



# Planning Commission Public Hearing

Monday, August 26, 2024 at 6:00 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:

### MINUTES:

1. Approval of the Minutes from the meeting on Tuesday, May 28, 2024

### OLD BUSINESS:

### NEW BUSINESS:

2. **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.
3. **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.
4. **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.
5. **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.
6. **PUBLIC HEARING:** Ordinance to amend Article XVII of the Zoning Resolution
7. Ordinance to amend Article XVII of the Zoning Resolution

### ADJOURNMENT:



# Planning Commission Public Hearing

Tuesday, May 28, 2024 at 6:00 PM

Dacula City Hall, Council Chambers

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## Minutes

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

The Planning Commission met on Monday, May 28, 2024 in the Council Chambers at Dacula City Hall, Dacula, Georgia.

Chairman Mark Chandler called the meeting to order at 6:00 p.m. and conducted a roll call of the members. A quorum was present.

#### **Present:**

Chairman Mark Chandler  
Member Lisa Bradberry  
Member Gene Greeson  
Member Monica Francis  
Member Myra Montalbano

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

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

### **II. INVOCATION:**

Mayor Trey King gave the invocation.

### **III. PLEDGE OF ALLEGIANCE:**

Chairman Mark Chandler led the Pledge of Allegiance.

### **IV. MINUTES:**

1. Approval of the Minutes from the meeting on Monday, February 26, 2024

Motion to approve made by Member Greeson, Seconded by Member Francis.

Voting Yea: Member Bradberry, Member Greeson, Member Francis, Member Montalbano

**V. OLD BUSINESS:**

*None*

**VI. NEW BUSINESS:**

**2. PUBLIC HEARING:** Ratification of revisions to the Official Zoning Map of the City of Dacula

Motion to open the public hearing made by Member Francis, Seconded by Member Greeson.

Voting Yea: Member Bradberry, Member Greeson, Member Francis, Member Montalbano

City Planner, Hayes Taylor, stated staff recommends ratifying the current zoning map that reflects zoning actions since June 5, 2023. If ratified, the map will become the Official Map of the Corporate Limits of the City of Dacula, Georgia.

*No comments*

Motion to close the public hearing made by Member Greeson, Seconded by Member Francis.

Voting Yea: Member Bradberry, Member Greeson, Member Francis, Member Montalbano

**3. Ratification of revisions to the Official Zoning Map of the City of Dacula**

Motion to approve made by Member Greeson, Seconded by Member Bradberry.

Voting Yea: Member Bradberry, Member Greeson, Member Francis, Member Montalbano

**4. PUBLIC HEARING:** Removal of the Special Use Permit 2023-CD-SUP-01 at 245 McMillan Road for automotive sales lot and associated service facility use; and auto body repair use per Article XVII, Section 1706 of the Zoning Resolution. The property is located in Land Lot 302A, of the 5th District and contains 0.46 acres more or less.

Motion to open the public hearing made by Member Greeson, Seconded by Member Francis.

Voting Yea: Member Bradberry, Member Greeson, Member Francis, Member Montalbano

City Administrator, Brittini Nix, explained the Special Use Permit process and gave a brief history on the current zoning for the subject property. Ms. Nix stated staff recommends removing the Special Use Permit for failure to comply with Section 1706 B.6 of the City's Zoning Resolution.

Public comment:

Emily Hernandez, 2139 Caledina Drive, Lawrenceville, GA, stated that the current owner would like to keep the special use permit to run a mechanical shop.

Ms. Nix clarified that the removal of the special use permit will not affect the owner running a mechanic shop.

Motion to close the public hearing made by Member Greeson, Seconded by Member Montalbano.

Voting Yea: Member Bradberry, Member Greeson, Member Francis, Member Montalbano

5. Removal of Special Use Permit 2023-CD-SUP-01

Motion to approve removal of Special Use Permit 2023-CD-SUP-01 made by Member Greeson, Seconded by Member Francis.

Voting Yea: Member Bradberry, Member Greeson, Member Francis, Member Montalbano

***VII. ADJOURNMENT:***

Motion to adjourn made by Member Francis, Seconded by Member Greeson.

Voting Yea: Member Bradberry, Member Greeson, Member Francis, Member Montalbano

Meeting adjourned at 6:14 p.m.

*Minutes approved*

\_\_\_\_\_

*Date*

\_\_\_\_\_

*Signature*

# Memorandum

**To:** City of Dacula Council and Mayor/  
Planning Commission and Members  
**From:** Hayes Taylor, City Planner  
**Date:** August 26, 2024  
**Subject:** 2024-CD-RZ-01

**Proposed Zoning:** C-3 (Central Business District and Heavy Commercial District)

**Existing Zoning:** OI (Office-Institutional District)

**Size:** 1.634 acres

**Proposed Use:** Animal Hospital

**Applicant:** Tricon Properties, LLC  
1310 Atlanta Highway  
Auburn, GA, 30019  
770-339-4690

**Owner:** Tricon Properties, LLC  
1310 Atlanta Highway  
Auburn, GA, 30019  
770-339-4690

**Location:** 5th District, Land Lot 303, Parcel R5303 077

## Existing Land Use and Zoning:

The subject property is located at 420 Dacula Road, totaling 1.634 acres along Dacula Rd, and is less than 500 feet south from the Fence Rd and Dacula Rd intersection. The parcel is zoned OI (Office-Institutional District) and the prior use was a dental office. On the site is one (1) 1,985 square foot building, and an eighteen (18) space parking lot. The rear of the property includes septic system lines and a 187.5-foot wide Georgia Power Company easement. The parcel adjacent to the north is a United States Post Office, zoned OI (Office-Institutional District) and the properties to the south are zoned R-1200 (Single-Family Residential), which are contained within the Whisper Way subdivision.

The City Council previously approved 2017-CD-VAR-03 on the subject property to allow for an addition. The approved variance reduced the required 50-foot front setback to 30 feet to increase the usable area of the property given that permanent structures are prohibited within transmission line easements.

The site contains a Georgia Power transmission line easement, which limits approximately 1.2 acres of the 1.634 acres or 73% of the property. Parking requirements occupy roughly 6,124 square feet or 32% of the remaining area. The existing office building and the proposed fenced area would occupy 4,529 square feet, approximately 6.4% of the total lot area.

**The Proposed Rezoning & Development:**

The applicant has requested to rezone the 1.634-acre property from OI (Office Institutional District) to C-3 (Central Business District and Heavy Commercial District) for the use of an animal hospital. Per the Zoning Resolution, veterinary clinics and animal hospitals require a C-3 zoning (Article IX, Section 907).

The submitted site plan shows that the proposed animal hospital would not require exterior renovations. The only proposed site modification is constructing a six (6) feet high, 48' x 53', wooden privacy fence to create an area in which animals may be walked and observed. The proposed development does not include a dumpster, instead the site plan shows four (4), ninety-five (95) gallon trash cans screened from the right-of-way behind the building within the fenced area.

Application materials state that the business hours would be from 9:00 AM to 5:00 PM, Monday through Friday, and 9:00 AM to 1:00 PM on Saturdays. The office would be closed on Sundays. The applicant asserts that there would be minimum impacts on residents given the proposed limited business hours and the existing 187.5-foot transmission line buffer between the existing buildings and the subdivision.

**Summary:**

The subject rezoning is consistent with the locally driven employment portion of the Dacula Character area description and would allow residents who have used Dacula Animal Hospital's services for years to continue support local business. The proposed business model would be consistent with the commercial character of the Dacula Rd and Fence Rd intersection. The site is well suited for an animal hospital and due to the site constraints, non-office related uses may not be feasible. Staff recommends the requested rezoning be approved with conditions.

**Comprehensive Plan:**

The City of Dacula's 2050 Comprehensive Plan labels the subject property as Dacula Downtown Use on the Future Land Use Map. Dacula Downtown land uses are described as supporting the locally driven employment of residents, facilitating retail growth, and increasing trail and multi-modal connectivity (The City of Dacula 2050 Comprehensive Plan, page 61). The Guidance for Rezoning by Character Area table calls for C-1, C-2, R-1200, and OI in the Dacula Downtown (pg 69).

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

The subject parcel neighbors a commercial center across Dacula Rd to the north-east, is adjacent to a U.S. Postal Office location, and is proximal to the C-3 zoned Kroger shopping center, which is just north of Fence Rd. Adjacent residential properties would be distanced from the proposed animal hospital by the 187.5-foot Georgia Power transmission line easement. The proposed limitations on the hours and scope of the animal hospital would offer additional safeguards for nearby residents. Considering the above, the proposed development could be considered suitable as proposed.

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

The proposed rezoning with recommended conditions should not adversely impact the surrounding residential properties. Approving the recommended Zoning conditions would limit the potential of adverse impacts.

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

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

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

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

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

The City of Dacula's Future Land Use Map shows the property within the Dacula Downtown Character Area. Based on the recommended zoning districts for the character area, the proposed rezoning may not be considered suitable at this location; however, the business model matches the description of local services and commercial growth within the character area description (City of Dacula 2050 Comprehensive Plan, pg 61).

**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 precedent for C-3 zoning north of the Dacula Rd and Fence Rd intersection. Evaluation of appropriate future uses of the property should consider existing site constraints, which limit the usable parcel acreage.

**Recommendation:**

Based on the application, the requested rezoning is recommended for approval with the following conditions.

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.



