



**Mayor and City Council Regular Meeting**  
Thursday, October 03, 2024 at 7:00 PM  
Dacula City Hall, Council Chambers  
442 Harbins Rd. | P.O. Box 400 | Dacula, Georgia 30019 | (770) 963-7451

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**Agenda**

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

**INVOCATION:**

**PLEDGE OF ALLEGIANCE:**

**CONSENT AGENDA:**

1. Approval of Minutes from the Worksession Meeting on September 5, 2024
2. Approval of Minutes from the Regular Council Meeting on September 5, 2024
3. Ordinance to amend Chapter 3 - Municipal Court
4. Ordinance to amend Chapter 4 - Alcoholic Beverages
5. Ordinance to add Chapter 12, Article XX - Free Standing Convenience Stores and Free Standing Gas Stations

**OLD BUSINESS:**

**NEW BUSINESS:**

6. **PUBLIC HEARING: 2024-CD-RZ-02**, Applicant: Key Growth Capital, LLC c/o Powell & Edwards, LLP, Owner: Core City Developers, LLC requests rezoning from C-1 Neighborhood Commercial District to C-2 General Business District. The property is located in Land Lot 299 of the 5th District and contains 2.108 acres more or less.
7. **Rezoning Application: 2024-CD-RZ-02**, Applicant: Key Growth Capital, LLC c/o Powell & Edwards, LLP, Owner: Core City Developers, LLC requests rezoning from C-1 Neighborhood Commercial District to C-2 General Business District. The property is located in Land Lot 299 of the 5th District and contains 2.108 acres more or less.

**STAFF COMMENTS:**

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

8. Submission of the FY-2025 Proposed Budget and FY-2024 Budget Adjustments to City Council and the citizens of Dacula

**PUBLIC COMMENTS:**

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

**ADJOURNMENT:**



# Mayor and City Council Worksession

Thursday, September 05, 2024 at 6:00 PM

Dacula City Hall, Council Chambers

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

## Minutes

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

6:01 pm

#### **Councilmembers Present:**

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

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

Brittni Nix, City Administrator  
 Jack Wilson, City Attorney  
 Courtney Mahady, Administrative Clerk  
 Hayes Taylor, City Planner  
 Dana Stump, Administrative Assistant for Planning & Zoning  
 Alethia Hyman, City Tax Clerk  
 Amy White, Chief Marshal

### **II. OLD BUSINESS:**

*There was no old business.*

### **III. NEW BUSINESS:**

The Mayor and Council discussed the following items.

1. Rezoning Application: 2024-CD-RZ-01  
*City Planner, Hayes Taylor, discussed the 2024-CD-RZ-01 rezoning application.*
2. Special Use Permit Application & Change of Conditions Application: 2024-CD-SUP-02 & 2024-COC-03  
*City Planner, Hayes Taylor, discussed the 2024-CD-SUP-02 special use permit application and the 2024-CD-COC-03 change of conditions application.*
3. Ordinance to amend Article XVII of the Zoning Resolution  
*City Planner, Hayes Taylor, discussed the ordinance to amend Article XVII of the Zoning Resolution.*

- 4. Design proposal for Brookton North Subdivision improvement project  
*City Administrator, Brittini Nix, discussed the design proposal for Brookton North Subdivision improvement project.*
- 5. Bid results for Superior Drive storm drainage improvements project  
*City Administrator, Brittini Nix, discussed the bid results for the Superior Drive storm drainage improvements project.*
- 6. Adopt the Georgia Municipal Employees Benefit System (GMEBS) Restated Defined Benefit Retirement Plan  
*Administrative Clerk, Courtney Mahady, discussed the adoption of the Georgia Municipal Employees System Restated Defined Benefit Retirement Plan.*
- 7. Adoption of the Gwinnett County Multi-Jurisdictional Hazard Mitigation Plan  
*City Administrator, Brittini Nix, discussed the adoption of the Gwinnett County Multi-Jurisdictional Hazard Mitigation Plan.*
- 8. Consulting Agreement with Stephen Mayer  
*City Administrator, Brittini Nix, discussed the proposed consulting agreement with Stephen Mayer.*

**IV. MARSHAL UPDATE:**

Amy White provided the marshal update.

**V. CITY ADMINISTRATOR UPDATE:**

Brittini Nix provided the city administrator update.

**VI. MEMBER COMMENT(S) / QUESTION(S):**

Councilmember Williams thanked the marshals for responding to the incident at Apalachee High School to assist the other agencies.

Councilmember Spain echoed Councilmember Williams comments and thanked the marshals for their response.

Councilmember Haynes, Jr. thanked the Gwinnett County Police Department for responding to Apalachee High School.

Mayor King thanked Gwinnett PD and the marshals for their assistance at Apalachee High School.

**VII. ADJOURNMENT:**

Meeting adjourned at 6:25 p.m.

Minutes approved \_\_\_\_\_  
Date

\_\_\_\_\_  
Signature



**Mayor and City Council Regular Meeting**  
**Thursday, September 05, 2024 at 7:00 PM**  
 Dacula City Hall, Council Chambers  
 442 Harbins Rd. | P.O. Box 400 | Dacula, Georgia 30019 | (770) 963-7451

**Minutes**

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

Mayor King called the September 5, 2024 Council Meeting to order at 7:00 p.m. and a roll call of the members was taken. A quorum was present. He welcomed everyone to the meeting.

**Councilmembers Present:**

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

**City Staff Present:**

Jack Wilson, City Attorney  
 Brittini Nix, City Administrator  
 Courtney Mahady, Administrative Clerk  
 Hayes Taylor, City Planner  
 Dana Stump, Administrative Assistant for Planning & Zoning  
 Amy White, Chief Marshal

*A worksession was held prior to the regularly scheduled meeting to allow the elected officials to discuss this evening's agenda items. No other items were discussed, and no action was taken in the worksession.*

Motion to amend the agenda add a Moment of Silence made by Councilmember Spain, Seconded by Councilmember Haynes, Jr..

Voting Yea: Councilmember Williams, Councilmember Spain, Councilmember Mitchell, Councilmember Haynes, Jr.

**II. MOMENT OF SILENCE:**

Mayor King asked everyone to join him in a moment of silence recognizing the students, staff, first responders, and families who were affected by the Apalachee High School shooting.

**III. INVOCATION:**

Marshal Amy White gave the invocation.

**IV. PLEDGE OF ALLEGIANCE:**

Mayor King led the Pledge of Allegiance.

**V. CONSENT AGENDA:**

1. Approval of the Minutes from the Worksession Meeting on August 1, 2024
2. Approval of the Minutes from the Regular Council Meeting on August 1, 2024
3. Approval of the Minutes from the Third Millage Rate Public Hearing on August 1, 2024 at 6:30 p.m.
4. Approval the Minutes from the Special Called Meeting on August 15, 2024
5. Design proposal for Brookton North Subdivision improvement project
6. Bid results for Superior Drive storm drainage improvements project
7. Adopt the Georgia Municipal Employees Benefit System (GMEBS) Restated Defined Benefit Retirement Plan
8. Adoption of the Gwinnett County Multi-Jurisdictional Hazard Mitigation Plan
9. Consulting Agreement with Stephen Mayer

Motion to approve the consent agenda as listed made by Councilmember Haynes, Jr., Seconded by Councilmember Spain.

Voting Yea: Councilmember Williams, Councilmember Spain, Councilmember Mitchell, Councilmember Haynes, Jr.

**VI. OLD BUSINESS:**

*None*

**VII. NEW BUSINESS:**

- 10. PUBLIC HEARING: 2024-CD-RZ-01**, Applicant: Tricon Properties, LLC, Owner: Tricon Properties, LLC requests rezoning from OI Office-Institutional District to C-3 Central Business District and Heavy Commercial District. The property is located in Land Lot 303 of the 5th District and contains 1.634 acres more or less.

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

Voting Yea: Councilmember Williams, Councilmember Spain, Councilmember Mitchell, Councilmember Haynes, Jr.

City Planner, Hayes Taylor, presented the staff case report for the rezoning application. The applicant requests rezoning the subject property from Office-Institutional District to Central Business District and Heavy Commercial District to allow for an animal hospital. Mr. Taylor stated staff recommends approval with conditions.

Councilmember Haynes, Jr. inquired about if the fence in the back of the property would be used as a dog run.

Mr. Taylor responded that the fenced area would be the animal observance area.

City Administrator, Brittini Nix, stated that in meetings with the applicant they mentioned that the fenced area would be a leashed area.

Applicant Representative, Dr. William Hurr, manager of Tricon Properties, 1310 Atlanta Highway Auburn, GA, 30019, stated that he has been in communication with the owner of the Dacula Animal Hospital as they are working to get the property rezoned so the animal hospital can relocate their business to his property.

Councilmember Haynes, Jr. requested confirmation that the exercise area would be a leashed area.

Dr. Hurr confirmed that the exercise area will be fenced in the back of the building and the Dr. Neil intends for the area to be a leashed area.

Councilmember Mitchell inquired about if the area was not a leashed area what would need to happen with the conditions.

City Administrator, Brittini Nix, stated that this particular situation would not impact conditions; however, may have an impact on business procedures. Ms. Nix added that staff at the animal hospital would need to make sure the area is secure to ensure that dogs would not escape the fenced area.

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

Voting Yea: Councilmember Williams, Councilmember Spain, Councilmember Mitchell, Councilmember Haynes, Jr.

**11. Rezoning Application: 2024-CD-RZ-01**, Applicant: Tricon Properties, LLC, Owner: Tricon Properties, LLC requests rezoning from OI Office-Institutional District to C-3 Central Business District and Heavy Commercial District. The property is located in Land Lot 303 of the 5th District and contains 1.634 acres more or less.

Motion to approve with staff's recommended conditions [listed below] made by Councilmember Haynes, Jr., Seconded by Councilmember Spain.

Voting Yea: Councilmember Williams, Councilmember Spain, Councilmember Mitchell, Councilmember Haynes, Jr.

1. Any substantial deviation from the approved concept plan entitled Dacula Animal Hospital by TerraBuild USA, INC. dated June 27, 2024, and conditions of zoning shall be resubmitted to the Mayor and Council for consideration. The City Administrator shall determine what constitutes substantial deviation.
2. The site shall be limited to the following uses:
  - a. Medical Office
  - b. Professional Office
  - c. Animal Hospital
3. No kennel or overnight services will be permitted.
4. No outdoor storage shall be permitted.

5. One ground sign shall be permitted. The ground sign shall be monument-type only with indirect lighting. The ground sign shall be limited to a single monument-type sign with a brick or stacked stone base of at least 2 feet in height. Neon or self-illuminating ground signs shall be prohibited.
6. Parking lot and security lighting shall be directed towards the property to minimize the adverse impact on neighboring properties.
7. All trash receptacles and 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 7:00 p.m., Monday through Friday. Dumpster enclosures shall remain closed, locked, and in good repair at all times.
8. Business hours will be limited to 9:00 a.m. to 6:00 p.m., Monday through Friday, and 9:00 a.m. to 2:00 p.m. on Saturday.
9. No temporary banners, streamers, or roping decorated 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.
10. Human sign spinners and/or twirlers shall be prohibited.
11. The reduction of the required 50-foot front setback to 30-feet shall be maintained per 2017-CD-VAR-03.
12. All business activity shall be contained within the primary building and the proposed fenced area.
13. The owner must contact Georgia Power regarding all property improvements within the transmission line easement area.
14. At least one (1) shade tree must be provided within the entrance landscaping area at least 12 feet from the sidewalk line within the parcel boundaries, subject to Gwinnett Department of Transportation approval. The tree shall be of one of the following species:
  - a. Northern Red Oak
  - b. Nuttall Oak
  - c. Scarlet Oak
  - d. Shumard oak
  - e. Willow Oak
  - f. Zelkova Serrata
15. The proposed fence location and materials must be reviewed and approved by the Planning and Development Department prior to permit issuance and construction.
16. The proposed fenced area shall be landscaped to provide adequate shade for animals, patients and staff. The landscape plan is subject to the approval of the Planning & Development Department.



**12. PUBLIC HEARING: 2024-CD-SUP-02 & 2024-CD-COC-03**, Applicant: Trinity PD Dacula, LLC c/o Anderson Tate & Carr, P.C., Owner: WREG Harbins Land, LLC requests a special use permit for outdoor storage for the purpose of commercial display of large equipment and products, and changes to 2020-CD-RZ-03 condition(s). The property is located in Land Lot 300 of the 5th District and contains 3.87 acres more or less.

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

Voting Yea: Councilmember Williams, Councilmember Spain, Councilmember Mitchell, Councilmember Haynes, Jr.

City Planner, Hayes Taylor, presented the staff case report for the special use permit and change of conditions applications. The applicant requests special use permits to allow for outdoor storage and sale of boats and tires, and changes to the 2020-CD-RZ-03 condition(s) to allow corrugated metal as an acceptable building facade material.

Applicant Representative, Melody Glouton, 1960 Satellite Boulevard, Duluth, Georgia 30097, described the surrounding uses and referenced the designated comprehensive plan character area. Ms. Glouton indicated that the updated site plan addresses the concerns of the location of the outdoor storage areas. Ms. Glouton requested approval of the applications and staff's recommended conditions.

Councilmember Williams inquired about the location of the speed bumps in reference to where the stamped pedestrian crosswalks are located.

Ms. Glouton stated that condition #7 of condition set #4 addresses the location of the speed bumps if the applicant were to elect to put in a stamped pedestrian crosswalk instead of a five (5) foot wide raised pedestrian crosswalk. Ms. Glouton indicated that the speed bumps would be on either side of the stamped crosswalk.

Councilmember Haynes, Jr. inquired if the location of the speed bumps would be a problem for delivery trucks.

Ms. Glouton stated that the speed bumps would only be along the frontage and not the main driveway that takes trucks to the loading dock in the back of the building.

Mayor King inquired about condition #2 under set #4 if the eight (8) foot tall fence would be on top of the two (2) foot tall brick knee wall or if the total height was going to be eight (8) feet. Mayor King then inquired about if condition #5 under set #4 was a list of all the items the company intends to sell.

Mark Renier, 1504 Macy Drive, Roswell, Georgia 30076, clarified that for condition #2, there would be a six (6) foot tall fence on top of the two (2) foot tall knee wall totaling a height of eight (8) feet. Mr. Renier clarified that condition #5 was suggested by Ms. Nix to list designated items that could potentially be for sale as protection for the company as well as the City.

