



# Mayor and City Council Regular Meeting

Thursday, June 01, 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:**

### **PUBLIC SERVICE DEDICATION:**

1. Mr. Mike Moon

### **CONSENT AGENDA:**

2. Approval of the Minutes from the Regular Meeting on May 4, 2023
3. Refund authorization request

### **OLD BUSINESS:**

### **NEW BUSINESS:**

4. **PUBLIC HEARING:** Ordinance to amend Article XII of the Zoning Resolution
5. Ordinance to amend Article XII of the Zoning Resolution

### **STAFF COMMENTS:**

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

### **PUBLIC COMMENTS:**

### **EXECUTIVE SESSION: Personnel matters**

### **ADJOURNMENT:**

**A RESOLUTION  
OF THE MAYOR AND CITY COUNCIL OF THE CITY OF DACULA  
FOR PUBLIC SERVICE MEMORIAL AWARD TO MIKE MOON**

WHEREAS, the City of Dacula’s Public Service Memorial Award is intended to recognize outstanding service to the City and its citizens; and

WHEREAS, Mike Moon, served the City faithfully and diligently in a variety of elected and appointed positions throughout his adult life. Mike moved to the City in 1974 where he lived and raised his family. Mike served on a committee to revitalize the downtown area. He used his knowledge and skills to oversee a downtown beautification project that included clean-up, rebricking of existing buildings, construction of a gazebo on 2<sup>nd</sup> Avenue, sidewalks and park areas, and the planting of trees and flowers. Mike was also instrumental in creating Maple Creek Park. In 1993, he was elected Mayor of the City of Dacula and served in that office from 1994 to 1997. Mike was later elected to the City Council and served as a Council member from 2000 to 2004. When his term expired, Mike was “promoted” from elected official to City employee. He supervised the Maintenance Department from 2004 until his retirement in 2015. Mike also served on the original committee that organized the Dacula Memorial Day Parade and regularly drove his green Model A in the Parade. Mike’s service to the City in his various roles, whether as a volunteer, elected official and employee, was exemplary.

NOW THEREFORE, THE MAYOR AND COUNCIL OF THE CITY OF DACULA, hereby resolves and ordains that the first Public Service Memorial Award is hereby granted to the family of Mike Moon in recognition of his outstanding service to the City.

SO RESOLVED, this 1<sup>st</sup> day of June, 2023 by the Governing Authority of the City of Dacula.

AYES: \_\_\_\_

NAYES: \_\_\_\_

\_\_\_\_\_  
Hugh D. King, III, Mayor  
City of Dacula

\_\_\_\_\_  
Brittini Nix  
City Administrator

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

**COUNCIL MEETING**  
**MINUTES**  
May 4, 2023

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

Mayor Trey King called the May 4, 2023 Council Meeting to order at 7:00 p.m. and a roll call of the members was taken. A quorum was present. He welcomed everyone to the meeting.

**Council Members Present:**

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

**City Staff Present:**

Brittini Nix, City Administrator  
Jack Wilson, City Attorney  
Courtney Mahady, Administrative Clerk  
Dana Stump, Administrative Assistant for Planning & Zoning  
Amy Morris, Accounts Payable  
Renee Cooke, Front Desk Clerk  
Alethia Hyman, City Tax Clerk  
Amy White, City Marshal

**II. INVOCATION:**

Pastor Mark Chandler gave invocation.

**III. PLEDGE OF ALLEGIANCE:**

Mayor King led the Pledge of Allegiance.

**IV. CONSENT AGENDA:**

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

Councilman Williams motioned to approve the consent agenda. Councilman Spain seconded. Motion passed unanimously.

**V. OLD BUSINESS:**

5. Adopt Travel & Expense Policy

Councilman Haynes, Jr. motioned to adopt the Travel & Expense policy. Councilman Spain seconded. Motion passed unanimously.