**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>Tricon Properties, LLC</u>	NAME <u>Tricon Properties, LLC</u>
ADDRESS <u>1310 Atlanta Highway</u>	ADDRESS <u>1310 Atlanta Highway</u>
CITY <u>Auburn</u>	CITY <u>Auburn</u>
STATE <u>Georgia</u> ZIP <u>30011</u>	STATE <u>Georgia</u> ZIP <u>30011</u>
PHONE <u>770-339-4690</u> FAX _____	PHONE <u>770-339-4690</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 Jody Charles Campbell  
 COMPANY NAME Blum & Campbell, LLC  
 ADDRESS 3000 Langford Rd., Bldg. 100  
Peachtree Corners, Georgia  
 PHONE 470-365-2890 FAX 470-365-2889  
 EMAIL jody@blumcampbell.com

PRESENT ZONING DISTRICT(S) Ol- Office/Inst. REQUESTED ZONING DISTRICT C-3 Central Bus. Dist.  
 LAND LOT(S) 303 PARCEL # R5303 077 DISTRICT(S) 5th ACREAGE 1.6340  
 PROPOSED DEVELOPMENT OR SPECIAL USE REQUESTED Veterinary Hospital and Clinic.

<b>RESIDENTIAL DEVELOPMENT:</b>	<b>NON-RESIDENTIAL DEVELOPMENT:</b>
NO. OF LOTS/DWELLINGS UNITS _____	NO. OF BUILDINGS/LOTS <u>1</u>
DWELLING UNIT SIDE (SQ. FT.) _____	TOTAL GROSS SQ. FEET <u>1,967 sq. ft.</u>

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

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

**CASE NUMBER**

STATE WATERS NOTE:  
THERE ARE NO STATE WATERS ON OR WITHIN 200 FEET OF THIS PROPERTY THAT REQUIRE STATE BUFFERS

THERE ARE NO WETLANDS LOCATED ON THIS SITE

THE DESIGN PROFESSIONAL, WHOSE SEAL APPEARS HEREON, CERTIFIES THE FOLLOWING: 1) THE NATIONAL WETLAND INVENTORY MAPS HAVE BEEN CONSULTED; AND 2) THE APPROPRIATE PLAN SHEET DOES NOT INDICATE AREAS OF UNITED STATES ARMY CORPUS OF ENGINEERS JURISDICTIONAL WETLANDS AS SHOWN ON THE MAPS; AND 3) IF WETLANDS ARE INDICATED, THE LAND OWNER OR DEVELOPER HAS BEEN ADVISED THAT LAND DISTURBANCE OF PROTECTED WETLANDS SHALL NOT OCCUR UNLESS THE APPROPRIATE WETLANDS ALTERATION PERMIT HAS BEEN OBTAINED.

AREA SUMMARY:  
TOTAL SITE AREA: 1.63 AC.  
PERFORMANCE STANDARDS  
CURRENT ZONING: O/I  
PROPOSED ZONING: C3

TRICON PROPERTIES, LLC  
1310 ATLANTA HWY, AUBURN, GA 30011  
881-282-2149

PROJECT: DACULA ANIMAL HOSPITAL  
420 DACULA ROAD, DACULA, GA 30019  
LL 303 5TH DISTRICT, THE CITY OF DACULA, GWINNETT COUNTY, GA

TerroBuild PROJECT NO. 242636  
P.O. BOX 901 AUBURN, GA 30011  
Office: 770.902.7919  
www.terrobuildusa.com

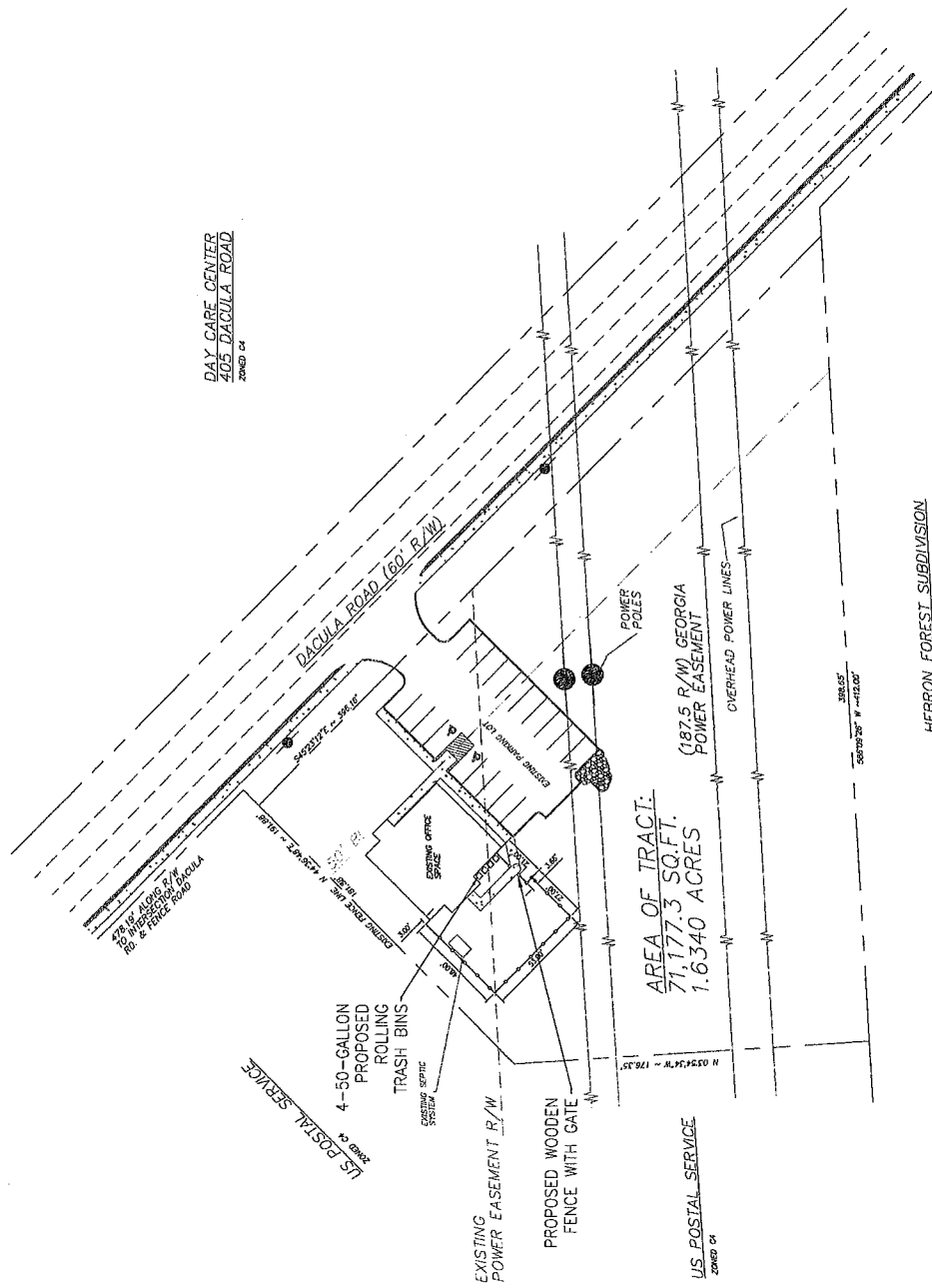
SEAL



DESIGNED BY: JTH  
DRAWN BY: MAN  
CHECKED BY: JTH  
APPROVED BY: SVI  
DATE: JUNE 27, 2024  
REVISIONS: 2/7-10-24 - REVISION COMMENTS: JTH

ZONING: PLAT  
FRAMING NUMBER: Z1.01

DAY CARE CENTER  
405 DACULA ROAD  
ZONED C3



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(404) 325-5000  
(metro Atlanta only)  
IT'S THE LAW



GRAPHIC SCALE  
1" = 40'  
NORTH

GPS COORDINATES OF SITE: 33.99774, -83.90423

# BLUM & CAMPBELL, LLC

Attorneys at Law

JODY CHARLES CAMPBELL  
ATTORNEY AT LAW  
LICENSED IN GA

3000 Langford Road, Building 100  
Peachtree Corners, Georgia 30071

TELEPHONE: (470) 365-2890  
FACSIMILE: (470) 365-2899  
JODY@BLUMCAMPBELL.COM

July 11, 2024

## **VIA Hand Delivery**

Honorable Mayor Trey King  
Councilmember Denis W. Haynes, Jr.  
Councilmember Ann Mitchell  
Councilmember Daniel Spain  
Councilmember Sean Williams  
Dacula City Hall  
442 Harbins Road  
Dacula, Georgia 30019

**Re: Tricon Properties, LLC  
Application for Rezoning  
Property Address: 420 Dacula Road, Dacula, Georgia 30019  
Parcel No. R5303 077**

Dear Mayor King and Councilmembers:

This law firm has the pleasure of representing Tricon Properties, LLC. My client is the owner of the property located at 420 Dacula Road, Dacula, Georgia 30019. (the "Property"). The Property is currently located approximately 478 feet to the southeast of the intersection of Dacula Road and Fence Road next to the Dacula Post Office. The Property consists of 1.6340 acres of property and contains a single-story, brick building 1,967 square feet in size and with an eighteen (18) space, asphalt parking lot. The building was constructed in 1986. The Property is currently zoned Office-Institutional (OI) and was previously used as a dental and orthodontic office. Tricon Properties, LLC seeks to rezone the Property to Central Business District (C-3) to allow for the operation of a veterinary clinic by Dacula Animal Hospital.

