



P. O. Box 400  
Dacula, GA 30019  
(770) 962-0055 / Fax (770) 513-2187

### APPLICATION

City Council	
<input type="checkbox"/>	Waivers
<input checked="" type="checkbox"/>	Variance

Staff Approval Only	
<input type="checkbox"/>	Modifications

(Please Type or Print using BLACK INK)

APPLICANT *	PROPERTY OWNER *
NAME <u>Peter Thakkar</u>	NAME <u>Jalabapa Investments LLC</u>
ADDRESS <u>871 Valla Crucis Lane</u>	ADDRESS <u>475 Dacula Road</u>
CITY <u>Dacula</u>	CITY <u>Dacula</u>
STATE <u>GA</u> ZIP <u>30019</u>	STATE <u>GA</u> ZIP <u>30019</u>
PHONE <u>(678) 773-5931</u> FAX _____	PHONE <u>(678) 773-5931</u> FAX _____

#### APPLICANT IS THE:

- OWNER'S AGENT
- PROPERTY OWNER

\* Include any person having a property interest and/or a financial interest in any business entity having property interest (use additional sheets if necessary).

CONTACT PERSON Joey Murphy

COMPANY NAME Core City Developers

ADDRESS 475 Dacula Road  
Dacula, GA 30019

PHONE (678) 617-9119 FAX \_\_\_\_\_

PRESENT ZONING DISTRICT(S) C-2 LAND LOT(S) 5 DISTRICT(S) 301

ADDRESS OF PROPERTY 340 & 352 Harbins Road ACREAGE 1.47

Describe your request in detail and state justification/hardship: Requirements of the Dacula Buffer Landscape & Tree Ordinance introduce safety hazards for vehicular travel and movement.

HAS THE APPLICANT FILED ANY OTHER APPLICATIONS FOR THIS PROPERTY WITHIN THE PAST 12 MONTHS?  Yes  No

If Yes, please describe: Pending Change of Conditions Application  
(Attach additional sheets if necessary)

**LETTER OF INTENT & LEGAL DESCRIPTION OF PROPERTY**  
\*\*\* PLEASE ATTACH A "LETTER OF INTENT" EXPLAINING REQUEST and TYPED "LEGAL DESCRIPTION" OF PROPERTY TO BE AFFECTED \*\*\*

CASE NUMBER: 2022-CD-VAR-02

Letter of Intent (Council Variance)

Ladies and Gentlemen of the Dacula City Council and the Honorable Mayor, Trey King: This will serve as my letter of intent for an application requesting a Council Variance for property located at 340 & 352 Harbin's Road. When designing and finalizing the final plan for the new Dacula BP / retail center it became apparent that a dangerous situation would be introduced if requirements of the Dacula Buffer, Landscape, & Tree (BLT) Ordinance were implemented as required. More specifically, landscape strip requirements would result in the placement of eleven, three-inch DBH (diameter breast height) trees at entrances onto Harbin's and Freemans Mill Roads. Three-inch caliper trees are large, will grow larger, and when in a row would significantly impact site distance for both entrances at the named roadways. Its our opinion that a serious safety issue would be introduced.

We appreciate the role of the BLT ordinance and fully respect the value of aesthetics as they lead to increased property value and opinion of the City. We do, however find these requirements a hardship when they introduce adverse safety issues. As such, we respectfully request a variance allowing eleven of the required landscape strip trees be replaced with understory plantings to address this issue. Further, to show our continued support of City beautification, we also propose to provide the City with \$2,500 to replace the waived trees at a City Park, right-of-way, or facility of its choosing.

Thank you for your consideration on this matter, we look forward to providing a new facility and services in the near future.

Best regards,

Peter Thakkar

**PLANT LEGEND:**



DECIDUOUS TREES SHALL BE AT LEAST 1 INCH IN DIAMETER AND EVERGREEN TREES SHALL BE AT LEAST 6 FEET IN HEIGHT AT TIME OF PLANTING.