**VI. NEW BUSINESS:**

6. Resolution to appoint 2023 Elections Superintendent & Absentee Ballot Clerk and one assistant

Councilman Haynes, Jr. motioned to approve the resolution to appoint Courtney Mahady as Elections Superintendent & Absentee Ballot Clerk with Renee Cooke as an Assistant Elections Superintendent and Assistant Absentee Ballot Clerk Councilwoman Mitchell seconded. Motion passed unanimously.

City Attorney, Jack Wilson, then administered the oaths to Ms. Mahady and Ms. Cooke.

**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.

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

Brittini Nix, City Administrator, presented the staff case report for the change of conditions application. 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. Ms. Nix stated staff recommended approval with conditions.

*Questions/comments*

Councilmember Haynes, Jr. inquired about who is responsible for maintaining the landscape strip.

Ms. Nix stated that the property owner is responsible.

Applicant representative, Dr. Kallu, 1030 Duluth Hwy, Lawrenceville, Georgia 30043, stated that behind the retaining wall is some unsightly vegetation in the buffer area they would like to make more presentable to the patients as well as the surrounding homeowners.

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

**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.

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

1. The property shall be developed in accordance with the site plan prepared by Foresite Group dated May 23, 2022. Any substantial deviation from the approved 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. Encroachment for one (1) perpendicular sewer line shall be permitted subject to review and approval.
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.

- 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.

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

Brittini Nix, City Administrator, presented the staff case report for the special use permit application. The applicant has requested a special use permit to allow an interior access 4-story self-storage facility with watchman's quarters. Ms. Nix stated staff recommended approval with conditions, revising existing condition #1 and condition #24 and adding a 4<sup>th</sup> set of zoning conditions to address the special use.

Applicant representative, Robbie Swan, 2206 Drew Valley Rd NE, Atlanta, Georgia 30319, stated that proposed area is not as visible from Harbins Rd. and as they were planning the use for the space, they concluded that there is not much demand for office space. Mr. Swan stated that a self-storage facility would be a great convenient amenity for future renters of the apartments and senior living area.

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

- 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.

*Question*

Councilwoman Mitchell inquired if you would see the full elevation of the 4 stories or would a portion of the elevation be under ground.

Mr. Swan stated that the full elevation would be above ground level.

Councilwoman Mitchell motioned to approve with staff recommended conditions [see attachment]. Councilman Haynes, Jr. seconded. Vote was 3-0; Councilman Williams abstained from voting.

**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.

Councilwoman Mitchell motioned to open the public hearing. Councilman Haynes, Jr. seconded. Motion passed unanimously.

Brittini Nix, City Administrator, presented the staff case report for the variance application. The applicant requests a variance to reduce the front yard setback and allow encroachment within the landscape strip. Ms. Nix stated staff recommended approval with conditions.

*Question*

Councilmember Haynes, Jr. inquired if the vacant structure would be demolished.

Applicant representative, Matt Meo, 4272 Gold View Trace, Suwanee, Georgia 30024, stated that the requested variances are to accommodate the right-of-way acquisitions by GDOT and the relocation of Fence Road. Mr. Meo stated that are anticipating relocating the current QuikTrip along Winder Hwy with the new access points off Winder Hwy and Fence Road. The access point off Winder Hwy would be restricted so that vehicles could not make a left turn out, which will help with some of the current traffic issues. Mr. Meo included that the vacant Waffle House would be demolished to accommodate the new QuikTrip location.

Councilman Spain motioned to close the public hearing. Councilman Williams seconded. Motion passed unanimously.

**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.

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

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 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. Nuttall 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.

**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.

Councilwoman Mitchell motioned to open the public hearing. Councilman Haynes, Jr. seconded. Motion passed unanimously.

Brittni Nix, City Administrator, presented the staff case report for the variance application. The applicant has requested a variance to reduce the number of parking spaces by 25% and proposes 48 parking spaces on-site. Ms. Nix stated staff recommend approval with conditions.

Applicant representative, Waylon Hodges, 3615 Braselton Hwy, Dacula, Georgia 30019, stated that the business model for McDonald's has changed over the recent years to be predominately drive-thru with a lot less customers dining in. Mr. Hodges presented a few McDonald's locations in the surrounding area that have two drive-through lanes but with less parking spaces than the City of Dacula requires.