Mayor King then inquired about if the items would be in the front or if the items would be in the Home Goods area.

Mr. Renier indicated that the items would be in the yellow shaded area shown on the site plan.

Mayor King asked if there would be room to walk on the sidewalk where the stored items would also be located.

Mr. Renier stated that they added an additional four (4) feet of sidewalk in front of the planter boxes for customers to avoid products.

Mayor King inquired if the stamped surface would be flush with parking lot to make it easier for wheelchairs.

Mr. Renier confirmed that the crosswalk would be flush with the parking lot.

Ms. Nix added that one of the reasons for providing both options was to ensure that whatever option was selected would be ADA compliant.

*Public comment:*

Alethia Hyman, 1104 Campbell Pine Trail, Lawrenceville, Georgia, 30045, inquired if the outdoor storage would be visible from the apartments.

Mr. Renier stated that he was not sure about the height of the apartment complex but indicated that there would be a multi-story storage building between the tractor supply and the apartments. Mr. Renier believes that the tractor supply building would not be visible from the apartment complex.

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

Voting Yea: Councilmember Williams, Councilmember Spain, Councilmember Mitchell, Councilmember Haynes, Jr.

**13. Special Use Permit Application & Change of Conditions Application: 2024-CD-SUP-02 & 2024-CD-COC-03**, Applicant: Trinity PD Dacula, LLC c/o Anderson Tate & Carr, P.C., Owner: WREG Harbins Land, LLC requests a special use permit for outdoor storage for the purpose of commercial display of large equipment and products, and changes to 2020-CD-RZ-03 condition(s). The property is located in Land Lot 300 of the 5th District and contains 3.87 acres more or less.

Motion to table to the October 3 meeting made by Councilmember Williams. No second. Motion died.

Motion to approve with staff's revised recommended conditions dated September 5, 2024 [listed below] made by Councilmember Haynes, Jr., Seconded by Councilmember Spain.

Voting Yea: Councilmember Williams, Councilmember Spain, Councilmember Mitchell, Councilmember Haynes, Jr.

**Condition Set #1**

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

## Attachment A - GRTA General Conditions

### Pedestrian, Bicycle, and Transit Facilities

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

### Harbins Road at W Drowning Creek Road

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

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

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

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

## Attachment C – Required Improvements to Serve the DRI

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

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

Attachment A and Attachment B, GRTA approves the expenditure of state/and or federal funding for the improvements contained in Section 2.

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

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

### Pedestrian, Bicycle and Transit Facilities

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

***Roadway Improvement Conditions to GRTA Notice of Decision:***Harbins Road at W Drowning Creek Road

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

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

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

Harbins Road at W Drowning Creek Road

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

Harbins Road at New Hope Road

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

**Condition Set #2**

Conditions of the City of Dacula

Concept Plan and Land Use

- 1) The property shall be developed in accordance with the conceptual site plan prepared by Foresite Group entitled Tractor Supply Co. dated September 4, 2024. Any substantial deviation from the approved conceptual plan and / or remaining conditions of zoning shall be resubmitted to the City Council for consideration. The City Administrator shall determine what constitutes substantial deviation.
- 2) The following uses in the PMUD Zoning District shall be prohibited and made part of the owner's restrictive covenants: adult entertainment establishments, log splitting operations or storage lots, mobile home leasing or sales lots, taxi cab, limousine, or other for hire vehicle services (excluding public or private ambulatory services), solid waste transfer stations, the storage or warehousing of caustic or hazardous materials, animal rendering plants, bulk petroleum or natural gas plant and/or storage facilities, landfills, composting facilities, fertilizer manufacturing, foundries, heavy equipment rental or repair, hardship mobile homes, incinerators, junkyards, lawnmower repair shops, livestock feedlots, materials recovery facility, pawn shops, title loan and check cashing

facilities, poultry houses, the raising of dangerous animals for profit or gain, privately owned septic treatment facilities, stack houses, stand-alone crematories, truck stops and/or semi storage lots.

- 3) The following uses in the PMUD Zoning District shall be allowed with the approval of a Special Use Permit by the Mayor and City Council of the City of Dacula: contractor's offices with outdoor storage, machine/welding/radiator or muffler repair shops, vehicle rental (without driver), churches and/or religious facilities that are not located in a standalone building or structure, automotive sales lots, general auto repair, tire stores, muffler shops, boat sales establishments, crematories as an accessory to a funeral home, equipment rental sales or service (excluding heavy equipment) with associated outside storage, helicopter landing pads, mini-warehouse / personal storage facilities, fleet vehicle parking lots, tattoo and body piercing parlors, pool or billiard halls, liquor and/or package stores, van, moving or truck rental ( i.e. U-Haul, Ryder) or any other non-specified commercial and/or industrial business or use that could require outside storage.
- 4) All forms of on-site outdoor storage shall be subject to Special Use Permit approval by the Mayor and City Council. Garages within the multifamily and senior living projects shall be allowed.
- 5) Only one (1) fast food restaurant with or without drive-thru windows and/or curbside service shall be permitted. A fast food restaurant shall be defined as any establishment which dispenses food for consumption on or off the premises, and which has the following characteristics: a limited menu, items prepared in advance or prepared or heated quickly, no table orders, and food served in disposable wrapping or containers. Said definition shall exclude restaurants with drive-thru services whose primary product focuses on specialty coffees or donuts and exclude restaurants without a drive thru in a multi-tenant building.
- 6) The senior living facility shall include improvements to accommodate and assist the senior age group. Necessary improvements and services include elevators, interior corridors, larger hallways (minimum width of 72 inches or compliant with ADA requirements, whichever is greater), resident programming, on-site staff to assist with the needs of residents, and off-site transit / shuttle bus services for residents. In addition, seven (7) of the following amenities / services shall be provided: social clubs, a weekly schedule of activities, nail and hair salon, on-site physical therapy, water aerobics, massage and meditation rooms, wine bar, game rooms, movie theatre, and/or a community concierge.
- 7) The maximum number of senior living units shall not exceed 180.

### Architectural Design

- 8) The fronts and visible sides of non-residential building exteriors shall be constructed of brick, stone, stacked stone, stucco, EIFS, tilt-up concrete, corrugated metal and/or glass. The use of corrugated metal must be in accordance with the submitted elevations dated March 8, 2024, submitted on September 5, 2024. The rear of the structures shall be finished with brick, stone, stucco, tilt-up concrete, glass, split faced block (CMU), painted block on the rear of the structures, or any combination thereof. Non-residential structures may contain accents of fiber-cement siding in addition to the primary construction materials. The Department of Planning and Development shall decide what is considered rear of the structure (if any). All non-residential buildings shall be constructed with flat roofs with architectural treatments to include canopies and varying parapet heights. A combination of pitched roofs and architectural parapet treatments shall be allowed with City approval. The appearance of flat roof structures shall be avoided. Mansard style roofs shall be prohibited. Ground mounted mechanical, HVAC and like systems shall be screened

on all sides by an opaque wall of brick, stucco, split faced block or wood. Elevated or roof mounted mechanical, HVAC and like systems shall be positioned in such a way as to not be visible from the front street level or surface parking areas of the development. Architectural design shall lend the appearance of multi-tenant occupancy; facades of multi-tenant buildings shall have varied parapet height. Final architectural plans and color palate shall be submitted to the Department of Planning and Development for approval.

- 9) Residential building exteriors shall, at a minimum, be constructed of fiber cement siding with accents of brick, stone, stacked stone, stucco, or cedar shake on all sides. Vinyl siding shall be prohibited except as used for maintenance free accent elements such as soffits, and window casings. Residential buildings shall be constructed with a pitched roof, minimum 4 to 12 pitch, or flat roof with architectural treatments to include canopies and parapets of varying heights to avoid the appearance of a flat roof. A combination of pitched roofs and architectural parapet treatments shall be allowed with City approval. Ground mounted mechanical, HVAC and like systems shall be screened from public view by an opaque wall of brick, stucco, split faced block or wood, or landscaping. Elevated or roof mounted mechanical, HVAC and like systems shall be positioned in such a way as to not be visible from the front street level or parking areas of the development. Final architectural plans and color palate shall be submitted to the Department of Planning and Development for approval.
- 10) Architectural design of multi-family and senior living facilities shall be developed in accordance with the elevations/renderings received on March 28, 2021. Any substantial deviation shall be resubmitted to the City Council for consideration. The City Administrator or his/her designee shall determine what constitutes substantial deviation. Color changes shall not constitute a substantial deviation.
- 11) Multi-family and senior living facilities shall be limited to a maximum of 5-stories.
- 12) Attached residential units shall be a minimum of 720 square feet for single bedroom, 1,000 square feet for two bedroom, and 1,200 square feet for three bedrooms.
- 13) Any accessories provided such as railings, benches, trash receptacles and / or bicycle racks shall complement the building design and style.
- 14) Chain link fence shall be prohibited except around the stormwater management ponds and the multifamily and senior living dog parks. All chain link fences shall be black vinyl.
- 15) All trash dumpsters shall be screened by an enclosure using the same exterior building material as the adjacent occupied buildings. Pickup shall be limited to the hours of 7:00 a.m. to 9:00 p.m. Monday through Saturday. Dumpster enclosures shall remain closed, locked, and in good repair at all times.

### Landscaping and Parking

- 16) A ten (10) foot wide landscape strip from the proposed ROW shall be provided along the entire tract frontage of Harbins Road. The landscape strip shall be planted so as to not impede site distance along Harbins Road.
  - a. Provide non-ornamental shade trees spaced 30-feet on-center along the Harbins Road right-of-way and both sides of the private drive. All street trees shall be a minimum 3-inch caliper (dbh) at the time of planting. Street trees shall be planted at least six-feet from back-of-curb subject to review and approval of the City of Dacula and Gwinnett Department of Transportation.

Street trees shall be of one or a combination of the following species:

1. Willow Oak
2. Overcup Oak
3. Nuttall Oak
4. Pin Oak
5. Shumard Oak
6. Lacebark Elm
7. Japanese Zelkova

- 17) A fifty (50) foot wide landscape strip measured from the property line shall be provided along the southern property line of the multi-family tract. The landscape strip shall be planted with a minimum of two (2), 6-foot high trees staggered every 15 linear feet and supplemented with understory plantings.
- 18) Provide a 20-foot wide landscaped buffer along the rear boundary line of the retail tract as shown on the concept plan. The landscape buffer shall be planted with a row of Leyland Cypress or Cryptomeria trees, planted 20-foot on center, and include a 6-foot height decorative fence. Said fence shall be maintained by the property owner and be in good repair at all times.
- 19) Provide a 10-foot wide landscaped buffer along the side and rear property lines of developing parcels, units, or phases. Landscape buffers shall be planted with a single row of Leyland Cypress or Cryptomeria trees, planted 30-foot on center. The buffer can be eliminated after a Building Permit has been issued on adjacent property.
- 20) A parking lot landscape plan shall be submitted to the City for approval prior to a development permit issuance. At a minimum, the landscape plan shall include monument sign locations and should insure that each parking island/strip will have a minimum of one (1) ornamental shade tree per 25 feet. Fifty (50) percent of all parking area trees shall be a minimum of 2-inch dbh caliper and fifty (50) percent shall be a minimum of 3-inch dbh caliper.
- 21) Parking lot lighting shall be directed in toward the property so as not to shine directly into adjacent properties.
- 22) Natural vegetation shall remain on the property until issuance of a land disturbance permit.

### Signage and Advertising

- 23) The subject site shall be limited to two (2) planned multi-use center signs along Harbins Road. Each sign is limited to a maximum 150-square foot of advertising space. Monument signs shall not exceed a maximum 20-foot in height for Harbins Road, signs shall be constructed with a brick or masonry base (minimum two feet in height) matching the materials of the buildings. Signs shall be located so as to not impede site distance along Harbins Road. Internally illuminated and indirect lighting shall be allowed for signage at the project entrance(s) along Harbins Road. Sign location and design criteria are subject to review and approval by the City of Dacula.
- 24) Ground signage shall be limited to one monument-type sign for each commercial out lot / out parcel fronting Harbins Road and one monument-type sign per road frontage abutting each of the specified tracts: retail/grocer tract, office/commercial/industrial tract, multifamily tract, and senior living tract. Each sign is limited to a maximum 50-square foot of advertising space. Monument signs shall not exceed a maximum of 6-foot in height and shall be constructed with a brick base (minimum two feet

in height) matching the materials of the buildings. Neon signs shall be prohibited. Signs shall be set back 15-feet from right-of-way of Harbins Road and located so as to not impede site distance along Harbins Road. Sign location and design subject to review and approval by the City of Dacula.

- 25) Temporary signage shall be regulated and/or permitted as stated in Article XII (Signs and Advertising) of the City of Dacula Zoning Resolution with the following exceptions:
  - a. Business specific temporary signage must be mounted flush onto or against existing permitted structures within the development.
  - b. Temporary signage shall be prohibited on individual residential units.
- 26) Live human advertisement shall be prohibited within the subject area. To include, but not necessarily be limited to, sign spinners, twirlers, dancers, clowns, and / or other similar temporary advertising methods commonly provided by costumed or animated humans.
- 27) Tents, free-standing-canopies, streamers or roping decorated with flags, tinsel, decorative balloons, hot-air balloons or other similar materials shall be prohibited on the site. Yard and sail signs shall be permitted for residential leasing purposes only.
- 28) Oversized signs or billboards shall be reviewed and permitted separately and must abide by the procedures and regulations as stated in Article XII of the Zoning Resolution.

#### Transportation and Infrastructure

- 29) A Traffic Impact Study shall be provided prior to the issuance of a development permit. Prior to the issuance of the first certificate of occupancy, the applicant shall make any improvements recommended by the traffic impact study, provided the improvements are approved by the City of Dacula and Gwinnett County Department of Transportation respectively. All design and construction will be subject to Gwinnett County D.O.T. review and approval.
- 30) Provide a Signal Warrant Study for the signalization of the intersection of West Drowning Creek Road and Harbins Road to the City of Dacula and Gwinnett County Department of Transportation for review. If it is determined by the signal warrant study that a signal is warranted, and the signal is approved by the Gwinnett County D.O.T., The developer shall incur all costs of the required signal including studies, design with interconnect to adjoining signals, any additional right of way/easements, utility relocations and construction. The developer shall also contract for the installation of the signal by a D.O.T. approved contractor. All design and construction will be subject to Gwinnett County D.O.T. review and approval. The signal will be installed and operational prior to the issuance of the first certificate of occupancy. The developer shall provide documentation to the City verifying payment for materials and installation of the traffic signal. Include Interconnect with the signalized intersections of SR 316 and Harbins Road.
- 32) Coordinate with the Georgia Department of Transportation (DOT) for their project PI#0013899 located on SR 316 University Parkway All intersection/street widening/entrance plans for Harbins 316.
- 33) Road shall be submitted and are subject to review and approval by the City of Dacula and the Gwinnett County Department of Transportation.



