



# Mayor and City Council Worksession

Thursday, January 02, 2025 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:**

### **OLD BUSINESS:**

### **NEW BUSINESS:**

- [1.](#) Discussion of Mayor and Council Appointments for 2025
- [2.](#) Amendment to Schedule of Fees
- [3.](#) Change Order No. 1 between Gwinnett County and City of Dacula regarding Jointly Funded 2017 SPLOST Project(s)
- [4.](#) Bid results for Brookton North subdivision improvements
- [5.](#) Special Use Permit Application: 2024-CD-SUP-03
- [6.](#) Rezoning & Variance Applications: 2024-CD-RZ-03 & 2024-CD-VAR-03
- [7.](#) Ordinance to amend Article XIII of the Zoning Resolution - Building Permit Procedures

### **MARSHAL UPDATE:**

### **CITY ADMINISTRATOR UPDATE:**

### **MEMBER COMMENT(S) / QUESTION(S):**

### **ADJOURNMENT:**



# MEMO

TO: Mayor and City Council of the City of Dacula  
 FROM: Brittni Nix, City Administrator  
 DATE: December 27, 2024  
 SUBJECT: Appointments by the Mayor and City Council

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The following appointments are required during the January 2, 2025 Council Meeting for the 2025 calendar year.

- Mayor Pro Tem (Current: Ann Mitchell)
- Planning Commission Members
  - o Trannon Thomas (Trey King, Mayor)
  - o Gene Greeson (Denis W. Haynes, Jr., Councilmember)
  - o Mark Chandler (Ann Mitchell, Councilmember)
  - o Lisa Bradberry (Jason Shelton, Councilmember)
  - o Myra Montalbano (Sean Williams, Councilmember)
- Department oversight(s)
  - o Full Council
- City Legal Services (Jack Wilson at \$200.00/hr.)
- City Prosecutor (Jack Wilson at \$200.00/hr.)
- Municipal Judge (Bill Brogdon and Jammie Taire at \$200.00/hr.)
- City Chaplain (Pastor Jeff Rogers)





# MEMO

TO: Mayor and City Council of the City of Dacula  
FROM: Brittni Nix, City Administrator  
DATE: December 27, 2024  
SUBJECT: Amendment to Schedule of Fees

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The City of Dacula Fee Schedule is evaluated by staff twice a year to remain current. All proposed amendments are shown in red on the attached City of Dacula Schedule of Fees for the Mayor and City Council’s review.





SCHEDULE OF FEES (Effective January 2025)

<b>ADMINISTRATIVE FEES</b>			
Re-Issue of Placard	\$	10.00	
Re-Inspection Fees			
1st Reinspection	\$	100.00	
2nd Reinspection	\$	50.00	
Annexation Fee	\$	2,250.00	
Deannexation Fee	\$	2,250.00	
Council Variance	\$	375.00	
Special Exception	\$	375.00	
Administrative Variance	\$225.00 + \$25.00 each additional on the same property		
Special Use Permit	*same as rezoning fees (See Page Five (5))		
Temporary Use Permit	\$	50.00	
Canvasser and Solicitor Permit	\$	100.00	annual
Fireworks Permit	\$	50.00	
Mobile Food Unit Permit	\$	50.00	
Production Permit	\$	100.00	per day
Vending Machine Permit	\$	150.00	annual
Short-term Rental Permit	\$	250.00	annual
Street/Lane Closure Permit	\$	125.00	
Wine and/or Beer Tasting Permit	\$	200.00	annual
Transfer of Occupational Tax Certificate	\$	20.00	
Zoning Certification Letter	\$	50.00	
Zoning Map	\$	25.00	
All Copies	\$	0.10	per page
Credit Card Fee		0.05%	
Bounced Check Fee	\$	10.00	

**BUILDING PERMIT FEES****PERMIT FEE CHART**

Permit Fees (Plus any Review Fees) for:	Construction Cost	Residential Permit Fee	Commercial Permit Fee
- One & Two-Family Residential & Additions	Up to \$25,000	\$150 + \$125 Admin. Fee	\$175 + \$125 Admin. Fee
- Commercial Structure	\$25,001 - \$50,000	\$300 + \$125 Admin. Fee	\$350 + \$125 Admin. Fee
(defined as any principal building which is not either a single-family or duplex dwelling)	\$50,001 - \$75,000	\$450 + \$125 Admin. Fee	\$525 + \$125 Admin. Fee
- Interior Finish	\$75,001 and Over	\$7 per \$1,000 of calculated construction cost + \$125 Admin. Fee	
- Shell	*Permit fees for new building construction are calculated using the International Code Council Building Valuation Data, at a rate of \$7/\$1,000 + the \$125 Administrative Fee.		
	<b>*Permit fees for renovation construction exceeding \$75,001 are calculated using the International Code Council Building Valuation Data, at a rate of 20% of \$7/\$1,000 + the \$125 Administrative Fee.</b>		
<i>Note: Please see chart to the right for Fees</i>	*Permit fees include Building Inspections and Certificate of Occupancy.		
	*Building permit fees will be updated annually to reflect the current published ICC Chart.		
<b>ALL OTHER STRUCTURES</b>			
Fence Permit	\$ 25.00		
HVAC, Electrical, Plumbing Only Permit (Residential)	\$ 50.00		
Temporary Trailer (Construction / Classroom)	\$ 450.00		
Temporary Pole Permit	\$ 50.00		
Retaining Wall	\$300 + \$125.00 Administrative Fee		
Portable Building (Residential)	\$ 150.00		
Temporary Tents	\$ 75.00		
Towers and Antenna	Calculated using the ICC Chart at a rate of \$7/\$1,000 of estimated construction cost.		
Mobile Home Permits	\$ 750.00		
Swimming Pool Permit (In Ground) (Residential)	\$ 125.00		
Satellite Dish System (AC Powered)	\$ 110.00		
Demolition Permit	\$ 200.00		
Housing Relocation Permit	\$200.00 + \$200.00 Bond		
Temporary Gas/Power Connection	\$ 75.00		
Vacant Structure Permit	\$ 200.00		
Solar Panel & EV charger unit installation	\$250 + \$125.00 Administrative Fee		
Right-of-Way Permit	\$ 500.00		
Utility Accommodation Permit	\$ 500.00		
Street/Curb Cut Permit	\$ 500.00		
Permit Fee after work has begun	Double Required Fee		

<b>SIGN PERMITS</b>		
(1 to 32 sq ft)	\$	125.00
(33 to 64 sq ft)	\$	150.00
(65 to 100 sq ft)	\$	175.00
(101 to 128 sq ft)	\$	350.00
(129 to 200 sq ft)	\$	425.00
Temporary Permit (30 days)	\$	30.00
Off-Premise Sign	\$	55.00

<b>AFFIDAVITS</b>		
HVAC, Electrical, Plumbing Affidavits (Residential)	Fee included in permit cost	
HVAC, Electrical, Plumbing Affidavits (Commercial)	\$	75.00
Georgia State Energy Code Affidavits	\$	75.00

<b>RE-PERMITTING FEES (After Expiration Date)</b>		
Single-Family	Full Charge	
Non-Residential/Multi-Family	Full Charge	
All Others	Full Charge	
After Revocation	Full Charge	

<b>CERTIFICATE OF OCCUPANCY FEES</b>		
Single-Family	\$	100.00
Duplex	\$	100.00
Multi-Family/Apartments	\$	100.00
Townhome/Condominium	\$	100.00
Commercial	\$	300.00
Temporary/Conditional C.O.	\$	100.00
Certificate of Completion	\$	100.00
Swimming Pool	\$	100.00
Compliance Inspection - Structure	\$	100.00
Compliance Inspection - Trade	\$	100.00

**PLAN REVIEW FEES**

Tree Protection Plan	\$	1,000.00
Buffer & Landscape Plan	\$	1,000.00
Exemption Plats/Lot Splits	\$	1,000.00
Clearing & Grubbing Plan	\$	1,000.00
Grading Plan	\$	1,000.00
Grading - Earth Borrow Sites	\$	525.00
Concept Plan (Residential)	\$	525.00
Concept Plan (Commercial)	\$	525.00
Preliminary Plat (Residential Subdivision)	\$ 2,500.00 or \$15.00 per lot, whichever is greater	
Site Plan (Commercial)	0-5 acres = \$1,500.00, 5-10 acres = \$2,500.00, 10-20 acres = \$3,500.00, 20 acres or greater = \$4,500.00	

Final Plat	\$ 2,000.00 or \$15.00 a lot, whichever is greater	
Final Plat Filing Fee	Residential - \$10.00 (per lot) Commercial - \$50.00 (per lot)	

Re-review of any plan after 2nd resubmittal	25% of original fee	
Revision of Plan/Plat (After initial approval)	25% of original fee	
Convenience Fee (3rd party plan review)	Same as subject plan review fee	

Interior Finish Review Fee	\$	1,000.00
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**BUILDING PLAN REVIEW FEES**

	<i>(2 COPIES OF PLANS)(16 COPIES OF RECORDED PLAT)</i>	
Multi-Family and Non-Residential	(5,000 sf or less) = \$1,500.00, (5,000 - 10,000 sf) = \$2,500.00, (10,000 - 30,000 sf) = \$3,500.00, (Greater than 30,000 sf) = \$5,000.00	
Residential (Required for 3,000 Sq. Ft. or Greater)	\$	525.00
Structural Wall Review Fee	City's Cost + \$125 Administrative Fee	
Specialized Review Fee	City's Cost + \$125 Administrative Fee	
Maximum Review Fee	\$	5,000.00

**LAND DISTURBANCE PERMIT FEES**

Clearing Permit - no land disturbances	Residential \$15.00/acre or \$300.00 whichever is greater Commercial \$15.00/acre or \$300.00 whichever is greater	
Clearing & Grubbing Permit	Residential \$15.00/acre or \$300.00 whichever is greater Commercial \$15.00/acre or \$300.00 whichever is greater	
Grading Permit	Residential \$75.00/acre or \$2,000.00 whichever is greater Commercial \$75.00/acre or \$2,000.00 whichever is greater	
Development Permit	Residential S/D \$25.00/lot or \$2,000.00 whichever is greater Multi-Family Residential \$10.00/unit or \$2,000.00 whichever is greater Non-Residential S/D \$50.00/acre or \$3,000.00 whichever is greater	

**REZONING**

AG, R-1100, R-1200, R-1400, R-1600, TRD

Base Fee

0-5 acres	\$	500.00
5-10 acres	\$	750.00
10-20 acres	\$	1,000.00
20-50 acres	\$	1,500.00
50 plus acres	\$ 2,000.00 plus \$30.00 per each acre over 50	
Maximum fee	\$	3,000.00

R-TH, R-SR, R-MD, MH

Base Fee

0-5 acres	\$	1,000.00
5-10 acres	\$	1,500.00
10-20 acres	\$	2,000.00
20-50 acres	\$	3,000.00
50 plus acres	\$ 4,000.00 plus \$40.00 per each acre over 50	
Maximum fee	\$	5,000.00

C-1, C-2, C-3, O-I, M-1, M-2, PMUD

Base Fee

0-5 acres	\$	1,000.00
5-10 acres	\$	1,500.00
10-20 acres	\$	2,000.00
20-50 acres	\$	3,000.00
50 plus acres	\$ 4,000.00 plus \$50.00 per each acre over 50	
Maximum fee	\$	5,000.00



**SANITATION FEES**

Residential Sanitation	\$ 288.00/year for 1-2 cans
Commercial Sanitation	\$ 445.00/year for 1-2 cans
	\$ 645.00/year for 3-4 cans
	\$ 845.00/year for 5-6 cans
Recycling	Free
Removing Appliances	\$ 25.00 per appliance
Leaf Removal	Free
Limb Chipping	\$ 30.00 per 1/2 hour
Mattress / Box Spring	\$ 25.00 per item
Bulk Item	Call for Pricing
<b>Excess Trash Bags</b>	<b>\$ 6.00 for up to 4 bags</b>
Trash Can	<del>\$ 55.00</del> <b>65.00</b> per 95 Gallon can
Park Reservations	Free to City Residents
	\$ 35.00 for 4 hours for nonresidents
	\$ 70.00 for 8 hours for nonresidents



## MEMO

TO: Mayor and City Council of the City of Dacula  
FROM: Brittini Nix, City Administrator  
DATE: December 27, 2024  
SUBJECT: Change Order No. 1 between Gwinnett County and City of Dacula regarding Jointly Funded 2017 SPLOST Project(s)

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The City of Dacula and Gwinnett County entered into an Intergovernmental Agreement (IGA) to jointly fund the Tanner Road Sidewalk Improvement Project in 2017. The Agreement specified that the County's contribution of 2017 SPLOST shall not exceed \$1,027,307. The full fund allotment was not reached during the course of the original project. Gwinnett County has agreed to execute Change Order No. 1 to amend the original IGA to allocate remaining funds, \$50,265.25, to the Sanjo Street Widening Improvement Project.