*Comment in favor*

Robbie Swan, 2206 Drew Valley Rd NE, Atlanta, Georgia 30319, stated as one of the property owner representatives, that the operations department for Publix (adjacent user) is comfortable with the amount of spaces that the applicant is requesting.

Councilman Williams motioned to close the public hearing. Councilman Spain seconded. Motion passed unanimously.

**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.

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

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.

**VII. STAFF COMMENTS:**

*None*

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

Councilman Williams thanked the city staff for their continued hard work while currently being short staffed.

Councilwoman Mitchell stated for Georgia Cities Week, some the Dacula Elementary students colored the pictures that hang on the Council bench. Councilwoman Mitchell and City Administrator, Ms. Nix, had the opportunity to speak to the third and fourth graders at Dacula Elementary School about local government and the students were very engaged.

**IX. PUBLIC COMMENTS:**

Gary Fox, 2643 Auburn Avenue, Dacula, Georgia 30019, expressed his concern for vehicles speeding and excessive traffic along Auburn Avenue.

Waylon Hodges, 3615 Braselton Hwy, Dacula, Georgia 30019, thanked Brittini Nix for her hard work.

**X. EXECUTIVE SESSION: Personnel matters**

Councilman Spain motioned to exit regular session and enter into executive session. Councilman Haynes, Jr. seconded. Motion passed unanimously. Regular session adjourned and executive session began for the purposes of personnel matters at 7:56 p.m.

Councilman Spain motioned to exit executive session and reconvene regular session. Councilman Haynes, Jr. seconded. Motion passed unanimously. Regular session reconvened at 8:19 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.

Mayor King then called for a motion to amend the agenda to add Hiring New Employees.

Councilman Spain motioned to amend the agenda to add hiring new employees. Councilman Haynes, Jr. seconded. Motion passed unanimously.

**XI. APPROVAL TO HIRE NEW EMPLOYEES**

Mayor King called for motion to hire the following individuals:

- Amy Morris, as Director of Human Resources and Business Services at an annual salary of \$75,000 with benefits effective immediately, subject to terms of a written agreement.
- Stephen Mayer, as Director of Finance at an annual salary of \$82,000 with benefits. Mr. Mayer’s anticipated start date is May 22, 2023.
- Harrison Taylor, as City Planner at \$24.04/hour with benefits. Mr. Taylor’s anticipated start date is July 3, 2023.

Councilman Haynes, Jr. motioned to approve hiring the listed individuals. Councilman Williams seconded. Motion passed unanimously.

**XII. ADJOURNMENT:**

Councilwoman Mitchell motioned to adjourn. Councilman Williams seconded. Motion passed unanimously. Meeting adjourned at 8:21 p.m.

*Minutes approved*

\_\_\_\_\_

*Date*

\_\_\_\_\_

*Signature*

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

### **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 May 4, 2023 – Meeting Minutes  
Attachment for 2023-CD-SUP-02

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: A Planned Mixed-Use Development dated 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.
- 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. 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, multifamily 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-foot 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.



# memo

To: Mayor and City Council of Dacula  
 From: Alethia Hyman, Tax Clerk  
 Date: June 1, 2023  
 Re: Refund Authorization Request – Overpayment of Property Taxes

During the month of April, there were 7 requests for refunds totaling \$5,993.52

Seven 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, and one is the result of an overpayment of commercial sanitation provided by the City of Dacula.