Dacula Animal Hospital has operated for the last thirty years off Winder Highway in unincorporated Gwinnett County. Due to untenable development conditions along the Highway 29 corridor and displacement caused by the Rowen Project, Dr. Neal believes that now is the perfect time to relocate his veterinary practice and become part of the community that the practice has served since its inception. If approved, the veterinary clinic will operate during normal business hours only from 9:00am to 5:00pm Monday through Friday and 9:00am through 1:00pm on Saturday. The clinic will be closed on Sundays. The clinic does not offer overnight boarding or kenneling services, and no such business activity will be conducted at the location.

No modification to the exterior of the building will be required in order to relocate the business, and any interior modifications will be approved by the planning department prior to commencement. Dr. Neal intends to replace the existing signage on the Property with identical size and shape signage, meaning no change to the present sign structures will be required. Dr. Neal does plan to install a six (6) foot high wooden fence in the rear of the building to create an area approximately 48' x 53' to allow for an area where animals can be walked and observed in the course of medical diagnosis. Although there are no specific fencing design standards stated in City's Zoning Resolution for such a use, all other commercial uses in other zoning classifications where fences are required provide for a minimum of six (6) feet in height and opaque building materials. My client will ensure that the fence complies with these requirements. The proposed fence is depicted on the attached site plan.

Dr. Neal does not intend to use a dumpster for solid waste disposal. Instead, waste and rubbish will be stored and disposed of using four 95-gallon trash cans that will be shielded completely from view of the public within the fenced area. Dr. Neal is confident that all trash and waste can be sustained using these cannisters. However, if additional trash service is required in the future, Dr. Neal would consider placement of a 2-yard dumpster on the southernmost parking space, enclosed within a three-sided brick enclosure with opaque metal gate to match the materials of the primary structure. Of course, any such improvements would be submitted to the City for permitting and approval prior to construction, and we would welcome a zoning condition confirming said requirements.

We believe that the proposed use as a veterinary clinic is consistent with and in furtherance of the City's 2050 Comprehensive Plan Update. The Property contains 400 feet of frontage along Dacula Road less than 500 feet from the intersection with Fence Road. Both of these roads are identified as Major Arterials, which are uniquely suited for commercial applications. The Property is identified as "Commercial Office" on the Future Land Use Map and is located in the heart of the City's Commercial Corridor. The proposed use will further the stated goal of providing diverse land uses in the downtown area through "redevelopment of underutilized or abandoned...properties." *See*, 2050 Comprehensive Plan Update, p. 57. Finally, the Property is located with the Downtown Dacula Character area, which is designed primarily for commercial retail and office uses that support existing residents. Providing medical facilities and care for the family pets of the City is consistent with that goal and increases the diversity of land uses for commercial applications.

We further submit that the proposed use will have little to no impact on adjacent properties and businesses. This is true for a number of reasons. First, the majority of the Property is currently encumbered by a Georgia Power utility easement on which multiple high voltage, transmission lines are located. The presence of both a 500kv and 230kv transmission line has a much greater impact on neighboring residential properties than what amounts to the continuation of an office use of the property that has been ongoing for decades. Second, the electric utility easement effectively creates a 185-foot buffer between the footprint of the existing building and the closest residential property. Third, the specific business model of Dr. Neal, including restrictions on boarding and kenneling as well as hours of operation, ensures that the veterinary clinic will not impair the quiet enjoyment of neighboring properties. These restrictions can further be memorialized in the form of zoning conditions to provide legal assurances said restrictions will be

adhered to. Finally, while we believe the useable area of the property would not permit any other C-3 application on the Property, however, any concern about such other permissible C-3 uses can be completely eliminated by a zoning condition eliminating any other C-3 use without further approval of the Mayor and City Council.

We believe that this development and project is uniquely tailored to this location and would be a valuable addition to the downtown area. The business would provide a much needed service for neighboring residents, will providing jobs and economic development, and revitalize a property that has become vacant since the previous owner relocated their business. Additionally, rezoning the property to C-3 would increase the property's value thereby increasing the property tax digest in the area.

In closing, we believe that the denial of this proposed rezoning or the grant of such rezoning with unreasonable conditions will result in substantial monetary damage to my client. The subject property is currently underutilized and the present zoning can no longer support the highest and best use of the Property. The denial of this request will violate the owner's rights of due process and equal protection, procedural and substantive, and violation of Article I, Section I, Paragraphs 1 and 2, and Article I, Section III, Paragraph 1 of the Georgia Constitution and the Fifth and Fourteenth Amendments to the United States Constitution. Denial of the rezoning will destroy owner's property rights without first paying just compensation and would constitute an arbitrary and capricious act by the City of Dacula without any rational basis therefore, constituting an abuse of discretion. Further, a refusal to rezone the subject property so as to permit the highest and best use of the property consistent with the 2050 Comprehensive Plan Update would be unconstitutional and would discriminate in an arbitrary and capricious and unreasonable manner between the owner and owners' of similarly situated property. This application meets the prescribed test set out by the Georgia Supreme Court to be used in establishing the constitutional balance between private property rights and zoning as an expression of the government's police power.

My clients look forward to working with the City to bring a valuable member of the business community into the City limits and finally make Dacula Animal Hospital a location worthy of its name. If you have any questions or need any additional information to process this application, please do not hesitate to contact me.

Very Truly Yours,

BLUM & CAMPBELL, LLC



Jody Charles Campbell

Cc: City of Dacula Planning and Development Department

### **Legal Description**

All that tract or parcel of land lying and being in Land Lot 303 of the 5<sup>th</sup> District, Gwinnett County, Georgia, containing 1.6340 acres as per plat of survey for Leonard O. Hinton, as prepared by Cornerstone Planning Co., Georgia Land Surveyor No. 2487, dated May 31, 1991 and recorded in Plat Book 53, Page 131, Gwinnett County Records, which plat is hereby referred to and made a part of this description.

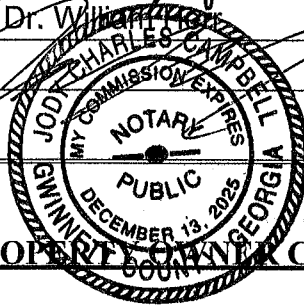
**APPLICANT CERTIFICATION**

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

Signature of Applicant [Signature] Date 7/11/24

Type or Print Name/Title Dr. William Herr

Notary Public \_\_\_\_\_ Date 7/11/24



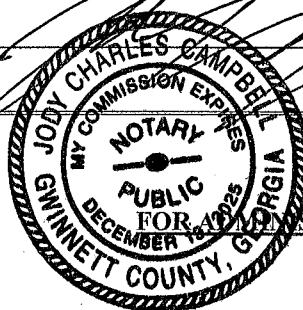
**PROPERTY OWNER CERTIFICATION**

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

Signature of Property Owner [Signature] Date 7/11/24

Type or Print Name/Title Dr. William Herr

Notary Public \_\_\_\_\_ Date 7/11/24



**ADMINISTRATIVE USE ONLY**

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

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

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

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

STIPULATIONS \_\_\_\_\_

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





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

**DISCLOSURE OF CAMPAIGN CONTRIBUTIONS**

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

Yes  No

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

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

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

Yes  No

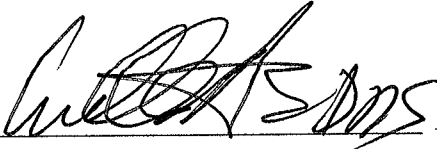
If the answer is *Yes*, please complete the following section:

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

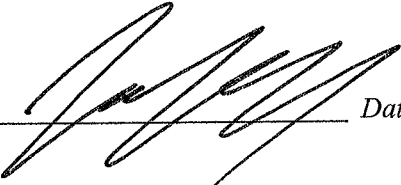
*(Attach additional sheets if necessary to disclose or describe all contributions/gifts)*

**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.

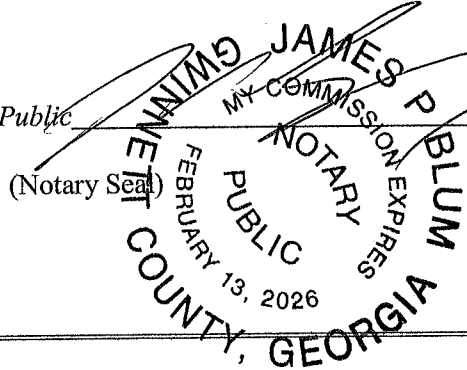
Signature of Applicant  Date 7/11/24

Type or Print Name/Title Dr. William Herr, Manager

Signature of Applicant' Attorney  Date 7/11/24

Type or Print Name/Title Jody Charles Campbell

Notary Public  Date 7-11-2024



**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 6/12/2024 APPLICANT Tricon Properties, LLC

- A. Whether a proposed rezoning will permit a use that is suitable in view of the use and development of adjacent and nearby property: Yes. Dacula Road is characterized by a variety of commercial uses. The proposed use is consistent with the previous use of the property.
- B. Whether a proposed rezoning will adversely affect the existing use or usability of adjacent or nearby property: No. The proposed use is substantially similar to the prior use of the property and will not constitute an increase in intensity of use. No additional buildings or development is proposed, and current building is almost 200 feet from nearest residential property line. The existing power lines and easement provide buffer to all adjacent residential properties.
- C. Whether the property to be affected by a proposed rezoning has a reasonable economic use as currently zoned: Yes. The property has been utilized for a commercial purpose, specifically for medical/dental offices.
- D. Whether the proposed rezoning will result in a use which will or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities, or schools. No. The property is located on a section of Dacula Road, which is identified as a Major Arterial, in the Dacula Downtown/Commercial Corridor. The proposed use will not cause a substantial increase in traffic over the present use.
- E. Whether the proposed rezoning is in conformity with the policy and intent of the Land Use Plan: Yes. The property lies within the Commercial Corridor identified in the 2050 Comprehensive Plan and the Dacula Downtown Character Area, which is designated primarily for commercial retail, office, and residential land uses with an emphasis on commercial uses that support and fulfill the commercial and employment needs of residential properties.
- 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: Yes. The presence of the Georgia Power transmission lines on the rear of the property prevents economic development and use of the majority of the property, thus commercial applications must be directed to the front of the property. The existing conditions and prior use of the property are substantially similar to the requested use, and adverse uses can be limited by appropriate zoning conditions.

