

# Memorandum

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

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

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

**Size:** 1.634 acres

**Proposed Use:** Animal Hospital

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

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

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

## Existing Land Use and Zoning:

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

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

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

### **The Proposed Rezoning & Development:**

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

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

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

### **Summary:**

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

### **Comprehensive Plan:**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

**Recommendation:**

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

*The Department notes the Planning Commission unanimously recommended approval with staff's recommended conditions for the requested rezoning at the Public Hearing on August 26, 2024. Said conditions are below.*

1. Any substantial deviation from the approved concept plan entitled Dacula Animal Hospital by TerraBuild USA, INC. dated June 27, 2024, and conditions of zoning shall be resubmitted to the Mayor and Council for consideration. The City Administrator shall determine what constitutes substantial deviation.
2. The site shall be limited to the following uses:
  - a. Medical Office
  - b. Professional Office
  - c. Animal Hospital
3. No kennel or overnight services will be permitted.
4. No outdoor storage shall be permitted.
5. One ground sign shall be permitted. The ground sign shall be monument-type only with indirect lighting. The ground sign shall be limited to a single monument-type sign with a brick or stacked stone base of at least 2 feet in height. Neon or self-illuminating ground signs shall be prohibited.
6. Parking lot and security lighting shall be directed towards the property to minimize the adverse impact on neighboring properties.
7. All trash receptacles and trash dumpsters shall be screened by an enclosure using the same exterior building material as the adjacent occupied buildings. Pickup shall be limited to the hours of 7:00 a.m. to 7:00 p.m., Monday through Friday. Dumpster enclosures shall remain closed, locked, and in good repair at all times.
8. Business hours will be limited to 9:00 a.m. to 6:00 p.m., Monday through Friday, and 9:00 a.m. to 2:00 p.m. on Saturday.
9. No temporary banners, streamers, or roping decorated flags, tinsel, or other similar material shall be displayed, hung, or strung on the site without appropriate permit(s). No decorative balloons or hot-air balloons shall be displayed on the site.
10. Human sign spinners and/or twirlers shall be prohibited.
11. The reduction of the required 50-foot front setback to 30-feet shall be maintained per 2017-CD-VAR-03.
12. All business activity shall be contained within the primary building and the proposed fenced area.

13. The owner must contact Georgia Power regarding all property improvements within the transmission line easement area.
14. At least one (1) shade tree must be provided within the entrance landscaping area at least 12 feet from the sidewalk line within the parcel boundaries, subject to Gwinnett Department of Transportation approval. The tree shall be of one of the following species:
  - a. Northern Red Oak
  - b. Nuttall Oak
  - c. Scarlet Oak
  - d. Shumard oak
  - e. Willow Oak
  - f. Zelkova Serrata
15. The proposed fence location and materials must be reviewed and approved by the Planning and Development Department prior to permit issuance and construction.
16. The proposed fenced area shall be landscaped to provide adequate shade for animals, patients and staff. The landscape plan is subject to the approval of the Planning & Development Department.