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

Spectrum SE / Charter	0.07	Various Locations	Overpayment of property taxes
Lewis Holdings LLC/ Good Landing Recovery	645.00	2539 Second Ave	Paid prorated rate for sanitation in 2022; also paid full sanitation fee with taxes. Sanitation is billed in arrears
Mariqukes Dixon	39.76	2521 Melton Commons	Escrow overpaid property taxes
QuikTrip Corporation	793.37	1750 Winder Hwy	MCR Reassessment 4/1/23 to 4/30/23
TS Dacula LLC	2,872.07	720 Dacula Rd	MCR Reassessment 4/1/23 to 4/30/23
JHJ 832 Dacula Rd LLC	630.54	832 Dacula Rd	MCR Reassessment 4/1/23 to 4/30/23
I.L. DVM – Scottsdale LLC	339.88	2590 Winder Hwy	MCR Reassessment 4/1/23 to 4/30/23
EVAA LLC	201.08	335 Dacula Rd	MCR Reassessment 4/1/23 to 4/30/23
EVAA LLC	279.51	355 Dacula Rd	MCR Reassessment 4/1/23 to 4/30/23
Donald Lankford	192.24	2841 Mobley Dr	MCR Reassessment 4/1/23 to 4/30/23
<b>Total</b>	<b>\$5,993.52</b>		

**TO:** City of Dacula City Council and Mayor,  
Planning Commission and Members

**FROM:** Brittni Nix, City Administrator  
Jack Wilson, City Attorney

**DATE:** May 25, 2023

**SUBJECT:** Amendment to Sign Ordinance

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Mayor and Members of City Council, and Planning Commission Members:

Staff has proposed an Amendment to the Sign Ordinance to allow minor variations to be handled administratively. This practice allows for efficient use of City resources including staff time and meeting time for appointed boards and elected officials. More significant variances would be routed through the public hearing process. The proposed amendment also updates the application fee. Staff recommends that the Amendment allowing administrative variances be approved in the form provided to you.

If you have any questions or need any additional information, please let us know.

Thank you.

**AN ORDINANCE**

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

WHEREAS, the City has adopted and maintained a comprehensive Zoning Ordinance including provisions related to signs; and

WHEREAS, changes in development patterns, proposed land uses, infrastructure and other matters warrant reviewing and updating portions of the Zoning Resolution; and

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

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

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

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

**SECTION 1.**

The following amendments are approved and adopted:

Subsection 1225(B) is amended to change the heading and to add the following Subsection 8 listed herein so that the new Subsection 8 provides as follows:

Section 1225. Variances, Review And Appeal

(B) Variances

- 8. An Administrative Variance of less than five (5) feet in height or ten (10) percent of the advertisement area of the sign may be processed administratively at the discretion of the City Administrator.

Subsection 1228 is amended to delete the existing subsection and substitute the following in its place:

Section 1228. Penalty.

Any person violating any provision of this Article XII shall be guilty of a misdemeanor and, upon conviction, shall be fined not less than \$300.00 and not more than \$1,000.00 per offense. Each day a violation continues shall constitute a separate offense.

SECTION 2

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

SECTION 3

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

SECTION 4

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

SECTION 5

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

SO ORDAINED by the governing authority of the City of Dacula, this \_\_\_\_\_ day of June, 2023.

AYES: \_\_\_\_

NAYES: \_\_\_\_

ATTEST:

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

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

Section 1225. ~~Mayor and City Council: Powers and Duties Enumerated.~~ Variances, Review, and Appeal

The Mayor and City Council shall have the following powers and duties:

