



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

**REZONING/ CHANGE OF CONDITIONS/ SPECIAL USE PERMIT APPLICATION**

AN APPLICATION TO AMEND THE OFFICIAL ZONING MAP OF THE CITY OF DACULA, GEORGIA.  
 (Please Type or Print using BLACK INK)

APPLICANT *	PROPERTY OWNER *
NAME <u>Key Growth Capital, LLC c/o Powell &amp; Edwards, LLP</u>	NAME <u>Core City Developers, LLC</u>
ADDRESS <u>PO Box 1390</u>	ADDRESS <u>1230 Peachtree Street NE, Suite 800</u>
CITY <u>Lawrenceville</u>	CITY <u>Atlanta</u>
STATE <u>Georgia</u> ZIP <u>30046</u>	STATE <u>Georgia</u> ZIP <u>30309</u>
PHONE <u>770-962-0100</u> FAX <u>770-963-3424</u>	PHONE <u>678-773-5931</u> FAX _____

**APPLICANT IS THE:**

- OWNER'S AGENT
- PROPERTY OWNER
- CONTRACT PURCHASER

*\* 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 W. Charles "Chuck" Ross, Esq.  
 COMPANY NAME Powell and Edwards, LLP  
 ADDRESS PO Box 1390, Lawrenceville, Georgia 30046  
 PHONE 770-962-0100 FAX 770-963-3424  
 EMAIL cross@powelledwards.com

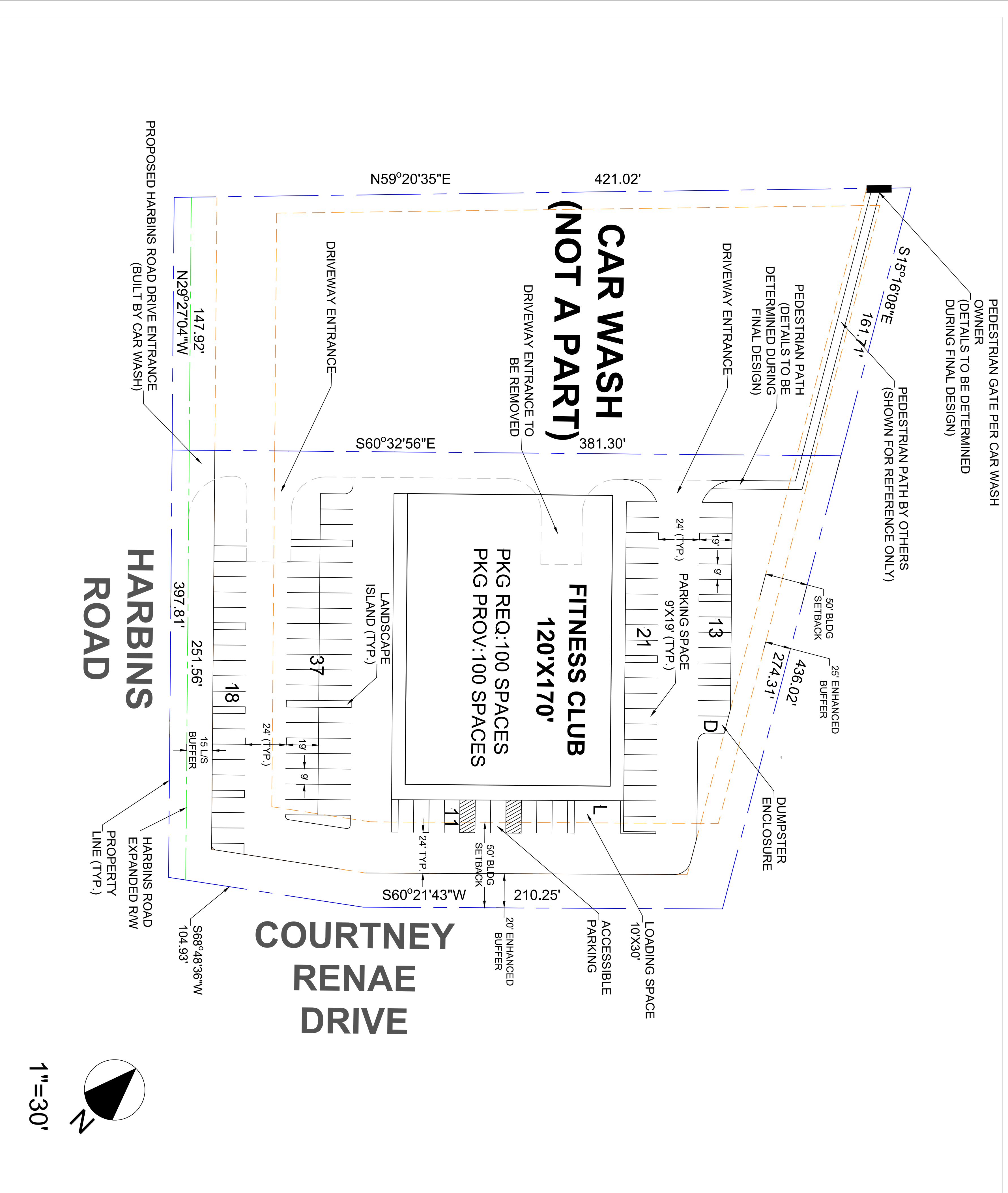
PRESENT ZONING DISTRICT(S) C-1 REQUESTED ZONING DISTRICT C-2  
 LAND LOT(S) 299 PARCEL # R5299 004 DISTRICT(S) 5 ACREAGE 2.108  
 PROPOSED DEVELOPMENT OR SPECIAL USE REQUESTED Fitness Club

