportation 100 foot Right of Way and a non-tangent curve to the left, said curve having a radius of 2,450.80 feet, a central angle of 02 degrees 52 minutes 04 seconds, a chord bearing of North 52 degrees 27 minutes 17 seconds East, and a chord distance of 122.66 feet; thence leaving said University Parkway Right of Way run along the arc of said curve and said CSX Transportation Right of Way for a distance of 122.67 feet to a set 5/8 inch capped rebar, said point lying on a curve to the left, said curve having a radius of 13,311.46 feet, a central angle of 0 degrees 49 minutes 54 seconds, a chord bearing of North 50 degrees 36 minutes 18 seconds East, and a chord distance of 193.21 feet; thence run along the arc of said curve and said Right of Way for a distance of 193.21 feet to a set 5/8 inch capped rebar; thence run North 50 degrees 11 minutes 21 seconds East along said Right of Way for a distance of 402.79 feet to a found 60D nail said point lying on the intersection of said CSX Transportation Right of Way and the Land Lot Line common to Land Lots 242 and 271; thence leaving said CSX Transportation Right of Way run South 32 degrees 46 minutes 44 seconds East along said Land Lot Line for a distance of 264.36 feet to a found 1/2 inch rebar lying on the aforementioned Westerly Right of Way of Winder Highway; thence run South 41 degrees 58 minutes 45 seconds West along said Right of Way for a distance of 356.85 feet to a set PK nail in asphalt; thence run South 44 degrees 50 minutes 30 seconds West along said Right of Way for a distance of 200.11 feet to a found 1/2 inch rebar; thence run South 42 degrees 04 minutes 24 seconds West for a distance of 105.79 feet to the POINT OF BEGINNING. Said Tract contains 211,189 Square Feet or 4.848 Acres.

### Legal Description Tract 2

A Tract of land situated in Land Lot 271 in the 5th District of Gwinnett County, Georgia, said Tract being more particularly described as follows:

Commence at a found Right of Way monument marking the intersection of the Westerly Right of Way of Winder Highway (Right of Way Varies) and the Northerly Right of Way of University Parkway (Right of Way Varies); thence run North 44 degrees 30 minutes 37 seconds West along said Northerly Right of Way of University Parkway for a distance of 354.36 feet to a point (said point lying South 72 degrees 11 minutes 42 seconds East 2.26 feet from a disturbed Right of Way Monument), said point lying on the Easterly Right of Way of a CSX Transportation 100 foot Right of Way and a non-tangent curve to the left, said curve having a radius of 2,450.80 feet, a central angle of 02 degrees 52 minutes 04 seconds, a chord bearing of North 52 degrees 27 minutes 17 seconds East, and a chord distance of 122.66 feet; thence leaving said University Parkway Right of Way run along the arc of said curve and said CSX Transportation Right of Way for a distance of 122.67 feet to a set 5/8 inch capped rebar, said point lying on a curve to the left, said curve having a radius of 13,311.46 feet, a central angle of 0 degrees 49 minutes 54 seconds, a chord bearing of North 50 degrees 36 minutes 18 seconds East, and a chord distance of 193.21 feet; thence run along the arc of said curve and said Right of Way for a distance of 193.21 feet to a set 5/8 inch capped rebar; thence run North 50 degrees 11 minutes 21 seconds East along said Right of Way for a distance of 402.79 feet to a found 60D nail said point lying on the intersection of said CSX Transportation Right of Way and the Land Lot Line common to Land Lots 242 and 271, said point being the POINT OF BEGINNING of the tract herein described; thence run North 50 degrees 11 minutes 27 seconds East along said CSX Transportation Right of Way for a distance of 70.00 feet to a found 1/2 inch rebar; thence leaving said Right of Way run South 37 degrees 53 minutes 39 seconds East for a distance of 249.00 feet to a Found PK Nail in asphalt, said point lying on the aforementioned Westerly Right of Way of Winder Highway; thence run South 42 degrees 01 minutes 05 seconds West along said Right of Way for a distance of 95.00 feet to a found 1/2 inch rebar, said point lying on the intersection of said Right of Way and the Land Lot Line common to Land Lots 242 and 271; thence leaving said Right of Way run North 32 degrees 46 minutes 44 seconds West along said Land Lot Line for a distance of 264.36 feet to the POINT OF BEGINNING. Said Tract contains 20,828 Square Feet or 0.478 Acres.

### Legal Description Tract 3

A Tract of land situated in Land Lot 271 in the 5th District of Gwinnett County, Georgia, said Tract being more particularly described as follows:

Commence at a found Right of Way monument marking the intersection of the Westerly Right of Way of Winder Highway (Right of Way Varies) and the Northerly Right of Way of University Parkway (Right of Way Varies); thence run North 44 degrees 30 minutes 37 seconds West along said Northerly Right of Way of University Parkway for a distance of 354.36 feet to a point (said point lying South 72 degrees 11 minutes 42 seconds East 2.26 feet from a disturbed Right of Way Monument), said point lying on the Easterly Right of Way of a CSX Transportation 100 foot Right of Way and a non-tangent curve to the left, said curve having a radius of 2,450.80 feet, a central angle of 02 degrees 52 minutes 04 seconds, a chord bearing of North 52 degrees 27 minutes 17 seconds East, and a chord distance of 122.66 feet; thence leaving said University Parkway Right of Way run along the arc of said curve and said CSX Transportation Right of Way for a distance of 122.67 feet to a set 5/8 inch capped rebar, said point lying on a curve to the left, said curve having a radius of 13,311.46 feet, a central angle of 0 degrees 49 minutes 54 seconds, a chord bearing of North 50 degrees 36 minutes 18 seconds East, and a chord distance of 193.21 feet; thence run along the arc of said curve and said Right of Way for a distance of 193.21 feet to a set 5/8 inch capped rebar; thence run North 50 degrees 11 minutes 21 seconds East along said Right of Way for a distance of 402.79 feet to a found 60D nail; thence run North 50 degrees 11 minutes 27 seconds East along said Right of Way for a distance of 70.00 feet to a found 1/2 inch rebar said point being the POINT OF BEGINNING of the Tract herein described; thence run North 50 degrees 13 minutes 02 seconds East for a distance of 369.65 feet to a found 1/2 inch rebar; thence leaving said CSX Transportation Right of Way run South 39 degrees 49 minutes 55 seconds East for a distance of 214.57 feet to a found 1/2 inch rebar, said point lying on the aforementioned Westerly Right of Way of Winder Highway; thence run South 42 degrees 00 minutes 11 seconds West along said Right of Way for a distance of 173.42 feet to a set 5/8 inch capped rebar; thence run South 60 degrees 55 minutes 40 seconds West along said Right of Way for a distance of 18.50 feet to a found 1/2 inch rebar; thence run South 42 degrees 05 minutes 02 seconds West along said Right of Way for a distance of 90.00 feet to a found 1/2 inch rebar; thence run North 48 degrees 40 minutes 48 seconds West along said Right of Way for a distance of 13.78 feet to a found 1/2 inch rebar; thence run South 42 degrees 05 minutes 51 seconds West along said Right of Way for a distance of 97.97 feet to a Found PK nail in asphalt; thence leaving said Right of Way run North 37 degrees 53 minutes 39 seconds West for a distance of 249.00 feet to the POINT OF BEGINNING. Said tract contains 87,803 Square Feet or 2.016 Acres.