**ADJACENT PROPERTY OWNER**

**MAILING MATRIX**

<b>Property Owners</b>	<b>Parcel No.</b>	<b>Property Address</b>	<b>Mailing Address</b>
Mary Ruth Dubard	R5303 049	398 Dacula Road Dacula, Georgia 30019	3005 Superior Court Dacula, Georgia 30019
Kompong, LLC	R5303 064	2490 Hinton Road Dacula, Georgia 30019	1725 Marcia Overlook Drive Cumming, Georgia 30041
JPAC Properties, LLC	R5303 063	2470 Hinton Road Dacula, Georgia 30019	5900 Spout Springs Rd. Suite 3C-1043 Flowery Branch, Georgia 30542
United States Postal Service	R5303 051	470 Dacula Road Dacula, Georgia 30019	2825 Lone Oak Pkwy Eagan, Michigan 55121

# Memorandum

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

**From:** Hayes Taylor, City Planner

**Date:** August 26, 2024

**Subject:** 2024-CD-SUP-02 & 2024-CD-COC-03

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

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

**Size:** 3.87 acres

**Proposed Use:** Tractor Supply Retail Store

**Applicant:** Trinity PD Dacula, LLC c/o Andersen Tate & Carr, P.C.  
1960 Satellite Boulevard, Suite 4000  
Duluth, Georgia 30097

**Owner:** WREG Harbins Land, LLC  
1948 Monroe Drive  
Atlanta, Georgia 30324

**Location:** LL 300 - 5th District

## Existing Land Use and Zoning:

The subject property totals 3.87 acres and is an outparcel within the northern portion of the Harbins 316 PMUD development off of Davis Rock Rd. In 2020, the property was zoned PMUD (Planned Mixed-Use District) pursuant to 2020-CD-RZ-03. Within the development there are various uses including an existing gas station, fast food, and retail center. The master development also includes multi-family residential, and senior living, which are under development.

## The Proposed Development:

The Applicant has submitted a special use permit and change of conditions application to permit a Tractor Supply with outdoor storage within an outparcel of the Harbins 316 planned mixed-used development. The site plan depicts a proposed 21,072 square foot building for indoor retail, an adjoining 20,000 square foot fenced outdoor display area, a 2,800 square foot rear trailer display area and 95 parking spots, including three (3) oversized parking spaces for large commercial vehicles. Automotive traffic would enter the parcel from Davis Rock Rd. There are two inter parcel access points from the adjacent QuikTrip to the west, and two (2) inter parcel access points from the proposed self-storage to the east. The site provides pedestrian access from Davis Rock Rd via a five (5) foot wide raised concrete

pedestrian crosswalk. The proposed cross walk bisects the parking lot and could also serve to decrease automotive speeds in the parking lot.

Tractor Supply Company (TSC) requests a Special Use Permit to allow outdoor storage, and to allow sales of minibikes, dirt bikes and scooters.

Per Zoning Condition Set #2, Condition #4, all forms of on-site outdoor storage require a special use permit. TSC has requested approval of outdoor storage areas on-site. The letter of intent states that TSC plans to store some of the items within the “Live Good Center,” which is a fenced area to the side of the building. Items for outdoor display and storage include lawn and garden equipment, tools, vehicle equipment, all-terrain vehicles, sporting goods, and other larger items sold at many of their locations. The submitted site plan also shows a trailer and large equipment display area to the rear of the principal building, not easily visible from Davis Rock Rd. The proposed outside storage would be contained within the designated areas and shielded from the right-of-way. The site is located interior of the planned development and does not front Harbins Road. As such, outdoor storage may be considered permissible with the proper screening and separation from pedestrian areas.

Application materials also state that TSC customarily sells minibikes, dirt bikes and scooters, incidental to its primary use. These items are typically offered for TSC stores and total a small percentage of their retail sales. Per Zoning Condition Set #2, Condition #3, a special use permit is required for automotives sales, tire stores and boat sales. The Special Use Permit to allow for the incidental sale of the aforementioned items could be considered acceptable, provided that the sale of said items remains incidental.

The Applicant has also requested a change of conditions to amend 2020-CD-RZ-03 Zoning Condition Set #2, Condition #8. Condition #8 limits non-residential building front façade materials to brick, stone, stacked stone, stucco, EIFS, tilt-up concrete, and/or glass and limit the rear finish materials to a combination of stone, stucco, tilt-up concrete, glass, split faced block (CMU), and painted block. Tractor Supply Co. requests a change in conditions to allow for the use of corrugated metal for the entrance tower, awnings, front façade detailing, and the permanent outdoor storage area canopy. The letter of intent asserts that the use of corrugated metal is needed to conform with company brand standards. The inclusion of brick, increased transparency, and cornice on three (3) of the proposed building facades minimizes the break from architectural precedent throughout the master development. The use of corrugated metal as a building façade element as shown in the submitted elevations could be considered acceptable.

### **Summary:**

Tractor Supply Company would provide a service to existing and future nearby community members in the Emerging Commercial Character Area and the inclusion of the pedestrian walkway could contribute to the pedestrian connectivity heavily emphasized in the character area description. As such, the Department recommends the requested Special Use Permit for outdoor storage and Special Use Permit to allow for the incidental sale of tires, small boats and kayaks, and small automotive vehicles be approved with conditions at this location. The Department recommends the approval of the requested change of conditions to allow for

corrugated metal for no more than 30% of the front building face per the submitted elevations.

### **Comprehensive Plan:**

The subject parcel is within 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 Dacula 2050 Comprehensive Plan describes the Emerging Commercial character areas as being "more pedestrian oriented" with "mixed-use buildings" with "non-residential uses... oriented towards the street with direct pedestrian access, outdoor patios, plazas etc," while balancing both housing and employment opportunities (page 66).

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

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

The proposed development could be considered suitable in view of the adjacent gas station and self-storage uses.

**2. *Whether the proposed special use permit and change of conditions 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 special use permit and change of conditions has a reasonable economic use as currently zoned?***

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

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

An 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 special use permit and change of conditions request is in conformity with the policy and intent of the Land Use Plan?***

The requested special use permit and change of conditions could be considered consistent with portions of 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 Harbins 316 development. With the proper conditions to facilitate a shared space between pedestrians and drivers, the effects of outdoor storage and sale of large equipment and machinery may be minimized.

***Recommendation:***

Based upon the application, the requested special use permit and change of conditions are recommended for **approval with the following conditions.**

*Changes from 2020-CD-RZ-3, Approved Conditions are below. Additions are shown in **bold** and deletions in ~~strikethrough~~.*

**Condition Set #1**

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

**Attachment A - GRTA General Conditions**

Pedestrian, Bicycle, and Transit Facilities

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

Harbins Road at W Drowning Creek Road

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

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

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



- 7) All “Proposed Conditions to GRTA Notice of Decision” set forth in Attachment A are provided. **Attachment C – Required Improvements to Serve the DRI**

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

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

***Section 1:***

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

Pedestrian, Bicycle and Transit Facilities

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

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

Harbins Road at W Drowning Creek Road

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

***Section 2:***

Pedestrian, Bicycle and Transit Facilities

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

#### Harbins Road at W Drowning Creek Road

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

#### Harbins Road at New Hope Road

Monitor traffic conditions and identify needed improvements, as necessary

#### Condition Set #2

Conditions of the City of Dacula

#### Concept Plan and Land Use

- 1) The property shall be developed in accordance with the conceptual site plan prepared by ~~Doulgerakis Consulting Engineers, Inc entitled Inland Pass: A Planned Mixed Use Development revised on June 17, 2021~~ **Foresite Group entitled Tractor Supply Co. dated on July 7, 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 curb service shall be permitted. A fast food restaurant shall be defined as any establishment which dispenses food for consumption on or off the premises, and which has the following characteristics: a limited menu, items prepared in advance or prepared or heated quickly, no table orders, and food served in disposable wrapping or containers. Said definition shall exclude restaurants with drive-thru services whose primary product focuses on specialty coffees or donuts and exclude restaurants without a drive thru in a multi-tenant building.
- 6) The senior living facility shall include improvements to accommodate and assist the senior age group. Necessary improvements and services include elevators, interior corridors, larger hallways (minimum width of 72 inches or compliant with ADA requirements, whichever is greater), resident programming, on-site staff to assist with the needs of residents, and off-site transit / shuttle bus services for residents. In addition, seven (7) of the following amenities / services shall be provided: social clubs, a weekly schedule of activities, nail and hair salon, on-site physical therapy, water aerobics, massage and meditation rooms, wine bar, game rooms, movie theatre, and/or a community concierge.
- 7) The maximum number of senior living units shall not exceed 180.

#### Architectural Design

- 8) The fronts and visible sides of non-residential building exteriors shall be constructed of brick, stone, stacked stone, stucco, EIFS, tilt-up concrete, **corrugated metal** and/or glass. **The use of corrugated metal must be in accordance with the submitted elevations dated March 8, 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. Nuttal Oak
4. Pin Oak
5. Shumard Oak
6. Lacebark Elm
7. Japanese Zelkova

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

## Signage and Advertising

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

Recommended Conditions of the requested special use permit.

