

Memorandum

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

From: Brittini Nix, Director of Planning & Economic Development

Date: April 13, 2022

Subject: Change of Conditions Case: 2022-CD-COC-01

Existing Zoning: C-2 (General Business District)

Size: 0.78 acres

Applicant: Peter Thakkar
871 Valla Crucis Ln
Dacula, GA 30019

Owner: Jalabapa Investments, LLC
475 Dacula Rd
Dacula, GA 30019

Location: LL 301 - 5th District, Parcel 309

Existing Land Use and Zoning:

The site is located northeast of the Harbins Road and Freeman’s Mill Road intersection. The property totals 0.78-acres and is zoned C-2 (General Business District). It was rezoned in 2002 pursuant to CD-RZ-02-02 for Towler Village, a “high-end retail neighborhood business” use. It has since remained undeveloped.

A vacant drugstore, zoned C-2, is located adjacent to the north. Kwick Check convenience store and BP gas station, zoned C-1 (Neighborhood Commercial District), is located adjacent to the south. The eastern property boundary is located adjacent to vacant commercial property, which supports a package sewer plant and associated drainage field. To the west, and across Harbins Road, is a mixture of uses and zonings including commercial (C-1), office (O-I), and residential (R-1200).

The Proposed Rezoning & Development:

The applicant plans to develop the subject site as part of a gas station / convenience store renovation. Specifically, the gas station / convenience store to the south would be demolished and a new structure will be constructed on the subject parcel and the parcel to the south. While the use is permitted within the C-2 Zoning District, the applicant has requested a change of conditions.

The existing zoning conditions require a 10-foot wide landscape strip outside of the right-of-way along Harbins Road (CD-RZ-02-02, zoning condition B.2). The applicant has

requested a 5-foot reduction of the landscape strip due to right-of-way acquisitions by Gwinnett County Transportation. The new right-of-way boundary reduces the amount of developable land for the project. Implementing a 10-foot wide landscape strip would impede vehicular movement and fuel truck delivery within the site. Application materials state the proposed landscape strip would be located over 30-feet from future Harbins Road drive lanes.

Summary:

The requested change of conditions could be considered suitable as right-of-way acquisitions have introduced a hardship on the property. As such, the Department recommends that the requested change of conditions be approved at this location.

Comprehensive Plan:

The subject parcel is designated as Community Mixed Activity Use Center 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 change of conditions will permit a use that is suitable in view of the use and development of an adjacent and nearby property?*

Yes, the proposed use of the site would remain consistent with neighboring properties and would thus be suitable at this location.

2. *Whether the proposed change of conditions 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 change of conditions has a reasonable economic use as currently zoned?*

Yes, the subject property has a 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?*

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

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

The City of Dacula's Future Land Use Map designates the property for community mixed activity use center. As such, the proposed use would be considered suitable at this location.

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 change of conditions and special exception?*

Right-of-way acquisitions have reduced the amount of developable land. The proposed use requires minimum driving lanes for delivery trucks. Observing to the current zoning conditions would prevent adhering to those driving lane requirements. Therefore, reducing the landscape strip requirement along Harbins Road would allow delivery trucks to safely maneuver within the development.

Recommendation:

Based upon the application, the requested change of conditions is recommended for **approval with the following conditions.**

The Department notes the Planning Commission unanimously recommended approval with conditions at the Public Hearing on April 25, 2022.

Changes from the CD-RZ-02-02 zoning conditions are below. Additions are shown in bold and deletions in ~~strikethrough~~.

- A. To restrict the use of the property as follows:
 - 1. Retail, service commercial, office, and accessory uses.

- B. To satisfy the following site development considerations:
 - 1. ~~Provide a 75-foot wide natural, undisturbed buffer adjacent to adjoining residentially zoned property. The buffer shall be enhanced with a double staggered row of evergreens planted eight feet on center. Trees shall be a minimum of six feet in height at the time of planting.~~
 - 2. Provide a ~~ten-foot~~ **five-foot** wide landscape strip outside the dedicated rights-of-way of ~~Winder Highway and~~ Harbins Road. **The landscape strip shall include at least two (2) understory plantings / shrubs per 10 linear feet.**
 - 3. Dumpsters shall be screened by a 100 percent (100 %) opaque masonry fence or wall matching the buildings, a minimum of six (6) feet in height. Dumpster pickup shall be between the hours of 7:00 AM and 7:00 PM, **Monday through Saturday. Dumpster enclosures shall remain closed, locked, and in good repair at all times.**
 - 4. Provide five (5) foot wide sidewalks adjacent to ~~Winder Highway and~~ along ~~Winder Highway and~~ Harbins Road.

5. Billboards/Outdoor Advertising Signs shall be prohibited.
6. Buildings shall be finished with architectural treatments of glass, and/or stone and/or brick, or other suitable materials submitted and considered by the City Council as appropriate to meet this condition.
7. The development shall be limited to monument type ground signs. Monument signs shall have a base matching the architectural treatment of the buildings.
8. Outdoor lighting shall be contained in cut-off type luminaries which do not reflect into nearby properties or roadways.
9. Provide interparcel access driveways between the commercial parcels where practical.
10. No outdoor speakers or public address system shall be allowed.
- ~~11. The buffer adjoining the residential property may be disturbed and replanted.~~