RESIDENTIAL DEVELOPMENT: NO. OF LOTS/DWELLINGS UNITS \_\_\_\_\_ DWELLING UNIT SIDE (SQ. FT.) \_\_\_\_\_  
 NON-RESIDENTIAL DEVELOPMENT: NO. OF BUILDINGS/LOTS 1/1 TOTAL GROSS SQ. FEET 20,000

**LETTER OF INTENT & LEGAL DESCRIPTION OF PROPERTY**

\*\*\* PLEASE ATTACH A "LETTER OF INTENT" EXPLAINING WHAT IS PROPOSED and TYPED "LEGAL DESCRIPTION" OF PROPERTY TO BE AMENDED \*\*\*

**CASE NUMBER**



**APPLICANT:**  
 KEY GROWTH CAPITAL, LLC  
 ATTN: MICHAEL LEIBOWITZ  
 700 STATE STREET, SUITE 403, NEW HAVEN, CT 06405  
 (203) 675-8512

**OWNER:**  
 CORE CITY DEVELOPERS LLC  
 1230 PEACHTREE STREET NE  
 SUITE 800  
 ATLANTA, GA 30309

**TENANT:**  
 FLYNN GROUP  
 ATTN: KASS MCINNIS  
 617-418-8015

**DESCRIPTION OF PROJECT:**  
 PROPOSED 20,000 SF FITNESS CLUB. DEVELOPMENT OF THE REMAINDER OF THE LOT AT 1002 HARBINS ROAD; THE WESTERN PORTION OF WHICH IS CURRENTLY UNDER CONSTRUCTION AS A CAR WASH.

**SITE DATA:**  
 EXISTING ZONING: C-1  
 PROPOSED ZONING: C-2  
 OVERLAY DISTRICT: N/A  
 PROPOSED USE IN C-2 DISTRICT: FITNESS CLUB

PARCEL 5-299-004  
 LOT AREA: 94,467 SF OR 2.17 ACRES  
 BLDG AREA: 20,000 SF

**PARKING REQUIREMENTS:**  
 1 SPACES/200 SF FLOOR SPACE=20,000/200=100 SPACES  
 TOTAL PARKING REQ'D=100 SPACES  
 TOTAL PARKING PROV'D=100 SPACES

- DRAINAGE NOTES:**
- THIS PROPERTY DOES NOT LIE WITHIN A 100-YEAR FLOODPLAIN AS SHOWN ON FIRM COMMUNITY PANEL NO. 13135C0077F DATED SEPT. 29, 2006.
  - STORMWATER DETENTION FOR THE FITNESS CLUB PARCEL WILL BE PROVIDED IN A SHARED DETENTION FACILITY CONSTRUCTED BY THE CAR WASH PARCEL.