- 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 July 7, 2024. All outdoor storage items shall not be visible from Davis Rock Road.**
- 2) Wrought iron style fencing surrounding the “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, per the submitted elevations dated March 8, 2024.**
- 3) Outdoor display of mini boats, motor bikes, lawn mowers, and similar items shall be limited to the “Live Good Center” storage area and must be behind the wrought iron fence, per the submitted elevations dated March 8, 2024. Small products may be stored in front of the store’s main entrance, provided they are not visible from the parking lot and are screened by landscape planters and landscaping. The landscape planters shall match the front façade of the primary structure. Proper entrance screening is subject to City Administrator approval.**
- 4) Outdoor storage is not permitted outside of the designated areas and is not permitted within the parking lot.**
- 5) The sale of small boats and kayaks, and small automotive vehicles, such as mini-bikes, dirt bikes and scooters is permitted if the sale is incidental to the primary use. The City Administrator will determine what sales are considered incidental.**
- 6) The building facades must be constructed in accordance with the submitted elevations dated March 8, 2024. No more than 30% 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 Road to the entrance of the store, per the submitted site plan prepared by Foresite Group titled Tractor Supply Co. dated July 7, 2024.**
- 8) A landscape plan must be submitted to the Planning & Development Department for approval. The landscape must include planters and decorative landscaping designed to obstruct the view of outdoor storage near the primary building entrance. The planters and decorative landscaping may include understory shade trees, shrubs, native foliage and/or flowers. The trailer display area must be well landscaped and**

**not visible from Davis Rock Road.**

**9) A commercial 2-foot by 8-foot pedestrian pad shall be constructed at the beginning of the pedestrian crosswalk to accommodate pedestrians. The pedestrian amenity pad may include 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.**

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

**11) Five (5) parking spaces are required per 1,100 square feet.**



**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>Trinity PD Dacula, LLC c/o Andersen Tate &amp; Carr, P.C.</u>	NAME <u>WREG Harbins Land LLC</u>
ADDRESS <u>1960 Satellite Blvd S-4000</u>	ADDRESS <u>1958 Monroe Drive</u>
CITY <u>Duluth</u>	CITY <u>Atlanta</u>
STATE <u>GA</u> ZIP <u>30097</u>	STATE <u>GA</u> ZIP <u>30324</u>
PHONE <u>770-822-0900</u> FAX <u>770-822-9680</u>	PHONE _____ 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 Melody A. Glouton  
 COMPANY NAME Andersen Tate & Carr  
 ADDRESS 1960 Satellite Blvd S-4000  
Duluth, GA 30097  
 PHONE 770-822-0900 FAX 770-822-9680  
 EMAIL mglouton@atclawfirm.com

PRESENT ZONING DISTRICT(S) PMUD REQUESTED ZONING DISTRICT PMUD  
 LAND LOT(S) 300 PARCEL # 139 DISTRICT(S) 5th ACREAGE 3.87

**PROPOSED DEVELOPMENT OR SPECIAL USE REQUESTED**

- Outdoor/Outside Storage (Condition #3, #4 of Rezoning Case 2020-CD-RZ-03) for the purpose of a Tractor Supply Company Store.
- Allowance of tire sales and boat sales for a proposed Tractor Supply Company Store. Although a Tractor Supply Company Store is not a boat or tire store, tire and boat sales are allowed as incidental part of the business.
- ~~Variance to~~ Allow for "Corrugated Metal for front Entry Tower, Awnings and Live Good Center Structure"

*Change in conditions to*

<b>RESIDENTIAL DEVELOPMENT:</b>	<b>NON-RESIDENTIAL DEVELOPMENT:</b>
NO. OF LOTS/DWELLINGS UNITS <u>N/A</u>	NO. OF BUILDINGS/LOTS <u>1</u>
DWELLING UNIT SIDE (SQ. FT.) <u>N/A</u>	TOTAL GROSS SQ. FEET <u>21,072 SF</u>

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

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

**CASE NUMBER**

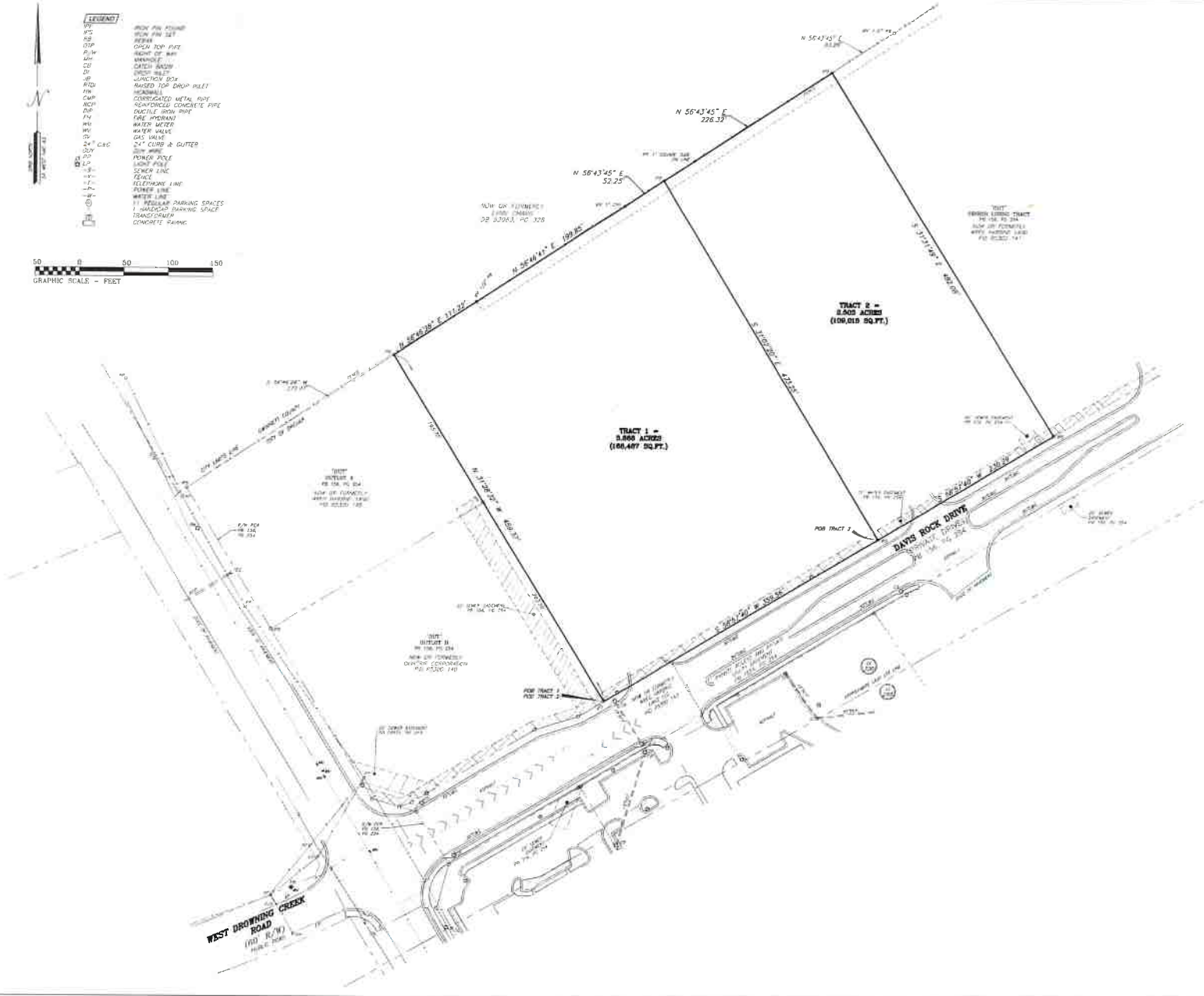
Tract 1

All that tract or parcel of Land lying and being in Land Lot 300 of the 5<sup>th</sup> District, Gwinnett County, Georgia and being more particularly described as follows:

BEGINNING at the southwest corner of the Commercial/Office/Industrial Parcel per Exemption Plat for WREG Harbins Land, LLC recorded in Plat Book 156, pages 254-256, Gwinnett County records, said point lying on the northwestern margin of Davis Rock Drive (70' Private Drive at this point), from point thus established thence leaving said northwestern margin of Davis Rock Drive North 31° 28' 32" West a distance of 459.37 feet to an iron pin set; thence North 56° 46' 28" East a distance of 111.22 feet to a 1/2" rebar found; thence North 56° 46' 41" East a distance of 199.85 feet to a 1" crimp top pipe found; thence North 56° 43' 45" East a distance of 52.25 feet to an iron pin set; thence South 31° 02' 20" East a distance of 473.25 feet to an iron pin set on the aforementioned northwestern margin of Davis Rock Drive (70' Private Drive at this point); thence running along the northwestern margin of Davis Rock Drive South 58° 57' 40" West a distance of 359.56 feet to the POINT OF BEGINNING. Said tract contains 3.868 Acres (168,487 Square Feet).



