



Mayor and City Council Regular Meeting

Thursday, May 05, 2022 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:

GEORGIA CITIES WEEK

1. Recognition for Community Participation

CONSENT AGENDA:

2. Approval of the Minutes from the Regular Council Meeting on April 7, 2022
3. 2022 CDBG Subrecipient Agreement (Brookton Station)

OLD BUSINESS:

NEW BUSINESS:

4. **PUBLIC HEARING: 2021-CD-COC-03**, Applicant: Carter and Associates, Owner: Walton Georgia, LLC requests changes to 2021-CD-RZ-02 and 2021-CD-VAR-02 condition(s). The property is located in Land Lots 270 and 271 of the 5th District and contains 43.81 acres more or less.
5. **Change of Conditions Application: 2021-CD-COC-03**, Applicant: Carter and Associates, Owner: Walton Georgia, LLC requests changes to 2021-CD-RZ-02 and 2021-CD-VAR-02 condition(s). The property is located in Land Lots 270 and 271 of the 5th District and contains 43.81 acres more or less.
6. **PUBLIC HEARING: 2022-CD-COC-01**, Applicant: Peter Thakkar, Owner: Jalabapa Investments LLC requests changes to CD-RZ-02-02 condition(s). The property is located in Land Lot 301 of the 5th District and contains 0.78 acres more or less.
7. **Change of Conditions Application: 2022-CD-COC-01**, Applicant: Peter Thakkar, Owner: Jalabapa Investments LLC requests changes to CD-RZ-02-02 condition(s). The property is located in Land Lot 301 of the 5th District and contains 0.78 acres more or less.
8. **PUBLIC HEARING: 2022-CD-VAR-02**, Applicant: Peter Thakkar, Owner: Jalabapa Investments, LLC requests a variance from the City's Buffer, Landscape, and Tree Ordinance. The property is located in Land Lot 301 of the 5th District and contains 1.47 acres more or less.

9. **Variance Application: 2022-CD-VAR-02**, Applicant: Peter Thakkar, Owner: Jalabapa Investments, LLC requests a variance from the City's Buffer, Landscape, and Tree Ordinance. The property is located in Land Lot 301 of the 5th District and contains 1.47 acres more or less.

STAFF COMMENTS:

MAYOR AND COUNCIL COMMENT(S):

PUBLIC COMMENTS:

EXECUTIVE SESSION: Real Property Matters

ADJOURNMENT:

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

COUNCIL MEETING
MINUTES
April 7, 2022

I. CALL TO ORDER AND ROLL CALL OF MEMBERS:

Mayor Trey King called the April 7, 2022 Council Meeting to order at 7:00 p.m. and roll call of the members was taken. A quorum was present. He welcomed everyone to the meeting.

City Council Present

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

City Staff Present

Heather Coggins, Acting City Administrator
Jack Wilson, City Attorney
Brittni Nix, Director of Planning & Economic Development
Courtney Mahady, Administrative Clerk
Dana Stump, Administrative Assistant for Planning & Zoning
Angelica Schaper, Court Administrator
Renee Cooke, Front Desk Clerk
Amy White, City Marshal
Chris Parks, Public Works Supervisor

II. INVOCATION:

Invocation was given by Pastor Mark Chandler.

III. PLEDGE OF ALLEGIANCE:

Mayor King led the Pledge of Allegiance.

IV. PROCLAMATION:

1. Georgia Cities Week Announcement

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Mayor King read the Proclamation to encourage citizens to participate in a Georgia Cities Week activity during the month of April. The activity is a coloring page for school aged children. Mayor King stated that the coloring pages would be displayed during the May 5, 2022 Council Meeting and the public would have a photo opportunity.

V. CONSENT AGENDA:

- 2. Approval of the Minutes from the Regular Meeting on March 3, 2022**
- 3. Approval of the Minutes from the Executive Session Meeting on March 6, 2022**
- 4. Approval of the Minutes from the Executive Session Meeting on March 10, 2022**
- 5. Approval of the Minutes from the Special Called Meeting on April 1, 2022**
- 6. Fee Schedule Update**
- 7. Commercial Sanitation Agreement**
- 8. Bid package for Second Avenue Storm Drainage Project**
- 9. McMillan Road Stormwater Improvement Proposal**
- 10. City Hall Sewer Connection Proposal**
- 11. Maple Creek Park Improvement Proposal**

Councilman Spain motioned to approve the Consent Agenda items. Councilman Haynes, Jr. seconded. Motion passed unanimously.

VI. OLD BUSINESS:

None

VII. NEW BUSINESS:

12. Ordinance to amend Chapter 10, Article VI - Post-Construction Stormwater Management for New Development and Redevelopment

Mayor King called for a motion to approve or deny the Ordinance to amend Chapter 10, Article VI.

Councilman Williams motioned to approve. Councilwoman Mitchell seconded. Motion passed unanimously.

VIII. STAFF COMMENTS:

Acting City Administrator, Heather Coggins, presented an update on ARPA Expenditure reporting codes. Ms. Coggins stated that on April 30, 2022 the City would be reporting category 6.1, Revenue Replacement, a Provision of Government Services.

IX. MAYOR AND COUNCIL COMMENT(S):

Mayor and Council thanked the city staff for all their hard work.

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X. PUBLIC COMMENTS:

None

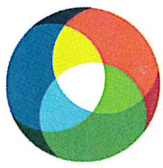
XI. ADJOURNMENT:

Councilman Spain motioned to adjourn. Councilman Spain seconded. Motion passed unanimously.
Meeting adjourned at 7:13 p.m.

Minutes approved

Date

Signature



4/21/2022

Trey King, Mayor
City of Dacula
442 Harbins Road
Dacula, GA 30019

REF: FFY 2022 CDBG Public Facility: Infrastructure Award Notification

Dear Trey King:

Thank you for your FFY 2022 application for the Community Development Block Grant Program. We enjoyed learning about your organization and the services that you provide. As such, we are pleased to announce that City of Dacula will receive a total award of **\$500,000.00** in FFY 2022 CDBG funding to administer the Brookton Station S/D - Asphalt Milling, Repaving, and Sidewalk Replacement Improvements.

Attached are (3) copies of your FFY 2022 Community Development Block (CDBG) Public Services: Infrastructure Subrecipient Agreements. Please sign, date, seal and return to our office by **May 20, 2022**.

Ronniece Boston, Program Specialist, will be your primary contact for this grant award. Should you have any questions concerning your grant, you may contact Ms. Boston via phone at (678) 518-6031 or email at cdbg@gwinnettcounty.com.

We are excited to work with your organization and look forward to a successful partnership!

Sincerely,

Eryca Fambro
Director

Enclosure

cc: Joey Murphy, City Administrator, City of Dacula
Kenneth Morris, Grants Manager, Gwinnett County Department of Financial Services
LaShondra Wells, Deputy Director, Gwinnett County Community Development Program
City of Dacula, FFY 2022 CDBG Public Services: Infrastructure-File folder

STATE OF GEORGIA
COUNTY OF GWINNETT

SUBRECIPIENT AGREEMENT FOR USE OF
COMMUNITY DEVELOPMENT BLOCK GRANT FUNDS (CDBG)
PUBLIC FACILITY: INFRASTRUCTURE

Between

GWINNETT COUNTY *and*
City of Dacula

Federal Fiscal Year 2022 Funds

HUD GRANT NO: B-22-UC-13-0004
GWINNETT COUNTY AGREEMENT NO.: CDBG-PF-0002

SUBRECIPIENT AGREEMENT FOR USE OF
COMMUNITY DEVELOPMENT BLOCK GRANT FUNDS
CFDA # 14.218
BETWEEN
GWINNETT COUNTY, GEORGIA
AND
City of Dacula
442 Harbins Road
Dacula, GA 30019

THIS AGREEMENT, made and entered into on the 1st day of January 2022, by and between Gwinnett County, a political subdivision of the State of Georgia acting by and through its duly elected Board of Commissioners, hereinafter referred to as the "County", and **City of Dacula** a CDBG subrecipient organization (either a participating municipality in the Gwinnett County Urban County CDBG Program, a quasi-local government agency, a local housing authority, or a private non-profit organization), hereinafter referred to as the "Subrecipient," located within the confines of the Gwinnett County, Georgia, and/or serving CDBG-eligible residents of Gwinnett County; The approval of the award of CDBG funds included in this Agreement by the County occurred on the 1st day of January, 2022 and represents a subaward of federal funds, as defined in 2 CFR 200.92.

WITNESSETH:

WHEREAS, Gwinnett County has received an FFY 2022 Community Development Block Grant, hereinafter referred to as "CDBG" under Title I of the Housing and Community Development Act of 1974, as amended, to carry out various housing and community development activities in its unincorporated areas and in municipalities participating in the County CDBG Program; and

WHEREAS, \$500,000.00, from FFY 2022 CDBG funds has been awarded to the Subrecipient; and

WHEREAS, the Subrecipient agrees to assume certain responsibilities for the implementation of its CDBG assisted activities, and certifies that it will comply with the applicable certifications contained in Exhibit 1; with the Scope of Services provided in Exhibit 2; with any amendments to this Agreement, included as Exhibit 3; with the Lease Agreement requirements included as Exhibit 4, if applicable; and, with the property use requirements included as Exhibit 5, if applicable; and with the applicable and non-applicable regulations included in Exhibit 6.

NOW, THEREFORE, the parties hereunto do hereby agree as follows:

1. **Use of Funds** - The Subrecipient shall expend all or any part of its CDBG allocation only on those activities contained in the Scope of Services of this Agreement, which activities the Gwinnett County Community Development Program shall determine to be eligible for CDBG funds, and shall notify the Subrecipient in writing, via this Agreement and/or subsequent amendments to this Agreement, of such determination of eligibility. Such CDBG funds provided through this Agreement must be fully expended not later than **June 30, 2023**.
2. A. **Uniform Administrative Requirements** - The Uniform Administrative Requirements, as promulgated in 24 CFR Chapter V [Subpart J] at 570.502 and in all sections of 2 CFR 200, shall apply to all activities undertaken by the Subrecipient with CDBG assistance provided via this Agreement and any subsequent amendments. Special attention should be paid to 2 CFR 200, as it supersedes and streamlines into one document the requirements previously contained in OMB Circulars A-21, A-50, A-87, A-102, A-110, A-122, A-133, and in 24 CFR 84 and 24 CFR 85. The requirements in 2 CFR 200

applies to all federal funds award by the County after December 26, 2014, which includes all FFY 2020 CDBG funds awarded through this Agreement.

- B. **Other Program Requirements** - The Subrecipient shall comply with all the requirements of 24 CFR Chapter V [Subpart K] at 570.600 - 570.614, as applicable to the Subrecipient's activity(s).
3. **Procurement** - The Subrecipient shall be responsible for the procurement of all supplies, equipment, services, and construction necessary for the implementation of its activity(s). Procurement shall be carried out in accordance with 2 CFR 200 Part 200.317 - 200.326, the procurement requirements of the Subrecipient, and all provisions of the CDBG Regulations [24 CFR Part 570].

The governing board of the Subrecipient shall formally adopt written procurement procedures which are at least as restrictive as those required in the aforementioned regulations [2 CFR 200, as applicable, and 24 CFR 570] and shall provide a copy of said procurement procedures and evidence of governing board adoption to the County at the time that this Subrecipient Agreement shall be returned to the County for signature by the Chairman of the Gwinnett County Board of Commissioners.

The Subrecipient shall prepare or cause to be prepared, all advertisements, negotiations, notices, and documents; enter into all contracts; and conduct all meetings, conferences, and interviews as necessary to ensure compliance with the described procurement requirements.

4. **Property Acquisition and Relocation Services** - The Subrecipient shall be responsible for carrying out the acquisition of all real property necessary for the implementation of the activity(s), if applicable. The Subrecipient shall conduct all such acquisitions in its name and shall hold title to all properties purchased, [except in such cases as with long term leases (minimum term of 15 years)]. Lease requirements are addressed in Section 18 of this Agreement. The Subrecipient shall be responsible for the preparation of all notices, appraisals, and documentation required in conducting acquisitions under the latest applicable regulations of the Uniform Relocation Assistance and Real Property Acquisition Act of 1970 and the CDBG Program. The Subrecipient shall also be responsible for providing all relocation notices, counseling, and services required by said regulations. Should the Subrecipient find it necessary to change the use of or dispose of the property acquired with CDBG funding; the requirements of 24 CFR Part 570.505 governing change of use and property disposition shall apply. Such a change in use may also require an amendment to this Agreement, including changes in Exhibits 2, 3, 4, 5, or 6.
5. **"Force Account" Work** - The Subrecipient (limited to participating municipalities) may undertake public facility construction or renovation activities using municipal labor and equipment. Eligible costs of labor and equipment may be reimbursed by the County using CDBG funds, based upon submission of a proper and acceptable invoice(s) and documentation of all costs - as prescribed by the County.
6. **Record Keeping/Reporting**

A. **Financial Record Keeping**

The Subrecipient shall maintain records of the expenditure of all CDBG funds it receives, such records to be maintained in accordance with 2 CFR 200 and 24 CFR 570, as applicable. All records shall be made available, upon County request, for inspection(s) and audit(s) by the County or its representatives. If a financial audit(s) determines that the Subrecipient has improperly expended CDBG funds, resulting in the disallowance of such expenditures by the County or by the U.S. Department of Housing and Urban Development, the County reserves the right to recover from the Subrecipient other non-CDBG monies to fund such disallowed CDBG expenditures. Audit procedures for the Gwinnett County CDBG Program are specified in Section 19 of this Agreement

B. **Programmatic Record-Keeping/Reporting**

For limited clientele (including "Direct Service" and "Presumed Benefit") activities, the Subrecipient shall provide, every month, sufficient information to the County on services carried out for all persons served and on CDBG-eligible persons served by activities receiving CDBG assistance under this Agreement. The purpose of the monthly reporting is to enable the County to prepare and submit periodic and annual reports to the U.S. Department of Housing and Urban Development. These Subrecipient prepared reports shall be submitted in a format provided by the County [See Exhibit 2, if applicable to this Agreement] and at a time no later than the 10th calendar day of each month of each year until all CDBG funds for the activity(s) shall be fully expended, plus five years. The five year reporting period should not be confused with the "continued use" provisions of this agreement, as specified in Exhibit 2, "Scope of Services." The County shall provide reporting forms and technical assistance to the Subrecipient on the procedures to be followed to collect and report these programmatic data.

- 7. **Subrecipient's Obligation** - The Subrecipient shall be responsible for carrying out its actions in accordance with the certifications contained in Exhibit 1 of this Agreement. The Subrecipient shall take all necessary actions to comply with the requirements of the certifications/assurances in Exhibit 1, and to comply with any requests by the County in this connection; it is understood that the County has a responsibility to the U.S. Department of Housing and Urban Development for ensuring compliance with such requirements. The Subrecipient will also promptly notify the County of any changes in the scope or character of the activity(s) assisted through this Agreement.
- 8. **"Hold Harmless"** - The Subrecipient does hereby agree to release, indemnify, and hold harmless the County, its employees and agents from and against all costs, expenses, claims, suits, or judgments arising from or growing out of any injuries, loss or damage sustained by any person or corporation, including employees of Subrecipient and property of Subrecipient, which are caused by or sustained in connection with the tasks carried out by the Subrecipient under this Agreement.
- 9. **Funding** - The County agrees to provide the Subrecipient with CDBG funds in such amounts as agreed upon in this Agreement to enable the Subrecipient to carry out its CDBG-eligible activity(s). It is understood that the County shall be held accountable to the U.S. Department of Housing and Urban Development for the lawful expenditure of CDBG funds under this Agreement. Therefore, the County shall make no reimbursement of CDBG funds to the Subrecipient and draw no funds from HUD/U.S. Treasury on behalf of a Subrecipient activity(s), before receiving proper invoice(s) and copies of supporting documentation from the Subrecipient for the expenses incurred, to ensure that the Subrecipient has complied with all applicable regulations and requirements.
- 10. **Environmental Clearance** - The County shall be responsible for carrying out environmental reviews and clearances on all activities. The Subrecipient shall be responsible for providing necessary information, promptly, to the County to accomplish this task.

Funding provided through this agreement is "conditionally approved" subject to the completion of the Environmental Review Process by the County. Notwithstanding any provision of this Agreement, the parties hereto agree and acknowledge that this Agreement does not constitute a commitment of funds or site approval and that such commitment of funds or approval may occur only upon satisfactory completion of environmental review and receipt by the County of a release of funds from the U.S. Department of Housing and Urban Development under 24 CFR Part 58. The parties further agree that the provision of any funds to projects/activities included in this Agreement is conditional based on the County's determination to proceed with, modify or cancel the projects/activities based on the results of a subsequent environmental review.

The Subrecipient may not obligate or expend any funds provided through this Agreement until the County provides to the Subrecipient a "Notice to Proceed," which shall represent, in part, the completion of the environmental review process, and the Release of Funds by HUD for the projects/activities contained in this Agreement.

11. Wage Rates - The County shall be responsible for the preparation of all requests for wage rate determinations on CDBG activities, on behalf of the Subrecipient. The Subrecipient shall notify the County before initiating any activity, including advertising for contractual services, which will include costs likely to be subject to the provisions of the Davis-Bacon Act and its implementing regulations. The County will provide technical assistance to the Subrecipient to ensure compliance with these requirements.
12. Technical Assistance - The County agrees to provide technical assistance to the Subrecipient in the form of oral or written guidance and on-site assistance regarding CDBG procedures and project management. Technical assistance is provided to the Subrecipient as requested and at other times at the initiative of the County, or when the County provides new or updated CDBG Program information to the Subrecipient.
13. Review Authority - The County shall have the authority to review all procedures and all materials, notices, documents, etc., prepared by the Subrecipient in implementation of this Agreement. The Subrecipient agrees to provide all information required by any person authorized by the County to request such information to review the same.
14. Agreement Suspension and Termination - In accordance with the provisions of 2 CFR 200.338 – 200.342, suspension or termination of this Agreement may occur if the Subrecipient materially fails to comply with any term of this Agreement. The Agreement may terminate for convenience in accordance with 2 CFR 200.338 – 200.342. This Agreement may be terminated with or without cause by either party, hereto, by giving thirty (30) calendar days written notice of such termination. However, CDBG funds allocated to the Subrecipient under this Agreement may not be obligated or expended by the Subrecipient following such date of termination. Any funds allocated to the Subrecipient under this Agreement, which remain unobligated or unspent upon such date of termination, shall automatically revert to the County.
15. Agreement Amendment(s) - This Agreement may be modified or amended by mutual agreement of the parties; however, no waiver, modification or amendment of any terms, conditions or provisions of this agreement will be valid, or of any force or effect, unless made in writing, approved by the respective parties' governing bodies and properly executed by the authorized representatives of the parties. All amendments to this Agreement shall be made a part of the Agreement by inclusion in Exhibit 3, which is attached at the time of any amendment(s). If the Subrecipient seeks an amendment to this agreement, the request for such an amendment shall be submitted in written form to the Gwinnett County Community Development Program in a format prescribed by the Community Development Program. If an amendment to the Gwinnett County Consolidated Plan is required, the Subrecipient shall be informed of such requirement and the steps required to effectuate such a Consolidated Plan amendment.
16. Effective Date and Termination Date - The effective date of this Agreement is the date specified on page 1 of this Agreement. The termination date of this Agreement is **June 30, 2023**.
17. Program Income - If the Subrecipient generates any program income as a result of the expenditure of CDBG funds, the provisions of 2 CFR 200.307 and 24 CFR 570.504(c) shall apply, as well as the following specific stipulations:
 - A. The Subrecipient acknowledges, by the executing this Agreement, that it must notify the County of the receipt of any program income during the calendar month that such program income is generated.
 - B. Any such program income must be paid to the County within seven calendar days following the end of the month in which the program income is generated. Such payment to the County must include any interest or other earnings generated from the program income during the time the program income was in the possession of the Subrecipient.
 - C. The Subrecipient further acknowledges, by executing this Agreement, that the County has the responsibility for monitoring and reporting to the U.S. Department of Housing and Urban Development

(HUD) on the generation of any such program income. The Subrecipient acknowledges its responsibility to the County to maintain appropriate record-keeping and report on the generation and receipt of such program income.

D. In the event of a closeout or change in the status of the Subrecipient, any program income that is on hand or received after the closeout or change in status shall be paid to the County within thirty (30) calendar days of the official date of the closeout or change in status. The County agrees to notify the Subrecipient in writing, should closeout or change in the status of the Subrecipient occur as a result of changes in CDBG Program statutes, regulations, or instructions.

18. **Real Property** - The Subrecipient shall comply with the following standards contained in 2 CFR 200.310 – 200.311 for all activities involving real property. The following standards shall also apply to real property (within the control of the Subrecipient) acquired or improved, in whole or in part, using CDBG funds. The standards are:

A. The Subrecipient shall inform the County, in writing, at least thirty (30) calendar days before any modification or change in the use of the real property from that specified in this Agreement, at the time of acquisition or improvements, including disposition;

Paragraph 18.b. is modified from prior year Subrecipient Agreements, per HUD suggested language offered during on-site monitoring of another Urban County in the Atlanta region in August 2005.

B. Change in Real Property Status

1. Sale of Property

The Subrecipient may sell the property acquired or improved with CDBG assistance at any time. If the Subrecipient sells the property or otherwise transfers ownership (title) to another entity that continues to use the property for an activity that meets a CDBG National Objective and is an eligible CDBG activity, the County will not require the Subrecipient to repay funds to the County's CDBG Program. If the Subrecipient sells the property or transfers ownership (title) to another entity that does not continue to use the property for an activity that meets a CDBG National Objective and is an eligible CDBG activity, the County will require the Subrecipient to repay to the County's CDBG Program the fair market value of the property, less any portion of the value attributable to expenditures of non-CDBG funds for the acquisition of and improvements to the property. However, before such sale of CDBG-assisted property, the Subrecipient shall notify the County in writing of its intent to sell the property and shall determine the fair market value of the property by obtaining at least one appraisal and at least one review appraisal of the property performed by separate appraisers who are licensed by the State of Georgia.

If the Subrecipient sells or transfers ownership (title) to the property at a point in time five (5) years after the County receives its last increment of CDBG funding, the County will not require the Subrecipient to reimburse the County's CDBG Program.

2. Change in Use of Property

The Subrecipient may change the use of the property at any time provided it complies with the following stipulations:

(a) If the Subrecipient proposes to change the use of the property to an activity that meets a CDBG National Objective and is an eligible CDBG activity, the County will not require the Subrecipient to repay funds to the County's CDBG Program. However, before such change in use, the Subrecipient shall notify the County in writing of its intent to change the use of the property to permit the County to notify affected citizens with reasonable notice of an

opportunity to comment on the proposed change in use, as required by 24 CFR 570.500.

- (b) If the Subrecipient proposes to change the use of the property to an activity that does not meet a CDBG National Objective or is not an eligible CDBG activity, the County will require the Subrecipient to reimburse the County's CDBG Program the fair market value of the property as adjusted for non-CDBG funds. However, before such change in use, the Subrecipient shall notify the County in writing of its intent to change the use of the property and shall determine the fair market value of the property by obtaining at least one appraisal and at least one review appraisal of the property performed by separate appraisers who are licensed by the State of Georgia.
 - (c) If the Subrecipient proposes to change the use of the property at a point-in-time five (5) years after the County receives its last increment of CDBG funding, the County will not require the Subrecipient to reimburse the CDBG Program.
- C. Any program income generated from the disposition or transfer of property before or after the closeout, change of status, or termination of the Subrecipient Agreement between the County and the Subrecipient shall be repaid to the County at the time of disposition or transfer of the property.
- D. A lease agreement, in a format prescribed by the County, must be executed between the County and the Subrecipient for any County CDBG-assisted Subrecipient activity, which is carried out wholly, or in part, on County-owned real property. The lease agreement shall be included in this Subrecipient Agreement as Exhibit 4. Said lease agreement must contain, at a minimum, the following items, and other items determined by the County to be applied to the specific lease:
- (1) The beginning and end dates of the lease [at least five (5) years to be eligible for CDBG funding assistance].
 - (2) Identification of the parties to the lease; i.e., the Lessor shall be the County, and the Lessee shall be the Subrecipient.
 - (3) Identification of the precise land parcel(s) and/or structure(s), which constitute the subject of the lease.
 - (4) Identification of the CDBG-eligible use of the real property(s) and/or structure(s).
 - (5) A termination statement acceptable to the County and the U.S. Department of Housing and Urban Development.
 - (6) The lease must contain a regulatory compliance statement indicating that the terms are in conformance with all applicable Federal, State, and Gwinnett County rules, regulations, and requirements.
 - (7) The lease must contain maintenance of property statement indicating that the property(s) and/or structure(s), which is the subject of the lease agreement, will be maintained in conformance with all applicable Federal, State, and Gwinnett County rules, regulations, and requirements.
 - (8) The lease must contain a non-assignability clause indicating that the lease may not be assigned to any other party(s) without prior written approval by the County and subsequent execution of an amendment to the lease and this Subrecipient Agreement.
 - (9) The lease must contain an insurance certification statement indicating that the lessee will maintain appropriate types of insurance, as specified in the lease, on the property(s) and/or structure(s), which is the subject of the lease.

- (10) The lease must contain an indemnification statement, as specified by the County.
- (11) The lease must contain a statement as to governance, performance, and enforcement under the laws of the State of Georgia.
- (12) The lease may contain special conditions unique to the specific lessor/lessee circumstances or unique to the specific property(s) and/or structure(s).
- E. If the Subrecipient wishes to carry out its CDBG-assisted activity on real property(s) and/or in a structure(s) which is owned neither by the Subrecipient nor by the County, a long-term lease [minimum fifteen (15) years] must be executed which meets the standards specified in Section 18(d), above. Prior to the execution of the said lease, the County must approve the form and content of the Lease Agreement to ensure compliance with the terms of this Agreement.
- F. Private non-profit Subrecipient organizations must also execute a real property use document(s) with the County. Such document(s) provides the County with a mechanism to ensure its fiduciary interest in the property(s) and/or structure(s) for which the County provided CDBG funds to the private non-profit organization via this Agreement.

In the event of the dissolution or change in status of the private non-profit organization or change in scope of the CDBG-assisted activity -- resulting in the CDBG-assisted activity becoming an ineligible CDBG activity, as defined by CDBG rules and regulations applicable at the time of such dissolution or change in status -- the County shall, at its option, exercise its right to obtain its appropriate share of the value of the CDBG-assisted property, as permitted by the rules and regulations governing the CDBG program at the time of such an occurrence, and as specified by this Agreement. The real property use documents referenced, herein, shall be appended to this Agreement and shall constitute Exhibit 5.

19. Audits

The Subrecipient agrees to comply with the requirements of:

- A. The "Government Auditing Standards, Standards for Audit of Governmental Organizations, Programs, Activities, and Functions," 1994 Revision or its successors, ["The Yellow Book"] issued by the Comptroller General, United States General Accounting Office.
- B. The "Single Audit Act of 1984" [P.L. 98-502], as amended by the Single Audit Act Amendments of 1996 [P.L. 104-156], requires that States, local governments and nonprofit organizations which receive federal funds must have audits performed in conformance with the Single Audit Act, as amended, and with implementing Circulars issued by the Office of Management and Budget. Subrecipient entities must have their audits prepared consistent with the requirements of 2 CFR 200.500 – 200.513. If a Subrecipient's expenditures trigger the requirement to prepare a Single Audit, three (3) copies of the audit must be submitted to the County not later than six (6) months following the final date of the Subrecipient's fiscal year that is the subject of the audit.

If the minimum monetary amounts requiring the preparation of the Single Audit, as stated in 2 CFR 200.501, are not be triggered, the Subrecipient shall provide to the Gwinnett County Community Development Program Office three (3) copies of its normal independent auditor's report, as soon as practicable following the close of its fiscal year, but not later than nine (9) months following the close of each such year. The independent audit, which addresses the Community Development Block Grant funds received/expended by the Subrecipient shall conform to the Gwinnett County Audit Standards, described in Section 19.C. of this Agreement.

C. Gwinnett County Audit Standards for CDBG Subrecipients Where Single Audit Act Requirements Do Not Apply

Because Gwinnett County is responsible for any grant funds provided to all Subrecipients, any organizations or cities which expend a total of more than \$0.00, but less than \$500,000.00 of CDBG funds, in any fiscal year from this agreement must have an independent audit of those funds performed annually or shall follow procedures specified, herein, as if all funds were subject to the requirements below.

- (1) A statement by the executive financial official of the organization or city that they have read and adhered to the requirements of 2 CFR 200.500 – 200.520 and have met those requirements as applicable to their organization. This statement should be in written form and submitted to Gwinnett County within thirty (30) calendar days following the end of the fiscal year of the Subrecipient;
- (2) All requests to the County for CDBG reimbursements shall be approved by an individual at least one level above the person who prepares the reimbursement request. If the reimbursement request is prepared by the Chief Financial Administrator of the organization, the request shall be approved by a Chairperson or other designated member of the organization's governing board;
- (3) For all CDBG requests for reimbursement, the invoice and accompanying copies of checks and other supporting documentation shall be submitted with the reimbursement request;
- (4) Gwinnett County shall periodically perform program reviews of Subrecipient financial records and systems not less often than one time during the Subrecipient's fiscal year, including the review of Subrecipient records, at least annually, at the offices of the Subrecipient. This review should include procedures to request and verify documentation of all expenditures requested in a single reimbursement request;
- (5) Any appropriate corrective action for instances of noncompliance as a result of these program reviews will be taken within six (6) months of notification by Gwinnett County that these reportable conditions exist;
- (6) At the end of each fiscal year, the Subrecipient shall submit to Gwinnett County a financial statement prepared from the Subrecipient's financial records that presents the revenues received from the Gwinnett County Community Development Block Grant Program and the expenditures for which these funds were used; and

The above procedures will provide the County's independent auditor with sufficient information to determine whether the Subrecipient has materially complied with the applicable laws and regulations, as they govern their programs. If any of the above procedures provide less information than is already required by this agreement, then the applicable procedures already stated in the agreement shall govern the Subrecipient's responsibilities to Gwinnett County.

- D. The Subrecipient agrees to have its Single Audit or other independent audit performed, in conformance with these Federally required and Gwinnett County stipulations, at its own cost and not payable with CDBG funds.
- E. The Subrecipient further agrees to send a copy of its Single Audit Report or independent auditor's report to the Gwinnett County Community Development Program as soon as practicable following the close of the Subrecipient's fiscal year, but in no case shall the audit report be submitted to the Gwinnett

County Community Development Program later than nine (9) months following the close of the Subrecipient's fiscal year which is the subject of the audit in question.

- F. The County reserves the right to recover, from non-CDBG sources of the Subrecipient, any CDBG expenses of the Subrecipient, which are questioned or disallowed by the Subrecipient's independent auditor or by Gwinnett County's independent auditor as a part of their review of the Subrecipient's audit.

The Subrecipient shall comply with all the applicable requirements of 2 CFR 200 and 24 CFR 570 [CDBG Regulations], as applicable. These documents are incorporated as a part of this Agreement by reference, herein. The referenced documents are also available from the Gwinnett County Community Development Program upon request.

20. Faith-based activities

- A. Organizations that are religious or faith-based are eligible, on the same basis as any other organization, to participate in the CDBG program. Neither the Federal government nor a State or local government receiving funds under CDBG programs shall discriminate against an organization on the basis of the organization's religious character or affiliation.
- B. Organizations that are funded under the CDBG program may not engage in inherently religious activities, such as worship, religious instruction, or proselytization, as part of the programs or services funded under this part. If an organization conducts such activities, the activities must be offered separately, in time or location, from the programs or services funded under this part, and participation must be voluntary for the beneficiaries of the HUD-funded programs or services.
- C. A religious organization that participates in the CDBG program will retain its independence from Federal, State, and local governments, and may continue to carry out its mission, including the definition, practice, and expression of its religious beliefs, provided that it does not use direct CDBG funds to support any inherently religious activities, such as worship, religious instruction, or proselytization. Among other things, faith-based organizations may use space in their facilities to provide CDBG-funded services, without removing religious art, icons, scriptures, or other religious symbols. In addition, a CDBG-funded religious organization retains its authority over its internal governance, and it may retain religious terms in its organization's name, select its board members on a religious basis, and include religious references in its organization's mission statements and other governing documents.
- D. An organization that participates in the CDBG program shall not, in providing program assistance, discriminate against a program beneficiary or prospective program beneficiary on the basis of religion or religious belief.
- E. CDBG funds may not be used for the acquisition, construction, or rehabilitation of structures to the extent that those structures are used for inherently religious activities. CDBG funds may be used for the acquisition, construction, or rehabilitation of structures only to the extent that those structures are used for conducting eligible activities under this part. Where a structure is used for both eligible and inherently religious activities, CDBG funds may not exceed the cost of those portions of the acquisition, construction, or rehabilitation that are attributable to eligible activities in accordance with the cost accounting requirements applicable to CDBG funds in this part. Sanctuaries, chapels, or other rooms that a CDBG-funded religious congregation uses as its principal place of worship, however, are ineligible for CDBG-funded improvements. Disposition of real property after the term of the grant, or any change in use of the property during the term of the grant, is subject to government-wide regulations governing real property disposition (see 24 CFR parts 84 and 85). If a State or local government voluntarily contributes its own funds to supplement federally funded activities, the State or local government has the option to segregate the Federal funds or commingle them. However, if the funds are commingled, this section applies to all of the commingled funds.

F. In accordance with 24 CFR 570.607 Employment and contracting opportunities, as amended by 56404, Page 53405, to the extent that they are otherwise applicable, the Subrecipient shall comply with: Executive Order 11246, as amended by Executive Orders 11375, 11478, 12086, and 12107 (3 CFR 1964–1965 Comp. p. 339); 3 CFR, 1966–1970 Comp., p. 684; 3 CFR, 1966–1970., p. 803; 3 CFR, 1978 Comp., p. 230; 3 CFR, 1978 Comp., p. 264 (Equal Employment Opportunity), and Executive Order 13279 (Equal Protection of the Laws for Faith-Based and Community Organizations), 67 FR 77141, 3 CFR, 2002 Comp., p. 258; and the implementing regulations at 41 CFR chapter 60; and (b) Section 3 of the Housing and Urban Development Act of 1968 (12 U.S.C. 1701(u) and implementing regulations at 24 CFR part 135.

21. Recognition of CDBG Program Funding from Gwinnett County

A. The Subrecipient shall ensure that the Gwinnett County Board of Commissioners & Community Development Program is provided the proper recognition, as follows.

(1) CDBG Public Facilities, Capital Public Services Projects, Other Funded Activities

- a. Subrecipient will affix proper signage in a prominent location inside/outside of the administrative offices and outside of all project sites, which signage will include language recognizing the role of Gwinnett County and its CDBG funds in the acquisition, and/or construction and/or rehabilitation of the public facility or of the purchase of capital equipment, or other CDBG funded activities.
- b. Subrecipient will have as its contact point the Gwinnett County Community Development Program, to arrange any events related to project groundbreaking, dedications, or similar ceremonies for activities receiving Gwinnett County CDBG Program funds; and, the Subrecipient agrees to provide the Gwinnett County CDBG Program with adequate lead time to permit proper planning and scheduling for such events. Event notifications to the Gwinnett County Community Development Program should occur not less than six (6) weeks before the date of any event to permit adequate event planning and scheduling.
- c. Subrecipient agrees to contact the Gwinnett County Community Development Program to arrange such events, rather than contacting the Gwinnett County Board of Commissioners, directly, individually or collectively, to initiate or arrange such events. This procedure is being used by the Gwinnett County government to avoid scheduling conflicts and to provide a consistent method of planning all such events.
- d. Subrecipient agrees to schedule such events on days other than regular meeting days [Tuesdays] of the Gwinnett County Board of Commissioners or to schedule such events late in the afternoon on Tuesday meeting days of the Gwinnett County Board of Commissioners.
- e. Subrecipient agrees that all reports, media releases, media stories, media articles, brochures, newsletters, advertisements, and other published materials shall contain statements that provide adequate recognition of the financial support provided by the Gwinnett County Board of Commissioners, through Gwinnett County CDBG Program funds.

22. Conflict of Interest

In accordance to 2 CFR 200.112 and 24 CFR 570.611, no person who is an employee, agent, consultant, officer, or elected or appointed official of a Subrecipient who exercise or have exercised any functions or responsibilities with respect to CDBG activities assisted under this Agreement, or who are in a position to participate in a decision making process or gain inside information about such activities, may obtain

financial interest or benefit from a CDBG-assisted activity, or have a financial interest in any contract, subcontract, or agreement for a CDBG-assisted activity, or with the proceeds of the CDBG-assisted activity, either for themselves or those with whom they have business or immediate family ties, during their tenure or for one year thereafter.

Subrecipients will maintain a written code of standards of conduct governing the performance of their employees engaged in the award and administration of contracts. No employee, officer, or agent of the Subrecipient shall participate in the selection, or in the award or administration of a contract supported by Federal funds awarded through this Agreement if a conflict of interest, real or apparent, would be involved.