Staff recommends approving Change Order No. 1 between Gwinnett County and City of Dacula regarding Jointly Funded 2017 SPLOST Project(s) and authorizing the Mayor to execute all necessary documents.



CHANGE ORDER NO. 1 BETWEEN GWINNETT COUNTY  
AND THE CITY OF DACULA REGARDING  
JOINTLY FUNDED 2017 SPLOST PROJECT(S)  
(CITY-MANAGED PROJECT: PROJECT # F-1242)

This Change Order (hereinafter referred to as "Change Order No. 1"), made by and between the City of Dacula, a municipal corporation chartered by the State of Georgia and headquartered at 442 Harbins Road, Dacula, Georgia 30019 (herein referred to as "City") and Gwinnett County, Georgia, a political subdivision of the State of Georgia headquartered at 75 Langley Drive, Lawrenceville, Georgia 30046 (hereinafter referred to as "County") (both City and County collectively referred to as "Parties") each of whom has been duly authorized to enter into this Change Order No. 1.

WITNESSETH

WHEREAS, the County entered into an agreement (hereinafter referred to as "ORIGINAL AGREEMENT") with the City dated November 20, 2017, to jointly fund a transportation project to be managed by the City; and

WHEREAS, the ORIGINAL AGREEMENT specifies that the County's contribution to jointly fund 2017 SPLOST projects is limited to the maximum County contribution as shown in the ORIGINAL AGREEMENT; and

WHEREAS, the County and City wish to add a project to the Jointly Funded 2017 SPLOST Project as listed in Exhibit A attached to the ORIGINAL AGREEMENT by executing this Change Order No. 1;

NOW, THEREFORE, the County and the City, in consideration of the mutual promises and agreements set forth herein, do agree as follows:

1. This Change Order No. 1 amends the ORIGINAL AGREEMENT between the County and City as follows: The City of Dacula Sanjo Street Widening project will be created and added as a City-managed Project.
2. Except as explicitly stated in Section 1 of this Change Order No. 1, the existing projects shall not be updated, amended, or altered in any way.
3. All notices pursuant to this agreement shall be served as follows: As to the County, Chairwoman, Gwinnett County Board of Commissioners, 75 Langley Drive, Lawrenceville, Georgia 30046. As to the City, Mayor, 442 Harbins Road, Dacula, Georgia 30019.

Except as herein supplemented, modified and amended, the ORIGINAL AGREEMENT, dated November 20, 2017, will remain in full force and effect and shall in all respects govern and control.

It is expressly agreed by the Parties that this Change Order No. 1 is supplemental to the ORIGINAL AGREEMENT and all previous Agreements which are by reference made a part hereof. All terms, conditions, and provisions thereof unless specifically modified herein are to apply to this Change Order No. 1 and are made a part hereof as though they were expressly rewritten, incorporated, and included herein.

IN WITNESS WHEREOF, the Parties hereto acting through their duly authorized agents have caused this agreement to be signed and delivered on the date set forth below. Item 3.

This \_\_\_\_\_ day of \_\_\_\_\_, 2024.

WINNETT COUNTY, GEORGIA

CITY OF DACULA, GEORGIA

By: \_\_\_\_\_  
NICOLE L. HENDRICKSON

By: \_\_\_\_\_

Title: CHAIRWOMAN

Title: \_\_\_\_\_

ATTEST:

ATTEST:

By: \_\_\_\_\_

By: \_\_\_\_\_

Title: County Clerk/Deputy County Clerk (SEAL)

Title: City Clerk (SEAL)

APPROVED AS TO FORM:

\_\_\_\_\_  
Senior Assistant County Attorney



# MEMO

TO: Mayor and City Council of the City of Dacula  
 FROM: Brittni Nix, City Administrator  
 DATE: December 27, 2024  
 SUBJECT: Bid results for Brookton North subdivision improvements

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The City requested bids for the approved Brookton North Subdivision Asphalt Milling and Repaving Project. The project includes asphalt milling and deep patch milling, repaving, thermoplastic striping and replacing aging and faded street signage. All disturbed areas will be sodded as needed.

The bid results are below:

Allied Paving Contractors, Inc. - \$392,756.25  
 Blount Construction Company - \$526,793.75  
 Georgia Paving - \$424,920.00  
 Shepco Paving, Inc. - \$594,770.00  
 The Scruggs Company, d.b.a. - \$581,000.00  
 Stewart Brothers, Inc. - \$582,439.94  
 Vertical Earth, Inc. - \$440,436.08

The lowest qualified bid was \$392,756.25 from Allied Paving Contractors, Inc., which is less than the opinion of probable construction cost (OPCC) of \$520,326.70 dated October 28, 2024. The City has been awarded \$86,491.71 of FFY-2025 Local Maintenance Improvement Grant (LMIG) funding. The remainder of the project will be funded through SPLOST. Staff recommends awarding the bid to Allied Paving Contractors, Inc., and authorizing the Mayor and City Administrator to execute all necessary documents to implement the subject project.



4174 Silver Peak Parkway, Suwanee, GA 30024

Office 770.932.6550 • Fax 770.932.6551 • bowman.com

December 23, 2024

Mayor & Council  
**City of Dacula**  
 P.O. Box 400  
 Dacula, GA 30019

RE: Bid Evaluation & Recommendation  
 Brookton North Subdivision Asphalt Milling and Repaving Project

Dear Mayor & Council,

We have reviewed the bids which were submitted to the City of Dacula on December 19, 2024, for the "Brookton North Subdivision Asphalt Milling and Repaving Project". The Bidders and their bid amounts are listed below beginning with the apparent lowest Bidder for work described in Section 00 300 and set forth as Total Bid in the Bid Proposal Form.

Bid Submitted By:	Addenda #1 Attached	Bid Bond Attached	Total Bid
<b>** Allied Paving Contractors, Inc.</b>	<b>X</b>	<b>X</b>	<b>\$392,756.25</b>
Blount Construction Company	X	X	\$526,793.75
Georgia Paving	X	X	\$424,920.00
Shepco Paving, Inc.	X	X	\$594,770.00
The Scruggs Company, d.b.a.	X	X	\$581,000.00
Stewart Brothers, Inc.	X	X	\$582,439.94
Vertical Earth, Inc.	X	X	\$440,436.08

*\*Bid Bonds verified for authenticity and for bonding capacity for Performance & Payment Bonds.*

*\*\*Apparent Low Bidder*

Based on our evaluation of the bids outlined above, we recommend that the City of Dacula issue a "Letter of Intent" stating that the "Brookton North Subdivision Asphalt Milling and Repaving Project" be awarded to Allied Paving Contractors, Inc. with a Total Bid in the amount of **Three-Hundred Ninety-two Thousand, Seven-Hundred Fifty-Six Dollars and 25/100 cents (\$392,756.25)** with said amounts determined as representing the lowest, responsive, responsible bid for the Work as illustrated by the Specifications and Drawings entitled "Brookton North Subdivision Asphalt Milling and Repaving Project" prepared by Bowman Consulting Group dated October 28, 2024.

City of Dacula  
Brookton North Subdivision Asphalt Milling and Repaving Project  
Page 2 of 2

It is recommended that the City should state in their "Letter of Intent" to the successful Contractor that the following documentation should be provided to the City prior the processing of any payments for the work. The Letter of Intent shall be accompanied by a "draft" Contract for their review and use in securing Performance and Payment bonds. The successful Contractor shall provide the following documents on or before commencing work.

1. Performance / Payment Bonds for 100% of Contract Amount.
2. Schedule of Values (Breakdown of Bid Amounts).
3. Certificate of Insurance.
4. List of Sub-Contractors to be performing work on this Project.
5. Georgia Security and Immigration Sub-Contractors Affidavit.

The actual Contract will be signed and sealed by the City and the Contractor upon receipt of the above documentation. The "Notice to Proceed" will be issued by a date agreed upon by the City and the Contractor. Once issued by the City and accepted by the successful Contractor, work shall begin within 10 days of the date of the Notice to Proceed.

Should you have any questions, please feel free to call.

Sincerely,  
**Bowman Consulting Group**



Kevin D. Whigham, P.E.  
Team Lead, Civil Engineering  
KDW/mrf  
*(P: 2024/0806/Bid/Letter of Recommendation)*

# Memorandum

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

**From:** Hayes Taylor, City Planner

**Date:** December 30, 2024

**Subject:** 2024-CD-SUP-03

**Proposed Zoning:** Special Use Permit for automotive sales lot

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

**Size:** 5.26 acres

**Proposed Use:** Automotive sales

**Applicant:** SK Automotive Sales, LLC  
450 Pike Park Drive  
Lawrenceville, Georgia 30046

**Owner:** SK Automotive Sales, LLC  
450 Pike Park Drive  
Lawrenceville, Georgia 30046

**Location:** LL 271 - 5th District, Parcel 052

**Existing Land Use and Zoning:**

The subject property totals 5.26 acres and is located at 2103 Winder Highway, which is east of the Circle Rd / Winder Hwy intersection, and roughly 700 ft from the entrance of the Lindenwood subdivision. The applicant owns and operates an existing automotive repair and storage facility on the subject parcel with no sales component. The site contains one (1) primary structure on-site. Said structure is approximately 6,800 sf and contains four (4) automobile bays and office space. Asphalt areas are located in the front and rear yards. The rear yard contains approximately 121,000 sf of vehicle storage space. The submitted site plan shows an existing 80 ft powerline easement along the parcel’s eastern border. The adjacent convenience store located at 2105 Winder Hwy and existing landscaping obscure the current automotive uses from view from the right-of-way.

The parcel is currently zoned C-2 General Business District and abuts properties zoned C-2 to the west and north, an M-1 (Light Manufacturing District) zoned property adjacent to the east, and a vacant PMUD (Planned Mixed-Use District) parcel adjacent to the south.



### **The Proposed Development:**

The applicant requests a special use permit to allow for up to ten (10) vehicles for sale on site. Application materials emphasize that the request is for supplemental sale of used vehicles that are already on-site in relation to the automotive repair use. Automotive sales would be considered an accessory use to the existing business, and the site would not be redeveloped as a used car sales lot.

The business plan provided in the application materials does not include additional signage advertising outside noting that vehicles are for sale. No infrastructure additions/modifications to the site are proposed. As such, the current visibility of the vehicles would not be increased. In fact, the applicant has committed to providing additional landscaping to further shield the site from Winder Hwy and the Lindenwood subdivision.

### **Summary:**

The requested special use permit for accessory used automotive sales would not change the primary use of the subject property. Considering the proposed expansion of the SK Automotive business model does not include a used sales lot or site development, it is unlikely the request will negatively impact nearby residences, or modify the visibility of the vehicles. As such, the Department recommends that the requested special use permit for used automotive sales is approved with conditions at this location.

### **Comprehensive Plan:**

The City of Dacula's 2050 Comprehensive Plan labels the subject property as Dacula Job Center (pg. 68). The Dacula Job Center character area calls for light industrial, industrial office, and distribution warehouse uses, with an emphasis on employment of Dacula residents and low impact industry.

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

The requested special use permit for used automotive sales is compatible with the surrounding commercial and industrial uses along Winder Hwy. Therefore, the proposed automotive sales use could be considered suitable as proposed.

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

If approved, the recommended conditions would help mitigate any negative impacts onto the surrounding properties from the proposed use.

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

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

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

With the proposed conditions, excessive and burdensome use of existing streets, transportation facilities, or utilities would be minimized. No additional impacts are anticipated for area schools.

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

The property is located within the Dacula Job Center character area. Although the character area is principally an industrial center, the SUP would support the existing automotive service facility and would not materially change the nature and primary use of the property.

**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 special use permit?***

No site modifications or increases of intensity in use are proposed. With the proper conditions, the proposed SUP would not increase the visibility or visual impact of the existing or proposed automotive use and would likely decrease the number of vehicles being shipped to other locations for sale. The requested special use permit could further contribute to the economic base of Dacula.

**Recommendation:**

Based upon the application, the special use permit for automotive sales lot facilities is recommended for approval with the following conditions.