- 34) Street widening and road improvements, to include the first 400 linear feet of the new two-lane private drive with planted median, shall be installed and functional prior to the issuance of a certificate of occupancy for any portion of the development.
- 35) It shall be the responsibility of the applicant to secure at no cost to the City and/or Gwinnett County, all necessary right-of-way to implement the required improvements.
- 36) Ownership and maintenance of drives, roads, side streets, alleys, and/or parking lots found on the subject site shall be the responsibility of the developer and/or private property owner.
- 37) All new utility lines shall be located underground. The developer shall be responsible for the relocation of public or private utilities and stormwater infrastructure.
- 38) Utilities shall be placed on the developer's property whenever possible, appropriate access and maintenance easements shall be filed at the time of final plat approval for any one parcel or section of the subject development.
- 39) Provide inter-parcel access (curb cuts) where possible to contiguous parcels of the mixed use development.
- 40) All vehicular access onto the proposed private drive must meet the City of Dacula's project access improvement standards of a public road. All improvements shall be provided by the developer.
- 41) A five-foot sidewalk shall be required adjacent to Harbins Road right-of-way. The sidewalk location shall be reviewed and approved by the City of Dacula and Gwinnett County Department of Transportation.
- 42) Five-foot wide sidewalks shall be required adjacent to both sides of the proposed private drive. Sidewalks shall be constructed with an additional 2-foot by 8-foot pad approximately every 300 linear feet to accommodate pedestrian amenities such as benches, planters, and trash containers. All such required amenities shall be decorative, commercial-quality fixtures. Sidewalk design and placement of any of these amenities shall be reviewed and approved by the City of Dacula.
- 43) Provide decorative light poles / fixtures along Harbins Road right-of-way and the interior private drive. Streets lights shall be staggered, 150 feet on-center. Light poles shall be black and a maximum 20 feet high. All street lighting shall be subject to review and approval of the City of Dacula and Gwinnett County Department of Transportation. Where applicable, streetlights shall be placed adjacent to required pedestrian amenity sidewalk pads. The property owner shall be responsible for street light maintenance and lighting fees. A separate lighting plan showing type of light and locations shall be submitted to the City for review and approval.
- 44) Applicant shall construct a southbound right turn deceleration lane along Harbins Road at W Drowning Creek Road with any modification or variation from design approved in writing by the Director of Gwinnett Department of Transportation.

#### Private Access

- 45) The free-standing multi-family residential and senior living portion(s) of the mixed use development may be gated, with controlled resident access, both vehicular and pedestrian.
- 46) It is the responsibility of the owner and/or developer to provide pass codes, keys, and/or up to date contact information for controlled entrance locations to the Dacula Marshal's Department, Gwinnett County Police Department, and Gwinnett County Fire Department.

- 47) Contact information for any maintenance associations, homeowner associations, and/or private security company's shall be submitted and updated regularly with the Dacula Marshal's Department.
- 48) Provide controlled access for all residential apartment pods. Controlled access shall consist of gates, swing fences, entry posts, or other similar mechanism to control vehicular or pedestrian movement within residential (apartment) pods.

### Grading and Phasing

- 49) Prior to the issuance of a Land Disturbance Permit or Development Permit for mass grading, the Developer or Land Owner will submit a "Bond Stabilization and Landscape Plan" to the City of Dacula which will provide for the permanent stabilization of disturbed area(s) via rye grass seeding, tree replanting and landscaping in accordance with the City's Development Regulations and these conditions of zoning. Tree replanting along the frontage of Harbins Road and both sides of the private drive shall include non-ornamental shade trees spaced 30-feet on-center, six feet from the right-of-way or pavement edge of the private drive. All street trees shall be a minimum 2-inch caliper (dbh) at the time of planting. Interior replanting of disturbed areas shall include five (5) two-inch caliper trees (DBH) per acre.

Once the "Bond Stabilization and Landscape Plan" has been approved by the City Administrator, and prior to the issuance of any Land Disturbance or Development Permit, Developer or Land Owner shall post a performance bond in favor of the City of Dacula to guarantee the replanting of the disturbed acreage in accordance with the City's Development Regulations and these conditions of zoning. The performance bond amount shall be equal to \$15,000.00 per acre disturbed. The bond shall be in the form of a Letter of Credit from an FDIC insured institution or an insurance company in good standing with the Georgia Insurance Commissioner's office, authorized to do business in Georgia, and rated "A" or better by the rating agency A.M. Best. The Surety must also be listed on the U.S. Department of Treasury's Circular 570. The City staff shall approve the form of the performance bond and the qualifications of the surety prior to execution of the bond.

In the event that Developer/Land Owner has not obtained a building permit within twelve (12) months of the issuance of the Land Disturbance or Development Permit, whichever is first issued, then the City of Dacula will redeem the performance bond [or equivalent security acceptable to the City of Dacula] to fund the implementation of the Bond Stabilization and Landscape Plan. The performance bond [or equivalent security acceptable to the City of Dacula] will terminate and/or be surrendered or returned once the improvements shown in the Bond Stabilization and Landscape Plan have been completed or a building permit is issued on any parcel of the development.

- 50) Site grading adjacent to the main project entrance shall be consistent in elevation to the right-of-way of Harbins Road to ensure adequate sight distance.

### Condition Set #3

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

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

#### **Condition Set #4**

- 1) Trailer and large equipment storage will be limited to the designated trailer display area per the submitted site plan prepared by Foresite Group titled Tractor Supply Co. dated September 4, 2024. All outdoor storage items shall have adequate landscaping in order to soften the view from Harbins Rd.
- 2) Aluminum wrought iron style fencing surrounding the “Fenced Outdoor Display area and the front of Live Good Center” shall be required. The fencing shall be a minimum of 8-foot high and shall have a 2-foot high brick knee wall at the base of the fence at the front of the Fenced Outdoor Display Area and Live Goods Center, per the submitted elevations dated March 8, 2024, submitted on September 5, 2024.
- 3) Landscape Planter boxes within the designated Landscape Planter Areas as shown on the site plan dated September 4, 2024, shall compliment the front façade of the primary structure. Evergreen shrubs will be planted and maintained in the landscape planter boxes to a height of approximately 24-36 inches once fully grown in order to soften the view from Harbins Road and Davis Rock Drive. The combined height of the planter boxes and evergreen shrubs once fully grown and maintained will be approximately 48-60 inches.
- 4) Outdoor storage and display of any equipment, material, merchandise, or similar items is only permitted in the designated areas as specifically shown on the site plan highlighted in yellow and identified as the “Permanent Sidewalk Display Area, Fenced Outdoor Display Area, and Live Good Center.” Outdoor storage is not permitted within the parking lot.
- 5) The sale of tires, small boats, such as canoes and kayaks, and small automotive vehicles, such as go-carts, UTV’s, ATV’s, mini-bikes, dirt bikes and scooters is permitted if the sale of each category is incidental to the sales of the primary use. Uses that include a majority sale of the above listed items would require Special Use Permit review by City Council.
- 6) The building facades must be constructed in accordance with the submitted elevations dated March 8, 2024. No more than 38% of the façade shall be constructed of corrugated metal. Any substantial deviations will be submitted to the City for approval. The City Administrator shall determine what constitutes a substantial deviation.
- 7) The owner/developer must provide a five (5) foot wide raised pedestrian crosswalk, providing pedestrian access from Davis Rock Drive to the entrance of the store or a stamped five (5) foot crosswalk protected by speed bumps on either side of the crosswalk in each of the internal drive lanes (the “Pedestrian Lane”). The Pedestrian Plan must be submitted to the Planning and Development Department for approval during the plan review and permitting process.
- 8) A landscape plan must be submitted to the Planning & Development Department for approval during the plan review and permitting process and must comply with the City of Dacula Landscape Ordinance. The landscaping must include landscape planter boxes within the Landscape Planter Area that complement the façade of the principal building and decorative landscaping designed to soften

the view of outdoor storage and display area near the primary building entrance. The landscape planter boxes will include evergreen shrubs and other areas may include decorative landscaping with understory shade trees, shrubs, native foliage and/or flowers. The trailer display area must have adequate landscaping in order to soften the view from Harbins Road.

9) Provide two (2) inter-parcel access points to the northeast adjacent parcel.

10) Five (5) parking spaces are required per 1,125 square feet.

#### **14. PUBLIC HEARING:** Ordinance to amend Article XVII of the Zoning Resolution

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

Voting Yea: Councilmember Williams, Councilmember Spain, Councilmember Mitchell, Councilmember Haynes, Jr.

City Planner, Hayes Taylor, presented the proposal ordinance to amend Article XVII of the Zoning Resolution and recommends approval.

Mayor King inquired if there would still be a six (6) month waiting period.

Mr. Taylor stated that the City is just removing reference to state code and that the process would still be the same.

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

Voting Yea: Councilmember Williams, Councilmember Spain, Councilmember Mitchell, Councilmember Haynes, Jr.

#### 15. Ordinance to amend Article XVII of the Zoning Resolution

Motion to approve the ordinance amendment made by Councilmember Mitchell, Seconded by Councilmember Williams.

Voting Yea: Councilmember Williams, Councilmember Spain, Councilmember Mitchell, Councilmember Haynes, Jr.

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

*None*

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

Councilmember Spain announced his resignation effective Friday, September 6 because he is moving outside of the city limits. Tonight's meeting would be his last city council meeting. He thanked the citizens for voting for him over the years, the city staff for their support and hard work, and his wife for her love and support.

Councilmember Mitchell thanked Councilmember Spain for his service and has enjoyed working with him over the years.

Councilmember Haynes, Jr. thanked Councilmember Spain for his service and wished him the best in his future endeavors.

Councilmember Williams thanked Councilmember Spain for his encouragement and support over the years.

Mayor King thanked Councilmember Spain for everything he has done for the city and for his wisdom.

**X. PUBLIC COMMENTS:**

Bobby Howard, 2240 Pinehurst Road, Snellville, Georgia 30078, announced his candidacy for District 3 Commissioner for Gwinnett County Board of Commissioners.

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

Motion to exit regular session and enter executive session made by Councilmember Mitchell, Seconded by Councilmember Williams for the purposes of personnel, real property, and legal matters at 8:05 p.m. Voting Yea: Councilmember Williams, Councilmember Spain, Councilmember Mitchell, Councilmember Haynes, Jr.

Motion to exit executive session and reconvene regular session made by Councilmember Spain, Seconded by Councilmember Haynes, Jr. at 8:58 p.m. Voting Yea: Councilmembers Williams, Councilmember Spain, Councilmember Mitchell, Councilmember Haynes, Jr.

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

**XII. ADJOURNMENT:**

Motion to adjourn made by Councilmember Spain, Seconded by Councilmember Haynes, Jr.. Voting Yea: Councilmember Williams, Councilmember Spain, Councilmember Mitchell, Councilmember Haynes, Jr.

Meeting adjourned at 8:59 p.m.

Minutes approved \_\_\_\_\_  
Date

\_\_\_\_\_  
Signature



# MEMO

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

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Dear Mayor and Members of the City Council:

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

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



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

**Section 3-4**

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

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

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

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

**SECTION 1**

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

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

**SECTION 2**

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

SECTION 3

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

SECTION 4

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

SECTION 5

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

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

AYES: \_\_\_\_

NAYES: \_\_\_\_

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

ATTEST:

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





## MEMO

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

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Dear Mayor and Members of the City Council:

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

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



**AN ORDINANCE**

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

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

WHEREAS, certain administrative procedures have changed warranting an amendment to the City Code; and

WHEREAS, it is in the best interest of the health, safety and welfare of the citizens and businesses within the City of Dacula to amend the City Code to update the provisions of the City Code for licenses and administrative requirements related to the sale and service of alcoholic beverages;

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

**SECTION 1**

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

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

**SECTION 2**

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

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

## SECTION 3

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

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

## SECTION 4

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

4-31 Regulations as to Employees and Managers

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

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

- (j) A license application may be denied to any applicant for any alcoholic beverage license where it appears that the applicant would not have adequate financial participation in the proposed business to direct and manage its affairs, or where it appears that the application is intended to be a mere surrogate for a person who would not otherwise qualify for a license for any reason whatsoever.
  
- (k) For purposes of this chapter, a conviction or plea of guilty of nolo contendere shall be ignored as to any offense for which a defendant who was allowed to avail themselves of the Georgia First Offender Act (1968 Ga. Laws, page 324), as amended. Except, however, that any such offense shall not be ignored where the defendant violated any term of probation imposed by the court granting first offender treatment or committed another crime and the sentencing court entered an adjudication of guilt as to the crime for which the defendant had previously been sentenced as a first offender.

SECTION 5

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

SECTION 6

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

SECTION 7

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

SECTION 8

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

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

AYES: \_\_\_\_

NAYES: \_\_\_\_

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

ATTEST:

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



# MEMO

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

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

Staff recommends approval of the proposed Ordinance effective immediately.



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

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

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

WHEREAS, an adequate number of the establishments defined herein currently exist within the City and are adequate to serve the needs of citizens of the City; and

WHEREAS, it is in the best interest of the health, safety and welfare of the citizens and businesses within the City of Dacula to amend the City Code to make provision for further reasonable regulations to protect public health and safety;

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

**SECTION 1.**

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

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

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

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



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

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

## SECTION 2.

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

SECTION 3.

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

SECTION 4

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

SECTION 5

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

SO ORDAINED by the governing authority of the City of Dacula, this \_\_\_\_\_ day of September, 2024.