Subrecipients must be mindful of any relationship employees, officials, board members, consultants, or volunteers may have with Gwinnett County employees, board members, consultants, or elected officials, where a real or apparent conflict of interest that might be realized or perceived concerning a CDBG funded project or activity awarded through this Agreement. All relationships between representatives of the Subrecipient and Gwinnett County must be transparent and must comply with Gwinnett County's Code of Ethics. This Code was developed by the County to establish ethical standards of conduct for all such officials and employees by setting forth those acts or actions that are compatible with the best interests of the County. The Code directs disclosure by such officials and employees of private financial or other interests in matters affecting the County and by directing disclosure of their business relationships. Subrecipient officials who carefully follow the Gwinnett County Code of Ethics and the language of this Section are less likely to have conducted themselves or participated in activities that can be construed as real or apparent conflicts of interest.

If any situation arguably falls within the conflicts prohibited by 2 CFR 200.112 or 24 CFR 570.611 the Subrecipient should immediately contact the Gwinnett County Community Development Program for guidance. Copies of the Gwinnett County Code of Ethics are available from the Gwinnett County Community Development Program.

23. Investment Efficiency Reporting

The Gwinnett County Community Development Program is pioneering a process to permit the County and its Subrecipients to provide local elected officials and program managers with meaningful information on the actual value returned from the investment of CDBG Program funds. Vendors and Subrecipients using CDBG funds must report on the number and value of jobs created or retained, and Subrecipients must report any private or other governmental funds that are invested as a direct result of the expenditure of CDBG funds.

The new mandatory reporting process and form is provided in Exhibit 2.

IN WITNESS WHEREOF, the parties hereunto have affixed their signatures the year and dates specified below and the Official Seal of the Subrecipient has been affixed.

FOR City of Dacula:

FOR GWINNETT COUNTY:

Signature

Trey King, Mayor

Name / Title

Signature Date

[Impress Corporate Seal Here]

ATTEST:

Signature

Joey Murphy, City Administrator

Name / Title

Signature Date

Date Approved: City of Dacula Governing Body

Date of Approval

[See Also Attached Exhibit(s)]

Note: No Signatures shall be placed within this document on a date prior to action by the governing board of the Subrecipient, approving acceptance of these funds, and authorizing execution of this document. The Resolution of the Governing Board is presented in Exhibit 1.

Signature

Buffy Alexzulian, Director of Financial Services

Gwinnett County Department of Financial Services

Name / Title

Signature Date

Signature

Eryca Fambro, Director of Community Development

W. Frank Newton, Inc.

Gwinnett County CDBG Program Management Firm

Name / Title

Signature Date

ATTEST:

Signature

Tina King, County Clerk, Gwinnett County

Name / Title

Signature Date

Approved by: Gwinnett County Board of Commissioners

Per Minutes Dated November 16, 2021

RESOLUTION OF THE GOVERNING BOARD

City of Dacula

WHEREAS, City of Dacula requested Community Development Block Grant [CDBG] Program funding from the Gwinnett County Board of Commissioners; and

WHEREAS, the Gwinnett County Board of Commissioners has awarded \$500,000.00 from FFY 2022 CDBG Program funds to City of Dacula for Brookton Station S/D - Asphalt Milling, Repaving, and Sidewalk Replacement Improvements

NOW, THEREFORE, the Governing Board of City of Dacula does hereby resolve and authorize the following, as a result of an affirmative majority vote of the Governing Board at a meeting of said Governing Board which was held on _____

Date of Governing Board Action

1. Acceptance of an FFY 2022 Community Development Block Grant [CDBG] Program award \$500,000.00 from the Gwinnett County Board of Commissioners to City of Dacula
2. Authorize the Mayor and City Administrator of the Subrecipient’s Governing Board to execute the Community Development Block Grant [CDBG] Program Subrecipient Agreement used by Gwinnett County to award the CDBG Program funds to City of Dacula

Certified as accurate and true:

Signature – Trey King, Mayor

Signature Date

[IMPRESS CORPORATE SEAL HERE]

EXHIBIT 1
CERTIFICATIONS

EXHIBIT 1
COMMUNITY DEVELOPMENT BLOCK GRANT
GRANTEE CERTIFICATIONS

In accordance with the Housing and Community Development Act of 1974, as amended, ("the Act") and with 24 CFR 570 of the Community Development Block Grant regulations, the Subrecipient certifies that:

- (a) It possesses legal authority to accept and execute a Community Development Block Grant award from Gwinnett County;
- (b) Its governing body has duly adopted or passed, by at least a majority vote, as an official act a resolution, motion or similar action authorizing the acceptance of this grant for the purposes specified in this Agreement and directing and authorizing its appropriate personnel to execute and implement this Agreement and to provide to the County such additional information as may be required;
- (c) Provides for and encourages citizen participation, with particular emphasis on participation by persons of low- and-moderate income who are residents of slum and blighted areas and of areas in which funds are proposed to be used, and provides for participation of residents in low- and moderate-income neighborhoods, as defined by the County;
- (d) Provides citizens with reasonable and timely access to local meetings, information, and records relating to the Subrecipient's use of funds, as specified in this Agreement,
- (e) Provides for public hearings to obtain citizen views and to respond to proposals and questions at all stages of the community development program, which hearings shall be held after adequate notice, at times and locations convenient to potential or actual beneficiaries, and with accommodation for persons with disabilities;
- (f) Identifies how the needs of non-English speaking residents will be met in the case of public hearings where a significant number of non-English speaking residents can be reasonably expected to participate;
- (g) The grant will be conducted and administered in compliance with:
 1. Title VI of the Civil Rights Act of 1964 (Public Law 88-352, 42 U.S.C. Sec. 2000d et seq.); and
 2. The Fair Housing Act (42 U.S.C. 3601-20);
- (h) It will affirmatively further fair housing;
- (i) It will carry out the activities specified in this Agreement consistent with the goals, objectives, and strategies of the Gwinnett County Consolidated Plan;
- (j) It will not attempt to recover any capital costs of public improvements assisted in whole or in part with funds provided under section 106 of the Act or with amounts resulting from a guarantee under section 108 of the Act by assessing any amount against properties owned and occupied by persons of low and moderate income, including any fee charged or assessment made as a condition of obtaining access to such public improvements, unless:
 1. Funds received under section 106 of the Act are used to pay the proportion of such fee or assessment that relates to the capital costs of such public improvements that are financed from revenue sources other than under Title I of the Act; or
 2. For purposes of assessing any amount against properties owned and occupied by persons of moderate income, the grantee certifies to the Secretary that it lacks sufficient funds received under section 106 of the Act to comply with the requirements of subparagraph (1) above;

- (k) Its notification, inspection, testing and abatement procedures concerning lead-based paint will comply with 24 CFR Part 570.608;
- (l) It will comply with the acquisition and relocation requirements of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended, as required under 24 CFR Part 570.606;
- (m) It has adopted and is enforcing:
1. A policy prohibiting the use of excessive force by law enforcement agencies within its jurisdiction against any individuals engaged in non-violent civil rights demonstrations; and
 2. A policy of enforcing applicable State and local laws against physically barring entrance to or exit from a facility or location which is the subject of such non-violent civil rights demonstrations within its jurisdiction;
- (n) To the best of its knowledge and belief:
1. No Federal appropriated funds have been paid or will be paid, by or on behalf of it, to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement;
 2. If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant, loan, or cooperative agreement, it will complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions; and
 3. It will require that the language of paragraph (n) of this certification be included in the award documents for all subawards at all tiers (including subcontracts, subgrants, and contracts under grants, loans, and cooperative agreements) and that all Subrecipients shall certify and disclose accordingly;
- (o) It will or will continue to provide a drug-free workplace by:
1. Publishing a statement notifying employees that the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance is prohibited in the grantee's workplace and specifying the actions that will be taken against employees for violation of such prohibition;
 2. Establishing an ongoing drug-free awareness program to inform employees about -
 - (a) The dangers of drug abuse in the workplace;
 - (b) The grantee's policy of maintaining a drug-free workplace;
 - (c) Any available drug counseling, rehabilitation, and employee assistance programs; and
 - (d) The penalties that may be imposed upon employees for drug abuse violations occurring in the workplace;
 3. Making it a requirement that each employee to be engaged in the performance of the grant be given a copy of the statement required by paragraph l;

4. Notifying the employee in the statement required by subparagraph 1 that, as a condition of employment under the grant, the employee will:
 - (a) Abide by the terms of the statement; and
 - (b) Notify the employer in writing of his or her conviction for a violation of a criminal drug statute occurring in the workplace no later than five (5) calendar days after such conviction;
5. Notifying the agency in writing, within ten calendar days after receiving notice under subparagraph 4(b) from an employee or otherwise receiving actual notice of such conviction. Employers of convicted employees must provide notice, including position title, to every grant officer or other designee on whose grant activity the convicted employee was working, unless the Federal agency has designated a central point for the receipt of such notices. Notice shall include the identification number(s) of each affected grant;
6. Taking one of the following actions, within thirty (30) calendar days of receiving notice under subparagraph 4(b), with respect to any employee who is so convicted -
 - (a) Taking appropriate personnel action against such an employee, up to and including termination, consistent with the requirements of the Rehabilitation Act of 1973, as amended; or
 - (b) Requiring such employee to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purposes by a Federal, State, or local health, law enforcement, or other appropriate agency;
7. Making a good faith effort to continue to maintain a drug-free workplace through implementation of paragraphs 1, 2, 3, 4, 5 and 6.
8. The site(s) for the performance of work done in connection with the specific grant:

Place of Performance (Street address, city, county, state, zip code)

City of Dacula
 442 Harbins Road
 Dacula, GA 30019
 GWINNETT COUNTY, GA

(p) It will comply with the other provisions of the Act and with other applicable laws.

[CDBG CERTIFICATION SIGNATURE PAGE – PROVIDED ON NEXT PAGE]

COMMUNITY DEVELOPMENT BLOCK GRANT

GRANTEE CERTIFICATIONS

SUBRECIPIENT SIGNATURE PAGE

SIGN:

Signature – Subrecipient Chief Elected Official/Board Chair/Other Authorized Official

Trey King

Name - Subrecipient Chief Elected Official/Board Chair/Other Authorized Official

Mayor

Title

Signature Date

ATTEST:

Signature of Person Attesting Signature by Subrecipient's Chief Elected Official or Board Chair

Joey Murphy

Name - Person Attesting Signature by Subrecipient's Chief Elected Official or Board Chair

City Administrator

Title

Date of Attesting Person's Signature

APPENDIX TO CDBG CERTIFICATIONS

INSTRUCTIONS CONCERNING LOBBYING AND DRUG-FREE WORKPLACE REQUIREMENTS:

A. Lobbying Certification - Paragraph n

This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by section 1352, title 31, U.S. Code. Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

B. Drug-Free Workplace Certification - Paragraph o

1. By signing and executing this Agreement, the Subrecipient is providing the certification set out in paragraph (o).
2. The certification set out in paragraph (o) is a material representation of fact upon which reliance is placed when the County awards the grant. If it is later determined that the Subrecipient knowingly rendered a false certification, or otherwise violates the requirements of the Drug-Free Workplace Act, HUD, in addition to any other remedies available to the Federal Government, may take action authorized under the Drug-Free Workplace Act.
3. Workplaces under this Agreement shall be identified in this Agreement. Failure to identify all known workplaces constitutes a violation of the Subrecipient's drug-free workplace requirements.
4. Workplace identifications must include the actual address of buildings (or parts of buildings) or other sites where work under the grant takes place.
5. If the workplace identified to the County changes during the performance of the grant, the Subrecipient shall inform the County of the change(s), if it previously identified the workplaces in question (see paragraph three).
6. Definitions of terms in the Nonprocurement Suspension and Debarment common rule and Drug-Free Workplace common rule apply to this certification. Subrecipient's attention is called, in particular, to the following definitions from these rules:

"Controlled substance" means a controlled substance in Schedules I through V of the Controlled Substances Act (21 U.S.C.812) and as further defined by regulation (21 CFR 1308.11 through 1308.15);

"Conviction" means a finding of guilt (including a plea of *nolo contendere*) or imposition of sentence, or both, by any judicial body charged with the responsibility to determine violations of the Federal or State criminal drug statutes;

"Criminal drug statute" means a Federal or non-Federal criminal statute involving the manufacture, distribution, dispensing, use, or possession of any controlled substance;

"Employee" means the employee of a Subrecipient directly engaged in the performance of work under a grant provided through this Agreement, including: (i) All "direct charge" employees; (ii) all "indirect charge" employees unless their impact or involvement is insignificant to the performance of the grant; and (iii) temporary personnel and consultants who are directly engaged in the performance of work under the grant and who are not on the Subrecipient's payroll. This definition does not include workers not on the payroll of the Subrecipient (e.g., volunteers, even if used to meet a matching requirement; consultants or independent contractors not on the Subrecipient's payroll; or employees of subrecipients or subcontractors in covered workplaces).

EXHIBIT 2
SCOPE OF SERVICES

SCOPE OF SERVICES

The following activities and/or projects shall be carried out by the Subrecipient, under the terms of this Agreement and its accompanying certifications and reporting requirements:

Agency:	City of Dacula
Activity Name:	Brookton Station S/D - Asphalt Milling, Repaving, and Sidewalk Replacement Improvements
Project Number:	
CDBG Priority:	5.2
CDBG Eligibility Citation:	24 CFR 570.201(c)
IDIS Matrix Code:	24 CFR 570.208(a)(2)
IDIS Matrix Code Description:	XX
HUD Objective:	Improving Availability/Accessibility
HUD IDIS Number:	XXXX
HUD Outcome:	Suitable Living Environment

ACTIVITY DESCRIPTION

The total FFY 2022 CDBG budget for this activity shall not exceed **\$500,000.00**. The Subrecipient shall contribute non-CDBG funds for this activity, if needed, to permit the project to be completed by the termination date. The Subrecipient's CDBG application listed the total project cost at **\$500,000.00**. The Agreement shall be effective on **January 1, 2022** and will terminate on **June 30, 2023**, after which date, Gwinnett County reserves the right to recapture any remaining unexpended CDBG funds.

Expenditure Requirements

Gwinnett County reserves the right to recapture CDBG grant funds based on the time periods and expenditure rate schedule for grant amounts set forth in this agreement.

Expenditure Period	Expenditure Rate
January 2022 - April 2022	0-15%
May 2022 - July 2022	16-25%
August 2022 - October 2022	26-50%
November 2022 - January 2023	51-75%
February 2023 - May 2023	76-99%
June 2023	100%

Beneficiary Requirements

The Subrecipient shall use the CDBG funds and other non-CDBG funds, if needed, to provide **Infrastructure Improvements: Brookton Station S/D - Asphalt Milling, Repaving, and Sidewalk Replacement Improvements**. Total persons to be served: **312 of whom 312 [100%]** are income-eligible as defined by the CDBG Program. At least 51% of the households must have income that does not exceed the CDBG Maximum Income Limits applicable at the time the service is provided. Income limits in effect at the time of the preparation of this agreement are contained within the Monthly Services Report, Page 2, of this Exhibit.

General Requirements

A **Monthly Services Report** [see the form that follows] shall be submitted by the **10th calendar day of the month** following the initial month of operation. A copy of the monthly report shall be transmitted or delivered to the Gwinnett County Community Development Program Office by the 10th calendar of each month for all months CDBG Public Service funds are being utilized (for services provided during the prior month). The Subrecipient may stop submitting Monthly Service Reports once all Gwinnett County CDBG Public Service funds have been expended, reimbursement has been requested, and the beneficiary goal listed above have been met. The monthly utilization forms shall be retained in the Subrecipient's files, and filed with the Gwinnett County Community Development Program. The services data must be received from the Subrecipient to permit Gwinnett County to record services delivered by the Subrecipient into the HUD Integrated Disbursement and Information System, or any successor or replacement computer system at HUD.

Funds from these grant awards shall only be used to provide services associated with activities identified in this Scope of Services. No involuntary displacement of persons, businesses, or agencies will occur as a result of this CDBG assisted activity. Any changes in this agreement shall be requested by the Subrecipient, in writing, and must be approved by Gwinnett County.

Reimbursement Process

Each request for reimbursement for **Infrastructure Improvements** must be submitted to the Gwinnett County Community Development Program, which shall review and recommend reimbursement to the Subrecipient by the Gwinnett County Department of Financial Services.

Each request for reimbursement submitted to the Gwinnett County Community Development Program by the Subrecipient shall consist of:

- (1) A letter from your agency requesting reimbursement, identifying the activity and the amount of reimbursement requested; and
- (2) Copies of vendor(s) invoices, your agency's payment voucher(s) (if used by your agency), and your agency's check(s) issued to vendor(s) for expenditures contained in the requests for reimbursement; and
- (3) All payments to vendors(s) shall be reviewed and approved, in writing, by an authorized official of the Subrecipient; and
- (4) No reimbursement requests shall be submitted to the Gwinnett County Community Development program without the review and written approval by an authorized official of the Subrecipient; and
- (5) No reimbursement requests shall be submitted to the Gwinnett County Community Development Program until the Subrecipient has issued its check(s) payable to the vendor(s) identified in the requests for reimbursement.
- (6) The Subrecipient shall maintain documentation in its files to substantiate all expenditures/reimbursement requests, and to demonstrate that it has followed its written procurement procedures [see Item 3, of this Agreement] to obtain the goods and/or services associated with the completion of the activity identified in this Scope of Services.

When CDBG funds are expended, Subrecipients and their vendors [i.e., contractors, subcontractors, and architects/engineers] hire or retain employees as a direct result of the expenditure of CDBG funds. Another important product of the expenditure of CDBG funds is the investment of other governmental or private funds by the Subrecipients to implement and carry out CDBG-funded projects/activities.

Gwinnett County recognizes that the creation or retention of jobs and the investment of non-CDBG funds are important contributions to the local economy. In a pilot-test during 2012, the Gwinnett County Community Development Program analyzed these data and discovered results that were so dramatic that the reporting process will now be implemented as a permanent part of the Gwinnett County CDBG Program.

Therefore, effective with any new CDBG funds awarded after 10/1/2012, Subrecipient organizations must report the numbers and the dollar value of jobs created and/or retained as a direct result of the investment of CDBG grant funds. The reporting process also captures any non-CDBG funds [government funds or private funds] that are expended as a direct result of CDBG investments. Reports must be submitted by Subrecipients, by the 10th calendar day of each month, to the Gwinnett County Community Development Program. The Monthly Investment Efficiency Report is contained in this Exhibit.

Reports must be submitted by Subrecipients, by the 10th calendar day of each month, to the Gwinnett County Community Development Program. The Monthly Expenditure Report, Monthly Services Report, and the Monthly Investment Efficiency Report template is contained in this Exhibit.

The information obtained from the monthly Subrecipient reports will be compiled by the Gwinnett County Community Development Program and will be reported to local elected officials and managers to document the impact of CDBG job creation/retention and to catalogue the actual non-CDBG funding leveraged by the CDBG expenditures.

MONTHLY SERVICES REPORT



Item 3.

Community Development Block Grant Program Budget – FFY 2022 - Gwinnett County, Georgia

COMPLETE AND SUBMIT TO GWINNETT COUNTY COMMUNITY DEVELOPMENT PROGRAM

Approved FFY2022 CDBG Budget

\$500,000.00

Invoice Date: 
 Invoice Number: 

Organization Information	
Vendor Name:	City of Dacula
Address:	442 Harbins Road, Dacula, GA 30019
Project Description:	Brookton Station S/D - Asphalt Milling, Repaving, and Sidewalk Replacement Improvements
Vendor Number:	Contract Number:

Financial Information					
Budget Categories	Approved Budget	Prior Expenses	Current Expenses	Cumulative Expenses	Remaining Balance
1. Infrastructure/ Renovation Costs					
A. Labor & Materials	\$ -	\$ -	\$ -	\$ -	\$ -
B. Site Preparation	\$ -	\$ -	\$ -	\$ -	\$ -
C. Design Services	\$ -	\$ -	\$ -	\$ -	\$ -
Total:	\$ -	\$ -	\$ -	\$ -	\$ -

Subrecipient Signature:  Date:

GWINNETT COUNTY COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM MONTHLY BENEFICIARY REPORT [SUBMIT BY 10 TH CALENDAR DAY FOR EACH PRIOR MONTH] [DIRECT BENEFIT ACTIVITIES, ONLY]		
Agency Name: City of Dacula	Activity Name: Brookton Station S/D - Asphalt Milling, Repaving, and Sidewalk Replacement Improvements	IDIS # : XXXX
Matrix Code: 03B	Activity Description: Facility Renovations:	
Month/Year:		

New Individuals or Households Served This Month

Note: Households should be reported during the 1st month they are served and not reported again during that Program Year.

1. <u>New</u> Households Served - Listed By Income Groups - Percentages of Median Family/Household Income	Number of Households Served
A. New households served [Extremely Low Income - 0%-30% Median Family/Household Income]	
B. New households served [Very Low Income - 31%-50% Median Family/Household Income]	
C. New households served [Low Income - 51%-80% Median Family/Household Income]	
D. New households served [Over 80% Median Family/Household Income]	
Total:	

2. Number of <u>New</u> Households Served - Listed by Race/Sex/Ethnicity as identified by Head-of-Household - Number of New Households Served				
Race	Sex		Ethnicity	
	Male	Female	Hispanic or Latino	Non-Hispanic or Non-Latino
(1) White				
(2) Black/African-American				
(3) Asian				
(4) American Indian/Alaskan Native				
(5) Native Hawaiian/Other Pacific Islander				
(6) American Indian/Alaskan Native & White				
(7) Asian & White				
(8) Black/African-American & White				
(9) American Indian/Alaskan Native & Black/African-American				
(10) Other Multi-Racial				
Total:				

3. Number of New Female-Headed Households Served This Month ----->

4. Presumed Benefit Groups Served – Use only the category used to qualify your activity for CDBG funding.	
Presumed Benefit Group	Number Served
A. Elderly – Age 62 and Older	
B. Adults with Disabilities	
C. Homeless Persons	
D. Abused Spouses	
E. Abused/Neglected Children	
F. Illiterate Adults	
G. Persons living with AIDS	
H. Migrant Farm Workers	
Total:	

MONTHLY INVESTMENT EFFICIENCY REPORT

New Jobs Created/Retained This Month								
<i>Note: All jobs created and/or retained are to be reported only during the month they are created or retained</i>								
Jobs Created/ Retained and \$ Values	Full- Time Jobs	Part- Time Jobs	# Jobs Create d	# Jobs Retained	Total # Jobs Created/ Retained	Annualized \$ Value of Salaries/Benefits for Jobs Created	Annualized \$ Value of Salaries/Benefits for Jobs Retained	Annualized Total \$ Value of Salaries/Benefits for Jobs Created/ Retained
Subrecipient								
Contractor								
Subcontractor								
Subcontractor								
Subcontractor								
Architect/Engineer								
Total:								

New Non-CDBG Investments This Month			
<i>Note: All expenditures during the month by the Subrecipient on the CDBG project/activity that have not been or will not be reimbursed from CDBG funds are to be reported only during the month they were incurred.</i>			
CDBG Funds Expended	Non-CDBG Governmental Funds Expended	Private Funds Expended	Total Expenditures

CDBG Inventory Log						
Real Property Acquisition, Property Improvements, Equipment Purchases						
Purchase Date	Grant Year	Detailed Description <i>Include serial number, address, type of asset</i>	Location of Item	Quantity	Unit Price	Total Price

DISPOSITION: When equipment or real property acquired under a grant or subgrant is no longer needed for the original project or program or for other activities currently or previously supported by a Federal agency, disposition must be made in accordance with CDBG regulations 24CFR part 85.32 Disposition of Equipment and 24CFR570.505 Disposition of Real Property. Please contact your Program Specialist if you are selling, donating, or discarding any items purchased with CDBG funding.

CDBG Disposition Log					
Real Property Acquisition, Property Improvements, Equipment Purchases					
Disposed Date	Detailed Description <i>Include serial number, address, type of asset</i>	Location of Item	Quantity	Unit Price	Total Price

The inventory log should list assets purchased with CDBG funds that have a life span of one or more years. Examples include, Property Acquisition and or Improvements, Equipment, Vans

Submit to:
 Gwinnett County Community Development Program
 One Justice Square, 446 West Crogan Street, Suite 420
 Lawrenceville, GA 30046-2439
cdbg@gwinnettcountry.com

 Print Name/Position (Subrecipient)

 Print Name/Position (Community Development Program Office)

 Signature

 Date

 Signature

 Date

EXHIBIT 3

AGREEMENT AMENDMENTS

[Not Applicable To This Subrecipient Agreement]

EXHIBIT 4

LEASE AGREEMENT

[Not Applicable To This Subrecipient Agreement]

EXHIBIT 5

PROPERTY USE REQUIREMENTS

[Not Applicable To This Subrecipient Agreement]

EXHIBIT 6

FEDERAL REGULATIONS

2 CFR 200

"Uniform Administrative Requirements, Cost Principles, and Audit Requirement for Federal Awards"

24 CFR Part 58

"Environmental Review Procedures"

24 CFR Part 570

"Community Development Block Grant"

Memorandum

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

From: Brittini Nix, Director of Planning and Economic Development

Date: April 11, 2022

Subject: Change of Conditions Case: 2021-CD-COC-03

Proposed Zoning: M-1 (Light Manufacturing District)

Existing Zoning: M-1 (Light Manufacturing District)

Size: 43.81 acres

Proposed Use: Light Industrial / Distribution Facility

Applicant: Carter Acquisitions
39 Georgia Avenue SE, Suite 200
Atlanta, Georgia 30312
770-722-8231

Owner: Walton Georgia, LLC
8800 North Gainey Center Drive, Suite 345
Scottsdale, AZ 85258

Location: LL 270 and 271 - 5th District

Existing Land Use and Zoning:

The subject property is located on the south side of Winder Highway / Highway 29, 0.21 miles +/- northeast of the Winder Highway and Stanley Road intersection. Winder Highway is considered a major arterial per the Gwinnett County Long Range Classification Map and Stanley Road is a dirt / gravel 30-foot Gwinnett County right-of-way. The site totals 43.81 acres and is primarily undeveloped wooded land with one 946 square foot commercial / office structure located on site.

Properties zoned C-2 (General Business District) are adjacent to the north and across Winder Highway to the northwest. Land zoned PMUD (Planned Mixed-Use District) is adjacent to the east and across Stanley Road to the south and southwest. The property was rezoned to M-1 (Light Manufacturing District) for an 181,500 +/- square foot distribution facility with a variance for increased building height on April 1, 2021 pursuant to 2021-CD-RZ-02 and 2021-CD-VAR-02.

The Proposed Development:

The applicant has requested a change of conditions to 2021-CD-RZ-02 as the proposed site plan substantially deviates from the plan approved on April 1, 2021. Further, the original plan was approved for one industrial building totaling 181,500 +/- square feet. The new site plan provides for three buildings totaling 607,600 square feet for office warehouse/distribution use.

The realignment of Stanley Road to relocate access farther from the SR 316 and Winder Highway intersection to minimize traffic impact and increase sight distance remains consistent with the original approval. Stanley Road would be converted to a 3-lane road with a devoted center turn lane with two (2) access drives directly to the site. An additional access point on Winder Highway has been shown and would be limited to right-out traffic only. The proposed 563 vehicle parking spaces and 132 trailer parking spaces exceeds the City requirements (Article XI, Section 1102 - 1103). Furthermore, the concept plan is compliant with the District's setback requirements (Article IX, Section 908).

The City of Dacula's 2019 Comprehensive Plan labels the subject property as Regional Mixed Use on the Future Land Use Map. Regional Mixed Use is defined as "large-scale (Over 100,000 square feet) activity centers with commercial retail, office and employment, and higher density land uses... designed to accommodate automobile accessibility and large volumes of access and egress traffic" (The City of Dacula, Georgia 2019 Comprehensive Plan, page 7.13). Warehousing / distribution is a listed allowed land use and, as such, is compatible with the Regional Mixed Use designation specified in the Comprehensive Plan.

Summary:

Approval of the proposed Change of Conditions for site plan revision would remain consistent with the original distribution center approval, as it is located on Winder Highway (major arterial road) with close proximity to SR 316. In addition, the site would remain consistent with the commercial / industrial nature of Winder Highway and the City's Future Land Use Map designation. Considering the forth going, the Department hereby recommends the requested Change of Conditions request be approved with conditions.

Comprehensive Plan:

The subject parcel is designated as Regional Mixed Use on Dacula's 2030 Future Land Use Map in the City of Dacula Comprehensive Plan.

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

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

The proposed distribution center use could be considered suitable considering the commercial / industrial nature of Winder Highway.

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

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

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

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

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

With the recommended conditions, excessive and burdensome use of existing streets, transportation facilities, or utilities would be minimized. There is no anticipated impact to the schools.

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

The requested change of conditions is consistent with the Regional Mixed Use designation of the 2030 Future Land Use Map, which indicates the requested site plan revision should be approved.

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

The subject location is well suited for a distribution center considering the access provided to major roadways that connect to the regional area and the consistency with the Regional Mixed Use designation per the 2030 Future Land Use Map. Furthermore, the proposed distribution center could be considered a less intense land use than the Planned Mixed Use Development previously approved on the site.

Recommendation:

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

The Department notes the **Planning Commission unanimously recommended approval with conditions** at the Public Hearing on April 25, 2022.

CONDITION SET #1

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

Attachment A – General Conditions

General Conditions of Approval to GRTA Notice of Decision:

Pedestrian, Bicycle and Transit Facilities

- Provide pedestrian connectivity between all buildings and uses.
- Provide sidewalks along Stanley Road and Winder Highway in accordance with City of Dacula ordinance and design standards.

Roadway & Site Access Improvement Conditions to GRTA Notice of Decision:

Winder Highway (SR 8/US 29) at Relocated Stanley Road (Intersection 2B)

- Construct relocated Stanley Road as a three-lane roadway with one (1) lane in each direction and a center two-way left-turn lane along the property frontage.
- Construct a channelized eastbound right-turn lane along Winder Highway (SR 8/US 29)
- Construct a westbound left-turn lane along Winder Highway (SR 8/US 29)
- Construct a northbound left-turn lane and a channelized right-turn lane along Stanley Road

Stanley Road at Driveway B (Intersection 6)

- Construct a southbound left-turn lane along relocated Stanley Road
- Construct Driveway B to consist of a minimum of one (1) ingress lane and a minimum of one (1) egress lane

Stanley Road at Driveway C (Intersection 7)

- Construct a southbound left-turn lane along relocated Stanley Road
- Construct Driveway C to consist of a minimum of one (1) ingress lane and a minimum of one (1) egress 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 be considered material or substantial so long as the following conditions are included as part of any changes:

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

Attachment C – Required Improvements to Service the DRI

As defined by the *GRTA DRI Review Procedures*, a “Required Improvement means a land transportation service or access improvement which is necessary in order to provide a safe and efficient level of service to residents, employees and visitors of a proposed DRI.”

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

Section 1:

General Conditions of Approval to GRTA Notice of Decision:

Pedestrian, Bicycle and Transit Facilities

- Provide pedestrian connectivity between all buildings and uses.
- Provide sidewalks along Stanley Road and Winder Highway in accordance with City of Dacula ordinance and design standards.

Roadway & Site Access Improvement Conditions to GRTA Notice of Decision:

Winder Highway (SR 8/US 29) at Relocated Stanley Road (Intersection 2B)

- Construct relocated Stanley Road as a three-lane roadway with one (1) lane in each direction and a center two-way left-turn lane along the property frontage.
- Construct a channelized eastbound right-turn lane along Winder Highway (SR 8/US 29)
- Construct a westbound left-turn lane along Winder Highway (SR 8/US 29)
- Construct a northbound left-turn lane and a channelized right-turn lane along Stanley Road

Stanley Road at Driveway B (Intersection 6)

- Construct a southbound left-turn lane along relocated Stanley Road
- Construct Driveway B to consist of a minimum of one (1) ingress lane and a minimum of one (1) egress lane

Stanley Road at Driveway C (Intersection 7)

- Construct a southbound left-turn lane along relocated Stanley Road
- Construct Driveway C to consist of a minimum of one (1) ingress lane and a minimum of one (1) egress lane

Section 2:

Roadway Improvement Conditions to GRTA Notice of Decision:

University Parkway (SR 316/US 29)

- Widen the southbound approach along University Parkway (SR 316/US 29) to add one (1) through lane so that it consists of two (2) left-turn lanes, three (3) through-lanes, and one (1) right-turn lane.

CONDITION SET #2:

Conditions of the City of Dacula

Changes from the 2021-CD-RZ-02 and 2021-CD-VAR-02 zoning conditions are highlighted. Additions are shown in bold and deletions in ~~strikethrough~~.

Transportation / Infrastructure

- 1.A. All new utility lines shall be located underground. The developer shall be responsible for the relocation of public or private utilities and stormwater infrastructure.
- 1.B. Sidewalks shall be required adjacent to Winder Highway right-of-way. The sidewalk location shall be reviewed and approved by the City of Dacula and Georgia Department of Transportation. Sidewalks shall be required adjacent to both sides of the full length of the relocated Stanley Road improvements. The location of sidewalks shall be reviewed and approved by the Gwinnett County D.O.T. and City of Dacula.
- 1.C. 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 adjacent to the Winder Highway right-of-way. 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.D. Provide decorative light poles / fixtures along Winder Highway right-of-way. Streets lights shall be staggered, 150 feet on-center. 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. The property owner shall be responsible for street light maintenance and lighting fees. 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.E. A sign prohibiting truck access beyond the southeastern corner of the site shall be required adjacent to the Stanley Road right-of-way / dedicated easement at the end of the proposed Stanley Road improvements.

- 1.F. Access onto Winder Highway must meet Georgia Department of Transportation standards. The Stanley Road relocation and improvements must meet current Gwinnett County D.O.T. standards under the Gwinnett County Unified Development Ordinance (UDO) and be dedicated to Gwinnett County as right-of-way. Proposed access on Stanley Road must meet the minimum spacing requirements of the Gwinnett County UDO. The property owner / developer must coordinate with the Winder Highway & SR 316 interchange Project Manager(s) to ensure the relocation of Stanley Road does not interfere with the interchange.
- 1.G. A Traffic Impact Study shall be provided prior to the issuance of a development permit. Prior to the issuance of the first certificate of occupancy, the applicant shall make any improvements recommended by the traffic impact study, provided the improvements are approved by the City of Dacula, Gwinnett County D.O.T. and Georgia Department of Transportation respectively. All design and construction will be subject to Gwinnett County D.O.T. and Georgia Department of Transportation review and approval.

1.H Applicant/developer shall pay its proportionate share of the costs of a traffic signal at the intersection of Winder Hwy and relocated Stanley Road.

Landscaping Requirements

- 2.A. Provide landscaped islands throughout all surface parking areas as required by the Dacula Buffer, Landscape, and Tree Ordinance.
- 2.B. Provide a minimum ten-foot wide landscaped strip adjacent to the Winder Highway right-of-way and the full length of the relocated Stanley Road improvements on both sides. At least 50% of plantings shall consist of trees 3-inches in caliper (dbh) or greater. Type and size of plantings shall be in compliance with the Dacula Buffer, Landscape, and Tree Ordinance.
- 2.C. Provide non-ornamental shade trees spaced 50-feet on-center or grouped at 120-feet on-center along the Winder Highway right of way. All street trees shall be a minimum 4-inch caliper (dbh) at the time of planting. Street trees shall be planted six-feet from back-of-curb subject to review and approval of the City of Dacula, Georgia, or Gwinnett Department of Transportation depending on who owns the subject right-of-way.

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.D. 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.

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

Parking / Yard, Height & Setback

3.A. A parking lot landscape plan shall be submitted to the City for approval. At a minimum, the landscape plan shall include the 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 3-inch dbh caliper.

3.B. Parking lot and security lighting shall be directed in towards the property so as to minimize the adverse impact on neighboring properties.

Signage, Temporary Uses, & Peddling

4.A. Oversized signs or billboards shall not be permitted.

4.B. 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 brick, stone, stucco, wood or metal consistent with the architecture and exterior treatment of the building at least 2 feet in height. Neon or self-illuminating ground signs shall be prohibited.

4.C. Blinking, exposed neon, portable, inflatable and temporary signage shall be prohibited.

4.D. Peddlers shall be prohibited.

4.E. 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.

4.F. 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.

Architectural Design

5.A. Architectural design should comply with the following performance guidelines:

- (1) Building facades shall be of architectural treatments of glass and / or brick, stone, stucco, or tilt-up concrete subject to review and approval of the City of Dacula.
- (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) Buildings shall incorporate live plant material growing immediately in front of or on the building.
- (4) 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.
- (5) Any accessories provided such as railings, benches, trash receptacles and / or bicycle racks shall complement the building design and style.
- (6) Walls visible from roadways or parking areas shall incorporate changes in building material / color.

General

- 6.A. The property shall be developed in accordance with the conceptual site plan prepared by Kimley Horn entitled Project Whiplash Industrial Development, **dated November 12, 2021 received on March 22, 2021.** Any substantial deviation from the approved conceptual plan and / or remaining conditions of zoning shall be resubmitted to the City Council for consideration. The City Administrator shall determine what constitutes substantial deviation.
- 6.B. A building height variance is granted to allow the principle building on-site a maximum height of 50 feet.



