



Mayor and City Council Worksession

Thursday, October 03, 2024 at 6:00 PM

Dacula City Hall, Council Chambers

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

Agenda

CALL TO ORDER AND ROLL CALL OF MEMBERS:

OLD BUSINESS:

NEW BUSINESS:

- [1.](#) Gateway signage discussion
- [2.](#) Rezoning Application: 2024-CD-RZ-02
- [3.](#) Ordinance to amend Chapter 3 - Municipal Court
- [4.](#) Ordinance to amend Chapter 4 - Alcoholic Beverages
- [5.](#) Ordinance to add Chapter 12, Article XX - Free Standing Convenience Stores and Free Standing Gas Stations

MARSHAL UPDATE:

CITY ADMINISTRATOR UPDATE:

MEMBER COMMENT(S) / QUESTION(S):

ADJOURNMENT:



MEMO

TO: Mayor and City Council of the City of Dacula
FROM: Brittni Nix, City Administrator
DATE: September 27, 2024
SUBJECT: Gateway signage discussion

Mike Reedy with Southeastern Signs, Inc. will be presenting gateway signage designs consistent with the City branding standards for discussion purposes and feedback. Gateways typically consist of signage and landscaping along major roadways that demarcate entrance into the City and provide a welcoming to feel to those entering.

Monies are available for gateway signage using the Wilbanks Endowment Fund.



Memorandum

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

From: Hayes Taylor, City Planner

Date: September 30, 2024

Subject: 2024-CD-RZ-02

Proposed Zoning: C-1 (Neighborhood Commercial District)

Existing Zoning: C-2 (General Business District)

Size: 2.108 acres

Proposed Use: Fitness Club

Applicant: Key Growth Capital, LLC c/o Powell & Edwards, LLP
PO Box 1390
Lawrenceville, Georgia 30046

Owner: Core City Developers, LLC
1230 Peachtree Street NE, Suite 800
Atlanta, Georgia 30309

Location: LL 299 - 5th District

Existing Land Use and Zoning:

The subject property totals 2.108 acres and is currently vacant. Adjacent to the northwest is an approved carwash. Adjacent to the northeast, east and south is the Brands Ridge subdivision, zoned R100-Single Family Residence (County). The subject property is less than 300 feet south of the Harbins 316 Planned Mixed-Use Development, which contains a variety of uses including an existing gas station, fast food, and a retail center. The master development also includes multi-family residential, and senior living, which are under development. The property is currently zoned C-1 pursuant to Case No. 2007-CD-RZ-06 and the City of Dacula Zoning Map.

The Proposed Development:

The Applicant has requested to rezone 2.108 acres from C-1 (Neighborhood Commercial District) to C-2 (General Business District) to allow for a fitness club. The submitted site plan shows one (1) 20,400 square foot building, and 100 parking spaces, which meets the City's minimum parking requirements. Application materials also show automotive access from a deceleration lane on Harbins Rd onto a joint private drive between the carwash and the proposed fitness club, and a pedestrian walkway that connects the fitness club to the

approved multifamily development. The proposed landscape buffers screen the subject parcel from the adjacent residences, zoned R100-Single Family Residence (County).

The approved conditions per zoning case 2007-CD-RZ-06, require a 25-foot landscape buffer to protect adjacent residential uses. The submitted concept plan shows a 25-foot enhanced landscape buffer within the rear 50-foot building setback. The addition of the enhanced landscape strip to the existing chain link fence is intended to provide additional visual screening for abutting residential properties.

The 2050 Comprehensive Plan designates the parcel and the surrounding area as part of the Emerging Commercial character area. The character area has set precedent for commercial uses, including a Publix-shopping center, an approved car wash, two (2) fast food restaurants, and a gas station. The proposed fitness center is a similar intensity use compared to the proximal existing and approved commercial uses, and could be compatible with the neighboring carwash.

The Dacula 2050 Comprehensive Plan describes the Emerging Commercial character areas as being “more pedestrian-oriented” with “non-residential uses... oriented towards the street with direct pedestrian access” while balancing both housing and employment opportunities (page 66). The provision of the multi-use path from the multifamily residence may contribute to the called for pedestrian connectivity and activity within the character area. The Guidance for Rezoning by Character Area table calls for PMUD, C-1, C-2, and OI districts within the character area (page 69).

Summary:

The proposed fitness club could be considered a suitable use as it would provide a transition between Harbins 316, the approved carwash, and the residences adjacent to the parcel. A fitness club would provide a service to existing and future nearby community members in the Emerging Commercial character area and could be a compatible commercial use with the neighboring approved carwash. As such, the Department recommends the requested rezoning from C-1 (Neighborhood Commercial District) to C-2 (General Business District) be approved with conditions at this location.

Comprehensive Plan:

The subject parcel is within the Emerging Commercial Character Area on the City of Dacula’s 2050 Future Land Use Map and designated Innovation District on the Gwinnett County 2040 Unified 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 rezoning will permit a use that is suitable in view of the use and development of an adjacent and nearby property?*

The proposed development could be considered suitable given the adjacent mix of residential and commercial uses, providing a potential pedestrian-friendly amenity proximal to a high concentration of community members.

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

With the recommended conditions, adverse impacts on surrounding properties could be minimized.

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

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

4. *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?*

Excessive or burdensome use of existing streets, transportation facilities, utilities, or schools is not expected from approval of the proposed uses.

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

The requested rezoning could be considered consistent with the Emerging Commercial designation of the 2050 Future Land Use Map with the proper conditions.

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

There is a clear City Council precedent to prioritize pedestrian connectivity and safety within the nearby Harbins 316 development. With the proper conditions to facilitate and protect pedestrian access to the proposed development, the use could be considered suitable.

Recommendation:

Based upon the application, the rezoning is recommended for approval with the conditions. The following conditions will replace the approved 2007-CD-RZ-06 conditions on the subject parcel.

The Department notes the Planning Commission unanimously recommended approval with staff's recommended conditions for the requested rezoning at the Public Hearing on September 30, 2024. Said conditions are below.

Concept Plan and Land Use

1. The property shall be developed in accordance with the conceptual site plan titled Fitness Center Rezoning Site Plan dated June 4, 2024. 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.

Architectural Design

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.
3. The developer shall provide a decorative, commercial-quality bicycle rack and pedestrian bench that complement the building at its entrance.

Landscape and Parking

4. The reduction of the required rear landscape buffer to a 25-foot enhanced landscape buffer shall be maintained per 2007-CD-RZ-06.
5. A 20-foot-wide enhanced buffer shall be provided along the full length of Courtney Renea Drive and a 25-foot wide enhanced buffer shall be provided along the rear property boundary adjacent to residentially zoned property. Both buffers shall be planted with a staggered, double row of privacy trees (minimum 6-foot in height), supplemented with a 6-foot high double-sided wooden or wrought iron opaque fence. The structural and visual characteristics of the fence shall be maintained at all times. Fencing shall be located behind the tree line with the location subject to review and approval by the Department of Planning and Development.
6. A parking lot landscape plan shall be submitted to the City for approval. At a minimum, the plan shall include that each parking island/strip shall have a minimum of two (2) ornamental shade trees. All parking area trees shall be a minimum of 3-inch dbh caliper. Parking islands/strips may include stormwater management/bioretenion infrastructure and foliage, per the Georgia Stormwater Management Manual green standards.