### Legal Description Tract 4

A Tract of land situated in Land Lot 271 in the 5th District of Gwinnett County, Georgia, said Tract being more particularly described as follows:

Commence at a found Right of Way monument marking the intersection of the Westerly Right of Way of Winder Highway (Right of Way Varies) and the Northerly Right of Way of University Parkway (Right of Way Varies); thence run North 44 degrees 30 minutes 37 seconds West along said Northerly Right of Way of University Parkway for a distance of 354.36 feet to a point (said point lying South 72 degrees 11 minutes 42 seconds East 2.26 feet from a disturbed Right of Way Monument), said point lying on the Easterly Right of Way of a CSX Transportation 100 foot Right of Way and a non-tangent curve to the left, said curve having a radius of 2,450.80 feet, a central angle of 02 degrees 52 minutes 04 seconds, a chord bearing of North 52 degrees 27 minutes 17 seconds East, and a chord distance of 122.66 feet; thence leaving said University Parkway Right of Way run along the arc of said curve and said CSX Transportation Right of Way for a distance of 122.67 feet to a set 5/8 inch capped rebar, said point lying on a curve to the left, said curve having a radius of 13,311.46 feet, a central angle of 0 degrees 49 minutes 54 seconds, a chord bearing of North 50 degrees 36 minutes 18 seconds East, and a chord distance of 193.21 feet; thence run along the arc of said curve and said Right of Way for a distance of 193.21 feet to a set 5/8 inch capped rebar; thence run North 50 degrees 11 minutes 21 seconds East along said Right of Way for a distance of 402.79 feet to a found 60D nail; thence run North 50 degrees 11 minutes 27 seconds East along said Right of Way for a distance of 70.00 feet to a found 1/2 inch rebar; thence run North 50 degrees 13 minutes 02 seconds East for a distance of 369.65 feet to a found 1/2 inch rebar, said point being the POINT OF BEGINNING of the Tract herein described; thence continue along the last described course for a distance of 164.79 feet to a set 5/8 inch capped rebar, said point lying on the continuation of the centerline of a creek; thence run along the centerline of said creek the following calls:

South 45 degrees 09 minutes 22 seconds East for a distance of 30.62 feet;

South 21 degrees 39 minutes 07 seconds East for a distance of 23.07 feet;

South 49 degrees 36 minutes 16 seconds East for a distance of 29.84 feet;

South 15 degrees 34 minutes 12 seconds West for a distance of 12.33 feet;

South 32 degrees 50 minutes 02 seconds East for a distance of 26.21 feet;

South 38 degrees 50 minutes 02 seconds East for a distance of 62.35 feet to a point, said point lying on the intersection of said centerline with the aforementioned Westerly Right of Way of Winder Highway;

thence leaving said centerline run South 42 degrees 28 minutes 07 seconds West along said Westerly Right of Way for a distance of 21.13 feet to a found Right of Way Monument; thence run South 46 degrees 12 minutes 56 seconds East along said Right of Way for a distance of 14.50 feet to a found Right of Way Monument; thence run South 41 degrees 31 minutes 48 seconds West along said Right of Way for a distance of 133.25 feet to a found 1/2 inch rebar; thence leaving said Right of Way run North 39 degrees 49 minutes 55 seconds West for a distance of 214.57 feet to the POINT OF BEGINNING. Said Tract contains 31,645 Square Feet or 0.727 Acres.





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.

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>
_____		
_____		
_____		
_____		

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 or Zoning Board of Appeals.

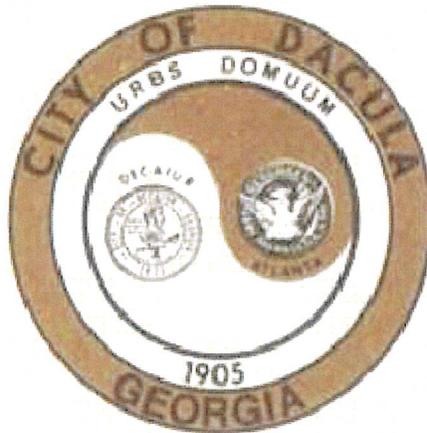
Yes  No

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>
_____		
_____		
_____		
_____		

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

## 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: QuikTrip #766  
 Developer/Applicant: QuikTrip Corporation/CHA  
 Telephone: (678) 405-3131  
 Fax: N/A  
 Email(s): mmeo@chacompanies.com

**Economic Impacts**

Estimated Value at Build-Out:  
\$6MM

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?

Relocation of existing facility, no improvements needed.

How many short-term and /or long-term jobs will the development generate?  
Relocation of existing facility, only short term construction related jobs are expected.

Estimated annual local tax revenues (i.e., property tax, sales tax) likely to be generated by the proposed development:  
Relocation of existing facility, increased property taxes on the expected build-out values.

