

Memorandum

To: City of Dacula Mayor and City Council
From: Brittini Nix, City Administrator
Date: April 18, 2023
Subject: Variance Case: 2023-CD-VAR-01
Existing Zoning: C-2 (General Business District)
Size: 8.06 acres
Applicant: CHA – Matt Meo
6745 Sugarloaf Parkway, Suite 100
Duluth, GA 30097
Owner: QuikTrip Corporation – Michael Burk
4705 S 129th East Avenue
PO Box 3475
Tulsa, OK 74101
Location: LL - 242/271, 5th District

Existing Land Use and Zoning:

The subject property is zoned C-2 (General Business District) and is located in the northeastern quadrant of the Winder Highway and SR 316 intersection. The site totals 8.06 acres and has an existing QuikTrip, a 1,728 sf vacant restaurant and undeveloped wood. The applicant anticipates that the site will be the location of the proposed relocated QuikTrip.

In 2014, the property was legislatively annexed and zoned C-2 General Business District pursuant to 2014-CD-AA-01 and 2014-CD-RZ-01. Properties zoned C-2 (General Business District) are adjacent to the northeast. Across Winder Highway to the south and east are vacant properties zoned M-1 (Light Manufacturing District) and PMUD (Planned Mixed-Use District).

The Proposed Rezoning & Development:

The applicant has requested two variances to allow for the anticipated relocation of the QuikTrip on Winder Highway to accommodate right-of-way acquisitions by GDOT. These right-of-way acquisitions are to facilitate the off-grade SR 316 and Winder Highway interchange project and future extension of Fence Road. The variances have been requested to compensate for the property's hardships such as lot depth, topography, and three road/railway frontages. Per the application materials, property conditions restrict the ability to design a site that meets necessary standards for optimal maneuverability and for the safety of vehicles and pedestrian.

The first variance is to reduce the minimum front yard setback. Per Section 906 of the Zoning Resolution, a 50-foot front yard setback from the right-of-way is required. The applicant is requesting to reduce the front yard setback from 50 feet to 12 feet. The reduction would allow the primary structure to be located closer to Winder Highway and allow the building, and not parking, to be the focal point. Accessory uses and structures such as parking areas and gas pumps would be located in the rear and side yards.

The second variance request is to allow a 5-foot encroachment of the required 10-foot wide landscape strip along Winder Highway. Encroachment would be limited to 5 feet for drive surfaces, parking spaces, and the primary structure. Application materials do not request a decrease in landscaping and plantings required by the existing zoning conditions and the Buffer, Landscape, and Tree Ordinance.

Granting both variance requests would permit the site to be designed as shown on the proposed concept plan.

Summary:

Site conditions constrain the applicant's ability to design a site to meet the standards of the use for maneuverability and safety. As such, the requested variance could be considered suitable. The Department recommends the requested variance be approved with conditions at this location.

Comprehensive Plan:

The City of Dacula's 2019 Comprehensive Plan labels the subject property as Community Mixed Activity Use Center on the Future Land Use Map. Community Mixed Use land uses are defined as "relatively large-scale (40,000 to 100,000 square feet) of commercial, office, and institutional facilities which serve surrounding neighborhoods. They may include some mix of uses, including commercial areas that primarily cater to the community as a whole" (The City of Dacula, Georgia 2019 Comprehensive Plan, page 7.14). The proposed planned mixed-use development follows the description of Community Mixed Use.

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

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

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

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

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

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

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

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

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

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

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

Existing site conditions limit design options. The proposed site design promotes efficiency and safety of the use and is only achievable with the requested variances.

Recommendation:

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

*Changes from the 2014-CD-AA-01 and 2014-CD-RZ-01 zoning conditions are below. Additions are shown in **bold** and deletions in ~~strikethrough~~.*

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.

2. 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 **at minimum two (2)** non-ornamental shade trees **and two (2) shrubs** 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~~ **with a minimum of a 25 square foot planting area and set back from the** 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.

6. Variance

- 6.A. The property shall be developed in accordance with the concept site plan entitled QuikTrip No. 0766. prepared by CHA dated November 1, 2021. Any substantial deviation from the concept plan and / or conditions of zoning shall be resubmitted to the City Council for consideration. The City Administrator shall determine what constitutes substantial deviation.**
- 6.B. The minimum front yard setback shall be reduced to 12-feet from the right-of-way along Winder Highway.**
- 6.C. The Winder Highway landscape strip may be encroached up to 5-feet as shown on the concept site plan entitled QuikTrip No. 0766. prepared by CHA dated November 1, 2021.**
- 6.D. The façade of the primary structure facing Winder Highway shall have the appearance of a front building elevation. Architectural design is subject to review and approval of the City of Dacula.**