**FITNESS CENTER  
 REZONING SITE PLAN  
 1002 HARBINS ROAD  
 CITY OF DACULA, GWINNETT COUNTY, GEORGIA**

Engineer

Sheet Title

Revisions:

File:

Date: June 4, 2024

Scale: 1"=30'

Drawing:

- NOTES:**
1. THIS PLAT WAS PREPARED TO SUBDIVIDE THE PARENT PARCEL INTO 2 TRACTS AS REQUESTED BY THE OWNER.
  2. NO TITLE EXAMINATION WAS PROVIDED TO THE SURVEYOR AT THE REQUEST OF THE OWNER. THE SURVEYOR HAS REVIEWED THE PUBLIC RECORDS OF RECORD PLOTS IN THIS REGION.
  3. THIS PROPERTY LIES WITHIN FLOOD ZONE "X" OUTSIDE OF THE FLOOD ZONE, AS PER FEMA FIRM MAP NO. 13195C 00771, EFFECTIVE 06/29/2006.
  4. BUFFERS, SETBACKS AND ZONING ARE SUBJECT TO THE LOCAL ISSUING AUTHORITY AND THE CITY OF DACULA.
  5. THE PLAT IS BASED ON THE SURVEY DATA AS PER CONSTRUCTION PLANS PREPARED BY EVANS DESIGN GROUP FOR SUPERHIGH PRESSURE CRAWWASH LAST REVISED ON 4/24/24 AND APPROVED BY GWINNETT COUNTY ON 7/23/24.
  6. ALL PROPOSED IMPROVEMENTS, SETBACKS, ETC. ARE AS PER CONSTRUCTION PLANS PREPARED BY EVANS DESIGN GROUP FOR SUPERHIGH PRESSURE CRAWWASH LAST REVISED ON 4/24/24 AND APPROVED BY GWINNETT COUNTY ON 7/23/24.

- REFERENCES:**
1. CITY DEED RECORDED IN DB 50742, PAGE 251 ON 1/28/03 GWINNETT COUNTY RECORDS.
  2. WARRANTY DEED RECORDED IN DB 37175, PAGE 111 ON 2/25/04 GWINNETT COUNTY RECORDS.
  3. PLAT RECORDED IN PB 4, PG 2004 GWINNETT COUNTY RECORDS.
  4. PLAT RECORDED IN PB 103, PG 64 GWINNETT COUNTY RECORDS.
  5. ALL OTHER DEEDS AND REFERENCES ARE SHOWN HEREON.

**CERTIFICATE OF APPROVAL FOR RECORDING:**  
 I HEREBY CERTIFY THAT THE SUBDIVISION PLAT HEREON IS TRUE AND CORRECT AND WAS PREPARED FROM AN ACTUAL SURVEY OF THE PROPERTY BY ME OR UNDER MY SUPERVISION; THAT ALL MONUMENTS AND MARKERS ARE SHOWN AND CORRECTLY LOCATED; THAT THE ZONING REGULATIONS OF THE CITY OF DACULA, GEORGIA, AND THE REGULATIONS OF THE UNDERWRITERS' ASSOCIATION OF GEORGIA AS SET FORTH IN THE SUBDIVISION PLAT HAVE BEEN FULLY COMPLIED WITH. ALL OTHER DEEDS AND REFERENCES ARE SHOWN HEREON.  
 DATED: \_\_\_\_\_  
 OFFICIAL OF THE CITY OF DACULA