Parking area trees should be of or a combination of the following species:

1. Willow Oak

2. Overcup Oak
 3. Nuttall Oak
 4. Sweetbay Magnolia
 5. Southern Magnolia
 6. Japanese Zelkova
 7. Red Maple
 8. Halesia Carolina
 9. Eastern Redbud
 10. American Smoketree
 11. Sourwood
 12. Chalk Maple
7. Existing mature growth trees in buffer zones shall remain when feasible. The City Administrator or City Arborist shall determine what is feasible.
 8. Stormwater maintenance areas may include lower maintenance grass alternatives such as Blue Star Creeper, Corsican Mint, Micro-Clover, or Fescue as approved by the City Administrator.
 9. Gravel is prohibited. Permeable pavement alternatives must be reviewed and approved by the City prior to development permit issuance.
 10. 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 between 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.
 11. No outdoor storage shall be permitted on site.

Transportation and Infrastructure

12. Prior to the issuance of a Development Permit, the developer must satisfy Gwinnett County Department of Transportation requirements including, but not limited to, a south bound left turn lane along Harbins Road into the site, and the recommendations from the traffic impact study required by Article 4 of the Development Regulations.
13. A five (5) foot wide sidewalk shall be constructed on the property frontage of Harbins Road.
14. Provide street lights along all public right-of-way utilizing decorative light pole/fixtures. Street lights shall be 150 feet on center. Light poles shall be black and a maximum 20 feet high.
15. Parking lot lighting shall be directed towards the property to avoid the adverse impact on nearby residential properties.

16. The owner/developer must provide a five (5) foot wide pedestrian connection to the multifamily apartments within the Harbins 316 development. The pedestrian pathway may be a five (5) foot wide raised crosswalk or a stamped pathway. Stamped pathways must be protected by speed bumps on either side of any internal drive it transects. The Pedestrian Plan must be submitted to the Planning and Development Department for approval during the plan review and permitting process.
17. The developer shall be responsible for the relocation of public or private utilities and stormwater infrastructure.

Signage and Advertising

18. Human sign spinners and/or twirlers shall be prohibited.
19. 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. LED message boards are prohibited.
20. The wall sign shall be lit with indirect lighting.
21. Oversized signs or billboards shall not be permitted.
22. 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.



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>Key Growth Capital, LLC c/o Powell & Edwards, LLP</u> | NAME <u>Core City Developers, LLC</u> |
| ADDRESS <u>PO Box 1390</u> | ADDRESS <u>1230 Peachtree Street NE, Suite 800</u> |
| CITY <u>Lawrenceville</u> | CITY <u>Atlanta</u> |
| STATE <u>Georgia</u> ZIP <u>30046</u> | STATE <u>Georgia</u> ZIP <u>30309</u> |
| PHONE <u>770-962-0100</u> FAX <u>770-963-3424</u> | PHONE <u>678-773-5931</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 W. Charles "Chuck" Ross, Esq.
 COMPANY NAME Powell and Edwards, LLP
 ADDRESS PO Box 1390, Lawrenceville, Georgia 30046
 PHONE 770-962-0100 FAX 770-963-3424
 EMAIL cross@powelledwards.com

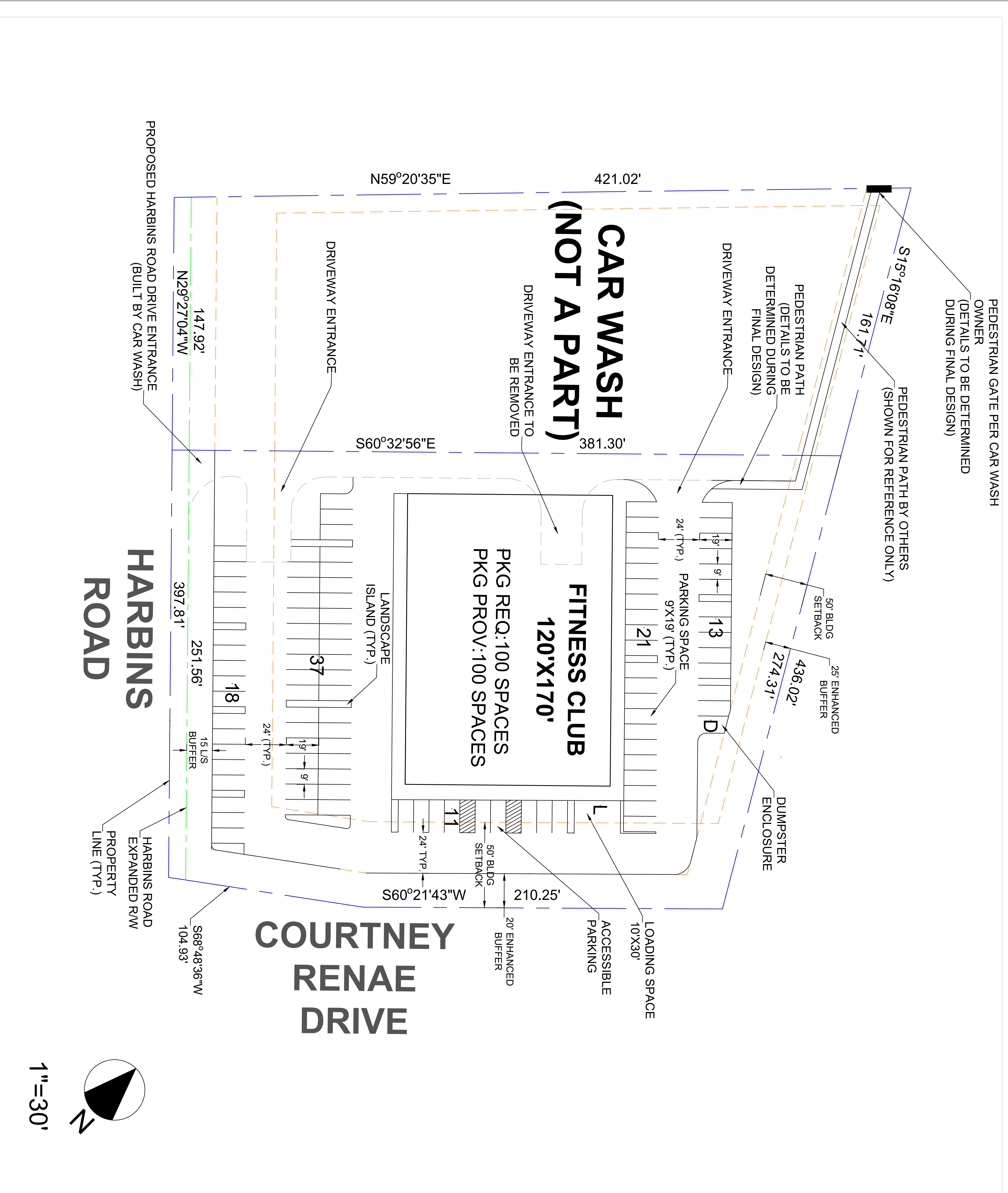
PRESENT ZONING DISTRICT(S) C-1 REQUESTED ZONING DISTRICT C-2
 LAND LOT(S) 299 PARCEL # R5299 004 DISTRICT(S) 5 ACREAGE 2.108
 PROPOSED DEVELOPMENT OR SPECIAL USE REQUESTED Fitness Club