**Conditions Set #1: 2024-CD-SUP-03**

1. Any modifications to the existing property improvements (ex: redevelopment, paint, repairs, additions, concrete, asphalt, etc.) shall be reviewed and approved by the Planning & Development Department.
2. The Special Use Permit shall be deemed abandoned by the Property Owner if automotive sales are ceased for more than ninety (90) days, per Article 17, Section 1706.

3. Should the Property Owner be found in a violation of any of these conditions or other regulations relevant to the automotive sales use at any time, the City Administrator may review the appropriateness of the use and recommend revocation to the City Council, per Article XVII, Section 1708 of the Zoning Resolution
4. The Special Use Permit shall expire upon the change in ownership of the facility and/or property.
5. Automotive sales shall be limited to no more than ten (10) vehicles at any given time. Vehicles for sale shall be limited to the existing paved parking lot between the main commercial building and the stormwater detention facility.
6. Vehicles for sale may be advertised solely online. No signs / advertisements shall be placed on the vehicles or on-site.
7. No outside loudspeakers shall be allowed.
8. Outdoor display of parts, new or used tires, junked vehicles or other materials is prohibited.
9. Where possible by existing topography, power-line easements, and other encumbrances, the Property Owner shall supplement existing landscaping with native, evergreen shrubs or trees to screen visibility of the property from Winder Highway. The landscape plan shall be subject to the review and approval of the City of Dacula's Planning and Development Department.
10. No tents, canopies, temporary banners, streamers or roping decorated with flags, tinsel, or other similar material shall be displayed, hung, or strung on the site without appropriate permit(s). No decorative balloons or hot-air balloons shall be displayed on the site.
11. Oversized signs or billboards shall not be permitted.
12. Ground signage shall be limited to one monument-type sign and shall not be located within the right-of-way. The monument sign shall not exceed a maximum of 8-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. The monument sign shall not impede site distance along Winder Hwy. Sign location and design are subject to review and approval by the City of Dacula.
13. Live human advertisement shall be prohibited within the subject area. This includes, but is not limited to, sign spinners, twirlers, dancers, clowns, and / or other similar temporary advertising methods commonly provided by costumed or animated humans.
14. Blinking, exposed neon, portable, inflatable and temporary signage shall be prohibited.
15. 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.

16. All vehicular access must meet the City of Dacula's project access improvement standards of a public road. All improvements shall be provided by the developer/owner.

**Conditions Set #2: 2014-CD-RZ-01**

Should the property be redeveloped or is no longer considered a lawful non-conforming building or use, the parcel is subject to the following conditions from zoning case 2024-CD-RZ-01.

1. Transportation/Infrastructure

1.A. Provide interparcel vehicle access points between all contiguous commercial, office, industrial or attached residential tracts. This requirement may be waived by the City only if it is demonstrated that an interparcel connection is not feasible due to traffic safety or topographic concerns.

1.B. All new utility lines shall be located underground.

1.C. Sidewalks shall be required adjacent to all public rights-of-way. The location of sidewalks shall be reviewed and approved by the City of Dacula, Gwinnett County D.O.T or Georgia Department of Transportation depending on who owns the subject right-of-way. It is required that a minimum five-foot wide sidewalk connection be provided from public rights-of-way to the entrance(s) of buildings.

1.D. Sidewalks shall be constructed with an additional 2-foot by 8-foot pad approximately every 300 linear feet to accommodate future pedestrian amenities such as benches, planters, and trash containers. All such required amenities shall be decorative, commercial-quality fixtures. Sidewalk design and placement of any of these amenities shall be reviewed and approved by the City of Dacula, Gwinnett County D.O.T or Georgia Department of Transportation depending on who owns the subject right-of-way.

1.E. Provide streetlights along all public rights-of-way utilizing decorative light poles/fixtures. Light source shall be high-pressure sodium. Streets lights shall be staggered, 150 feet on-center, along both sides of the roadway. All street lighting shall be subject to review and approval of the City of Dacula, Gwinnett County D.O.T or Georgia Department of Transportation depending on who owns the subject right-of-way. Where applicable, streetlights shall be placed adjacent to required pedestrian amenity sidewalk pads. Light Fixtures which are utilized shall be as follows:

-Fixture Head Pole Type (Streetlight)

-Max. Pole Height = Cobra Head Fluted (Black) 40 ft. or Cobra Head Smooth (Black) 40 ft.

- 1.F. Provide lighting throughout all parking areas utilizing decorative light poles/fixtures. Light source shall be metal halide, not exceeding an average of 4.5 foot-candles of light output throughout the parking area. Other than pedestrian light fixtures which will be less than 14 feet tall, light fixtures shall be hooded. All lighting will be metal halide. Lighting shall be directed to avoid intrusion on adjacent properties and away from adjacent thoroughfares.

### Landscaping Requirements

- 2.A. Provide, at a minimum, 20 Tree Density Units per acre for all non-residential development. Type and size of plantings shall be in compliance with the Dacula Buffer Landscape and Tree Ordinance. At least 50% of plantings shall consist of trees 3-inches in caliper (dbh) or greater.
- 2.B. Provide landscaped islands throughout all surface parking areas as required by the Dacula Buffer, Landscape and Tree Ordinance.
- 2.C. Provide a minimum ten-foot wide landscaped strip between all road rights-of-way and the back-of-curb of abutting off-street paved parking lots. Landscaped strips between road rights-of-way and the edge of abutting off-street grassed parking areas shall be five-feet in width. At a minimum, landscaped strips shall be planted in accordance with the Dacula Buffer, Landscape and Tree Ordinance.
- 2.D. Provide non-ornamental shade trees spaced 50-feet on-center or grouped at 120-feet on-center along the right of way Highway 29. All street trees shall be a minimum 4-inch caliper (dbh) at the time of planting. Street trees shall be planted six-feet from back-of-curb subject to review and approval of the City of Dacula, Georgia, or Gwinnett Department of Transportation.

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

1. Willow Oak
  2. Overcup Oak
  3. Nuttall Oak
  4. Pin Oak
  5. Shumard Oak
  6. Lacebark Elm
  7. Japanese Zelkova
- 2.E. Dumpsters which may be seen from adjacent properties or public parking lots shall be screened from view on all four sides. Screening shall consist of three solid walls of brick, stucco or split-face block construction, at least six feet in height, with 100 percent solid metal or wooden gates. Dumpsters shall be placed in the rear yard and may be located 0-feet

from the property line if the adjoining property is zoned non-residential and 0-feet from all applicable buffers if the adjoining property is zoned residential.

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

### 3. Parking/Yard, Height & Setback

3.A. For retail developments exceeding 125,000 square feet of gross floor area, at least 10% of all required parking spaces shall be provided in parking areas of porous paving or grass paving systems, such as "Grasscrete" or "Grasspave," not to exceed 1,000 parking spaces or as approved by the City of Dacula.

3.B. Up to 25% of the required parking spaces for any development may be reduced in total area, width or depth for designated small vehicle parking. Each small vehicle parking space shall not be less than eight feet in width and 17 feet in depth.

3.C. Freestanding buildings or shopping center developments containing 7,500 gross square feet of space or less shall provide no more than 20% of parking areas in the front of building(s) and be limited to no more than one double row of parking. No more than 20% of off-street parking areas may be located to the sides of building(s), with the balance of parking located to the rear the building(s).

3.D. For developments exceeding 7,500 square feet, building placement is encouraged to be close to, and oriented toward, the public right-of-way with the majority of parking to the sides and rear where possible.

3.E. Decorative, commercial-quality, bicycle racks, benches and trash receptacles shall be required for all retail and office developments.

### 4. Signage; Temporary Uses; Peddling

4.A. Except as contained herein, sizes and amount of signage shall not exceed the requirements of the Sign Ordinance.

4.B. Oversized Signs or Billboards shall not be permitted.

4.C. Ground signs shall be limited to monument-type signs. Base and sign structure shall be constructed of materials such as brick, stone, stucco, wood or metal consistent with the architecture and exterior treatment of the building.

4.D. Canopy and awning sign(s) shall be limited to 15 square feet per road frontage. If lighted, lettering shall be individually formed and lighted. No spreader bar signage shall be allowed except as required by the State Fire Marshall.

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

4.F. Peddlers shall be prohibited.

4.G. Live human advertisement shall be prohibited within the subject area. To include but not necessarily be limited to sign spinners, twirlers, dancers, clowns, and/or other similar temporary advertising methods commonly provided by costumed or animated humans.

## 5. Architectural Design

5.A. Architectural design of all non-residential buildings should comply with the following performance guidelines:

(1) Building facades shall be of architectural treatments of glass and/or brick, stone or stucco. Tilt-up or pre-cast concrete or alternate material may be used for industrial, multistory office (3-stories or greater) or hotel development subject to review and approval of the City of Dacula.

(2) Contrasting accent colors of any wall, awning or other feature (other than dark green or brick red) shall be limited to no more than 15% of the total area for any single facade.

(3) Metal sided or portable buildings shall be prohibited.

(4) Buildings shall incorporate live plant material growing immediately in front of or on the building.

(5) Buildings of less than 5,000 square feet of gross floor area shall be designed with pitched roofs, minimum pitch of 4 in 12.

(6) Roofing materials for pitched or mansard roofs shall be limited to the following:

- \* Metal standing seam of red, green or silver in color.
- \* Tile, slate or stone.
- \* Wood shake.
- \* Shingles with a slate, tile or metal appearance.

(7) All mechanical, HVAC and like systems shall be screened from street level view (within 300 feet) on all sides by an opaque wall or fence of brick, stucco, split-faced block or wood.

(8) Any accessories provided such as railings, benches, trash receptacles and/or bicycle racks shall complement the building design and style.

5.B. Architectural design of all commercial/retail buildings should comply with the following additional performance guidelines:

- (1) To lend the appearance of multi-tenant occupancy, facades of multi-tenant buildings shall be varied in depth or parapet height.
- (2) Within planned shopping centers, distinct architectural entry identity for individual tenants' entrances shall be provided for suites exceeding 10,000 square feet of leasable area.
- (3) Walls visible from roadways or parking areas shall incorporate changes in building material/color or varying edifice detail such as trellises, false windows or recessed panels reminiscent of window, door or colonnade openings, landscaping or storefront every 150 linear feet.
- (4) Roof parapets shall be articulated to provide visual diversity. Parapets shall include articulations or architectural features at least every 100 linear feet. The minimum height of articulations or features shall be one foot, and may be provided in height offset or facade projections such as porticoes or towers.
- (5) Building design shall include minimum one foot deep cornices, extending along the entire front of buildings and the sides of buildings at least ten feet.
- (6) Building design shall include a minimum one foot high contrasting base, extending along the entire front of buildings and the sides of buildings at least ten feet.

5.C. The City Administrator or his or her designee shall have the authority to grant variances for properties contained within the subject area. For clarification purposes, all variance requests within the subject area are considered administrative in nature and shall not require Mayor and City Council Approval. All appeals to requests of variances shall revert to the pre-existing variance process as outlined in the City of Dacula Zoning Resolution.

5.D. The property located at 2145 Winder Highway (Parcel Number 5274-047) shall be rezoned to M-1 (Light Manufacturing District) in the City.





**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 SK Automotive Sales, LLC	NAME SK Automotive Sales, LLC
ADDRESS 450 Pike Park Drive	ADDRESS 450 Pike Park Drive
CITY Lawrenceville	CITY Lawrenceville
STATE Georgia ZIP 30046	STATE Georgia ZIP 30046
PHONE _____ FAX _____	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 William J. Diehl  
 COMPANY NAME Thompson, O'Brien, Kappler & Nasuti, PC  
 ADDRESS 2 Sun Court, Suite 400  
Peachtree Corners, Georgia 30096  
 PHONE 770-925-0111 FAX 770-925-8597  
 EMAIL wdiehl@tokn.com

PRESENT ZONING DISTRICT(S) C-2 REQUESTED ZONING DISTRICT SUP (Used Car Sales)  
 LAND LOT(S) R5 PARCEL # 271 DISTRICT(S) 052 ACREAGE 5.26

PROPOSED DEVELOPMENT OR SPECIAL USE REQUESTED Applicant seeks to allow limited used vehicle sales from the property. Sales would be limited to no more than ten (10) vehicles at any given time and would be "staged" in the existing parking lot. The SUP would not materially alter the existing operations. The existing office would be utilized as a business center.