2021-CD-COC-03

Item 4.

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>Carter and Associates</u>	NAME <u>Walton Georgia, LLC</u>
ADDRESS <u>39 Georgia Ave SE, Suite 200</u>	ADDRESS <u>8800 North Gainey Center Dr, Suite 345</u>
CITY <u>Atlanta</u>	CITY <u>Scottsdale</u>
STATE <u>Georgia</u> ZIP <u>30312</u>	STATE <u>Arizona</u> ZIP <u>85258</u>
PHONE <u>770.722.8231</u> FAX _____	PHONE _____ FAX <u>480.586.9216</u>

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 Brady Panis
 COMPANY NAME Carter and Associates
 ADDRESS 39 Georgia Ave SE, Suite 200
Atlanta, GA 30312
 PHONE 770.722.8231 FAX _____

PRESENT ZONING DISTRICT(S) M-1 REQUESTED ZONING DISTRICT _____
 LAND LOT(S) _____ PARCEL # _____ DISTRICT(S) _____ ACREAGE 44.75 43.81
 PROPOSED DEVELOPMENT OR SPECIAL USE REQUESTED Light Industrial Distribution Center

RESIDENTIAL DEVELOPMENT:	NON-RESIDENTIAL DEVELOPMENT:
NO. OF LOTS/DWELLINGS UNITS <u>N/A</u>	NO. OF BUILDINGS/LOTS <u>3 Buildings, 2 Car</u>
<u>Parking Lot, 3 Truck Courts with Trailer Parking</u>	DWELLING UNIT SIDE (SQ. FT.) <u>N/A</u>
	TOTAL GROSS SQ. FEET <u>607,600 SF</u>

LETTER OF INTENT & LEGAL DESCRIPTION OF PROPERTY

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

CASE NUMBER

Matthew P. Benson
Catherine W. Davidson
Gerald Davidson, Jr.*
Rebecca B. Gober
Brian T. Easley
Christopher D. Holbrook

Samuel C. Kennon
Shane M. Lanham
Jeffrey R. Mahaffey
Steven A. Pickens
Andrew D. Stancil
R. Lee Tucker, Jr.

*Of Counsel

LETTER OF INTENT FOR
CHANGE IN CONDITIONS APPLICATION OF
CARTER ACQUISITIONS, LLC

Mahaffey Pickens Tucker, LLP submits the attached Change in Conditions application (the "Application") on behalf of Carter Acquisitions, LLC (the "Applicant"), relating to a proposed development on an approximately 43.81-acre tract of land (the "Property") located along Stanley Road near its intersection with Winder Highway (U.S. Route 29). The Property is currently zoned M-1 pursuant to City of Dacula rezoning case and Ordinance 2021-CD-RZ-02 (the "Prior Rezoning") and is largely undeveloped. A single small building is present on the Property along the Winder Highway frontage. The Applicant requests approval of a change in conditions of zoning in order to develop the Property for a Class-A office warehouse/distribution use with a different site plan configuration than was included in the Prior Rezoning. Specifically, the Prior Rezoning contemplated a single building with significantly larger surface parking areas. The proposed development would include three buildings providing a total of approximately 607,600 square feet as depicted on the site plan (the "Site Plan") submitted with the Application.

The subject Property is adjacent and located in close proximity to land zoned for industrial and commercial land uses. Winder Highway is generally characterized by a mix of manufacturing, distribution, and commercial land uses. Nearby and adjacent land is zoned C-2, M-1, and PMUD. Accordingly, the proposed development is compatible with those existing land uses and zoning classifications. The proposed development is also compatible with the policy and intent of the City of Dacula 2030 Comprehensive Plan and the 2030 Comprehensive Plan 2019 Update (together, the "Comp Plan") which designate the Property as within the Regional Mixed-Use Character Area. Land use policies for this area encourage large scale "warehousing\distribution" uses, especially along major transportation corridors. Specifically, the Comp Plan provides that "Regional Mixed-Use areas are designed to accommodate automobile accessibility and large volumes of access and egress traffic and parking in order to serve a large market area." Further, the Regional Mixed-Use area provides "opportunities for large scale retail, residential, and employment uses close to State Route 316, Winder Highway (State Route 8 / US 29), Sugarloaf Parkway, and the CSX Railroad."

As depicted on the Site Plan, the proposed development would still realign Stanley Road as contemplated during the Prior Rezoning to provide better access for the Property and the surrounding area. However, the updated site plan provides safer and more efficient traffic flow due to fewer access points on Stanley Road, including only one full-access driveway at the eastern

side of the Property and one additional exit-only driveway located about halfway between Stanley Road's intersection with Winder Highway and the Property's eastern full-access driveway. The proposed development would provide 20-foot wide building setbacks along the external property lines.

As reflected in the Prior Rezoning, due to the physical layout of the property and other factors and site constraints, the proposed buildings would be up to fifty feet tall. The proposed buildings would include attractive architectural elements and building design as depicted in the building renderings/photographs submitted with the Application. The proposed building would include concrete tilt-up walls with high-quality architectural elements, such as articulated parapets, and attractive glass treatments near the office entrances. Additionally, the Prior Rezoning included approval of a variance (case number 2021-CD-VAR-02) to increase the building height to 50 feet. Out of an abundance of caution, and to the extent necessary, the Applicant requests approval of the same variance relative to this Application for all three buildings. A strict application of the zoning ordinance to the Property would impose an unnecessary hardship on the owner without substantial benefit to the public welfare and relief, if granted, would not impair the use or usability of adjacent or nearby property and would not be opposed to the spirit and intent of the zoning ordinance of the City of Dacula.

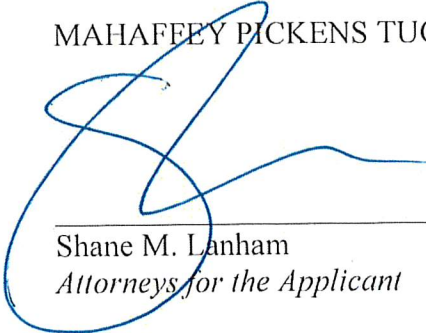
The proposed development is compatible with existing land uses and zoning classifications of the surrounding area, is in line with the policy and intent of the Comp Plan, and is an appropriate land use due to the Property's proximity to major transportation corridors including Winder Highway, University Parkway (State Route 316), and Sugarloaf Parkway. The revised layout depicted on the Site Plan provides a more efficient use of the Property and represents increased investment in the City of Dacula.

The Applicant welcomes the opportunity to meet with staff of the City of Dacula Planning & Economic Development Department to answer any questions or to address any concerns relating to the matters set forth in this letter or in the Application filed herewith. The Applicant respectfully requests your approval of the Application.

This 10th day of November, 2021.

Respectfully Submitted,

MAHAFFEY PICKENS TUCKER, LLP



Shane M. Lanham
Attorneys for the Applicant

Zoning Summary Chart (AHJ = City of Dacula)			
Zoning District:	M1 - Light Manufacturing District		
Proposed Use:	INDUSTRIAL WAREHOUSE/DISTRIBUTION PROJECT		
Land District:	5th District		
Land Lot:	270 & 271		
Parcel Number:	RS270 001 & RS271 009		
Zoning Regulation: (Lease Area)	ZONING DISTRICT: M1	PROPOSED: M1	Compliant
Minimum Lot Size:	43,560 SF	43.82 ACRE (1,908,482 SF)	Y
Minimum Front Yard Setback:	50 FT (MINOR STREET); 50 FT (MAJOR STREET)	50 FT (MINOR STREET); 50 FT (MAJOR STREET)	Y
Minimum Rear Yard Setback:	20 FT	20 FT	Y
Minimum Side Yard Setback:	20 FT	20 FT	Y
Maximum Improved Lot Coverage:	--	--	Y
Maximum Building Coverage:	--	--	Y
Minimum Lot Width:	100 FT	100 FT	Y
Minimum Lot Depth:	NONE	NONE	Y
Maximum FAR:	--	--	Y
Minimum Parking:	304 (1 PER 2,000 SF GROSS STORAGE AREA)	563	Y
Trailer Parking:	--	132	Y

FOR REVIEW	DATE	
	REVISIONS	
No.		

Kimley-Horn
CONSULTING ENGINEERS, INC.
 1175 ALPHARETTA, GEORGIA 30005
 WWW.KIMLEY-HORN.COM

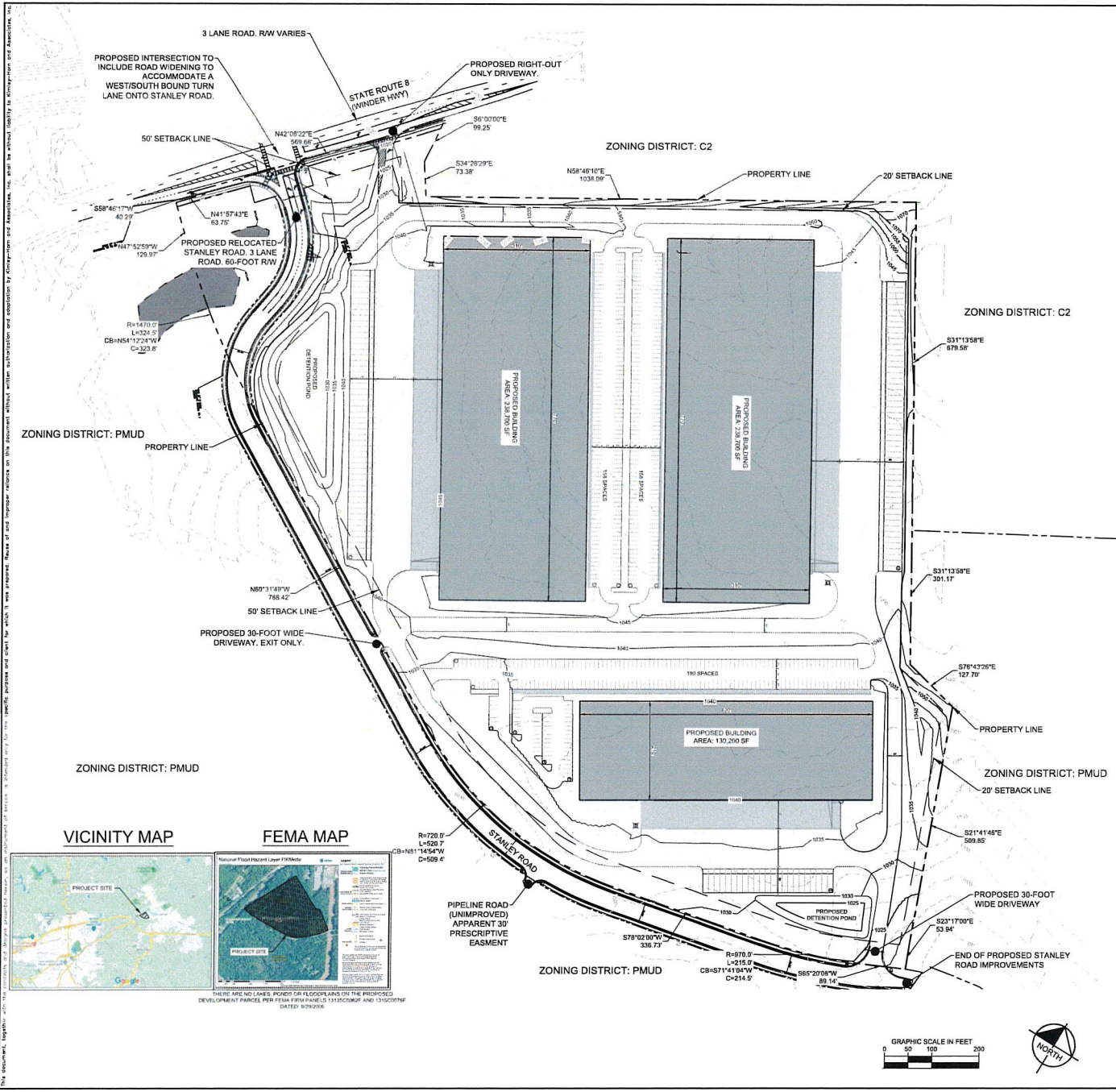
RVA PROJECT	DATE
1/18	12/2021
SCALE	AS SHOWN
DRAWN BY	DBA
DESIGNED BY	BBW
CHECKED BY	ARE

CARTER ACQUISITIONS, LLC
 39 GEORGIA AVE SE, SUITE 200
 ATLANTA, GA 30312

31
 Know what's below.
 Call before you dig.

PROJECT WHIPLASH INDUSTRIAL DEVELOPMENT
 1800 WINDER HWY, DACULA, GA
 GWINNETT COUNTY

SHEET NUMBER	REZONING
SITE PLAN	



- SITE NOTES**
- EXISTING CONDITIONS HEREIN ARE FROM AERIAL MAPPING AND GIS
 - STANLEY ROAD RELOCATION FROM GDOT FILE PROVIDED BY THE CLIENT DATED OCTOBER 2020.
 - THIS CONCEPT WAS PREPARED STRICTLY BASED UPON THE INFORMATION REFERENCED ABOVE AND A PRELIMINARY REVIEW OF THE MUNICIPAL ZONING AND LAND DEVELOPMENT REQUIREMENTS. THIS SITE PLAN IS NOT INTENDED FOR CONSTRUCTION AND SHOULD NOT BE USED FOR THAT PURPOSE.
 - THE FEASIBILITY OF SECURING THE REQUISITE LOCAL, COUNTY AND STATE AGENCY APPROVALS NECESSARY TO PERMIT THE PROPOSED DEVELOPMENT PROGRAM CANNOT BE ASSESSED AT THIS TIME DUE TO THE PRELIMINARY NATURE OF THE AVAILABLE INFORMATION. THIS PLAN IS NOT INTENDED TO BE USED FOR DETAILED ZONING ANALYSIS AND THE INFORMATION CONTAINED HEREIN IS SUBJECT TO CHANGE UPON THE COMPLETION OF ADDITIONAL DUE DILIGENCE EFFORTS, WHICH MAY INCLUDE MEETING WITH THE JURISDICTIONAL AGENCIES.
 - SANITARY SEWER TO BE CONNECTED TO THE HOPKINS CREEK SEWER LINE ONCE INSTALLED AND ACTIVE.
 - BOUNDARY INFORMATION SHOWN HEREON FROM BOUNDARY SURVEY FOR KIMLEY-HORN (DISPATCH DACULA), PREPARED BY TERAMARK LAND SURVEYING, INC. DATED 01/15/2021.
 - PROPERTY CONSIST OF 2 EXISTING TRACTS, TRACT 1 TAX PARCEL ID RS270 001 DB. 57524 PG. 800, DB. 56953 PG. 617, 625, & 633. TRACT 2 TAX PARCEL ID RS271 009 DB. 56809 PG. 713.
 - ADDITIONAL PARKING IS PROVIDED TO ACCOMMODATE THE FUTURE OFFICE USE WITHIN THE WAREHOUSE BUILDINGS THAT CANNOT BE DEFINED AT THIS TIME.

I HEREBY SUBMIT THIS CONCEPT PLAN AS AUTHORIZED AGENT/OWNER OF ALL PROPERTY SHOWN THEREON, AND CERTIFY THAT ALL CONTIGUOUS PROPERTY UNDER MY OWNERSHIP OR CONTROL IS INCLUDED WITHIN THE BOUNDARIES OF THIS CONCEPT PLAN, AS REQUIRED BY THE DEVELOPMENT REGULATIONS.

SIGNATURE OF AUTHORIZED AGENT/OWNER _____ DATE _____

THIS CONCEPT PLAN HAS BEEN REVIEWED AND APPROVED FOR GENERAL COMPLIANCE WITH THE ZONING RESOLUTION AND DEVELOPMENT REGULATIONS OF THE CITY OF DACULA, GEORGIA.

PLANNING REPRESENTATIVE, CITY OF DACULA _____ DATE _____

NOVEMBER 12, 2021



VICINITY MAP **FEMA MAP**

Map showing project location relative to surrounding roads and flood zones. Includes a legend for flood hazard layers (FIRM).

This document, together with the information provided, is the property of Kimley-Horn and Associates, Inc. It is to be used only for the project and site identified herein. It is not to be reproduced, stored in a retrieval system, or transmitted in any form or by any means, electronic, mechanical, photocopying, recording, or by any information storage and retrieval system, without the prior written authorization and permission by Kimley-Horn and Associates, Inc.

TRACT 1 TITLE NOTES

ACCORDING TO THE TRIM PLANO RECORDS... THE SURVEYED PROPERTY HAS ACCESS TO THE PUBLIC RIGHT-OF-WAY...

(1) CERTIFICATION AND DECLARATION MADE BY THE SURVEYOR... (2) SURVEY AND ENCUMBRANCE CONDITIONS NOT SHOWN... (3) PERSONAL TO HOLD...

SPECIAL NOTES

1. CERTIFICATION AND DECLARATION MADE BY THE SURVEYOR... 2. SURVEY AND ENCUMBRANCE CONDITIONS NOT SHOWN...

SURVEY NOTES

A LEICA TOTAL STATION... THE RECD DATA UPON WHICH THIS SURVEY WAS BASED HAS A COLLISION OF ONE FOOT... ALL HORIZONTAL DISTANCES SHOWN ARE GROUND DISTANCES...

TRACT 2 TITLE NOTES

ACCORDING TO THE TRIM PLANO RECORDS... THE SURVEYED PROPERTY HAS ACCESS TO THE PUBLIC RIGHT-OF-WAY...

(1) CERTIFICATION AND DECLARATION MADE BY THE SURVEYOR... (2) SURVEY AND ENCUMBRANCE CONDITIONS NOT SHOWN... (3) PERSONAL TO HOLD...

PROPERTY DESCRIPTION LIMITS OVERALL RIGHT-OF-WAY

Being the tract of parcel of land being and being in Land Lots 278 & 279, 5th District, City of DeKalb, Georgia...

PROPERTY DESCRIPTION TRACT 1

Being the tract of parcel of land being and being in Land Lots 278 & 279, 5th District, City of DeKalb, Georgia...

- 1. 10.31 feet along the line of a curve... 2. 10.31 feet along the line of a curve... 3. 10.31 feet along the line of a curve...

PROPERTY DESCRIPTION R/W EASEMENT TRACT 2

Being the tract of parcel of land being and being in Land Lots 278 & 279, 5th District, City of DeKalb, Georgia...

- 1. 10.31 feet along the line of a curve... 2. 10.31 feet along the line of a curve... 3. 10.31 feet along the line of a curve...

PROPERTY DESCRIPTION OVERALL

Being the tract of parcel of land being and being in Land Lots 278 & 279, 5th District, City of DeKalb, Georgia...

- 1. 10.31 feet along the line of a curve... 2. 10.31 feet along the line of a curve... 3. 10.31 feet along the line of a curve...

PROPERTY DESCRIPTION LIMITS OF DISTURBANCE AREA 1-3

Being the tract of parcel of land being and being in Land Lots 278 & 279, 5th District, City of DeKalb, Georgia...

- 1. 10.31 feet along the line of a curve... 2. 10.31 feet along the line of a curve... 3. 10.31 feet along the line of a curve...

PROPERTY DESCRIPTION TRACT 2

Being the tract of parcel of land being and being in Land Lots 278 & 279, 5th District, City of DeKalb, Georgia...

- 1. 10.31 feet along the line of a curve... 2. 10.31 feet along the line of a curve... 3. 10.31 feet along the line of a curve...

PROPERTY DESCRIPTION LIMITS OF DISTURBANCE AREA 1

Being the tract of parcel of land being and being in Land Lots 278 & 279, 5th District, City of DeKalb, Georgia...

- 1. 10.31 feet along the line of a curve... 2. 10.31 feet along the line of a curve... 3. 10.31 feet along the line of a curve...

PROPERTY DESCRIPTION LIMITS OF DISTURBANCE AREA 3

Being the tract of parcel of land being and being in Land Lots 278 & 279, 5th District, City of DeKalb, Georgia...

- 1. 10.31 feet along the line of a curve... 2. 10.31 feet along the line of a curve... 3. 10.31 feet along the line of a curve...

PROPERTY DESCRIPTION R/W TRACT

Being the tract of parcel of land being and being in Land Lots 278 & 279, 5th District, City of DeKalb, Georgia...

- 1. 10.31 feet along the line of a curve... 2. 10.31 feet along the line of a curve... 3. 10.31 feet along the line of a curve...

PROPERTY DESCRIPTION R/W EASEMENT TRACT 1

Being the tract of parcel of land being and being in Land Lots 278 & 279, 5th District, City of DeKalb, Georgia...

- 1. 10.31 feet along the line of a curve... 2. 10.31 feet along the line of a curve... 3. 10.31 feet along the line of a curve...

SITE INFORMATION

CURRENT OWNER: TITLATION GEORGIA, LLC... ADDRESS: UNIMATED (BANKING DISTRICT) CURBERTSON CIRCLE OF DEKALB...

REFERENCE MATERIAL

- 1. WARRANTY DEED FOR WALTON GEORGIA, LLC... 2. WARRANTY DEED FOR WALTON GEORGIA, LLC... 3. LIMITED WARRANTY DEED FOR PAUL VELEGAS & ROSE MARY VELEGAS...

ALTANSPS CERTIFICATE

TO: CARL CANNON, LLC, WALTON GEORGIA, LLC, GEORGIA LAND ACQUISITIONS, LLC, WALTON GEORGIA, LLC, FIRST AMERICAN TITLE INSURANCE COMPANY, INC. AND THEIR RESPECTIVE AFFILIATED, ASSOCIATED AND ASSIGNORS...

SURVEYOR'S CERTIFICATE

THE PROPERTY HEREIN IS BEING SURVEYED BY ME AS A REGISTERED SURVEYOR... I HAVE BEEN ADVISED BY THE OWNER OF THE PROPERTY THAT THE PROPERTY IS BEING SURVEYED FOR THE PURPOSES OF THE LOCAL JURISDICTION...

ZONING INFORMATION

PROPERTY ZONING (LIGHT MANUFACTURING DISTRICT) WITH CONDITIONS... JURISDICTION: CITY OF DEKALB, GEORGIA... ZONING CASE: 2021-02-WR-02

TerraMark Professional Land Surveying & Mapping, Inc. 1000 Peachtree Street, N.E., Suite 1000, Atlanta, GA 30309. Phone: 404.770.9111. Website: www.terra-mark.com

ALTANSPS AND TITLE SURVEY FOR... CARL CANNON, LLC, WALTON GEORGIA, LLC, FIRST AMERICAN TITLE INSURANCE COMPANY, INC. AND THEIR RESPECTIVE AFFILIATED, ASSOCIATED AND ASSIGNORS... LOCATED IN LAND LOTS 278 & 279, 5TH DISTRICT, GWINNETT COUNTY, GEORGIA

PROPERTY DESCRIPTION
“Overall”

Being all that tract or parcel of land lying and being in Land Lots 270 & 271, 5th District, City of Dacula, Gwinnett County, Georgia and being more particularly described as follows:

COMMENCING at a 1 inch open top pipe found at the Land Lot Corner common to Land Lots 270, 271, 274 and 275, aforesaid District, aforesaid City, aforesaid County; thence, leaving the aforesaid Land Lot Corner and running along the Land Lot Line common to Land Lots 270 and 271 South 60° 02' 35" West, 918.41 feet to a 1 3/4 inch open top pipe found, said point being the **POINT OF BEGINNING**.

Thence, from said **POINT OF BEGINNING** as thus established and leaving the aforesaid Land Lot Line common to Land Lots 270 & 271

1. South 31° 13' 58" East, 301.17 feet; thence,
2. South 76° 43' 26" East, 127.70 feet; thence,
3. South 21° 41' 46" East, 509.85 feet; thence,
4. South 23° 17' 00" East, 53.94 feet to a point on the proposed north right-of-way line of Stanley Road; thence, running with the aforesaid proposed north right-of-way line of Stanley Road
5. 10.37 feet along the arc of a curve deflecting to the left, having a radius of 430.00 feet and a chord bearing and distance of South 66° 01' 34" West, 10.36 feet; thence,
6. South 65° 20' 08" West, 89.14 feet; thence,
7. 214.97 feet along the arc of a curve deflecting to the right, having a radius of 970.00 feet and a chord bearing and distance of South 71° 41' 04" West, 214.53 feet; thence,
8. South 78° 02' 00" West, 336.73 feet; thence,
9. 520.70 feet along the arc of a curve deflecting to the right, having a radius of 720.00 feet and a chord bearing and distance of North 81° 14' 54" West, 509.43 feet; thence,
10. North 60° 31' 49" West, 788.42 feet; thence,
11. 324.48 feet along the arc of a curve deflecting to the right, having a radius of 1,470.00 feet and a chord bearing and distance of North 54° 12' 24" West, 323.82 feet; thence,
12. North 47° 52' 59" West, 129.97 feet to appoint on the right-of-way line of Winder Highway a.k.a. Georgia Highway 8 (having a variable width right-of-way); thence, running with the said right-of-way line of Winder Highway
13. North 41° 57' 43" East, 63.75 feet; thence,
14. South 58° 46' 17" West, 40.29 feet; thence,
15. North 42° 08' 22" East, 569.66 feet; thence, leaving the aforesaid right-of-way line of Winder Highway
16. South 06° 00' 00" East, 99.25 feet; thence,
17. South 34° 26' 29" East, 73.38 feet to a 1/2-inch rebar found; thence,
18. North 58° 46' 10" East, 1,038.09 feet to a 1/2-inch rebar found; thence,
19. South 31° 13' 58" East, 679.58 feet to the **POINT OF BEGINNING**, containing 1,908,482 square feet or 43.8127 acres of land, more or less.

PROPERTY DESCRIPTION
"Tract 1"

Being all that tract or parcel of land lying and being in Land Lots 270 & 271, 5th District, City of Dacula, Gwinnett County, Georgia and being more particularly described as follows:

COMMENCING at a 1 inch open top pipe found at the Land Lot Corner common to Land Lots 270, 271, 274 and 275, aforesaid District, aforesaid City, aforesaid County; thence, leaving the aforesaid Land Lot Corner and running along the Land Lot Line common to Land Lots 270 and 271 South 60° 02' 35" West, 918.41 feet to a 1 3/4 inch open top pipe found, said point being the **POINT OF BEGINNING**.

Thence, from said **POINT OF BEGINNING** as thus established and leaving the aforesaid Land Lot Line common to Land Lots 270 & 271

1. South 31° 13' 58" East, 301.17 feet; thence,
2. South 76° 43' 26" East, 127.70 feet; thence,
3. South 21° 41' 46" East, 509.85 feet; thence,
4. South 23° 17' 00" East, 53.94 feet to a point on the proposed north right-of-way line of Stanley Road; thence, running with the aforesaid proposed north right-of-way line of Stanley Road
5. 10.37 feet along the arc of a curve deflecting to the left, having a radius of 430.00 feet and a chord bearing and distance of South 66° 01' 34" West, 10.36 feet; thence,
6. South 65° 20' 08" West, 89.14 feet; thence,
7. 214.97 feet along the arc of a curve deflecting to the right, having a radius of 970.00 feet and a chord bearing and distance of South 71° 41' 04" West, 214.53 feet; thence,
8. South 78° 02' 00" West, 336.73 feet; thence,
9. 520.70 feet along the arc of a curve deflecting to the right, having a radius of 720.00 feet and a chord bearing and distance of North 81° 14' 54" West, 509.43 feet; thence,
10. North 60° 31' 49" West, 788.42 feet; thence,
11. 324.48 feet along the arc of a curve deflecting to the right, having a radius of 1,470.00 feet and a chord bearing and distance of North 54° 12' 24" West, 323.82 feet; thence,
12. North 47° 52' 59" West, 129.97 feet to appoint on the right-of-way line of Winder Highway a.k.a. Georgia Highway 8 (having a variable width right-of-way); thence, running with the said right-of-way line of Winder Highway
13. North 41° 57' 43" East, 63.75 feet; thence, leaving the aforesaid right-of-way line of Winder Highway
14. North 58° 46' 17" East, 467.35 feet to a 1/2-inch rebar found; thence,
15. North 58° 46' 10" East, 1,038.09 feet to a 1/2-inch rebar found; thence,
16. South 31° 13' 58" East, 679.58 feet to the **POINT OF BEGINNING**, containing 1,868,832 square feet or 42.9025 acres of land, more or less.

PROPERTY DESCRIPTION
"Tract 2"

Being all that tract or parcel of land lying and being in Land Lot 271, 5th District, City of Dacula, Gwinnett County, Georgia and being more particularly described as follows:

COMMENCING at a 1 inch open top pipe found at the Land Lot Corner common to Land Lots 270, 271, 274 and 275, aforesaid District, aforesaid City, aforesaid County; thence, leaving the aforesaid Land Lot Corner and running along the Land Lot Line common to Land Lots 270 and 271 South 60° 02' 35" West, 918.41 feet to a 1 3/4 inch open top pipe found; thence, leaving the aforesaid Land Lot Line; thence, North 31° 13' 58" West, 679.58 feet to a 1/2 inch rebar found; thence, South 58° 46' 10" West, 1,038.09 feet to a 1/2 inch rebar found, said point being the **POINT OF BEGINNING**.

Thence, from said **POINT OF BEGINNING** as thus established

1. South 58° 46' 17" West, 507.64 feet to a point on the right-of-way line of Winder Highway a.k.a. Georgia Highway 8 (having a variable width right-of-way); thence, running with the said right-of-way line of Winder Highway
2. North 42° 08' 22" East, 569.66 feet; thence, leaving the aforesaid right-of-way line of Winder Highway
3. South 06° 00' 00" East, 99.25 feet; thence,
4. South 34° 26' 29" East, 73.38 feet to the **POINT OF BEGINNING**, containing 39,651 square feet or 0.9103 acres of land, more or less.

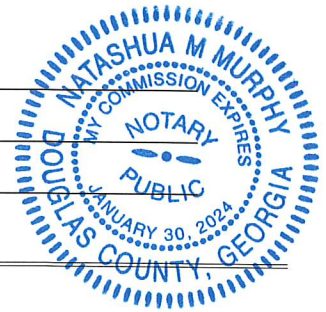
APPLICANT CERTIFICATION

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

Signature of Applicant S. A. Taylor Date 11/10/21

Type or Print Name/Title R. Scott Taylor, Jr. / President and CEO

Notary Public Natashua M. Murphy Date 11/10/21



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 See attached 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 _____

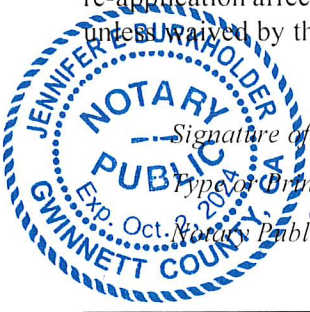
ACTION TAKEN _____

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 11/10/21

Type or Print Name/Title Shane Lanham, attorney for the Applicant

Notary Public _____ Date 11/10/2021

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 _____

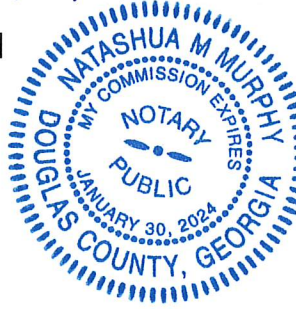
STIPULATIONS _____

Signed, Sealed and Delivered in the Presence of:

Natashua M. Murphy
Notary Public
My Commission Expires: 1/30/24

Walton Georgia, LLC, a Georgia limited liability company, on behalf of itself in its capacity as owner and on behalf of all other owners in its capacity as manager, operator or agent, as applicable

[AFFIX NOTARY SEAL]



By: Walton International Group, Inc., a Nevada corporation
Its: Manager

By: Anthony Sparrow
Name: Anthony Sparrow
Title: Authorized Signatory

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 R. Scott Taylor, Jr. / President and CEO

Notary Public _____ Date _____

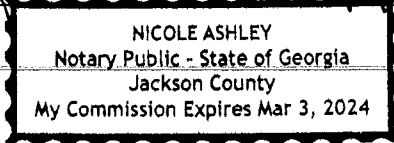
PROPERTY OWNER CERTIFICATION

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 Raul Velasquez Date 10-10-2021

Type or Print Name/Title Raul Velasquez / Owner

Notary Public Nicole Ashley Date 11/10/2021



FOR ADMINISTRATIVE USE ONLY

DATE RECEIVED _____ RECEIVED BY _____ FEE _____ RECEIPT # _____

LAND LOT _____ DISTRICT _____ PARCEL # _____ HEARING DATE _____

ACTION TAKEN _____

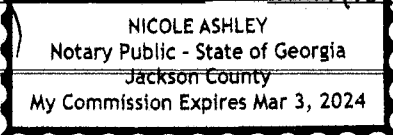
SIGNATURE _____ DATE _____

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 *Rose M. Velasquez* Date 11/10/2021
Type or Print Name/Title Rose M. Velasquez
Notary Public *Nicole Ashley* Date 11/10/2021



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 _____



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)

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 *S. H. T. J. R.* Date 11/10/21

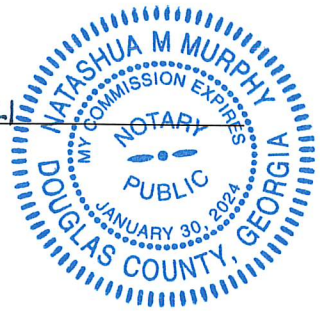
Type or Print Name/Title R. Scott Taylor, Jr. / President and CEO

Signature of Applicant' Attorney _____ Date _____

Type or Print Name/Title _____

Notary Public *Natasha J. Murphy* Date 11/10/21

(Notary Seal)



Official Use Only

DATE RECEIVED _____ ZONING CASE NUMBER _____


RECEIVED BY _____

CONFLICT OF INTEREST CERTIFICATION

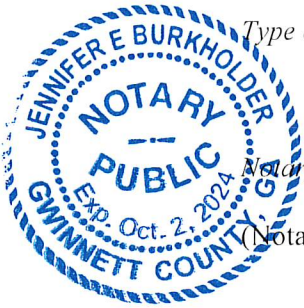
The undersigned, making application for rezoning/SUP, has complied with the Official Code of Georgia, Section 36-67A-1, et. seq, Conflict of Interest in Zoning Actions and has submitted or attached the required information on the forms provided.

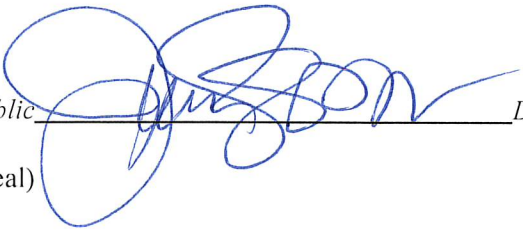
Signature of Applicant _____ Date _____

Type or Print Name/Title _____

Signature of Applicant' Attorney  _____ Date 11/10/21

Type or Print Name/Title Shane Lanham, attorney for the Applicant _____



Notary Public  _____ Date 11/10/2021
(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 _____ APPLICANT Carter and Associates

- A. Whether a proposed rezoning will permit a use that is suitable in view of the use and development of adjacent and nearby property: The proposed distribution center could be considered suitable considering the commercial / industrial nature of Winder Highway.

- B. Whether a proposed rezoning will adversely affect the existing use or usability of adjacent or nearby property: With the Approved Conditions of Zoning dated April 1, 2021 and the proposed change to Conditions of Zoning proposed in this application, adverse impacts on adjacent /nearby properties would be minimized.

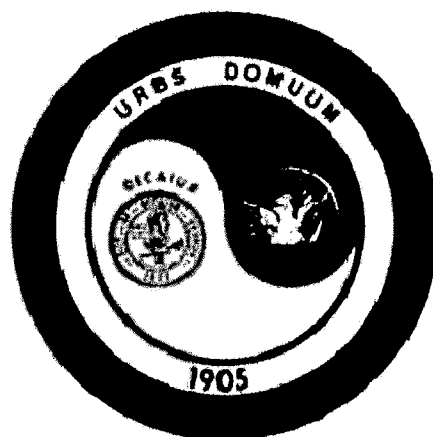
- C. Whether the property to be affected by a proposed rezoning has a reasonable economic use as currently zoned: Yes, the property has reasonable economic use as currently zoned.

- D. Whether the proposed rezoning will result in a use which will or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities, or schools. With the current M-1 Conditions of Zoning, the proposed change of conditions will have minimal impact of excessive and burdensome use of existing streets, transportation facilities or utilities would be minimized. There is no anticipated impact to the schools.

- E. Whether the proposed rezoning is in conformity with the policy and intent of the Land Use Plan:
The approved M-1 zoning is consistent with the Regional Mixed Use designation of the 2030 Future Land Use Map. The proposed change of zoning conditions is consistent with M-1 Zoning.

- F. Whether there are other existing or changing conditions affecting the use and development of the property which give supporting grounds for either approval or disapproval of the proposed rezoning:
The subject change in conditions is consistent with the current M-1 zoning and Approved Conditions of Zoning dated April 1, 2021 with the exception of the proposed site plan and increase in total square footage. Furthermore, the proposed change in site plan could be considered a less burdensome use of existing streets than the currently approved site plan and total square footage.

