

# Memorandum

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

**From:** Hayes Taylor, City Planner

**Date:** February 26, 2024 (*Updated February 27, 2024*)

**Subject:** Change of Conditions Case: 2024-CD-COC-01

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

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

**Size:** 1.40 acres

**Proposed Use:** Meeting, office, and event space

**Applicant:** James Clinkscales  
1352 Innsfail Court  
Snellville, Georgia 30078  
404-944-0762

**Owner:** CircaSpaces, Inc.  
1352 Innsfail Court  
Snellville, Georgia 30078  
404-944-0762

**Location:** LL 301 - 5th District, Parcel 040

**Existing Land Use and Zoning:**

The subject property is located on the west side of Harbins Road and south of the Harbins Road and McMillan Road intersection. The site is approximately 1.40 acres, contains one (1) three-story structure totaling 3,196 +/- square feet, and has a concrete parking lot with twelve (12) marked spaces including two (2) handicap spaces. The site was previously utilized for a gift and antique shop after it was rezoned from OI Office Institutional District to C-1 Neighborhood Commercial District with conditions in 2006 pursuant to 2006-CD-RZ-15. The applicant requested a change of conditions in 2019 pursuant to 2019-CD-COC-01, allowing for indoor meeting and office use. That application was approved with conditions.

The property neighbors a private school, Dacula Classical Academy, located south of the subject parcel. Residential properties zoned R-1200 and R-1400, Single Family Residential District, are located north and across Harbins Road to the east.

**The Proposed Development:**

The applicant has requested a change of conditions to allow for special/social events, outdoor events, expanded business hours, use of tents, use of banners/streamers, fencing along Harbins Rd, an interior chain-link fence, and the elimination of the 50-foot buffer. The inclusion of special events as a permitted use would allow the applicant to hold indoor special events. Currently the maximum occupancy permitted by the Gwinnett County Fire Marshal certificate of occupancy is thirty-two (32) persons. Staff recommends permitting indoor special events as an allowable use on the property, provided the maximum occupancy remains thirty-two (32) persons. In addition, staff could find it permissible to encroach within the 50-foot buffer for a water feature or landscaping enhancements.

In addition to requesting indoor special events, the applicant requests extending all permitted uses beyond the structure to allow for outdoor special events. The application materials seek the allowance of tents, canopies, gazebos, banners, streamers, or roping decorated with flags, tinsel, or other similar materials. Application materials request the maximum height of front yard fencing along Harbins Rd to be increased from six (6) feet in height to eight (8) feet in height with less restrictive fence designs. Furthermore, the applicant requests that the interior fencing options include a chain-link fence.

Outdoor events could greatly impact the neighboring residential properties. The Department notes that the City offers a Temporary Use Permit, which allows applicants to apply for up to six (6) special events per year. Six (6) outdoor events a year would provide some protection for the adjacent residential properties. Staff recommends any outdoor use to be regulated by the temporary use permit process provided in the City's Zoning Resolution (Section 904 (C)).

The letter of intent requests an extension of business hours from 6:00 am to 9:00 pm under the current zoning conditions. The hours of operations were intended to reduce adverse impacts on neighboring residential properties. The applicant has requested to extend business hours an additional two (2) hours in the evening to provide time for closing procedures. Staff recommends allowing meetings, office, and special events to operate until 9:00 pm and allowing two (2) hours for closing procedures.

### **Summary:**

Some of the requested changes to conditions could be considered suitable. Staff recommends the allowance of indoor special events, outdoor special events and temporary canopies/tents with a temporary use permit, a provision for closing procedures after business operations have concluded, and a black interior chain-link fence. However, the Department recommends denial for the requested changes to allow outdoor decorative materials, and the front yard fencing along Harbins Road.

### **Comprehensive Plan:**

The subject parcel is designated as Dacula West on Dacula's 2050 Future Development Map in the City of Dacula Comprehensive Plan. The Dacula West character area is described as allowing "small scale neighborhood commercial activities along Harbins Road," providing community amenities while maintaining the single-family character.