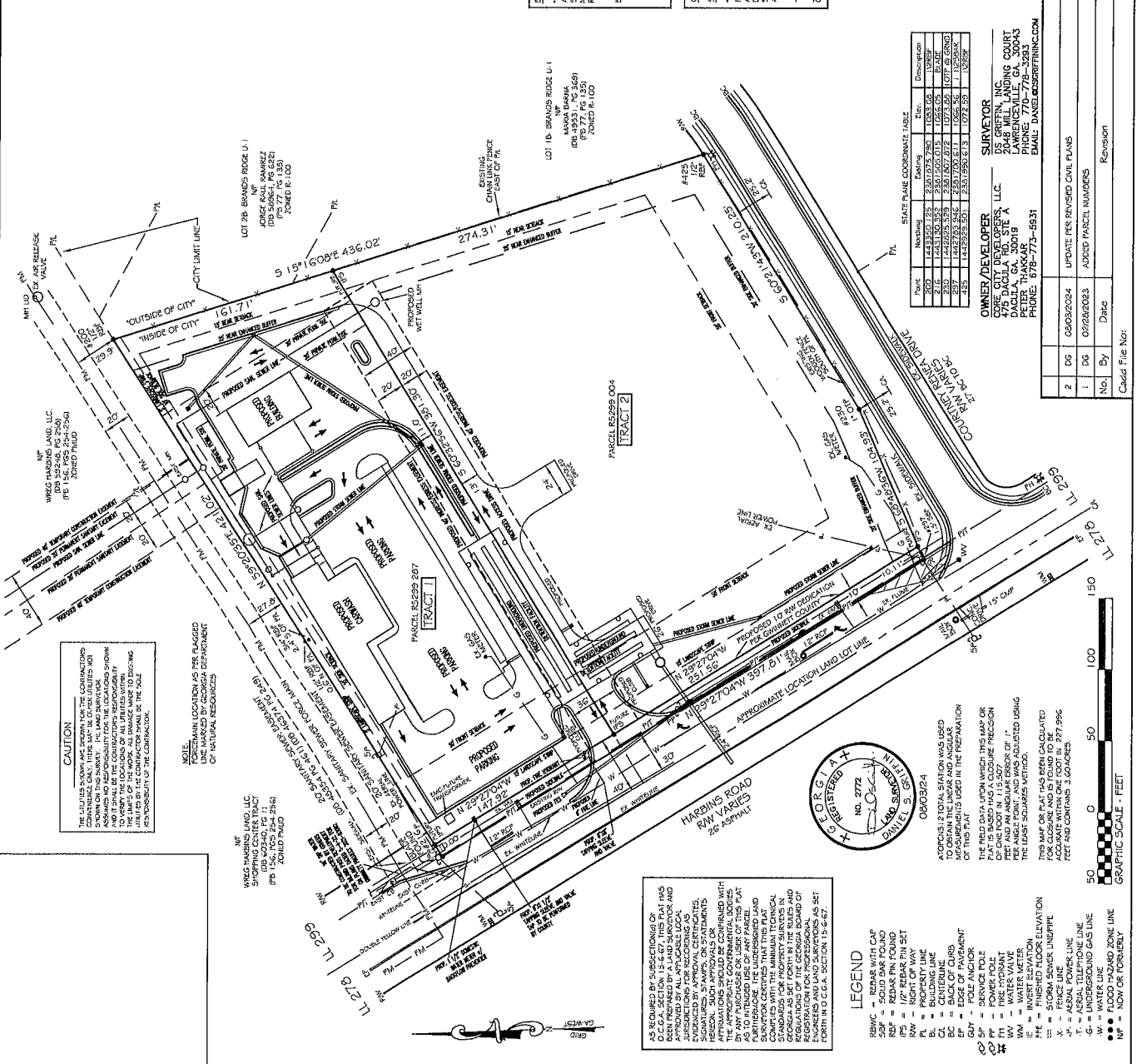
**ENGINEER'S OR SURVEYOR'S CERTIFICATION:**  
 IT IS HEREBY CERTIFIED THAT THIS PLAT IS TRUE AND CORRECT AND WAS PREPARED FROM AN ACTUAL SURVEY OF THE PROPERTY BY ME OR UNDER MY SUPERVISION; THAT ALL MONUMENTS AND MARKERS ARE SHOWN AND CORRECTLY LOCATED; THAT THE ZONING REGULATIONS OF THE CITY OF DACULA, GEORGIA, AND THE REGULATIONS OF THE UNDERWRITERS' ASSOCIATION OF GEORGIA AS SET FORTH IN THE SUBDIVISION PLAT HAVE BEEN FULLY COMPLIED WITH.  
 BY: *Daniel S. Griffin* 06/03/24  
 DANIEL S. GRIFFIN, REGISTERED GEORGIA LAND SURVEYOR NO. 2772