ALL BUFFERS AND TREE SAVE AREAS SHALL BE CLEARLY IDENTIFIED WITH TREE PROTECTION FENCING PRIOR TO COMMENCEMENT OF ANY LAND DISTURBANCE.

CONTRACTOR/OWNER TO TREAT THE REMAINING GROUND AREA. THE REMAINING GROUND AREA SHALL BE SCOOLED, SEEDED OR HYDRO SEEDING WITH GRASS, AND/OR PLANTED WITH GROUND COVER SPECIES AND/OR PROVIDED WITH LANDSCAPING MATERIAL OR ANY OTHER COMBINATION THEREOF.

**PLANTING DENSITY CALCULATIONS:**

1.33 AC SITE AREA AFTER 0.09 AC RW DEDICATION  
 21.28 TREE UNITS REQUIRED (16 UNITS PER ACRE)  
 0 TREE UNITS EXISTING AND TO REMAIN  
 16.2 TREE UNITS PROPOSED TO BE PLANTED  
 16.2 TREE TOTAL UNITS (PROPOSED + EXISTING)

**PARKING LOT TREES:**

ONE (1) TREE FOR EACH TEN (10) INTERIOR PARKING SPACES  
 ONE (1) TREE FOR EACH FIVE (5) PERIMETER PARKING SPACES  
 20 PERIMETER PARKING SPACES  
 27 INTERIOR PARKING SPACES  
 7 TREES REQUIRED  
 20 TREES PROVIDED

**5' LANDSCAPE STRIP:**

1 TREE PER 50 LINEAR FEET OF ROADWAY FRONTAGE  
 1 SHRUB PER 50 LINEAR FEET OF ROADWAY FRONTAGE

133.3 L.F. ALONG FREEMAN'S MILL ROAD EXCLUDING DRIVES  
 3 SHRUBS REQUIRED  
 3 SHRUBS PROVIDED  
 3 TREES REQUIRED  
 3 TREES PROVIDED  
 225.0 L.F. ALONG DACULA-HARBINS ROAD EXCLUDING DRIVES  
 5 SHRUBS REQUIRED  
 5 SHRUBS PROVIDED  
 5 TREES REQUIRED  
 5 TREES PROVIDED

**PLANT SUMMARY:**

27 TOTAL No. OF NON-BUFFER TREES TO BE PLANTED  
 8 TOTAL No. OF SHRUBS TO BE PLANTED  
 (SEE PLANT LIST FOR SPECIFICS)

**PLANT LIST:**

QTY	SYM	BOTANICAL NAME	COMMON NAME	%TOTAL	SIZE	UNIT CREDITS	UNIT TOTALS
CANOPY TREES							
3	Ar	Acer rubrum	Red Maple	11.1	3"	0.6	1.8
6	Za	Zelkova serrata	Japanese Zelkova	22.2	3"	0.6	3.6
3	Oh	Quercus ilex	Halls R. Stevens Holly	11.1	3"	0.6	1.8
15	L	Lagerstroemia	Crape Myrtle	66.6	3"	0.6	9.0
27			TREE TOTALS				16.2
SHRUBS							
8	Iv	Ilex vomitoria	Dwarf Yaupon Holly	100.0	16"	N/A	N/A
8			SHRUB TOTALS				N/A



**ZONING DATA TABLE:**

CURRENT ZONING	CI AND C2
PROPOSED ZONING	N/A
OUTLAW DISTRICT	N/A
MINIMUM LOT AREA	N/A
MINIMUM LOT WIDTH	N/A
MINIMUM ROAD FRONTAGE	45'-0"
MINIMUM BUILDING HEIGHT	45'-0"
PROPOSED COVER	
BUILDING SETBACKS:	
FRONT	50'-0"
REAR	50' MINOR, 10' MINOR
SIDE	15'-0"
LANDSCAPE SETBACKS:	
ALONG ROAD	10' ALONG R/W
OTHER:	

THIS PROPERTY DOES NOT LIE IN A 100-YR FLOOD ZONE AS SHOWN ON FEMA COMMUNITY PANEL NO. 131000007, DATED SEPTEMBER 20, 2006.



