



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

REZONING/ CHANGE OF CONDITIONS/ SPECIAL USE PERMIT APPLICATION

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

APPLICANT *	PROPERTY OWNER *
NAME <u>Tricon Properties, LLC</u>	NAME <u>Tricon Properties, LLC</u>
ADDRESS <u>1310 Atlanta Highway</u>	ADDRESS <u>1310 Atlanta Highway</u>
CITY <u>Auburn</u>	CITY <u>Auburn</u>
STATE <u>Georgia</u> ZIP <u>30011</u>	STATE <u>Georgia</u> ZIP <u>30011</u>
PHONE <u>770-339-4690</u> FAX _____	PHONE <u>770-339-4690</u> FAX _____

APPLICANT IS THE:

- OWNER'S AGENT
- PROPERTY OWNER
- CONTRACT PURCHASER

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

CONTACT PERSON Jody Charles Campbell
 COMPANY NAME Blum & Campbell, LLC
 ADDRESS 3000 Langford Rd., Bldg. 100
Peachtree Corners, Georgia
 PHONE 470-365-2890 FAX 470-365-2889
 EMAIL jody@blumcampbell.com

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

RESIDENTIAL DEVELOPMENT:

NO. OF LOTS/DWELLINGS UNITS _____
 DWELLING UNIT SIDE (SQ. FT.) _____

NON-RESIDENTIAL DEVELOPMENT:

NO. OF BUILDINGS/LOTS 1
 TOTAL GROSS SQ. FEET 1,967 sq. ft.

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

CLIENT/OWNER/DEVELOPER/PERMITTEE

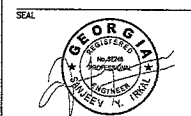
TRICON PROPERTIES, LLC
1310 ATLANTA HWY, AUBURN, GA 30011
551-283-2149

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

TerraBuild PROJECT NO. E24396



P.O. BOX 601 ELBURN, GEORGIA 30042
Office: 770.900.7619
www.TerraBuildUSA.com



NOT VALID WITHOUT SIGNATURE AND DATE
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DESIGNED BY: JTH
DRAWN BY: MAN
CHECKED BY: JTH
APPROVED BY: SYI
DATE: JUNE 27, 2024
REVISIONS:
1: 7-10-24 REVISED COMMENTS JTH

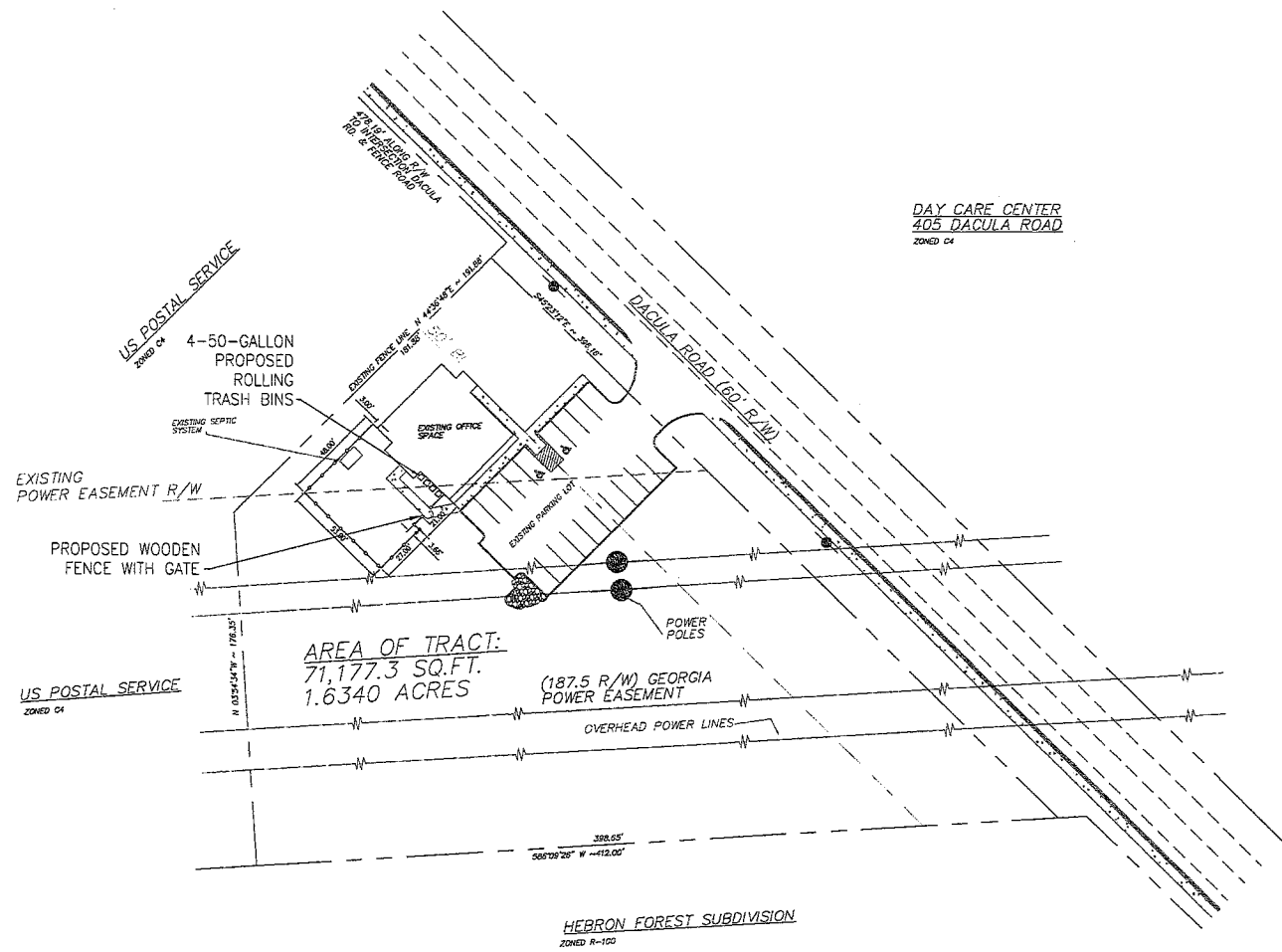
DRAWING TITLE
ZONING PLAT
DRAWING NUMBER
Z1.01