Is the regional work force sufficient to fill the demand created by the proposed project?  
Relocation of existing facility, no additional workforce is needed

**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)?  
Relocation of existing facility. no additional demand expected

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?  
N/A

If there are plans to expand the existing water supply capacity, briefly describe below:  
N/A

If water line extension is required to serve this project, how much additional line (in feet) will be required?  
N/A

**Wastewater Disposal**

What is the estimated sewage flow to be generated by the project, measured in Gallons Per Day (GPD)?  
Relocation of existing facility. no additional demand expected

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?  
N/A

If there are plans to expand existing wastewater treatment capacity, briefly describe below:  
N/A

If sewer line extension is required to serve this project, how much additional line (in feet) will be required?  
N/A

**Land Transportation**

How much traffic volume is expected to be generated by the proposed development, in peak hour vehicle trips per day?  
Relocation of existing facility, No additional traffic is expected. Proposed driveway locations have been coordinated with GDOT.  
List any traffic and/or road improvements being made and how they would affect the subject area.  
GDOT is planning to extend Fence Road across the railroad and the subject parcel to provide a connection to SR8. GDOT will acquire right-of-way from QuikTrip Corporation and effectively split the parcel. Additional improvements will occur in the SR8 right-of-way. The site will be accessible by SR8 and Fence Road.

**Solid Waste Disposal**

How much solid waste is the project expected to generate annually (in tons)?  
Relocation of existing facility. no additional demand expected

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

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

N/A

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

N/A

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?

55 percent (or 1.95 acres)

Is the site located in a water supply watershed?

Yes

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

Alcovy

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:

An underground detention system will be provided.

**Environmental Quality**

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

1. Water supply watersheds?

No

2. Significant groundwater recharge areas?

None known at this time.

3. Wetlands?

None known at this time.

4. Protected river corridors?

None known at this time.

5. Floodplains?

No

6. Historic resources?

None known at this time.

7. Other environmentally sensitive resources?

None known at this time.

If you answered yes to any question 1-7 above, describe how the identified resource(s) may be affected below:

N/A

---

**Other Facilities**

What intergovernmental impacts would the proposed development generate for:

Schools?

No

---

Libraries?

No

---

Fire, Police, or EMS

No

---

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

No

---

**Additional Comments:**

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---

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# Memorandum

**To:** City of Dacula Mayor and City Council

**From:** Brittni Nix, City Administrator

**Date:** March 29, 2023

**Subject:** Variance Case: 2023-CD-VAR-02

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

**Size:** 1.14 acres

**Applicant:** Integrity Engineering & Development Services, Inc.  
3615 Braselton Highway, Suite 201  
Dacula, GA 30019

**Owner:** WREG Harbins Retail, LLC  
1958 Monroe Drive NE  
Atlanta, GA 30324

**Location:** LL - 299/300, 5th District

## Existing Land Use and Zoning:

The subject property totals 1.14 acres and is located in the southeast quadrant of the Harbins Road and Davis Rock Road intersection. The site is an outparcel of a planned mixed-use development known as Harbins 316. In 2021, the property was zoned PMUD (Planned Mixed-Use District) pursuant to 2020-CD-RZ-03.

As the property is part of a planned mixed-use development, it is adjacent to PMUD zoned properties. The abutting uses include grocery and retail. Additional uses within the development include multi-family apartments and senior living. The surrounding area includes properties within unincorporated Gwinnett County and zoned C-2 (General Business District), R-100 (Single-Family Residence District), and RA-200 (Agriculture-Residence District). These uses include a gas station/ convenience food mart, single-family residential, and undeveloped property. To the south is a commercially zoned property, C-1 (Neighborhood Commercial District), located within the City limits. Across Harbins Road is a vacant home care facility within the City limits zoned O-I (Office-Institutional District).

## The Proposed Rezoning & Development:

McDonald's USA, LLC has submitted development plans for a 4,588 sf restaurant with two-lane drive throughs. Per the City's Zoning Resolution, the minimum number of parking spaces for the proposed use and building size would be 62 parking spaces.

The applicant has requested a variance to reduce the number of parking spaces by 25% and proposes having 48 parking spaces on-site. Application materials indicate that 44 parking spaces are required to accommodate the anticipated employees and dine-in customers. The majority of the customers (70%-75%) are estimated to utilize the two-lane drive through and would not need a parking space.

Staff notes the site has internal access drives to a neighboring parcel that has parking spaces in close proximity.

### **Summary:**

The anticipated drive through and dine-in customer ratio could support reducing the number of parking spaces. As such, the requested variance could be considered suitable. The Department recommends the requested variance be approved with conditions at this location.

### **Comprehensive Plan:**

The City of Dacula's 2019 Comprehensive Plan labels the subject property as Community Mixed Activity Use Center on the Future Land Use Map. Community Mixed Use land uses are defined as "relatively large-scale (40,000 to 100,000 square feet) of commercial, office, and institutional facilities which serve surrounding neighborhoods. They may include some mix of uses, including commercial areas that primarily cater to the community as a whole" (The City of Dacula, Georgia 2019 Comprehensive Plan, page 7.14). The proposed planned mixed-use development follows the description of Community Mixed Use.

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 variance will permit a use that is suitable in view of the use and development of an adjacent and nearby property?***

Yes, the proposed use of the site would remain consistent with neighboring properties and would thus be suitable at this location.

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

The variance would not be expected to negatively impact surrounding properties.

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

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

***4. Whether the proposed variance 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 not expected to increase the burden of use for existing streets, transportation facilities, utilities, or schools.

**5. *Whether the proposed variance 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 for community mixed activity use center and neighborhood commercial. As such, the proposed use and variance would be considered suitable at this location.

**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 variance?***

The Planned Mixed-Use District encourages uses to share off-street parking to reduce the total number of parking spaces where appropriate.

**Recommendation:**

*Based upon the application, the requested variance is recommended for **approval with the following conditions.***

1. The property shall be developed in accordance with the development site plan prepared by Integrity Engineering & Development Services, Inc. entitled McDonald's USA, LLC dated December 16, 2022. Any substantial deviation from the development 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 minimum number of parking spaces required shall be reduced to 48 spaces for a 4,558 sf restaurant with two-lane drive through.
3. Adherence to all 2020-CD-RZ-03 Zoning Conditions for the planned mixed-use development is required.