**PROJECT NAME:**  
**HARBINS ROAD RETAIL CENTER**

**DATE:**  
 7-11-19

**DESIGN BY:** JME  
**DRAWN BY:** JME  
**CHECKED BY:** JME

Not Released For Construction  
 Released For Construction

**OWNER/DEVELOPER:**

**REVISIONS**

1	12-03-20
2	02-08-21
3	03-15-21
4	04-26-21
5	05-13-21

**CDP2020-00930**

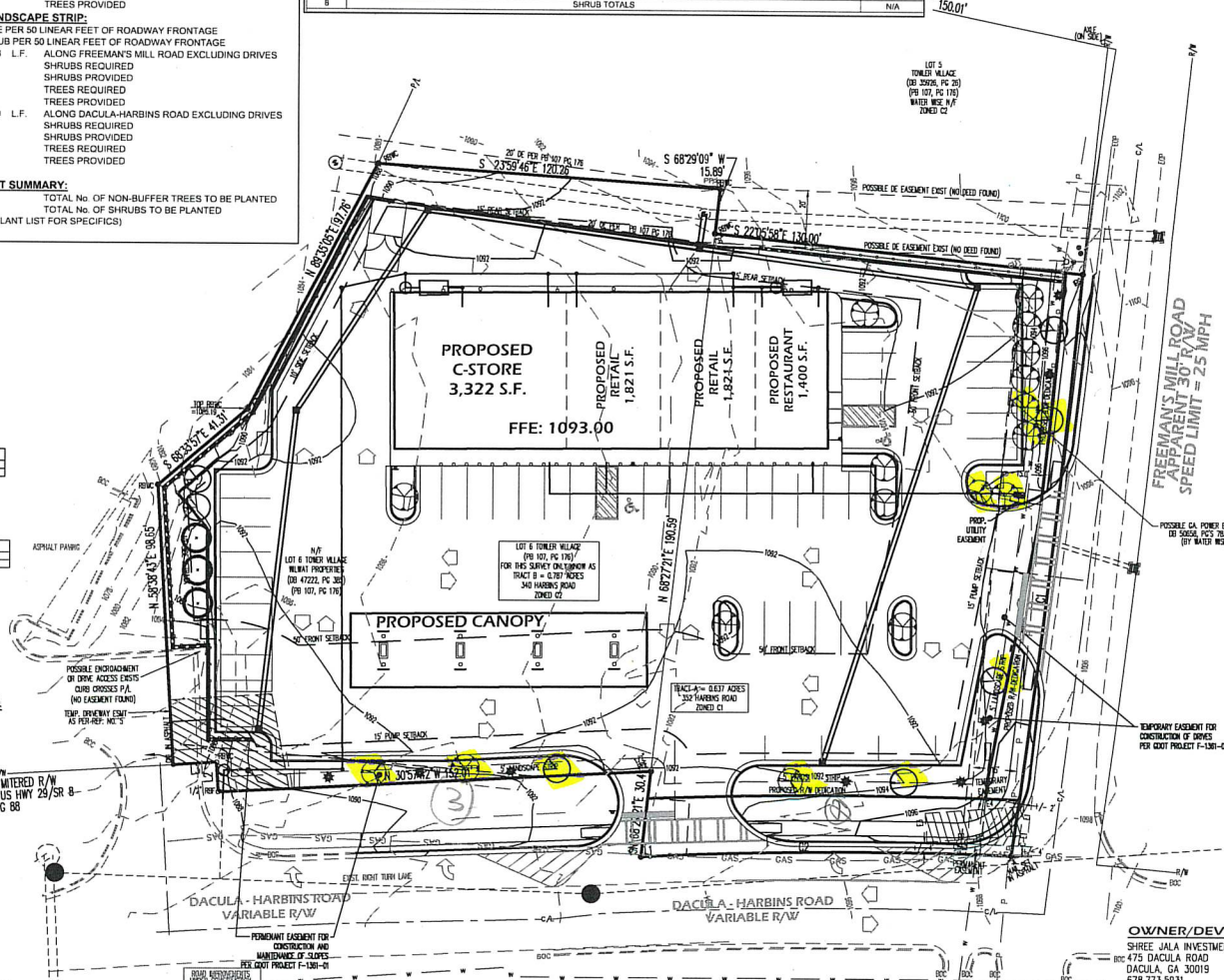
**JOB NUMBER:**  
 19-015

**SHEET TITLE:**  
**LANDSCAPE PLAN**  
**C-11**



Know what's below. Call before you dig.