AYES: \_\_\_\_

NAYES: \_\_\_\_

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

ATTEST:

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

# Memorandum

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

**From:** Hayes Taylor, City Planner

**Date:** September 30, 2024

**Subject:** 2024-CD-RZ-02

**Proposed Zoning:** C-1 (Neighborhood Commercial District)

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

**Size:** 2.108 acres

**Proposed Use:** Fitness Club

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

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

**Location:** LL 299 - 5th District

## Existing Land Use and Zoning:

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

## The Proposed Development:

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

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

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

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

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

### **Summary:**

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

### **Comprehensive Plan:**

The subject parcel is within the Emerging Commercial Character Area on the City of Dacula’s 2050 Future Land Use Map and designated Innovation District on the Gwinnett County 2040 Unified Plan.

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

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

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

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

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

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

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

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

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

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

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

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

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

***Recommendation:***

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

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

Concept Plan and Land Use

1. The property shall be developed in accordance with the conceptual site plan titled Fitness Center Rezoning Site Plan dated June 4, 2024. Any substantial deviation from the approved conceptual plan and/or remaining conditions of zoning shall be resubmitted to the City Council for consideration. The City Administrator shall determine what constitutes substantial deviation.

Architectural Design

2. All building exteriors shall be constructed of brick, stone, glass, or stucco. All buildings shall have flat roofs with architectural treatments to include canopies and parapets. Mechanical, HVAC, and like systems shall be screened from street level on all sides by an opaque wall of brick, stucco, or split-faced block.
3. The developer shall provide a decorative, commercial-quality bicycle rack and pedestrian bench that complement the building at its entrance.

Landscape and Parking

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

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

1. Willow Oak

2. Overcup Oak
  3. Nuttall Oak
  4. Sweetbay Magnolia
  5. Southern Magnolia
  6. Japanese Zelkova
  7. Red Maple
  8. Halesia Carolina
  9. Eastern Redbud
  10. American Smoketree
  11. Sourwood
  12. Chalk Maple
7. Existing mature growth trees in buffer zones shall remain when feasible. The City Administrator or City Arborist shall determine what is feasible.
  8. Stormwater maintenance areas may include lower maintenance grass alternatives such as Blue Star Creeper, Corsican Mint, Micro-Clover, or Fescue as approved by the City Administrator.
  9. Gravel is prohibited. Permeable pavement alternatives must be reviewed and approved by the City prior to development permit issuance.
  10. All trash dumpsters shall be screened by an enclosure using the same exterior building material as the adjacent occupied buildings. Pickup shall be limited to between the hours of 7:00 a.m. to 9:00 p.m. Monday through Saturday. Dumpster enclosures shall remain closed, locked, and in good repair at all times.
  11. No outdoor storage shall be permitted on site.

#### Transportation and Infrastructure

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

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



Signage and Advertising

18. Human sign spinners and/or twirlers shall be prohibited.
19. One ground sign shall be permitted. The ground sign shall be monument-type only with indirect lighting. Ground sign shall be limited to a single monument-type sign with a brick or stacked stone base of at least 2 feet in height. Neon or self-illuminating ground signs shall be prohibited. LED message boards are prohibited.
20. The wall sign shall be lit with indirect lighting.
21. Oversized signs or billboards shall not be permitted.
22. No tents, canopies, temporary banners, streamers, or roping decorated with flags, tinsel, or other similar material shall be displayed, hung, or strung on the site without appropriate permit(s). No decorative balloons or hot-air balloons shall be displayed on the site.



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

**REZONING/ CHANGE OF CONDITIONS/ SPECIAL USE PERMIT APPLICATION**

AN APPLICATION TO AMEND THE OFFICIAL ZONING MAP OF THE CITY OF DACULA, GEORGIA.  
 (Please Type or Print using BLACK INK)

APPLICANT *	PROPERTY OWNER *
NAME <u>Key Growth Capital, LLC c/o Powell &amp; Edwards, LLP</u>	NAME <u>Core City Developers, LLC</u>
ADDRESS <u>PO Box 1390</u>	ADDRESS <u>1230 Peachtree Street NE, Suite 800</u>
CITY <u>Lawrenceville</u>	CITY <u>Atlanta</u>
STATE <u>Georgia</u> ZIP <u>30046</u>	STATE <u>Georgia</u> ZIP <u>30309</u>
PHONE <u>770-962-0100</u> FAX <u>770-963-3424</u>	PHONE <u>678-773-5931</u> FAX _____

**APPLICANT IS THE:**

- OWNER'S AGENT
- PROPERTY OWNER
- CONTRACT PURCHASER

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

CONTACT PERSON W. Charles "Chuck" Ross, Esq.  
 COMPANY NAME Powell and Edwards, LLP  
 ADDRESS PO Box 1390, Lawrenceville, Georgia 30046  
 PHONE 770-962-0100 FAX 770-963-3424  
 EMAIL cross@powelledwards.com

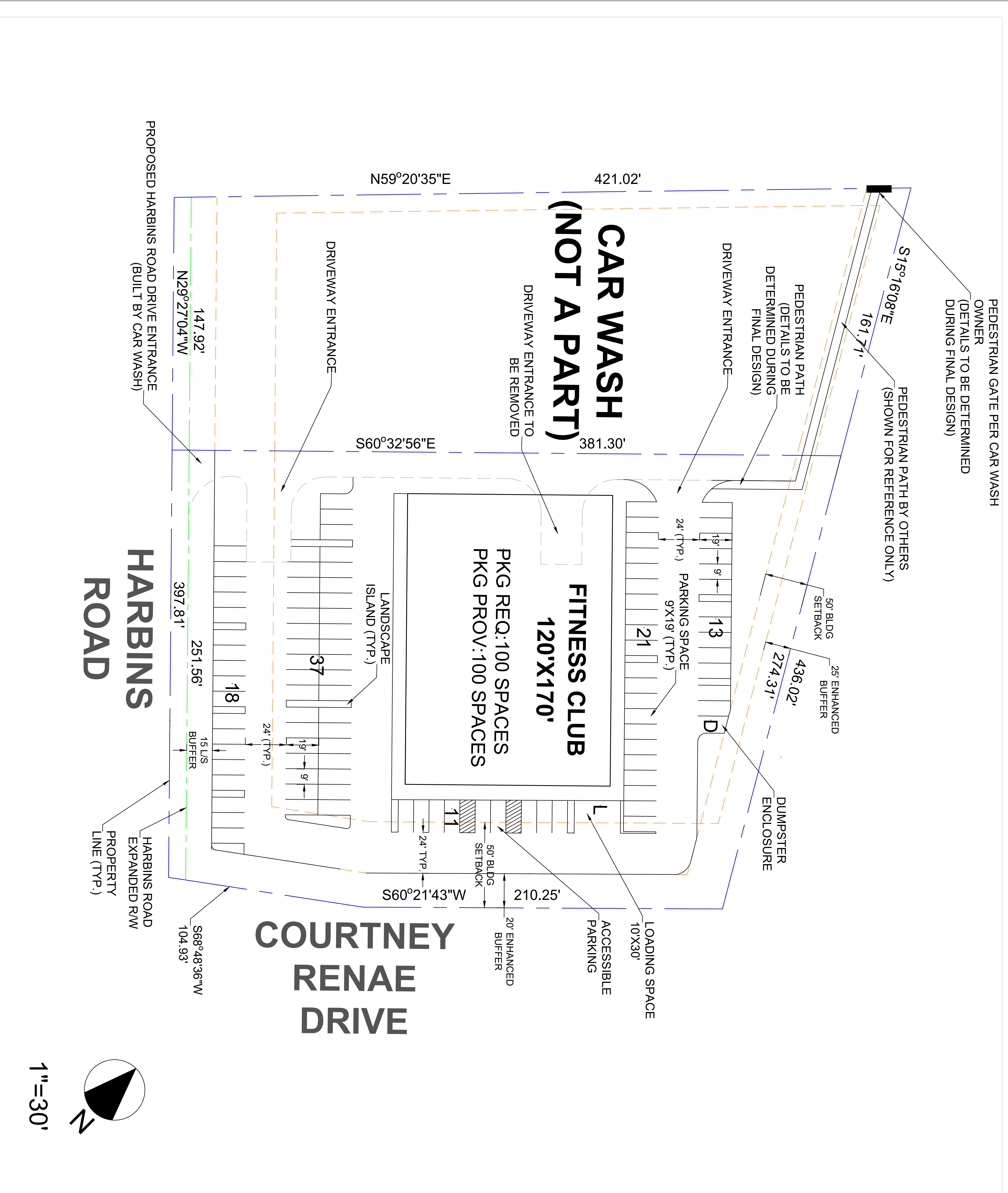
PRESENT ZONING DISTRICT(S) C-1 REQUESTED ZONING DISTRICT C-2  
 LAND LOT(S) 299 PARCEL # R5299 004 DISTRICT(S) 5 ACREAGE 2.108  
 PROPOSED DEVELOPMENT OR SPECIAL USE REQUESTED Fitness Club

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

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

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

**CASE NUMBER**



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

PEDESTRIAN PATH BY OTHERS (SHOWN FOR REFERENCE ONLY)

PEDESTRIAN PATH (DETAILS TO BE DETERMINED DURING FINAL DESIGN)

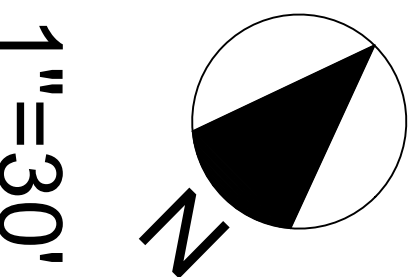
**CAR WASH (NOT A PART)**

**FITNESS CLUB 120'X170'**

PKG REQ: 100 SPACES  
PKG PROV: 100 SPACES

**COURTNEY RENAE DRIVE**

**HARBINS ROAD**



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

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

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

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

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

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

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

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

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

Engineer

Sheet Title

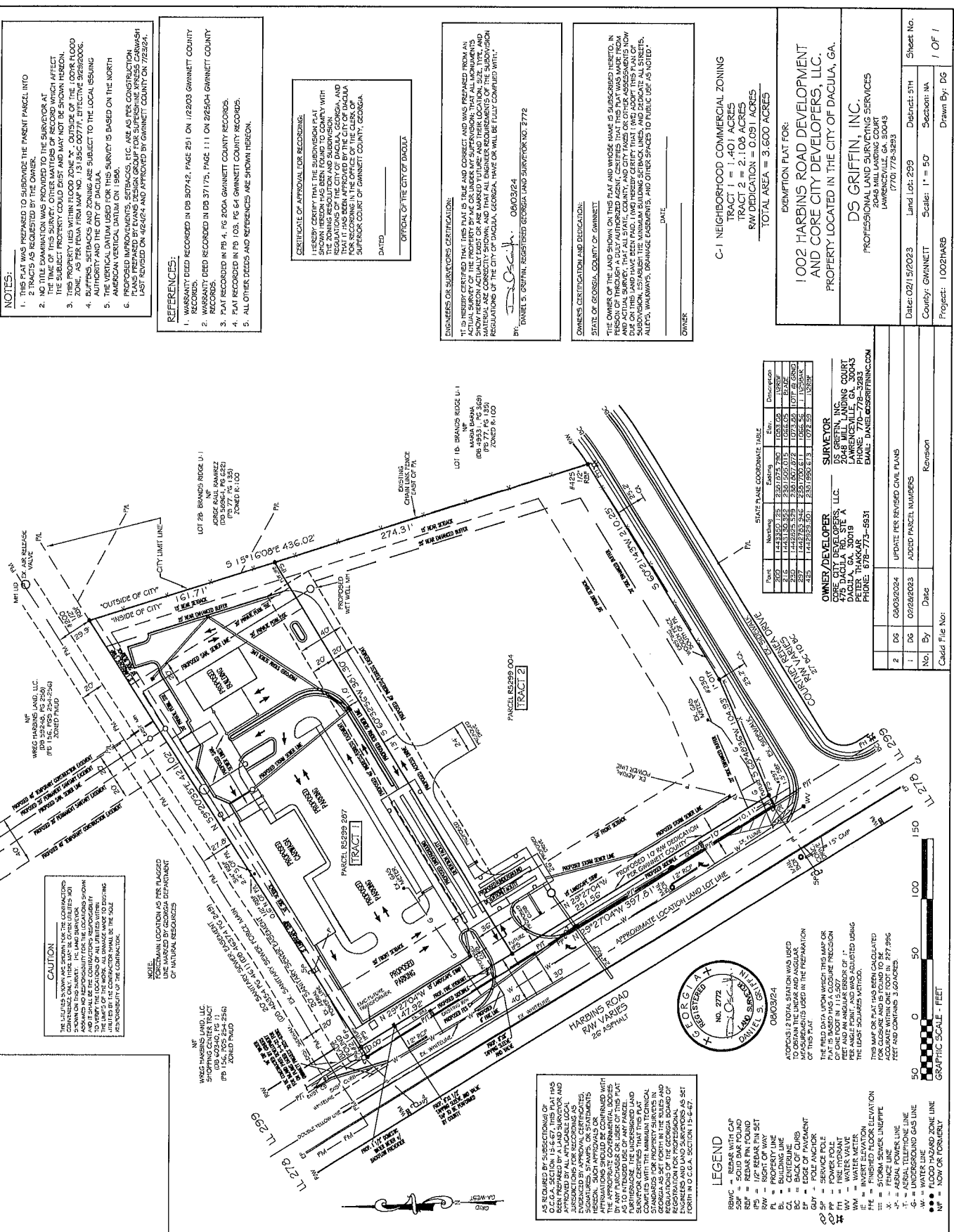
Revisions:

File:

Date: June 4, 2024

Scale: 1"=30'

Drawing:



**NOTES:**

1. THIS PLAN WAS PREPARED TO SUBDIVIDE THE PARENT PARCEL INTO 2 TRACTS AS REQUESTED BY THE OWNER.
2. NO TITLE EXAMINATION WAS PROVIDED TO THE SURVEYOR AT THE REQUEST OF THE OWNER. THE SURVEYOR HAS REVIEWED THE PUBLIC RECORDS FOR RECORDS AFFECTING THIS PROPERTY WITHIN FLOOD ZONE "X" OUTSIDE OF THE FLOOD ZONE, AS PER FEMA MAP NO. 13195C 0077F, EFFECTIVE 06/29/2006.
3. BUFFERS, SETBACKS AND ZONING ARE SUBJECT TO THE LOCAL ISSUING AUTHORITY AND THE CITY OF DACULA.
4. ALL UTILITIES SHOWN ON THIS SURVEY ARE AS PER CONSTRUCTION PLANS PREPARED BY EVANS DESIGN GROUP FOR SUPERHIGH PRESSURE CRAWWASH LAST REVISION ON 4/24/24 AND APPROVED BY GWINNETT COUNTY ON 7/23/24.
5. AMERICAN STANDARD MAPS, ETC. ARE AS PER CONSTRUCTION PLANS PREPARED BY EVANS DESIGN GROUP FOR SUPERHIGH PRESSURE CRAWWASH LAST REVISION ON 4/24/24 AND APPROVED BY GWINNETT COUNTY ON 7/23/24.