<u>RESIDENTIAL DEVELOPMENT:</u>	<u>NON-RESIDENTIAL DEVELOPMENT:</u>
NO. OF LOTS/DWELLINGS UNITS _____	NO. OF BUILDINGS/LOTS <u>1</u>
DWELLING UNIT SIDE (SQ. FT.) _____	TOTAL GROSS SQ. FEET <u>approx. 6,000</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**

### CONCEPT PLAN FOR SPECIAL USE PERMIT

**SK Automotive Sales, LLC**

**2103 Winder Highway,  
Dacula, Georgia  
(PIN: R5271 052)**

**Total Acreage: 5.26**

**Approx. Acreage for Use:  
20,300 sq./ft. // .466 acres**



Area for Vehicle Sales Use



THOMPSON  
O'BRIEN

Thompson, O'Brien, Kappler & Nasuti, P.C.  
Attorneys at Law

William J. Diehl  
Admitted in Georgia  
[WDiehl@tokn.com](mailto:WDiehl@tokn.com)

November 8, 2024

**VIA HAND DELIVERY**

City of Dacula, Georgia  
Department of Planning and Development  
442 Harbins Road  
Dacula, GA 30019

RE: Special Use Permit to allow for Automotive Sales pursuant to Section 906(E) of the Zoning Resolution at 2103 Winder Hwy, Dacula, Georgia (PIN: 5271 052) (the "Property")

**I. INTRODUCTION**

Please allow this correspondence to serve as the Letter of Intent and Zoning Standards associated with the Property referenced above. SK Automotive Sales, LLC ("SK") is both the applicant and current property owner. SK seeks a Special Use Permit ("SUP") to allow for limited automotive sales from the Property. Such use would be ancillary to the existing, permitted uses on the Property, which is currently being used as a vehicle repair facility and for commercial vehicle storage. SK is *not* proposing to redevelop the Property for a Used Car Sales Establishment. Their use will *not* involve large sales lot, brash signage, and offices exclusively used to sell vehicles. Rather, the SUP will allow SK to sell a limited number of vehicles from its existing parking lot. As discussed below, SK is willing to propose conditions to ensure that the SUP use is appropriately limited and that site standards are maintained.

To provide some context on SK's existing operations, SK owns the Property and from it operates a vehicle repair facility and commercial vehicle storage. It does not currently conduct any sales from the Property. Separately, SK owns an automotive dealership in Lawrenceville, Georgia (450 Pike Park Drive, Lawrenceville, Georgia). From there, it sells vehicles and most of its sales are listed on internet car sales sites. When vehicles located at the Property are to be sold, SK must transport the vehicle to Lawrenceville where it can be sold to buyers.

The lot layout, tree and shrub coverage, the adjoining commercial building, and the existing facilities currently obscure the automotive uses from direct sight lines along Winder Highway, where possible. The driveway to the service center is lined with mature trees, including some large evergreen trees. To the east of the Property, a large powerline easement limits the extent to which additional landscaping can be installed; however, there are opportunities for supplemental plantings in other areas on the Property.

Special Use Permit, Letter of Intent  
 SK Automotive // 2103 Winder Highway  
 Page 2 of 4

This proposal would allow SK to sell the vehicles directly from the Property but *only* as an accessory or ancillary use. SK expects that it will only have between five (5) to ten (10) vehicles on site that will be available for purchase, and all will be sold internally within the existing parking facilities (in other words, none will be displayed along the road frontage). SK would have very limited signage noting the vehicle sales use along Winder Highway, and would proffer a condition that no temporary signage, flags, inflatable sales-devices, or any other signage would be placed in a manner visible from Winder Highway. Cars that are for sale on the Property will have signage that is visible only from the interior parking lot. The following conditions to this approval are proffered to ensure regulatory compliance from the Property.

## II. PROFFERED CONDITIONS

The following conditions are proposed with the SUP by SK to ensure that the use is compliant with the existing and planned development and use patterns.

1. The Special Use Permit shall be deemed abandoned by the Property Owner if the accompanying automotive service use is ceased for more than six (6) six months.
2. Property owner shall have no more than ten (10) vehicles for sale from the Property at any time. Vehicles listed for sale must be located within the paved parking spaces located between the main commercial building and the stormwater detention facility.
3. Automotive sales may be indicated on the existing monument signage as an accessory to the existing automotive service facility. For example, the signage may indicate "Automotive Service & Sales". No temporary yard-signs, flags, inflatable signs, or any other similar signs (including human advertisement such as sign spinners) shall be placed on the right of way along Winder Highway for advertising purposes.
4. Where possible by existing topography, power-line easements, and other encumbrances, Property Owner shall supplement planting with native, evergreen shrubs or trees to screen visibility of the Property from Winder Highway. Such planting shall be at the reasonable direction of the Director of the City's Planning and Development Department.
5. Should the Property Owner be found in violation of any of these conditions or other regulations relevant to the Automotive Sales Use three (3) times within any 365-day period, the Special Use Permit shall be deemed abandoned and revoked.

## III. ZONING STANDARDS

**Whether a proposed special use will permit a use that is suitable in view of the use and development of adjacent and nearby property:**

Yes. The Automotive Sales, particularly as an accessory use to an automotive service establishment, is consistent with the surrounding commercial and light industrial uses surrounding

Special Use Permit, Letter of Intent  
 SK Automotive // 2103 Winder Highway  
 Page 3 of 4

the Property. These uses are present currently in the adjoining parcels. 2105 and 2115 Winder Highway are commercial buildings. 2095 Winder Highway is an industrial and logistics-based business. Indeed, Winder Highway is a commercial and light industrial thoroughfare within the City and its traffic capacities, access to Highway 316, and location outside of the Downtown district, make the Property ideally situated for higher intensity commercial uses. The proffered conditions ensure that the use remains accessory to the Property's current uses and minimizes the extent to which the use will impact surrounding uses.

**Whether a proposed special use permit will adversely affect the existing use or usability of adjacent or nearby property:**

No. As discussed above, the surrounding uses are commercial and industrial in nature. The proposed use is consistent and complementary to those uses. Conditions regarding the extent of advertisement and requiring site improvements will ensure that the use will not detract from the existing character of Winder Highway.

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

The preclusion of automotive sales imposes regulations that do cause additional expenses to the Property Owner, by requiring the applicant to transport vehicles. The property is currently being used for an economically viable use. The use envisioned here is accessory to that use.

**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 use will not cause an increase in traffic, utility demand, or schools. The automotive sales use will be within the existing facilities and will be limited by conditions to no more than ten (10) vehicle sales. Allowing for vehicle sales on the Property will limit the extent to which the applicant must transport vehicles to its other locations where vehicle sales are permitted; therefore, the use may reduce existing impacts on traffic.

**Whether the proposed rezoning is in conformity with the policy and intent of the Land Use Plan:**

Yes. The Property is located within the Dacula Job Center character area. While this area is primarily an industrial center particularly for logistic uses, this SUP would support the existing automotive service facility and would not materially change the nature and use of the Property. As currently situated, vehicles to be sold are repaired from the Property and transported elsewhere for sales. Granting this SUP will bolster the existing use by limiting the extent to which transportation is needed to facilitate the business's operations.

Special Use Permit, Letter of Intent  
SK Automotive // 2103 Winder Highway  
Page 4 of 4

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

Existing conditions support granting the SUP. SK is committed to ensuring that the Property continues to be well maintained and appropriate for this commercial and industrial corridor. SK will comply with existing conditions for landscaping and tree cover and will supplement tree cover where appropriate to ensure compatibility with the surrounding uses.

Very truly yours,

THOMPSON, O'BRIEN, KAPPLER & NASUTI, P.C.

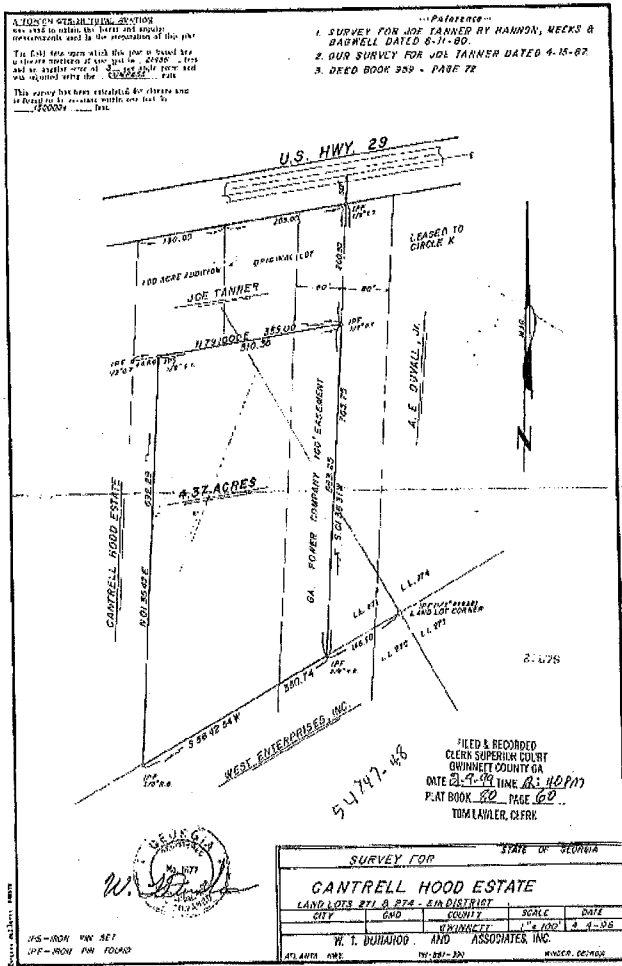


William J. Diehl

## Legal Description

ALL THAT TRACT or parcel of land lying and being in Land Lots 271 and 274 of the 5<sup>th</sup> Land District, Gwinnett County, Georgia, containing 5.265 Acres as shown on a plat of survey for Parker Gann by W. T. Dunahoo and Associates (W. T. Dunahoo, Georgia Registered Land Surveyor No. 1577), dated May 2, 2001, being more particularly described according to said plat as follows:

To locate the point of beginning, begin at an iron pin found at the original corner common to Land Lots 270, 271, 274 and 275, and run thence southwest along the land lot line common to Land Lots 270 and 271 a distance of 146.20 feet to a point marked by a one-half inch open top found which is the TRUE PLACE OR POINT OF BEGINNING, from said beginning point as thus established run thence along the land lot line common to Land Lots 270 and 271 South 58 degrees 43 minutes 00 seconds West 360.70 feet to a point marked by a one-half inch rebar found; run thence North 01 degree 30 minutes 54 seconds East 905.73 feet to a point marked by a one-half inch rebar found on the southeast right of way of Georgia Highway No. 8 (formerly U.S. Highway 29) (an 80-foot right of way); run thence along said right of way line North 79 degrees 39 minutes 48 seconds East 106.42 feet to a point marked by an iron pin set; run thence along property now or formerly owned by Joe Tanner South 01 degree 36 minutes 31 seconds West 129.50 feet to a point marked by an iron pin set; run thence along the line of property now or formerly owned by Joe Tanner North 79 degrees 14 minutes 31 seconds East 205.00 feet to a point marked by an iron pin set; run thence South 01 degree 36 minutes 31 seconds West 646.26 feet to a point marked by a one-half inch open top found on the land lot line common to Land Lots 270 and 271, WHICH IS THE PLACE OR POINT OF BEGINNING.