**UTILITY DISCLAIMER:**  
 IN ADDITION TO SHOWING THE STRUCTURES TO BE BUILT UNDER THIS CONTRACT, THE DRAWINGS SHOW CERTAIN INFORMATION OBTAINED BY THE ENGINEER REGARDING THE PIPES, POLE LINES, CONDUITS, AND OTHER STRUCTURES WHICH EXIST ALONG THE LINE OF THE WORK, BOTH AT AND BELOW THE SURFACE OF THE GROUND. THE ENGINEER AND THE OWNER EXPRESSLY DISCLAIM ANY RESPONSIBILITY FOR THE ACCURACY OR COMPLETENESS OF THE INFORMATION OBTAINED BY THE ENGINEER WITH REGARD TO EXISTING STRUCTURES, AND THE CONTRACTOR WILL NOT BE OBTAINED TO ANY EXTRA COMPENSATION OR ACCOUNT OF ANY INACCURACY OR INCOMPLETENESS OF SUCH INFORMATION, SAID STRUCTURES BEING INDICATED ONLY FOR THE CONVENIENCE OF THE CONTRACTOR, WHO MUST VERIFY THE INFORMATION TO HIS OWN SATISFACTION. THE OBTAINING OF THIS INFORMATION UPON THE CONTRACT DRAWINGS WILL NOT RELIEVE THE CONTRACTOR OF HIS OBLIGATION TO SUPPORT AND PROTECT ALL PIPES, CONDUITS, AND OTHER STRUCTURES. THE CONTRACTOR SHALL LOCATE ALL UNDERGROUND OBSTRUCTIONS PRIOR TO EXCAVATION SO AS TO PREVENT ANY DAMAGE TO THESE SERVICES OR OTHER UTILITIES. ANY SUCH DAMAGES MUST BE REPAIRED WITHOUT DELAY AND THE COST OF SUCH REPAIRS MUST BE BORNE BY THE CONTRACTOR.

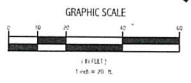


**OWNER/DEVELOPER:**  
 SHREE JALA INVESTMENT, LLC  
 475 DACULA ROAD  
 DACULA, GA 30019  
 678.773.5931

**24-HR CONTACT:**  
 PETER THAKKAR  
 678.773.5931 (Ph)

**ENGINEER:**  
 EVANS DESIGN GROUP, INC.  
 4755 SUMNER SONG COURT  
 BUFORD, GA 30519  
 678.207.6830 (Ph)  
 CONTACT: JON M. EVANS, P.E.

**Dacula-Harbins Road**  
**VARIABLE RIGHT-OF-WAY**  
**DB 97, PG 170**  
**SPEED LIMIT = 35 MPH**



L E G A L   D E S C R I P T I O N

ALL THAT PARCEL OF LAND LYING OR BEING IN LAND LOT 301, 5TH DISTRICT, CITY OF DACULA, GWINNETTY COUNTY, GEORGIA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

**BEGINNING** AT A NAIL SET AT THE INTERSECTION OF THE EASTERLY RIGHT OF WAY LINE OF DACULA-HARBINS ROAD (HAVING A VARIABLE RIGHT OF WAY) AND THE NORTHERLY RIGHT OF WAY LINE OF FREEMANS MILL ROAD (HAVING AN APPARENT 30 FOOT RIGHT OF WAY);

**THENCE** ALONG SAID EASTERN RIGHT OF WAY LINE OF DACULA-HARBINS ROAD along a curve to the left having a radius of 1385.02 feet and an arc length of 126.71 feet, being subtended by a chord of North 28 degrees 20 minutes 26 seconds West for a distance of 126.67 feet TO A POINT ON THE SAID EASTERN RIGHT OF WAY LINE OF DACULA-HARBINS ROAD;