RESIDENTIAL DEVELOPMENT: NO. OF LOTS/DWELLINGS UNITS _____ DWELLING UNIT SIDE (SQ. FT.) _____
 NON-RESIDENTIAL DEVELOPMENT: NO. OF BUILDINGS/LOTS 1/1 TOTAL GROSS SQ. FEET 20,000

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



PEDESTRIAN GATE PER CAR WASH OWNER (DETAILS TO BE DETERMINED DURING FINAL DESIGN)

PEDESTRIAN PATH BY OTHERS (SHOWN FOR REFERENCE ONLY)

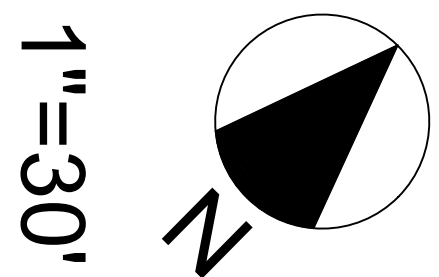
PEDESTRIAN PATH (DETAILS TO BE DETERMINED DURING FINAL DESIGN)

CAR WASH (NOT A PART)

FITNESS CLUB
120'X170'
PKG REQ: 100 SPACES
PKG PROV: 100 SPACES

COURTNEY RENAE DRIVE

HARBINS ROAD



APPLICANT:
KEY GROWTH CAPITAL, LLC
ATTN: MICHAEL LEIBOWITZ
700 STATE STREET, SUITE 403, NEW HAVEN, CT 06405
(203) 675-8512

OWNER:
CORE CITY DEVELOPERS LLC
1230 PEACHTREE STREET NE
SUITE 800
ATLANTA, GA 30309

TENANT:
FLYNN GROUP
ATTN: KASS MCINNIS
617-418-8015

DESCRIPTION OF PROJECT:
PROPOSED 20,000 SF FITNESS CLUB. DEVELOPMENT OF THE REMAINDER OF THE LOT AT 1002 HARBINS ROAD; THE WESTERN PORTION OF WHICH IS CURRENTLY UNDER CONSTRUCTION AS A CAR WASH.

SITE DATA:
EXISTING ZONING: C-1
PROPOSED ZONING: C-2
OVERLAY DISTRICT: N/A
PROPOSED USE IN C-2 DISTRICT: FITNESS CLUB

PARCEL 5-299-004
LOT AREA: 94,467 SF OR 2.17 ACRES
BLDG AREA: 20,000 SF

PARKING REQUIREMENTS:
1 SPACES/200 SF FLOOR SPACE=20,000/200=100 SPACES
TOTAL PARKING REQ'D=100 SPACES
TOTAL PARKING PROV'D=100 SPACES

DRAINAGE NOTES:
1. THIS PROPERTY DOES NOT LIE WITHIN A 100-YEAR FLOODPLAIN AS SHOWN ON FIRM COMMUNITY PANEL NO. 13135C0077F DATED SEPT. 29, 2006.
2. STORMWATER DETENTION FOR THE FITNESS CLUB PARCEL WILL BE PROVIDED IN A SHARED DETENTION FACILITY CONSTRUCTED BY THE CAR WASH PARCEL.

**FITNESS CENTER
REZONING SITE PLAN
1002 HARBINS ROAD
CITY OF DACULA, GWINNETT COUNTY, GEORGIA**

Engineer

Sheet Title

Revisions:

File:

Date: June 4, 2024

Scale: 1"=30'

Drawing:

NOTES:

1. THIS PLAT WAS PREPARED TO SUBDIVIDE THE PARENT PARCEL INTO 2 TRACTS AS REQUESTED BY THE OWNER.
2. NO TITLE EXAMINATION WAS PROVIDED TO THE SURVEYOR AT THE REQUEST OF THE OWNER. THE SURVEYOR HAS CONDUCTED A VISUAL INSPECTION OF THE SUBJECT PROPERTY AND THE ADJACENT AREAS TO DETERMINE THE LOCATION OF THE PROPERTY WITHIN THE ZONING DISTRICT AND TO VERIFY THE LOCATION OF THE PROPERTY WITHIN THE ZONING DISTRICT.
3. THIS PROPERTY LIES WITHIN FLOOD ZONE XZ. CONSULT THE FLOOD ZONE MAP AS PER FEMA MAP NO. 13195C 0077F, EFFECTIVE 06/29/2006.
4. BUFFERS, SETBACKS AND ZONING ARE SUBJECT TO THE LOCAL ISSUING AUTHORITY AND THE CITY OF DACULA.
5. THE SURVEY WAS CONDUCTED FOR THIS SURVEY IS BASED ON THE NORTH AMERICAN DATUM OF 1983.
6. PROPOSED IMPROVEMENTS, SETBACKS, ETC. ARE AS PER CONSTRUCTION PLANS PREPARED BY EVANS DESIGN GROUP FOR SUPERHIGHWAY EXPRESS CARWASH LAST REVISION ON 4/24/24 AND APPROVED BY GWINNETT COUNTY ON 7/23/24.

REFERENCES:

1. CITY DEED RECORDED IN DS 50742, PAGE 251 ON 1/29/03 GWINNETT COUNTY RECORDS.
2. WARRANTY DEED RECORDED IN DS 37175, PAGE 111 ON 2/25/04 GWINNETT COUNTY RECORDS.
3. PLAT RECORDED IN PB 4, PG 2004 GWINNETT COUNTY RECORDS.
4. PLAT RECORDED IN PB 103, PG 64 GWINNETT COUNTY RECORDS.
5. ALL OTHER DEEDS AND REFERENCES ARE SHOWN HEREON.

CERTIFICATE OF APPROVAL FOR RECORDING:

I HEREBY CERTIFY THAT THE SUBDIVISION PLAT HAS BEEN PREPARED IN ACCORDANCE WITH THE ZONING REGULATIONS AND THE SUBDIVISION ACT AND THE REGULATIONS OF THE CITY OF DACULA, GEORGIA, AND THAT ALL NECESSARY CONDITIONS FOR RECORDING IN THE SUPERIOR COURT OF GWINNETT COUNTY, GEORGIA, HAVE BEEN FULLY COMPLIED WITH.