**OWNER'S CERTIFICATION AND DEDICATION:**  
 STATE OF GEORGIA, COUNTY OF GWINNETT  
 THE OWNER OF THE LAND SHOWN ON THIS PLAT AND WHOSE NAME IS SUBSCRIBED HERETO, IN PERSON OR THROUGH A DULY AUTHORIZED AGENT, CERTIFIES THAT THIS PLAT WAS MADE FROM A SURVEY OF THE LAND MADE BY THE SURVEYOR AND THAT THE SURVEYOR HAS PROVIDED THE NECESSARY FIELD DATA TO OBTAIN THE UNDERWRITERS' ASSOCIATION OF GEORGIA AS SET FORTH IN THE SUBDIVISION PLAT. THE OWNER HAS BEEN ADVISED OF ALL RIGHTS AND OBLIGATIONS AND HAS ACCEPTED ALL RIGHTS, WARRANTIES, CONDITIONS, EXEMPTIONS, AND OTHER SPACES TO PUBLIC USE AS NOTED.  
 OWNER: \_\_\_\_\_ DATE: \_\_\_\_\_

C-1 NEIGHBORHOOD COMMERCIAL ZONING  
 TRACT 1 = 1.401 ACRES  
 TRACT 2 = 2.108 ACRES  
 RAW DEDICATION = 0.091 ACRES  
 TOTAL AREA = 3.600 ACRES

EXEMPTION PLAT FOR:  
**1002 HARBINS ROAD DEVELOPMENT  
 AND CORE CITY DEVELOPERS, LLC.**  
 PROPERTY LOCATED IN THE CITY OF DACULA, GA.  
**DS GRIFFIN, INC.**  
 2048 WILL LANDING COURT  
 LAWRENCEVILLE, GA 30043  
 PHONE: 770-773-6931  
 EMAIL: DANIEL@DSGRIFFIN.COM

Date: 02/15/2023 Land Lot: 293 District: 5TH  
 County: GWINNETT Scale: 1" = 50' Section: WA  
 Project: 1002HARBINS Sheet No. 1 OF 1  
 Drawn By: DG



Point	Missing	Bearing	Dist.	Description
2001	142°55'02.125"	230.07527890	803.50	USRP
2002	141°41'30.332"	230.05920115	1026.05	USRP
2003	141°40'30.332"	230.05920115	1026.05	USRP
2004	141°40'30.332"	230.05920115	1026.05	USRP
2005	141°40'30.332"	230.05920115	1026.05	USRP
2006	141°40'30.332"	230.05920115	1026.05	USRP
2007	141°40'30.332"	230.05920115	1026.05	USRP
2008	141°40'30.332"	230.05920115	1026.05	USRP
2009	141°40'30.332"	230.05920115	1026.05	USRP
2010	141°40'30.332"	230.05920115	1026.05	USRP

STATE PLANE COORDINATE TABLE

**OWNER/DEVELOPER**  
 CORE CITY DEVELOPERS, LLC  
 475 DACULA RD. STE A  
 LAWRENCEVILLE, GA 30043  
 PHONE: 770-773-6931

**SURVEYOR**  
 DS GRIFFIN, INC.  
 2048 WILL LANDING COURT  
 LAWRENCEVILLE, GA 30043  
 PHONE: 770-773-6931  
 EMAIL: DANIEL@DSGRIFFIN.COM

No.	By	Date	Revision
1	DG	02/28/2023	ADDED PARCEL NUMBERS
2	DG	06/03/2024	UPDATE PER REVISED CIVIL PLANS



**LEGEND**

RW/C = REBAR WITH CAP  
 S/F = SOLID BARE FOUND  
 PS = 1/2" REBAR PIN SET  
 PL = PROPERTY LINE  
 CL = CENTERLINE  
 GUR = FULL ANCHOR  
 S/P = SERVICE POLE  
 BC = BACK OF CURB  
 W = WATER VALVE  
 WM = WATER METER  
 H = HOLE  
 X = ASIAL POWER LINE  
 W = UNDERGROUND GAS LINE  
 W = UNDERGROUND WATER PIPE  
 F = FLOOD HAZARD ZONE LINE  
 NP = NOW OR FOREVER

ATOPICAL TOTAL STATION WAS USED TO OBTAIN THE UNDER AND ANGULAR MEASUREMENTS. THE FIELD DATA UPON WHICH THIS MAP OR PLAT IS BASED HAS A CLOSE PRECISION PER WASTE POINT, AND WAS ADJUSTED USING THE LEAST SQUARES METHOD. THE HOLE SHOWN WAS NOT RECORDED FOR ACCESS AND IS TO REMAIN IN 277.85 FEET AND CONTAINS 3 GALLONS.