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

**APPLICATION**

<b>City Council</b>
<input type="checkbox"/> Waivers
<input checked="" type="checkbox"/> Variance

**Staff Approval Only**

Modifications

*(Please Type or Print using BLACK INK)*

APPLICANT *	PROPERTY OWNER *
NAME <u>Integrity Engineering &amp; Development Services, Inc.</u>	NAME <u>WREG Harbins Retail, LLC.</u>
ADDRESS <u>3615 Braselton Highway, Suite 201</u>	ADDRESS <u>1958 Monroe Drive NE</u>
CITY <u>Dacula</u>	CITY <u>Atlanta</u>
STATE <u>Georgia</u> ZIP <u>30019</u>	STATE <u>Georgia</u> ZIP <u>30324</u>
PHONE <u>770-601-6879</u> FAX _____	PHONE <u>678-467-8958</u> FAX _____

**APPLICANT IS THE:**

- OWNER'S AGENT
- PROPERTY OWNER

*\* 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 Waylon Hoge, P.E.  
 COMPANY NAME Integrity Engineering & Development Services, Inc.  
 ADDRESS 3615 Braselton Highway, Suite 201  
Dacula, GA 30019  
 PHONE 770-601-6879 FAX \_\_\_\_\_

PRESENT ZONING DISTRICT(S) PMUD LAND LOT(S) 299/300 DISTRICT(S) 5th  
 ADDRESS OF PROPERTY 912 Harbins Road, Dacula, GA 30019 ACREAGE 1.14 AC

Describe your request in detail and state justification/hardship: See Attached

*(Attach additional sheets if necessary)*

HAS THE APPLICANT FILED ANY OTHER APPLICATIONS FOR THIS PROPERTY WITHIN THE PAST 12 MONTHS ?  Yes  No

If Yes, please describe: N/A

*(Attach additional sheets if necessary)*

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

\*\*\* PLEASE ATTACH A "LETTER OF INTENT" EXPLAINING REQUEST and TYPED "LEGAL DESCRIPTION" OF PROPERTY TO BE AFFECTED \*\*\*

**CASE NUMBER:** \_\_\_\_\_



January 18<sup>th</sup> 2023

City of Dacula  
Department of Planning & Development  
442 Harbins Road  
Dacula, Georgia 30019

Attn: Brittini Nix

RE: Letter of Intent  
Parking Variance Request for McDonald's Restaurant  
912 Harbins Road, Dacula, GA 30019

Ms. Nix,

As you are aware, our firm represents the property owner and developer concerning the above-captioned Application for Variance. The Application will be scheduled to be heard and considered by the Board of Appeals on Thursday, April 24<sup>th</sup>, 2023.

McDonald's USA, LLC is currently under contract to ground lease the subject property from WREG Harbins Retail, LLC. The subject property contains 1.14-acres and is an outparcel of the Inland Pass development fronting Harbins Road. The site is accessed by a private driveway on Davis Rock Drive and a private driveway on Harbins Road.

McDonald's USA, LLC intends to develop the property and construct a new 4,588 square foot building and associated parking lot containing 48 parking spaces as shown on the attached site plan. The proposed construction of the new restaurant is planned to begin in 2023 and the build time will be approximately 90 days.

The City of Dacula Zoning Ordinance states that one (1) parking space is required for every 75 s.f. of gross floor area for restaurants or similar establishments serving food or beverages and providing patron use area. With a gross floor area of 4,588 square feet, this results in a total of 62 parking spaces being required

For this location, the projected percentage of drive-thru customers will be 70-75%. Since the majority of McDonald's customers will be using the drive-thru lane instead of the indoor dining area, it can be concluded that the amount of parking needed to support a McDonald's restaurant is less than that needed to support a restaurant of equal gross floor area but no drive-thru.

It is for these reasons that McDonald’s USA, LLC is seeking the following variances from Article 10, Section 1002 (W) of the Zoning Ordinance:

**1. Article 10, Section 1002 (W): Restaurants, night clubs, taverns and similar establishments serving food or beverages and providing patron use area. One (1) space for each 75 square feet of gross floor area.**

Request to decrease the minimum allowed parking by 25%:

- Parking Required: [4,588 s.f.] / [1 space/75 s.f.] ~ 62 spaces
- Parking Spaces Requested:
  - Required Parking = 62 spaces
  - 62 spaces \* 0.25 ~ 15 spaces
  - Total = 62 spaces – 15 spaces = **48 spaces**

The McDonald’s proposed for this location will have a maximum of 14 employees working during peak shifts and 60 seats for dine-in customers. With an average of 2 seats per vehicle and 14 employees per shift, 44 spaces are required to accommodate employees and customers.

The approval of the requested variance will not be injurious to the public health, safety, morals, or general welfare of the community. The community will benefit from the redevelopment of the property by providing jobs, tax revenue, and food services for the City of Dacula. The proposed use for the redevelopment is appropriate for the surrounding businesses and will have a positive affect on neighboring property values.

Please do not hesitate to call me should you or the staff require any further information or documentation prior to the formulation of your analysis and recommendations to the Zoning Board of Appeals.

Sincerely,  
Integrity Engineering & Development Services, Inc.