DATED: _____

OFFICIAL OF THE CITY OF DACULA

ENGINEER'S OR SURVEYOR'S CERTIFICATION:

IT IS HEREBY CERTIFIED THAT THIS PLAT IS TRUE AND CORRECT AND WAS PREPARED FROM AN ACTUAL SURVEY OF THE PROPERTY BY ME OR UNDER MY SUPERVISION; THAT ALL NECESSARY CONDITIONS FOR RECORDING IN THE SUPERIOR COURT OF GWINNETT COUNTY, GEORGIA, HAVE BEEN FULLY COMPLIED WITH; AND THAT ALL NECESSARY CONDITIONS FOR RECORDING IN THE SUPERIOR COURT OF GWINNETT COUNTY, GEORGIA, HAVE BEEN FULLY COMPLIED WITH.

BY: DANIEL S. GRIFFIN, REGISTERED GEORGIA LAND SURVEYOR NO. 2772

OWNER'S CERTIFICATION AND DEDICATION:

STATE OF GEORGIA, COUNTY OF GWINNETT

"THE OWNER OF THE LAND SHOWN ON THIS PLAT AND WHOSE NAME IS SUBSCRIBED HERETO, IN PURSUANCE OF THE DUTY AUTHORIZED BY THE SUPERIOR COURT OF GWINNETT COUNTY, GEORGIA, HAS HEREBY DEDICATED TO THE PUBLIC THE RIGHTS OF THE LAND SHOWN ON THIS PLAT AND HAS BEEN FULLY COMPLIED WITH ALL NECESSARY CONDITIONS FOR RECORDING IN THE SUPERIOR COURT OF GWINNETT COUNTY, GEORGIA, AND HAS HEREBY DEDICATED TO THE PUBLIC ALL STREETS, ALLEYS, WALKWAYS, DRAINAGE EASEMENTS, AND OTHER SPACES TO PUBLIC USE AS NOTED."

OWNER: _____

DATE: _____

C-1 NEIGHBORHOOD COMMERCIAL ZONING

EXEMPTION PLAT FOR:

TRACT 1 = 1.401 ACRES
 TRACT 2 = 2.108 ACRES
 RAW DEDICATION = 0.091 ACRES
 TOTAL AREA = 3.600 ACRES

1002 HARBINS ROAD DEVELOPMENT AND CORE CITY DEVELOPERS, LLC.

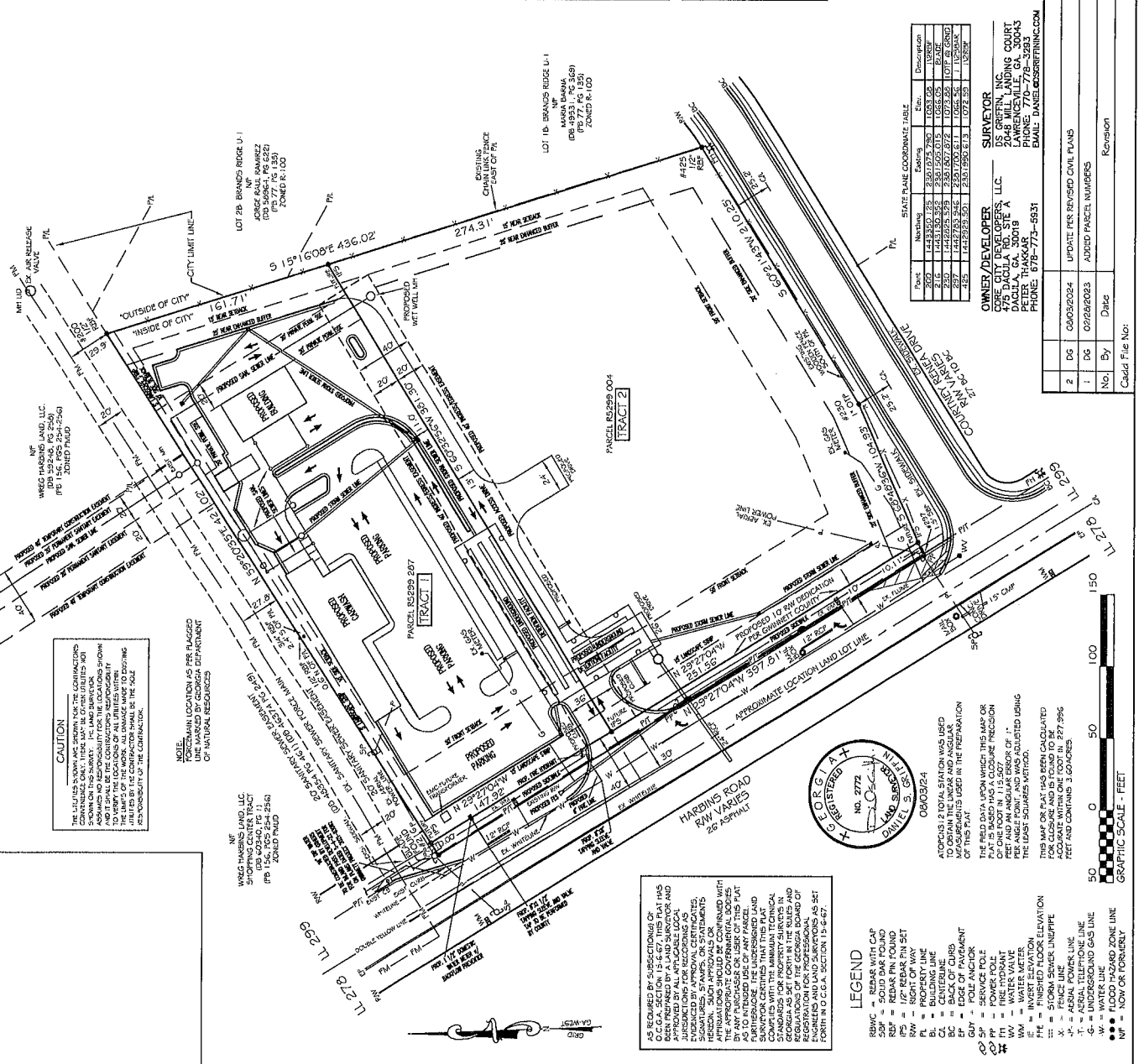
PROPERTY LOCATED IN THE CITY OF DACULA, GA.

DS GRIFFIN, INC.

PROFESSIONAL LAND SURVEYING SERVICES

2048 WILL LANDING COURT
 LAWRENCEVILLE, GA 30043
 (770) 178-5833

Date: 02/15/2023 Land Lot: 299 District: 5TH Sheet No. / OF 1
 County: GWINNETT Scale: 1" = 50' Season: WA
 Project: 1002HARB



Tony Powell
Brian Edwards
Nathan Powell
W. Charles Ross



POWELL & EDWARDS
ATTORNEYS AT LAW

Jay Crowley
Mandy Williams
Laura Walsh
Laura Shoop

August 8, 2024

Brittini Nix
City Administrator
City of Dacula
442 Harbins Road
PO Box 400
Dacula, Georgia 30019

RE: APPLICATION FOR REZONING AND LETTER OF INTENT FOR KEY GROWTH CAPITAL, LLC.