**Economic and Community Infrastructure Facilities Impact
Worksheet**



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

Date Received: _____

Reviewed By: _____

Proposed Project Information

Name of Proposed Project: Project Dispatch
 Developer/Applicant: Carter & Associates
 Telephone: 770.722.8231
 Fax: N/A
 Email(s): bpanis@carterusa.com

Economic Impacts

Estimated Value at Build-Out:
\$45 - \$50 million

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

The project will increase employment in the area. The main improvements will be the completion of Stanley Rd from the project site to Winder Highway, widening of the new Winder Highway/Stanley Road intersection to allow for turn lanes and a new signal at the Stanley Rd/Winder Hwy intersection if warranted by GDOT.

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

The construction of the project will support roughly 100 short term construction jobs. The completed project expects approximately 300 full time opportunities, along with additional part time opportunities.

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

The estimated value is listed above, we would prefer that the city calculate the potential tax revenues provided from the project based on that value

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

Yes, the regional work force and population growth are some of the attributes that are attracting this project to the city of Dacula.

Community Facilities & Infrastructure Impacts

Water Supply

Name of water supply provider for this site:

The water supply for this site is provided by Gwinnett County Department or Water Resources. There is an existing line on Fence Road that will be the permanent connection with an option for a temporary connection to the 10" line along Winder Hwy along the property frontage.

What is the estimated water supply demand to be generated by the project, measured in Gallons Per Day (GPD)?

The estimated project water supply demand is 18,200 GPD.

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

Yes.

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

NA

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

NA

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

A water line extension is required to meet County requirements for a minimum 12" water line to serve commercial projects. The water line extension will be approximately 1,900 linear feet.

Wastewater Disposal

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

The estimated sewage flow for the project is 15,190 GPD

Name of wastewater treatment provider for this site:

Wastewater treatment is provided by Gwinnett County Department of Water Resources.

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

Yes

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

NA

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

NA

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

A sewer line extension approximately 3,200 feet will be required to connect to the nearest gravity flow line.

Land Transportation

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

Currently estimated daily trip generated is 1,006 trips

Currently estimated peak hour vehicle trips:

98 @ AM Peak & 101 @ PM Peak

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

To be determined based on the results of the traffic impact study yet to be performed unless otherwise specified in this document.

Solid Waste Disposal

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

Approximately 1,000 tons per year

Is sufficient landfill capacity available to serve this proposed project?

Yes

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

NA

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

NA

Will any hazardous waste be generated by the development? If yes, please explain below:

No.

Stormwater Management

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

Up to 80 percent of the site is projected to be impervious surface once constructed.

Is the site located in a water supply watershed?

No

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

NA

Describe any measures proposed (such as buffers, detention or retention ponds, and/or pervious parking areas) to mitigate the project's impacts on stormwater management:

Stormwater will be managed in accordance with the City of Dacula's Stormwater Management manual as required. Detention, Channel Protection and water quality will be provided to meet or exceed the required standards.

Environmental Quality

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

1. Water supply watersheds?

No _____

2. Significant groundwater recharge areas?

No _____

3. Wetlands?

No _____

4. Protected river corridors?

No _____

5. Floodplains?

No _____

6. Historic resources?

No _____

7. Other environmentally sensitive resources?

No _____

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

NA _____

Other Facilities

What intergovernmental impacts would the proposed development generate for:

Schools?

No impacts anticipated. _____

Libraries?

No impacts anticipated. _____

Fire, Police, or EMS

No impacts anticipated. _____

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

No impacts anticipated. _____

Additional Comments:



FAX: (770) 513-2187

City of Dacula

442 Harbins Road
P.O. Box 400
Dacula, GA 30019

Item 4.

Phone: (770) 963-7451

July 21, 2021

Carter Acquisitions, LLC

RE: Zoning Confirmation Letter

1849 Winder Highway, Dacula, Georgia 30019; Tax Parcels 5270 001 & 5271 009

Ladies and gentlemen:

We have reviewed zoning and land use information for the property listed above (the "Property"). The Property is located at 1849 Winder Highway, Dacula, Georgia 30019, legally described on **Exhibit A**, and is to be improved with a 181,500-square-foot (more or less) industrial building and related improvements as conceptually depicted on **Exhibit A-1**.

The Property is located within the M-1 Light Manufacturing District (the "Zone"). Within this Zone, subject to the conditions of zoning enclosed, and without the necessity of obtaining a rezoning, conditional use permit, or variance, the Property may be used for the purpose of (i) receiving, storing, displaying, assembling, shipping, distributing, preparing, selling, and serving as a pick-up location for products, materials, food, grocery, and liquor items; and the following enumerated uses incidental to and in conjunction with the uses listed in clause (i): (ii) fulfillment of orders placed by digital orelectronic means (including mobile applications) and any other technologies, whether currently in use or subsequently developed; (iii) parking, storage, incidental maintenance/repair, vehicle washing, fueling, and use (including driving into and through the building for loading and unloading and parking inside the building) of automobiles, trucks, machinery, and trailers, including outdoor loading and unloading; (iv) printing; (v) making products on demand; (vi) warehouse and office use; and (vii) using, handling, or storing hazardous materials in the ordinary course of business, including (A) in any packaged merchandise to be sold, handled, and/or held for shipment to customers, (B) maintenance of trucks and machinery, and (C) fuel (including liquefied hydrogen or other alternative fuels) or batteries for any trucks, generators or other machinery or the equipment described in clause (viii); (viii) installing and operating rooftop equipment such as satellite dishes, cellular antenna, and renewable energy systems, including solarenergy systems and hydrogen fuel cell tanks and related equipment; (ix) installing and operating battery storage systems, electrical generators, and fuel tanks; and (x) ancillary and related uses for any of the foregoing, all 24 hours per day, every day. There are no additional overlay districts encumbering the Property.

Parking requirements within the Zone are set forth on **Exhibit B**. Setback requirements within the Zone are set forth on **Exhibit C**. Conditions of zoning governing the use of the Property are set forth on **Exhibit D**. There are currently no outstanding zoning violations with respect to the Property, and the Property complies with all applicable zoning and subdivision regulations.

The City of Dacula authorizes a prospective tenant of the Property to rely on the statements made in this letter. If you have any questions, please feel free to contact me at 770-963-7451 or send an email to brittni.nix@daculaga.gov.

Sincerely,

Brittni Nix, AICP
Director of Planning and Economic Development
City of Dacula

ARTICLE X
OFF-STREET AUTOMOBILE PARKING AND LOADING AND
UNLOADING SPACES

Section 1000. Off-Street Automobile Parking and Loading and Unloading Spaces Required.

Off-street automobile parking and loading and unloading spaces shall be provided, as specified in this Resolution, for uses and structures hereafter established.

Any building or use that is subsequently enlarged shall meet the off-street parking and loading and unloading space requirements of this Resolution for the original building plus the addition made.

Section 1001. Plan and Design Standards.

The following are required plan and design standards for off-street parking and loading and unloading spaces:

- A. Required area for each parking space. Each automobile parking space shall be not less than nine (9) feet wide and nineteen (19) feet deep. Adequate interior driveways shall connect each parking space with a public street. A maximum of one foot six inches of the required 19 feet may overhang a grassed area. This overhang cannot be over a sidewalk or right-of-way and must be arranged in such a way as to allow adequate front-to-front parking.
- B. Interior driveways. Interior driveways, when used with ninety degree angle parking, shall be a least twenty-four (24) feet wide; when used with a sixty degree angle parking at least fifteen (15) feet wide. When used with parallel parking or when there is no parking, interior driveways shall be at least ten (10) feet wide for one-way traffic and at least twenty (20) feet wide for two-way traffic.
 - 1. A twelve (12) foot drive lane must be provided in conjunction with and immediately parallel to all ten (10) foot drive through windows or stacking lanes; provided that vehicle return or circular access has not been proposed or provided on the site.
- C. Improvement of Off-Street Parking Lots. All off-street parking lots, whether public or private, for more than five vehicles shall meet the following standards:
 - 1. They shall be graded to insure proper drainage, surfaced with concrete or asphalt at least two inches thick, installed on an approved base and maintained in good condition free of weeds, dust, trash and debris.
 - 2. High intensity lighting facilities shall be so arranged that the source of any light is concealed from public view and from adjacent residential properties and does not interfere with traffic.
 - 3. They shall not be used for the sale, repair, dismantling or servicing or storing of any vehicle, equipment, materials or supplies.

Section 1001. Plan and Design Standards. (Continued)

4. Each parking space shall be clearly demarcated by a painted stripe no less than three (3) inches wide running the length of each of the longer sides of the space or by curbing or by other acceptable method which clearly marks and delineates the parking space within the parking lot.
- D. Location of required off-street parking spaces on other property. If the required automobile off-street parking spaces cannot reasonably be provided on the same lot on which the principal use is conducted, such spaces may be provided on other off-street property lying not more than four hundred (400) feet from the main entrance to the principal use. In this situation, the applicant shall submit, with his application for a building permit or occupancy permit, an instrument duly executed and acknowledged, which accepts the permanent availability of such off-street parking facilities to serve his principal use.
- E. Sharing of required off-street parking spaces. One-half of the off-street parking spaces required by a use whose peak attendance will be at night or on Sundays may be assigned to a use that will be closed at night or on Sundays.
- F. Off-street loading and unloading spaces. Off-street loading and unloading spaces shall have access from a public alley or, if there is no alley, from a public street. The space shall be so located that it causes a minimum of interference with the free movement of vehicles and pedestrians over a street, sidewalk or alley.

Section 1002. Minimum Number of Off-Street Parking Spaces.

The following are the minimum number of off-street parking spaces required. For uses not specifically listed, the off-street parking requirements shall be those of the most similar use:

- A. Adult entertainment facilities. One space for each 25 square feet of gross building area or for every three (3) customer seats, whichever results in the greater number of parking spaces.
- B. Automobile sales and service. One (1) space for two hundred (200) square feet of gross floor area.
- C. Banks and professional offices. One (1) space for each two hundred (200) square feet of floor area.
- D. Beauty parlors and barber shops. Two (2) spaces for each operator.
- E. Churches. One (1) space for each four (4) seats in the main auditorium.
- F. Food stores. One (1) space per 200 square feet of gross floor area.
- G. Funeral parlors. One (1) space for each three (3) fixed seats and one space for each 25 square feet of floor area available for the accommodation of movable seats in the largest assembly room.
- H. Furniture and appliance stores. One (1) space for each five-hundred (500) square feet of showroom.
- I. Gasoline service stations. Three (3) spaces for each service bay, plus one (1) space for each attendant.

Section 1002. Minimum Number of Off-Street Parking Spaces. (Continued)

- J. Hospitals, nursing homes and similar institutions. One space for each two (2) beds.
- K. Hotels/motels. One (1) space for each guest room, plus one (1) space for each two (2) employees on the largest shift.
- L. Industrial plants. One (1) space for each employee on the largest single shift, plus one (1) space for each company vehicle operating from the premises.
- M. Libraries. One (1) space for each four hundred (400) square feet of gross floor space to which the public has access.
- N. Lodges and clubs. One (1) space for each 100 square feet of gross floor area.
- O. Medical offices. One (1) space for each 200 square feet of gross floor area.
- P. Offices. One (1) space for each 250 square feet of gross floor area.
- Q. Places of public assembly without fixed seating. One (1) space for each 25 square feet of floor area available for the accommodation of movable seats in the largest assembly room.
- R. Places of public assembly with fixed seating. One (1) space for each three (3) seats.
- S. Recreation centers, private. One (1) space per five (5) members but no less than 20 spaces, except that golf courses shall require a minimum of 20 spaces per nine (9) holes.
- T. Recreation centers, public. A minimum of 20 spaces except that golf courses shall require a minimum of 20 spaces per nine (9) holes.
- U. Residences. Two (2) spaces for each dwelling unit.
- V. Residential recreational areas (developed). One (1) space per five (5) lots as shown on the approved Concept Plan for the Subdivision.
- W. Restaurants, night clubs, taverns and similar establishments serving food or beverages and providing patron use area. One (1) space for each 75 square feet of gross floor area.
- X. Restaurants, drive-in, without area provided for patron use. One (1) space per 100 square feet of gross floor area, but not less than ten (10).
- Y. Retail business, including general business, commercial or personal service establishments and shopping centers catering to retail trade, but not including offices or food stores. Five (5) spaces for each 1,000 square feet of gross floor area.
- Z. Rooming and boarding houses. One (1) space for each bedroom.

**Zoning Resolution
of the City of Dacula, Georgia**

**Article X
Off-Street Automobile Parking,
Loading and Unloading Spaces**

Section 1002. Minimum Number of Off-Street Parking Spaces. (Continued)

- AA. Schools, public or private elementary and day care centers. One (1) space for each employee, including teachers and staff members, plus off-street space for the safe and convenient loading and unloading of students, plus additional facilities for student parking taking into consideration the total number of students, the percentage of students driving automobiles and the parking requirements for stadium, gymnasium and auditorium use.
- BB. Schools, college, trade and vocational. Ten (10) spaces per classroom.
- CC. Wholesale and warehousing. One space per 200 square feet of gross floor area devoted to office or display plus one space per 2,000 square feet of gross storage area.

Section 1003. Off-Street Loading and Unloading Spaces.

On every lot on which a business, trade or industry use is hereafter established, space shall be provided as herein indicated for the loading and unloading of vehicles off the public street or alley. Such spaces shall have access to an alley or, if there is no alley, to a street. Minimum loading and unloading space requirements are:

- A. Retail business. One (1) space of at least ten (10) by thirty (30) feet for each three thousand (3,000) square feet of gross floor area or fraction thereof.
- B. Wholesale business and industry. One (1) space of at least ten (10) by fifty (50) feet for each ten thousand (10,000) square feet of gross floor area or fraction thereof.
- C. Bus and truck terminals. Sufficient space to accommodate the maximum number of buses or trucks to be stored or be loaded or unloaded at the terminal at any one (1) time.

Section 1004. Commercial Vehicle Parking.

- A. Commercial vehicle parking shall be allowed on property zoned and properly permitted for the business for which the commercial vehicle is to be used.
- B. Except as provided herein no commercial vehicle shall be allowed to park in any AG, R-1100, R-1200, R-1400, R-1600, R-1100CZP, R-1200CZP, R1400CZP, R-MD and MH on property so zoned or on the streets abutting such property on Monday through Friday between 7:00 p.m. and 7:00 a.m. or on Saturdays or Sundays unless the vehicle is driven home by the occupant of said zoned residential property and meets the following conditions.
- C. Any commercial vehicle under one and one-half (1-1/2) tons in gross volume weight shall be allowed to be parked in a carport or within a side yard or rear yard, or any commercial vehicle in an enclosed building or so located upon the premises as not to be readily visible from any public place or from any surrounding private property in accordance with other sections of this Resolution.
1. This section shall not apply to school buses parked on school property and church buses or other not-for-profit organization uses parked on the property of the church or other not-for-profit organization.

**Zoning Resolution
of the City of Dacula, Georgia**

**Article X
Off-Street Automobile Parking,
Loading and Unloading Spaces**

Section 1004. Commercial Vehicle Parking. (Continued)

2. As used in this section, commercial vehicles specifically include the following:
 - a. Any vehicle designed to haul more than one and one-half (1-1/2) tons.
 - b. Any vehicle, other than a motor home, having more than two (2) axles.
 - c. Any motorized construction equipment, except when located on private property on which related construction is in progress.
 - d. Any bus designed to carry more than twenty (20) passengers.

Section 1005. Administrative Variance.

In instances where an applicant shows specific and valid reasons why the requirements of Section 1002 or Section 1003 cannot reasonably be met, and where a reduction of not more than ten percent (10%) in such requirements will not adversely affect the spirit or intent of this Article, the City Administrator may administratively grant such reduction.

In instances where an applicant submits a study showing specific and valid reasons why the requirements of Section 1002 are not reasonable based upon the *Parking Generation Manual* by ITE (Institute of Traffic Engineers) the City Administrator may administratively grant such reduction as requested.

**Zoning Resolution
of the City of Dacula, Georgia**

**Article IX
Use Provisions**

Section 908. M-1, Light Manufacturing District.

The M-1, Light Manufacturing District is comprised of lands that are located on or have ready access to a Major Street or State Highway and are well adapted to industrial development but whose proximity to residential makes it desirable to limit industrial operations and processes to those that are not objectionable by reason of the emission of noise, vibration, smoke, dust, gas, fumes, odors or radiation and that do not create fire or explosion hazards or other objectionable conditions. This District limits industrial, manufacturing and warehousing uses to those which are wholly conducted indoors. The M-1, Light Manufacturing District is established to provide a location for those heavy commercial and light industrial operations which demonstrate characteristics that are able to meet comparatively rigid specifications for nuisance-free operation.

A. Area, Yard and Height Requirements:

Dist.	Minimum Dwelling Unit Size (Sq.Ft.)	Minimum Lot Area Size (Sq.Ft)	Minimum Width (Ft)	Setback from Right-of-Way (Ft.)		Minimum Side Yard (Ft.)	Minimum Rear Yard (Ft.)	Maximum Height (Ft.)
				Major Street (Ft.)	Interior Street (Ft.)			
M-1	-	43,560	100	50	50	20 ⁽¹⁾	20 ⁽¹⁾	40

(1) Buffer zones are required in addition to side and rear yard where an office-institutional, business, or manufacturing use abuts a Residential District.

B. Permitted Uses:

Only the following permitted uses shall be allowed in the M-1 Light Manufacturing District and no structure shall be erected, structurally altered or enlarged for any use other than a use permitted herein with the exception of a) uses lawfully established prior to the effective date of the amendment b) special uses as permitted herein or c) accessory uses defined in Article III, Definitions; or other uses which are clearly similar to and consistent with the purpose of this District.

1. Agriculture and horticulture, except the raising of livestock.
2. Appliance Repair Shop.
3. Art Gallery.
4. Assembly Plant (non-durable goods).
5. Automatic Teller Machine (freestanding).
6. Automobile/Truck Rental Agency.
7. Automotive Sales Lots and associated service facilities (new or used).
8. Bakery Shop (accessory retail).
9. Baking Plants.
10. Building Materials Wholesaler.
11. Building Material Yards including milling operations.
12. Cabinet shops and furniture manufacturing.

**Zoning Resolution
of the City of Dacula, Georgia****Article IX
Use Provisions**

13. Cafeteria (employee/accessory only).
14. Cold Storage Plant or commercial cold storage.
15. Contractor's Offices with no outdoor storage of equipment.
16. Crematories.
17. Day Care Facilities.
18. Depot/Passenger Terminal (bus, rail).
19. Dog kennels.
20. Farm Equipment sales and service.
21. Financial Services/Institutions.
22. Fraternal Club or Lodge.
23. HVAC Equipment Dealers.
24. Hospital/Clinic/Convalescent Home.
25. Ice Manufacturing/Packing Plant.
26. Laboratory, research and testing.
27. Machine Shop.
28. Maintenance Shop (fleet vehicles).
29. Meat Processing or packaging, except slaughtering, poultry killing, and dressing of animals shall not be allowed.
30. Medical/Dental Laboratory.
31. Mini-Warehouses/personal storage warehouses.
32. Movie Studio.
33. Museum.
34. Newspaper, printing or publishing.
35. Offices or Office Parks.
36. Office, professional/business.
37. Outdoor storage yards, other than junkyard, if they meet the following requirements:
 - a. They shall be set back at least fifteen (15) feet from any side or rear property lines.
 - b. The yard shall be screened by a solid fence at least six (6) feet high located at the edge of the storage yard.
 - c. The fifteen foot area shall be appropriately landscaped and maintained.
38. Parking Garage.
39. Pest Control/Extermination Business.

**Zoning Resolution
of the City of Dacula, Georgia**

**Article IX
Use Provisions**

40. Pharmacy (accessory).
41. Photo Processing Plant.
42. Photo Studio.
43. Plant Nursery (wholesale or retail).
44. Plastics Extrusion Plant.
45. Plumbing Equipment Dealers.
46. Printing/Bookbinding/Publishing Plant.
47. Public Buildings and Offices (Libraries, Government Offices, etc.).
48. Radio/Television Station and Transmitter.
49. Recreation Facilities/Training Center, Indoor (gymnastics schools, baseball academies, etc.).
50. Recording/Rehearsal Studio.
51. Recovered Materials Processing Facility, or Recycling Station, provided the following standards are met:
 - a. Activities shall be limited to collection, sorting, compacting and shipping.
 - b. Along the entire road frontage (except for approved access crossings), provide a 3-foot high landscaped earthen berm with a maximum slope of 3 to 1 and/or a minimum six-foot high, 100 percent opaque, solid wooden fence or masonry wall. The fence/wall or berm must be located outside of any public right-of-way and interior to any landscaped strip. The finished side of a fence/wall shall face the exterior property lines.
 - c. The facility shall not be located adjacent to or across the street from any property used for or zoned for single family residential use.
 - d. Lighting for such facilities shall be placed in such a fashion as to be directed away from any nearby residential areas.
 - e. Materials collected shall not be visible and shall be deposited in a bin or bunker. All sorting and collection bins shall either be enclosed and have chutes available to the public or be located inside a fully-enclosed building.
 - f. No outdoor storage of uncontainerized materials shall be allowed.
52. Residential and Community Shelters.
53. Retail Sales Showrooms and Warehouse Stores,
54. Taxi/Limousine Service.
55. Telephone Exchange Building.
56. Trade/Vocational School.
57. Truck and Bus Sales Leasing/Repair (heavy truck/tractor trailer).
58. Truck or Moving Van Rental (e.g. U-Haul, Ryder) provided such facilities comply with the following requirements:
 - a. Equipment or rental vehicles shall not be parked or stored in the required front yard.

**Zoning Resolution
of the City of Dacula, Georgia**

**Article IX
Use Provisions**

- b. The storage area for the vehicles or equipment to be rented shall be screened by a Solid fence at least six (6) feet high.
 - c. The storage area shall be located no closer than 100 feet from any side or rear property lines zoned residential and shall be appropriately landscaped and maintained Truck Terminal.
59. Upholstery Shop.
60. Utility stations including water and wastewater treatment facilities, building and grounds for storage of vehicles, equipment, and materials.
61. Veterinary offices, hospitals, and laboratories.
62. Weather Service Station.
63. Wholesaling and warehousing with offices.
- C. Special Exceptions:
- Within the M-1 Light Manufacturing District, the following uses may be permitted provided the applicant for such a development is granted a Special Exception subject to the approval of the Mayor and City Council.
- 1. Caretaker or watchman quarters as an accessory use for the purpose of securing outside storage of equipment and materials that are associated with the primary use of the business.
- D. Special Uses:
- Within the M-1, Light Manufacturing District, the following uses may be permitted provided the applicant for such a development is granted a Special Use Permit by the City Council after receiving recommendations from the City Administrator and Planning and Zoning Board and after a public hearing.
- 1. Railroad sidings for maintenance and terminal facilities for train cars or engines.
 - 2. Private Kindergarten, Grade or High School.
 - 3. Stadium/Concert Hall/Amphitheater (County Board of Education Schools excepted).
 - 4. Wood Chipping/Shredding, and Yard Trimmings Composting Facility provided the following conditions are met:
 - a. Composting materials shall be limited to tree stumps, branches, leaves, and grass clippings or similar putrescent vegetative materials, not including animal products, inorganic materials such as bottles, cans, plastics, metals, or similar materials.
 - b. Along the entire road frontage (except for approved access crossings), and along the side and rear property lines, provide a three-foot high landscape earthen berm with a maximum slope of three to one and/or a minimum six-foot high, 100 percent opaque, solid wooden fence or masonry wall. The fence/wall or berm must be located outside of any public right-of-way and interior to any landscape strip. The finished side of a fence/wall shall face the exterior property lines.
 - 5. Places of worship to include but not necessarily be limited to churches, temples, mosques, synagogues or the like located in single occupancy buildings.

REZONING CASE: 2021-CD-RZ-02
VARIANCE CASE: 2021-CD-VAR-02

Owner: Walton Georgia, LLC et al.; Raul & Rose Mary Velasquez
Applicant: Carter Acquisitions, LLC c/o Mahaffey Pickens Turner, LLP

APPROVED CONDITIONS OF ZONING— April 1, 2021

Transportation / Infrastructure

- 1.A. All new utility lines shall be located underground. The developer shall be responsible for the relocation of public or private utilities and stormwater infrastructure.
- 1.B. Sidewalks shall be required adjacent to Winder Highway right-of-way. The sidewalk location shall be reviewed and approved by the City of Dacula and Georgia Department of Transportation. Sidewalks shall be required adjacent to both sides of the full length of the relocated Stanley Road improvements. The location of sidewalks shall be reviewed and approved by the Gwinnett County D.O.T. and City of Dacula.
- 1.C. 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 adjacent to the Winder Highway right-of-way. 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.D. Provide decorative light poles / fixtures along Winder Highway right-of-way. Streets lights shall be staggered, 150 feet on-center. 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. The property owner shall be responsible for street light maintenance and lighting fees. 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.E. A sign prohibiting truck access beyond the southeastern corner of the site shall be required adjacent to the Stanley Road right-of-way / dedicated easement at the end of the proposed Stanley Road improvements.
- 1.F. Access onto Winder Highway must meet Georgia Department of Transportation standards. The Stanley Road relocation and improvements must meet current Gwinnett County D.O.T. standards under the Gwinnett County Unified Development Ordinance (UDO) and be dedicated to Gwinnett County as right-of-way. Proposed access on Stanley Road must meet the minimum spacing requirements of the Gwinnett County UDO. The property owner / developer must coordinate with the Winder Highway & SR 316 interchange Project Manager(s) to ensure the relocation of Stanley Road does not interfere with the interchange.
- 1.G. A Traffic impact study shall be provided prior to the issuance of a development permit. Prior to the issuance of the first certificate of occupancy, the applicant shall make any improvements recommended by the traffic impact study, provided the improvements are approved by the City of Dacula, Gwinnett County D.O.T. and Georgia Department of Transportation respectively. All design and construction will be subject to Gwinnett County D.O.T. and Georgia Department of Transportation review and approval.

Landscaping Requirements

- 2.A. Provide landscaped islands throughout all surface parking areas as required by the Dacula Buffer, Landscape, and Tree Ordinance.
- 2.B. Provide a minimum ten-foot wide landscaped strip adjacent to the Winder Highway right-of-way and the full length of the relocated Stanley Road improvements on both sides. At least 50% of plantings shall consist of trees 3-inches in caliper (dbh) or greater. Type and size of plantings shall be in compliance with the Dacula Buffer, Landscape, and Tree Ordinance.
- 2.C. Provide non-ornamental shade trees spaced 50-feet on-center or grouped at 120-feet on-center along the Winder Highway right of way. All street trees shall be a minimum 4-inch caliper (dbh) at the time of planting. Street trees shall be planted six-feet from back-of-curb subject to review and approval of the City of Dacula, Georgia, or Gwinnett Department of Transportation depending on who owns the subject right-of-way.

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.D. 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.
- 2.E. Natural vegetation shall remain on the property until issuance of a development permit.

Parking / Yard, Height & Setback

- 3.A. A parking lot landscape plan shall be submitted to the City for approval. At a minimum, the landscape plan shall include the 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 3-inch dbh caliper.
- 3.B. Parking lot and security lighting shall be directed in towards the property so as to minimize the adverse impact on neighboring properties.

Signage, Temporary Uses, & Peddling

- 4.A. Oversized signs or billboards shall not be permitted.
- 4.B. 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 brick, stone, stucco, wood or metal consistent with the architecture and exterior treatment of the building at least 2 feet in height. Neon or self-illuminating ground signs shall be prohibited.
- 4.C. Blinking, exposed neon, portable, inflatable and temporary signage shall be prohibited.
- 4.D. Peddlers shall be prohibited.
- 4.E. 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.
- 4.F. 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.

Architectural Design

5.A. Architectural design should comply with the following performance guidelines:

- (1) Building facades shall be of architectural treatments of glass and / or brick, stone, stucco, or tilt-up concrete subject to review and approval of the City of Dacula.
- (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) Buildings shall incorporate live plant material growing immediately in front of or on the building.
- (4) 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.
- (5) Any accessories provided such as railings, benches, trash receptacles and / or bicycle racks shall complement the building design and style.
- (6) Walls visible from roadways or parking areas shall incorporate changes in building material / color.

General

- 6.A. The property shall be developed in accordance with the conceptual site plan prepared by Kimley Horn entitled Industrial Rezoning Site Plan, received on March 22, 2021. Any substantial deviation from the approved conceptual plan and / or remaining conditions of zoning shall be resubmitted to the City Council for consideration. The City Administrator shall determine what constitutes substantial deviation.
- 6.B. A building height variance is granted to allow the principle building on-site a maximum height of 50 feet.

ADJOINING PROPERTY OWNERS LIST

Parcel	Name/Address (Situs)	Name/Address (Mailing)
5270 001	N/A	WALTON GEORGIA LLC ETAL 14614 N KIERLAND BLVD STE 120 SCOTTSDALE AZ 85254
5271 049	HOOD JIMMY B 2065 WINDER HWY DACULA GA 30019	HOOD JIMMY B 2075 WINDER HWY DACULA GA 30019
5271 186	N/A	HOOD-RODRIGUEZ SHIRLEY K 160 HEBRON CHURCH RD DACULA GA 30019
5271 100	POPE LOU FAY 2077 WINDER HWY DACULA GA 30019	POPE LOU FAY 2320 HARBIN OAKS DR DACULA GA 30019
5271 093	TAYLOR JOHNATHAN K ETAL 2071 WINDER HWY DACULA GA 30019	TAYLOR JOHNATHAN K ETAL 1335 WHEATFIELD DR LAWRENCEVILLE GA 30043
5271 073	SUTKO JACK SWANGER JEFFERY J 2061 WINDER HWY DACULA GA 30019	SUTKO JACK SWANGER JEFFERY J 4475 SETTLES BRIDGE RD SUWANEE GA 30024
5271 048	HOOD BLANCHE S 2015 HWY 29 DACULA GA 30019	HOOD BLANCHE S 72 DELMOOR DR NW ATLANTA GA 30311
5271 004	HSU HOWARD CHUN-I HSU KUO-CHEN LIN 1855 HWY 29 DACULA GA 30019	HSU HOWARD CHUN-I HSU KUO-CHEN LIN 1070 KELVINGTON WAY SW LILBURN GA 30047
5271 002	LO TSAI JEN 1805 WINDER HWY DACULA GA 30019	LO TSAI JEN 545 OLD PEACHTREE RD NW SUWANEE GA 30024
5271 010A	WHITLEY RAYMOND E 1945 WINDER HWY DACULA GA 30019	WHITLEY RAYMOND E 1355 ETHERIDGE DR AUBURN GA 30011

ADJOINING PROPERTY OWNER(S)
RECORD NOTIFICATION

DATE: April 7, 2022

TO: Blanche S. Hood
72 Delmoor Dr., NW, Atlanta, GA 30311
(Sent by First Class Mail and Certified Mail – Return Receipt Requested)

FROM: Shane M. Lanham, Mahaffey Pickens Tucker, LLP

RE: Proposed Changes of Conditions Case #: 2021-CD-COC-03

Proposed Rezoning / SUP Case #: _____

Property Location: 5th District, Land Lots 270 & 271

Parcels R5270 028 & R5271 009

LOCATION ADDRESS: 1849 Winder Highway & 1925 Winder Highway

You are hereby notified that an application a zoning change from PMUD & C-2 to M-1 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 April 25, 2022 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 May 5, 2022 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.

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<ul style="list-style-type: none">■ Complete items 1, 2, and 3.■ Print your name and address on the reverse so that we can return the card to you.■ Attach this card to the back of the mailpiece, or on the front if space permits. <i>Carter</i>	<p>A. Signature <input checked="" type="checkbox"/> <i>B. Hood</i> <input type="checkbox"/> Agent <input type="checkbox"/> Addressee</p> <p>B. Received by (Printed Name) <i>JR RYSCIA</i> C. Date of Delivery</p>																
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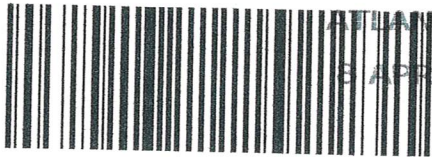
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DACULA, GA 30019

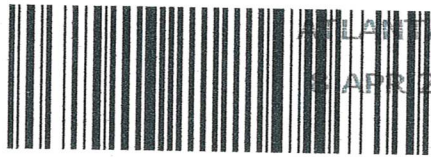
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1944 HWY 29
DACULA, GA 30019

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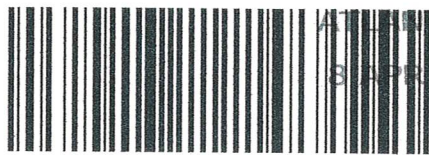
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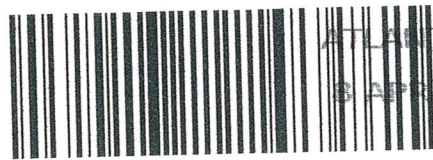
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SR WHOLE INVESTMENT, INC.
1944 HWY 29
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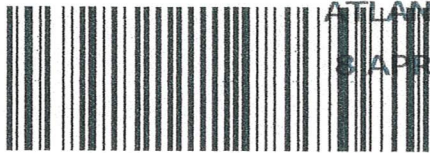
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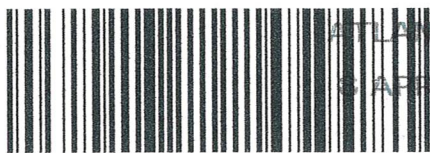
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2071 WINDER HWY
DACULA, GA 30019

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UNABLE TO FORWARD


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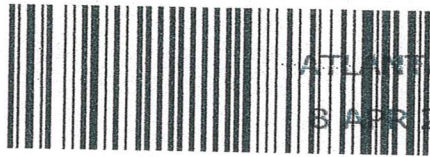
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<p>1. Article Addressed to:</p> <p>LINDA D. TAYLOR 1335 WHEATFIELD DR LAWRENCEVILLE, GA 30043</p>	<p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No</p>
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PS Form 3811, July 2020 PSN 7530-02-000-9053

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N. Brown Road, Suite 125
enceville, Georgia 30043
Attn: Donna Bowen

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DACULA, GA 30019

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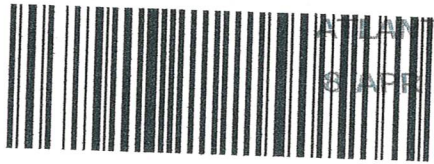
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1945 WINDER HWY
DACULA, GA 30019

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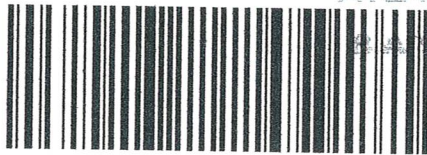
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Methodology Meeting Packet (MMP) – DRAFT

Project Whiplash DRI #3535

City of Dacula, Gwinnett County, Georgia

Methodology Meeting:

January 3, 2022 @ 2:00 PM

Applicant:

Carter and Associates

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ATTACHMENT C: AERIAL IMAGERY..... 22

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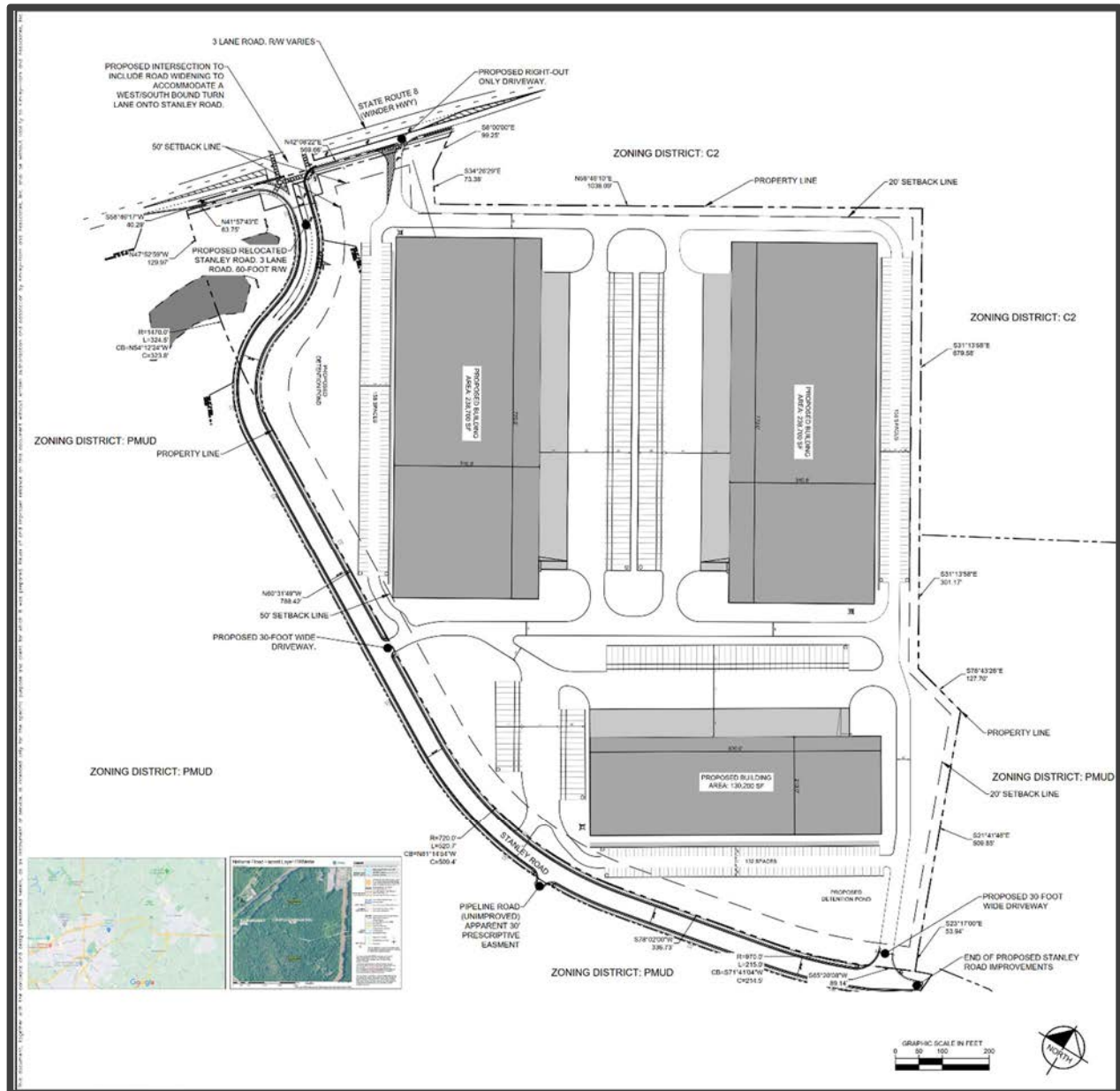
ATTACHMENT E: FULL-SIZE SITE PLAN 24



DRI Name & Number
Methodology Meeting Date

Project Whiplash DRI #3535
January 3, 2022 – 2:00 PM

Project Rendering



Project Orientation

Permitting Local Government	City of Dacula
Additional Local Government(s) with development approval authority	N/A
DRI Trigger	Zoning Modification – site plan modification to previous re-zoning (see Page 19) (Recently rezoned in July 2021 pursuant to City of Dacula rezoning case and Ordinance 2021-CD-RZ-02, and 2021-CD-VAR-02)
DRI Trigger Application/Permit #	2021-CD-COC-03 (Filed on November 10, 2021)
Qualifying DRI Threshold Exceeded	500,000 SF Industrial
Existing Zoning	Light Manufacturing District (M-1)
Proposed Zoning	N/A – modification to previous re-zoning – no change from Light Manufacturing District (M-1)

FORMER DRI: Peak at University Parkway DRI #2305 (2012 DRI Review):

In a DRI Determination memorandum dated November 15, 2021 and shared with ARC the following was documented regarding the former *Peak at University Parkway DRI #2305*, completed in October 2012.