Waylon Hoge, P.E.  
Principal

CC: Daryl Groet, McDonald’s USA, LLC



## **RECORD DESCRIPTION - PARENT PARCEL**

ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN LAND LOTS 299 AND 300 OF THE 5TH LAND DISTRICT OF GWINNETT COUNTY, GEORGIA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT A 2 1/2 FLAT IRON BAR FOUND ON THE NORTHEASTERLY RIGHT OF WAY OF HARBINS ROAD (HAVING A 60 FOOT RIGHT-OF-WAY AT THIS POINT), SAID POINT BEING 398.11 FEET AS MEASURED ALONG SAID RIGHT-OF-WAY FROM ITS INTERSECTION WITH THE NORTHERLY RIGHT-OF-WAY OF COURTNEY RENE DRIVE (HAVING A 50 FOOT RIGHT-OF-WAY), SAID POINT BEING THE TRUE POINT OF BEGINNING; THENCE ALONG SAID RIGHT-OF-WAY OF HARBINS ROAD THE FOLLOWING SIX (6) COURSES AND DISTANCES: NORTH 29 DEGREES 20 MINUTES 55 SECONDS WEST FOR A DISTANCE OF 193.56 FEET TO A POINT; THENCE NORTH 30 DEGREES 15 MINUTES 32 SECONDS WEST FOR A DISTANCE OF 226.69 FEET TO A POINT; THENCE NORTH 29 DEGREES 39 MINUTES 42 SECONDS WEST FOR A DISTANCE OF 242.61 FEET TO A POINT; THENCE NORTH 30 DEGREES 20 MINUTES 13 SECONDS WEST FOR A DISTANCE OF 170.41 FEET TO A POINT; THENCE NORTH 31 DEGREES 00 MINUTES 16 SECONDS WEST FOR A DISTANCE OF 111.83 FEET TO A 1/2 INCH REBAR FOUND; THENCE NORTH 60 DEGREES 55 MINUTES 43 SECONDS EAST FOR A DISTANCE OF 9.62 FEET TO A 1/2 INCH REBAR FOUND, AT WHICH POINT SAID RIGHT-OF-WAY BECOMES AN 80 FOOT RIGHT-OF-WAY; THENCE CONTINUING ALONG SAID RIGHT-OF-WAY NORTH 31 DEGREES 03 MINUTES 31 SECONDS WEST FOR A DISTANCE OF 502.02 FEET TO A 1/2 INCH REBAR FOUND; THENCE LEAVING SAID RIGHT-OF-WAY NORTH 56 DEGREES 45 MINUTES 20 SECONDS EAST FOR A DISTANCE OF 400.03 FEET TO 1/2 INCH REBAR FOUND; THENCE NORTH 56 DEGREES 45 MINUTES 45 SECONDS EAST FOR A DISTANCE OF 199.83 FEET TO A 1 1/4 INCH CRIMP TOP PIPE FOUND; THENCE NORTH 56 DEGREES 43 MINUTES 15 SECONDS EAST FOR A DISTANCE OF 361.85 FEET TO A 1/2 INCH REBAR FOUND; THENCE NORTH 56 DEGREES 47 MINUTES 41 SECONDS EAST FOR A DISTANCE OF 128.24 FEET TO A 1 INCH SQUARE BAR FOUND; THENCE NORTH 57 DEGREES 32 MINUTES 52 SECONDS EAST FOR A DISTANCE OF 545.99 FEET TO A 1 INCH OPEN TOP PIPE FOUND; THENCE NORTH 57 DEGREES 33 MINUTES 05 SECONDS EAST FOR A DISTANCE OF 247.54 FEET TO A 1/2 INCH REBAR FOUND ON THE SOUTHERLY RIGHT-OF-WAY OF GEORGIA STATE ROUTE 316 (A.K.A. UNIVERSITY PARKWAY, RIGHT-OF-WAY VARIES); THENCE ALONG SAID RIGHT-OF-WAY SOUTH 89 DEGREES 19 MINUTES 16 SECONDS EAST FOR A DISTANCE OF 802.73 FEET TO AN IRON PIN SET AT THE INTERSECTION OF SAID RIGHT-OF-WAY AND THE OLD CENTERLINE OF THE ROADBED FOR WEST DROWNING CREEK ROAD; THENCE LEAVING SAID RIGHT-OF-WAY AND ALONG SAID CENTERLINE THE FOLLOWING FOUR (4) COURSES AND DISTANCES: SOUTH 54 DEGREES 26 MINUTES 00 SECONDS WEST FOR A DISTANCE OF 203.52 FEET TO A POINT; THENCE SOUTH 44 DEGREES 14 MINUTES 48 SECONDS WEST FOR A DISTANCE OF 227.57 FEET TO A POINT; THENCE SOUTH 49 DEGREES 49 MINUTES 16 SECONDS WEST FOR A DISTANCE OF 145.46 FEET TO A POINT; THENCE SOUTH 41 DEGREES 31 MINUTES 59 SECONDS WEST FOR A DISTANCE OF 50.99 FEET TO A POINT AT THE INTERSECTION OF SAID ROADBED AND THE