AS REQUIRED BY SUBSECTION 15-6-07 OF O.C.G.A. SECTION 15-6-07, THIS PLAT HAS BEEN PREPARED BY A LAND SURVEYOR AND SUBSCRIBED TO THE PUBLIC RECORDS OF THE COUNTY IN WHICH THE PROPERTY IS LOCATED. THE SURVEYOR'S SEAL AND SIGNATURE ARE SHOWN HEREON. S/he certifies that this plat is true and correct and was prepared from an actual survey of the property by him or under his supervision. The undersigned land surveyor certifies that this plat conforms to the standards of professional practice and has been prepared in accordance with the standards of professional practice as set forth in O.C.G.A. SECTION 15-6-07.

**CAUTION**  
 THIS PLAT IS BASED ON THE SURVEY DATA AS PER CONSTRUCTION PLANS PREPARED BY EVANS DESIGN GROUP FOR SUPERHIGH PRESSURE CRAWWASH LAST REVISED ON 4/24/24 AND APPROVED BY GWINNETT COUNTY ON 7/23/24. THE SURVEYOR HAS REVIEWED THE PUBLIC RECORDS OF RECORD PLOTS IN THIS REGION. THE PLAT IS BASED ON THE SURVEY DATA AS PER CONSTRUCTION PLANS PREPARED BY EVANS DESIGN GROUP FOR SUPERHIGH PRESSURE CRAWWASH LAST REVISED ON 4/24/24 AND APPROVED BY GWINNETT COUNTY ON 7/23/24.

**NOTE:**  
 FOREMAN LOCATION AS PER FLAGGED LINE MARKED BY GEORGIA DEPARTMENT OF NATURAL RESOURCES

Tony Powell  
Brian Edwards  
Nathan Powell  
W. Charles Ross



**POWELL & EDWARDS**  
ATTORNEYS AT LAW

Jay Crowley  
Mandy Williams  
Laura Walsh  
Laura Shoop

August 8, 2024

Brittini Nix  
City Administrator  
City of Dacula  
442 Harbins Road  
PO Box 400  
Dacula, Georgia 30019

**RE: APPLICATION FOR REZONING AND LETTER OF INTENT FOR KEY  
GROWTH CAPITAL, LLC.**

Dear Ms. Nix:

Powell & Edwards, submits this Letter of Intent on behalf of Key Growth Capital, LLC (the “Applicant”) to request a rezoning of a 2.108 acre parcel located at 1002 Harbins Road in Dacula and having Gwinnett County Tax ID Number R5299 004 (the “Property”) from C-1 to C-2 in order to develop and construct a fitness club.

The Applicant specializes in locating and developing property for several national franchise businesses. In this case, Applicant is working with one of the larger fitness club franchise operators in the country. They have a particularly large presence in the Atlanta and Boston markets and have an excellent reputation for operating high quality clubs. Because of Applicant’s experience with this particular product and client, they are able to better identify sites which do not require significant variances and also understand exactly how the facilities will fit on the property and any infrastructure needs. Due to this expertise, the attached site plan does not require any variances at this point.

Although the fitness club will be owned by a large corporation, they have an extensive local management presence from both the local location and throughout metropolitan Atlanta and can provide immediate response if needed. In particular, in Gwinnett County, they operate numerous clubs, two of the closest being in Snellville and Loganville. The brand also has a reputation for being very involved with their host community. For example, they recently held a backpack drive to assist students in need of back-to-school supplies. They also offer high school students free access to their clubs over the summer. We believe you will find that they will be an excellent corporate partner to the City of Dacula.