The purpose of the memorandum was to request a DRI determination from ARC for the proposed *Project Whiplash* development. A transportation analysis by Kimley-Horn was prepared for a **157-acre** mixed-use development in October 2012 (*Peak at University Parkway DRI #2305*). At that time, the project went through the DRI review with the ARC and GRTA. The ARC Final Report was issued on October 31, 2012, and the GRTA Notice of Decision was released on December 20, 2012. The proposed *Project Whiplash* industrial development is located on **43.8 acres** located inside the original 157-acre site. The remaining acreage is not associated with *Project Whiplash DRI #3535*.

Upon review of the DRI Determination memorandum, ARC concluded that a new DRI would be required for the **43.8-acre** *Project Whiplash* development site.

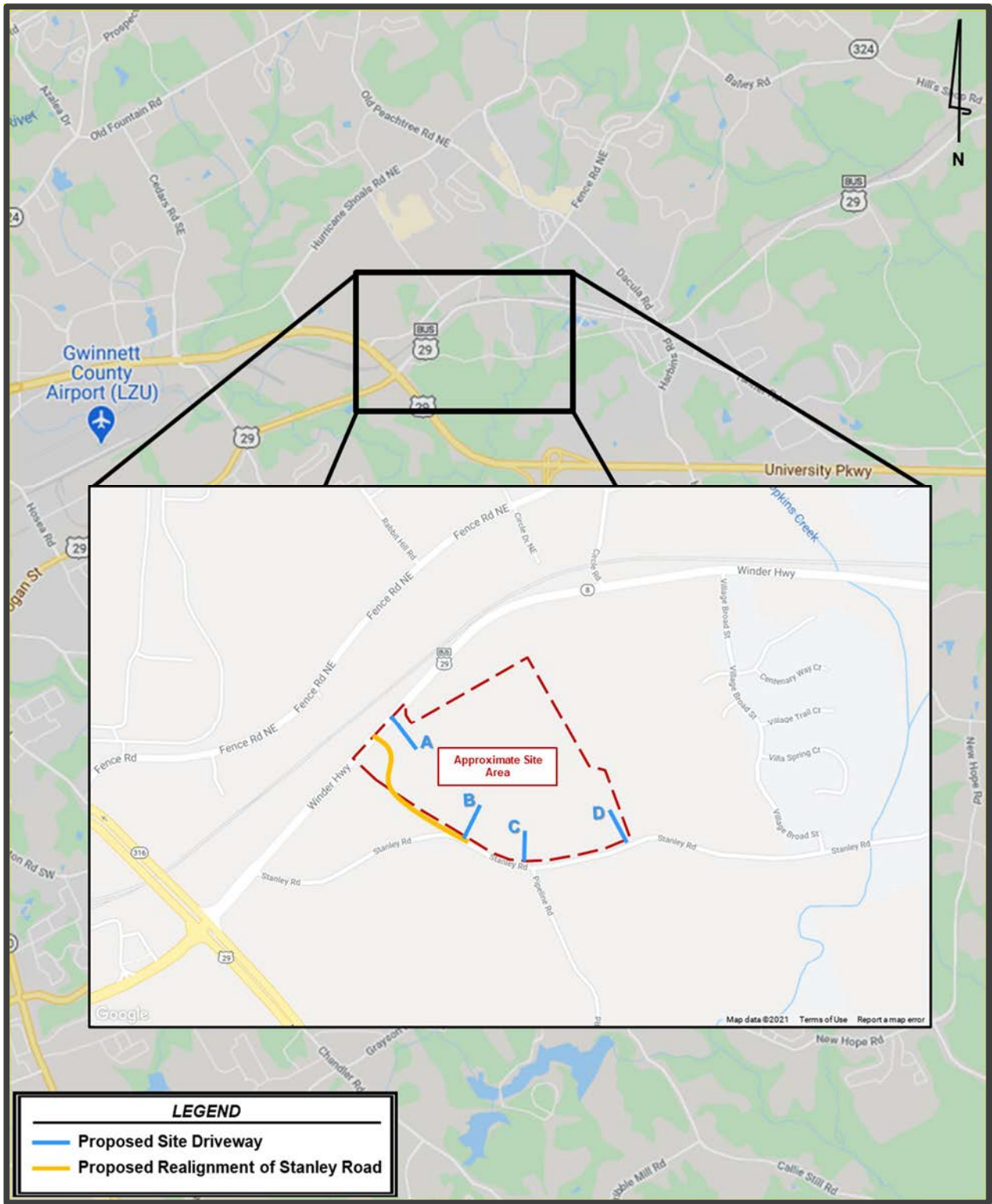
Project Information

Land Use	Density
Industrial	607,600 SF (total in 3 buildings)

Project Location

GPS Coordinates	33.98624524126374, -83.92151314353713
Location Description	East of Winder Highway (SR 8) and north of Stanley Road in Dacula, GA (Gwinnett County)
Site Acreage	Approximately 43.8 acres
Unified Growth Policy Map Land Use Area Designation	Developing Suburbs
Neighboring Jurisdictions	Gwinnett County (within 1/4-mile north/west of site) City of Lawrenceville (2 miles east of site)

Project Orientation Map



Project Driveways & Access Points

Driveway Name	EX/PR	Along	Movements	Location
Driveway A	Proposed	Winder Highway (SR 8)	Right-out Only	Approx. 2,250' e/o University Parkway (SR 316)
Driveway B	Proposed	Stanley Road	Full	Approx. 1,150' s/o Winder Highway (SR 8)
Driveway C	Proposed	Stanley Road	Full	Approx. 1,650' s/o Winder Highway (SR 8)
Driveway D	Proposed	Stanley Road	Full	Approx. 2,500' s/o Winder Highway (SR 8)

- *Note:* See Project Orientation Map (previous page) for approximate driveway locations.

Project Build Out Year & Phase(s)

Build Out Year	2023
Phases	One phase

Net Average Daily Trips (ADT) & Requested Review Schedule

Net Average Daily Trips (ADT)	1,006 (503 entering, 503 exiting)
Requested Review Schedule	GRTA – Expedited (15 business days) – Less than 3,000 trips per day ARC – Non-Expedited Review (25 calendar days)
Requested Transportation Study Type	Transportation Impact Study

Government Stakeholders

GRTA	GDOT
ARC	Gwinnett County
City of Dacula	

Applicant Stakeholders (Section 1.2.2)

Applicant	Brady Panis	Carter and Associates
Applicant	Patti Neal	Carter and Associates
Civil Engineer	Reid Irwin	Kimley-Horn
Traffic Engineer	Ana Eisenman	Kimley-Horn
Traffic Engineer	John Walker	Kimley-Horn

Applicant Email & Mailing Address

Brady Panis
Senior Project Manager
BPanis@carterusa.com
39 Georgia Avenue SE, Suite 200

Atlanta, GA 30312

Planning Context

Programmed Projects

Project Name	From / To Points:	Sponsor	GDOT PI #	ARC ID # (TIP)	Design FY	ROW / UTL FY	CST FY
ITS Enhancements Phase 2	Nearby: Harbins Road	Gwinnett/GDOT	PI # 0016070	GW-415	--	--	2021-TBD
SR 316 Interchange at US 29/SR 8**	Interchange	Gwinnett/GDOT	PI # 0013897	GW-394	2017	2022	2024-2030
Fence Road Connector	Fence Road to US 29/SR 8	Gwinnett/GDOT	PI # 0013896	GW-184D	2017	2022	2024-2030

*Project information was obtained from GeoPI (GDOT), the Atlanta Region's Plan (ARC), Gwinnett County Comprehensive Transportation Plan, and Sweetwater Master Plan.

** See Attachment D for Interchange Concept drawing in addition to project factsheet.

Programmed Project Attached Design Documents

- See Attachment D for project factsheets and SR 316 at US 29/SR 8 Interchange Concept drawing



Transportation Project Interaction with DRI

- N/A – GW-415 does not impact the anticipated study network; the rest of the planned/programmed projects are not anticipated to be built until after Project Whiplash is completed in 2023.

Planned Projects

Project Name	From / To Points:	Potential Sponsor	GDOT PI #	ARC ID # (TIP)	Project Timeline	Planning Document
Sugarloaf Pkwy Extension Ph. 2	SR 316 to I-85	GDOT/Gwinnett	PI # 0006924	GW-308B	2026-2030	GW-308B

Land Use and Zoning

<p><u>Existing Zoning</u></p>	<p>Light Manufacturing District (M-1)** ** NOTE: Site rezoned via 2021-CD-RZ-02 from PMUD to M-1 approved in April 2021</p> 
<p><u>Future Land Use Map</u></p>	<p>Regional Mixed Use</p> 
<p>Land Use Vision & Goals:</p>	<p>Dacula 2019 Update to the Comprehensive Plan designates the vicinity of this site as Regional Mixed Use. Warehousing/Distribution land uses are consistent with land uses contemplated for the Regional Mixed Use area.</p>
<p>Relation to Existing Land Use Plans:</p>	<p>Existing Zoning designates site as M-1 adjacent to C-2, M-1, and PMUD. Proposed warehouse/distribution use on site is comparable with those existing land uses and classifications.</p>
<p>Chattahoochee River/ Metropolitan River Protection Act</p>	<p>N/A</p>

Alternative Mode Access

Existing Alternative Transportation Map

Alternative transportation is limited in the vicinity of the site with limited sidewalk and one GRTA Xpress Park and Ride approximately 1.4 miles from the site along Dacula Road in the Hebron Baptist Church parking lot (with no sidewalk coverage):



Bicycle and Pedestrian Context

Description of Existing Infrastructure

Bicycle	No bicycle facilities exist along site frontage.
Pedestrian	No sidewalks exist along site frontage.

Sidewalk & Streetscape Ordinance Standards

City of Dacula – [Appendix A Development Regulations – Article 6](#) – Access and Right-of-Way Requirements
Street Improvements and Construction Requirements:

- 6.9.1 – Sidewalks, When Required:
 - C. Sidewalks shall be provided along all streets adjoining a non-residential development.
- 6.9.3 – Sidewalks, Design Standards:
 - Sidewalks shall be constructed in accordance with the Design Standards contained in this Subsection unless a Waiver is granted by the City.
 - A. Sidewalks shall be located two (2') feet from the back of curb. Where no curbing exists or proposed road improvements are anticipated, sidewalks shall be placed in a location acceptable to the Department of Transportation.
 - B. All new sidewalks shall match and provide a smooth transition to any existing sidewalks with no steps.
 - C. Sidewalks shall be constructed of concrete and shall be a minimum of five (5') feet in width and four (4") inches thick. Concrete shall be Class "B" (as defined by Georgia DOT) and have strength of 3,000 PSI at 28 days.
 - D. Curb ramps shall be provided at all curb termini or street intersections and shall be a minimum of five (5') feet in width exclusive of flared sides.
 - E. Expansion joints shall be provided at all property lines (extended) and driveway crossings. Control joints shall be provided every ten (10') feet.
 - F. Disturbed areas resulting from sidewalk construction shall be backfilled, stabilized, and grassed.

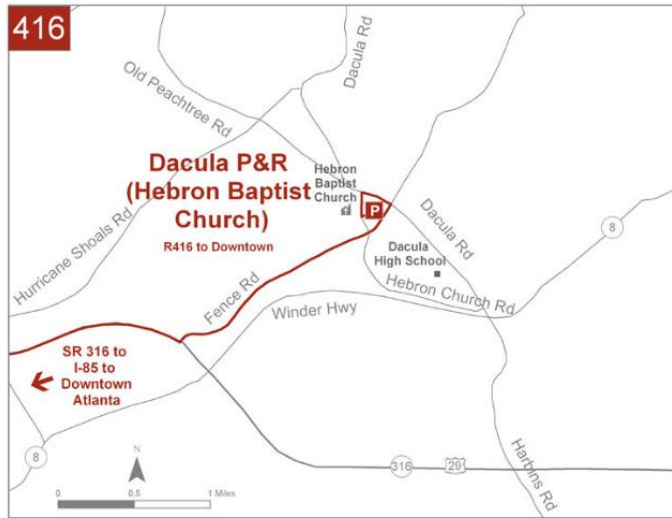
Potential Pedestrian & Bicycle Destinations

- N/A

Transit Accommodations

Existing Transit Routes

GRTA Xpress operates route 416 with a Park and Ride at the Hebron Baptist Church on Dacula Road approximately 1 mile from the site. However, the route primarily serves commuter traffic from Dacula (home near Dacula) to Downtown Atlanta (work in Atlanta) during traditional AM/PM peak hours.



Existing High Capacity Transit Stations

- N/A

Existing Transit Service Details

GRTA Xpress 416 Dacula – Downtown			
Weekday AM – Dacula to Downtown Atlanta			
Dacula Park & Ride	North Ave at Peachtree St	Courtland St at Auburn Ave	Forsyth St at MLK Jr Dr
5:15 AM	5:58 AM	6:11 AM	6:17 AM
6:10 AM	6:59 AM	7:13 AM	7:21 AM
6:30 AM	7:20 AM	7:36 AM	7:44 AM
Weekday PM – Downtown Atlanta to Dacula			
Forsyth St at MLK Jr Dr	Ptree Ctr Ave at Auburn Ave	Spring St at Linden Ave	Dacula Park & Ride
3:15 PM	3:20 PM	3:29 PM	4:23 PM
4:15 PM	4:20 PM	4:29 PM	5:38 PM
5:15 PM	5:21 PM	5:33 PM	6:37 PM

Proposed Pedestrian Route to Access Transit

- N/A – unlikely to serve development

Transit Stop Ridership

- N/A

Transit Stop Amenity Standards

- N/A

Trip Generation & Adjustments

Trip Generation Inputs

- ITE Trip Generation Manual Used
- ITE Land Use Code(s)
- ITE Independent Variable Inputs for each Land Use Code
- Day & Time of Day of ITE Surveys
- ITE Trip Generation Formula Used

LUC	Land Use	Ind. Variable	Type	DAILY	AM	PM
				Weekday	Weekday, Peak of Adj. Street Traffic	
					7AM-9AM	4PM-6PM
150	Warehousing	Per 1,000 SF	Total	1.58x+45.45 50% In/50% Out	0.12x+25.32 77% In/23% Out	0.12x+27.82 27% In/73% Out
			Heavy Vehicle	0.54x+7.47 50% In/50% Out	0.02x 52% In/48% Out	0.03x 52% In/48% Out

*All rates and equations listed are from the ITE Trip Generation Manual, 10th Edition, 2017.

Trip Generation Calculation Alternative Approaches

Gross Trip Generation Summary Table:	Total	Employee (Cars)	Heavy Vehicle (Trucks)
Gross Trips	1,006	670	336
<i>Alt. Mode</i>	-0	-0	-0
<i>Mixed Use</i>	-0	-0	-0
<i>Pass-by</i>	-0	-0	-0
Net Trips	1,006	670	336

- See **Attachment A** for a full trip generation table shown by land use and peak.

Trip Generation Reductions

Existing Square Footage to be demolished/redeveloped

- N/A

Alternative Mode Reduction

- N/A

Contributing Factors

Summary of Existing and Proposed Bicycle / Pedestrian / Transit

- Pedestrian facilities will be provided internal to the development.

Parking Requirements & Proposed Amount

Land Use	Parking Type	Min	Max	Proposed
Wholesale and Warehousing Establishments	Car	304 min required (1 per 2,000 SF)	N/A	563
Wholesale business and industry	Loading	61 min required (1 10'x50' per 10,000 SF)	N/A	132
TOTAL				695

*Parking information obtained from of the City of Dacula Zoning Code.

- **Parking:** [Article X](#), Sec. 1002-CC – Minimum Number of Off-Street Parking Spaces
- **Loading:** [Article X](#), Sec. 1003-B – Off-Street Loading and Unloading Spaces

Alternative Parking Provided (e.g., car share, vanpool, etc. If applicable)

- N/A

Affordable Housing

- N/A

Transportation Demand Management

- N/A

Supplemental Commuter Data

- N/A

Proposed Reduction Percentage

- 0% (no reduction is proposed).

Proposed Reduction Justification Explanation

- N/A

Internal Capture / Mixed Use Reduction

- Only one land-use on site, no mixed-use reduction is proposed.

Pass-by Trips Reduction

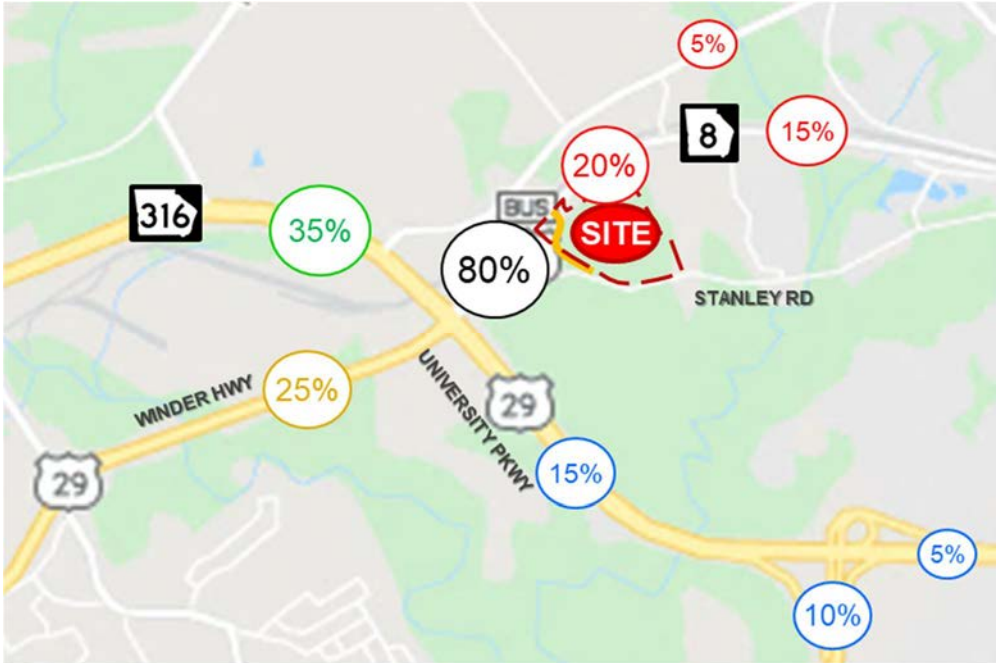
Proposed Pass-by Trips Table:

- N/A

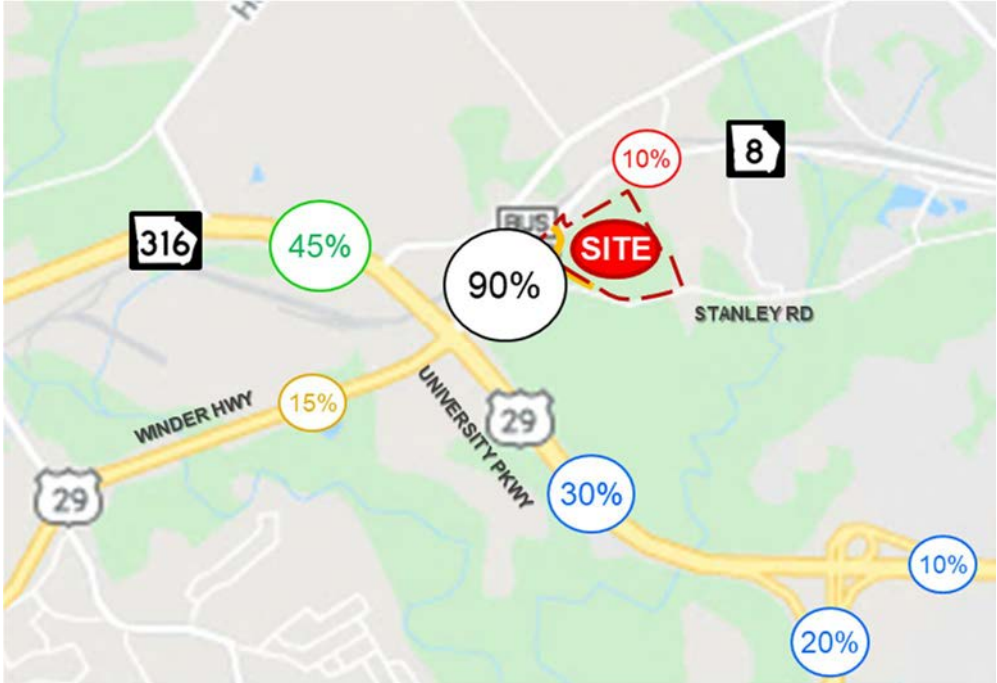
Trip Assignment & Study Network

Description of Trip Assignment Methodology

Employee (Car) Trip Assignment Map



Heavy Vehicle (Trucks) Trip Assignment Map



Draft Study Network

Study Network 7% Table

Roadway	From	To	Lanes	Class	Service Vol	Adj. Vol	%
Stanley Road	Site Driveways	Winder Hwy (SR 8/US 29)	2	Local Roadway	10,900	8,720	10.8%
Winder Hwy (SR 8/US 29)	Circle Rd	Dacula Rd/ Harbins Rd	3	State Roadway	23,700	17,775	0.8%
Winder Hwy (SR 8/US 29)	Stanley Rd (Realigned)	Circle Rd	3	State Roadway	23,700	17,775	0.9%
Winder Hwy (SR 8/US 29)	University Pkwy (SR 316/US 29)	Stanley Rd (Realigned)	4	State Roadway	32,500	30,875	2.7%
Winder Hwy (SR 8/US 29)	Alcovy Industrial Blvd	University Pkwy (SR 316/US 29)	2	State Roadway	14,900	15,645	1.4%
University Pkwy (SR 316/US 29)	Hurricane Trl	Winder Hwy (SR 8/US 29)	4	State Roadway	32,500	32,500	1.2%
University Pkwy (SR 316/US 29)	Winder Hwy (SR 8/US 29)	Sugarloaf Pkwy	4	State Roadway	32,500	32,500	0.6%
Sugarloaf Pkwy	University Pkwy (SR 316/US 29)	W Campbell Rd	4	Freeway	66,200	66,200	0.2%
Circle Rd	Winder Hwy (SR 8/US 29)	American Legion Rd	2	Local Roadway	10,900	8,720	0.4%

Study Network Map



PROPOSED STUDY NETWORK	Existing Control
1. Winder Highway (SR 8/US 29) at Stanley Road (Realigned)	Unsignalized (TWSC)
2. Winder Highway (SR 8/US 29) at University Parkway (SR 316/US 29)	Signalized

Site driveways will also be analyzed under Build conditions.

Roadway Information	Ownership
Winder Hwy (SR 8/US 29)	GDOT
Stanley Road (Realigned)*	Gwinnett County <i>(proposed to be dedicated to City of Dacula)</i>
University Pkwy (SR 316/US 29)	GDOT

* Stanley Road is proposed to be realigned and paved for the segment that is currently unpaved southeast of Winder Highway.

Proposed Study Network Additions or Deletions

- TBD at Methodology Meeting

Level of Service Standard(s)

- The overall LOS standard is LOS D for all proposed study intersections.

Adjustments for Unified Growth Policy Map or ½ mi. of High Capacity Transit Station

- N/A

Scenario Modeling

Background Growth

Proposed Background Growth Rate

- Assume 1.0% per year for two (2) years (2023 build-out)

Historic Traffic Count Growth Data

- See **Attachment B**.

Nearby Developments or DRIs Underway

- Inland Pass DRI #3207, Build-Out 2025
 - Note: Build-out is beyond the proposed 2023 build-out for Project Whiplash DRI #3535

Multiple Growth Rate Accommodations

- N/A

Programmed Transportation Project Modeling

- N/A

Pedestrian Crosswalk Adjustment Factor

- N/A

Vehicle Delay Factor for Transit Vehicles and/or Other Curbside Usage

- N/A

Enhanced Focus Area for Dense Urban Environments

- N/A

Proposed Curbside Management Approach

- N/A

Proposed Modeling Adjustments

- N/A

Enhanced Focus Area for Heavy Vehicles

Proposed Truck Routing:



Heavy Vehicle Modeling Percentage:

ITE Trip Generation Formula Used

LUC	Land Use	Ind. Variable	Type	DAILY	AM	PM
				Weekday	Weekday, Peak of Adj. Street Traffic	
					7AM-9AM	4PM-6PM
150	Warehousing	Per 1,000 SF	Heavy Vehicle	0.54x+7.47 50% In/50% Out	0.02x 52% In/48% Out	0.03x 52% In/48% Out

*All rates and equations listed are from the ITE Trip Generation Manual, 10th Edition, 2017.

Site Access Analysis for Pavement Condition, Roadway Width, and Corner Radii:

- To be completed as part of Enhanced Focus Area section of DRI Package.
- Will include truck routing along Stanley Road to/from site driveways and the intersection of relocated Stanley Road at Winder Highway (SR 8/US 29)

Proposed Pedestrian Infrastructure:

- To be completed as part of Enhanced Focus Area Section of DRI Package.

Proposed Traffic Count Approach

Proposed Collection Date(s)

- Previously collected traffic counts on Tuesday, December 8, 2020 (see details below)

Local School Schedule(s)

- Gwinnett County Schools 2020-2021 School Year
 - Thanksgiving Break – November 23 – November 27, 2020
 - Winter Break – December 21, 2020 – January 5, 2021
 - NOTE:** Counts were collected previously on December 8, 2020 while school was in session
- Gwinnett County Schools 2021-2022 School Year
 - Winter Break – December 20, 2021 – January 5, 2022
 - MLK Jr. Day – January 17, 2022
 - Digital Learning Day – January 25, 2022

Existing Counts

Propose to use counts from December 2020 as follows:

Tuesday, December 8, 2020:

- AM/PM peak hour turning movement counts:
 - Winder Highway (SR 8/US 29) at Stanley Road
 - Winder Highway (SR 8/US 29) at University Parkway (SR 316/US 29)
- ADT at GDOT Count Station 135-0040 along Winder Highway (SR 8/US 29) between Village Broad Street and Lakeside Drive

COVID-19 Approach

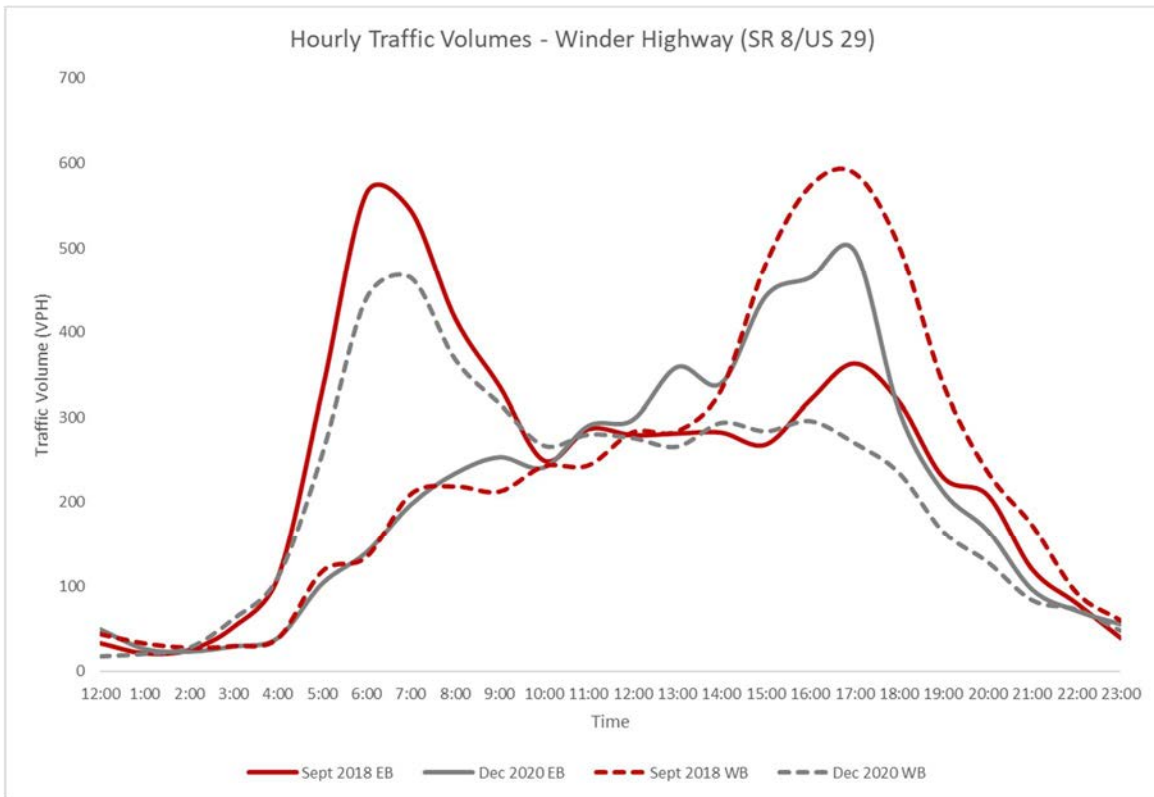
Due to COVID-19's impact on traffic, historical data was used to develop the Estimated 2020 traffic conditions. Average Daily Traffic (ADT) volumes collected in 2020 and Annual Average Daily Traffic (AADT) volumes from GDOT's Traffic Analysis & Data Application (TADA) were used to compare typical traffic volumes in the vicinity of the project site.

The volume comparison is shown in the Table below. The Chart below illustrates the comparison between the September 2018 GDOT AADT and the December 2020 collected ADT.

As a result of the volume comparison, it was determined that adjustment factors of 1.11 and 1.21 should be used for the existing AM and PM peak hour turning movement counts, respectively. The adjustment factors take into account the potential impacts of COVID-19 to typical traffic patterns

- See next page for traffic count comparison and proposed adjustment

Traffic Count Comparison and Adjustment Calculations										
Count Station	Location	GDOT					Collected			
		2018 AADT	ADT Date	ADT	AM Peak	PM Peak	2020 ADT	AM Peak	PM Peak	
135-0040	Winder Highway between Village Broad Street and Lakeside Drive	10,500	Sept 5, 2018	11,260	754	952	9,987	682	787	
Difference Calculations		ADT			AM Peak			PM Peak		
		Vol	Percent	Factor	Vol	Percent	Factor	Vol	Percent	Factor
135-0040	Winder Highway between Village Broad Street and Lakeside Drive	-1,273	-11%	1.13	-72	-10%	1.11	-165	-17%	1.21



Winder Highway (SR 8/US 29) ADT Comparison

Draft Schedule

DRI Phase I – Methodology	
Rezoning Modification Filed (<i>see Page 3</i>)	November 10, 2021 Complete
City of Dacula request the DRI Pre-Review/Methodology Meeting	December 3 Complete
Methodology Meeting Packet (MMP) pre-meeting submittal	Anticipated on or before December 27
Methodology Meeting at ARC's office with GRTA, ARC, and City of Dacula	January 3, 2022
GRTA issues the "Letter of Understanding" that outlines the full scope of the Transportation Analysis.	January 11
DRI Phase II – Transportation Study	
Proceed with Phase II per GRTA LOU	January 12
City of Dacula submits DRI "Form 2"	February 7
Full DRI Package (Transportation Analysis and Site Plan) is submitted to GRTA and ARC for review.	February 21
ARC opens their review (Preliminary Report)	February 28
GRTA issues the "Revised Letter of Understanding and Staff Recommendations"	March 3
Meeting at GRTA's office to discuss the GRTA proposed conditions.	Week of March 7
GRTA issues the "Notice of Decision"	March 14
ARC issues their "Final Findings"	March 21
DRI Complete - Local jurisdictional action can occur	March 22

*A delay with this date will result in a delay in all subsequent dates that follow.