Dear Ms. Nix:

Powell & Edwards, submits this Letter of Intent on behalf of Key Growth Capital, LLC (the “Applicant”) to request a rezoning of a 2.108 acre parcel located at 1002 Harbins Road in Dacula and having Gwinnett County Tax ID Number R5299 004 (the “Property”) from C-1 to C-2 in order to develop and construct a fitness club.

The Applicant specializes in locating and developing property for several national franchise businesses. In this case, Applicant is working with one of the larger fitness club franchise operators in the country. They have a particularly large presence in the Atlanta and Boston markets and have an excellent reputation for operating high quality clubs. Because of Applicant’s experience with this particular product and client, they are able to better identify sites which do not require significant variances and also understand exactly how the facilities will fit on the property and any infrastructure needs. Due to this expertise, the attached site plan does not require any variances at this point.

Although the fitness club will be owned by a large corporation, they have an extensive local management presence from both the local location and throughout metropolitan Atlanta and can provide immediate response if needed. In particular, in Gwinnett County, they operate numerous clubs, two of the closest being in Snellville and Loganville. The brand also has a reputation for being very involved with their host community. For example, they recently held a backpack drive to assist students in need of back-to-school supplies. They also offer high school students free access to their clubs over the summer. We believe you will find that they will be an excellent corporate partner to the City of Dacula.

As noted in the impact analysis, the subject parcel is located in the Emerging Commercial future land use area of the 2050 Dacula Comprehensive Plan. This area has begun to develop as intensive

A PROFESSIONAL CORPORATION

P.O. Box 1390 • Lawrenceville, Georgia 30046-1390 • powelledwards.com • 770.962.0100
Street Address For Direct Deliveries Only • 10 Lumpkin Street Lawrenceville, GA 30046

Legal Description

ALL THAT TRACT OR PARCEL OF LAND lying and being in Land Lot 299 of the 5th District of Gwinnett County, City of Dacula, Georgia containing approximately 2.108 acres, more or less, and being designated as Tract 2 on that certain survey entitled "Exemption Plat for: 1002 Harbins Road Development and Core City Developers, LLC", prepared by DS Griffin, Inc., bearing the seal and certification of Daniel S. Griffin, Georgia Registered Land Surveyor No. 2772, dated February 15, 2023 and last revised on August 3, 2024, being more particularly described as follows:

To find the TRUE POINT OF BEGINNING, commence at the point of intersection of the northwesterly right-of-way line of Courtney Renea Drive (right-of-way varies) and the northeasterly right-of-way line of Harbins Road (right-of-way varies); run thence along said right-of-way line of Courtney Renea Drive in a northeasterly direction, and following the meanderings thereof, a distance of 10.11 feet to a point, said point being the TRUE POINT OF BEGINNING; from said TRUE POINT OF BEGINNING and leaving said right-of-way line run thence North 29 degrees 27 minutes 04 seconds West a distance of 251.56 feet to a point; run thence North 60 degrees 32 minutes 56 seconds East a distance of 381.30 feet to a point; run thence South 15 degrees 16 minutes 08 seconds East a distance of 274.31 feet to a point on the northwesterly right-of-way line of Courtney Renea Drive; run thence along said right-of-way line South 60 degrees 21 minutes 43 seconds West a distance of 210.25 feet to a point; continue thence along said right-of-way line South 68 degrees 48 minutes 36 seconds West a distance of 104.93 to a point, said point being the TRUE POINT OF BEGINNING.

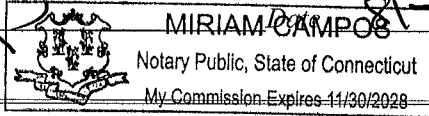
APPLICANT CERTIFICATION

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.

Signature of Applicant [Handwritten Signature] Date 8-7-2024

Type or Print Name/Title Michael Lebowitz - Member

Notary Public [Handwritten Signature]



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 _____ Date _____

Type or Print Name/Title _____

Notary Public _____ Date _____

FOR ADMINISTRATIVE USE ONLY

DATE RECEIVED _____ RECEIVED BY _____ FEE _____ RECEIPT # _____

LAND LOT _____ DISTRICT _____ PARCEL # _____ HEARING DATE _____

ACTION TAKEN _____

SIGNATURE _____ DATE _____

STIPULATIONS _____

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 _____ Date _____

Type or Print Name/Title _____

Notary Public _____ Date _____

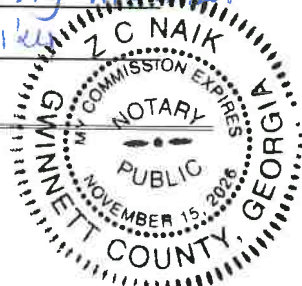
PROPERTY OWNER CERTIFICATION

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

Signature of Property Owner Pranodkumar Thakkar Date 8/2/24

Type or Print Name/Title Pranodkumar Thakkar / managing member

Notary Public Z.C. Naik Date 08/02/24



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: August 8, 2024

TO: WREG Harbins Retail LLC
1958 Monroe Drive NE
Atlanta, Ga 30324-4844
(Sent by First Class Mail and Certified Mail - Return Receipt Requested)

FROM: W. Charles "Chuck" Ross
Powell & Edwards, LLP
PO Box 1390
Lawrenceville, Georgia 30046
770-962-0100
cross@powelledwards.com

RE: Application Case #: _____
Application Case #: _____
Application Case #: _____

Property Location: 5th District, Land Lot 299 Parcel 004

LOCATION/ADDRESS: 1002 Harbins Road, Dacula, Georgia 30019

You are hereby notified that an application for a zoning change from C-1 to C-2 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 September 30, 2024 at 6:00 P.M. in the Council Chambers.

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

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

Thank you.

ADJOINING PROPERTY OWNER(S)
RECORD NOTIFICATION

DATE: August 8, 2024

TO: Jorge Raul Ramirez
2438 Courtney Renea Drive
Dacula, Ga 30019-1596
(Sent by First Class Mail and Certified Mail - Return Receipt Requested)

FROM: W. Charles "Chuck" Ross
Powell & Edwards, LLP
PO Box 1390
Lawrenceville, Georgia 30046
770-962-0100
cross@powelledwards.com

RE: Application Case #: _____
Application Case #: _____
Application Case #: _____

Property Location: 5th District, Land Lot 299 Parcel 004

LOCATION/ADDRESS: 1002 Harbins Road, Dacula, Georgia 30019

You are hereby notified that an application for a zoning change from C-1 to C-2 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 September 30, 2024 at 6:00 P.M. in the Council Chambers.

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

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

Thank you.