- A. *Administrative review.* To hear and decide whether there is an error in any order, requirement, decision or determination made by the City Administrator in the enforcement of this Article.
- B. *Variances.* To authorize upon appeal in specific cases such variance from the terms of this Article as will not be contrary to the public interest, when due to special conditions a literal enforcement of the provisions of this Article will, in an individual case, result in unusual hardship, so the spirit of this Article shall be observed, public safety and welfare secured, and substantial justice done. The mere existence of a nonconforming sign or advertising device shall not constitute a valid reason to grant a variance. A variance may be granted in an individual case of unusual hardship upon a finding by the Mayor and City Council that the following conditions exist:
  - 1. There exist extraordinary and exceptional conditions pertaining to the property in question resulting from its size, shape, or topography which are not applicable to other lands or structures in the area.
  - 2. A literal interpretation of the provisions of this Article would deprive the applicant of rights commonly enjoyed by other similar properties.
  - 3. Granting the variance requested will not confer upon the property of the applicant any significant privileges which are denied to other similar properties.
  - 4. The requested variance will be in harmony with the purpose and intent of this Article and will not be injurious to the neighborhood or to the general welfare.
  - 5. The special circumstances are not the result of actions of the applicant.
  - 6. The variance requested is the minimum variance which will make possible the logical use of the land, building or structure.
  - ~~7.~~ 7-8. An Administrative Variance of less than five (5) feet in height or ten (10) percent of the advisement area of the sign may be processed administratively at the discretion of the City Administrator.
- C. *Appeal.* Any applicant aggrieved by the decision of the Mayor and Council in their review of decisions by the Mayor and City Council shall seek judicial review by filing for a writ of certiorari in the Superior Court of Gwinnett County within 30 days of the decision of Mayor and Council.
- D. *Petitions for variance.* All petitions for review of variance requests shall be in written form and filed with the office of the City Administrator. The Mayor and City Council shall hear all such petitions within thirty (30) days of receipt by the office of the City Administrator and shall act upon all such petitions within fifteen (15) days of the hearing.

Section 1225. Mayor and City Council: Powers and Duties Enumerated. (Continued)

- E. *Off-Premises advertising or off-premises directional signs.* The Mayor and City Council will approve and/or disapprove all requests for off-premises signs. The permittee will submit with each request for an off-premises sign the following information:
1. The street address of the property on which the sign will be located and the zoning district in which such property is located.
  2. A plat of the property on which the sign will be located which shows where thereon the sign will be located and the distance from the property lines and the paved street.
  3. A design of the sign which shows the height of the sign, the area of the face of the sign, the color scheme of the sign, and the structural supports of the sign.
  4. A statement stating that all of the requirements of the zoning district in which the sign will be located have been complied with.
  5. A copy of the lease or other document from the owner of the sign which authorized the erection thereof.
  6. The cost of the sign and/or estimated cost if such is not known at the time the permit is requested which will be changed to actual cost as soon as such is known.
  7. No action will be taken on the erection of the sign by the owner of the property, the lessee, the sign owner, and/or any of their contractors, agents, or employees until the sign has been approved by the Mayor and City Council.
- F. *Variations as to size and message.* The Mayor and City Council shall have the power to grant any variance as to the maximum size and message of signs.

Section 1226. Suspension, Revocation of Permit, License.

Violation of any provision of this Article will be grounds for terminating the permit granted by the City to the owner and/or the license of the person or entity erecting the sign. No permit and/or license shall be suspended, revoked or canceled except for due cause as hereinafter defined, and the permittee and/or licensee is granted a public hearing before the Mayor and City Council. The permittee and/or licensee will be given ten (10) days written notice of the time, place and purpose of the hearing, with a statement of the reason for the suspension, revocation or canceling of such permit and/or license. A Due cause is the willful and/or continued violation of the provisions of this Article. The termination of the permit and/or license does not in any way preclude the person or persons alleged to have violated the provisions of this Article from being tried under Section 3-1-28 of this Article, or preclude the City from taking any other action authorized by this Code, and/or any action authorized by law.

Section 1227. Enforcement.

This Article shall be administered and enforced by the City Administrator or her/his designee.

Section 1228. Penalty.

Any person violating any provision of this Article shall be guilty of a misdemeanor and, upon conviction, shall be fined not less than \$300.00 ~~fifty dollars (\$50.00)~~ and not more than \$1,000.00 ~~per one hundred fifty (\$150.00) for each~~ offense. Each day such violation continues shall constitute a separate offense.

Section 1229. Additional Enforcement Options.

In case any sign, advertising device, or other device covered by this Article is or is proposed to be erected, constructed, altered, converted, or used in violation of any provision of this Article, the City Administrator may, in addition to other remedies, and after due notice to the appropriate person, issue a citation for violation of the city code requiring the presence of the violator in the municipal court; institute injunction, or other appropriate action or proceeding to prevent such unlawful erection, construction, alteration, conversion, or use to correct or abate such violation.