**Assumes a 25-calendar day ARC review, and an approximate 15-business day GRTA review (excluding state holidays)

- City of Dacula City Council Meetings –
 - February 3, 2022; March 3, 2022; April 7, 2022
- City of Dacula Planning Commission Meetings –
 - February 28, 2022; March 28, 2022; April 25, 2022

Attachment A: Trip Generation

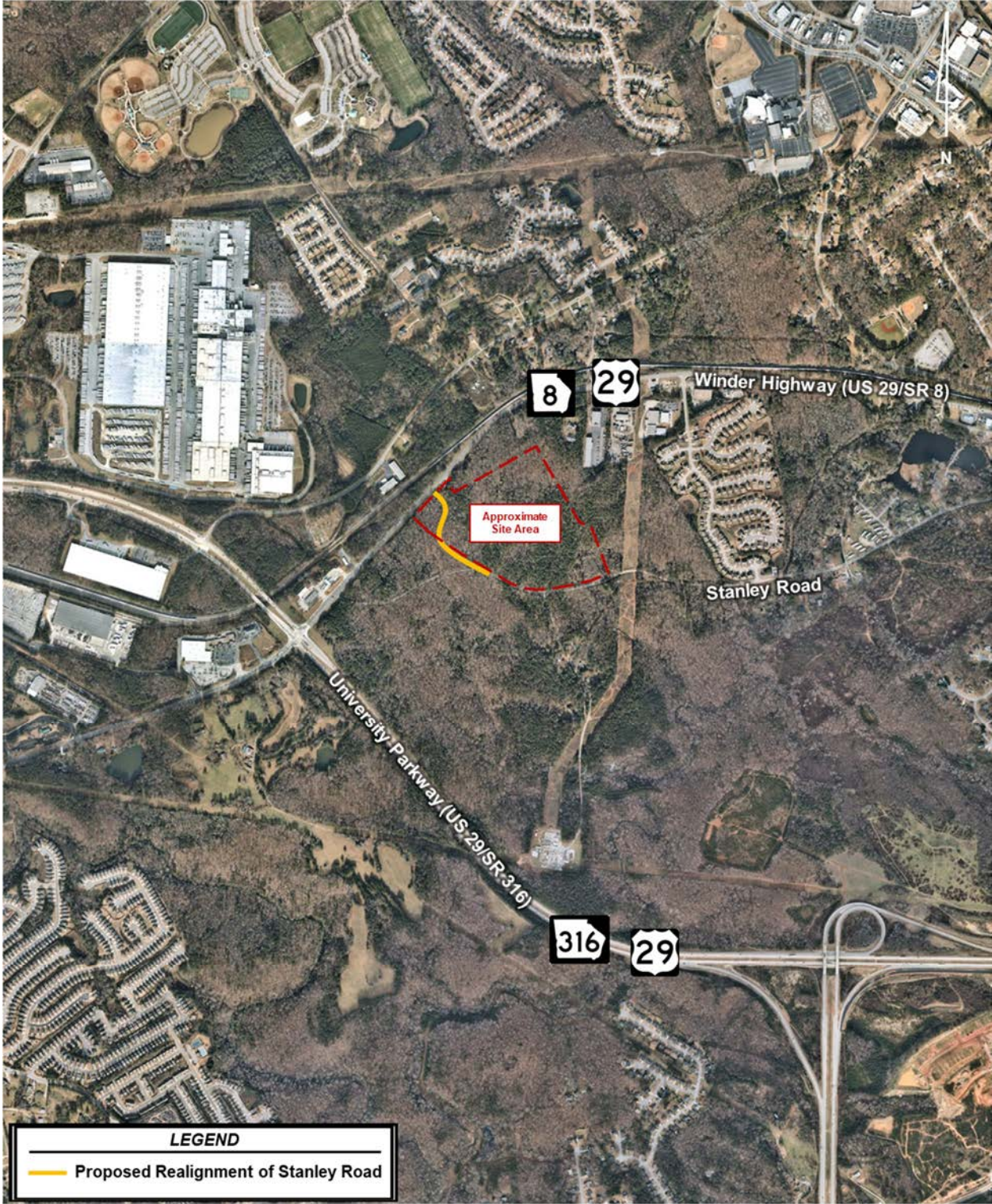
Trip Generation Analysis (10th Ed. with 2nd Edition Handbook Daily IC & 3rd Edition AM/PMIC)								
Project Whiplash - DRI #3535								
City of Dacula, GA								
Land Use	Intensity	Daily Trips	AM Peak Hour			PM Peak Hour		
			Total	In	Out	Total	In	Out
Proposed Site Traffic								
150 Warehousing	607,600 s.f.	1,006	98	75	23	100	27	73
Gross Trips		1,006	98	75	23	100	27	73
Truck Trips (per ITE 10th Edition Supplement)		336	12	6	6	18	9	9
Mixed-Use Reductions		0	0	0	0	0	0	0
Alternative Mode Reductions		0	0	0	0	0	0	0
Adjusted Truck Trips		336	12	6	6	18	9	9
Car Trips (per ITE 10th Edition Supplement)		670	86	69	17	82	18	64
Mixed-Use Reductions		0	0	0	0	0	0	0
Alternative Mode Reductions		0	0	0	0	0	0	0
Adjusted Car Trips		670	86	69	17	82	18	64
Mixed-Use Reductions - TOTAL		0	0	0	0	0	0	0
Alternative Mode Reductions - TOTAL		0	0	0	0	0	0	0
Pass-By Reductions - TOTAL		0	0	0	0	0	0	0
New Trips		1,006	98	75	23	100	27	73
Driveway Volumes		1,006	98	75	23	100	27	73

\\am\fp01\se_am\2\alp_tpto\01490008_project whiplash - gwinnett county - november 2021\02_dri phase i\analysis [cqi_analysis - 10th edition_ic-2nd eddaily_3rd edam-pm.xlsm]trip generation

Attachment B: Growth Calculations

Project Whiplash DRI #3535 Growth Rate Table											
Source:			Source:			Source:			Source:		
Location:			Location:			Location:			Location:		
Route #:			Route #:			Route #:			Route #:		
Route Type:			Route Type:			Route Type:			Route Type:		
Station:			Station:			Station:			Station:		
Capacity:			Capacity:			Capacity:			Capacity:		
Count Year	Volume	Growth Rate	Count Year	Volume	Growth Rate	Count Year	Volume	Growth Rate	Count Year	Volume	Growth Rate
2014	10,100		2014	13,000		2014	35,100		2014		
2015	10,700	5.94%	2015	13,500	3.85%	2015	41,600	18.52%	2015	41,600	18.52%
2016	11,100	3.74%	2016	13,800	2.22%	2016	43,000	3.37%	2016	43,000	3.37%
2017	10,700	-3.60%	2017	14,100	2.17%	2017	40,800	-5.12%	2017	40,800	-5.12%
2018	10,500	-1.87%	2018	15,800	12.06%	2018	40,700	-0.25%	2018	40,700	-0.25%
2019	10,600	0.95%	2019	16,100	1.90%	2019	41,400	1.72%	2019	41,400	1.72%
Avg. 1 Year Rates 2014-2019			Avg. 1 Year Rates 2014-2019			Avg. 1 Year Rates 2014-2019			Avg. 1 Year Rates 2014-2019		
Avg. 1 Year Rates 2017-2018			Avg. 1 Year Rates 2018-2019			Avg. 1 Year Rates 2018-2019			Avg. 1 Year Rates 2017-2019		
0.97%			4.37%			4.37%			3.36%		
-1.87%			1.90%			1.90%			0.73%		
Gwinnett County (Census)			Gwinnett County (Census) Population Annual Growth (2010-2019):			Gwinnett County (Census) Population Annual Growth (2010-2019):			Annual Growth		
Census (Base) 20			9,687,653			Census (Base) 20			1.02%		
Census 2019			10,617,423			City of Decula (Census) Population Annual Growth (2010-2019):			4.05%		
1.02%											
City of Decula (Census)			City of Decula (Census)			City of Decula (Census)					
Census (Base) 20			4,442			Census (Base) 20					
Census 2019			6,350			Census 2019					
4.05%											
CHOSEN GROWTH RATE: 1.0%											

Attachment C: Aerial Imagery



Attachment D: Programmed Roadway Projects

Short Title GWINNETT COUNTY ITS ENHANCEMENTS - PHASE 2

GDOT Project No. 0016070

Federal ID No. N/A

Status Completed

Service Type Roadway / Operations & Safety

Sponsor Gwinnett County

Jurisdiction Gwinnett County

Analysis Level Exempt from Air Quality Analysis (40 CFR 93)



Existing Thru Lane **LCI**

Planned Thru Lane **Flex**

Network Year

Corridor Length miles

Detailed Description and Justification

This project supports regional mobility objectives by expanding the fiber optic network, provide additional video surveillance of major intersections, monitor and adjust traffic signal timing schemes and broadcast important messages to drivers along these corridors.

This project a countywide upgrade of ITS and related infrastructure. There are three major components to the project:

Video surveillance system upgrades - This component will upgrade approximately 180 CCTV cameras (at the time this ITS Master Plan update is published) throughout Gwinnett County with Ethernet capable, high definition, IP-based, CCTV cameras. Any upgrades or expansion to the TCC required to support the expansion will be provided.

Network upgrades and operational enhancements - This component will provide Cisco IE-4000 hardened Layer 2 switches or equivalent with appropriate power supplies as directed by the County in existing traffic cabinets and CCTV camera cabinets throughout the County. Existing switches will be removed and disposed of as directed by the County. Project would also replace some selected Layer 3 switches that are in need of upgrade/replacement.

ITS communications upgrades - This project will provide consistent (standardized) fiber count / size throughout the County (minimum 72-strand single-mode). Project will include an evaluation of the overall fiber infrastructure using the ITS Communications and Asset Management Software tool and database to determine "pinch" or "choke" points in the fiber count along the corridors and recommend for providing additional

Phase Status & Funding Information		Status	FISCAL YEAR	TOTAL PHASE COST	BREAKDOWN OF TOTAL PHASE COST BY FUNDING SOURCE			
					FEDERAL	STATE	BONDS	LOCAL/PRIVATE
CST	Surface Transportation Block Grant (STBG) Program - Urban (>200K) (ARC)	AUTH	2021	\$2,818,537	\$2,000,000	\$0,000	\$0,000	\$818,537
				\$2,818,537	\$2,000,000	\$0,000	\$0,000	\$818,537

SCP: Scoping PE: Preliminary engineering / engineering / design / planning PE-OV: GDOT oversight services for engineering ROW: Right-of-way Acquisition
 UTL: Utility relocation CST: Construction / Implementation ALL: Total estimated cost, inclusive of all phases

Short Title SR 316 INTERCHANGE AT US 29

GDOT Project No. 0013897

Federal ID No. N/A

Status Programmed

Service Type Roadway / Interchange Capacity

Sponsor Gwinnett County

Jurisdiction Regional - Northeast

Analysis Level In the Region's Air Quality Conformity Analysis



Existing Thru Lane **LCI**

Planned Thru Lane **Flex**

Network Year

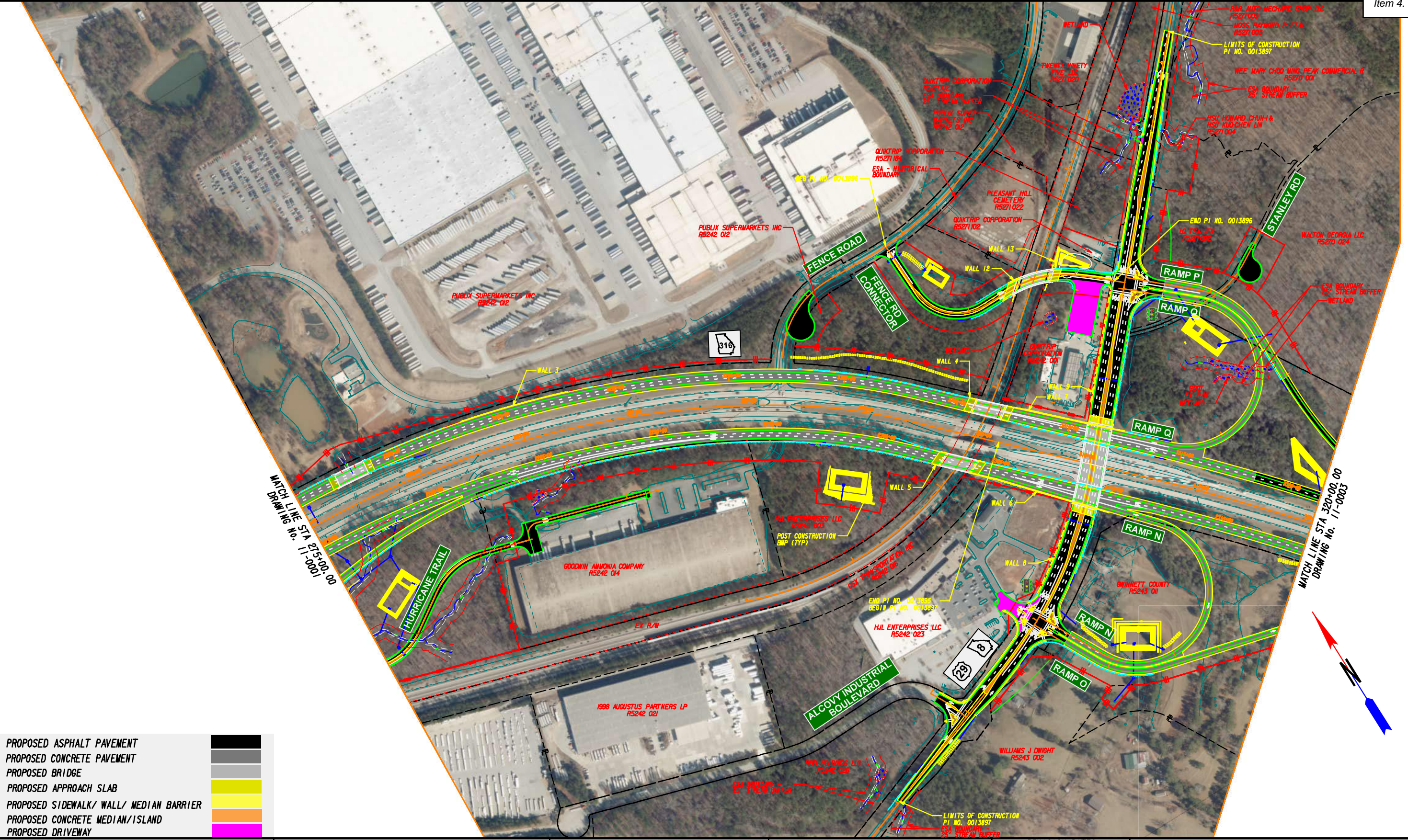
Corridor Length miles

Detailed Description and Justification

This is a grade-separated diamond interchange project along SR 316 at US 29.

Phase Status & Funding Information		Status	FISCAL YEAR	TOTAL PHASE COST	BREAKDOWN OF TOTAL PHASE COST BY FUNDING SOURCE			
					FEDERAL	STATE	BONDS	LOCAL/PRIVATE
PE	Transportation Funding Act (HB 170)	AUTH	2017	\$1,016,000	\$0,000	\$1,016,000	\$0,000	\$0,000
PE	Transportation Funding Act (HB 170)	AUTH	2020	\$1,750,000	\$0,000	\$1,750,000	\$0,000	\$0,000
PE	Transportation Funding Act (HB 170)	AUTH	2021	\$10,159,568	\$0,000	\$10,159,568	\$0,000	\$0,000
ROW	Transportation Funding Act (HB 170)		2022	\$18,000,000	\$0,000	\$18,000,000	\$0,000	\$0,000
UTL	Transportation Funding Act (HB 170)		2024	\$4,000,000	\$0,000	\$4,000,000	\$0,000	\$0,000
CST	Transportation Funding Act (HB 170)		2024	\$47,000,000	\$0,000	\$47,000,000	\$0,000	\$0,000
				\$81,925,568	\$0,000	\$81,925,568	\$0,000	\$0,000

SCP: Scoping PE: Preliminary engineering / engineering / design / planning PE-OV: GDOT oversight services for engineering ROW: Right-of-way Acquisition
 UTL: Utility relocation CST: Construction / Implementation ALL: Total estimated cost, inclusive of all phases

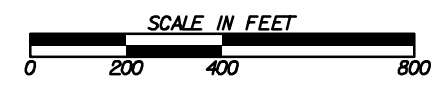


PROPOSED ASPHALT PAVEMENT
 PROPOSED CONCRETE PAVEMENT
 PROPOSED BRIDGE
 PROPOSED APPROACH SLAB
 PROPOSED SIDEWALK/ WALL/ MEDIAN BARRIER
 PROPOSED CONCRETE MEDIAN/ISLAND
 PROPOSED DRIVEWAY

PROPERTY AND EXISTING R/W LINE
 REQUIRED R/W LINE
 PROPOSED SIGNAL

BEGIN LIMIT OF ACCESS.....BLA
 END LIMIT OF ACCESS.....ELA
 LIMIT OF ACCESS
 REQ'D R/W & LIMIT OF ACCESS
 ORANGE BARRIER FENCE
 ESA - ENV. SENSITIVE AREA
 (SEE ERIT TABLE)

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REVISION DATES	

CONSTRUCTION LAYOUT
 SR 316 FM CEDARS RD TO SUGARLOAF PWKY
 PI 0013895 PI 0013896 PI 0013897

CHECKED:	DATE:	DRAWING
BACKCHECKED:	DATE:	11-00
CORRECTED:	DATE:	136
VERIFIED:	DATE:	

Short Title
FENCE ROAD CONNECTOR - NEW ALIGNMENT FROM FENCE ROAD TO US 29 (WINDER HIGHWAY) APPROXIMATELY 0.25 MILES NORTH OF SR 316

GDOT Project No.
0013896

Federal ID No.
N/A

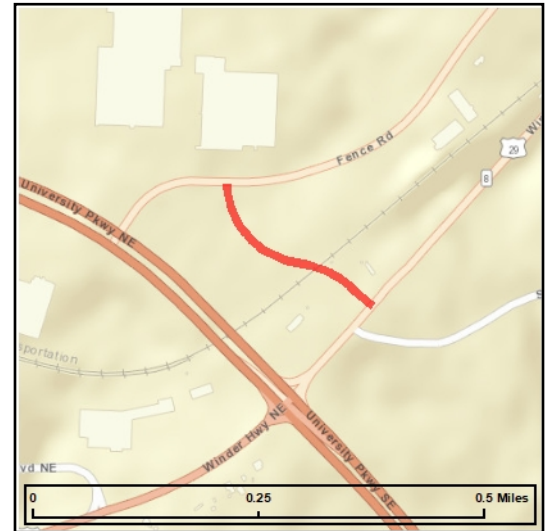
Status
Programmed

Service Type
Roadway / Operations & Safety

Sponsor
Gwinnett County

Jurisdiction
Gwinnett County

Analysis Level
In the Region's Air Quality Conformity Analysis



Existing Thru Lane **LCI**

Planned Thru Lane **Flex**

Network Year

Corridor Length miles

Detailed Description and Justification

This project includes the closure of the existing Fence Road intersection with SR 316 and construction of Fence Road Connector between existing Fence Road to the west and the ramp terminus of SR 316 ramps with US 29/SR 8 Winder Hwy to the east. Fence Road Connector aligns with the existing QT driveway access to US 29/SR 8 Winder Hwy. The Fence Road Connector Bridge will span over existing CSX Railroad. MSE walls will be used at both bridge approaches due to the alignment proximity to the existing cemetery and businesses. The project length is approximately 0.2 mile.

Phase Status & Funding Information		Status	FISCAL YEAR	TOTAL PHASE COST	BREAKDOWN OF TOTAL PHASE COST BY FUNDING SOURCE			
					FEDERAL	STATE	BONDS	LOCAL/PRIVATE
PE	Transportation Funding Act (HB 170)	AUTH	2017	\$168,000	\$0,000	\$168,000	\$0,000	\$0,000
PE	Transportation Funding Act (HB 170)	AUTH	2021	\$448,477	\$0,000	\$448,477	\$0,000	\$0,000
ROW	Transportation Funding Act (HB 170)		2022	\$3,000,000	\$0,000	\$3,000,000	\$0,000	\$0,000
UTL	Transportation Funding Act (HB 170)		2024	\$400,000	\$0,000	\$400,000	\$0,000	\$0,000
CST	Transportation Funding Act (HB 170)		2024	\$5,000,000	\$0,000	\$5,000,000	\$0,000	\$0,000
				\$9,016,477	\$0,000	\$9,016,477	\$0,000	\$0,000

SCP: Scoping PE: Preliminary engineering / engineering / design / planning PE-OV: GDOT oversight services for engineering ROW: Right-of-way Acquisition
 UTL: Utility relocation CST: Construction / Implementation ALL: Total estimated cost, inclusive of all phases

Short Title SUGARLOAF PARKWAY EXTENSION: PHASE 2 - NEW ALIGNMENT FROM SR 316 EAST OF LAWRENCEVILLE TO I-85

GDOT Project No. 0006924

Federal ID No. CSSTP-0006-00(924)

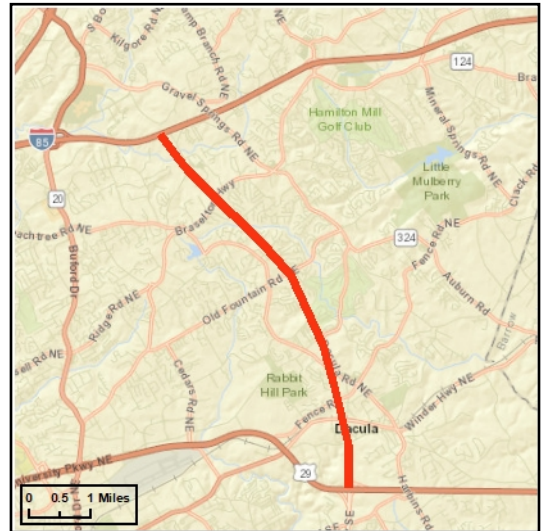
Status Long Range

Service Type Roadway / General Purpose Capacity

Sponsor Gwinnett County

Jurisdiction Regional - Northeast

Analysis Level In the Region's Air Quality Conformity Analysis



Existing Thru Lane **LCI**

Planned Thru Lane **Flex**

Network Year

Corridor Length miles

Detailed Description and Justification

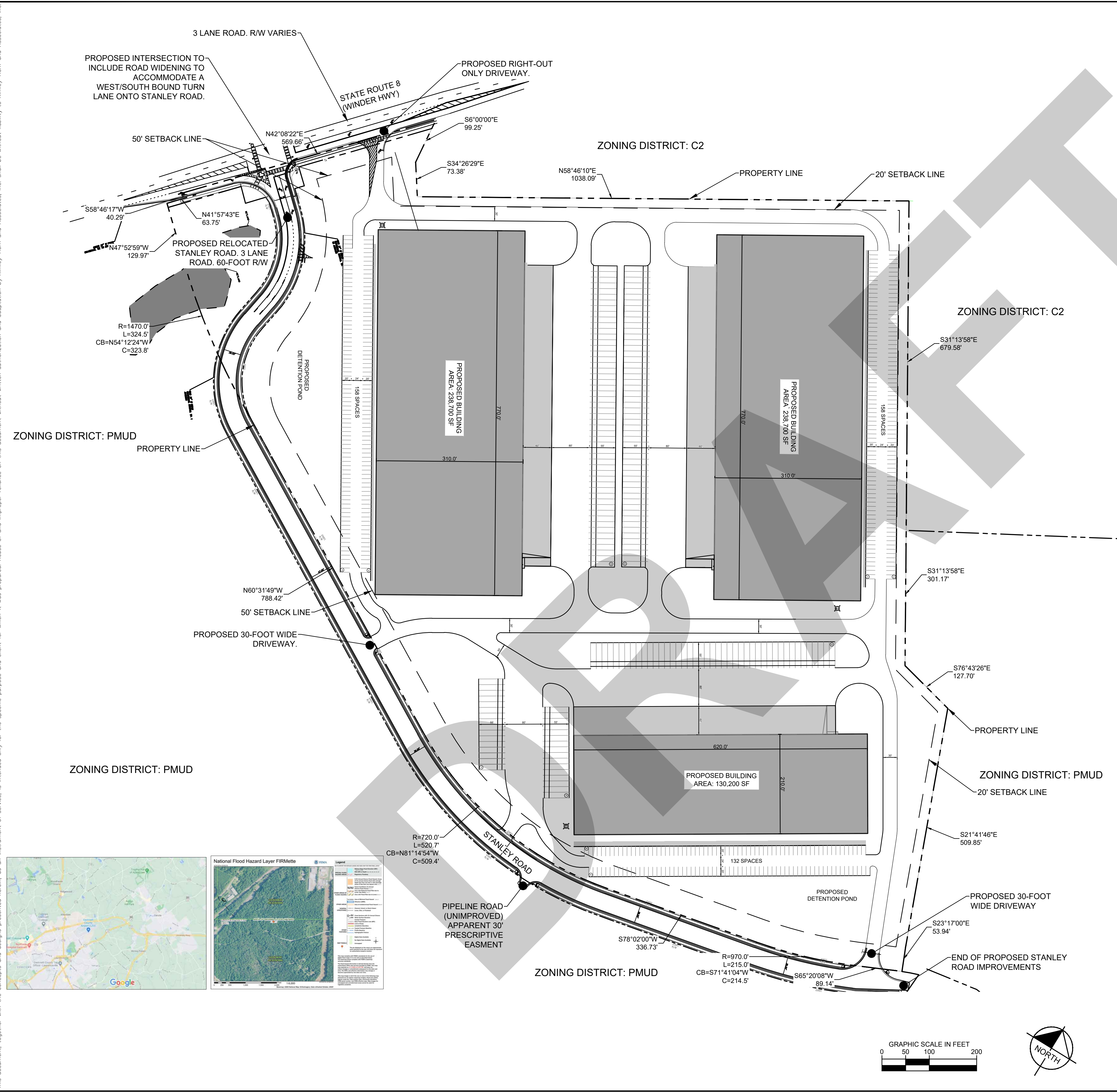
This Buford/Dacula/East-Cross County Connector project consists of constructing a new 6.8 miles roadway from SR 316 east of Lawrenceville to I 85. The road will include a 4 lane divided highway with a raised median, bicycle and pedestrian facilities, turn lanes as well as grade separation at I-85, SR 124, Old Fountain Rd., Old Peachtree Rd, Fence Rd, SR 8, and SR 316. The project will add need roadway capacity and address peak period congestion in the northern part of the county experiencing rapid population and employment growth.

Phase Status & Funding Information		Status	FISCAL YEAR	TOTAL PHASE COST	BREAKDOWN OF TOTAL PHASE COST BY FUNDING SOURCE			
					FEDERAL	STATE	BONDS	LOCAL/PRIVATE
PE	Local Jurisdiction/Municipality Funds	AUTH	2006	\$10,000,000	\$0,000	\$0,000	\$0,000	\$10,000,000
PE	Federal Earmark Funding	AUTH	2018	\$9,450,000	\$4,499,500	\$0,000	\$0,000	\$4,950,500
PE-OV	STP - Statewide Flexible (GDOT)	AUTH	2011	\$50,000	\$40,000	\$10,000	\$0,000	\$0,000
ROW	Local Jurisdiction/Municipality Funds	AUTH	2020	\$60,000,000	\$0,000	\$0,000	\$0,000	\$60,000,000
UTL	Local Jurisdiction/Municipality Funds		LR 2026-2030	\$6,414,500	\$0,000	\$0,000	\$0,000	\$6,414,500
CST	General Federal Aid - 2026-2050		LR 2026-2030	\$300,000,000	\$165,427,567	\$41,356,892	\$0,000	\$93,215,541
				\$385,914,500	\$169,967,067	\$41,366,892	\$0,000	\$174,580,541

SCP: Scoping PE: Preliminary engineering / engineering / design / planning PE-OV: GDOT oversight services for engineering ROW: Right-of-way Acquisition
 UTL: Utility relocation CST: Construction / Implementation ALL: Total estimated cost, inclusive of all phases

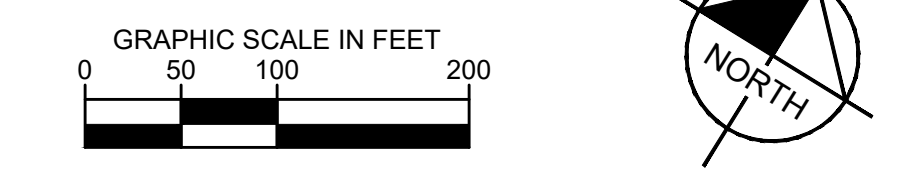
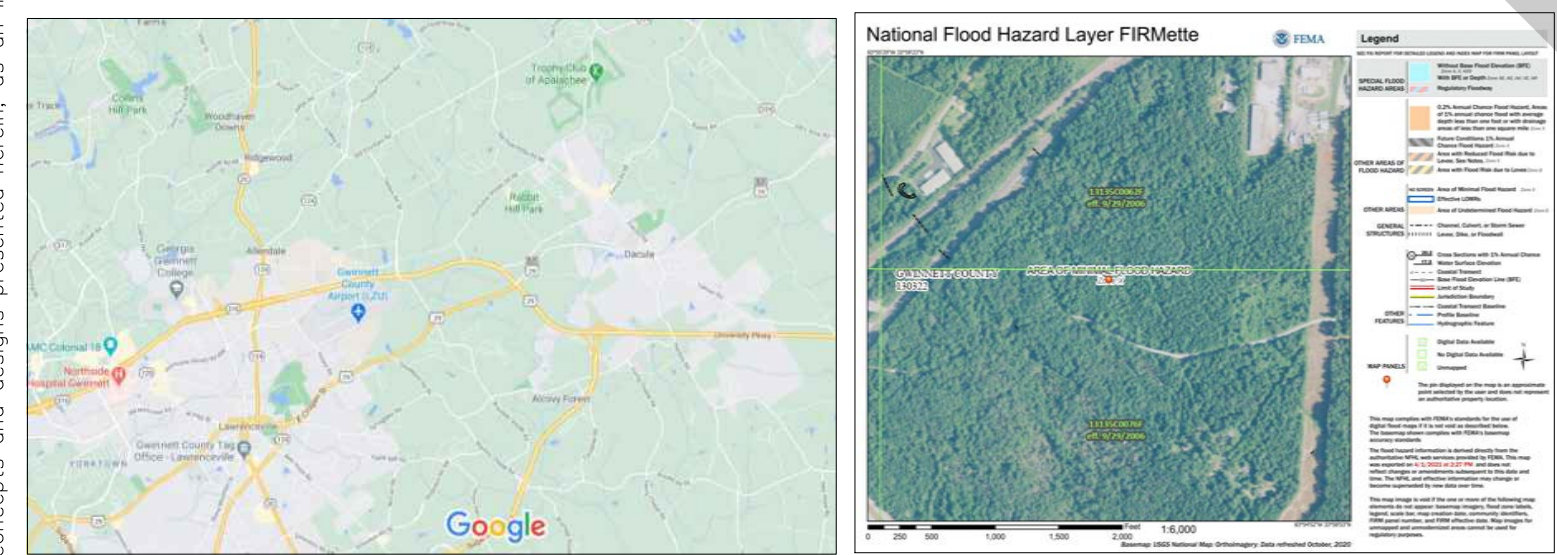
Attachment E: Full-Size Site Plan

This document, together with the concepts and designs presented herein, is intended only for the specific purpose and client for which it was prepared. Reuse of and improper reliance on this document without written authorization and adaptation by Kimley-Horn and Associates, Inc. shall be without liability to Kimley-Horn and Associates, Inc.



Zoning Summary Chart (AHJ = City of Dacula)			
Zoning District:	M1 - Light Manufacturing District		
Proposed Use:	INDUSTRIAL WAREHOUSE/DISTRIBUTION PROJECT		
Land District:	5th District		
Land Lot:	270 & 271		
Parcel Number:	R5270 001 & R5271 009		
Zoning Regulation: (Lease Area)	ZONING DISTRICT: M1	PROPOSED: M1	Compliant
Minimum Lot Size	43,560 SF	43.82 ACRE (1,908,482 SF)	Y
Minimum Front Yard Setback	50 FT (MINOR STREET); 50 FT (MAJOR STREET)	50 FT (MINOR STREET); 50 FT (MAJOR STREET)	
Minimum Rear Yard Setback	20 FT	20 FT	Y
Minimum Side Yard Setback	20 FT	20 FT	Y
Maximum Improved Lot Coverage	--	--	Y
Maximum Building Coverage	--	--	Y
Minimum Lot Width	100 FT	100 FT	Y
Minimum Lot Depth	NONE	NONE	Y
Maximum FAR	--	--	Y
Minimum Parking	304 (1 PER 2,000 SF GROSS STORAGE AREA)	448	Y
Trailer Parking	--	177	Y

- SITE NOTES**
- EXISTING CONDITIONS HEREIN ARE FROM AERIAL MAPPING AND GIS.
 - STANLEY ROAD RELOCATION FROM GDOT FILE PROVIDED BY THE CLIENT DATED OCTOBER 2020.
 - THIS CONCEPT WAS PREPARED STRICTLY BASED UPON THE INFORMATION REFERENCED ABOVE AND A PRELIMINARY REVIEW OF THE MUNICIPAL ZONING AND LAND DEVELOPMENT REQUIREMENTS. THIS SITE PLAN IS NOT INTENDED FOR CONSTRUCTION AND SHOULD NOT BE USED FOR THAT PURPOSE.
 - THE FEASIBILITY OF SECURING THE REQUISITE LOCAL, COUNTY AND STATE AGENCY APPROVALS NECESSARY TO PERMIT THE PROPOSED DEVELOPMENT PROGRAM CANNOT BE ASSESSED AT THIS TIME DUE TO THE PRELIMINARY NATURE OF THE AVAILABLE INFORMATION. THIS PLAN IS NOT INTENDED TO BE USED FOR DETAILED ZONING ANALYSIS AND THE INFORMATION CONTAINED HEREIN IS SUBJECT TO CHANGE UPON THE COMPLETION OF ADDITIONAL DUE DILIGENCE EFFORTS, WHICH MAY INCLUDE MEETING WITH THE JURISDICTIONAL AGENCIES.
 - SANITARY SEWER TO BE CONNECTED TO THE HOPKINS CREEK SEWER LINE ONCE INSTALLED AND ACTIVE.
 - BOUNDARY INFORMATION SHOWN HEREON FROM BOUNDARY SURVEY FOR KIMLEY-HORN (DISPATCH DACULA), PREPARED BY TERAMARK LAND SURVEYING, INC. DATED 01/15/2021.
 - PROPERTY CONSIST OF 2 EXISTING TRACTS. TRACT 1 TAX PARCEL ID R5270 001 DB. 57524 PG. 800, DB. 56953 PG. 617, 625, & 633. TRACT 2 TAX PARCEL ID R5271 009 DB. 56669 PG. 713.
 - ADDITIONAL PARKING IS PROVIDED TO ACCOMMODATE THE FUTURE OFFICE USE WITHIN THE WAREHOUSE BUILDINGS THAT CANNOT BE DEFINED AT THIS TIME.



I HEREBY SUBMIT THIS CONCEPT PLAN AS AUTHORIZED AGENT/OWNER OF ALL PROPERTY SHOWN THEREON, AND CERTIFY THAT ALL CONTIGUOUS PROPERTY UNDER MY OWNERSHIP OR CONTROL IS INCLUDED WITHIN THE BOUNDARIES OF THIS CONCEPT PLAN, AS REQUIRED BY THE DEVELOPMENT REGULATIONS.

SIGNATURE OF AUTHORIZED AGENT/OWNER DATE

THIS CONCEPT PLAN HAS BEEN REVIEWED AND APPROVED FOR GENERAL COMPLIANCE WITH THE ZONING RESOLUTION AND DEVELOPMENT REGULATIONS OF THE CITY OF DACULA, GEORGIA.

PLANNING REPRESENTATIVE, CITY OF DACULA DATE

FOR REVIEW	Item 4.	DATE
	No.	REVISIONS
Kimley-Horn	© 2020 KIMLEY-HORN AND ASSOCIATES, INC. 11720 AMBER PARK DRIVE, SUITE 600 ALPHARETTA, GA 30009 PHONE (770) 619-4280 WWW.KIMLEY-HORN.COM	
	KHA PROJECT	TBD
CARTER ACQUISITIONS, LLC 39 GEORGIA AVE SE, SUITE 200 ATLANTA, GA 30312	SCALE	AS SHOWN
	DRAWN BY	DBA
811 Know what's below. Call before you dig.	DESIGNED BY	BBW
	CHECKED BY	ARI
PROJECT WHIPLASH INDUSTRIAL DEVELOPMENT 1860 WINDER HWY, DACULA, GA. GWINNETT COUNTY	SHEET NUMBER	
	SITE PLAN	

MEMORANDUM

To: Beth Davis, GRTA

From: John Walker, P.E., PTOE, *Kimley-Horn and Associates, Inc.*
Allison Laber, E.I.T., *Kimley-Horn and Associates, Inc.*

Date: February 3, 2022

Subject: *Project Whiplash DRI #3535 – COVID-19 Traffic Volume Methodology*

TRAFFIC DATA COLLECTION:

Weekday peak hour turning movement counts were collected on Thursday, January 20, 2021 at the study intersections during the AM and PM peak periods.

Traffic count peak hours for all the study intersections are shown in **Table 1**.

Table 1: Traffic Count Summary		
Intersection	AM Peak Hour	PM Peak Hour
1. Winder Highway (SR 8/US 29) at Stanley Road	7:00 – 8:00 AM	4:15 – 5:15 PM
2. Winder Highway (SR 8/US 29) at University Parkway (SR 316/US 29)	7:45 – 8:45 AM	4:15 – 5:15 PM
3. Stanley Road at McMillan Road	7:00 – 8:00 AM	4:00 – 5:00 PM
4. Winder Highway (SR8/US 29) at Broad Street/McMillan Road	7:00 – 8:00 AM	4:00 – 5:00 PM

GROWTH RATE:

Background traffic is defined as expected traffic on the roadway network in future year(s) absent the construction and opening of the proposed *Project Whiplash* development. Background traffic includes a base growth rate, which is based on historical count data and population growth data. It can also include trips anticipated from nearby or adjacent other projects. Based on methodology outlined in the GRTA Letter of Understanding (LOU), a 1.0 percent per year background traffic growth rate from 2022 to 2023 (1 year) was used for all study intersections.

PROPOSED EXISTING VOLUME DEVELOPMENT:

Due to COVID-19’s impact on traffic, historical data was used to develop the Estimated 2022 traffic conditions. A comparison was conducted for vehicular volumes along Winder Highway (SR 8/US 29) east of Village Broad Street. Average Daily Traffic (ADT) volumes collected in 2022 and Annual Average Daily Traffic (AADT) volumes from GDOT’s Traffic Analysis & Data Application (TADA) in 2018 were used to compare traffic volumes.

Table 2 compares the 2018 GDOT TADA count data and the 2022 collected ADT for both peak hours and for total daily volumes. **Figure 2** illustrates the hourly traffic volumes for the 2018 GDOT TADA count data and the 2022 collected ADT.

As a result of the volume comparison, it was determined that no adjustment factor should be used for the existing AM turning movement counts, and an adjustment factor of 1.10 should be used for the existing PM turning movement counts. These adjustment factors were determined by taking a weighted average of the directional factors at GDOT count station 135-0040.