- LEGEND**
- PC IRON PIN POINT
  - PS IRON PIN SET
  - SB IRON PIN SET
  - OP OPEN TOP PIPE
  - OC OPEN TOP PIPE
  - MB MANHOLE
  - CB CAST IRON
  - SP SPREADER
  - SD SAND
  - RD RAISED TOP DRAIN INLET
  - RM RAIN MANHOLE
  - CP CORRUGATED METAL PIPE
  - CC CONCRETE CONCRETE PIPE
  - DC DUCTILE IRON PIPE
  - EV EAVE GUTTER
  - WV WATER VALVE
  - GV GAS VALVE
  - CCV 2" COND. & GUTTER
  - CPV COND. PIPE
  - LP LIGHT POLE
  - SL SLOPE LINE
  - TL TELEPHONE LINE
  - PL POWER LINE
  - WL WATER LINE
  - 1-1 REGULAR PARKING SPACE
  - 1-1 HANDICAP PARKING SPACE
  - TRANSFORMER
  - CONCRETE RAISING



No.	Revision	Date

Field Date: 11/16/2010  
 Plat Date: 01/15/2011  
 Scale: 1" = 40'

REVISED EXEMPTION PLAT  
 FOR  
 COMMERCIAL/OFFICE/INDUSTRIAL TRACT  
 (PLAT BOOK 156, PAGE 234)  
 WREG Harbors Land, LLC  
 CITY OF ALBUQUERQUE, NEW MEXICO

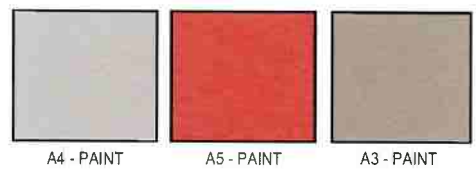
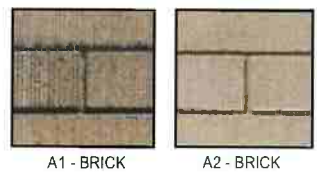
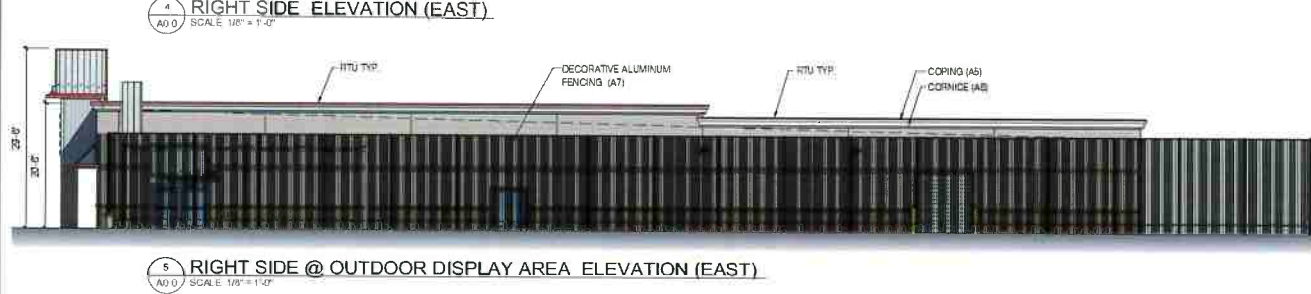
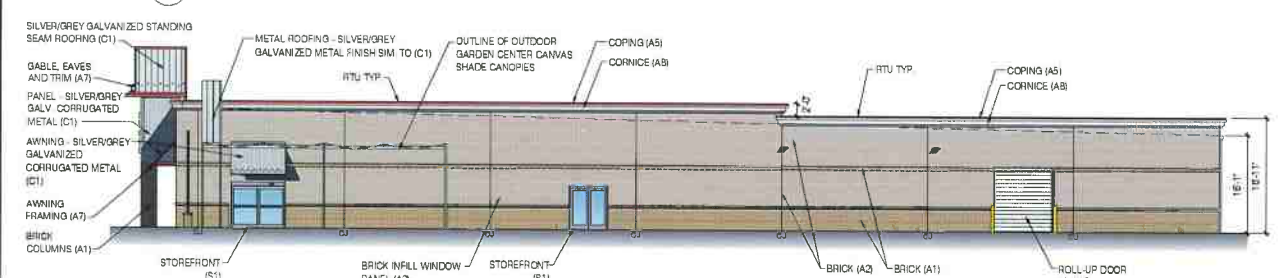
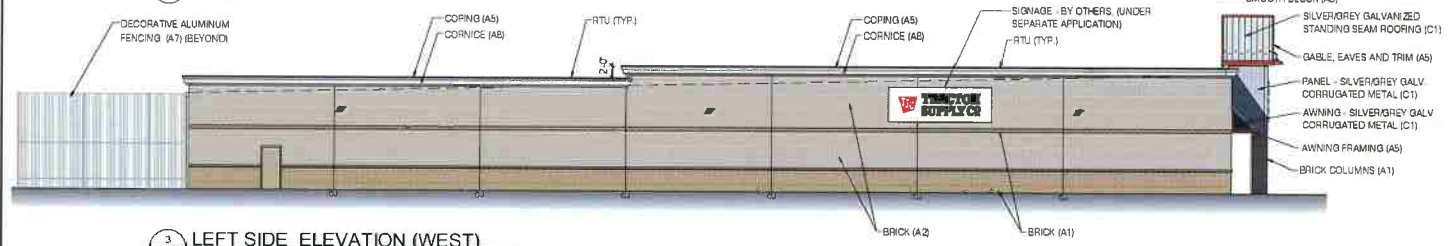
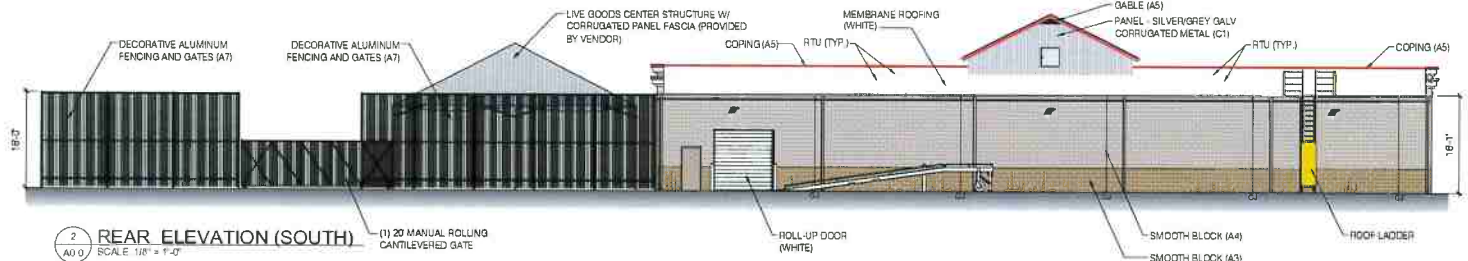
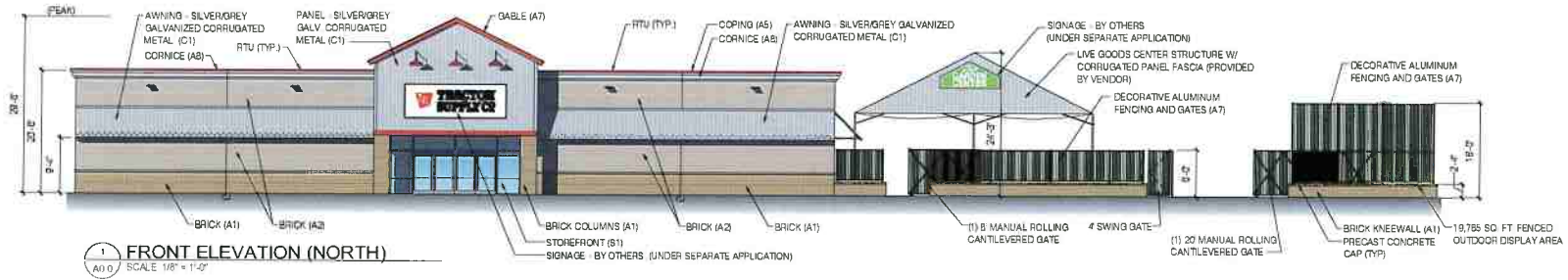


**2**  
 SHEET 2 OF 2

WREG HARBORS LAND, LLC  
 WREG HARBORS LAND, LLC  
 WREG HARBORS LAND, LLC







MATERIAL SCHEDULE		
MATERIAL	COLOR	LOCATION
A1	FACE BRICK - DARK TAN	FRONT, LEFT & RIGHT SIDE EXTERIOR WALLS - WATER TABLE, ACCENT STRIPE, & BRICK INFILL PANELS
A2	FACE BRICK - TAN	FRONT, LEFT & RIGHT SIDE EXTERIOR WALLS - FIELD BRICK COLOR & BRICK INFILL PANEL BORDERS
A3	SW - SANDERLING	ACCENT COLOR PAINT ON SMOOTH FACE CMU BLOCK REAR ELEVATION
A4	SW - URBAN PUTTY	PRIMARY COLOR PAINT ON SMOOTH FACE CMU BLOCK REAR ELEVATION
A5	SW - SAFETY RED	COPING, ENTRY TOWER TRIM, AWNING FRAME
A6	SW - PURE WHITE	ROLL-UP DOORS
A7	PRE-FINISHED BLACK / ALUMINUM	OUTDOOR FENCING AND GATES
A8	EFS MATCH (A4) SW - URBAN PUTTY	EFS CORNICE - SANDPEBBLE FINE FINISH
C1	GALVANIZED - SILVER/ GREY MATTE FINISH	CORRUGATED PANELS
S1	CLEAR ANNEALED	STOREFRONT

**LITTLE**  
ARCHITECTURAL GROUP

101 S. GREEN ST., SUITE 200, Dacula, GA 30019  
770.555.5555 | www.littlearch.com

The drawing and design shown on this project are the property of Little Architectural Group. The contractor is required to obtain all of the necessary permits and to ensure that all work is completed in accordance with the applicable codes and regulations.