ADJOINING PROPERTY OWNER(S)
RECORD NOTIFICATION

DATE: August 8, 2024

TO: Maria Barna
2428 Courtney Renea Drive
Dacula, Ga 30019-1596
(Sent by First Class Mail and Certified Mail - Return Receipt Requested)

FROM: W. Charles "Chuck" Ross
Powell & Edwards, LLP
PO Box 1390
Lawrenceville, Georgia 30046
770-962-0100
cross@powelledwards.com

RE: Application Case #: _____
Application Case #: _____
Application Case #: _____

Property Location: 5th District, Land Lot 299 Parcel 004

LOCATION/ADDRESS: 1002 Harbins Road, Dacula, Georgia 30019

You are hereby notified that an application for a zoning change from C-1 to C-2 has been submitted to the City of Dacula.

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

Thank you.

ADJOINING PROPERTY OWNER(S)
RECORD NOTIFICATION

DATE: August 8, 2024

TO: Donna Valentine
Patrick Valentine
1950 Luke Edwards Road
Dacula, Ga 30019-2503
(Sent by First Class Mail and Certified Mail - Return Receipt Requested)

FROM: W. Charles "Chuck" Ross
Powell & Edwards, LLP
PO Box 1390
Lawrenceville, Georgia 30046
770-962-0100
cross@powelledwards.com

RE: Application Case #: _____
Application Case #: _____
Application Case #: _____

Property Location: 5th District, Land Lot 299 Parcel 004

LOCATION/ADDRESS: 1002 Harbins Road, Dacula, Georgia 30019

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

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

Thank you.

ADJOINING PROPERTY OWNER(S)
RECORD NOTIFICATION

DATE: August 8, 2024

TO: Shane Dobles
Morgan O'Brien
2407 Courtney Renea Drive
Dacula, Ga 30019-1595
(Sent by First Class Mail and Certified Mail - Return Receipt Requested)

FROM: W. Charles "Chuck" Ross
Powell & Edwards, LLP
PO Box 1390
Lawrenceville, Georgia 30046
770-962-0100
cross@powelledwards.com

RE: Application Case #: _____
Application Case #: _____
Application Case #: _____

Property Location: 5th District, Land Lot 299 Parcel 004

LOCATION/ADDRESS: 1002 Harbins Road, Dacula, Georgia 30019

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

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

Thank you.

ADJOINING PROPERTY OWNER(S)
RECORD NOTIFICATION

DATE: August 8, 2024

TO: Jody L. Parr
1001 Harbins Road
Dacula, Ga 30019-2405
(Sent by First Class Mail and Certified Mail - Return Receipt Requested)

FROM: W. Charles "Chuck" Ross
Powell & Edwards, LLP
PO Box 1390
Lawrenceville, Georgia 30046
770-962-0100
cross@powelledwards.com

RE: Application Case #: _____
Application Case #: _____
Application Case #: _____

Property Location: 5th District, Land Lot 299 Parcel 004

LOCATION/ADDRESS: 1002 Harbins Road, Dacula, Georgia 30019

You are hereby notified that an application for a zoning change from C-1 to C-2 has been submitted to the City of Dacula.

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

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

Thank you.

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 _____

Type or Print Name/Title _____

Signature of Applicant' Attorney W. Charles Ross Date 8/8/2024

Type or Print Name/Title W. Charles "Chuck" Ross, Esq.

Notary Public Terry S. Pfeffinger Date 8/8/24



Official Use Only

DATE RECEIVED _____ ZONING CASE NUMBER _____

RECEIVED BY _____

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 8/8/24

Type or Print Name/Title Michael Lebowitz - Member

Signature of Applicant' Attorney _____ Date _____

Type or Print Name/Title _____

Notary Public  Date 8/8/24

(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 August 8, 2024,

APPLICANT Key Growth Capital, 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: This part of Harbins Road has been specifically classified by the City to be developed commercially. Indeed, the property is already zoned C-1, and the property owner could construct a myriad of higher intensity uses without further approval by the City. The parcel is bordered to the northwest by the SuperShine Xpress Carwash and the new Publix shopping center. The property across Harbins Road is zoned for office and institutional use. Although the subject parcel is adjacent to two unincorporated Gwinnett County residential parcels, the proposed fitness club would serve as an appropriate transition from the existing more intense commercial uses to the neighborhood entrance.
- B. Whether a proposed rezoning will adversely affect the existing use or usability of adjacent or nearby property: The proposed rezoning will not adversely affect the existing use or usability of adjacent or nearby property. The entrance to the fitness club will be the same entrance already being used by the carwash on Harbins Road. There is no access onto the residential street. Further, the Applicant will provide appropriate screening where the two residential properties abut the subject parcel.
- C. Whether the property to be affected by a proposed rezoning has a reasonable economic use as currently zoned: As noted in the Dacula 2050 Comprehensive Plan, this area has been identified as containing underutilized properties. While the property is zoned C-1, being located adjacent to a carwash limits many options that might otherwise be available to this property. The proposed use will present a harmonious use that will not be disturbed by the carwash and will not cause a disturbance to the two residential properties adjacent.
- 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: The proposed use will not create any significant increase in traffic along Harbins Road, nor will it create a strain on any utilities and will have no impact upon schools.
- E. Whether the proposed rezoning is in conformity with the policy and intent of the Land Use Plan: The Dacula 2050 Comprehensive Plan identifies this area as "Emerging Commercial" which has a stated purpose of providing a transition area on Harbins Road consistent with the County Comprehensive Plan which identifies this area as a "Community Node." This area also seeks to encourage the redevelopment of underutilized properties. As noted above, the proposed fitness club use would provide an appropriate transition between the shopping center & car wash and the residential properties to the south and east.
- 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: As noted above, this area has been classified for commercial development and significant commercial development has already begun on nearby parcels. The less intensive use of the proposed fitness club is the most appropriate use for this location as it can provide a proper transition to the adjacent residential properties located in unincorporated Gwinnett County.



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:

| 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.

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)



MEMO

TO: City Council and Mayor
FROM: Brittni Nix, City Administrator
Amy White, Chief Marshal
Jack Wilson, City Attorney
DATE: September 25, 2024
SUBJECT: Ordinance Amendment City Code Section 3-4

Dear Mayor and Members of the City Council:

City staff recommends approval of the attached ordinance to facilitate service of process for notices and citations in Municipal Court. The current ordinance requires personal service or certified mail. USPS has become less reliable for timely delivery and return of proof of service. The amendment would provide for personal service or service by overnight mail through a commercial overnight delivery carrier (such as UPS or Fed Ex). This method of delivery and service is consistent with State law. The Marshals and administrative staff recommend approval of the ordinance amendment to provide options for timely delivery of notices and more efficient operations.

If you have any questions, please do not hesitate to contact us.