CENTERLINE OF DROWNING CREEK; THENCE LEAVING SAID ROADBED AND ALONG SAID CREEK THE FOLLOWING EIGHTY (80) COURSES AND DISTANCES: SOUTH 35 DEGREES 34 MINUTES 21 SECONDS EAST FOR A DISTANCE OF 17.64 FEET TO A POINT; THENCE SOUTH 21 DEGREES 47 MINUTES 29 SECONDS EAST FOR A DISTANCE OF 15.48 FEET TO A POINT; THENCE SOUTH 19 DEGREES 54 MINUTES 17 SECONDS EAST FOR A DISTANCE OF 38.41 FEET TO A POINT; THENCE SOUTH 12 DEGREES 13 MINUTES 09 SECONDS EAST FOR A DISTANCE OF 22.85 FEET TO A POINT; THENCE SOUTH 12 DEGREES 12 MINUTES 16 SECONDS EAST FOR A DISTANCE OF 22.99 FEET TO A POINT; THENCE SOUTH 28 DEGREES 40 MINUTES 08 SECONDS EAST FOR A DISTANCE OF 39.65 FEET TO A POINT; THENCE SOUTH 35 DEGREES 20 MINUTES 53 SECONDS EAST FOR A DISTANCE OF 22.76 FEET TO A POINT; THENCE SOUTH 32 DEGREES 53 MINUTES 11 SECONDS EAST FOR A DISTANCE OF 28.73 FEET TO A POINT; THENCE SOUTH 17 DEGREES 54 MINUTES 58 SECONDS EAST FOR A DISTANCE OF 14.43 FEET TO A POINT; THENCE SOUTH 26 DEGREES 49 MINUTES 59 SECONDS EAST FOR A DISTANCE OF 9.08 FEET TO A POINT; THENCE SOUTH 70 DEGREES 14 MINUTES 24 SECONDS EAST FOR A DISTANCE OF 9.64 FEET TO A POINT; THENCE SOUTH 65 DEGREES 53 MINUTES 51 SECONDS EAST FOR A DISTANCE OF 19.49 FEET TO A POINT; THENCE NORTH 83 DEGREES 45 MINUTES 09 SECONDS EAST FOR A DISTANCE OF 8.09 FEET TO A POINT; THENCE SOUTH 61 DEGREES 00 MINUTES 35 SECONDS EAST FOR A DISTANCE OF 10.77 FEET TO A POINT; THENCE SOUTH 71 DEGREES 13 MINUTES 31 SECONDS EAST FOR A DISTANCE OF 9.93 FEET TO A POINT; THENCE NORTH 46 DEGREES 02 MINUTES 28 SECONDS EAST FOR A DISTANCE OF 7.05 FEET TO A POINT; THENCE NORTH 67 DEGREES 40 MINUTES 50 SECONDS EAST FOR A DISTANCE OF 11.61 FEET TO A POINT; THENCE NORTH 88 DEGREES 44 MINUTES 22 SECONDS EAST FOR A DISTANCE OF 11.89 FEET TO A POINT; THENCE SOUTH 66 DEGREES 33 MINUTES 52 SECONDS EAST FOR A DISTANCE OF 13.99 FEET TO A POINT; THENCE SOUTH 54 DEGREES 25 MINUTES 06 SECONDS EAST FOR A DISTANCE OF 13.90 FEET TO A POINT; THENCE SOUTH 71 DEGREES 48 MINUTES 04 SECONDS EAST FOR A DISTANCE OF 21.41 FEET TO A POINT; THENCE SOUTH 66 DEGREES 00 MINUTES 11 SECONDS EAST FOR A DISTANCE OF 21.52 FEET TO A POINT; THENCE SOUTH 49 DEGREES 03 MINUTES 33 SECONDS EAST FOR A DISTANCE OF 22.62 FEET TO A POINT; THENCE SOUTH 42 DEGREES 57 MINUTES 55 SECONDS EAST FOR A DISTANCE OF 16.88 FEET TO A POINT; THENCE SOUTH 46 DEGREES 58 MINUTES 18 SECONDS EAST FOR A DISTANCE OF 17.53 FEET TO A POINT; THENCE SOUTH 25 DEGREES 25 MINUTES 45 SECONDS EAST FOR A DISTANCE OF 19.34 FEET TO A POINT; THENCE SOUTH 38 DEGREES 46 MINUTES 09 SECONDS EAST FOR A DISTANCE OF 21.33 FEET TO A POINT; THENCE SOUTH 45 DEGREES 44 MINUTES 05 SECONDS EAST FOR A DISTANCE OF 13.87 FEET TO A POINT; THENCE SOUTH 85 DEGREES 52 MINUTES 41 SECONDS EAST FOR A DISTANCE OF 7.52 FEET TO A POINT; THENCE NORTH 24 DEGREES 27 MINUTES 57 SECONDS EAST FOR A DISTANCE OF 6.11 FEET TO A POINT; THENCE NORTH 50 DEGREES 29 MINUTES 03 SECONDS EAST FOR A DISTANCE OF 4.73 FEET TO A POINT; THENCE SOUTH 84 DEGREES 47 MINUTES 38 SECONDS EAST FOR A DISTANCE OF 3.50 FEET TO A POINT; THENCE