**REFERENCES:**

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

**CERTIFICATE OF APPROVAL FOR RECORDING:**

I HEREBY CERTIFY THAT THE SUBDIVISION PLAN IS TRUE AND CORRECT AND WAS PREPARED FROM AN ACTUAL SURVEY OF THE PROPERTY BY ME OR UNDER MY SUPERVISION; THAT ALL MONUMENTS AND BOUNDARIES SHOWN ON THIS PLAN ARE TRUE AND CORRECT; AND THAT ALL MONUMENTS AND BOUNDARIES SHOWN ON THIS PLAN ARE TRUE AND CORRECT; AND THAT ALL MONUMENTS AND BOUNDARIES SHOWN ON THIS PLAN ARE TRUE AND CORRECT; AND THAT ALL MONUMENTS AND BOUNDARIES SHOWN ON THIS PLAN ARE TRUE AND CORRECT.

DATED: \_\_\_\_\_ OFFICIAL OF THE CITY OF DACULA

**ENGINEER'S OR SURVEYOR'S CERTIFICATION:**

IT IS HEREBY CERTIFIED THAT THIS PLAN IS TRUE AND CORRECT AND WAS PREPARED FROM AN ACTUAL SURVEY OF THE PROPERTY BY ME OR UNDER MY SUPERVISION; THAT ALL MONUMENTS AND BOUNDARIES SHOWN ON THIS PLAN ARE TRUE AND CORRECT; AND THAT ALL MONUMENTS AND BOUNDARIES SHOWN ON THIS PLAN ARE TRUE AND CORRECT; AND THAT ALL MONUMENTS AND BOUNDARIES SHOWN ON THIS PLAN ARE TRUE AND CORRECT; AND THAT ALL MONUMENTS AND BOUNDARIES SHOWN ON THIS PLAN ARE TRUE AND CORRECT.

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

**OWNER'S CERTIFICATION AND DEDICATION:**

STATE OF GEORGIA, COUNTY OF GWINNETT

THE OWNER OF THE LAND SHOWN ON THIS PLAN AND WHOSE NAME IS SUBSCRIBED HERETO, IN FULL FAITH AND TRUTH, HEREBY CERTIFIES THAT THIS PLAN WAS MADE FROM AN ACTUAL SURVEY OF THE PROPERTY BY ME OR UNDER MY SUPERVISION; AND THAT ALL MONUMENTS AND BOUNDARIES SHOWN ON THIS PLAN ARE TRUE AND CORRECT; AND THAT ALL MONUMENTS AND BOUNDARIES SHOWN ON THIS PLAN ARE TRUE AND CORRECT; AND THAT ALL MONUMENTS AND BOUNDARIES SHOWN ON THIS PLAN ARE TRUE AND CORRECT.

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

**C-1 NEIGHBORHOOD COMMERCIAL ZONING**

EXEMPTION FLAT FOR:  
 TRACT 1 = 1.401 ACRES  
 TRACT 2 = 2.108 ACRES  
 RAW DEDICATION = 0.091 ACRES  
 TOTAL AREA = 3.600 ACRES

1002 HARBINS ROAD DEVELOPMENT AND CORE CITY DEVELOPERS, LLC.  
 PROPERTY LOCATED IN THE CITY OF DACULA, GA.

DS GRIFFIN, INC.  
 2048 WILL LANDING COURT  
 LAWRENCEVILLE, GA 30043  
 PHONE: 770-972-5633

Date: 02/15/2023 Land Lot: 299 District: 5TH  
 County: GWINNETT Scale: 1" = 50' Section: WA  
 Project: 1002HARBINS Sheet No. 1 OF 1  
 Drawn By: DG

Point	Northing	Easting	Description
200	1428592.025	2301073.780	100% CORNER
215	1428592.025	2301073.780	100% CORNER
216	1428592.025	2301073.780	100% CORNER
217	1428592.025	2301073.780	100% CORNER
218	1428592.025	2301073.780	100% CORNER
219	1428592.025	2301073.780	100% CORNER
220	1428592.025	2301073.780	100% CORNER

**OWNER/DEVELOPER**  
 CORE CITY DEVELOPERS, LLC  
 475 DACULA RD, STE A  
 LAWRENCEVILLE, GA 30043  
 PHONE: 770-773-5931

**SURVEYOR**  
 DS GRIFFIN, INC.  
 2048 WILL LANDING COURT  
 LAWRENCEVILLE, GA 30043  
 PHONE: 770-972-5633

**CAUTION**

THIS PLAN IS THE PROPERTY OF THE SURVEYOR AND IS NOT TO BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION STORAGE AND RETRIEVAL SYSTEM, WITHOUT THE WRITTEN PERMISSION OF THE SURVEYOR. THE SURVEYOR ASSUMES NO LIABILITY FOR ANY DAMAGE TO PERSONS OR PROPERTY CAUSED BY THE USE OF THIS PLAN.

**NOTE**

FOR THE MAIN LOCATION AS PER FLAGGED LINES MARKED BY GEORGIA DEPARTMENT OF NATURAL RESOURCES

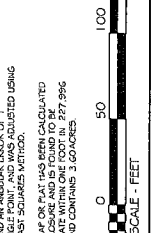
**LEGEND**

- REAR WITH CAP
- SOLID BAR FOUND
- 1/2" REAR PIN SET
- PROPERTY LINE
- RIGHT OF WAY
- CELESTIAL
- BACK OF CURB
- POWER POLE
- WATER VALVE
- WATER METER
- INVERT ELEVATION
- STORM SEWER UNPIPE
- ASPHALT PAVEMENT
- UNDERGROUND GAS LINE
- FLOOD HAZARD ZONE LINE
- NOT FOR FOREstry

**AS REQUIRED BY SUBSECTION 15-6-07 OF THE OFFICIAL CODE OF GEORGIA, THIS PLAN HAS BEEN PREPARED BY A LAND SURVEYOR AND IS SUBJECT TO THE JURISDICTION OF THE SURVEYOR'S BOARD OF PROFESSIONAL SURVEYORS. THE SURVEYOR ASSUMES NO LIABILITY FOR ANY DAMAGE TO PERSONS OR PROPERTY CAUSED BY THE USE OF THIS PLAN.**

**REGISTERED**  
 NO. 2772  
 DANIEL S. GRIFFIN  
 LAND SURVEYOR

ATOPICAL TOTAL STATION WAS USED TO OBTAIN THE HORIZONTAL AND ANGULAR DATA FOR THIS PLAN. THE FIELD DATA UPON WHICH THIS MAP OR PLAN IS BASED HAS A CLOSE PRECISION PER HORIZONTAL AND AN ANGULAR ERROR OF 1" PER 1000 FEET AND WAS ADJUSTED USING THE LEAST SQUARES METHOD. THE HORIZONTAL AND AN ANGULAR DATA FOR ALL POINTS AND DISTANCES IS LISTED IN THE ADJACENT TABLE. THE HORIZONTAL AND AN ANGULAR DATA IS LISTED IN THE ADJACENT TABLE.



Tony Powell  
Brian Edwards  
Nathan Powell  
W. Charles Ross



**POWELL & EDWARDS**  
ATTORNEYS AT LAW

Jay Crowley  
Mandy Williams  
Laura Walsh  
Laura Shoop

August 8, 2024

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

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

Dear Ms. Nix:

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

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

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

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

**A PROFESSIONAL CORPORATION**

P.O. Box 1390 • Lawrenceville, Georgia 30046-1390 • [powelledwards.com](http://powelledwards.com) • 770.962.0100  
*Street Address For Direct Deliveries Only • 10 Lumpkin Street Lawrenceville, GA 30046*

### Legal Description

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

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

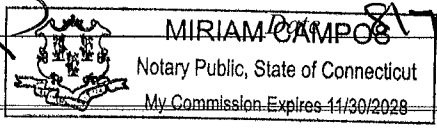
**APPLICANT CERTIFICATION**

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

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

Type or Print Name/Title Michael Lebowitz - Member

Notary Public [Handwritten Signature]



**PROPERTY OWNER CERTIFICATION**

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

Signature of Property Owner \_\_\_\_\_ Date \_\_\_\_\_

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

Notary Public \_\_\_\_\_ Date \_\_\_\_\_

**FOR ADMINISTRATIVE USE ONLY**

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

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

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

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

STIPULATIONS \_\_\_\_\_

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

**APPLICANT CERTIFICATION**

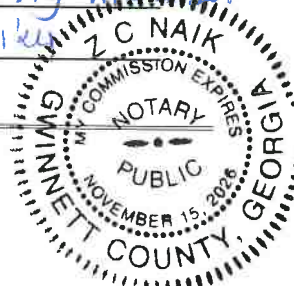
The undersigned is authorized to make this application and is aware that if an application is denied, no application or re-application affecting the same property shall be acted upon within twelve (12) months from the date of last action unless waived by the City.

Signature of Applicant \_\_\_\_\_ Date \_\_\_\_\_  
Type or Print Name/Title \_\_\_\_\_  
Notary Public \_\_\_\_\_ Date \_\_\_\_\_

**PROPERTY OWNER CERTIFICATION**

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

Signature of Property Owner Pranod Kumar Thakkar Date 8/2/24  
Type or Print Name/Title Pranod Kumar Thakkar / managing member  
Notary Public Z.C. Naik Date 08/02/24



**FOR ADMINISTRATIVE USE ONLY**

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

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

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

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

STIPULATIONS \_\_\_\_\_

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



ADJOINING PROPERTY OWNER(S)  
RECORD NOTIFICATION

DATE: August 8, 2024

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

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

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

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

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

---

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

The proposed rezoning is contiguous to your property.

The PLANNING COMMISSION Public Hearing/Meeting will be held at the Dacula City Hall, 442 Harbins Rd., Dacula, Georgia on September 30, 2024 at 6:00 P.M. in the Council Chambers.

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

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

Thank you.

ADJOINING PROPERTY OWNER(S)  
RECORD NOTIFICATION

DATE: August 8, 2024

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

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

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

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

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

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Thank you.

ADJOINING PROPERTY OWNER(S)  
RECORD NOTIFICATION

DATE: August 8, 2024

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

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

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

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

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

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Thank you.

ADJOINING PROPERTY OWNER(S)  
RECORD NOTIFICATION

DATE: August 8, 2024

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

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

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

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

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

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Thank you.

ADJOINING PROPERTY OWNER(S)  
RECORD NOTIFICATION

DATE: August 8, 2024

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

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

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

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

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

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

Thank you.

ADJOINING PROPERTY OWNER(S)  
RECORD NOTIFICATION

DATE: August 8, 2024

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

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

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

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

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

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

Thank you.

**CONFLICT OF INTEREST CERTIFICATION**

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

Signature of Applicant \_\_\_\_\_ Date \_\_\_\_\_

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

Signature of Applicant' Attorney W. Charles Ross Date 8/18/2024

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

Notary Public Terry S. Pfeffinger Date 8/18/24



**Official Use Only**

DATE RECEIVED \_\_\_\_\_ ZONING CASE NUMBER \_\_\_\_\_

RECEIVED BY \_\_\_\_\_

**CONFLICT OF INTEREST CERTIFICATION**


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

Signature of Applicant  Date 8/8/24

Type or Print Name/Title Michael Lebowitz - Member

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

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

Notary Public  Date 8/8/24

(Notary Seal)



**Official Use Only**

DATE RECEIVED \_\_\_\_\_ ZONING CASE NUMBER \_\_\_\_\_

RECEIVED BY \_\_\_\_\_





## City of Dacula

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

### IMPACT ANALYSIS STATEMENT

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

DATE August 8, 2024,

APPLICANT Key Growth Capital, LLC

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



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

**DISCLOSURE OF CAMPAIGN CONTRIBUTIONS**

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

Yes  No

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

Name of Government Official	Contributions <i>(All which aggregate to \$250.00+)</i>	Contribution Date <i>(within last 2 years)</i>
_____		
_____		
_____		
_____		

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

Yes  No

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

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

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

ANNUAL BUDGET  
FISCAL YEAR  
JANUARY 1 – DECEMBER 31, 2025

20  
25



CITY OF DACULA

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# Budget Memo

CITY OF DACULA

OFFICE OF  
THE MAYOR

442 Harbins Road  
Post Office Box 400  
Dacula, GA 30019

Telephone: 770-963-7451

Fax: 770-513-2187

Website: [www.daculaga.gov](http://www.daculaga.gov)

Memo

Dear Citizens:

I am pleased to present to you the Annual Operating and Capital Budget for the 2025 Fiscal Year. In accordance with Georgia Law and the Code of Ordinances for the City of Dacula, this budget is presented for adoption by the City Council on December 5, 2024, for Fiscal Year 2025 beginning January 1 and ending December 31.

Citizen input for this budget will be received at public hearings on November 7 and December 5, 2024.

The City Council and I have made a concentrated effort to look toward the future with the knowledge of the continued growth coming to Dacula. As such, this budget has strategic plans for progress and solutions for challenges which may arise.

Below are some of these plans:

- The property tax millage rate will remain at 4.557 mills.
- In-house real and personal property tax collection, and sanitation billing services have begun and are successful.
- An urban redevelopment project known as the “City Core Project” consisting of a new municipal complex, outdoor amphitheater for community and civic events, greenspace, public parking deck, and other public amenities.

The City has funding allotted for several capital projects utilizing multiple revenue sources from federal, state, and local sources including, but not limited to, ARPA, CDBG, LMIG, SPLOST, and Intergovernmental Agreements. Three improvement projects are programmed for implementation within the Urban Redevelopment Area including the City Core Project, Maxey Street Sewer Improvements, and widening Sanjo Street. Additional projects include asphalt improvements to Brookton North subdivision.

A number of persons contributed many hours of effort in the development of the budget. My thanks go to every department for their input, as well as, the City Administrator, and the Finance Department for their supportive efforts during the budget process.

