



Memorandum

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

From: H. Hayes Taylor Jr, City Planner

Date: August 25, 2025 (*Amended September 8, 2025*)

Subject: 2025-CD-RZ-02 & 2025-CD-SUP-02

Proposed Zoning: O-I (Office Institutional District)
Special Use Permit for Group Personal Care Home use.

Existing Zoning: R-1400 (Single-Family Residential District)

Size: 1.54 acres

Proposed Use: Group Personal Care Home

Applicant: Fanie Wehmanen
1312 Harbins Rd
Dacula, GA 30019

Owner(s): Fanie Wehmanen
1312 Harbins Rd
Dacula, GA 30019

Location: LL 298 – 5th District, Parcel 016

Existing Land Use and Zoning:

The subject parcel totals 1.54 acres and is located at 1312 Harbins Road, at the corner of the Brookton Chase Court and Harbins Road intersection. The site contains a split level, 1,739 square foot building, which contains four (4) bedrooms, two (2) bathrooms, and one (1) basement, with an attached 512 square foot wooden deck, a residential driveway, two (2) accessory storage structures, and approximately one (1) acre of sodded open space. The residential driveway is 53 feet long with varying width and provides one (1) point of egress onto Brookton Chase Court. Staff estimates that the driveway could provide space for up to four (4) vehicles.

The property is zoned R-1400 (Single-Family Residential District). Properties to the east, north, and west are zoned R-1400 (Single-Family Residential District, *City*), and are within the Brookton Chase subdivision. The parcel across Harbins Road to the south is zoned RA200 (Agriculture/Residence, *County*).

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The Proposed Development:

The applicant has requested to rezone the 1.54-acre parcel from zoned R-1400 (Single-Family Residential District) to O-I (Office Institutional District) with a special use permit to allow for group personal care home use. The Zoning Ordinance requires that group personal care homes have at minimum an O-I zoning classification and a Special Use Permit (Article IX, Section 904). Staff notes that the property previously contained a legal nonconforming group personal care home.

Application materials state that the requested rezoning and Special Use Permit do not propose redevelopment, or significant improvements to the property. The letter of intent states that the proposed group personal care home seeks to accommodate up to six (6) residents and provide care in a residential setting. The site currently provides approximately 850 square feet of outside parking space, and 426 square feet of garage space. Additional parking may be needed if future residents are active automobile drivers.

Staff notes, the Georgia Department of Health (GDH) is responsible for determining the proposed group personal care home's compliance with state law and GDH requirements. Although the personal care home license is issued by the Georgia Department of Health, the City of Dacula oversees the issuance of the Certificate of Occupancy. Prior to issuance of the Certificate of Occupancy, Gwinnett Environmental Health must certify the capacity of the septic system is permissible. . The application indicates that the proposed personal care home use will continue to use the existing septic system.

Summary:

The site is suited for residential and neighborhood services, such as personal care, given the previous group personal care home use on the subject parcel. The proposed group personal care home use could be considered compatible with the surrounding residences, as long as the parcel is not further developed for more intense institutional uses, and the existing structure retains its residential character. For these reasons, Staff recommends the requested rezoning be approved with conditions.

Comprehensive Plan:

The proposed development falls within the Dacula South Character Area (City of Dacula 2050 Comprehensive Plan pg. 65). The Dacula Downtown character area land use and zoning considerations call for the maintenance of existing residential character and for small neighborhood commercial where appropriate (pg. 65). The Guidance for Rezoning by Character Area table calls for R-1400CSO, R-1400, and TRD in Dacula Southern, and does not call for O-I (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 Ordinance of the City of Dacula.

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

With the proper conditions, the proposed rezoning and special use permit could be considered consistent with the adjacent and nearby residential uses along Harbins Road and within the Brookton Station subdivision. The proposed special use permit and rezoning do not require redevelopment of the property. Maintaining the existing structure and property characteristics would not create additional visual impact.

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

If approved, the recommended conditions would help mitigate any negative future impacts on the surrounding properties.

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

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

4. *Whether the proposed rezoning, and special use permit 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 utilities, existing streets, transportation facilities, or schools.

5. *Whether the proposed rezoning, and special use permit request is in conformity with the policy and intent of the Land Use Plan?*

The subject parcel is within the Dacula South Character Area of the City of Dacula's Future Land Use Map. The principal object of the character area is to "maintain existing character," while allowing for small scale neighborhood "commercial and community amenities" when suitable (Dacula 2050 Comprehensive Plan pg. 65). Furthermore, the subject property has a history of group personal care home use. As such, the proposed development could be considered appropriate at this location (City of Dacula 2050 Comprehensive Plan, pg. 61). Staff notes that the proposed zoning classification, Office-Institutional District (OI), is not included as a recommended zoning code.

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, and special use permit?*

The property has a history of neighborhood businesses on site. Chateau Flooring Inc. received a home occupation license in 2014. Subsequently, the subject parcel served as a group personal

care home, Harbins Care LLC, from 2015 to 2020. Group personal care home use and other office-institutional uses could be considered compatible with the surrounding neighborhood character, given the half a decade of precedent for home business at the subject address.

Recommendation:

Based upon the applications, the requested rezoning, and special use permit for group personal care home use are recommended for approval with the following conditions:

The Department notes the Planning Commission recommended approval with staff's recommended conditions, which carried, 4-0, for the requested rezoning at the August 25, 2025, Planning Commission Hearing.

Land Use and Concept Plan

1. Any modifications to the existing property improvements (ex: redevelopment, paint, repairs, additions, concrete, asphalt, etc.) shall be reviewed and approved by the Planning & Development Department.
2. The site shall be limited to the following uses:
 - a. Offices, Business or Professional.
 - b. Group Personal Care Home.
3. A letter from Gwinnet County Environmental Health certifying the number of residents supported by the septic system shall be required prior to Certificate of Occupancy issuance for a group personal care home.
4. No outdoor storage shall be permitted on site.
5. No drive-thru or gas station uses shall be permitted.
6. The building must be compliant with the latest ratified International Building Code standards & Americans with Disabilities Act (ADA) accessibility guidelines prior to Certificate of Occupancy issuance.

Sign and Advertisement

7. Oversized signs or billboards shall not be permitted.
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. Live human advertisements shall be prohibited within the subject area. This includes, but is not limited to, sign spinners, twirlers, dancers, clowns, and / or other similar temporary advertising methods commonly provided by costumed or animated humans.

10. Blinking, exposed neon, electronic messaging, scrolling, portable, and inflatable signage shall be prohibited.

Landscape and Parking

11. Any parking expansion shall require a parking plan to be submitted to the Planning & Development Department for review. The parking expansion shall accommodate the number of proposed driving residents, employees, and personal care home vehicles. Article 10, Section 1002 of the Zoning Resolution requires that rooming and boarding facilities have at minimum one (1) parking space per bedroom.
12. Parking lot and security lighting shall be directed towards the property to minimize the adverse impact on neighboring properties.
13. The backyard shall be enclosed by a secure fence with a minimum of six (6) feet in height. The fence should include a security or alarm feature for resident safety. The proposed fence location and materials must be reviewed and approved by the Planning and Development Department prior to permit issuance and construction.
14. The proposed fenced area shall be landscaped to provide adequate shade for residents and staff. The landscape plan is subject to the approval of the Planning & Development Department.

Waste Management

- 15. Commercial sanitation services shall be arranged between the business and a franchised solid waste contractor per Chapter 22, Section 22-6. Trash receptacles and/or dumpsters shall be enclosed and screened from the rights-of-way. Enclosures shall remain closed, locked and in good repair at all times.**