**THENCE** CONTINUE ALONG SAID RIGHT OF WAY LINE North 30 degrees 57 minutes 42 seconds West for a distance of 3.28 feet TO A POINT;

**THENCE** CONTINUE ALONG SAID RIGHT OF WAY LINE North 68 degrees 27 minutes 21 seconds East for a distance of 30.41 feet TO A 1/2 INCH REBAR;

**THENCE** LEAVING SAID RIGHT OF WAY North 68 degrees 27 minutes 21 seconds East for a distance of 190.59 feet TO A REBAR WITH CAP;

**THENCE** South 22 degrees 05 minutes 58 seconds East for a distance of 130.00 feet TO A POINT ON THE NORTHERN RIGHT OF WAY LINE OF FREEMANS MILL ROAD (HAVING AN APPARENT 30 FOOT RIGHT OF WAY);

**THENCE** ALONG SAID RIGHT OF WAY LINE along a curve to the right having a radius of 3832.04 feet and an arc length of 206.76 feet, being subtended by a chord of South 68 degrees 43 minutes 33 seconds West for a distance of 206.73 feet TO A NAIL SET, BEING THE **TRUE POINT OF BEGINNING**.

SAID PARCEL CONTAINS 0.637 ACRES OF LAND MORE OR LESS AND IS ALSO KNOWN AS TRACT "A" AS DEPICTED ON A SURVEY FOR PETER THAKKAR PREPARED BY DS GRIFFIN, INC. DATED 6/9/19 AND LAST REVISED ON 10/06/19.

L E G A L   D E S C R I P T I O N

ALL THAT PARCEL OF LAND LYING OR BEING IN LAND LOT 301, 5TH DISTRICT, CITY OF DACULA, GWINNETTY COUNTY, GEORGIA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

**BEGINNING** AT THE INTERSECTION OF THE EASTERLY RIGHT OF WAY LINE OF DACULA-HARBINS ROAD (HAVING A VARIABLE RIGHT OF WAY) AND THE NORTHERN RIGHT OF WAY OF LINE OF FREEMANS MILL ROAD (HAVING AN APPARENT 30 FOOT RIGHT OF WAY);

**THENCE** along a curve to the left having a radius of 1385.02 feet and an arc length of 126.71 feet, being subtended by a chord of North 28 degrees 20 minutes 26 seconds West for a distance of 126.67 feet TO A POINT ON THE SAID EASTERN RIGHT OF WAY OF LINE OF DACULA-HARBINS ROAD;

**THENCE** CONTINUE ALONG SAID RIGHT OF WAY LINE North 30 degrees 57 minutes 42 seconds West for a distance of 3.28 feet TO A POINT;

**THENCE** CONTINUE ALONG SAID RIGHT OF WAY LINE North 68 degrees 27 minutes 21 seconds East for a distance of 30.41 feet TO A 1/2 INCH REBAR FOUND BEING THE TRUE POINT OF BEGINNING FOR TRACT "B".

**THENCE** CONTINUE ALONG SAID RIGHT OF WAY North 30 degrees 57 minutes 42 seconds West for a distance of 152.01 feet 1/2" REBAR FOUND;

**THENCE** CONTINUE ALONG SAID RIGHT WAY North 59 degrees 02 minutes 18 seconds East for a distance of 10.39 feet TO A REBAR WITH CAP;

**THENCE** CONTINUE ALONG SAID RIGHT OF WAY North 31 degrees 33 minutes 51 seconds West for a distance of 15.30 feet TO A NAIL FOUND IN THE ASPHALT;

**THENCE** LEAVING SAID RIGHT OF WAY North 58 degrees 38 minutes 43 seconds East for a distance of 98.65 feet TO A REBAR WITH CAP;

**THENCE** South 68 degrees 33 minutes 57 seconds East for a distance of 41.31 feet TO A REBAR WITH CAP;

**THENCE** North 89 degrees 35 minutes 05 seconds East for a distance of 97.76 feet TO A REBAR WITH CAP;

**THENCE** South 23 degrees 59 minutes 46 seconds East for a distance of 120.26 feet TO A REBAR WITH CAP;

**THENCE** South 68 degrees 29 minutes 09 seconds West for a distance of 15.89 feet TO A REBAR WITH CAP;

**THENCE** South 68 degrees 27 minutes 21 seconds West for a distance of 190.59 feet TO A 1/2 INCH REBAR FOUND AND THE TRUE POINT OF BEGINNING.