My thanks also go to each member of the Council for their hard work, thoroughness, and thoughtful contributions during the development of the FY 2025 Budget.

Very truly yours,

Hugh D. King, III  
Mayor

# FISCAL YEAR 2024 BUDGET CALENDAR

DATE(S) / TIMELINE	ACTIVITY
<b>Phase 1</b>	<b>PHASE 1 - STRATEGY FORMULATION (FY 2024 BUDGET PREP DISTRIBUTION)</b>
<b>August 7</b>	FY2024 Budget request worksheets, instructions, and guidelines are distributed to department heads.
<b>Phase 2</b>	<b>PHASE 2 - NEEDS ASSESSMENT, REVIEW &amp; DEVELOPMENT OF FY 2024 BUDGET</b>
<b>August 15 - August 23</b>	The Finance Director and City Administrator holds conferences with the department heads to finalize any changes with the individual budgets.
<b>August 24 – September 10</b>	Finance Director and City Administrator assembles budget requests, compares with revenue estimates, and compiles a preliminary budget document.
<b>September 11 – September 13</b>	The Finance Department meet with Mayor & Council members to review departmental FY2024 Budget requests and make any adjustments deemed necessary.
<b>October 2</b>	Advertise FY2024 Budget information, availability of budget, public hearing dates, and planned adoption date.
<b>Phase 3</b>	<b>PHASE 3 - CITY COUNCIL BUDGET DISCUSSIONS &amp; FINAL BUDGETARY DECISIONS FOR FY 2024</b>
<b>October 3</b>	Present preliminary budget to Mayor & Council and make available to the public.
<b>October 7 – October 30</b>	FY2024 Budget meetings as needed to refine the 2024 Budget and 2023 Amended Budget.
<b>November 7</b>	FY2024 Proposed Budget submitted to Mayor & Council. <b>First Public Hearing.</b>
<b>Phase 4</b>	<b>PHASE 4 - ADOPTION &amp; IMPLEMENTATION OF FY 2024 BUDGET</b>
<b>December 5</b>	<b>Second Public Hearing.</b> FY2024 Budget – Final review and any last revisions. Adopt FY2024 Budget Resolution.
<b>December 9</b>	Print final budget document and send copies to department heads and Council Members.
<b>January 1, 2025</b>	<b>FY2025 Budget is in effect.</b>

**CITY OF DACULA, GEORGIA**  
**FISCAL YEAR 2024 (FY24) BUDGET ADJUSTMENTS & 2025 (FY25)**  
**BUDGET REVIEW & ADOPTION**

**PUBLIC HEARING ON FY24 BUDGET ADJUSTMENTS & FY25 BUDGET:** A Public Hearing on the Proposed FY25 Budget and the FY24 Budget Adjustments is scheduled for Thursday, November 7, 2024 at 6:30 p.m. in the City Hall Council Chambers located at 442 Harbins Road, Dacula, Georgia. At this meeting, the Mayor and Council will receive both written and oral comments about the Annual Operating and Capital Budget for the City of Dacula, Georgia. All citizens are urged to attend.

**RECOMMENDED BUDGET AVAILABLE FOR REVIEW:** The Proposed FY25 Budget and the FY24 Budget Adjustments will be available for public review during normal office hours Monday-Friday between 8:30 a.m. - 5:00 p.m. at Dacula City Hall.

**BUDGET REVIEW:** The Mayor and Council of the City of Dacula are scheduled to review and receive public comments on the Proposed FY25 Budget and the FY24 Budget Adjustments on the following dates:

November 7, 2024 (Thursday)      6:30 p.m. at 442 Harbins Road, Dacula, Georgia

December 5, 2024 (Thursday)      6:30 p.m. at 442 Harbins Road, Dacula, Georgia

**BUDGET ADOPTION:** The Mayor and Council of the City of Dacula are scheduled to adopt the FY25 Budget and the FY24 Budget Adjustments at their regular monthly meeting on Thursday, December 5, 2024. The meeting will be held at 7:00 p.m. in the City Hall Chambers located at 442 Harbins Road, Dacula, Georgia.

**Dates of Publication:** October 2, 2024; October 16, 2024; & November 20, 2024



# Capital Improvements Program



**CITY OF DACULA**

**5-YEAR CAPITAL IMPROVEMENTS PROGRAM**

**(2024 - 2028)**



### 5 - Year Capital Improvements Program (2024 – 2028)

A five-year capital improvements program (CIP) is a list of all capital improvements proposed and completed within a specified five-year period (2024 – 2028). The CIP contains project descriptions, need assessments, cost estimates, financing methods, projected time lines, and estimated annual maintenance for each listed project. Staff continually updates the City's CIP as projects progress and as the City's needs evolve. All future projects within the CIP are projections and are subject to revision based on need assessments.

Staff is presenting the current five-year capital improvements program concurrently with the FY-2025 Budget and FY-2024 Budget Adjustment as a tool to anticipate the future financial needs of upcoming projects.

Year One - 2024						
Project Name	Description	Needs Assessment	Cost Estimate	Financing	Time Schedule	Annual Maintenance/Operation Cost
Brookton Place Subdivision Kristi Beth Court Katie Lynne Lane Nathan Timothy Court Winky Bluff James Henry Drive Sam Calvin Drive Peter Josiah Court Carly Joanna Court Ben Arron Drive	Asphalt improvements	Repairs needed due to age of road	\$950,000	SPLOST LMIG	Spring 2024	\$3,000
McMillan Road	Asphalt and/or stormwater improvements	Improvements needed due to age of road	\$600,000	CDBG LRA	Fall / Winter 2024	\$2,000
Superior Drive	Stormwater improvements	Improvements needed due to age of storm system	\$120,000	SPLOST	Fall / Winter 2024	\$2,000
Whisper Way	Stormwater improvements	Improvements needed due to age of storm system	\$150,000	ARPA	Spring / Summer 2024	\$2,000
Olde Mill Park Extention / Parking	Extend Olde Mill Park to provide gravel public parking	Provide needed services	\$180,000	Endowment	Fall / Winter 2024	\$2,000
Gateway signage	Beautify right-of-ways Designate City boundaries	Determine locations Sign, style, and color	\$100,000	Endowment	Winter 2024 / Spring 2025	\$750
Garbage truck	New garbage truck	Older trucks are in need of replacement	\$250,000	General Fund	Winder 2024 / 2025	\$5,000
Public Works vehicle	Chipper truck	New vehicle needed	\$105,000	SPLOST	2024	\$2,000
Small equipment	Small equipment for maintenance	Replace small equipment (edgers, weed eaters, etc.) as needed	\$5,000	General Fund	2024	\$1,000

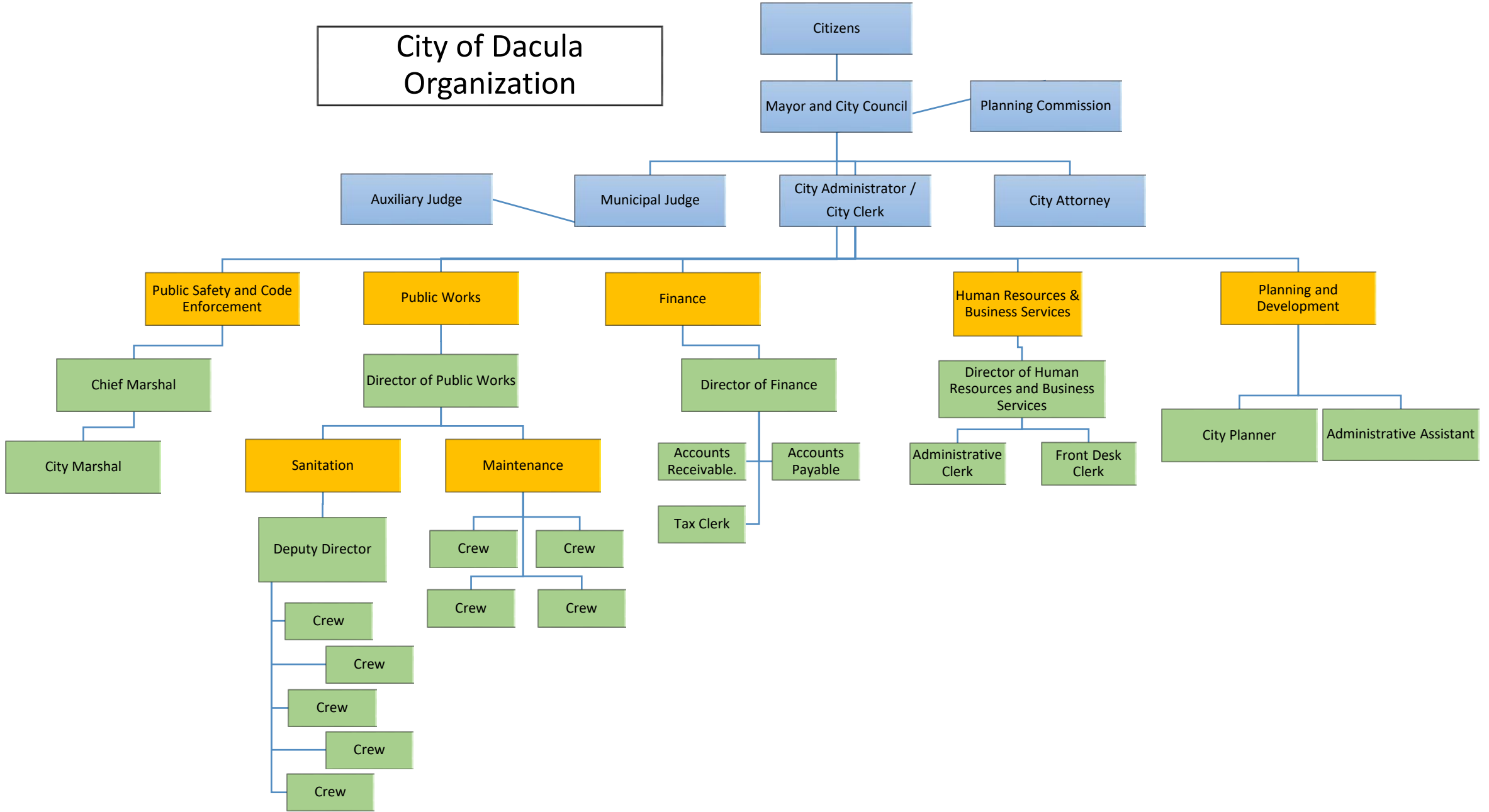
Year Two - 2025						
Project Name	Description	Needs Assessment	Cost Estimate	Financing	Time Schedule	Annual Maintenance/Operation Cost
Brookton North Subdivision Williams Farm Drive Torrey Place Hannah Court	Asphalt improvements	Repairs needed due to age of road	\$500,000	SPLOST LMIG	Spring / Summer 2025	\$2,500
Sanjo Street	Road widening	Improvements needed due to age of road and future needs of area	\$600,000	CDBG	2025	\$2,500
Maxey Street Sewer Improvement	Sewer improvements	Sewer improvement to expand service area	\$1,200,000	ARPA Gwinnet County IGA	2025	\$500
Urban Redevelopment Project AKA "City Core Project"	Urban redevelopment project consisting of a new municipal complex, outdoor amphitheater for community and civic events, greenspace, public parking deck, and other public amenities.	Revitalize the URP area and provide services to the community.	\$42,000,000	SPLOST Endowment Tax-Exempt Bond	2025-2028	\$250,000
Small equipment	Small equipment for maintenance	Replace small equipment (edgers, weed eaters, etc.) as needed	\$5,000	General Fund	2025	\$1,000

Year Three - 2026						
Project Name	Description	Needs Assesment	Cost Estimate	Financing	Time Schedule	Annual Maintenance/Operation Cost
Brookton Downs Subdivision Brookton Drive Brookton Lane Brookton Woods Way	Asphalt improvements	Improvements needed due to age of road	\$600,000	CDBG LMIG	Spring / Summer 2026	\$2,500
Marshal vehicle	New marshal vehicle	Older vehicle is in need of replacement	\$70,000	SPLOST	2026	\$2,000
Small equipment	Small equipment for maintenance	Replace small equipment (edgers, weed eaters, etc.) as needed	\$5,000	General Fund	2026	\$1,000

Year Four - 2027						
Project Name	Description	Needs Assessment	Cost Estimate	Financing	Time Schedule	Operation Cost
South Dacula Subdivision Spring Street William Street William Circle Misty Court Spring Circle	Asphalt and/or stormwater improvements Investigate adding sidewalks	Improvements needed due to age of road	\$900,000	SPLOST LMIG	Spring / Summer 2027	\$2,500
Drowning Creek Road	Asphalt and/or stormwater improvements	Improvements needed due to age of road	\$600,000	CDBG	Summer / Fall 2027	\$2,500
Office equipment	Office computers Office furniture	Office equipment for new municipal complex	\$250,000	General Fund	2027	None
Small equipment	Small equipment for maintenance	Replace small equipment (edgers, weed eaters, etc.) as needed	\$5,000	General Fund	2027	\$1,000

Year Five - 2028						
Project Name	Description	Needs Assessment	Cost Estimate	Financing	Time Schedule	Annual
Freemans Walk Subdivision	Asphalt and/or stormwater improvements	Improvements needed due to age of road	\$900,000	CDBG LMIG	Spring / Summer 2028	\$2,500
Office equipment	Replace office computers Replace office furniture	Replace outdated office equipment	\$15,000	General Fund	2028	None
Small equipment	Small equipment for maintenance	Replace small equipment (edgers, weed eaters, etc.) as needed	\$5,000	General Fund	2028	\$1,000