**TRACTOR SUPPLY CO.**  
Senoia Village  
Senoia, GA

3420 VIRGINIA WAY  
BRENTWOOD, TN 37027

**FOR REVIEW**

03/09/24

TRACTOR SUPPLY CO.  
Dacula, GA

G3 - PROTOTYPE Q4 - 23  
121-21578-00

**EXTERIOR ELEVATIONS**

**A2.0**



July 12, 2024

**LETTER OF INTENT FOR SPECIAL USE PERMIT  
AND VARIANCE APPLICATION**

**Special Use Permit and Variance Application  
City of Dacula, Georgia**

**Applicant:**

Trinity PD Dacula, LLC

**Tract:**

Tax Parcel ID R5300 139

± 6.37 Acres of Land (Portion only)

Located at 2544 Davis Rock Drive, Dacula, Georgia

**Submitted for Applicant by:**

Melody A. Glouton, Esq.

ANDERSEN TATE & CARR, P.C.

One Sugarloaf Centre

1960 Satellite Blvd.

Suite 4000

Duluth, Georgia 30097

770.822.0900

[mglouton@atclawfirm.com](mailto:mglouton@atclawfirm.com)





The Applicant is requesting a Special Use Permit and Variance to allow for a Tractor Supply Company store. The Property is cleared and ready for development as the site is located within a previously approved PMUD which includes a new Publix shopping center, with various outparcels including McDonald’s, Quick Trip and Jersey Mike’s Subs.

As stated in the City of Dacula’s 2050 Comprehensive Plan (the “Comprehensive Plan”), the Property, is located in the “Emerging Commercial” Character Area. This area is planned to be a primarily mixed-use area of the City along Harbins Road south of State Route 316. The Emerging Commercial character area is primarily for any combination of residential, commercial, office, and public/institutional uses. The recommended zoning classifications for this area include PMUD, C-1, C-2 and OI. Accordingly, the development of a Tractor Supply Store in this location is consistent with the encouraged uses and the existing development in the area. While the Tractor Supply use is generally permitted, the storage and sale of products outdoors and the use of corrugated metal even as accent materials necessitate a Special Use Permit as well as a Variance.

### **III. PROJECT SUMMARY**

As shown on the site plan prepared by Foresite Group, dated July 10, 2024, and Color Elevations prepared by Little, dated March 8, 2024 and filed with this Application (hereinafter the “Site Plan and Color Elevations”), the Applicant is requesting a Special Use Permit to allow for the storage display and sale of outdoor products as well as a Variance to allow for Corrugated Metal to be used on the entry tower, awnings and Live Goods Structure for the development of a Tractor Supply Store on 3.868 acres of the site. The development will include a 21,072 square foot building, with 95 parking spaces. The proposed building is oriented to face Davis Rock Drive, with an attached Live Goods Center and fenced outdoor display area on the east side of the building. The site is accessible via two full-access driveways along Davis Rock Drive and maintains inter-parcel connectivity to the adjacent properties. The site will include parking along the front, west side and rear of the building. As shown on the site plan, the development will include outdoor storage and display areas consistent with their business operations. The Tractor Supply Company is a retail facility primarily used for the sale of farm/ranch equipment and maintenance products, including general maintenance products, animal (domestic and farm) feed, equipment and health products, horse and rider tack equipment and related

products, bird feed, housing and related products, lawn and garden equipment and products, tools and hardware, vehicle equipment and maintenance products, all-terrain vehicles, utility vehicles, sporting goods, food, sporting goods, clothing and footwear, and many other items typically sold in their stores. Due to the size and amount of equipment that is available at the store, it is not feasible to store certain products in the building and require the ability to store, display and sell certain items outside the store such as bulk propane, welding gas, trailers, pedal boats and motorized vehicles, including mini bikes, dirt bikes, scooters and ATV's. Some of the outside items are stored in a fenced area beside and to the rear of the building and the trailers and equipment are displayed on the side of the building and other products are stored and displayed in the front of the building (as identified on the site plan). Items are not stored in any parking space.

The Applicant has included proposed elevations of the development, showing the following improvements:

- Landscape boxes between the front store wall and front parking stalls to add appeal and soften the front outdoor storage items;
- Two tone brick on front, and side r walls;
- Aluminum wrought iron style fencing around outdoor garden center and Fenced Outdoor Display Area along with a decorative accent brick knee wall at base of fence(see Live Goods Center and Fenced Outdoor Display Area on the color elevations)
- Corrugated metal entry tower and front awnings (See variance request below);
- Raised parapet walls and decorative cornice added to front and side walls; and
- Decorative Stamped Concrete Walkway across the parking lot from Davis Rock Road to the front door of building.

The Applicant is also requesting variances to develop the site in compliance with the proposed site plan, and respectfully seek relief as related to the use of corrugated metal on certain portions of the building tower, front awnings and Live Goods Center structure (see proposed renderings). Likewise, the Applicant is requesting a Special Use Permit for the outdoor storage as detailed above as identified on the site plan. The Applicant's requested Special Use Permit and Variance are the minimum necessary to afford the Applicant relief so that the Property may be developed for use as a Tractor Supply Store. Based on the Harbins 360 Declaration of Easements and Covenants, Watkins Development has approved the Site Plan and Color Elevations as a requirement of this document.

#### **IV. SITE IMPACT ANALYSIS**

Pursuant to the Zoning Resolution, the Applicant submits its written responses to the impact analysis which shows that a Special Use Permit satisfies the "Standards Governing Exercise of the Zoning Power," as follows:

- A) Whether a proposed Special Use Permit and Variance will permit a use that is suitable in view of the use and development of adjacent and nearby property:

Yes, approval of the requested special use permit will permit a use that is suitable in view of the use and development of adjacent and nearby property. The proposed development will provide a neighborhood serving commercial use, which is anticipated commercial growth near Harbins Road and State Route 316.

- B) Whether a proposed Special Use Permit and Variance will adversely affect the existing use or useability of adjacent or nearby property:

No, approval of the special use permit will not adversely affect the existing use or usability of adjacent or nearby properties. The proposed development is compatible with the Comprehensive Plan and complimentary to adjacent and nearby uses.

- C) Whether the property to be affected by a proposed Special Use Permit and Variance has reasonable economic use as currently zoned:

As the Applicant is not seeking a rezoning of the property, the Applicant submits the requested special use permit will allow for an economic use as currently zoned.

- D) Whether the proposed Special Use Permit and Variance will result in a use which will or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities, or schools:

No, approval of the proposed special use permit will not result in an excessive or burdensome use of the existing infrastructure systems. Moreover, the Subject Property is located at a major node with convenient access to major thoroughfares, utilities and sewer. The Property has convenient access to Highway 316. The proposed development would complement the existing and nearby residential uses.

- E) Whether the proposed Special Use Permit and Variance is in conformity with the policy and intent of the Land Use Plan:

Yes, the proposed special use permit conforms with the policy and intent of the Comprehensive Plan and Future Land Use Map. The Subject Property is identified in the "Emerging Commercial" character area.

- F) Whether there are other existing or changing conditions affecting the use and development of the property which give supporting grounds for either the approval or disapproval of the Special Use Permit and Variance proposal:

Yes. The proposed special use permit provides additional commercial development to service the surrounding communities and neighbors and would bring a neighborhood serving retail/commercial uses to the residents of Dacula.

V. CONCLUSION

For the foregoing reasons, the Applicant respectfully requests that this Application for a Special Use Permit and Variance be approved. The Applicant welcomes the opportunity to meet with the City of Dacula Planning Department staff to answer any questions or to address any concerns relating to this Letter of Intent or supporting materials.

Respectfully submitted this 12<sup>th</sup> day of July, 2024.

ANDERSEN, TATE & CARR, P.C.

*Melody A. Glouton*

Melody A. Glouton, Esq.

Enclosures  
MAG/dwb  
4896-0153-0320, v. 1

**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 Melody A. Glouton Date 7/12/24

Type or Print Name/Title Melody A. Glouton, Attorney for Applicant

Notary Public D. Lane Date 7/12/24

**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 Melody A. Glouton Date 07/12/24

Type or Print Name/Title WREG Harbins Land, LLC (By Melody A. Glouton with express permission)