SAID PARCEL CONTAINS 0.787 ACRES OF LAND MORE OR LESS AND IS ALSO KNOWN AS LOT 6 OF TOWLER VILLAGE AND TRACT "B" AS DEPICTED ON A SURVEY FOR PETER THAKKAR PREPARED BY DS GRIFFIN, INC. DATED 6/9/19 AND LAST REVISED ON 10/06/19.

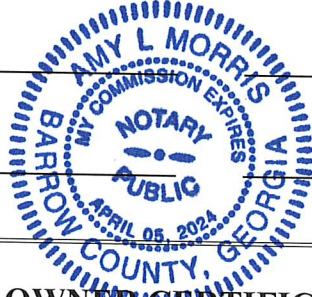
**APPLICANT CERTIFICATION**

The undersigned is authorized to make this application and is aware that if an application is denied, no application or re-application affecting the same property shall be acted upon within twelve (12) months from the date of last action unless waived by the City.

[Signature] \_\_\_\_\_ 3/29/22 \_\_\_\_\_  
Signature of Applicant Date

Peter Thakkar \_\_\_\_\_  
Type or Print Name/Title

Amy L Morris \_\_\_\_\_ 3/29/22 \_\_\_\_\_  
Notary Public Date



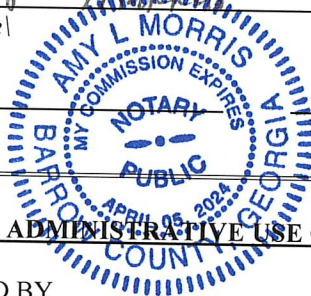
**PROPERTY OWNER CERTIFICATION**

The undersigned, or as attached, is the record owner of the property considered in this application and is aware that if an application is denied, no application or re-application affecting the same land shall be acted upon within twelve (12) months from the date of last action unless waived by the City.

[Signature] \_\_\_\_\_ 3/29/22 \_\_\_\_\_  
Signature of Applicant Date

(Peter) Pramodkumar Thakkar \_\_\_\_\_  
Type or Print Name/Title

Amy L Morris \_\_\_\_\_ 3/29/22 \_\_\_\_\_  
Notary Public Date



**FOR ADMINISTRATIVE USE ONLY**

DATE RECEIVED \_\_\_\_\_ RECEIVED BY \_\_\_\_\_ FEE \_\_\_\_\_ RECEIPT # \_\_\_\_\_

LAND LOT \_\_\_\_\_ DISTRICT \_\_\_\_\_ PARCEL # \_\_\_\_\_ HEARING DATE \_\_\_\_\_

**FOR ADMINISTRATIVE USE ONLY**

ACTION TAKEN \_\_\_\_\_

SIGNATURE \_\_\_\_\_ DATE \_\_\_\_\_

STIPULATIONS \_\_\_\_\_



P. O. Box 400  
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**DISCLOSURE OF CAMPAIGN CONTRIBUTIONS**

Have you, within the two years immediately preceding the filing of this application, made campaign contributions aggregating \$250.00 or more to the Mayor and/or a member of the City Council.

Yes  No

If the answer is *Yes*, please complete the following section:

<b>Name of Government Official</b>	<b>Contributions</b> <i>(All which aggregate to \$250.00+)</i>	<b>Contribution Date</b> <i>(within last 2 years)</i>
Mayor Trey King	\$2500	8-28-2021
_____		
_____		
_____		

Have you, within the two years immediately preceding the filing of this application, made gifts having in the aggregate a value of \$250.00 or more to the Mayor and/or a member of the City Council or a member of the Dacula Planning Commission or Zoning Board of Appeals.