SOUTH 82 DEGREES 45 MINUTES 34 SECONDS EAST FOR A DISTANCE OF 23.42 FEET TO A POINT; THENCE SOUTH 73 DEGREES 30 MINUTES 30 SECONDS EAST FOR A DISTANCE OF 21.37 FEET TO A POINT; THENCE SOUTH 70 DEGREES 19 MINUTES 38 SECONDS EAST FOR A DISTANCE OF 5.64 FEET TO A POINT; THENCE SOUTH 59 DEGREES 48 MINUTES 49 SECONDS EAST FOR A DISTANCE OF 21.68 FEET TO A POINT; THENCE SOUTH 39 DEGREES 29 MINUTES 49 SECONDS EAST FOR A DISTANCE OF 18.27 FEET TO A POINT; THENCE SOUTH 38 DEGREES 00 MINUTES 22 SECONDS EAST FOR A DISTANCE OF 15.66 FEET TO A POINT; THENCE SOUTH 55 DEGREES 34 MINUTES 42 SECONDS EAST FOR A DISTANCE OF 12.96 FEET TO A POINT; THENCE NORTH 66 DEGREES 19 MINUTES 29 SECONDS EAST FOR A DISTANCE OF 11.51 FEET TO A POINT; THENCE NORTH 81 DEGREES 02 MINUTES 43 SECONDS EAST FOR A DISTANCE OF 9.72 FEET TO A POINT; THENCE NORTH 48 DEGREES 36 MINUTES 05 SECONDS EAST FOR A DISTANCE OF 7.11 FEET TO A POINT; THENCE SOUTH 69 DEGREES 56 MINUTES 26 SECONDS EAST FOR A DISTANCE OF 5.75 FEET TO A POINT; THENCE SOUTH 82 DEGREES 25 MINUTES 07 SECONDS EAST FOR A DISTANCE OF 24.56 FEET TO A POINT; THENCE SOUTH 74 DEGREES 30 MINUTES 45 SECONDS EAST FOR A DISTANCE OF 19.21 FEET TO A POINT; THENCE SOUTH 84 DEGREES 04 MINUTES 42 SECONDS EAST FOR A DISTANCE OF 13.89 FEET TO A POINT; THENCE SOUTH 60 DEGREES 23 MINUTES 49 SECONDS EAST FOR A DISTANCE OF 15.43 FEET TO A POINT; THENCE SOUTH 67 DEGREES 48 MINUTES 39 SECONDS EAST FOR A DISTANCE OF 29.00 FEET TO A POINT; THENCE SOUTH 54 DEGREES 07 MINUTES 22 SECONDS EAST FOR A DISTANCE OF 28.26 FEET TO A POINT; THENCE SOUTH 71 DEGREES 56 MINUTES 28 SECONDS EAST FOR A DISTANCE OF 26.97 FEET TO A POINT; THENCE SOUTH 68 DEGREES 50 MINUTES 37 SECONDS EAST FOR A DISTANCE OF 10.37 FEET TO A POINT; THENCE SOUTH 44 DEGREES 29 MINUTES 40 SECONDS EAST FOR A DISTANCE OF 12.47 FEET TO A POINT; THENCE SOUTH 18 DEGREES 59 MINUTES 40 SECONDS WEST FOR A DISTANCE OF 9.97 FEET TO A POINT; THENCE SOUTH 53 DEGREES 02 MINUTES 37 SECONDS WEST FOR A DISTANCE OF 11.39 FEET TO A POINT; THENCE SOUTH 59 DEGREES 41 MINUTES 53 SECONDS WEST FOR A DISTANCE OF 6.66 FEET TO A POINT; THENCE SOUTH 26 DEGREES 15 MINUTES 24 SECONDS WEST FOR A DISTANCE OF 5.51 FEET TO A POINT; THENCE SOUTH 04 DEGREES 07 MINUTES 07 SECONDS WEST FOR A DISTANCE OF 15.87 FEET TO A POINT; THENCE SOUTH 14 DEGREES 25 MINUTES 49 SECONDS EAST FOR A DISTANCE OF 11.11 FEET TO A POINT; THENCE SOUTH 44 DEGREES 45 MINUTES 17 SECONDS EAST FOR A DISTANCE OF 8.96 FEET TO A POINT; THENCE SOUTH 71 DEGREES 47 MINUTES 38 SECONDS EAST FOR A DISTANCE OF 10.39 FEET TO A POINT; THENCE NORTH 84 DEGREES 28 MINUTES 56 SECONDS EAST FOR A DISTANCE OF 11.12 FEET TO A POINT; THENCE SOUTH 52 DEGREES 43 MINUTES 12 SECONDS EAST FOR A DISTANCE OF 10.61 FEET TO A POINT; THENCE SOUTH 35 DEGREES 04 MINUTES 35 SECONDS EAST FOR A DISTANCE OF 30.50 FEET TO A POINT; THENCE SOUTH 38 DEGREES 27 MINUTES 34 SECONDS EAST FOR A DISTANCE OF 21.18 FEET TO A POINT; THENCE SOUTH 27 DEGREES 36 MINUTES 49 SECONDS EAST FOR A DISTANCE OF 13.78 FEET TO A POINT; THENCE SOUTH 49 DEGREES 27 MINUTES 24 SECONDS EAST FOR A DISTANCE OF 9.16 FEET TO A POINT; THENCE SOUTH 68 DEGREES 12 MINUTES 59 SECONDS EAST FOR A DISTANCE OF 12.82 FEET TO A POINT; THENCE SOUTH 78 DEGREES 43 MINUTES 36 SECONDS EAST FOR A DISTANCE OF 11.70 FEET TO A POINT; THENCE NORTH 80 DEGREES 14 MINUTES 57 SECONDS EAST FOR A DISTANCE OF 13.11 FEET TO A POINT; THENCE SOUTH 76 DEGREES 44 MINUTES 50 SECONDS EAST FOR A DISTANCE OF 12.36 FEET TO A POINT; THENCE SOUTH 46 DEGREES 07 MINUTES 24 SECONDS EAST FOR A DISTANCE OF 12.58 FEET TO A POINT; THENCE SOUTH 33 DEGREES 20 MINUTES 40 SECONDS EAST FOR A DISTANCE OF 30.40 FEET TO A POINT; THENCE SOUTH 30 DEGREES 24 MINUTES 21 SECONDS EAST FOR A DISTANCE OF 9.80 FEET TO A POINT; THENCE NORTH 88 DEGREES 55 MINUTES 41 SECONDS EAST FOR A DISTANCE OF 9.18 FEET TO A POINT; THENCE NORTH 72 DEGREES 44 MINUTES 34 SECONDS EAST FOR A DISTANCE OF 14.09 FEET TO A POINT; THENCE NORTH 76 DEGREES 52 MINUTES 54 SECONDS EAST FOR A DISTANCE OF 19.11 FEET TO A POINT; THENCE SOUTH 61 DEGREES 22 MINUTES 50 SECONDS EAST FOR A DISTANCE OF 14.47 FEET TO A POINT; THENCE SOUTH 44 DEGREES 05 MINUTES 48 SECONDS EAST FOR A DISTANCE OF 22.45 FEET TO A POINT; THENCE SOUTH 32 DEGREES 47 MINUTES 36 SECONDS EAST FOR A DISTANCE OF 10.56 FEET TO A POINT; THENCE SOUTH 16 DEGREES 57 MINUTES 20 SECONDS EAST FOR A DISTANCE OF 10.19 FEET TO A POINT; THENCE LEAVING SAID CREEK SOUTH 59 DEGREES 15 MINUTES 51 SECONDS WEST FOR A DISTANCE OF 453.73 FEET TO A 1/4 INCH REBAR FOUND; THENCE SOUTH 59 DEGREES 10 MINUTES 21 SECONDS WEST FOR A DISTANCE OF 423.25 FEET TO A 1/4 INCH REBAR FOUND; THENCE SOUTH 58 DEGREES 05 MINUTES 00 SECONDS WEST FOR A DISTANCE OF 25.81 FEET TO A 1 INCH STEEL ROD FOUND; THENCE SOUTH 59 DEGREES 37 MINUTES 59 SECONDS WEST FOR A DISTANCE OF 94.12 FEET TO A 1/4 INCH REBAR FOUND; THENCE SOUTH 59 DEGREES 18 MINUTES 21 SECONDS WEST FOR A DISTANCE OF 1369.86 FEET TO A 2 1/2 INCH FLAT IRON BAR FOUND ON THE NORTHEASTERLY RIGHT-OF-WAY OF HARBINS ROAD, SAID POINT BEING THE TRUE POINT OF BEGINNING.