# City of Dacula Organization







BUDGET FY 2025				
REVENUE	GENERAL FUND - 100			
Account #	Account Description	2025 Proposed Budget	2024 Amended Budget	2024 Current Budget
311100	Real Property Taxes - Current Year	\$ 1,917,532.00	\$ 1,826,221.00	\$ 1,678,000.00
311200/311400	Property Taxes - Prior Year (Real and Personal)	126,932.00	79,191.00	-
311300	Personal Property Taxes - Current Year	61,479.00	59,688.00	61,000.00
319000	Penalties & Interest Real & Personal Property	15,000.00	13,500.00	5,000.00
311315	Motor Vehicle Taxes (TAVT and Annual Ad Valorem Tax)	360,000.00	360,000.00	300,000.00
311320	Mobile Home Taxes	200.00	200.00	200.00
311340	Recording Tax (Intangibles)	30,000.00	22,500.00	35,000.00
311600	Real Estate Transfer Tax	13,500.00	12,000.00	12,500.00
311700	Franchise Taxes	425,000.00	415,000.00	400,000.00
314200	Alcohol Beverage Excise Tax	215,000.00	205,000.00	215,000.00
314300	Alcohol Beverage Tax by the Drink	18,000.00	12,000.00	18,000.00
314500	Energy Exise Tax	3,200.00	3,200.00	-
316100	Occupational Tax (Business Licenses)	170,000.00	170,000.00	125,000.00
316200	Insurance Premium Tax	615,000.00	600,000.00	500,000.00
316300	Financial Institution Tax	45,000.00	45,000.00	45,000.00
321100	Alcohol Licenses	78,900.00	77,850.00	75,000.00
321220	Insurance Company Licenses	16,000.00	16,000.00	16,000.00
322200	Permits issued by Planning Dept.	332,500.00	700,000.00	360,000.00
331152	Community Development Block Grant (CDBG)	550,000.00	525,175.68	-
334100	Local Maintenance & Improvement Grant (LMIG)	86,500.00	82,500.00	82,500.00
334101	2024 Local Road Assistance Funds	-	102,085.00	-
341910	Elections - Qualifying Fee	1,560.00	-	-
351170	Municipal Fines	13,000.00	19,500.00	20,000.00
361000	Interest Revenues	280,000.00	370,000.00	250,000.00
392000	Proceeds of Capital Asset Dispositions	-	825.00	-
<b>GENERAL FUND Revenue Totals:</b>		<b>\$ 5,374,303.00</b>	<b>\$ 5,717,435.68</b>	<b>\$ 4,198,200.00</b>

BUDGET FY 2025				
EXPENDITURES	GENERAL FUND - 100			
Function	Account Description	2025 Proposed Budget	2024 Amended Budget	2024 Current Budget
<b>DEPARTMENT: CITY COUNCIL</b>				
1110	City Council: Salaries	\$ 32,000.00	\$ 32,000.00	\$ 32,000.00
1110	City Council: FICA and Medicare	2,448.00	2,448.00	2,448.00
1110	City Council: Travel	10,000.00	4,000.00	8,000.00
1110	City Council: Education and Training	8,000.00	4,000.00	8,000.00
1110	City Council: Community Outreach Supplies	10,000.00	10,000.00	10,000.00
<b>DEPARTMENT: CITY ADMINISTRATOR</b>				
1320	City Administrator: Salary	\$ 155,413.00	\$ 148,500.00	\$ 148,500.00
1320	City Administrator: FICA, Medicare, FUTA, and SUI	12,347.00	11,500.00	11,500.00
1320	City Administrator: Group Health Insurance	23,273.00	22,797.00	22,758.24
1320	City Administrator: Retirement Contributions	4,300.00	-	-

1320	City Administrator: Other Employee Benefits	4,800.00	4,800.00	4,800.00
1320	City Administrator: Travel	6,000.00	6,000.00	6,000.00
1320	City Administrator: Education and Training	3,000.00	3,000.00	3,000.00
<b>DEPARTMENT: MAYOR</b>				
1310	Mayor: Salary	\$ 12,000.00	\$ 12,000.00	\$ 12,000.00
1310	Mayor: FICA and Medicare	918.00	918.00	918.00
1310	Mayor: Travel	6,000.00	6,000.00	6,000.00
1310	Mayor: Education and Training	2,000.00	2,000.00	2,000.00
<b>DEPARTMENT: ELECTIONS</b>				
1400	Elections: Contract Labor - Poll Workers	\$ 8,500.00	\$ -	\$ -
1400	Elections: General Supplies	10,000.00	-	-
1400	Elections: Travel	350.00	-	-
1400	Elections: Training	-	-	-
1400	Elections: Software	3,500.00	3,500.00	3,500.00
<b>DEPARTMENT: FINANCIAL ADMINISTRATION</b>				
1510	Financial Administration: Salaries	\$ 258,204.00	\$ 242,500.00	\$ 242,500.00
1510	Financial Administration: Group Health Insurance	80,712.00	65,210.00	65,000.00
1510	Financial Administration: FICA, Medicare, FUTA, and SUI	20,113.00	19,000.00	19,000.00
1510	Financial Administration: Retirement Contributions	17,200.00	36,781.20	36,781.20
1510	Financial Administration: Tuition Reimbursements	-	-	10,500.00
1510	Financial Administration: Travel	4,000.00	4,000.00	4,000.00
1510	Financial Administration: Education and Training	5,000.00	5,250.00	5,250.00
1510	Financial Administration: Purchased Services - Professional	75,000.00	67,000.00	65,000.00
1510	Financial Administration: Contract Labor	20,000.00	10,000.00	-
1510	Financial Administration: Purchased Services - Dues and Fees	25,000.00	23,500.00	23,500.00
1510	Financial Administration: Communications	35,000.00	30,000.00	30,000.00
1510	Financial Administration: Advertising	15,000.00	15,000.00	10,000.00
1510	Financial Administration: Other Purchased Services	4,000.00	6,000.00	2,000.00
1510	Financial Administration: Purchased Services - Technical	90,000.00	90,000.00	95,000.00
1510	Financial Administration: Capital Outlay - Purchase of Land	1,300,000.00	1,120,000.00	360,000.00
1510	Contingency	183.00	161,203.60	76,631.90
<b>DEPARTMENT: HUMAN RESOURCES AND BUSINESS SERVICES</b>				
1540	Human Resources: Salaries	\$ 213,018.00	\$ 198,600.00	\$ 198,600.00
1540	Human Resources: Group Health Insurance	69,817.00	68,390.00	68,300.00
1540	Human Resources: FICA, Medicare, FUTA, and SUI	16,566.00	15,500.00	15,500.00
1540	Human Resources: Retirement Contributions	12,900.00	-	-
1540	Human Resources: Tuition Reimbursement	5,250.00	5,250.00	7,500.00
1540	Human Resources: Travel	5,000.00	4,500.00	4,500.00
1540	Human Resources: Education and Training	5,000.00	4,750.00	4,750.00
1540	Human Resources: Purchased Services - Dues and Fees	7,000.00	6,500.00	6,500.00
1540	Human Resources: Insurance - Worker's Compensation	55,000.00	45,000.00	75,000.00
1540	Human Resources: Insurance - Property and Liability	75,000.00	75,000.00	75,000.00
<b>DEPARTMENT: LEGAL</b>				
1530	Legal: Purchased Services - Professional	\$ 80,000.00	\$ 70,000.00	\$ 70,000.00
1530	Legal: Official Code of Georgia Annual Update	1,000.00	1,000.00	1,000.00
1530	Legal: Codification of Ordinances & Records Management	20,500.00	9,500.00	9,500.00

	<b>DEPARTMENT: GOVERNMENT FACILITIES</b>			
1565	Government Facilities: Supplies - Office Supplies	\$ 25,000.00	\$ 25,000.00	\$ 25,000.00
1565	Government Facilities: Water	5,000.00	5,000.00	6,000.00
1565	Government Facilities: Natural Gas	7,500.00	7,000.00	7,000.00
1565	Government Facilities: Electricity	165,000.00	150,000.00	145,000.00
1565	Government Facilities: Supplies - Food	10,000.00	10,000.00	15,000.00
1565	Government Facilities: Repairs and Maintenance	45,000.00	45,000.00	40,000.00
1565	Government Facilities: Supplies - Other Supplies	6,500.00	6,500.00	6,500.00
1565	Government Facilities: Small Equipment - Furniture & Fixtures	3,500.00	3,500.00	3,500.00
1565	Government Facilities: Small Equipment - Computers	9,500.00	5,500.00	5,500.00
1565	Government Facilities: Small Equipment - Other Equipment	3,500.00	3,500.00	3,500.00
1565	Government Facilities: Capital Outlay - Site Improvement	-	6,000.00	15,000.00
	<b>DEPARTMENT: MUNICIPAL COURT</b>			
2650	Municipal Court: Salaries	\$ 6,160.00	\$ 6,160.00	\$ 6,160.00
2650	Municipal Court: FICA, Medicare, FUTA, and SUI	572.00	500.00	500.00
2650	Municipal Court: Travel	1,000.00	1,000.00	1,500.00
2650	Municipal Court: Education and Training	800.00	1,000.00	1,000.00
2650	Municipal Court: Dues and Fees	5,000.00	4,000.00	9,000.00
2650	Municipal Court: Supplies	300.00	300.00	300.00
	<b>DEPARTMENT: PUBLIC SAFETY</b>			
3200	Marshal: Salaries	\$ 155,501.00	\$ 151,300.00	\$ 151,300.00
3200	Marshal: Group Health Insurance	46,545.00	47,490.00	45,600.00
3200	Marshal: FICA, Medicare, FUTA, and SUI	12,076.00	11,800.00	11,800.00
3200	Marshal: Retirement Contributions	8,600.00	12,260.64	12,260.64
3200	Marshal: Travel	6,500.00	4,000.00	4,000.00
3200	Marshal: Education and Training	2,500.00	2,500.00	2,500.00
3200	Marshal: Uniforms	5,000.00	7,500.00	7,500.00
3200	Marshal: Purch Svc Repairs & Maintenance	5,500.00	5,500.00	5,500.00
3200	Marshal: Purchased Services - Technical (Fusus)	-	-	7,300.00
3200	Marshal: Purchased Services - Technical (Flock Cameras)	-	-	20,000.00
3200	Marshal: General Supplies	6,000.00	4,000.00	4,000.00
3200	Marshal: Gasoline	8,500.00	7,500.00	7,200.00
3200	Marshal: Food	1,750.00	1,500.00	1,500.00
3200	Marshal: Dues & Fees	6,500.00	4,000.00	4,000.00
3200	Marshal: Small Equipment	1,000.00	1,200.00	1,200.00
	<b>DEPARTMENT: PUBLIC WORKS</b>			
4200	Streets & Maintenance: Salaries	\$ 304,045.00	\$ 287,000.00	\$ 287,000.00
4200	Streets & Maintenance: Group Health Insurance	91,607.00	88,005.00	88,000.00
4200	Streets & Maintenance: Taxes: FICA, Medicare, FUTA, and SUI	23,710.00	23,500.00	23,500.00
4200	Streets & Maintenance: Retirement Contributions	21,500.00	30,651.60	30,651.60
4200	Streets & Maintenance: Tuition Reimbursement	5,250.00	-	10,500.00
4200	Streets & Maintenance: Travel	1,000.00	500.00	500.00
4200	Streets & Maintenance: Education and Training	2,000.00	2,000.00	2,000.00
4200	Streets & Maintenance: Uniforms	12,500.00	11,400.00	11,400.00
4200	Streets & Maintenance: Purchased Services - Cleaning Services	-	-	4,200.00
4200	Streets & Maintenance: Purchased Services - Repairs & Maintenance	35,000.00	35,000.00	35,000.00

4200	Streets & Maintenance: Gasoline	25,000.00	25,000.00	25,000.00
4200	Streets & Maintenance: Supplies	20,500.00	20,500.00	20,500.00
4200	Streets & Maintenance: Dues and Fees	500.00	500.00	500.00
4200	Streets & Maintenance: Small Equipment (e.g. Weed Eaters)	10,000.00	5,600.00	5,600.00
4200	Streets & Maintenance: Capital Outlay - Large Equipment (e.g. Trucks)	-	108,540.00	108,540.00
4200	Streets & Maintenance: Right of Way Maintenance	55,000.00	50,000.00	50,000.00
4200	Streets & Maintenance: Contract Labor	17,500.00	-	-
4200	Streets & Maintenance: Stormwater & DIP	22,500.00	25,000.00	25,000.00
4200	Streets & Maintenance: Stormwater improvements	15,000.00	15,000.00	15,000.00
4200	Streets & Maintenance: Capital Outlay - Street Infrastructure (LMIG and CDBG)	640,000.00	710,100.00	85,000.00
4200	Streets & Maintenance: Technical Services - Maxey Street Sewer Project	20,000.00	-	-
	<b>DEPARTMENT: CULTURE/RECREATION</b>			
6170	Events: Purchased Services	\$ 12,000.00	\$ -	\$ 12,000.00
6170	Events: Supplies (Memorial Day and Snowflakes)	2,500.00	60,000.00	50,000.00
6200	Parks: Supplies	22,500.00	15,000.00	15,000.00
6200	Parks: Repairs and Maintenance	10,000.00	10,000.00	10,300.00
6200	Parks: Employee Salary (Open & Close Park)	9,000.00	9,800.00	9,800.00
	<b>DEPARTMENT: PLANNING &amp; ZONING</b>			
7400	Planning: Salaries	\$ 131,330.00	\$ 123,000.00	\$ 123,000.00
7400	Planning: Group Health Insurance	34,168.00	32,605.00	32,500.00
7400	Planning: FICA, Medicare, FUTA, and SUI	10,228.00	9,700.00	9,700.00
7400	Planning: Retirement Contributions	8,600.00	12,260.64	12,260.64
7400	Planning: Tuition Reimbursements	-	-	5,250.00
7400	Planning: Travel	4,500.00	4,500.00	4,500.00
7400	Planning: Education and Training	4,000.00	4,000.00	4,000.00
7400	Planning: Professional Services - Building Inspections	190,000.00	355,000.00	180,000.00
7400	Planning: Professional Engineers (General)	80,000.00	95,000.00	95,000.00
7400	Planning: Dues & Fees	1,000.00	1,000.00	425.00
7400	Planning: Professional Services - Revised Zoning Map	2,500.00	2,500.00	2,500.00
7400	Planning: Professional Services - Comprehensive Plan Update	-	16,000.00	-
7400	Planning: Purchased Services - Technical	6,000.00	6,000.00	6,000.00
7400	Planning: Supplies	5,000.00	5,000.00	5,000.00
7400	Planning: Capital Outlay - Equipment	-	-	-
	<b>DEPARTMENT: DOWNTOWN DEVELOPMENT AUTHORITY</b>			
7550	Downtown Development Authority: General	\$ 6,000.00	\$ -	\$ 6,000.00
	<b>Other Financing Uses</b>			
9000	Transfers Out to Sanitation Fund	\$ 121,749.00	\$ 304,365.00	\$ 348,214.78
	<b>GENERAL FUND Expenditure Totals:</b>	\$ 5,374,303.00	\$ 5,717,435.68	\$ 4,198,200.00
	<b>GENERAL FUND 100 REVENUE TOTALS</b>	\$ 5,374,303.00		
	<b>GENERAL FUND 100 EXPENDITURE TOTALS</b>	\$ 5,374,303.00		