Table 2: Traffic Count Comparison and Adjustment Calculations										
Count Station	Location	GDOT					Collected			
		Two-Way AADT	ADT Date	ADT	AM Peak	PM Peak	2021 ADT	AM Peak	PM Peak	
135-0040	Winder Highway e/o Village Broad Street (NB)	10,500	Sept 2018	5,505	210	589	5,229	235	483	
135-0040	Winder Highway e/o Village Broad Street (SB)		Sept 2018	5,755	54	363	5,624	546	380	
Difference Calculations		ADT			AM Peak			PM Peak		
		Vol Diff	Percent	Factor	Vol Diff	Percent	Factor	Vol Diff	Percent	Factor
135-0040	Winder Highway e/o Village Broad Street (NB)	-276	-5%	1.05	+25	12%	0.89	-106	-18%	1.22
135-0040	Winder Highway e/o Village Broad Street (SB)	-131	-2%	1.02	+2	0%	1.00	+17	+5%	0.96
					Weighted Average		0.97	Weighted Average		1.10

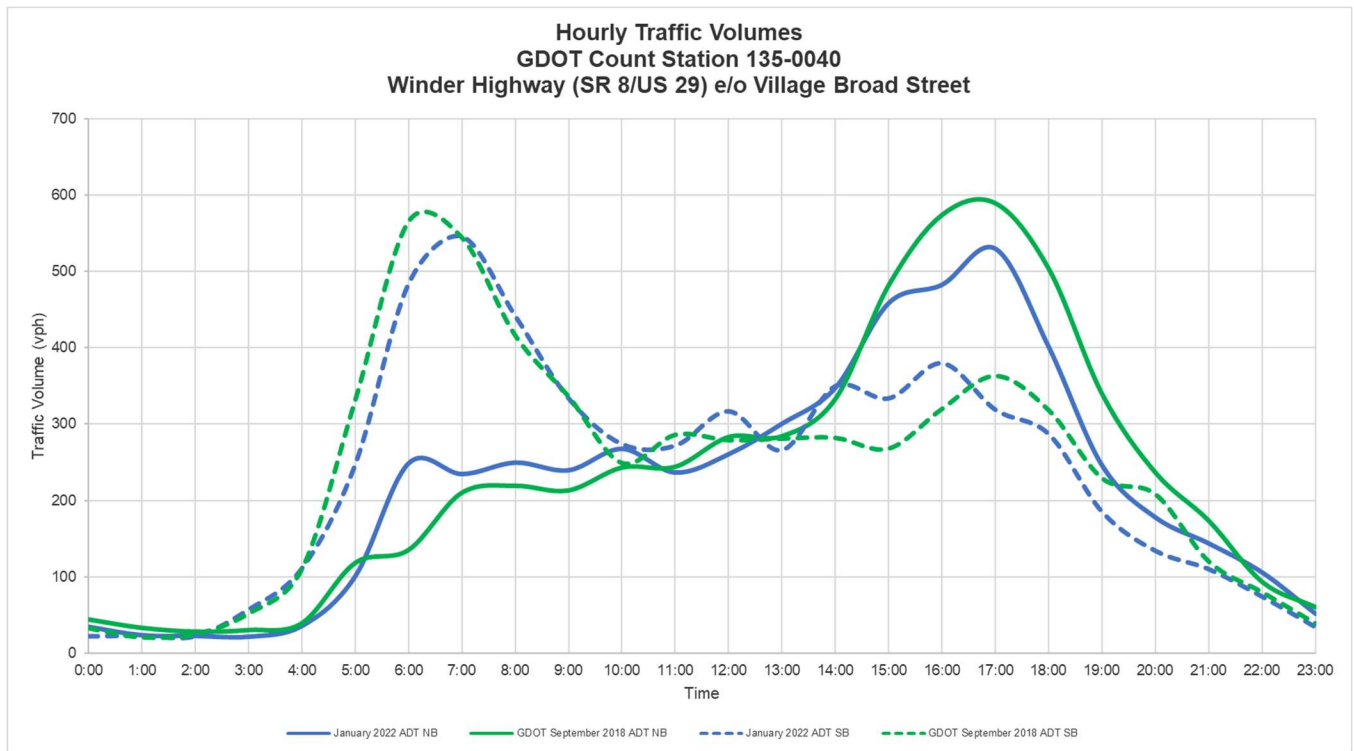


Figure 1: Winder Highway (SR 8/US 29) east of Village Broad Street

SUMMARY:

- No COVID Adjustment Factor to be used during the AM peak hour.
- COVID Adjustment Factor of 1.10 to be used during the PM peak hour.
- Background Growth Rate of 1.0% per year for one year, as outlined in the LOU.



NOTICE OF DECISION

To: Doug Hooker, ARC
(via electronic mail) Bob Voyles, GRTA
Dick Anderson, GRTA
Kathryn Zickert, GRTA
Sharon Mason, GRTA
Sonny Deriso, GRTA

To: City of Dacula
(via electronic mail and certified mail) Brady Panis
Carter and Associates
39 Georgia Avenue SE, Suite 200
Atlanta, GA 30312

From: Christopher Tomlinson, GRTA Executive Director

Copy: Jon West, DCA
(via electronic mail) Beth Davis, ATL/GRTA
December Weir, ATL/GRTA
Donald Shockey, ARC
Andrew Smith, ARC
Brittni Nix, City Dacula
Courtney Mahady, City of Dacula
Ashley Nichols, Gwinnett County Planning
Alicia McElheney, Gwinnett County Planning
Tom Sever, Gwinnett DOT
Alex Hofelich, Gwinnett DOT
Michael Johnson, Gwinnett DOT
Jason Dykes, GDOT District 1
Shane Giles, GDOT District 1
Jonathan Peevy, GDOT District 1
Andrew Thompson, Gwinnett County
Lorraine Campagne, Gwinnett County
Tony Harris, Gwinnett County
Brent Hodges, Gwinnett County
Catherine Long, Gwinnett County
Jerry Oberholtzer, Gwinnett County
Gregory Smith, Gwinnett County
Karen Winger, Gwinnett County Transit
Kirk Gagnard, Gwinnett County Transit

Patti Neal, Carter and Associates
David Nelson, Carter and Associates
Reid Irwin, Kimley-Horn
Ana Eisenman, Kimley-Horn
John Walker, Kimley-Horn
Harrison Forder, Kimley-Horn
Brady Panis, Carter and Associates
Patti Neal, Carter and Associates
David Nelson, Carter and Associates

Date: March 16, 2022

**Notice of Decision for
Request for Non-Expedited Review of
DRI 3535 Project Whiplash**

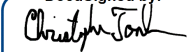
The purpose of this notice is to inform Brady Panis (the Applicant) and City of Dacula (the Local Government), the Georgia Regional Transportation Authority (GRTA) Land Development Committee, the Georgia Department of Community Affairs (DCA), the Georgia Department of Transportation (GDOT), and the Atlanta Regional Commission (ARC) of GRTA's decision regarding Development of Regional Impact (DRI) 3535 Project Whiplash (the DRI Plan of Development). GRTA has completed a non-expedited Review for the DRI Plan of Development pursuant to Section 4.2.3 of the *GRTA DRI Review Procedures* and has determined that the DRI Plan of Development meets the GRTA review criteria set forth in Section 4.3. The DRI Plan of Development as proposed is **approved subject to conditions**, as provided in Attachment A and subject to the limitations placed on allowable modifications to the DRI Plan of Development, as described in Attachment B.

Subject to the conditions set forth in Attachment A and Attachment B, GRTA will approve the expenditure of state and/or federal funds for providing the Land Transportation Services and Access improvements listed in Section 2 of Attachment C. The need for said approval shall terminate and be of no further force and effect after ten (10) years from the date of this Notice of Decision, unless substantial construction of the proposed DRI has been commenced during this ten (year) period.

The notice of decision is based on a review of the applicant's DRI Review Package received by GRTA on February 18, 2022. The review package includes: the site development plan (Site Plan) dated for review titled "Project Whiplash" prepared by Carter Acquisitions, the Transportation Study dated January 11, 2022 prepared by Kimley-Horn received by GRTA on February 18, 2022, and the DCA Initial and Additional forms filed on November 30, 2021 and February 15, 2022.

Pursuant to Section 5 of the *GRTA DRI Review Procedures* the Applicant, the GRTA Land Development Committee and the local government have a right to appeal this decision within five (5) Business Days of the date on this letter by filing a Notice of Appeal with the GRTA Land Development Committee. A Notice of Appeal must specify the grounds for the appeal and present any argument or analysis in support of the appeal. For further information regarding the right to appeal, consult Section 5 of the *GRTA DRI Review Procedures*. If GRTA staff receives an appeal, you will receive another notice from GRTA and the Land Development Committee will schedule the appeal hearing according to the timeline established in Section 5.1.2 of the *GRTA DRI Review Procedures*.

DocuSigned by:



5409E9A65D48478
Christopher Tomlinson
Executive Director
Georgia Regional Transportation Authority

Attachment A – General Conditions

General Conditions of Approval to GRTA Notice of Decision:

Pedestrian, Bicycle and Transit Facilities

- Provide pedestrian connectivity between all buildings and uses.
- Provide sidewalks along Stanley Road and Winder Highway in accordance with City of Dacula ordinance and design standards.

Roadway & Site Access Improvement Conditions to GRTA Notice of Decision:

Winder Highway (SR 8/US 29) at Relocated Stanley Road (Intersection 2B)

- Construct relocated Stanley Road as a three-lane roadway with one (1) lane in each direction and a center two-way left-turn lane along the property frontage.
- Construct a channelized eastbound right-turn lane along Winder Highway (SR 8/US 29)
- Construct a westbound left-turn lane along Winder Highway (SR 8/US 29)
- Construct a northbound left-turn lane and a channelized right-turn lane along Stanley Road

Stanley Road at Driveway B (Intersection 6)

- Construct a southbound left-turn lane along relocated Stanley Road
- Construct Driveway B to consist of a minimum of one (1) ingress lane and a minimum of one (1) egress lane

Stanley Road at Driveway C (Intersection 7)

- Construct a southbound left-turn lane along relocated Stanley Road
- Construct Driveway C to consist of a minimum of one (1) ingress lane and a minimum of one (1) egress 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 be considered material or substantial so long as the following conditions are included as part of any changes:

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

Attachment C – Required Improvements to Serve the DRI

As defined by the *GRTA DRI Review Procedures*, a “Required Improvement means a land transportation service or access improvement which is necessary in order to provide a safe and efficient level of service to residents, employees and visitors of a proposed DRI.”

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

Section 1:

General Conditions of Approval to GRTA Notice of Decision:

Pedestrian, Bicycle and Transit Facilities

- Provide pedestrian connectivity between all buildings and uses.
- Provide sidewalks along Stanley Road and Winder Highway in accordance with City of Dacula ordinance and design standards.

Roadway & Site Access Improvement Conditions to GRTA Notice of Decision:

Winder Highway (SR 8/US 29) at Relocated Stanley Road (Intersection 2B)

- Construct relocated Stanley Road as a three-lane roadway with one (1) lane in each direction and a center two-way left-turn lane along the property frontage.
- Construct a channelized eastbound right-turn lane along Winder Highway (SR 8/US 29)
- Construct a westbound left-turn lane along Winder Highway (SR 8/US 29)
- Construct a northbound left-turn lane and a channelized right-turn lane along Stanley Road

Stanley Road at Driveway B (Intersection 6)

- Construct a southbound left-turn lane along relocated Stanley Road
- Construct Driveway B to consist of a minimum of one (1) ingress lane and a minimum of one (1) egress lane

Stanley Road at Driveway C (Intersection 7)

- Construct a southbound left-turn lane along relocated Stanley Road
- Construct Driveway C to consist of a minimum of one (1) ingress lane and a minimum of one (1) egress lane

Section 2:

Roadway Improvement Conditions to GRTA Notice of Decision:

University Parkway (SR 316/US 29)

- Widen the southbound approach along University Parkway (SR 316/US 29) to add one (1) through lane so that it consists of two (2) left-turn lanes, three (3) through-lanes, and one (1) right-turn lane.

Memorandum

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

From: Brittini Nix, Director of Planning & Economic Development

Date: April 13, 2022

Subject: Change of Conditions Case: 2022-CD-COC-01

Existing Zoning: C-2 (General Business District)

Size: 0.78 acres

Applicant: Peter Thakkar
871 Valla Crucis Ln
Dacula, GA 30019

Owner: Jalabapa Investments, LLC
475 Dacula Rd
Dacula, GA 30019

Location: LL 301 - 5th District, Parcel 309

Existing Land Use and Zoning:

The site is located northeast of the Harbins Road and Freeman’s Mill Road intersection. The property totals 0.78-acres and is zoned C-2 (General Business District). It was rezoned in 2002 pursuant to CD-RZ-02-02 for Towler Village, a “high-end retail neighborhood business” use. It has since remained undeveloped.

A vacant drugstore, zoned C-2, is located adjacent to the north. Kwick Check convenience store and BP gas station, zoned C-1 (Neighborhood Commercial District), is located adjacent to the south. The eastern property boundary is located adjacent to vacant commercial property, which supports a package sewer plant and associated drainage field. To the west, and across Harbins Road, is a mixture of uses and zonings including commercial (C-1), office (O-I), and residential (R-1200).

The Proposed Rezoning & Development:

The applicant plans to develop the subject site as part of a gas station / convenience store renovation. Specifically, the gas station / convenience store to the south would be demolished and a new structure will be constructed on the subject parcel and the parcel to the south. While the use is permitted within the C-2 Zoning District, the applicant has requested a change of conditions.

The existing zoning conditions require a 10-foot wide landscape strip outside of the right-of-way along Harbins Road (CD-RZ-02-02, zoning condition B.2). The applicant has

requested a 5-foot reduction of the landscape strip due to right-of-way acquisitions by Gwinnett County Transportation. The new right-of-way boundary reduces the amount of developable land for the project. Implementing a 10-foot wide landscape strip would impede vehicular movement and fuel truck delivery within the site. Application materials state the proposed landscape strip would be located over 30-feet from future Harbins Road drive lanes.

Summary:

The requested change of conditions could be considered suitable as right-of-way acquisitions have introduced a hardship on the property. As such, the Department recommends that the requested change of conditions be approved at this location.

Comprehensive Plan:

The subject parcel is designated as Community Mixed Activity Use Center on the City of Dacula's 2030 Future Land Use Plan.

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

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

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

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

With the recommended conditions, the development would not be expected to negatively impact surrounding properties.

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

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

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

The proposed use is not expected to increase the burden of use for existing streets, transportation facilities, utilities, or schools.

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

The City of Dacula's Future Land Use Map designates the property for community mixed activity use center. As such, the proposed use would be considered suitable at this location.

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

Right-of-way acquisitions have reduced the amount of developable land. The proposed use requires minimum driving lanes for delivery trucks. Observing to the current zoning conditions would prevent adhering to those driving lane requirements. Therefore, reducing the landscape strip requirement along Harbins Road would allow delivery trucks to safely maneuver within the development.

Recommendation:

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

The Department notes the Planning Commission unanimously recommended approval with conditions at the Public Hearing on April 25, 2022.

Changes from the CD-RZ-02-02 zoning conditions are below. Additions are shown in bold and deletions in ~~strikethrough~~.

- A. To restrict the use of the property as follows:
 - 1. Retail, service commercial, office, and accessory uses.

- B. To satisfy the following site development considerations:
 - 1. ~~Provide a 75-foot wide natural, undisturbed buffer adjacent to adjoining residentially zoned property. The buffer shall be enhanced with a double staggered row of evergreens planted eight feet on center. Trees shall be a minimum of six feet in height at the time of planting.~~
 - 2. Provide a ~~ten-foot~~ **five-foot** wide landscape strip outside the dedicated rights-of-way of ~~Winder Highway and~~ Harbins Road. **The landscape strip shall include at least two (2) understory plantings / shrubs per 10 linear feet.**
 - 3. Dumpsters shall be screened by a 100 percent (100 %) opaque masonry fence or wall matching the buildings, a minimum of six (6) feet in height. Dumpster pickup shall be between the hours of 7:00 AM and 7:00 PM, **Monday through Saturday. Dumpster enclosures shall remain closed, locked, and in good repair at all times.**
 - 4. Provide five (5) foot wide sidewalks adjacent to ~~Winder Highway and~~ Winder Highway and Harbins Road.

5. Billboards/Outdoor Advertising Signs shall be prohibited.
6. Buildings shall be finished with architectural treatments of glass, and/or stone and/or brick, or other suitable materials submitted and considered by the City Council as appropriate to meet this condition.
7. The development shall be limited to monument type ground signs. Monument signs shall have a base matching the architectural treatment of the buildings.
8. Outdoor lighting shall be contained in cut-off type luminaries which do not reflect into nearby properties or roadways.
9. Provide interparcel access driveways between the commercial parcels where practical.
10. No outdoor speakers or public address system shall be allowed.
- ~~11. The buffer adjoining the residential property may be disturbed and replanted.~~



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>Peter Thakkar</u>	NAME <u>Jalabapa Investments LLC</u>
ADDRESS <u>871 Valla concis Ln.</u>	ADDRESS <u>475 Dacula Road</u>
CITY <u>Dacula</u>	CITY <u>Dacula</u>
STATE <u>GA</u> ZIP <u>30019</u>	STATE <u>GA</u> ZIP <u>30019</u>
PHONE <u>678-773-5931</u> FAX _____	PHONE <u>678-773-5931</u> FAX _____

APPLICANT IS THE:

- OWNER'S AGENT
- PROPERTY OWNER
- CONTRACT PURCHASER

CONTACT PERSON Joey Murphy
 COMPANY NAME Core City Developers
 ADDRESS 475 Dacula Road, Suite A
 PHONE 678 617-9119 FAX _____

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

PRESENT ZONING DISTRICT(S) C-2 REQUESTED ZONING DISTRICT C-2
 LAND LOT(S) 301 PARCEL # 309 DISTRICT(S) 5 ACREAGE 0.78
 PROPOSED DEVELOPMENT OR SPECIAL USE REQUESTED Requested change of condition B (2) of rezoning case # CD-RZ-02-02. Reduction of front landscape strip from 10-foot to 5-foot is required due to hardship introduced from Gwinnett County R.O.W. Acquisitions.

<u>RESIDENTIAL DEVELOPMENT:</u>	<u>NON-RESIDENTIAL DEVELOPMENT:</u>
NO. OF LOTS/DWELLINGS UNITS _____	NO. OF BUILDINGS/LOTS <u>1</u>
DWELLING UNIT SIDE (SQ. FT.) _____	TOTAL GROSS SQ. FEET <u>8,364</u>

LETTER OF INTENT & LEGAL DESCRIPTION OF PROPERTY

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

CASE NUMBER 2022-CD-COC-01

Letter of Intent

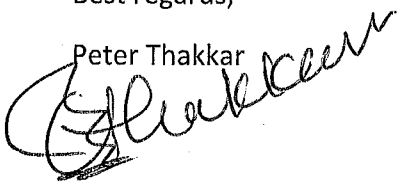
Ladies and Gentlemen of the Dacula City Council and the Honorable Mayor, Trey King: This will serve as my letter of intent for the application for Change of Conditions to rezoning case # CD-RZ-02-02. As you are aware, the Dacula BP Station has had a long history in the City of Dacula. We have enjoyed our years of operation and the friendships developed over the years. I feel safe in assuming you have all used our establishment at one time or the other and we are thankful. Dacula has grown tremendously over the last few years and we feel it is time to grow with it. As you've probably heard, its our intention to demolish and build a new gas station to further serve the City and uphold its aesthetic standards and expectations. The vacant property located adjacent to the existing BP Station (340 Harbin's Road) was acquired to complete this task.

The subject property was rezoned in 2002 as part of the Watkins Development with eleven zoning conditions. Although the zoning is correct condition #2 requires a 10-foot landscape strip along the frontage of Harbin's Road. We respectfully request that the landscape strip be reduced to 5-feet to address a development hardship imposed by aggressive Right-of-way acquisitions of the Gwinnett DOT. Essentially, our property line has been acquired or pushed back 10-foot further than the adjacent BP property. This additional 5-feet is needed for the safe, efficient, and essential movement of fuel delivery trucks onsite. Once approved, the reduced landscape strip would still be located over 30-feet from the proposed future drive lanes of Harbin's Road, as such adverse impacts are not expected.

Thank you for your consideration on this matter, we look forward to providing a new facility and services in the near future.

Best regards,

Peter Thakkar



ZONING DATA TABLE:

CURRENT ZONING	C1 AND C2
PROPOSED ZONING	N/A
OVERLAY DISTRICT	N/A
MINIMUM LOT AREA	40'
MINIMUM LOT WIDTH	40'
MINIMUM FRONT YARD SETBACK	40'-0"
MINIMUM BUILDING HEIGHT	40'-0"
MINIMUM COVER	
PROPOSED COVER	
BUILDING SETBACKS:	
FRONT	5'-0"
SIDE	5' HORIZ, 10' VERT
REAR	15'-0"
LANDSCAPE STRIPS:	
ALONG ROAD	10' ALONG R/W
OTHER	

PAVEMENT LEGEND

	HEAVY DUTY ASPHALT PAVING (SEE DETAIL SHEET C-14)		PERVIOUS PAVING (SEE DETAIL SHEET C-14)
	LIGHT DUTY ASPHALT PAVING (SEE DETAIL SHEET C-14)		GWINNETT DOT ASPHALT PAVING (SEE DETAIL SHEET C-14)
	CONCRETE PAVING (SEE DETAIL SHEET C-14)		

PARKING REQUIREMENTS:

CITY REQUIREMENT:	REQUIRED MAXIMUM	REQUIRED MINIMUM	TOTAL PROVIDED
FOOD STORE (3,322 S.F.)			
1 SPACE PER 200 S.F. GFA (MINIMUM)	N/A	17	16
RESTAURANT (1,400 S.F.)			
1 SPACE PER 100 S.F. GFA AT LEAST TO (MINIMUM)	N/A	14	13
RETAIL (3,642 S.F.)			
5 SPACES PER 1000 S.F. GFA (MINIMUM)	N/A	19	18
TOTAL	N/A	50	47*

* INCLUDES 2 ADA SPACES (2 REQUIRED)

R/W CALL OUT

Curve	Radius	Length	Chord	Chord Bear.
1	100.00'	100.00'	100.00'	0°00'00"
2	100.00'	100.00'	100.00'	0°00'00"

R/W CURVE CHART

Curve	Radius	Length	Chord	Chord Bear.
1	100.00'	100.00'	100.00'	0°00'00"
2	100.00'	100.00'	100.00'	0°00'00"

PER. REF. TO 2008 ILLINOIS DOT PLAN

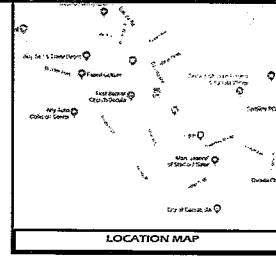
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PER. REF. TO 2008 ILLINOIS DOT PLAN

Curve	Radius	Length	Chord	Chord Bear.
1	100.00'	100.00'	100.00'	0°00'00"
2	100.00'	100.00'	100.00'	0°00'00"

RETAINING WALL NOTE:

PRIOR TO ISSUANCE OF A CERTIFICATE OF COMPLETION FOR SUCH WALL BY CITY OF Dacula, WRITTEN INTERFERE NOTICE AND SIGNED BY THE WALL DESIGN ENGINEER OF RECORD SHALL BE SUBMITTED TO THE BUILDING INSPECTOR WHO WILL APPROXIMATE SCOPE OF A SOIL INVESTIGATION REPORT BY A DANNETT COUNTY APPROVED THIRD PARTY GEOTECHNICAL TESTING FIRM AND WHICH CONTAINS THAT ALL SOIL PARAMETERS APPLICABLE TO THE DESIGN OF THE WALL ARE CONSISTENT WITH THOSE REPORTED AS FIELD-TESTED.



Evans Design Group, Inc.
 Civil Engineering /
 Site Planning /
 Land Development Services
 4755 Summer Song Court
 Buford, GA 30519
 (PH) 678.207.6830
 jevans@evansdesign.com

PROFESSIONAL ENGINEER
 JOHN M. EVANS, P.E.
 2-25-22
 OFFICE LICENSE NO. 10877

PROJECT NAME
HARBINS ROAD RETAIL CENTER

**352 HARBINS ROAD,
 L.L. 301, 5th DISTRICT,
 CITY OF DACULA,
 GEORGIA**

DATE
7-11-19

DESIGN BY JME
DRAWN BY JME
CHECKED BY JME

Not Released for Construction
 Released for Construction

OWNER/DEVELOPER

REVISIONS

1	12-03-20
2	02-08-21
3	03-15-21
4	04-26-21
5	05-12-21

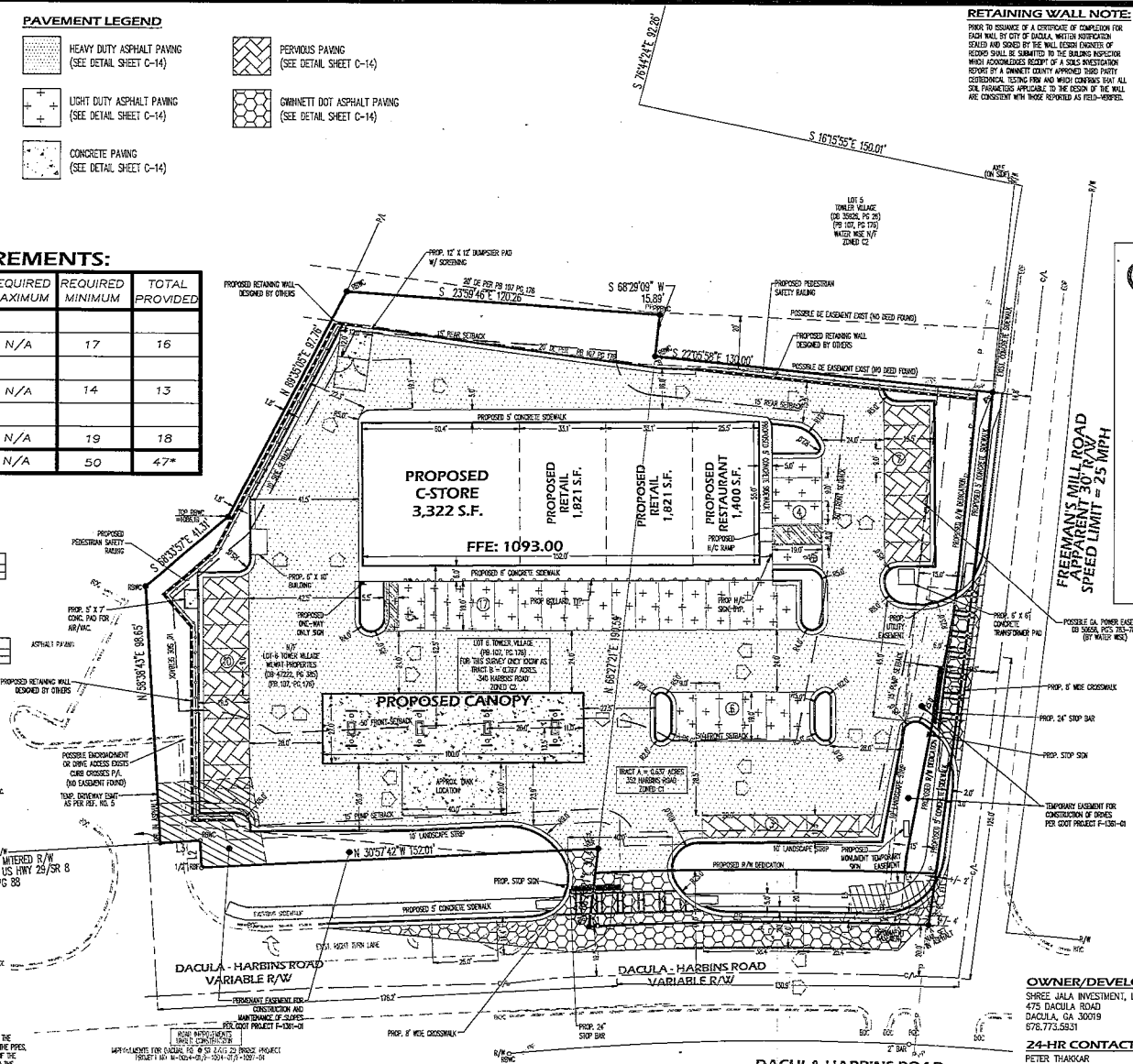
JOB NUMBER
19-015

SHEET TITLE
SITE PLAN

C-4

GEORGIA811
 Utilities Protection Center, Inc.
 Know what's Below. Call before you dig.

UTILITY DISCLAIMER:
 IN ADDITION TO SHOWING THE STRUCTURES TO BE BUILT UNDER THIS CONTRACT, THE DRAWINGS SHOW CERTAIN INFORMATION OBTAINED BY THE DESIGNER REGARDING THE DEPTHS, POLE LINES, CONDUITS, AND OTHER STRUCTURES WHICH EXIST ALONG THE LINE OF THE WORK, BOTH IN AND BELOW THE SURFACE OF THE GROUND. THE ENGINEER AND THE OWNER EXPRESSLY DISCLAIM ANY RESPONSIBILITY FOR THE ACCURACY OR COMPLETENESS OF THE INFORMATION SHOWN ON THE DRAWINGS WITH REGARD TO EXISTING STRUCTURES, AND THE CONTRACTOR WILL NOT BE ENTITLED TO ANY EXTRA COMPENSATION OR ACCOUNT OF ANY INACCURACY OR INCOMPLETENESS OF SUCH INFORMATION, SAID STRUCTURES BEING PROVIDED ONLY FOR THE CONVIENIENCE OF THE CONTRACTOR, WHO MUST VERIFY THE INFORMATION TO HIS OWN SATISFACTION. THE SHOWING OF THIS INFORMATION UPON THE CONTRACT DRAWINGS WILL NOT RELIEVE THE CONTRACTOR OF HIS OBLIGATION TO SUPPORT AND PROTECT ALL EXISTING UTILITIES AND OTHER STRUCTURES. THE CONTRACTOR SHALL LOCATE ALL UNDERGROUND OBSTRUCTIONS PRIOR TO EXCAVATION SO AS TO PREVENT ANY DAMAGE TO THESE STRUCTURES OR OTHER UTILITIES. ANY SUCH DAMAGES MUST BE REPAIRED WITHOUT DELAY AND THE COST OF SUCH REPAIRS MUST BE BORNE BY THE CONTRACTOR.



City of Dacula
 Planning Department
 4755 Summer Song Court
 Buford, GA 30519
 (PH) 678.207.6830
 jevans@evansdesign.com

February 23, 2020

Shree Jala Investment, Inc.
 Peter Thakkar
 4755 Summer Song Court
 Buford, GA 30519
 (PH) 678.207.6830

Mr. Peter Thakkar,

The City of Dacula has received an application for a site plan for the proposed project. The City of Dacula has reviewed the application and has determined that the project meets the requirements of the City of Dacula Code. The City of Dacula has approved the site plan for the proposed project.

If you have any questions, please contact me at 678.207.6830.

Best Regards,
 John M. Evans, P.E.
 Professional Engineer
 Evans Design Group, Inc.
 4755 Summer Song Court
 Buford, GA 30519
 (PH) 678.207.6830

AT THE OFFICE OF GEORGIA REGISTERED ENGINEERS

CDP2020-00930

OWNER/DEVELOPER:
 SHREE JALA INVESTMENT, LLC
 4755 SUMMER SONG COURT
 DACULA, GA 30019
 678.773.5831

24-HR CONTACT:
 PETER THAKKAR
 678.773.5831 (PH)

ENGINEER:
 EVANS DESIGN GROUP, INC
 4755 SUMMER SONG COURT
 BUFORD, GA 30519
 678.207.6830 (PH)
 CONTACT: JOHN M. EVANS, P.E.

Dacula-Harbins Road Variable Right-of-Way DB 97, PG 170
SPEED LIMIT = 35 MPH

GRAPHIC SCALE
 1" = 20' 0"

L E G A L D E S C R I P T I O N

ALL THAT PARCEL OF LAND LYING OR BEING IN LAND LOT 301, 5TH DISTRICT, CITY OF DACULA, GWINNETTY COUNTY, GEORGIA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE INTERSECTION OF THE EASTERLY RIGHT OF WAY LINE OF DACULA-HARBINS ROAD (HAVING A VARIABLE RIGHT OF WAY) AND THE NORTHERN RIGHT OF WAY OF LINE OF FREEMANS MILL ROAD (HAVING AN APPARENT 30 FOOT RIGHT OF WAY);

THENCE along a curve to the left having a radius of 1385.02 feet and an arc length of 126.71 feet, being subtended by a chord of North 28 degrees 20 minutes 26 seconds West for a distance of 126.67 feet TO A POINT ON THE SAID EASTERN RIGHT OF WAY OF LINE OF DACULA-HARBINS ROAD;

THENCE CONTINUE ALONG SAID RIGHT OF WAY LINE North 30 degrees 57 minutes 42 seconds West for a distance of 3.28 feet TO A POINT;

THENCE CONTINUE ALONG SAID RIGHT OF WAY LINE North 68 degrees 27 minutes 21 seconds East for a distance of 30.41 feet TO A 1/2 INCH REBAR FOUND BEING THE **TRUE POINT OF BEGINNING** FOR TRACT "B".

THENCE CONTINUE ALONG SAID RIGHT OF WAY North 30 degrees 57 minutes 42 seconds West for a distance of 152.01 feet 1/2" REBAR FOUND;

THENCE CONTINUE ALONG SAID RIGHT WAY North 59 degrees 02 minutes 18 seconds East for a distance of 10.39 feet TO A REBAR WITH CAP;

~~**THENCE** CONTINUE ALONG SAID RIGHT OF WAY North 31 degrees 33 minutes 51 seconds West for a distance of 15.30 feet TO A NAIL FOUND IN THE ASPHALT;~~

THENCE LEAVING SAID RIGHT OF WAY North 58 degrees 38 minutes 43 seconds East for a distance of 98.65 feet TO A REBAR WITH CAP;

THENCE South 68 degrees 33 minutes 57 seconds East for a distance of 41.31 feet TO A REBAR WITH CAP;

THENCE North 89 degrees 35 minutes 05 seconds East for a distance of 97.76 feet TO A REBAR WITH CAP;

THENCE South 23 degrees 59 minutes 46 seconds East for a distance of 120.26 feet TO A REBAR WITH CAP;

THENCE South 68 degrees 29 minutes 09 seconds West for a distance of 15.89 feet TO A REBAR WITH CAP;

THENCE South 68 degrees 27 minutes 21 seconds West for a distance of 190.59 feet TO A 1/2 INCH REBAR FOUND AND THE **TRUE POINT OF BEGINNING**.

SAID PARCEL CONTAINS 0.787 ACRES OF LAND MORE OR LESS AND IS ALSO KNOWN AS LOT 6 OF TOWLER VILLAGE AND TRACT "B" AS DEPICTED ON A SURVEY FOR PETER THAKKAR PREPARED BY DS GRIFFIN, INC. DATED 6/9/19 AND LAST REVISED ON 10/06/19.



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>
Mayor Trey King	\$ 2500. ⁰⁰ .	8/28/21.

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)

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 P. Thakkar Date 3/15/22

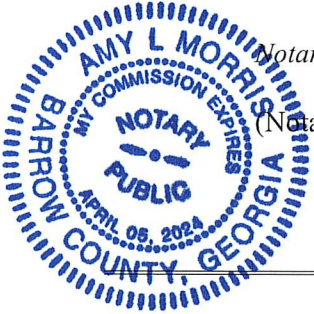
Type or Print Name/Title Peter Thakkar

Signature of Applicant' Attorney _____ Date _____

Type or Print Name/Title _____

Notary Public Amy L Morris Date 3-15-2022

(Notary Seal)



Official Use Only

DATE RECEIVED _____ ZONING CASE NUMBER _____

RECEIVED BY _____

APPLICANT CERTIFICATION

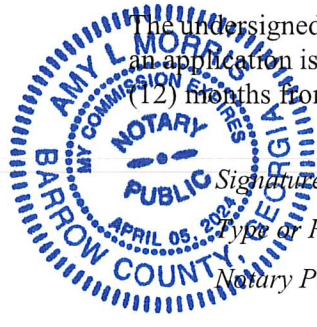
The undersigned is authorized to make this application and is aware that if an application is denied, no application or re-application affecting the same property shall be acted upon within twelve (12) months from the date of last action unless waived by the City.



Signature of Applicant [Signature] Date 3/15/22
Type or Print Name/Title (Petes) Prasadkumar Thakkar
Notary Public Amy L Morris Date 3-15-2022

PROPERTY OWNER CERTIFICATION

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



Signature of Property Owner [Signature] Date 03-14-2022
Type or Print Name/Title Prasadkumar Thakkar - owner
Notary Public Amy L Morris Date 3-15-2022

FOR ADMINISTRATIVE USE ONLY

DATE RECEIVED _____ RECEIVED BY _____ FEE _____ RECEIPT # _____

LAND LOT _____ DISTRICT _____ PARCEL # _____ HEARING DATE _____

ACTION TAKEN _____

SIGNATURE _____ DATE _____

STIPULATIONS _____



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

IMPACT ANALYSIS STATEMENT

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

DATE 3-14-2022 APPLICANT Peles Thakkar

A. Whether a proposed rezoning will permit a use that is suitable in view of the use and development of adjacent and nearby property: The property will remain suitable with adjacent and nearby property.