**AN ORDINANCE TO AMEND THE CITY OF DACULA
CITY CODE OF ORDINANCES REGARDING SERVICE OF SUMMONS AND
SUBPOENAS**

Section 3-4

WHEREAS, the City has adopted a Code or Ordinances including provisions for the administration of the Municipal Court and service of process of notices, summons and subpoenas from the Court and the Marshals; and

WHEREAS, the existing Ordinance should be amended to provide greater flexibility and efficiency in the administration of the Court and proper service of such notices;

WHEREAS, it is in the best interest of the health, safety and welfare of the citizens of the City to amend the City Code as outlined in this Ordinance;

NOW THEREFORE, the Mayor and City Council of the City of Dacula hereby ordains that the existing Section 3-4, Service of Summons is deleted, and the following new Section 3-4 substituted in its place:

SECTION 1

Section 3-4. Service of Summons and other notices.

Any person charged with violating any City ordinance shall receive notice by service of a summons or citation as provided in this section. Such summons or citation may be issued by the court administrator, or City Marshal. The summons or citation shall be directed to the accused and shall distinctly state the offense charged, the time and place, as far as practicable, of the offense charged, and the day, hour and place of trial, requiring the accused to appear before the judge of the municipal court to answer the accusation made. Service of the summons or citation shall be made by a City marshal either by serving the accused personally, by leaving a copy at his/her most notorious place of abode, or by delivery through a commercial firm which is regularly engaged in the business of document delivery or document and package delivery. The sender shall receive from the United States Postal Service or the commercial firm a receipt acknowledging delivery of the document to the address identified by the court administrator or Marshal. In the case of a summons or citation issued for violation of laws or ordinances relating to the parking of motor vehicles, such summons or citation may be directed to an unknown person as owner of an automobile designated in the summons or citation and may be served upon such person by leaving a copy in or attached to such automobile.

SECTION 2

The City Administrator and Assistant City Administrator are further authorized to correct typographical errors in the text of the existing Code of Ordinances and to produce and publish a final codified version of the City Code 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 amendment outlined herein shall be effective immediately upon adoption by the Mayor and City Council.

SO ORDAINED by the governing authority of the City of Dacula, this ____ day of October, 2024.

AYES: ____

NAYES: ____

HUGH D. KING, III
MAYOR, CITY OF DACULA

ATTEST:

BRITTNI NIX
CITY ADMINISTRATOR



MEMO

TO: City Council and Mayor
FROM: Brittni Nix, City Administrator
Courtney Mahady, Administrative Clerk
Jack Wilson, City Attorney
DATE: September 25, 2024
SUBJECT: Ordinance Amendment City Code
Chapter 4—Alcoholic Beverages update

Dear Mayor and Members of the City Council:

The attached ordinance amendment would update several subsections of the City Code related to alcohol permits and licensing. The provisions for pouring permits and fees would align the Code with current practices. The provisions regarding conduct by license holders is an update to provide consistency with State law and objective standards for evaluating applications and practices. Staff recommends approval of these amendments.

If you have any questions, please do not hesitate to contact us.



AN ORDINANCE

AN ORDINANCE TO AMEND THE CITY OF DACULA CODE OF ORDINANCES REGARDING LICENSES TO SELL AND SERVE ALCOHOLIC BEVERAGES; AND FOR OTHER PURPOSES.

WHEREAS, the City has adopted a comprehensive Chapter in the City Code regarding the sale and service of alcoholic beverages; and

WHEREAS, certain administrative procedures have changed warranting an amendment to the City Code; 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 City Code to update the provisions of the City Code for licenses and administrative requirements related to the sale and service of alcoholic beverages;

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

SECTION 1

The existing Section 4-2 related to “Pouring Permits” is amended by deleting the existing definition and substituting the following in its place:

Pouring permit means an authorization granted by the City to dispense, sell, serve, take orders, or mix alcoholic beverages in establishments licensed as a retail consumption dealer. Pouring permits are issued in cooperation with Gwinnett County, and application should be made through the Gwinnett County Permitting Unit.

SECTION 2

The existing Section 4-11 is amended to add the following as a new subsection:

Section 4-11(23)-- Retail dealers of beer, wine and distilled spirits sold in original packages for consumption off the premises: \$6,000.00 per year. Sunday sales: \$1,500 per year additional.

SECTION 3

The existing Subsection 4-18(a) is deleted and the following is substituted in its place:

Section 4-18 (a) No license shall be denied, suspended or revoked without the opportunity for a hearing as hereinafter provided. This provision does not apply to pouring permits for employees.

SECTION 4

Subsection 4-31 is deleted and the following is substituted in its place:

4-31 Regulations as to Employees and Managers

- (a) No license for the sale of alcoholic beverages shall be granted to any person who is not a citizen of the United States or an alien lawfully admitted for permanent residence.
- (b) Where the applicant is a partnership, limited liability company or corporation, the provisions of this section shall apply to all its partners, officers, managers and majority stockholders. In the case of a corporation the license shall be issued jointly to the corporation and the majority stockholder, if an individual. Where the majority stockholder is not an individual, the license shall be issued jointly to the corporation and its agent registered under the provisions of this subsection. In the case of a partnership the license will be issued to all the partners owning at least 20 percent of the partnership. If no partner owns 20 percent of the partnership, then the general partner, managing partner or the partner with the greatest ownership will be licensed. In the case of a limited liability company, the license will be issued jointly to the limited liability company and managers.
- (c) No person, firm, limited liability company or corporation shall be granted any alcoholic beverage license unless it shall appear to the satisfaction of the City or its designee that such person, managers, partners in the firm, or officers and directors of the corporation have not been convicted or plead guilty or entered a plea of nolo contendere to and have been released from parole or probation concerning any crime involving moral turpitude, illegal gambling or illegal possession or sale of controlled substances or the illegal possession or sale of alcoholic beverages, including the sale or transfer of alcoholic beverages to minors in a manner contrary to law, keeping a place of prostitution, pandering, pimping, public indecency, prostitution, solicitation, or any related crime of a sexual nature within a period of ten years immediately prior to the filing of such application. At the time an application is submitted for any alcoholic beverage license, the applicant shall, by a duly sworn affidavit, certify that neither the applicant nor any of the other owners of the establishment has been convicted or has pleaded guilty or entered