BUDGET FY 2025				
REVENUE	TREE BANK FUND - 100			
Account #	Account Description	2025 Proposed Budget	2024 Amended Budget	2024 Current Budget
371001	Fee-in-Lieu	\$ -	\$ -	\$ -
135200	Restricted Fund Balance	33,500.00	-	33,500.00
<b>TREE BANK FUND Revenue Totals:</b>		\$ 33,500.00	\$ -	\$ 33,500.00
BUDGET FY 2025				
EXPENDITURES	TREE BANK FUND - 100			
Function	Account Description	2025 Proposed Budget	2024 Amended Budget	2024 Current Budget
6240- Forestry and Nursery	Forestry: Trees and Plants	\$ 33,500.00	\$ -	\$ 33,500.00
<b>TREE BANK FUND Expenditure Totals:</b>		\$ 33,500.00	\$ -	\$ 33,500.00
TREE BANK FUND 100 REVENUE TOTALS		\$ 33,500.00		
TREE BANK FUND 100 EXPENDITURE TOTALS		\$ 33,500.00		

BUDGET FY 2025				
REVENUE	AMERICAN RESCUE PLAN ACT FUNDS (ARPA) - 230			
Account #	Account Description	2025 Proposed Budget	2024 Amended Budget	2024 Current Budget
332300	American Rescue Plan Act Funds	\$ 520,000.00	\$ 775,000.00	\$ 744,700.00
361000	Interest Income	15,000.00	40,000.00	7,500.00
135200	Restricted Fund Balance	49,000.00	-	-
<b>ARPA FUND Revenue Totals:</b>		\$ 584,000.00	\$ 815,000.00	\$ 752,200.00
BUDGET FY 2025				
EXPENDITURES	AMERICAN RESCUE PLAN ACT FUNDS (ARPA) - 230			
Function	Account Description	2025 Proposed Budget	2024 Amended Budget	2024 Current Budget
4200- Highway/Streets	Purchased Services: Sewer Infrastructure	\$ 584,000.00	\$ 600,000.00	\$ 600,000.00
4200- Highway/Streets	Capital Outlay: Stormwater Infrastructure	-	215,000.00	152,200.00
<b>ARPA FUND Expenditure Totals:</b>		\$ 584,000.00	\$ 815,000.00	\$ 752,200.00
ARPA FUND 230 REVENUE TOTALS		\$ 584,000.00		
ARPA FUND 230 EXPENDITURE TOTALS		\$ 584,000.00		

PROJECT LENGTH BUDGET			
REVENUE	ENDOWMENT FUND - 300		
Account #	Account Description	Amended Budget	Current Budget
371000	Donation	\$ 3,442,587.50	\$ 3,442,587.50
361000	Interest Income	8,277.23	8,277.23
<b>ENDOWMENT FUND Revenue Totals:</b>		<b>\$ 3,450,864.73</b>	<b>\$ 3,450,864.73</b>
PROJECT LENGTH BUDGET			
EXPENDITURES & OTHER FINANCING USES	ENDOWMENT FUND - 300		
Function	Account Description	Amended Budget	Current Budget
6200- Parks and Recreation	Capital Outlay: Beautification, Parks, and Recreation	\$ 2,314,879.73	\$ 2,314,879.73
9000- Other Financing Use	Transfers Out to Urban Redevelopment Project Fund	1,135,985.00	1,135,985.00
<b>ENDOWMENT FUND Expenditure Totals:</b>		<b>\$ 3,450,864.73</b>	<b>\$ 3,450,864.73</b>
		<b>ENDOWMENT FUND 300 REVENUE TOTALS</b>	<b>\$ 3,450,864.73</b>
		<b>ENDOWMENT FUND 300 EXPENDITURE TOTALS</b>	<b>\$ 3,450,864.73</b>

PROJECT LENGTH BUDGET			
<b>REVENUE</b>	2017 SPLOST FUND - 320		
<b>Account #</b>	<b>Account Description</b>	<b>Amended Budget</b>	<b>Current Budget</b>
337100	Special Purpose Local Option Sales Tax	\$ 5,855,899.00	\$ 5,855,899.00
361000	Interest Income	224,314.90	124,314.90
<b>2017 SPLOST FUND Revenue Totals:</b>		\$ 6,080,213.90	\$ 5,980,213.90
PROJECT LENGTH BUDGET			
<b>EXPENDITURES</b>	2017 SPLOST FUND - 320		
<b>Function</b>	<b>Account Description</b>	<b>Amended Budget</b>	<b>Current Budget</b>
1565- Government Facilities	Capital Outlay: Admin Facilities	\$ 893,791.27	\$ 879,091.27
3200- Public Safety	Capital Outlay: Public Safety Facilities and Equipment	212,807.74	209,307.74
6200- Parks and Recreation	Capital Outlay: Recreational Facilities and Equipment	303,871.48	298,873.77
4200- Highway/Streets	Capital Outlay: Transportation	4,374,279.43	4,302,336.58
4200- Highway/Streets	Capital Outlay: Water and Sewer	295,463.97	290,604.54
<b>2017 SPLOST FUND Expenditure Totals:</b>		\$ 6,080,213.90	\$ 5,980,213.90
2017 SPLOST FUND 320 REVENUE TOTALS		\$ 6,080,213.90	
2017 SPLOST FUND 320 EXPENDITURE TOTALS		\$ 6,080,213.90	



**PROJECT LENGTH BUDGET**

<b>REVENUE</b>			
<b>2023 SPLOST FUND - 321</b>			
<b>Account #</b>	<b>Account Description</b>	<b>Amended Budget</b>	<b>Current Budget</b>
337100	Special Purpose Local Option Sales Tax	\$ 9,620,184.00	\$ 9,620,184.00
361000	Interest Income	300,000.00	65,085.56
<b>2023 SPLOST FUND Revenue Totals:</b>		\$ 9,920,184.00	\$ 9,685,269.56

**PROJECT LENGTH BUDGET**

<b>EXPENDITURES</b>			
<b>2023 SPLOST FUND - 321</b>			
<b>Function</b>	<b>Account Description</b>	<b>Amended Budget</b>	<b>Current Budget</b>
1565- Government Facilities	Capital Outlay: Admin Facilities	\$ 4,761,687.99	\$ 4,648,929.07
3200- Public Safety	Capital Outlay: Public Safety Facilities and Equipment	297,606.01	290,558.57
6200- Parks and Recreation	Capital Outlay: Recreational Facilities and Equipment	198,218.40	193,524.50
4200- Highway/Streets	Capital Outlay: Transportation	3,174,457.97	3,099,285.37
4200- Highway/Streets	Capital Outlay: Water and Sewer	1,488,213.63	1,452,972.05
<b>2023 SPLOST FUND Expenditure Totals:</b>		\$ 9,920,184.00	\$ 9,685,269.56
		<b>2023 SPLOST FUND 321 REVENUE TOTALS</b>	\$ 9,920,184.00
		<b>2023 SPLOST FUND 321 EXPENDITURE TOTALS</b>	\$ 9,920,184.00

**PROJECT LENGTH BUDGET**

<b>REVENUE &amp; OTHER FINANCING SOURCES</b>		<b>URBAN REDEVELOPMENT PROJECT FUND - 360</b>
<b>Account #</b>	<b>Account Description</b>	<b>Proposed Budget</b>
393100	Bond Proceeds	\$ 43,410,000.00
393400	Premiums on Bonds Issued	1,486,756.00
361000	Interest Income	2,904,258.00
391000	Transfers In from Endowment Fund	1,135,985.00
<b>URBAN REDEVELOPMENT PROJECT FUND Revenue &amp; Other Financing Sources Totals:</b>		<b>\$ 48,936,999.00</b>

**PROJECT LENGTH BUDGET**

<b>EXPENDITURES &amp; OTHER FINANCING USES</b>		<b>URBAN REDEVELOPMENT PROJECT FUND - 360</b>
<b>Department/Function</b>	<b>Account Description</b>	<b>Proposed Budget</b>
1565- Government Facilities	Capital Outlay: Site Improvements	\$ 19,303,885.00
1565- Government Facilities	Capital Outlay: Buildings and Building Improvements	23,275,500.00
8000- Debt Service	Debt Service: Bond issuance costs	726,132.00
9000- Other Financing Use	Other Financing Use: Transfers Out to General Fund	5,631,482.00
<b>URBAN REDEVELOPMENT PROJECT FUND Expenditure Totals:</b>		<b>\$ 48,936,999.00</b>
URBAN REDEVELOPMENT PROJECT FUND 360 REVENUE TOTALS		\$ 48,936,999.00
URBAN REDEVELOPMENT PROJECT FUND 360 EXPENDITURE TOTALS		\$ 48,936,999.00

**BUDGET FY 2025**

<b>REVENUE</b>				
<b>SANITATION FUND - 540</b>				
<b>Account #</b>	<b>Account Description</b>	<b>2025 Proposed Budget</b>	<b>2024 Amended Budget</b>	<b>2024 Current Budget</b>
344110	Refuse Collection Charges	\$ 720,000.00	\$ 700,000.00	\$ 700,000.00
344190	Other Charges (Interest and Penalties on Delinquent Fees)	3,000.00	3,000.00	900.00
361000	Interest Income	25,000.00	35,000.00	25,000.00
391000	Transfers In from General Fund	121,749.00	304,365.00	348,214.78
<b>SANITATION FUND Revenue Totals:</b>		<b>\$ 869,749.00</b>	<b>\$ 1,042,365.00</b>	<b>\$ 1,074,114.78</b>

**BUDGET FY 2025**

<b>EXPENDITURES</b>				
<b>SANITATION FUND - 540</b>				
<b>Function</b>	<b>Account Description</b>	<b>2025 Proposed Budget</b>	<b>2024 Amended Budget</b>	<b>2024 Current Budget</b>
4520	Sanitation: Salary	\$ 359,079.00	\$ 340,240.00	\$ 340,240.00
4520	Sanitation: Group Health Ins	101,019.00	76,000.00	92,000.00
4520	Sanitation: FICA, Medicare, FUTA, and SUI	28,101.00	26,843.00	26,842.86
4520	Sanitation: Retirement Contributions	25,800.00	36,782.00	36,781.92
4520	Sanitation: Tuition Reimbursement	5,250.00	-	15,750.00
4520	Sanitation: Travel	1,500.00	500.00	500.00
4520	Sanitation: Education and Training	5,000.00	5,000.00	5,000.00
4520	Sanitation: Uniforms	14,500.00	14,000.00	14,000.00
4520	Sanitation: Purch Svc Repairs & Maintenance	65,000.00	65,000.00	65,000.00
4520	Sanitation: Gasoline	35,000.00	32,000.00	32,000.00
4520	Sanitation: Supplies	5,000.00	5,000.00	5,000.00
4520	Sanitation: Dues & Fees	1,000.00	1,000.00	1,000.00
4520	Sanitation: Disposal Fees	175,000.00	150,000.00	150,000.00
4520	Sanitation: Recycling Fees	25,000.00	25,000.00	25,000.00
4520	Sanitation: Contract Labor	23,500.00	15,000.00	15,000.00
4520	Sanitation: Capital Outlay - Garbage Truck	-	250,000.00	250,000.00
<b>SANITATION FUND Expenditure Totals:</b>		<b>\$ 869,749.00</b>	<b>\$ 1,042,365.00</b>	<b>\$ 1,074,114.78</b>
SANITATION FUND 540 REVENUE TOTALS		\$ 869,749.00		
SANITATION FUND 540 EXPENDITURE TOTALS		\$ 869,749.00		

**A RESOLUTION**

**TO ADOPT THE FISCAL YEAR 2025 BUDGET & 2024 BUDGET ADJUSTMENT FOR EACH FUND OF THE CITY OF DACULA, GEORGIA, APPROPRIATING THE AMOUNTS SHOWN IN EACH BUDGET AS EXPENDITURES/ EXPENSES, ADOPTING THE SEVERAL ITEMS OF REVENUE ANTICIPATIONS, AND PROHIBITING EXPENDITURES OR EXPENSES FROM EXCEEDING THE ACTUAL FUNDING AVAILABLE**

**WHEREAS**, sound governmental operations require a budget in order to plan financing of services for residents of the City of Dacula; and

**WHEREAS**, Title 36, Chapter 81, Article 1 of the Official Code of Georgia Annotated (OCGA) requires a balanced budget for the City’s fiscal year, which runs from January 1 to December 31 of each year; and

**WHEREAS**, the Mayor and City Council of the City of Dacula have reviewed the proposed FY25 budget as presented by the Mayor; and

**WHEREAS**, each of these funds is a balanced budget, so that anticipated revenues and other financial resources for each fund equal the proposed expenditures or expenses; and

**WHEREAS**, the Mayor and City Council wishes to adopt this proposal as the Fiscal Year 2025 Annual Budget, effective from January 1, 2025 through December 31, 2025

**NOW THEREFORE BE IT RESOLVED** by the Mayor and City Council of the City of Dacula, Georgia as follows:

**Section 1.** That the proposed Fiscal Year 2025 Budget, attached hereto and incorporated herein as a part of this Resolution is hereby adopted as the Budget for the City of Dacula, Georgia for the Fiscal Year 2025, which begins January 1, 2025 and ends on December 31, 2025.

**Section 2.** That the several items of revenues, other financial resources, and sources of cash shown in the budget for each fund as proposed expenditures or expenses, and uses of cash are hereby appropriated to the departments named in each fund.

**Section 3.** That the “legal level of control” as defined in OCGA § 36-81 is set at the departmental level, meaning that the Mayor in his capacity is authorized to move appropriations from one line item to another within a department, but under no circumstances may expenditures or expenses exceed the amount appropriated for a department without further Budget amendment approved by the Mayor and City Council.

**Section 4.** That all appropriations shall lapse at the end of the fiscal year.

**Section 5.** That this Resolution shall be and remain in full force and effect from and after it’s date of adoption.

Adopted this 5<sup>th</sup> day of December, 2024.

**CITY OF DACULA, GEORGIA**

\_\_\_\_\_  
By: Trey King, Mayor

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Attest: Brittini Nix, City Administrator

(AFFIX SEAL)