B. Whether a proposed rezoning will adversely affect the existing use or usability of adjacent or nearby property: Adverse affect would not be expected from approval of the subject request.

C. Whether the property to be affected by a proposed rezoning has a reasonable economic use as currently zoned: The property has a reasonable economic use as currently zoned.

D. Whether the proposed rezoning will result in a use which will or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities, or schools. Excessive or burdensome use of existing streets, transportation facilities, utilities, or schools would not be expected.

E. Whether the proposed rezoning is in conformity with the policy and intent of the Land Use Plan: The proposed change of condition would remain consistent with the Dacula Land Use Plan.

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: A development hardship has been created through the right-of-way acquisition activities of Gwinnett D.O.T. Thus a change of conditions request is suitable as proposed.

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OFFICIAL USE

Certified Mail Fee \$ _____

Extra Services & Fees (check box, add fee as appropriate)

Return Receipt (hardcopy) \$ _____

Return Receipt (electronic) \$ _____

Certified Mail Restricted Delivery \$ _____

Adult Signature Required \$ _____

Adult Signature Restricted Delivery \$ _____

Postage \$ _____

Total Postage and Fees \$ _____

Sent To
 Tucker Family Fund
 Street and Apt. No., or PO Box No.
 1001 Way Through The Woods, SW
 City, State, ZIP+4®
 Decatur, AL 35603

Postmark Here
 APR 06 2022
 DACULA, GA 30019-9998

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions

7022 0410 0002 5651 9190

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Return Receipt (electronic) \$ _____

Certified Mail Restricted Delivery \$ _____

Adult Signature Required \$ _____

Adult Signature Restricted Delivery \$ _____

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Return Receipt (electronic) \$ _____

Certified Mail Restricted Delivery \$ _____

Adult Signature Required \$ _____

Adult Signature Restricted Delivery \$ _____

Postage \$ _____

Total Postage and Fees \$ _____

Sent To
 Inasa LLC
 Street and Apt. No., or PO Box No.
 1030 Phinizy Court
 City, State, ZIP+4®
 Wadleyville, Ga. 30677

Postmark Here
 APR 06 2022
 DACULA, GA 30019-9998

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions

7022 0410 0002 5651 9206

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OFFICIAL USE

Certified Mail Fee \$ _____

Extra Services & Fees (check box, add fee as appropriate)

Return Receipt (hardcopy) \$ _____

Return Receipt (electronic) \$ _____

Certified Mail Restricted Delivery \$ _____

Adult Signature Required \$ _____

Adult Signature Restricted Delivery \$ _____

Postage \$ _____

Total Postage and Fees \$ _____

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 Wadleyville, Ga. 30677

Postmark Here
 APR 06 2022
 DACULA, GA 30019-9998

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions

ADJOINING PROPERTY OWNER(S)
RECORD NOTIFICATION

DATE: 4-06-2022

TO: TUSA LLC Attn: Jeff Faulkner
(Sent by First Class Mail and Certified Mail - Return Receipt Requested)

FROM: Core City Developers

RE: Proposed Change of Conditions Case #: 2022-CD-COC-01

Property Location: 5th District, Land Lot 5-301 Parcel 09

LOCATION/ADDRESS: 340 Harbins Road, Dacula Ga. 30019

You are hereby notified that an application for change of conditions to

Reduce front landscape strip from 10-feet to 5-feet

has been submitted to the City of Dacula. The proposed application 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 April 25, 2022 at 6:00 P. M. in the Council Chambers.
(date)

The CITY COUNCIL Public Hearing/Meeting will be held at the Dacula City Hall, 442 Harbins Rd., Dacula, Georgia on May 5, 2022 at 7:00 P. M. in the Council Chambers.
(date)

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

Thank you.

Letter of Intent

Ladies and Gentlemen of the Dacula City Council and the Honorable Mayor, Trey King: This will serve as my letter of intent for the application for Change of Conditions to rezoning case # CD-RZ-02-02. As you are aware, the Dacula BP Station has had a long history in the City of Dacula. We have enjoyed our years of operation and the friendships developed over the years. I feel safe in assuming you have all used our establishment at one time or the other and we are thankful. Dacula has grown tremendously over the last few years and we feel it is time to grow with it. As you've probably heard, its our intention to demolish and build a new gas station to further serve the City and uphold its aesthetic standards and expectations. The vacant property located adjacent to the existing BP Station (340 Harbin's Road) was acquired to complete this task.

The subject property was rezoned in 2002 as part of the Watkins Development with eleven zoning conditions. Although the zoning is correct condition #2 requires a 10-foot landscape strip along the frontage of Harbin's Road. We respectfully request that the landscape strip be reduced to 5-feet to address a development hardship imposed by aggressive Right-of-way acquisitions of the Gwinnett DOT. Essentially, our property line has been acquired or pushed back 10-foot further than the adjacent BP property. This additional 5-feet is needed for the safe, efficient, and essential movement of fuel delivery trucks onsite. Once approved, the reduced landscape strip would still be located over 30-feet from the proposed future drive lanes of Harbin's Road, as such adverse impacts are not expected.

Thank you for your consideration on this matter, we look forward to providing a new facility and services in the near future.

Best regards,

Peter Thakkar

ADJOINING PROPERTY OWNER(S)
RECORD NOTIFICATION

DATE: 4-06-2011

TO: Tucker Family Fund
(Sent by First Class Mail and Certified Mail - Return Receipt Requested)

FROM: Core City Developers

RE: Proposed Change of Conditions Case #: 2011-CD-COC-01

Property Location: 5th District, Land Lot 5-301 Parcel 09

LOCATION/ADDRESS: 340 Harbins Rd, Dacula Ga 30019

You are hereby notified that an application for change of conditions to

Reduce front landscape strip from 10-feet to 5-feet

has been submitted to the City of Dacula. The proposed application 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 April 25, 2011 at 6:00 P. M. in the Council Chambers.
(date)

The CITY COUNCIL Public Hearing/Meeting will be held at the Dacula City Hall, 442 Harbins Rd., Dacula, Georgia on May 5, 2011 at 7:00 P. M. in the Council Chambers.
(date)

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

Thank you.

Memorandum

To: City of Dacula Mayor and City Council

From: Brittini Nix, Director of Planning & Economic Development

Date: April 13, 2022

Subject: Variance Case: 2022-CD-VAR-02

Existing Zoning: C-2 (General Business District) & C-1 (Neighborhood Commercial District)

Size: 1.47 acres

Applicant: Peter Thakkar
871 Valla Crucis Ln
Dacula, GA 30019

Owner: Jalabapa Investments, LLC
475 Dacula Rd
Dacula, GA 30019

Location: LL 301 - 5th District, Parcels 027 & 309

Existing Land Use and Zoning:

The site is located in the northeast quadrant of the Harbins Road and Freeman’s Mill Road intersection. The subject property is comprised of two parcels and totals 1.47-acres. The northern parcel (parcel 309) is zoned C-2 (General Business District) and was rezoned in 2002 pursuant to CD-RZ-02-02 for Towler Village, a “high-end retail neighborhood business” use. It has since remained undeveloped. The southern parcel (parcel 027) is zoned C-1 (Neighborhood Commercial District). Said parcel contains a Kwick Check convenience store and BP gas station.

A vacant drugstore, zoned C-2, is located adjacent to the north. The eastern property boundary is located adjacent to vacant commercial property, which supports a package sewer plant and associated drainage field. To the west, and across Harbins Road, is a mixture of uses and zonings including commercial (C-1), office (O-I), and residential (R-1200).

The Proposed Rezoning & Development:

The applicant plans to demolish the existing gas station / convenience store and construct a new gas station / convenience store on the subject site. While the use is permitted within the C-2 and C-1 Zoning Districts, the applicant has requested a variance from the City's Buffer, Landscape, and Tree Ordinance.

The Ordinance requires one (1) 6-foot tree every 50 feet within 5-foot wide landscape strips (Article 4, Section 4.2) and for the overall site to contain 16 tree density units per

acre (Article 5, Section 5.3). The applicant proposes planting 9.6 tree density units on-site including five (5) 3” trees on the Freeman’s Mill Road frontage. Application materials state that planting additional trees along the road frontages would impede site distance from the access points, and as such, impose a safety concern for drivers and pedestrians.

Staff notes the property’s existing conditions provide limited options for tree planting. The site is constrained by an existing stormwater easement (east), steep topography (north), and multiple road frontages (south and west) that restrict potential planting locations. In addition, future right-of-way acquisition and road widening could impact the Harbins Road access point and the location of the proposed landscape strips.

The applicant proposes landscaping the road frontages with additional understory plantings / shrubs to exceed Ordinance requirements. In addition, a donation of \$2,500 has been offered in-lieu of tree density units to supplement the reduced number of trees on-site. The donation to the City would be utilized for tree planting and maintenance at the City’s discretion.

Summary:

Site conditions prevent the applicant from adhering to the City’s Ordinance without introducing adverse impacts. As such, the requested variance could be considered suitable. The Department recommends the requested variance be approved with conditions at this location.

Comprehensive Plan:

The subject parcel is designated as Community Mixed Activity Use Center and Neighborhood Commercial on the City of Dacula’s 2030 Future Land Use Plan.

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

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

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

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

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

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

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

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

The proposed use is not expected to increase the burden of use for existing streets, transportation facilities, utilities, or schools.

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

The City of Dacula's Future Land Use Map designates the property for community mixed activity use center and neighborhood commercial. As such, the proposed use and variance would be considered suitable at this location.

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

Site conditions limit land availability for planting trees without inhibiting line of sight and vehicular safety.. As such, meeting the requirements of the Buffer, Landscape, and Tree Ordinance could hinder the development and introduce adverse impacts by planting an excess amount of trees in the landscape strips in order to conform to the City's Ordinances.

Recommendation:

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

- A. To restrict the use of the property as follows:
 - 1. Retail, service commercial, office, and accessory uses.

- B. To satisfy the following site development considerations:
 - 1. Provide a five-foot wide landscape strip outside the dedicated rights-of-way of Harbins Road and Freeman's Mill Road. The landscape strips shall include at least two (2) understory plantings / shrubs per 10 linear feet.
 - 2. Dumpsters shall be screened by a 100 percent (100%) opaque masonry fence or wall matching the buildings, a minimum of six (6) feet in height. Dumpster pickup shall be between the hours of 7:00 AM and 7:00 PM, Monday through Saturday. Dumpster enclosures shall remain closed, locked, and in good repair at all times.
 - 3. Provide five (5) foot wide sidewalks along Winder Highway and Freeman's Mill Road.
 - 4. Billboards/Outdoor Advertising Signs shall be prohibited.

5. Buildings shall be finished with architectural treatments of glass, and/or stone and/or brick, or other suitable materials submitted and considered by the City Council as appropriate to meet this condition.
6. The development shall be limited to monument type ground signs. Monument signs shall have a base matching the architectural treatment of the buildings.
7. Outdoor lighting shall be contained in cut-off type luminaries which do not reflect into nearby properties or roadways.
8. Provide interparcel access driveways between the commercial parcels where practical.
9. No outdoor speakers or public address system shall be allowed.

C. Variances are granted with the following provisions:

1. The applicant / developer shall provide a \$2,500 donation to the City for tree planting and maintenance in-lieu of providing 11.68 tree density units on-site.
2. A variance to replace the landscape strip trees fronting Harbins Road with understory plantings / shrubs is granted. The landscape strip shall include at least two (2) understory plantings / shrubs per 10 linear feet.
3. A minimum of five (5) 3" DBH trees must be planted in the landscape strip fronting Freeman's Mill Road.
4. A minimum of two (2) understory plantings / shrubs shall be planted per 10 linear feet of the Harbins Road and Freeman's Mill Road frontage.
5. The proposed tree species and plantings shall be shown in a landscape plan submitted for review to the City. Approval by the City is required prior to development permit issuance.
6. The southern side setback of parcel R5301 039 and the northern side setback of parcel R5301 027 are waived to accommodate a singular building straddling both parcels.



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

APPLICATION

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

Staff Approval Only	
<input type="checkbox"/> Modifications	

(Please Type or Print using BLACK INK)

APPLICANT *	PROPERTY OWNER *
NAME <u>Peter Thakkar</u>	NAME <u>Jalabapa Investments LLC</u>
ADDRESS <u>871 Valla Crucis Lane</u>	ADDRESS <u>475 Dacula Road</u>
CITY <u>Dacula</u>	CITY <u>Dacula</u>
STATE <u>GA</u> ZIP <u>30019</u>	STATE <u>GA</u> ZIP <u>30019</u>
PHONE <u>(678) 773-5931</u> FAX _____	PHONE <u>(678) 773-5931</u> FAX _____

APPLICANT IS THE:

- OWNER'S AGENT
- PROPERTY OWNER

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

CONTACT PERSON Joey Murphy

COMPANY NAME Core City Developers

ADDRESS 475 Dacula Road
Dacula, GA 30019

PHONE (678) 617-9119 FAX _____

PRESENT ZONING DISTRICT(S) C-2 LAND LOT(S) 5 DISTRICT(S) 301

ADDRESS OF PROPERTY 340 & 352 Harbins Road ACREAGE 1.47

Describe your request in detail and state justification/hardship: Requirements of the Dacula Buffer Landscape & Tree Ordinance introduce safety hazards for vehicular travel and movement.

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

If Yes, please describe: Pending Change of Conditions Application
(Attach additional sheets if necessary)

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

CASE NUMBER: 2022-CD-VAR-02

Letter of Intent (Council Variance)

Ladies and Gentlemen of the Dacula City Council and the Honorable Mayor, Trey King: This will serve as my letter of intent for an application requesting a Council Variance for property located at 340 & 352 Harbin's Road. When designing and finalizing the final plan for the new Dacula BP / retail center it became apparent that a dangerous situation would be introduced if requirements of the Dacula Buffer, Landscape, & Tree (BLT) Ordinance were implemented as required. More specifically, landscape strip requirements would result in the placement of eleven, three-inch DBH (diameter breast height) trees at entrances onto Harbin's and Freemans Mill Roads. Three-inch caliper trees are large, will grow larger, and when in a row would significantly impact site distance for both entrances at the named roadways. Its our opinion that a serious safety issue would be introduced.

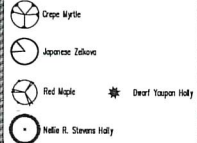
We appreciate the role of the BLT ordinance and fully respect the value of aesthetics as they lead to increased property value and opinion of the City. We do, however find these requirements a hardship when they introduce adverse safety issues. As such, we respectfully request a variance allowing eleven of the required landscape strip trees be replaced with understory plantings to address this issue. Further, to show our continued support of City beautification, we also propose to provide the City with \$2,500 to replace the waived trees at a City Park, right-of-way, or facility of its choosing.

Thank you for your consideration on this matter, we look forward to providing a new facility and services in the near future.

Best regards,

Peter Thakkar

PLANT LEGEND:



DECIDUOUS TREES SHALL BE AT LEAST 1 INCH IN DIAMETER AND EVERGREEN TREES SHALL BE AT LEAST 6 FEET IN HEIGHT AT TIME OF PLANTING.

ALL BUFFERS AND TREE SAVE AREAS SHALL BE CLEARLY IDENTIFIED WITH TREE PROTECTION FENCING PRIOR TO COMMENCEMENT OF ANY LAND DISTURBANCE.

CONTRACTOR/OWNER TO TREAT THE REMAINING GROUND AREA. THE REMAINING GROUND AREA SHALL BE SCOOLED, SEEDED OR HYDRO SEEDED WITH GRASS, AND/OR PLANTED WITH GROUND COVER SPECIES AND/OR PROVIDED WITH LANDSCAPING MATERIAL OR ANY OTHER COMBINATION THEREOF.

PLANTING DENSITY CALCULATIONS:

- 1.33 AC SITE AREA AFTER 0.09 AC RW DEDICATION
- 21.28 TREE UNITS REQUIRED (16 UNITS PER ACRE)
- 0 TREE UNITS EXISTING AND TO REMAIN
- 16.2 TREE UNITS PROPOSED TO BE PLANTED
- 16.2 TREE TOTAL UNITS (PROPOSED + EXISTING)

PARKING LOT TREES:

- ONE (1) TREE FOR EACH TEN (10) INTERIOR PARKING SPACES
- ONE (1) TREE FOR EACH FIVE (5) PERIMETER PARKING SPACES
- 20 PERIMETER PARKING SPACES
- 27 INTERIOR PARKING SPACES
- 7 TREES REQUIRED
- 20 TREES PROVIDED

5' LANDSCAPE STRIP:

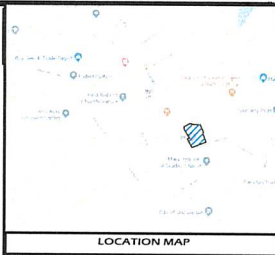
- 1 TREE PER 50 LINEAR FEET OF ROADWAY FRONTAGE
- 1 SHRUB PER 60 LINEAR FEET OF ROADWAY FRONTAGE
- 133.3 L.F. ALONG FREEMAN'S MILL ROAD EXCLUDING DRIVES
- 3 SHRUBS REQUIRED
- 3 SHRUBS PROVIDED
- 3 TREES REQUIRED
- 3 TREES PROVIDED
- 225.0 L.F. ALONG DACULA-HARBINS ROAD EXCLUDING DRIVES
- 5 SHRUBS REQUIRED
- 5 SHRUBS PROVIDED
- 5 TREES REQUIRED
- 5 TREES PROVIDED

PLANT SUMMARY:

- 27 TOTAL No. OF NON-BUFFER TREES TO BE PLANTED
 - 8 TOTAL No. OF SHRUBS TO BE PLANTED
- (SEE PLANT LIST FOR SPECIFICS)

PLANT LIST:

QTY	SYM	BOTANICAL NAME	COMMON NAME	%TOTAL	SIZE	UNIT CREDITS	UNIT TOTALS
CANOPY TREES							
3	Ar	Acer rubrum	Red Maple	11.1	3"	0.6	1.8
6	Za	Zelkova serrata	Japanese Zelkova	22.2	3"	0.6	3.6
3	Qj	Quercus ilex	Halls R. Stevens Holly	11.1	3"	0.6	1.8
15	L	Lagerstroemia	Orange Myrtle	66.6	3"	0.6	9.0
27			TREE TOTALS				16.2
SHRUBS							
8	Iv	Ilex vomitoria	Dwarf Yaupon Holly	100.0	16"	N/A	N/A
8			SHRUB TOTALS				N/A



ZONING DATA TABLE:

CURRENT ZONING	CI AND C2
PROPOSED ZONING	N/A
OUTLAW DISTRICT	N/A
MINIMAL LOT AREA	N/A
MINIMAL LOT WIDTH	N/A
MINIMAL ROAD FRONTAGE	45'-0"
MINIMAL BUILDING HEIGHT	45'-0"
MINIMAL COVER	15'-0"
PROPOSED COVER	15'-0"
BUILDING SETBACKS:	
FRONT	50'-0"
REAR	50' MINOR, 10' MINOR
SIDE	15'-0"
LANDSCAPE SETBACKS:	
ALONG ROAD	10' ALONG R/W
OTHER:	

THIS PROPERTY DOES NOT LIE IN A 100-YR FLOOD ZONE AS SHOWN ON FEMA COMMUNITY PANEL NO. 131000007, DATED SEPTEMBER 20, 2006.

Evans Design Group, Inc.
 Civil Engineering /
 Site Planning /
 Land Development Services
 4755 Summer Song Court
 Buford, GA 30019
 (Ph) 678.207.6830
 jevans@evansdg.com



PROJECT NAME:
HARBINS ROAD RETAIL CENTER

352 HARBINS ROAD,
 L.L. 301, 5th DISTRICT,
 CITY OF DACULA,
 GEORGIA

DATE:
 7-11-19

DESIGN BY: JME
DRAWN BY: JME
CHECKED BY: JME

Not Released For Construction
 Released For Construction

OWNER/DEVELOPER:

REVISIONS

1	12-03-20
2	02-08-21
3	03-15-21
4	04-26-21
5	05-13-21

CDP2020-00930

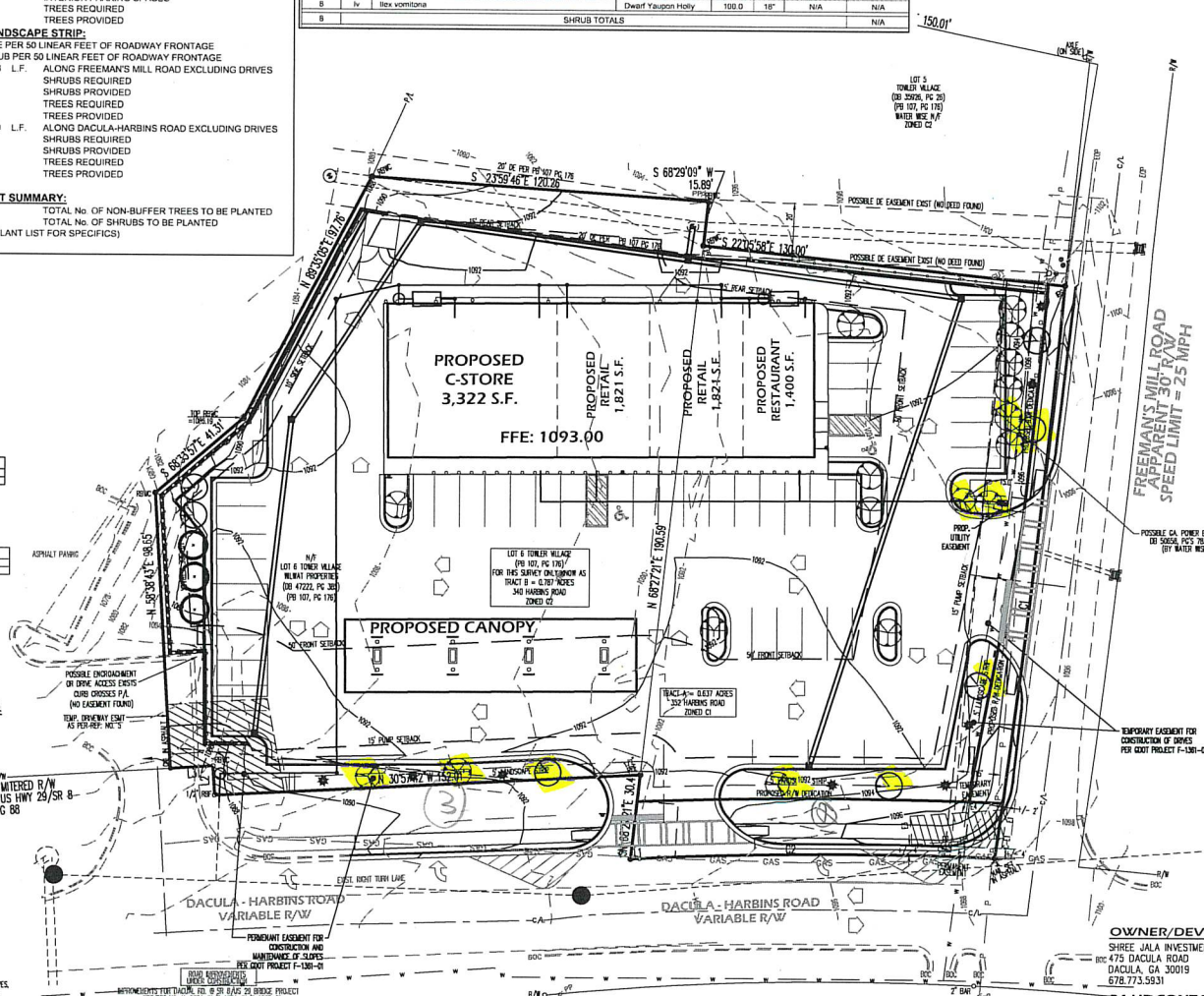
1 12-03-20
 2 02-08-21
 3 03-15-21
 4 04-26-21
 5 05-13-21

JOB NUMBER:
 19-015

SHEET TITLE:
LANDSCAPE PLAN
C-11

GEORGIA811
 Utilities Protection Center, Inc.
 Know what's below.
 Call before you dig.

UTILITY DISCLAIMER:
 IN ADDITION TO SHOWING THE STRUCTURES TO BE BUILT UNDER THIS CONTRACT, THE DRAWINGS SHOW CERTAIN INFORMATION OBTAINED BY THE ENGINEER REGARDING THE PIPES, POLE LINES, CABLES, AND OTHER STRUCTURES WHICH EXIST ALONG THE LINE OF THE WORK, BOTH AT AND BELOW THE SURFACE OF THE GROUND. THE ENGINEER AND THE OWNER EXPRESSLY DISCLAIM ANY RESPONSIBILITY FOR THE ACCURACY OR COMPLETENESS OF THE INFORMATION OBTAINED BY THE ENGINEER WITH REGARD TO EXISTING STRUCTURES, AND THE CONTRACTOR WILL NOT BE OBTAINED TO ANY EXTRA COMPENSATION OR ACCOUNT OF ANY INACCURACY OR INCOMPLETENESS OF SAID INFORMATION, SAID STRUCTURES BEING PROVIDED ONLY FOR THE CONVENIENCE OF THE CONTRACTOR, WHO MUST VERIFY THE INFORMATION TO HIS OWN SATISFACTION. THE OBTAINING OF THIS INFORMATION UPON THE CONTRACT DRAWINGS WILL NOT RELIEVE THE CONTRACTOR OF HIS OBLIGATION TO SUPPORT AND PROTECT ALL PIPES, CABLES, AND OTHER STRUCTURES. THE CONTRACTOR SHALL LOCATE ALL UNDERGROUND OBSTRUCTIONS PRIOR TO EXCAVATION SO AS TO PREVENT ANY DAMAGE TO THESE SERVICES OR OTHER UTILITIES. ANY SUCH DAMAGES MUST BE REPAIRED WITHOUT DELAY AND THE COST OF SUCH REPAIRS MUST BE BORNE BY THE CONTRACTOR.

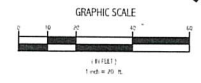


Dacula-Harbins Road Variable Right-of-Way
 DB 97, PG 170
 SPEED LIMIT = 35 MPH

OWNER/DEVELOPER:
 SHREE JALA INVESTMENT, LLC
 475 DACULA ROAD
 DACULA, GA 30019
 678.773.5931

24-HR CONTACT:
 PETER THAKKAR
 678.773.5931 (Ph)

ENGINEER:
 EVANS DESIGN GROUP, INC.
 4755 SUMMER SONG COURT
 BUFORD, GA 30019
 678.207.6830 (Ph)
 CONTACT: JON M. EVANS, P.E.



L E G A L D E S C R I P T I O N

ALL THAT PARCEL OF LAND LYING OR BEING IN LAND LOT 301, 5TH DISTRICT, CITY OF DACULA, GWINNETTY COUNTY, GEORGIA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A NAIL SET AT THE INTERSECTION OF THE EASTERLY RIGHT OF WAY LINE OF DACULA-HARBINS ROAD (HAVING A VARIABLE RIGHT OF WAY) AND THE NORTHERLY RIGHT OF WAY LINE OF FREEMANS MILL ROAD (HAVING AN APPARENT 30 FOOT RIGHT OF WAY);

THENCE ALONG SAID EASTERN RIGHT OF WAY LINE OF DACULA-HARBINS ROAD along a curve to the left having a radius of 1385.02 feet and an arc length of 126.71 feet, being subtended by a chord of North 28 degrees 20 minutes 26 seconds West for a distance of 126.67 feet TO A POINT ON THE SAID EASTERN RIGHT OF WAY LINE OF DACULA-HARBINS ROAD;

THENCE CONTINUE ALONG SAID RIGHT OF WAY LINE North 30 degrees 57 minutes 42 seconds West for a distance of 3.28 feet TO A POINT;

THENCE CONTINUE ALONG SAID RIGHT OF WAY LINE North 68 degrees 27 minutes 21 seconds East for a distance of 30.41 feet TO A 1/2 INCH REBAR;

THENCE LEAVING SAID RIGHT OF WAY North 68 degrees 27 minutes 21 seconds East for a distance of 190.59 feet TO A REBAR WITH CAP;

THENCE South 22 degrees 05 minutes 58 seconds East for a distance of 130.00 feet TO A POINT ON THE NORTHERN RIGHT OF WAY LINE OF FREEMANS MILL ROAD (HAVING AN APPARENT 30 FOOT RIGHT OF WAY);

THENCE ALONG SAID RIGHT OF WAY LINE along a curve to the right having a radius of 3832.04 feet and an arc length of 206.76 feet, being subtended by a chord of South 68 degrees 43 minutes 33 seconds West for a distance of 206.73 feet TO A NAIL SET, BEING THE **TRUE POINT OF BEGINNING**.

SAID PARCEL CONTAINS 0.637 ACRES OF LAND MORE OR LESS AND IS ALSO KNOWN AS TRACT "A" AS DEPICTED ON A SURVEY FOR PETER THAKKAR PREPARED BY DS GRIFFIN, INC. DATED 6/9/19 AND LAST REVISED ON 10/06/19.

L E G A L D E S C R I P T I O N

ALL THAT PARCEL OF LAND LYING OR BEING IN LAND LOT 301, 5TH DISTRICT, CITY OF DACULA, GWINNETTY COUNTY, GEORGIA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE INTERSECTION OF THE EASTERLY RIGHT OF WAY LINE OF DACULA-HARBINS ROAD (HAVING A VARIABLE RIGHT OF WAY) AND THE NORTHERN RIGHT OF WAY OF LINE OF FREEMANS MILL ROAD (HAVING AN APPARENT 30 FOOT RIGHT OF WAY);

THENCE along a curve to the left having a radius of 1385.02 feet and an arc length of 126.71 feet, being subtended by a chord of North 28 degrees 20 minutes 26 seconds West for a distance of 126.67 feet TO A POINT ON THE SAID EASTERN RIGHT OF WAY OF LINE OF DACULA-HARBINS ROAD;

THENCE CONTINUE ALONG SAID RIGHT OF WAY LINE North 30 degrees 57 minutes 42 seconds West for a distance of 3.28 feet TO A POINT;

THENCE CONTINUE ALONG SAID RIGHT OF WAY LINE North 68 degrees 27 minutes 21 seconds East for a distance of 30.41 feet TO A 1/2 INCH REBAR FOUND BEING THE TRUE POINT OF BEGINNING FOR TRACT "B".

THENCE CONTINUE ALONG SAID RIGHT OF WAY North 30 degrees 57 minutes 42 seconds West for a distance of 152.01 feet 1/2" REBAR FOUND;

THENCE CONTINUE ALONG SAID RIGHT WAY North 59 degrees 02 minutes 18 seconds East for a distance of 10.39 feet TO A REBAR WITH CAP;

THENCE CONTINUE ALONG SAID RIGHT OF WAY North 31 degrees 33 minutes 51 seconds West for a distance of 15.30 feet TO A NAIL FOUND IN THE ASPHALT;

THENCE LEAVING SAID RIGHT OF WAY North 58 degrees 38 minutes 43 seconds East for a distance of 98.65 feet TO A REBAR WITH CAP;

THENCE South 68 degrees 33 minutes 57 seconds East for a distance of 41.31 feet TO A REBAR WITH CAP;

THENCE North 89 degrees 35 minutes 05 seconds East for a distance of 97.76 feet TO A REBAR WITH CAP;

THENCE South 23 degrees 59 minutes 46 seconds East for a distance of 120.26 feet TO A REBAR WITH CAP;

THENCE South 68 degrees 29 minutes 09 seconds West for a distance of 15.89 feet TO A REBAR WITH CAP;

THENCE South 68 degrees 27 minutes 21 seconds West for a distance of 190.59 feet TO A 1/2 INCH REBAR FOUND AND THE TRUE POINT OF BEGINNING.

SAID PARCEL CONTAINS 0.787 ACRES OF LAND MORE OR LESS AND IS ALSO KNOWN AS LOT 6 OF TOWLER VILLAGE AND TRACT "B" AS DEPICTED ON A SURVEY FOR PETER THAKKAR PREPARED BY DS GRIFFIN, INC. DATED 6/9/19 AND LAST REVISED ON 10/06/19.

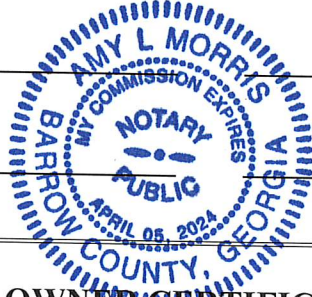
APPLICANT CERTIFICATION

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] _____ 3/29/22 _____
Signature of Applicant Date

Peter Thakkar _____
Type or Print Name/Title

Amy L Morris _____ 3/29/22 _____
Notary Public Date



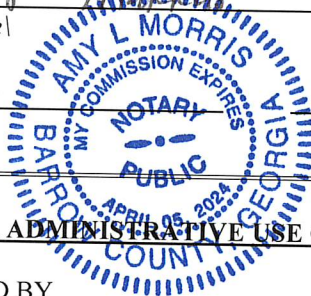
PROPERTY OWNER CERTIFICATION

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] _____ 3/29/22 _____
Signature of Applicant Date

(Peter) Pramodkumar Thakkar _____
Type or Print Name/Title

Amy L Morris _____ 3/29/22 _____
Notary Public Date



FOR ADMINISTRATIVE USE ONLY

DATE RECEIVED _____ RECEIVED BY _____ FEE _____ RECEIPT # _____

LAND LOT _____ DISTRICT _____ PARCEL # _____ HEARING DATE _____

FOR ADMINISTRATIVE USE ONLY

ACTION TAKEN _____

SIGNATURE _____ DATE _____

STIPULATIONS _____



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

DISCLOSURE OF CAMPAIGN CONTRIBUTIONS

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

Yes No

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

Name of Government Official	Contributions <i>(All which aggregate to \$250.00+)</i>	Contribution Date <i>(within last 2 years)</i>
Mayor Trey King	\$2500	8-28-2021

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

Yes No

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

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

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

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Tusa LLC
1030 Phinizy Court
Watkinsville, Ga. 30677



9590 9402 7157 1251 4194 47

2. Article Number (Transfer from service label)

7022 0410 0002 5651 9220

PS Form 3811, July 2020 PSN 7530-02-000-9053

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X

B. Received by (Printed Name)

Johanna Faulkner

C. Date of Delivery

4/12/22

D. Is delivery address different from item 1? If YES, enter delivery address below:

3. Service Type

- Adult Signature
- Adult Signature Restricted Delivery
- Certified Mail®
- Certified Mail Restricted Delivery
- Collect on Delivery
- Collect on Delivery Restricted Delivery
- Insured Mail
- Insured Mail Restricted Delivery (over \$500)
- Priority Mail Express®
- Registered Mail™
- Registered Mail Restricted Delivery
- Signature Confirmation™
- Signature Confirmation Restricted Delivery

Domestic Return Receipt

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Tusa LLC
1030 Phinizy Court
Watkinsville, Ga. 30677



9590 9402 7157 1251 4194 30

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Tucker Family Fund
1001 Way Through the Woods SW
Decatur, AL 35603



9590 9402 7157 1251 4199 97

2. Article Number (Transfer from service label)

7022 0410 0002 5651 9183

PS Form 3811, July 2020 PSN 7530-02-000-9053

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X

B. Received by (Printed Name)

Victor Tucker

C. Date of Delivery

4/7

D. Is delivery address different from item 1? If YES, enter delivery address below:

3. Service Type

- Adult Signature
- Adult Signature Restricted Delivery
- Certified Mail®
- Certified Mail Restricted Delivery
- Collect on Delivery
- Collect on Delivery Restricted Delivery
- Insured Mail
- Insured Mail Restricted Delivery (over \$500)
- Priority Mail Express®
- Registered Mail™
- Registered Mail Restricted Delivery
- Signature Confirmation™
- Signature Confirmation Restricted Delivery

Domestic Return Receipt

COMPLETE THIS SECTION ON DELIVERY

- A. Signature Agent
- B. Received by (Printed Name) Addressee
- C. Date of Delivery Yes No
- D. Is delivery address different from item 1? If YES, enter delivery address below: Yes No

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Tucker Family Fund
1001 Way Thru the Woods SW
Decatur, AL 35603



9590 9402 7157 1251 4200 09

2. Article Number (Transfer from service label)

7022 0410 0002 5651 9190

PS Form 3811, July 2020 PSN 7530-02-000-9053

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X

B. Received by (Printed Name)

Victor Tucker

C. Date of Delivery

4/7

D. Is delivery address different from item 1? If YES, enter delivery address below:

3. Service Type

- Adult Signature
- Adult Signature Restricted Delivery
- Certified Mail®
- Certified Mail Restricted Delivery
- Collect on Delivery
- Collect on Delivery Restricted Delivery
- Insured Mail
- Insured Mail Restricted Delivery (over \$500)
- Priority Mail Express®
- Registered Mail™
- Registered Mail Restricted Delivery
- Signature Confirmation™
- Signature Confirmation Restricted Delivery

178

Domestic Return Receipt