Yes  No

If the answer is *Yes*, please complete the following section:

<b>Name of Government Official</b>	<b>Description of Gifts</b> <i>(Valued aggregate \$250.00+)</i>	<b>Date Gift was Given</b> <i>(within last 2 years)</i>
_____		
_____		
_____		
_____		

*(Attach additional sheets if necessary to disclose or describe all contributions/gifts)*

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Tusa LLC  
1030 Phinizy Court  
Watkinsville, Ga. 30677



9590 9402 7157 1251 4194 47

2. Article Number (Transfer from service label)

7022 0410 0002 5651 9220

PS Form 3811, July 2020 PSN 7530-02-000-9053

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X

*[Handwritten Signature]*

- Agent
- Addressee

B. Received by (Printed Name)

*John Faulkner*

C. Date of Delivery

4/12/22

D. Is delivery address different from item 1? If YES, enter delivery address below:

- Yes
- No

3. Service Type

- Adult Signature
- Adult Signature Restricted Delivery
- Certified Mail®
- Certified Mail Restricted Delivery
- Collect on Delivery
- Collect on Delivery Restricted Delivery
- Insured Mail
- Insured Mail Restricted Delivery (over \$500)
- Priority Mail Express®
- Registered Mail™
- Registered Mail Restricted Delivery
- Signature Confirmation™
- Signature Confirmation Restricted Delivery

Domestic Return Receipt

SENDER: COMPLETE THIS SECTION

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1. Article Addressed to:

Tusa LLC  
1030 Phinizy Court  
Watkinsville, Ga. 30677



9590 9402 7157 1251 4194 30

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Tucker Family Fund  
1001 Way Through the Woods SW  
Decatur, AL 35603



9590 9402 7157 1251 4199 97

2. Article Number (Transfer from service label)

7022 0410 0002 5651 9183

PS Form 3811, July 2020 PSN 7530-02-000-9053

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X

*[Handwritten Signature]*

- Agent
- Addressee

B. Received by (Printed Name)

*Victor Tucker*

C. Date of Delivery

4/7

D. Is delivery address different from item 1? If YES, enter delivery address below:

- Yes
- No

3. Service Type

- Adult Signature
- Adult Signature Restricted Delivery
- Certified Mail®
- Certified Mail Restricted Delivery
- Collect on Delivery
- Collect on Delivery Restricted Delivery
- Insured Mail
- Insured Mail Restricted Delivery (over \$500)
- Priority Mail Express®
- Registered Mail™
- Registered Mail Restricted Delivery
- Signature Confirmation™
- Signature Confirmation Restricted Delivery

Domestic Return Receipt

COMPLETE THIS SECTION ON DELIVERY

- A. Signature  Agent
- B. Received by (Printed Name)  Addressee
- C. Date of Delivery  Yes  No
- D. Is delivery address different from item 1? If YES, enter delivery address below:  Yes  No

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Tucker Family Fund  
1001 Way Thru the Woods SW  
Decatur, AL 35603



9590 9402 7157 1251 4200 09

2. Article Number (Transfer from service label)

7022 0410 0002 5651 9190

PS Form 3811, July 2020 PSN 7530-02-000-9053

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X

*[Handwritten Signature]*

- Agent
- Addressee

B. Received by (Printed Name)

*Victor Tucker*

C. Date of Delivery

4/7

D. Is delivery address different from item 1? If YES, enter delivery address below:

- Yes
- No

3. Service Type

- Adult Signature
- Adult Signature Restricted Delivery
- Certified Mail®
- Certified Mail Restricted Delivery
- Collect on Delivery
- Collect on Delivery Restricted Delivery
- Insured Mail
- Insured Mail Restricted Delivery (over \$500)
- Priority Mail Express®
- Registered Mail™
- Registered Mail Restricted Delivery
- Signature Confirmation™
- Signature Confirmation Restricted Delivery

Domestic Return Receipt