

# Memorandum

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

**From:** Brittini Nix, Director of Planning & Economic Development

**Date:** December 30, 2021

**Subject:** Rezoning Case: 2021-CD-RZ-07

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

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

**Size:** 3.53 acres

**Applicant:** Hector Abreu  
1742 Prospect Church Road  
Lawrenceville, GA 30043

**Owner:** Mark Everson  
235 McMillan Road  
Dacula, GA 30019

**Location:** LL 302A - 5th District

## Existing Land Use and Zoning:

The site is located at the southwest quadrant of the intersection of McMillan Road, Stanley Road, and Church Street and is approximately .08 miles south of the McMillan Road and Winder Highway intersection. The subject property totals 3.53 acres more or less and is currently zoned C-1 (Neighborhood Commercial District) within the City of Dacula. The site is currently developed with a 4,835 square foot commercial building with gravel parking area. A 6-foot high wood privacy fence screens the rear storage area of the site and a portion of the front parking area is secured with a six-foot high chain link fence. A recent site visit has revealed that adequate landscaping and vegetation is currently onsite.

A mixture of commercial and residential zoning districts and uses characterizes neighboring properties. Properties zoned C-1 (Neighborhood Commercial District) and C-2 (General Business District) are located across Stanley Road to the north extending towards Winder Highway. Commercial and residential properties zoned C-2 (General Business District) and R-1200 (Single-Family Residential District) are located across McMillan Road to the east. Residential properties zoned R-1200 (Single-Family Residential District) border to the south and west.

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

The applicant has requested rezoning from C-1 to C-2 to utilize the existing commercial structure for a kitchen and bathroom-remodeling contractor's office. The concept plan does not propose any new expansion or addition to the existing site. Two (2) gravel entrances provide site access, one each to McMillan Road and Stanley Road. The existing parking area is gravel and unmarked but appears to be able to accommodate parking minimums (8-total for the site) for the use indicated. The site plan shows the required 75-foot undisturbed buffer along the western and eastern property lines where adjacent to R-1200 Single-Family Residential Zoning Districts.

## **Summary:**

The requested rezoning could be considered suitable at this location as it brings an existing commercial site into compliance and is located at an emerging commercial node adjacent to other C-1 and C-2 properties. As such, the Department recommends that the requested rezoning at this location be approved with the provided conditions.

## **Comprehensive Plan:**

The subject parcel is designated as Mixed Use on the City of Dacula's 2030 Future Land Use Plan.

The analysis of the applications 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 that is suitable in view of the use and development of an adjacent and nearby property?***

Yes, the proposed uses would remain consistent with neighboring properties surrounding the McMillan Road, Stanley Road, and Church Street intersection.

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

With the recommended conditions, the development would not be expected to negatively impact surrounding properties.

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

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

***4. 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?***

Increased usage of existing streets, transportation facilities, and utilities would be minimal. No additional impacts are anticipated for area schools.

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

The proposed rezoning will remain consistent with the Mixed Use designation of the City of Dacula's Future Land Use Map which encourages a mixture of commercial and residential uses in certain areas.

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 rezoning would bring the existing site into compliance with regulations of the Dacula Zoning Resolution which requires contractors offices be located in C-2 Zoning District. The previous owner operated a contractor's office in a grandfathered status. The change of ownership removes that status and requires the new owner seek C-2 zoning to continue operation with the same use.

**Recommendation:**

*The Department notes the Planning Commission recommended approval with conditions (#1 – 10) at the Public Hearing on December 27, 2021.*

Based upon the application, the requested rezoning is recommended for **approval with the following conditions:**

1. The property shall be developed in accordance with the conceptual site plan prepared by Ringo Abernathy & Associates dated November 12, 2021. Any substantial deviation from the approved conceptual plan and/or conditions of zoning shall be resubmitted to the Mayor and City Council for consideration. The Mayor or his or her designee shall determine what constitutes substantial deviation.
2. The addition of any outbuildings or building expansion shall have the following: exterior facades constructed of brick, stone or stucco, and 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. Final architectural plans and color palate shall be submitted to the City for approval.
3. The addition of a paved parking lot or entrance / exit drives shall have the following: a parking lot landscape plan submitted to the City for approval. At a minimum, the landscape plan shall include monument sign location and should insure that each parking island / strip will have a minimum of two (2) ornamental shade trees. All parking area trees shall be a minimum of 2-inch dbh caliper.
4. Ground signage shall be limited to one monument-type sign for each commercial lot fronting McMillan Road and Stanley Road. Monument signs shall be constructed with a brick base (minimum two feet in height) matching the materials of the buildings. Neon

signs shall be prohibited. Signs shall be set back 15-feet from right-of-way of McMillan / Stanley Roads and located so as to not impede site distance. Sign location and design subject to review and approval by the City of Dacula.

5. Outdoor storage shall only be allowed in the screened rear portion of the site.
6. Parking lot lighting shall be directed in toward the property so as not to shine directly onto adjacent properties.
7. All trash dumpsters shall be screened by an enclosure using the same exterior building material and color as the primary structure. Pickup shall be limited to the hours of 7:00 a.m. to 9:00 p.m. Monday through Saturday.
8. 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.
9. No outside loudspeakers shall be allowed.
10. Human sign spinners and/or twirlers shall be prohibited.