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

THERE ARE NO WETLANDS LOCATED ON THIS SITE
THE DESIGN PROFESSIONAL, WHOSE SEAL APPEARS HEREON, CERTIFIES THE FOLLOWING: 1) THE NATIONAL WETLAND INVENTORY MAPS HAVE BEEN CONSULTED; AND, 2) THE APPROPRIATE PLAN SHEET DOES NOT INDICATE AREAS OF UNITED STATES ARMY CORPS OF ENGINEERS JURISDICTIONAL WETLANDS AS SHOWN ON THE MAPS/ AND, 3) IF WETLANDS ARE INDICATED, THE LAND OWNER OR DEVELOPER HAS BEEN ADVISED THAT LAND DISTURBANCE OF PROTECTED WETLANDS SHALL NO OCCUR UNLESS THE APPROPRIATE WETLANDS ALTERATION PERMIT HAS BEEN OBTAINED.

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

DAY CARE CENTER
405 DACULA ROAD
ZONED C4



AREA OF TRACT:
71,177.3 SQ.FT.
1.6340 ACRES

(187.5 R/W) GEORGIA POWER EASEMENT

HEBRON FOREST SUBDIVISION
ZONED R-100

GPS COORDINATES OF SITE: 33.99774, -83.90423



IF YOU DIG GEORGIA...
CALL US FIRST!
UTILITIES PROTECTION CENTER
1-800-282-7411
(404) 325-5000
(metro Atlanta only)
IT'S THE LAW



GRAPHIC SCALE
(IN FEET)
1 inch = 80'

ENVISION PLAN DESIGN BUILD MANAGE TerraBuild USA, Inc.

BLUM & CAMPBELL, LLC

Attorneys at Law

JODY CHARLES CAMPBELL
ATTORNEY AT LAW
LICENSED IN GA

3000 Langford Road, Building 100
Peachtree Corners, Georgia 30071

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

July 11, 2024

VIA Hand Delivery

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

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

Dear Mayor King and Councilmembers:

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

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

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

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

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

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

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

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

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

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

Very Truly Yours,

BLUM & CAMPBELL, LLC



Jody Charles Campbell

Cc: City of Dacula Planning and Development Department

Legal Description

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

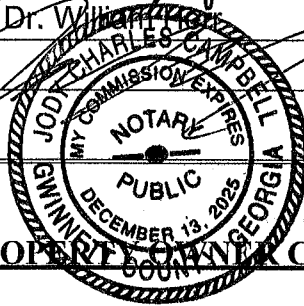
APPLICANT CERTIFICATION

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

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

Type or Print Name/Title Dr. William Herr

Notary Public _____ Date 7/11/24



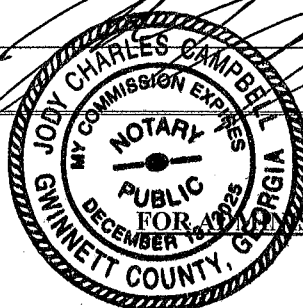
PROPERTY OWNER CERTIFICATION

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

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

Type or Print Name/Title Dr. William Herr

Notary Public _____ Date 7/11/24



ADMINISTRATIVE USE ONLY

DATE RECEIVED _____ RECEIVED BY _____ FEE _____ RECEIPT # _____

LAND LOT _____ DISTRICT _____ PARCEL # _____ HEARING DATE _____

ACTION TAKEN _____

SIGNATURE _____ DATE _____

STIPULATIONS _____



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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

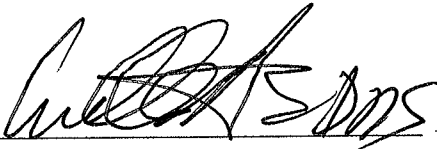
If the answer is *Yes*, please complete the following section:

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

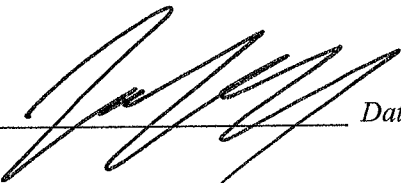
(Attach additional sheets if necessary to disclose or describe all contributions/gifts)

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.

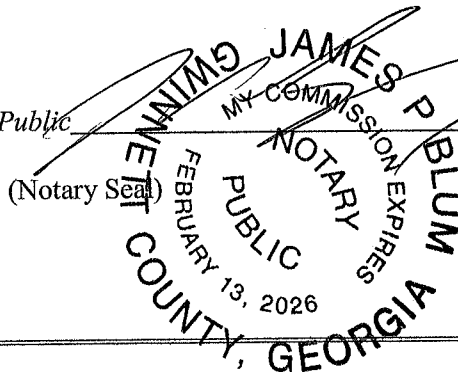
Signature of Applicant  Date 7/11/24

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

Signature of Applicant' Attorney  Date 7/11/24

Type or Print Name/Title Jody Charles Campbell

Notary Public  Date 7-11-2024



Official Use Only

DATE RECEIVED _____ ZONING CASE NUMBER _____

RECEIVED BY _____



City of Dacula

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

IMPACT ANALYSIS STATEMENT

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

DATE 6/12/2024

APPLICANT Tricon Properties, LLC

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

ADJACENT PROPERTY OWNER

MAILING MATRIX

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