**APPLICANT CERTIFICATION**

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

Signature of Applicant [Signature] Date 11/7/21

Type or Print Name/Title Shokirzhon Karimov, President

Notary Public [Signature] Date \_\_\_\_\_



**PROPERTY OWNER CERTIFICATION**

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

Signature of Property Owner [Signature] Date \_\_\_\_\_

Type or Print Name/Title Shokirzhon Karimov, President

Notary Public [Signature] Date \_\_\_\_\_



**FOR ADMINISTRATIVE USE ONLY**

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

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

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

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

STIPULATIONS \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**ADJOINING PROPERTY OWNERS**

HEATH INDUSTRIAL PROPERTY LLC  
2145 WINDER HWY  
DACULA GA 30019-2209

<b>Property ID</b>	R5274 047
<b>Alternate ID</b>	560316
<b>Address</b>	2145 WINDER HWY
<b>Property Class</b>	Manufacturing/Processing
<b>Neighborhood</b>	9800
<b>Deed Acres</b>	4.8700

REJI & SINDHU LLC  
2424 TREEHAVEN DR  
SNELLVILLE GA 30078-5516

<b>Property ID</b>	R5274 088
<b>Alternate ID</b>	1631980
<b>Address</b>	2115 WINDER HWY
<b>Property Class</b>	Convenience Food Market
<b>Neighborhood</b>	9800
<b>Deed Acres</b>	1.1300

2105 DACULA INVESTMENT LLC  
 2905 FITZGERALD TRCE  
 DULUTH GA 30097-6210

<b>Property ID</b>	R5271 070
<b>Alternate ID</b>	559431
<b>Address</b>	2105 WINDER HWY
<b>Property Class</b>	Convenience Food Market
<b>Neighborhood</b>	9800
<b>Deed Acres</b>	0.4900

DUVALL A E JR  
 135 ROCK HOUSE RD  
 LAWRENCEVILLE GA 30045-5139

<b>Property ID</b>	R5274 017
<b>Alternate ID</b>	560120
<b>Address</b>	HWY 29
<b>Property Class</b>	Residential Vacant
<b>Neighborhood</b>	8016
<b>Deed Acres</b>	1.0700

2095 WINDER HWY V1 LLC  
45 MAIN ST STE 506  
BROOKLYN NY 11201-1093

<b>Property ID</b>	R5271 051
<b>Alternate ID</b>	559342
<b>Address</b>	2095 WINDER HWY
<b>Property Class</b>	Warehouse, PreFab
<b>Neighborhood</b>	9800
<b>Deed Acres</b>	5.8700

## DISCLOSURE & PENALTIES

### 36-67A-2 Disclosure of Financial Interests

A local government official who:

- (1) Has a property interest in any real property affected by a rezoning action upon which that official is authorized to vote.
- (2) Has a financial interest in any business entity which a property interest in any real property affected by a rezoning action upon which that official is authorized to vote; or
- (3) Has a member of the family having any interest described in paragraph (1) or (2) of this Code section shall immediately disclose the nature and extent of such interest, in writing to the governing authority of the local government in which the local government official is a member. Such disclosures shall be a public record and available for public inspection at any time during normal working hours. (Code 1981, Sec. 36-67A-2, enacted by Ga.L. 1986, p. 1269, Sec.1.).

### 36-67A-3 Disclosure of Campaign Contributions.

- (a) When any applicant for rezoning action has made, within two years immediately preceding the filing of that applicant's application for the rezoning action, campaign contributions aggregating \$250.00 or more or made gifts having in the aggregate a value of \$250.00 or more to a local government official of the local government which will consider the applications, it shall be the duty of the applicant and the attorney representing the applicant to file a disclosure report with the governing authority of the respective local government showing:
  - (1) The name of the local government official to whom the campaign contribution or gift was made;
  - (2) The dollar amount of each campaign contribution made by the applicant to the local government official during the two years immediately preceding the filing of the application for the rezoning action and the date of each such contribution; and
  - (3) An enumeration and description of each gift having a value of \$250.00 or more made by the applicant to the local government official during the two years immediately preceding the filing of the application for the zoning change.
- (b) The disclosures required by subsection (1) of this Code shall be filed within ten days after the application for the rezoning action is first filed. (Code 1981, Sec. 36-67A-3, enacted by Ga. L. 1986, p. 1269, Sec. 1)

### 36-67A-4 Penalties

Any local government official knowingly failing to make a disclosure required by Code Section 36-85-2 shall be guilty of a misdemeanor. Any applicant for rezoning action knowingly failing to make any disclosures as required by Code Section 36-83-3 shall be guilty of a misdemeanor. (Code 1981, Sec. 36-67A-4, enacted by Ga.L. 1986, p. 269, Sec.1.)



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

**IMPACT ANALYSIS STATEMENT**

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

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

A. Whether a proposed rezoning will permit a use that is suitable in view of the use and development of adjacent and nearby property: (See attached) \_\_\_\_\_

B. Whether a proposed rezoning will adversely affect the existing use or usability of adjacent or nearby property: (See attached) \_\_\_\_\_

C. Whether the property to be affected by a proposed rezoning has a reasonable economic use as currently zoned: (See attached) \_\_\_\_\_

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. (See attached) \_\_\_\_\_

E. Whether the proposed rezoning is in conformity with the policy and intent of the Land Use Plan: (See attached) \_\_\_\_\_

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: (See attached) \_\_\_\_\_



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

**DISCLOSURE OF CAMPAIGN CONTRIBUTIONS**

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

Yes  No

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

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

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

Yes  No

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

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

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

**CONFLICT OF INTEREST CERTIFICATION**

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

Signature of Applicant [Signature] Date 11/7/2024

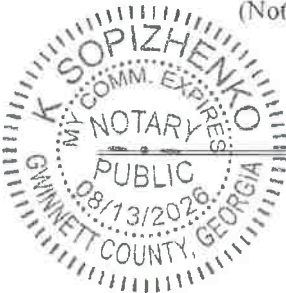
Type or Print Name/Title Shorkirzhon Karimov, President

Signature of Applicant' Attorney [Signature] Date 11/7/2024

Type or Print Name/Title William J. Diehl, Thompson, O'Brien, Kappler & Nasuti, PC

Notary Public [Signature] Date 11/7/2024

(Notary Seal)



**Official Use Only**

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

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



# Memorandum

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

**From:** Hayes Taylor, City Planner

**Date:** December 30, 2024

**Subject:** Rezoning: 2024-CD-RZ-03  
Variance: 2024-CD-VAR-03

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

**Existing Zoning:** R-1100 (Single-Family Residential District)

**Size:** 1.51 acres

**Proposed Use:** Indoor Sports Recreation Facility

**Applicant:** Belkys L. Roa Zambrano  
2566 Kachina Trail  
Dacula, Georgia 30019

**Owner:** Atlanta Quality Management, LLC  
2566 Kachina Trail  
Dacula, Georgia 30019

**Location:** 5th District, Land Lot 302, Parcel A030

## Existing Land Use and Zoning:

The subject property is located at 2694 Winder Highway, totaling 1.51 acres along Winder Hwy, and is roughly 1,000 ft east of the Jimmy Wilbanks Memorial Intersection (Harbins Road, Dacula Road, and Winder Highway). The parcel is zoned R-1100 (Single-Family Residential District) and is currently undeveloped. The adjacent parcel to the northeast is owned by Seven Smith's Investments, and has no plans for development, per the letter of intent. GCDOT owns the adjacent vacant parcel to the southwest and currently has no active plans to develop it, per GCDOT communications with the City. The subject parcel abuts CSX right-of-way to the north. Across Winder Highway are several commercial developments, zoned C-2 (General Business District), including Ace Hardware, Dairy Queen, Zaxby's, Dollar Tree, Advanced Auto Parts, and vacant commercial space.

## The Proposed Rezoning & Development:

The applicant has requested to rezone the 1.51-acre parcel from R-1100 (Single-Family Residential District) to C-2 (General Business District) for development of an indoor soccer recreational facility. The submitted concept plan shows one curb cut on Winder Hwy, a ~21,000 s.f. split level building, 35 parking spaces, and a stormwater retention area. The letter of intent states that the lower level of the proposed facility would be constructed of reinforced concrete or reinforced

masonry, and that the upper level would be an insulated metal building shell with a maximum height of forty (40) feet. Staff notes the applicant anticipates installation of a private on-site septic system. The applicant expects that water and sewer needs will be limited as the business model does not include food service or shower facilities.

The rezoning request is compatible with nearby commercial zoning designation and the existing car-centered commercial development pattern across Winder Hwy. The parcel's proximity to the CSX rail line and a state highway provides site constraints that could limit the types of suitable uses at this location. The character area further calls for community gathering places, locally driven employment opportunities and the redevelopment of underutilized properties. The proposed indoor soccer field could offer a potential community-oriented recreational resource and employment opportunities on a possibly underutilized parcel.

The applicant additionally requests replacing the required 75-foot undisturbed buffer with an enhanced landscape buffer. A rezoning without a buffer variance would limit the buildable area of the parcel. The proposed landscape buffer would provide privacy protection and a suitable buildable area on the property.

### **Summary:**

The proposed business model would be consistent with the commercial character of the commercial corridor along Winder Hwy extending from Jimmy Wilbanks Memorial Intersection. The site is well suited for automotive oriented commercial use due to its location along a state highway and proximity to a CSX line. The aforementioned site constraints may not be immediately conducive to residential development. As such, the Department recommends the requested rezoning and variance be approved with conditions.

### **Comprehensive Plan:**

The proposed development falls within the Dacula Downtown Character Area (City of Dacula 2050 Comprehensive Plan, pg 61). The Dacula Downtown character area land use and zoning considerations call for a variety of commercial, office, and residential land uses with an emphasis on the provision of entertainment, gathering places, and locally driven employment with efforts to encourage development of underutilized parcels (pg 61).

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

The proposed use is consistent with the development pattern across the right-of-way along Winder Hwy. The adjacent properties are vacant and abut an existing railroad. As such, the proposed development could be considered suitable as proposed.

***2. Whether the proposed rezoning and variance 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 undeveloped residentially zoned properties. Approving the recommended zoning conditions would limit the potential of adverse impacts.

**3. *Whether the property to be affected by the proposed rezoning and variance 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 and variance 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 and variance request conforms with the policy and intent of the Land Use Plan?***

The subject parcel is within the Downtown Character Area of the City of Dacula's Future Land Use Map, which calls for a balance of commercial and residential with an emphasis on "entertainment, locally driven cultural" and gathering uses. As such, the proposed development could be considered suitable at this location (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 and variance?***

Site constraints limit the potential uses on the property. The adjacent parcels are undeveloped and abut a CSX railroad track, one of which is owned by Gwinnett Department of Transportation. Their location on Winder Hwy and proximity to a CSX line could decrease the likelihood of a residential use. The proposed development conforms with the nearby development pattern, the 2050 Comprehensive Plan, and could increase the economic utility of a potentially underutilized parcel.

**Recommendation:**

Based on the application, the requested rezoning and variance are recommended for approval with the following conditions.

Concept Plan and Land Use

1. Any substantial deviation from the approved concept plan entitled Atlanta Quality Management, LLC prepared by Smith Monitoring & Maintenance Engineering, Inc. dated October 25, 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 75-foot undisturbed buffers on the northeast and southwest property lines shall be replaced with a 10-ft enhanced landscape buffer. The enhanced landscape buffer shall be provided along the full length of the northeast and southwest property lines. The buffers shall be planted with a staggered, double row of privacy trees that are a

minimum 6-feet in height and 2.5-inch dbh caliper. Privacy trees shall be supplemented with understory shrubs.

Landscape buffer trees shall be a combination of the following native species:

- a. American Holly
  - b. Eastern Hemlock
  - c. Eastern Redcedar
  - d. Loblolly
  - e. Sweetbay Magnolia
  - f. Southern Wax Myrtle
  - g. Washington Hawthorn
  - h. White Pine
  - i. Virginia Pine
3. Uses shall be contained indoors including, but not limited to, soccer and other recreational activities.
  4. No outdoor storage shall be permitted on site.
  5. Drive-thru uses shall not be permitted.

#### Architectural Design

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

#### Landscape and Parking

8. The developer shall provide a minimum of thirty-five (35) parking spaces or adhere to Article X, Section 1002 of the Zoning Resolution, whichever is greater.
9. A parking lot landscape plan shall be submitted to the City for approval. At a minimum, the plan shall include that each parking island/strip shall have a minimum of two (2) ornamental shade trees. All parking area trees shall be a minimum of 2.5-inch dbh caliper. Parking islands/strips may include stormwater management/bioretenion infrastructure and native foliage, per the Georgia Stormwater Management Manual green standards.

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

1. Willow Oak
2. Overcup Oak

3. Nuttall Oak
  4. Sweetbay Magnolia
  5. Southern Magnolia
  6. Japanese Zelkova
  7. Red Maple
  8. Halesia Carolina
  9. Eastern Redbud
  10. American Smoketree
  11. Sourwood
  12. Chalk Maple
10. Parking lot and security lighting shall be directed towards the property to minimize the adverse impact on neighboring properties.
  11. Existing mature growth trees in buffer zones shall remain when feasible. The City Administrator or his / her designee shall determine what is feasible.
  12. Stormwater maintenance areas are encouraged to include practices from the Georgia Stormwater Management Manual green standards. The areas may include lower maintenance grass alternatives such as Blue Star Creeper, Corsican Mint, Micro-Clover, or Fescue, native shrubs, and native trees as approved by the City Administrator.
  13. Gravel drives and parking areas are prohibited. Permeable pavement alternatives must be reviewed and approved by the City prior to development permit issuance.
  14. All trash dumpsters shall be screened by an enclosure using the same exterior building material as the adjacent occupied buildings. Pickup shall be limited to between the hours of 7:00 a.m. to 9:00 p.m. Monday through Saturday. Dumpster enclosures shall remain closed, locked, and in good repair at all times.