- a plea of nolo contendere to any crime involving moral turpitude, illegal gambling or illegal possession or sale of controlled substances or the illegal possession or sale of alcoholic beverages, including the sale or transfer of alcoholic beverages to minors in a manner contrary to law, keeping a place of prostitution, pandering, pimping, public indecency, prostitution, solicitation, or any related crime of a sexual nature within a period of ten years immediately prior to the filing of such application. An applicant's first conviction for illegal possession of alcohol as a misdemeanor or violation of a county ordinance shall not, by itself, make an applicant ineligible for an alcohol license. Should any applicant, partner, or officer instrumental in the sale or dispensing of any alcoholic beverage, after a license has been granted, be convicted or plead guilty or nolo contendere to a crime involving moral turpitude, illegal gambling or illegal possession or sale of controlled substances or the illegal possession or sale of alcoholic beverages, including the sale or transfer of alcoholic beverages to minors in a manner contrary to law, keeping a place of prostitution, pandering, pimping, public indecency, prostitution, solicitation, or any related crime of a sexual nature, the license shall be immediately revoked and cancelled.
- (d) No license for the sale of alcoholic beverages shall be granted to any person convicted under any federal, state or local law of any felony within ten years prior to the filing of application for such license.
- (e) It shall be unlawful for any City employee directly involved in the issuance of alcoholic beverage licenses under this chapter to have any whole, partial or beneficial interest in any license to sell alcoholic beverages in the City.
- (f) No license for the sale of alcoholic beverages shall be granted to any person who has had any license issued under the police powers of the City or Gwinnett County previously revoked within two years prior to the filing of the application.
- (g) The City or its designee may decline to issue a license when any person having any ownership interest in the operation of such place of business or control over such place of business does not meet the same character requirements as set forth in this section for the licensee.
- (h) All licensed establishments must have and continuously maintain in Gwinnett County or any county contiguous to Gwinnett County, a registered agent upon whom any process, notice or demand required or permitted by law or under this chapter to be served upon the licensee or owner may be served. This person must be a resident of said county. The licensee shall file the name of such agent, along with the written consent of such agent, with the City or its designee and shall be in such form as it may prescribe.
- (i) All applicants for any alcoholic beverage license must be of good character, and all operators, managers, clerks, or other employees shall be of like character. Corporate or firm applicants shall be of good business reputation.

- (j) A license application may be denied to any applicant for any alcoholic beverage license where it appears that the applicant would not have adequate financial participation in the proposed business to direct and manage its affairs, or where it appears that the application is intended to be a mere surrogate for a person who would not otherwise qualify for a license for any reason whatsoever.

- (k) For purposes of this chapter, a conviction or plea of guilty of nolo contendere shall be ignored as to any offense for which a defendant who was allowed to avail themselves of the Georgia First Offender Act (1968 Ga. Laws, page 324), as amended. Except, however, that any such offense shall not be ignored where the defendant violated any term of probation imposed by the court granting first offender treatment or committed another crime and the sentencing court entered an adjudication of guilt as to the crime for which the defendant had previously been sentenced as a first offender.

SECTION 5

The City Administrator and Assistant City Administrator are further authorized to correct typographical errors in the text of the existing Code of Ordinances and to produce and publish a final codified version of the City Code with the amendments and revisions outlined herein.

SECTION 6

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 7

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

SECTION 8

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

SO ORDAINED by the governing authority of the City of Dacula, this _____ day of October, 2024.

AYES: ____

NAYES: ____

HUGH D. KING, III
MAYOR, CITY OF DACULA

ATTEST:

BRITTNI NIX, CITY ADMINISTRATOR



MEMO

TO: Mayor and City Council of the City of Dacula
FROM: Brittni Nix, City Administrator
DATE: September 27, 2024
SUBJECT: Ordinance to add Chapter 12, Article XX - Free Standing Convenience Stores and Free Standing Gas Stations

Staff has prepared the attached Ordinance to address free standing convenience stores and free standing gas stations. The proposed Ordinance would amend Chapter 12 of the Municipal Code to create Article XX – Free Standing Convenience Stores and Free Standing Gas Stations, which would provide definitions and set the number of such uses which could be permitted inside the City by population. The number of licenses shall not exceed one license per 1,500 population. However, the number of licenses permitted shall never be less than nine. There are currently eight businesses with licenses within the City limits.

Staff recommends approval of the proposed Ordinance effective immediately.



AN ORDINANCE TO AMEND THE CITY OF DACULA CODE OF ORDINANCES TO PROVIDE REGULATIONS RELATED TO CONVENIENCE STORE AND GAS STATION ESTABLISHMENTS AND FOR OTHER PURPOSES.

WHEREAS, the City Code provides certain regulations for oversight over businesses operating as Convenience Stores and Gas Stations; and

WHEREAS, the uses identified herein have significant impacts on the well-being of neighboring property owners and the health, safety and welfare of the citizens of the City; and

WHEREAS, an adequate number of the establishments defined herein currently exist within the City and are adequate to serve the needs of citizens of the City; 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 City Code to make provision for further reasonable regulations to protect public health and safety;

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

SECTION 1.

Chapter 12, Article XX, Free Standing Convenience Stores and Free Standing Gas Stations, Section 12-700 Number of Free Standing Convenience Stores and Free Standing Gas Stations Permitted is created and adopted as follows:

Section 12-700 Number of Free Standing Convenience Stores and Free Standing Gas Stations Permitted.

- (1) For purposes of this Ordinance, the terms utilized herein shall have the following meanings:

Free Standing Gas Station shall mean a retail store that meets the definition of a Convenience Store, and that is also licensed by the Georgia Safety Fire Commissioner for the storage and sale of liquefied petroleum gas and that actually regularly sells liquefied petroleum gas which stands alone or with a Convenience Store. This term does not include Drugstores, Food Marts, Grocery Stores, Warehouse Clubs, Small Box Discount Stores, Specialty Stores, or Convenience Stores that are not licensed by the Georgia Safety Fire Commissioner for the storage and sale of liquefied petroleum gas and that actually regularly sell liquefied petroleum gas.

Free Standing Convenience Store shall mean a retail store that provides assorted, inexpensive items for neighborhood residents or travelers, such as processed shelf-stable or refrigerated food and drink items; fountain and brewed drinks; handheld prepared food items; automotive items; tobacco products; family planning products; lottery products; gifts; over-the-counter medications; or similar items. Stores are typically designed for expediency—with customers typically buying few items per transaction and spending only a short time in the store. Retail floor space is typically less than 10,000 square feet. This term does not include Grocery Stores, Box Discount Stores, Specialty Stores, or Drugstores.

- (2) Number of Free Standing Convenience Stores and Free Standing Gas Stations permitted:
- (a) At no time shall the number of licenses issued by the City permitting the retail stand-alone Convenience Stores and Free Standing Gas Stations facilities within the City limits exceed the number found as a result of dividing the total population of the City, as found in the most recent population estimates published by the United States Bureau of the Census, by the whole number 1,500.
 - (b) If the number resulting from the division required by subsection (a) of this section is a number other than a whole number (for example 1.75) then said number will be adjusted downward to the next whole number where it will remain until the population increases to such an extent which would cause said number to equal or exceed the next higher whole number. Notwithstanding the foregoing, the number of licenses permitted by this section shall never be less than nine (9).
 - (c) The language contained in subsections (a) and (b) of this section can be expressed in the mathematical formula, as follows: $Y \div 1,000 = X$. "Y" is the total population (as defined in subsection (a) of this section) of the City. "X" is the total number of licenses that can be issued (this number, if not whole, is adjusted downward in accordance with subsection (b) of this section).

SECTION 2.

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 3.

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

SECTION 4

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 Code of Ordinances and to produce and publish a final codified version of the City Code with the amendments and revisions outlined herein.

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 September, 2024.

AYES: ____

NAYES: ____

HUGH D. KING, III
MAYOR, CITY OF DACULA

ATTEST:

BRITTNI NIX,
CITY ADMINISTRATOR