**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.

*[Handwritten Signature]*

3/10/23

Signature of Applicant

Date

WAYLON HOGE, INTEGRITY ENGINEERING & DEVELOPMENT SERVICES, INC. - President

Type or Print Name/Title

3.10.23

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 (12) months from the date of last action unless waived by the City.

WREG HARBINS RETAIL, LLC, a Georgia limited liability company

By: Watkins Real Estate Group, Inc., a Georgia corporation, its Manager

3/1/2023

Date

By: *[Handwritten Signature]*  
James G. Levy, President

*[Handwritten Signature]*  
Notary Public

Angela M Macnaughton  
NOTARY PUBLIC  
Cobb County, GEORGIA

3/1/2023  
Date

My Commission Expires 01/04/2025

**FOR ADMINISTRATIVE USE ONLY**

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

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

**FOR ADMINISTRATIVE USE ONLY**

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

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

STIPULATIONS \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_



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.

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 or Zoning Board of Appeals.

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)*

ADJOINING PROPERTY OWNER(S)  
RECORD NOTIFICATION

DATE: 1/17/2023

TO: WREG Harbins Retail, LLC.  
(Sent by First Class Mail and Certified Mail - Return Receipt Requested)

FROM: Integrity Engineering & Development Services, Inc.

RE: Proposed Variance Case # \_\_\_\_\_

Property Location: 5th District, Land Lot 299/300 Parcel 5299 284

LOCATION/ADDRESS 912 Harbins Road, Dacula, GA 30019

---

You are hereby notified that an application for variance \_\_\_\_\_

\_\_\_\_\_ to \_\_\_\_\_ has been submitted to the City of

Dacula.

The proposed variance is contiguous to your property.

The CITY COUNCIL Public Hearing/Meeting will be held at the Dacula City Hall, 442 Harbins Rd., Dacula,

Georgia on \_\_\_\_\_ at \_\_\_\_\_ in the Council Chambers.  
(date)

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

Thank you.

## **REZONING CASE: 2020-CD-RZ-03**

**Owner: IMCC Harbins, LLC c/o Inland Mortgage Capital, LLC**

**Applicant: WWP Acquisition, LLC c/o Andersen, Tate & Carr, P.C.**

### **APPROVED CONDITIONS OF ZONING– July 1, 2021**

#### **Condition Set #1**

Resulting from regional review (DRI) by the Atlanta Regional Commission (ARC) & the Georgia Regional Transportation Authority (GRTA)

#### **Attachment A - GRTA General Conditions**

##### **Pedestrian, Bicycle, and Transit Facilities**

- 1) Provide pedestrian connectivity between all buildings and uses.
- 2) Install sidewalks along the entire property frontage of Harbins Road.

##### **Harbins Road at W Drowning Creek Road**

- 3) Install a traffic signal, if and when warranted, per Gwinnett County Department of Transportation standards and approval.
- 4) Install a southbound left turn lane.
- 5) Install a northbound right turn deceleration lane.
- 6) Install a northbound left turn lane.

#### **Attachment B - Required Elements of the DRI Plan of Development: Conditions Related to Altering Site Plan after GRTA Notice of Decision**

The on-site development will be constructed materially (substantially) in accordance with the Site Plan. Changes to the Site Plan will not require re-review from GRTA so long as the following GRTA conditions are included as part of any changes:

- 7) All “Proposed Conditions to GRTA Notice of Decision” set forth in Attachment A are provided.

### **Attachment C – Required Improvements to Serve the DRI**

Pursuant to Section 1-201.R. of the *Procedures and Principles for GRTA Development of Regional Impact Review*, a “Required Improvement means a land transportation service [def. in Section 1-201.N] or access [def. in Section 1-201.A.] improvement which is necessary in order to provide a safe and efficient level of service to residents, employees and visitors of a proposed DRI.”

The Required Improvements in the study network were identified in the Review Package as necessary to bring the level of service up to an applicable standard before the build-out of the proposed project. These requirements are identified in Sections 1 and 2 of this Attachment. Section 1 contains improvements that do not require GRTA approval at this time because they are to be constructed prior to the completion of the DRI Plan of Development. However, GRTA approval shall be required in the event state and/or federal funds are proposed at a later date to be used for any portion of the improvements described in Section 1. Section 2 contains improvements that require GRTA approval prior to the expenditure of state and/or federal funding. Subject to the conditions set forth in Attachment A and Attachment B, GRTA approves the expenditure of state/and or federal funding for the improvements contained in Section 2.

#### ***Section 1:***

##### ***General Conditions of Approval to GRTA Notice of Decision:***

###### Pedestrian, Bicycle and Transit Facilities

- 8) Provide pedestrian connectivity between all buildings and uses.
- 9) Install sidewalks along the entire property frontage of Harbins Road.

##### ***Roadway Improvement Conditions to GRTA Notice of Decision:***

###### Harbins Road at W Drowning Creek Road

- 10) Install a traffic signal, if and when warranted per Gwinnett County Department of Transportation standards and approval.
- 11) Install a southbound left turn lane.
- 12) Install a northbound right turn deceleration lane.
- 13) Install a northbound left turn lane.

***Section 2:***Pedestrian, Bicycle and Transit Facilities

- 14) Include pedestrian connections from the proposed apartment and senior living tracts to the proposed community park on the eastern portion of the project.
- 15) Include pedestrian connections from the proposed apartment tract to the proposed retail/grocer and shops tract.

Harbins Road at W Drowning Creek Road

- 16) Install an eastbound left turn lane.
- 17) Install a southbound right turn deceleration lane.

Harbins Road at New Hope Road

- 18) Monitor traffic conditions and identify needed improvements, as necessary.

## 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 plan prepared by Doulgerakis Consulting Engineers, Inc entitled Inland Pass: A Planned Mixed-Use Development revised on June 17, 2021. 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.
- 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
7. Japanese Zelkova

- 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 insure 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.

### Signage and Advertising

- 23) 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.
- 24) 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, multifamily 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.

### **Condition Set #3**

Approved Conditions of requested variances, variations, and waivers to City ordinances and regulations.

- 1) The maximum number of multi-family units shall not exceed 320.