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

The recommended changes in conditions are suitable in view of the use as an indoor event space in consideration of the adjacent residential uses.

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

With the recommended conditions, certain limited changes in conditions would not be expected to negatively impact surrounding properties.

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

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

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

No, excessive and burdensome use of existing streets, transportation facilities, utilities or schools would not be expected should the recommended changes be approved with the listed conditions.

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

The recommended change in conditions would be consistent with the small-scale neighborhood commercial characterization of the Dacula West and is consistent with the development pattern along this portion of Harbins Road.

**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?***

The proposed conditions would allow for meeting, office, and special event uses and thus expand the usability of the property without adversely impacting the surrounding area.

**Recommendation:**

Based upon the Application, the following Change of Conditions are recommended for Approval.

*The Department notes the Planning Commission unanimously recommended denial of the requested change of conditions at the Public Hearing on February 26, 2024.*

**Bold – Addition**

~~Strikethrough – Deletion~~

1. Permitted uses shall be limited to meeting and office use, **and indoor special events.**  
**The maximum occupancy shall not exceed thirty-two (32) persons.**
2. All business activities shall be contained within the existing structure on the property.  
**Outdoor events are permitted with a temporary use permit.**
3. The fence that adjoins residential properties must remain in place and the structural and visual characteristics of the fence shall be maintained at all times.
4. The existing zoning buffer must remain in place and be maintained at all times.
5. Ground signage shall be limited to a single monument type only with indirect lighting or a LED reader board. Sign shall be constructed with a brick or stacked stone base of at least 2 feet in height. Neon or internally lit ground signs shall be prohibited. The light from any illuminated sign shall not be of an intensity and brightness which will interfere with the peace, comfort, convenience, and general welfare of residents or occupants of adjacent and nearby properties.
6. Property lighting shall be directed in towards the property so as not to reflect into adjacent residential properties. A separate lighting plan (showing location and type of light) shall be submitted to the City for approval.
7. Normal business hours of operation shall be limited from 6:00 am to 9:00 pm.  
**Closing procedures may continue until 11:00 pm.**
8. Any dumpster enclosures shall be constructed with brick, stacked stone, or split face block (CMU). Subject enclosures shall have a completely opaque wood or steel door. Garbage/Sanitation or dumpster service pickups shall be conducted between the hours of 7:00 am and 6:00 pm, as scheduled Monday through Friday only.
9. No outdoor storage shall be permitted on site. Accessory storage sheds / structures shall be allowed in the side and rear yards. Said structures shall be enclosed on all four sides.
10. No outside loudspeakers shall be allowed.
11. 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. No decorative balloons or hot-air balloons shall be displayed on the site. **Temporary tents and canopies may be permitted with an approved temporary use permit.**
12. Any fencing along Harbins Road shall be wrought-iron style with stacked stone or brick columns spaced every 30 feet or white decorative vinyl and/or steel as shown in Exhibit A. Fencing shall not exceed six (6) feet in height. A fence plan shall be subject to review and approval by the City of Dacula.
13. Any interior fencing shall be of decorative iron, painted/stained wood slat, ~~or~~ a similar vinyl material, **or a black chain link fence** not to exceed six (6) feet in height.

14. Any garbage, litter, or construction debris must be removed from the site prior to the issuance of a certificate of occupancy for the site.
15. All drive and/or parking areas shall be paved with either concrete or asphalt, prior to issuance of an Occupational Tax Certificate for the property. Parking requirements will adhere to Article X of the Zoning Resolution of the City of Dacula.
16. The property generally shall be developed as approved by the Mayor and City Council. Any substantial deviation from the approved conditions of zoning shall be resubmitted to the City Council for approval. The City Administrator shall determine what constitutes substantial deviation.
17. **The 50-foot undisturbed buffer may be encroached by a maximum of twenty (20) feet for the installation of one (1) six (6) foot water feature/fountain, and/or landscape enhancements. A location plan for the water feature/fountain shall be submitted to the City for approval. The existing trees with a 2-inch dbh or greater will not be disturbed for the construction of said water feature/fountain, or landscape enhancements.**