#### Transportation and Infrastructure

15. A five (5) foot wide sidewalk shall be constructed on the property frontage of Winder Hwy.
16. Adjoining all parcels under the ownership or control of facility operators must have interparcel access.
17. The developer shall be responsible for the relocation of public or private utilities and stormwater infrastructure.
18. Prior to the issuance of a Development Permit, the developer must satisfy Gwinnett County Department of Transportation requirements. The Developer shall also provide a traffic impact study, as required by Article 4 of the Development Regulations. Subject to final approval by Gwinnett County Department of Transportation, the developer shall make any improvements required by the submitted traffic impact study.

#### Signage and Advertising

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



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

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

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

APPLICANT *	PROPERTY OWNER *
NAME <u>Belkys L. Roa Zambrano</u>	NAME <u>Atlanta Quality Management, LLC</u>
ADDRESS <u>2566 Kachina Trail</u>	ADDRESS <u>2566 Kachina Trail</u>
CITY <u>Dacula</u>	CITY <u>Dacula</u>
STATE <u>Georgia</u> ZIP <u>30019</u>	STATE <u>Georgia</u> ZIP <u>30019</u>
PHONE <u>(678) 449-5104</u> FAX _____	PHONE <u>(770) 298-3549</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 Richard B. Smith, P.E.  
 COMPANY NAME Smith Monitoring & Maintenance Engineering, Inc.  
 ADDRESS 145 Merrill Avenue  
Decatur, Georgia 30030  
 PHONE (404) 229-3096 FAX \_\_\_\_\_  
 EMAIL rick@smmeinc.com

PRESENT ZONING DISTRICT(S) R-1100 REQUESTED ZONING DISTRICT C-2  
 LAND LOT(S) 302 PARCEL # A030 DISTRICT(S) 5 ACREAGE 1.51

PROPOSED DEVELOPMENT OR SPECIAL USE REQUESTED \_\_\_\_\_  
Construction of an indoor soccer facility.

<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>26,000 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**

**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 Belkys L. Roa Date 10/31/24  
Type or Print Name/Title Belkys L. Roa Zambiano  
Notary Public Morgan McQueen Date 10/31/24

MORGAN MCQUEEN  
Notary Public - State of Georgia  
Gwinnett County  
My Commission Expires Sep 23, 2025

**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 Belkys L. Roa Date 10/31/24  
Type or Print Name/Title Belkys L. Roa Zambiano  
Notary Public Morgan McQueen Date 10/31/24

MORGAN MCQUEEN  
Notary Public - State of Georgia  
Gwinnett County  
My Commission Expires Sep 23, 2025

**FOR ADMINISTRATIVE USE ONLY**

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

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

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

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

STIPULATIONS \_\_\_\_\_





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

**APPLICATION**

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

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

(Please Type or Print using BLACK INK)

APPLICANT *	PROPERTY OWNER *
NAME <u>Belkys L. Roa Zambrano</u>	NAME <u>Atlanta Quality Management, LLC</u>
ADDRESS <u>2566 Kachina Trail</u>	ADDRESS <u>2566 Kachina Trail</u>
CITY <u>Dacula</u>	CITY <u>Dacula</u>
STATE <u>Georgia</u> ZIP <u>30019</u>	STATE <u>Georgia</u> ZIP <u>30019</u>
PHONE <u>(678) 449-5104</u> FAX _____	PHONE <u>(770) 298-3549</u> FAX _____

**APPLICANT IS THE:**

- OWNER'S AGENT
- PROPERTY OWNER

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

CONTACT PERSON Richard B. Smith, P.E.

COMPANY NAME Smith Monitoring & Maintenance Engineering, Inc.

ADDRESS 145 Merrill Avenue  
Decatur, Georgia 30030

PHONE (404) 229-3096 FAX \_\_\_\_\_

PRESENT ZONING DISTRICT(S) R-1100 LAND LOT(S) 302 DISTRICT(S) 5th

ADDRESS OF PROPERTY 2694 Winder Highway ACREAGE 1.51

Describe your request in detail and state justification/hardship: \_\_\_\_\_  
Request is for a variance from 75' buffer requirement due to zoning change to C-2. Directly adjacent properties are currently undeveloped and revised zoning is more compatible with the 2050 Comprehensive Plan for the Dacula Downtown Character Area. (Attach additional sheets if necessary)

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

If Yes, please describe: Rezoning Application.  
(Attach additional sheets if necessary)

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

**CASE NUMBER:** \_\_\_\_\_

**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.

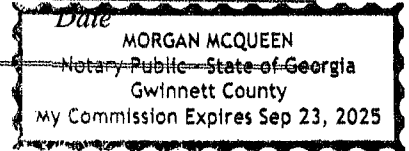
Bethany L. Row  
Signature of Applicant

10/31/24  
Date

Bethany L. Row Zambano/owner  
Type or Print Name/Title

Morgan McQueen  
Notary Public

10/31/24  
Date



**PROPERTY OWNER CERTIFICATION**

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

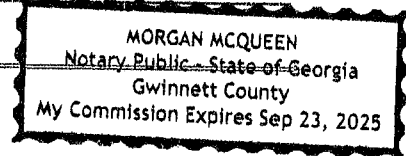
Bethany L. Row  
Signature of Applicant

10/31/24  
Date

Bethany L. Row Zambano/owner  
Type or Print Name/Title

Morgan McQueen  
Notary Public

10/31/24  
Date



**FOR ADMINISTRATIVE USE ONLY**

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

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

**FOR ADMINISTRATIVE USE ONLY**

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

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

STIPULATIONS \_\_\_\_\_

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

LETTER OF INTENT

Atlanta Quality Management, LLC

2694 Winder Highway

Parcel 5302A030

Dacula, Georgia

Proposed Project: Atlanta Quality Management, LLC (AQM) proposes the development of an indoor soccer complex on the 1.51-acre property. The facility is proposed to be constructed of reinforced concrete or reinforced masonry for the foundation and lower level. The upper level would be enclosed in an insulated metal building shell. Maximum building height will not exceed forty (40) feet.

Zoning Change Request: Current zoning for the parcel is R-1100, as are the adjoining properties to the east and west. To develop the subject property as an indoor soccer field a change in zoning to C-2 is required. The C-2 zoning is comparable with the current use of nearby properties on the south side of Winder Highway (Dairy Queen/Ace Hardware). C-2 is also compatible with the 2050 Comprehensive Plan for the Dacula Downtown Character Area.

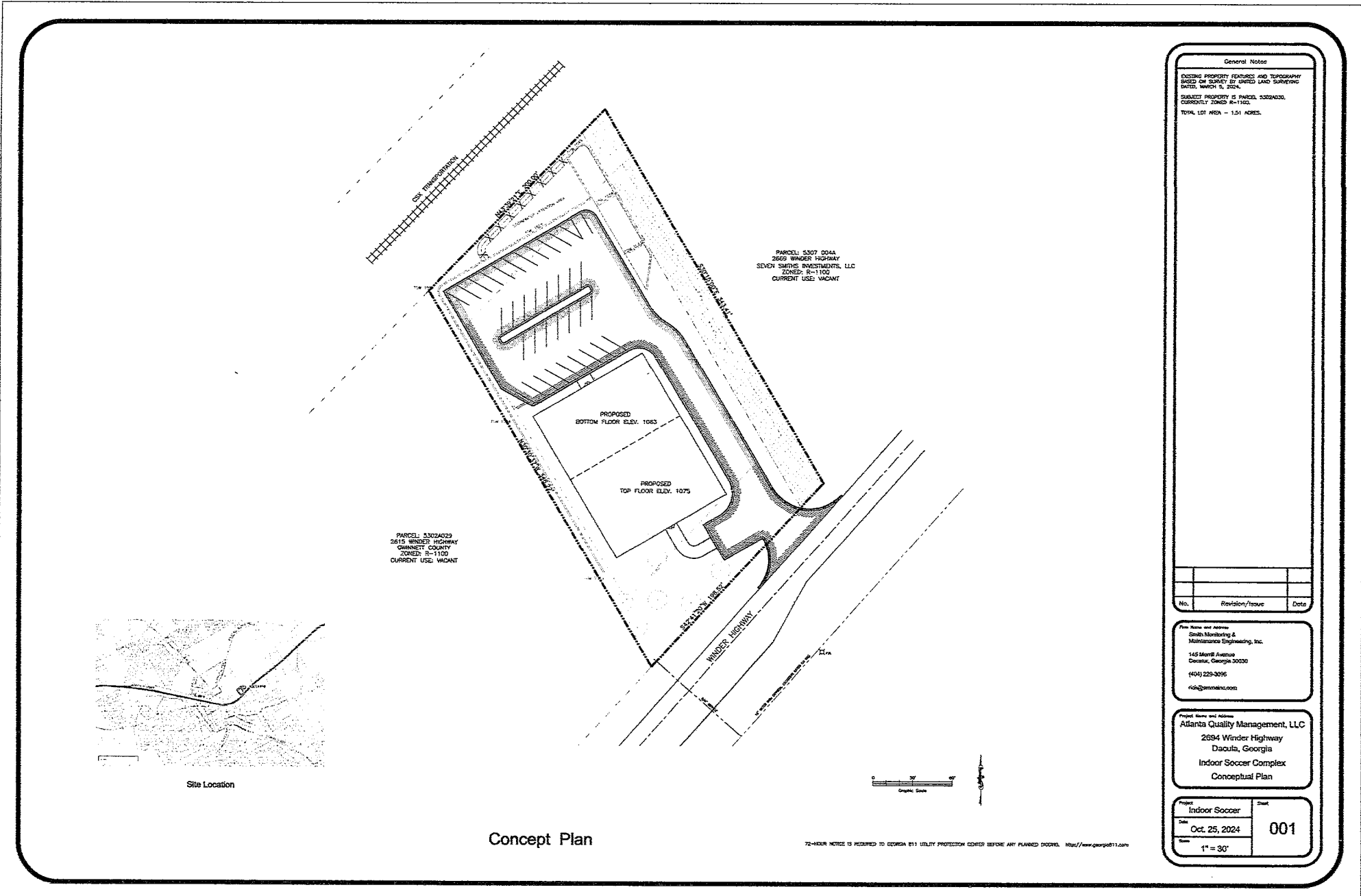
Buffers: The parcel is bounded on the southwest and northeast sides with currently vacant parcels zoned R-1100. A change of zoning of the subject parcel would result in the requirement for 75' wide vegetative buffers from both properties. AQM proposes a variance from these requirements.

The one-acre property to the northeast, parcel 5307 004A, is currently owned by Seven Smith's Investments, owner of Handy Ace Hardware on the opposite side of Winder Highway. The property is vacant and the owners state there is no plan for site development. AQM proposes to maintain a 25' wide vegetative buffer off the northeast boundary line.

The property to the southwest, parcel 5302A029 is currently owned by Gwinnett County and was used as a borrow pit for the rebuild of the intersection of Winder Highway with Dacula Road and Harbins Road. AQM is requesting a variance from the vegetative buffer requirement. County officials have reported that the county would not oppose the request.

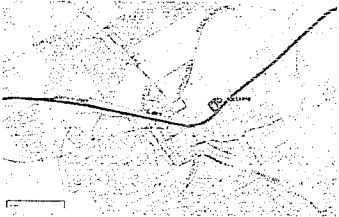
Water and Sewer: Water use at this site is anticipated to be minimal since there will be no food service and no shower facilities. Two toilets, two lavatories, a janitorial sink, and site irrigation would provide for an estimated maximum water use of 800 gallons per day. A ¾" water supply meter is located near the south-east corner of the parcel in the Winder Highway right-of-way. The facility will require a sprinkler system or other fire protection, so an additional tap on the 16" water supply main may be required.

The closest sanitary sewer connection would be on the south side of Winder Highway at the intersection with Harbins Road and would require pumping. The development plan for this site includes allocating areas for a constructed leach field and septic tank in the northeast corner.



PARCEL: 33094029  
 2615 WINDER HIGHWAY  
 CHAMBLEE COUNTY  
 ZONED: R-1100  
 CURRENT USE: VACANT

PARCEL: 3307 0044  
 2659 WINDER HIGHWAY  
 SEVEN SMITHS INVESTMENTS, LLC  
 ZONED: R-1100  
 CURRENT USE: VACANT



Site Location

Concept Plan

72-HOUR NOTICE IS REQUIRED TO GEORGIA 811 UTILITY PROTECTION CENTER BEFORE ANY PLANNED DIGGING. <http://www.georgia811.com>

**General Note**

EXISTING PROPERTY FEATURES AND TOPOGRAPHY BASED ON SURVEY BY SHERIDAN LAND SURVEYING DATED MARCH 09, 2024.  
 SUBJECT PROPERTY IS PARCEL 33094029, CURRENTLY ZONED R-1100.  
 TOTAL LOT AREA - 1.51 ACRES.