Notary Public D. Lane Date 07/12/24

**FOR ADMINISTRATIVE USE ONLY**

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

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

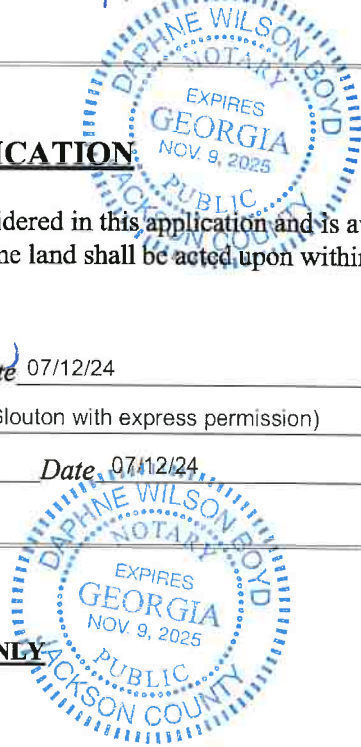
ACTION TAKEN \_\_\_\_\_

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

STIPULATIONS \_\_\_\_\_

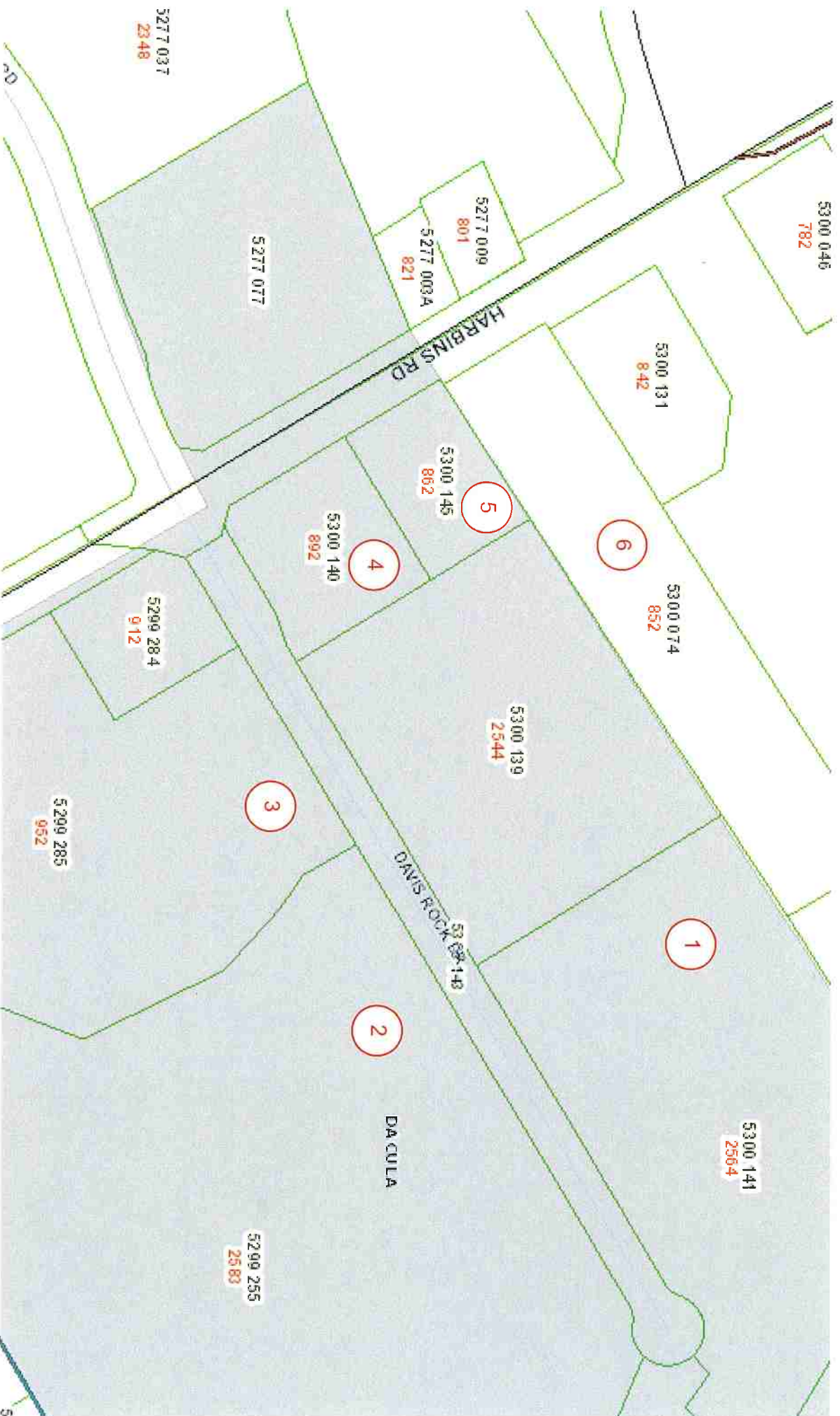
\_\_\_\_\_

\_\_\_\_\_





# ADJACENT PROPERTY OWNERS EXHIBIT





## ADJACENT PROPERTY OWNERS

1. Undeveloped
  - a. Property Address: 2564 Davis Rock Dr, Dacula, GA 30019
  - b. PIN: 5300 141
  - c. Owner(s): Wreg Harbins Land, LLC.
  - d. Owner's Address: 1958 Monroe Dr NW, Atlanta, GA 30324
  
2. Undeveloped
  - a. Property Address: 2583 Davis Rock Dr, Dacula, GA 30019
  - b. PIN: 5299 255
  - c. Owner(s): Wreg Harbins Land, LLC.
  - d. Owner's Address: 1958 Monroe Dr NW, Atlanta, GA 30324
  
3. Publix Supermarket
  - a. Property Address: 952 Harbins Rd, Dacula, GA 30019
  - b. PIN: 5299 285
  - c. Owner(s): Wreg Harbins Retail, LLC.
  - d. Owner's Address: 1958 Monroe Dr NW, Atlanta, GA 30324
  
4. QuikTrip
  - a. Property Address: 892 Harbins Rd, Dacula, GA 30019
  - b. PIN: 5300 140
  - c. Owner(s): QuikTrip Corporation
  - d. Owner's Address: 4705 S 129<sup>th</sup> East Ave, Tulsa, OK 74134
  
5. Undeveloped
  - a. Property Address: 2563 Davis Rock Dr, Dacula, GA 30019
  - b. PIN: 5300 145
  - c. Owner(s): Wreg Harbins Land, LLC.
  - d. Owner's Address: 1958 Monroe Dr NW, Atlanta, GA 30324
  
6. Residential
  - a. Property Address: 852 Harbins Rd, Dacula, GA 30019
  - b. PIN: 5300 074
  - c. Owner(s): Lynn Chang & Bing Tai Chang
  - d. Owner's Address: 1598 Brandon Sq, Lawrenceville, GA 30044

**CONFLICT OF INTEREST CERTIFICATION**

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

Signature of Applicant Melody A. Glouton Date 07/12/24

Type or Print Name/Title Mark K. Renier, By Melody A. Glouton with express permission (Attorney for Application)

Signature of Applicant' Attorney Melody A. Glouton Date 07/12/24

Type or Print Name/Title Melody A. Glouton, Attorney for Applicant

Notary Public  Date 07/12/24

(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**

\*See attached Letter of Intent

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

DATE \_\_\_\_\_ APPLICANT \_\_\_\_\_

- A. Whether a proposed rezoning will permit a use that is suitable in view of the use and development of adjacent and nearby property: \_\_\_\_\_  
\_\_\_\_\_
  
- B. Whether a proposed rezoning will adversely affect the existing use or usability of adjacent or nearby property: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
  
- C. Whether the property to be affected by a proposed rezoning has a reasonable economic use as currently zoned: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
  
- D. Whether the proposed rezoning will result in a use which will or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities, or schools. \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
  
- E. Whether the proposed rezoning is in conformity with the policy and intent of the Land Use Plan: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
  
- F. Whether there are other existing or changing conditions affecting the use and development of the property which give supporting grounds for either approval or disapproval of the proposed rezoning: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_



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

**DISCLOSURE OF CAMPAIGN CONTRIBUTIONS**

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

Yes  No

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

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

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

Yes  No

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

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

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



# MEMO

TO: Mayor and City Council of the City of Dacula/  
City of Dacula Planning Commission

FROM: Hayes Taylor, City Planner

DATE: August 26, 2024

SUBJECT: House Bill 1073 – Drug Rehabilitation Center Public Hearing Procedures

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The Georgia State House passed House Bill 1073 during the 2023-2024 Regular Session. HB 1073 repeals the additional hearing and notice provisions regarding halfway houses, drug rehabilitation centers, or other facilities for treatment of drug dependency on a state level. The proposed ordinance would codify the City of Dacula’s current public hearing procedures pertaining to halfway houses, drug rehabilitation centers, or other facilities for treatment of drug dependency and remove reference to state law requirements, as they are no longer required by state law.



**AN ORDINANCE TO AMEND THE CITY'S ZONING ORDINANCE FOR  
HEARING REGARDING  
DRUG DEPENDENCE TREATMENT FACILITIES.**

WHEREAS, the City has reviewed its policies and procedures with respect to the Hearing for Drug Dependence Treatment Facilities; and

WHEREAS, the current references to Hearing for Drug Dependence Treatment Facilities are outdated and should be updated; and

WHEREAS, it is in the best interest of the health, safety and welfare of the citizens of the City of Dacula to amend the City Code to adopt the amendment outlined herein;

NOW THEREFORE, THE MAYOR AND COUNCIL OF THE CITY OF DACULA HEREBY ORDAINS that the existing Section 1710, Special Public Hearing for Drug Dependence Treatment Facilities be deleted, and the following adopted and substituted in its place:

**Section 1710. Special Public Hearing for Drug Dependence Treatment Facilities.**

The following procedure shall be followed for advanced hearing related to any proposed drug dependence treatment facilities:

- (a) When a proposed map amendment or special use application relates to or will allow the location or relocation of a halfway house, drug rehabilitation center, or other facility for treatment of drug dependence, a special public hearing shall be held on the proposed request. Such special public hearing shall be held at least six (6) months and not more than nine (9) months prior to the date of final action on the application by the City Council. The hearing required by this subsection shall be in addition to the public hearing required under the City Code.
- (b) Notice of Special Public Hearing.
  - 1. The City shall give notice of such special public hearing by providing notice of the hearing in the same manner as required for public hearings under the City Code.
  - 2. Both the posted notice and the published notice shall include a prominent statement that the proposed map amendment or special use application relates to or would allow the location or relocation of a halfway house, drug rehabilitation center, or other facility for treatment of drug dependency.

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 \_\_\_\_\_, 2024.

AYES: \_\_\_\_

NAYES: \_\_\_\_

ATTEST:

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

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