No.	Revision/Issue	Date

**Firm Name and Address**  
 South Manufacturing & Maintenance Engineering, Inc.  
 145 Merritt Avenue  
 Decatur, Georgia 30030  
 (404) 229-3096  
 info@smmmeinc.com

**Project Name and Address**  
 Atlanta Quality Management, LLC  
 2694 Winder Highway  
 Decatur, Georgia  
 Indoor Soccer Complex  
 Conceptual Plan

Project	Indoor Soccer	Sheet	001
Date	Oct. 25, 2024		
Scale	1" = 30'		

LEGAL DESCRIPTION

Based on the Property Deed:

All that tract or parcel of land lying and being in the 5<sup>th</sup> District of Gwinnett County, Georgia and in the town of Dacula, and being Tracts 12 and 13, of the subdivision of the J.M. McMillan Estate, each Lot fronting on the north side of the Winder Highway, known as State Highway number eight (8), 100 feet and each lot running back even width, to the Seaboard Coastline Railroad; the two lots or tracts being bound together as follows: on the north by the Seaboard Coastline Railroad; on the east by the lands of Seven Smiths Investments; on the South by the Winder Highway; on the west west Gwinnett County parcel. The east line of tract number 13 is 350 feet, more or less, and the west line of tract number 12 is 360 feet, more or less.

Metes and Bounds based on plat of March 5, 2024 by United Land Surveying:

The point of beginning being a ½" diameter rebar 66 feet north-north-west along the line dividing land lots 302 and 307 from the common point with land lots 301 and 308. From the point of beginning south 42 degrees, 41 minutes, 20 seconds west for 198.52' to a ½" diameter rebar. From thence north 30 degrees, 39 minutes, 37 seconds west for 346.22 feet to an iron pin. From thence north 43 degrees 39 minutes, 21 seconds east for 200.00 feet to a ½" diameter rebar. From thence south 30 degrees, 16 minutes, 00 seconds east for 343.41 feet to the point of beginning.

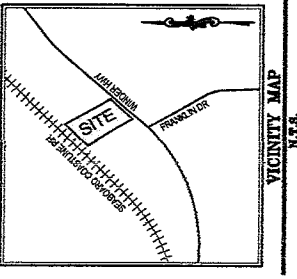
**CURRENT ZONING**  
 ZONING: R-110 (CITY OF DANIELA DISTRICT)

MIN. YARD ADVANCEMENT TO PUBLIC STREET  
 FRONT YARD: 40 FEET  
 SIDE YARD: 10 FEET  
 REAR YARD: 40 FEET  
 MIN. LOT AREA: 50,000 SQ. FT. - SEWER  
 10,000 SQ. FT. SEPTIC  
 MIN. LOT WIDTH: 100 FEET

THIS BLOCK RESERVED FOR THE  
 CLERK OF THE SUPERIOR COURT

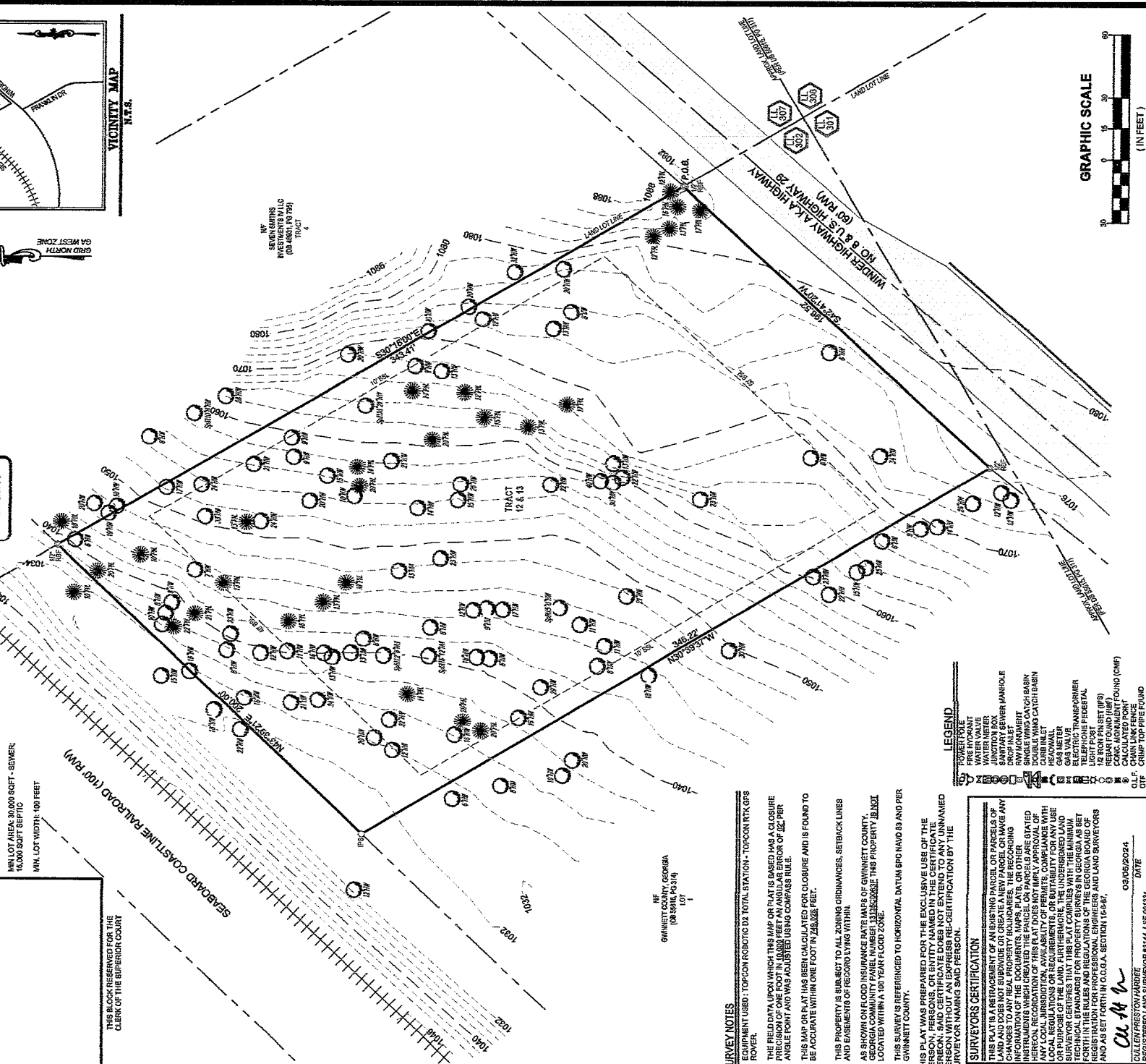
BOUNDARY & TOPOGRAPHIC SURVEY PREPARED FOR:  
**ISRAEL MORQUECHO**  
 TRACTS 12 & 13 OF THE J.M. McMILLAN ESTATE  
 LAND LOT 902, 5TH DISTRICT, GWINNETT COUNTY, GEORGIA

AREA  
 65,922 sq. ft.  
 1.51 acres



GIRD NORTH  
 GA WEST ZONE

NE  
 SEVEN BRIMS  
 INVESTMENTS V LLC  
 (S.A. 06041, 10759)  
 17/17K



- SURVEY NOTES**
- EQUIPMENT USED: TOPCON ROBOTIC D3 TOTAL STATION • TOPCON RTK GPS ROVER.
  - THE FIELD DATA UPON WHICH THIS MAP OR PLAT IS BASED HAS A CLOSURE PRECISION OF ONE FOOT IN 100,000 FEET AN ANGULAR ERROR OF 0.2 PER ANGLE POINT AND WAS ADJUSTED USING COMPASS RULE.
  - THIS MAP OR PLAT HAS BEEN CALCULATED FOR CLOSURE AND IS FOUND TO BE ACCURATE WITHIN ONE FOOT IN 240,000 FEET.
  - THIS PROPERTY IS SUBJECT TO ALL ZONING ORDINANCES, SETBACK LINES AND EASEMENTS OF RECORD LYING WITHIN.
  - AS SHOWN ON FLOOD INSURANCE RATE MAPS OF GWINNETT COUNTY, GEORGIA COMMUNITY PANEL NUMBER 131200022E, THIS PROPERTY IS **NOT** LOCATED WITHIN A 100 YEAR FLOOD ZONE.
  - THIS SURVEY IS REFERENCED TO HORIZONTAL DATUM 830 NAVD 83 AND PER GWINNETT COUNTY.

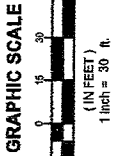
THIS PLAT WAS PREPARED FOR THE EXCLUSIVE USE OF THE PERSON, PERSONS, OR ENTITY NAMED IN THE CERTIFICATE HEREON. SAID CERTIFICATE DOES NOT EXTEND TO ANY UNNAMED PERSON WITHOUT AN EXPRESS RE-CERTIFICATION BY THE SURVEYOR OR ENGINEER TO PERSON.

**SURVEYORS CERTIFICATION**

THIS PLAT IS A RESTATEMENT OF AN EXISTING MAP OR PLAT OF LAND AND DOES NOT SUBDIVIDE OR CREATE A NEW PARCEL OR MAKE ANY CHANGES TO ANY REAL PROPERTY BOUNDARIES. THE RECORDING INSTRUMENTS OF THE PREVIOUS MAPS, LOTS, OR OTHER INTERESTS OF THE PROPERTY ARE HEREBY RECORDED FOR THE PURPOSE OF THE LAND. FURTHERMORE, THE SURVEYOR FOR ANY USE OR PURPOSE OF THE LAND, FURTHERMORE, THE SURVEYOR CERTIFIES THAT THIS PLAT COMPLIES WITH THE MINIMUM TECHNICAL STANDARDS FOR PROPERTY SURVEYS IN GEORGIA AS SET FORTH IN O.C.G.A. SECTION 44-5-101 AND AS SET FORTH IN O.C.G.A. SECTION 16-8-87.

*Allen Prestor*  
 ALLEN PRESTOR, P.E.  
 REGISTERED LAND SURVEYOR #5174, LSF 001321  
 DATE: 03/05/2024

- LEGEND**
- POWER POLE
  - WATER METER
  - WATER VALVE
  - SEWER MANHOLE
  - BANTRY SEWER MANHOLE
  - SEWER INLET
  - R/W MONUMENT
  - DOUBBLE WING CATCH BASIN
  - CURB INLET
  - GS METER
  - GS VALVE
  - 1/2" IRON PIPE SET (IPS)
  - TELEPHONE CABLE
  - TELEPHONE PRESIGNAL
  - LIGHT POLE
  - CONCRETE FOUNDATION (CMF)
  - CALCULATED POINT
  - CL.F. CORNER TOP PIPE FOUND
  - CIF. CORNER TOP PIPE FOUND
  - IRON PIN OR ROD FOUND



PLAT DATE: 03/05/2024  
 FIELD DATE: 06/02/2023  
 SCALE: 1"=30'  
 DRAWN BY: J.A.M.  
 REVIEWED BY: M.A.M.



JOB NUMBER  
 23-3254

REVISIONS	
1.	
2.	
3.	
4.	

LEGAL REFERENCE:  
 DEED BOOK: 60602      PAGE: 602  
 PLAT BOOK:      PAGE:      SHEET 1 OF 1

BOUNDARY & TOPOGRAPHIC SURVEY  
**ISRAEL MORQUECHO**  
 TRACTS 12 & 13  
 J.M. McMILLAN ESTATE  
 LAND LOT 902, 5TH DISTRICT  
 GWINNETT COUNTY  
 GEORGIA

1525 CANTON ROAD, SUITE 109  
 ATLANTA, GA 30329  
 TEL: 404.254.5231  
 VISIT US ON OUR WEBSITE:  
 www.allenland.com

**UNITED LAND SURVEYORS**  
 COA NO. LSF 001321

Item 6.

UNITED LAND SURVEYORS, LLC. ALL RIGHTS ARE RESERVED. ANY REPRODUCTION OR OTHER USE OF THE DOCUMENT WITHOUT PRIOR WRITTEN PERMISSION FROM UNITED LAND SURVEYORS, LLC. IS EXPRESSLY PROHIBITED.

ADJOINING PROPERTY OWNER(S)  
RECORD NOTIFICATION

DATE: October 10, 2024

TO: Seven Smiths Investments, LLC

(Sent by First Class Mail and Certified Mail - Return Receipt Requested)

FROM: Atlanta Quality Management, LLC

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

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

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

Property Location: 5th District, Land Lot 302 Parcel 5302A030

LOCATION/ADDRESS: 2694 Winder Highway, Dacula, Georgia

**You are hereby notified that an application a zoning change from R-1100  
to C-2 has been submitted to the City of Dacula.**

The proposed rezoning is contiguous to your property.

The PLANNING COMMISSION Public Hearing/Meeting will be held at the Dacula City Hall,  
442 Harbins Rd., Dacula, Georgia on \_\_\_\_\_ at 6:00 P. M. in the Council  
Chambers. (date)

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

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

Thank you.

ADJOINING PROPERTY OWNER(S)  
RECORD NOTIFICATION

DATE: October 10, 2024

TO: Gwinnett County, Real Estate and Records Management

(Sent by First Class Mail and Certified Mail - Return Receipt Requested)

FROM: Atlanta Quality Management, LLC

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

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

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

Property Location: 5th District, Land Lot 302 Parcel A030

LOCATION/ADDRESS: 2694 Winder Highway, Dacula, Georgia

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

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

Thank you.



CONFLICT OF INTEREST

**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 Belkys L. Roa Date 10/31/24

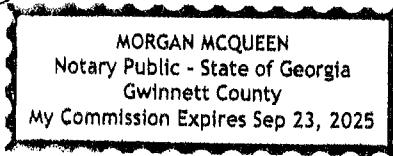
Type or Print Name/Title Belkys L. Roa Zambrano

Signature of Applicant' Attorney Belkys L. Roa Date 10/31/24

Type or Print Name/Title Belkys L. Roa Zambrano / owner

Notary Public Morgan McQueen Date 10/31/24

(Notary Seal)

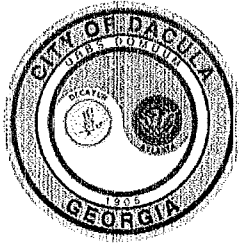


**Official Use Only**

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

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

IMPACT ANALYSIS STATEMENT



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

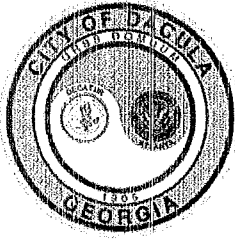
**IMPACT ANALYSIS STATEMENT**

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 October 11, 2024 APPLICANT Atlanta Quality Management, 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: Compatible with zoning/use of properties south of Winder Hwy.
- B. Whether a proposed rezoning will adversely affect the existing use or usability of adjacent or nearby property: Adjacent properties are vacant and a vegetative buffer is retained for the smaller parcel to the north east.
- C. Whether the property to be affected by a proposed rezoning has a reasonable economic use as currently zoned: Lack of sewage service may impact the use of this area for residential development. Septic systems require a minimum lot size of 30,000 SF.
- 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. Property is located on a major highway and should cause minimal impact.
- E. Whether the proposed rezoning is in conformity with the policy and intent of the Land Use Plan: The parcel is located in the Dacula Downtown Character Area. The C-2 zoning is supportive of the 2050 Comprehensive 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: C-2 zoning and development of this parcel may encourage commercial development of the adjacent parcels.

CAMPAIGN DISCLOSURE FORM



**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>  <hr/> <hr/> <hr/> <hr/>	<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>  <hr/> <hr/> <hr/> <hr/>	<b>Description of Gifts</b> <i>(Valued aggregate \$250.00+)</i>	<b>Date Gift was Given</b> <i>(within last 2 years)</i>
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*(Attach additional sheets if necessary to disclose or describe all contributions/gifts)*



## MEMO

TO: Mayor and City Council of the City of Dacula  
FROM: Hayes Taylor, City Planner  
DATE: January 2, 2025  
SUBJECT: Ordinance to amend Article XIII of the Zoning Resolution – Building Permit Procedures

---

Staff has prepared the attached Ordinance to address building permit procedures. The proposed Ordinance would amend Article XIII of the Zoning Resolution to amend Section 1301 – Building Permit Required, which would codify a procedure for builders to request a building permit extension. The extension must be requested in writing prior to the expiration date of the permit, providing a justification for the request. All building permit extension requests will be subject to the approval of the City Administrator or his / her designee.

Staff recommends approval of the proposed Ordinance effective immediately.



**AN ORDINANCE TO AMEND THE CITY’S ZONING RESOLUTION  
ADOPTED BY REFERENCE.**

WHEREAS, the City has reviewed its policies and procedures with respect to the Zoning Resolution; and

WHEREAS, the current references to the Zoning Resolution 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 by reference the model and Zoning Resolution outlined herein;

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

**SECTION 1**

The existing Article XIII, Section 1301 is amended as marked on Exhibit “A” attached hereto and incorporated herein by reference.

**SECTION 2**

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

**SECTION 3**

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

**SECTION 4**

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



SECTION 5

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

SO ORDAINED by the governing authority of the City of Dacula, this \_\_\_\_\_ day of January, 2025.

AYES: \_\_\_\_

NAYES: \_\_\_\_

ATTEST:

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

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

EXHIBIT "A"

ARTICLE XIII

ADMINISTRATION, ENFORCEMENT, PENALTIES AND REMEDIES

Section 1300. Zoning Enforcement Officer.

The City Administrator is hereby authorized and directed, on behalf of the City Council of the City of Dacula, Georgia, to administer and enforce this Resolution. Such authority shall include the right to order, in writing, the remedy of any condition found in violation of this Resolution, and the right to bring legal action in all courts of competent jurisdiction to ensure compliance with its provisions, including injunction, mandamus, abatement or other appropriate action or proceeding.

The powers and duties of the City Administrator include:

- A. Examining and approving applications pertaining to the use of land, buildings, or structures when the applications conform with provisions of this Resolution.
- B. Authorizing issuance by the City of all building permits and certificates of occupancy, and keeping permanent records thereof.
- C. Conducting such inspections of buildings, structures, and uses of land as are necessary to determine compliance with the provisions of this Resolution.
- D. Maintaining permanent and current records of the Zoning Resolution including maps and amendments.
- E. If the City Administrator shall find that any of the provisions of this Resolution are being violated, he/she shall notify in writing the person responsible for such violations, indicating the nature of the violation and ordering the action necessary to correct it. He/she shall order discontinuance of illegal use of land, buildings or structures; removal of illegal buildings or structures or of illegal additions, alterations, or structural changes; discontinuance of any illegal work being done; or shall take any other action authorized by this Resolution to ensure compliance with or to prevent violation of its provisions.
- F. The City Administrator shall have the power to grant variances (except for density and use variances) from the development standards of this Resolution where, in his opinion, the intent of the Resolution can be achieved and equal performance obtained by granting a variance. The authority to grant such variances shall be limited to variances from the following requirements:
  - 1. Front yard or side yard adjacent to public street - Variance not to exceed ten (10) feet.
  - 2. Side yard - Variance not to exceed five (5) feet.
  - 3. Rear yard - Variance not to exceed ten (10) feet.
  - 4. Height - Variance not to exceed fifteen (15) feet, provided that no increase in the height for a sign may be granted nor may the variance result in an increase in the number of stories than would otherwise be allowed under the applicable zoning district.

Section 1300. Zoning Enforcement Officer. (Continued)

5. Parking under Article X and demarcation of parking spaces - Parking spaces may be left unmarked, provided all the of the following conditions are present:
  - a. The parking lot must be designated to serve only a multi-family residential project which is designed and intended for rental occupancy.
  - b. The parking lots must be designed in relation to the internal circulation system such that the areas reserved for parking are easily identified and clearly distinct from the interior driveways because of their location, design, orientation, or configuration, such as in parking areas with a single interior driveway having parking spaces located perpendicular to and along the sides of the access driveway, allowing the curbing to delineate the exterior dimension of the single parking bay.
  - c. Approval for the elimination of the striping has been obtained by the applicant in writing from the Fire Services Division of the Gwinnett County Fire Department.
6. Accessory structures allowed within the front yard - accessory structures may be allowed within the front yard of residential zoning districts provided all the following conditions are met:
  - a. The residentially-zoned property contains at least three (3) acres.
  - b. The accessory structures are limited to a swimming pool, garage/carport, barn, storage building, or other similar structures.
  - c. The accessory structure is set back a minimum of 100 feet from the right-of-way and located no closer than 40 feet to any side property line. (If the accessory use is for animal quarters, this must be a minimum of 100 feet from any property line.)
  - d. The accessory structure shall be screened with walls, fences, or suitable landscaping so that it is not visible from the street.
7. Any other use or requirement which is specifically listed as an administrative variance within any section of this Zoning Resolution.

Section 1301. Building Permit Required.

No building or other structure shall be erected, moved, added to or structurally altered without a Building Permit issued by the City Administrator or his/her designee. No Building Permit shall be issued except in conformance with the provisions of this Resolution and the current building code. Building permit placards issued by the City shall be kept onsite in a visible location. Building permits shall be valid for no longer than 12-months after the date of issuance. One or more extensions of time, for periods not more than 90 days each, may be allowed for the permit. The extension must be requested in writing prior to the expiration of the existing permit and justifiable cause must be demonstrated. Extensions that are granted must be in writing by the City Administrator or his / her designee. The permit may be re-issued only upon completion of the application procedure outlined in Sections ~~1302~~ and 1303 of this Resolution

Section 1301. Building Permit Required. (Continued)

All applications for Land Disturbance Permits, and Building Permits for uses other than one-family and duplex dwellings shall be accompanied by plans, drawn to scale, showing the actual dimensions of the lot to be built upon, the sizes and the locations on the lot of any existing buildings or structures, the shape, size, height, use and the location on the lot of the building or structure to be erected, moved, added to or structurally altered and such other information as may be necessary to provide for the enforcement of this Resolution. These applications and plans shall conform to the requirements of the *Development Regulations* of the City of Dacula.

Section 1302. Certificate of Occupancy Required.

A Certificate of Occupancy issued by the City is required prior to the use or occupancy of:

- A. Any lot or change in the use thereof.
- B. A building hereafter erected or a change in the use or a change in the tenant of an existing building.
- C. A change in any lawful non-conforming use. The Certificate of Occupancy shall state specifically wherein the non-conforming use fails to meet provisions of this Resolution.

No Certificate of Occupancy shall be issued unless the lot or building or structure complies with all the provisions of this Resolution.

A record of all Certificates of Occupancy shall be kept on file at the City and a copy shall be furnished, on request, to any person having a proprietary or tenancy interest in the building or land involved.

Section 1303. Fees.

The City Council shall establish a schedule of fees, charges, and expenses and a collection procedure for building permits, certificates of occupancy, appeals, and other matters pertaining to this Resolution. The schedule of fees shall be posted in the City Administrator's office at City Hall and may be altered and amended by the City Council, from time to time, to cover the costs of administration of this Resolution.

Until all applicable fees, charges, and expenses have been paid in full, no action shall be taken on any application or appeal.

Section 1304. Construction Progress

If no substantial construction progress has been made within six (6) months of the date of issuance of the building permit, the permit becomes invalid. The permit may be re-issued only upon completion of the application procedure outlined in Sections 1301~~2~~ and 1303 of this Resolution.

Section 1305. Penalties for Violation.

Any person, firm or corporation convicted by a court of competent jurisdiction of violating any provision of this Resolution shall be guilty of violating a duly adopted Resolution of City of Dacula, and shall be punished either by a fine not to exceed one thousand (\$1,000.00) and/or confinement in the County jail for a term not to exceed 90 days for each violation. The defendant shall be required to appear before the Judge in City Court for punishment if said violation does not appear in the City of

Section 1305. Penalties for Violation. (Continued)

Dacula Bond Schedule. Until corrective action is taken by the defendant, each day from the date of notification of said violation shall constitute a separate violation of this Resolution and is subject to separate or cumulative fines for each daily offence without additional daily notification.

Section 1306. Alternative Sentences or Penalties.

The court shall have the power and authority to place any person found guilty of a violation of this Resolution on probation and to suspend or modify any fine or sentence. As a condition of said suspension, the court may require payment of restitution or impose other punishment allowed by law.

Section 1307. Remedies.

If any building or structure is erected, constructed, moved, added to, demolished, structurally altered, maintained, or used in violation of this Resolution, any appropriate authority, or any property owner whose property would be damaged by such violation may file a written complaint with the City Administrator stating fully the causes and basis for the complaints. The City Administrator shall properly record such complaint, shall immediately investigate, and shall take action thereon as provided by this Resolution. Nothing herein shall, however, prevent any person from instituting injunction, mandamus, or other appropriate action in proceeding to stop the violation in the case of such building, structure, or land.