As noted in the impact analysis, the subject parcel is located in the Emerging Commercial future land use area of the 2050 Dacula Comprehensive Plan. This area has begun to develop as intensive

**A PROFESSIONAL CORPORATION**

P.O. Box 1390 • Lawrenceville, Georgia 30046-1390 • [powelledwards.com](http://powelledwards.com) • 770.962.0100  
*Street Address For Direct Deliveries Only • 10 Lumpkin Street Lawrenceville, GA 30046*

### **Legal Description**

ALL THAT TRACT OR PARCEL OF LAND lying and being in Land Lot 299 of the 5<sup>th</sup> District of Gwinnett County, City of Dacula, Georgia containing approximately 2.108 acres, more or less, and being designated as Tract 2 on that certain survey entitled "Exemption Plat for: 1002 Harbins Road Development and Core City Developers, LLC", prepared by DS Griffin, Inc., bearing the seal and certification of Daniel S. Griffin, Georgia Registered Land Surveyor No. 2772, dated February 15, 2023 and last revised on August 3, 2024, being more particularly described as follows:

To find the TRUE POINT OF BEGINNING, commence at the point of intersection of the northwesterly right-of-way line of Courtney Renea Drive (right-of-way varies) and the northeasterly right-of-way line of Harbins Road (right-of-way varies); run thence along said right-of-way line of Courtney Renea Drive in a northeasterly direction, and following the meanderings thereof, a distance of 10.11 feet to a point, said point being the TRUE POINT OF BEGINNING; from said TRUE POINT OF BEGINNING and leaving said right-of-way line run thence North 29 degrees 27 minutes 04 seconds West a distance of 251.56 feet to a point; run thence North 60 degrees 32 minutes 56 seconds East a distance of 381.30 feet to a point; run thence South 15 degrees 16 minutes 08 seconds East a distance of 274.31 feet to a point on the northwesterly right-of-way line of Courtney Renea Drive; run thence along said right-of-way line South 60 degrees 21 minutes 43 seconds West a distance of 210.25 feet to a point; continue thence along said right-of-way line South 68 degrees 48 minutes 36 seconds West a distance of 104.93 to a point, said point being the TRUE POINT OF BEGINNING.

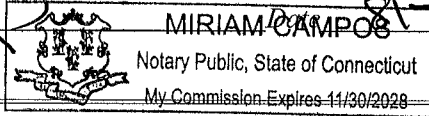
**APPLICANT CERTIFICATION**

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 of Applicant [Handwritten Signature] Date 8-7-2024

Type or Print Name/Title Michael Lebowitz - Member

Notary Public [Handwritten Signature]



**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 of Property Owner \_\_\_\_\_ Date \_\_\_\_\_

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

Notary Public \_\_\_\_\_ Date \_\_\_\_\_

**FOR ADMINISTRATIVE USE ONLY**

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

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

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

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

STIPULATIONS \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

**APPLICANT CERTIFICATION**

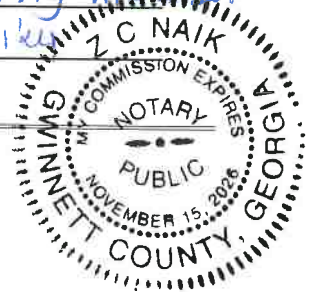
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Signature of Applicant \_\_\_\_\_ Date \_\_\_\_\_  
Type or Print Name/Title \_\_\_\_\_  
Notary Public \_\_\_\_\_ Date \_\_\_\_\_

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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 of Property Owner Pranodkumar Thakkar Date 8/2/24  
Type or Print Name/Title Pranodkumar Thakkar / managing member  
Notary Public Z.C. Naik Date 08/02/24



**FOR ADMINISTRATIVE USE ONLY**

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

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

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

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

STIPULATIONS \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

ADJOINING PROPERTY OWNER(S)  
RECORD NOTIFICATION

DATE: August 8, 2024

TO: WREG Harbins Retail LLC  
1958 Monroe Drive NE  
Atlanta, Ga 30324-4844  
(Sent by First Class Mail and Certified Mail - Return Receipt Requested)

FROM: W. Charles "Chuck" Ross  
Powell & Edwards, LLP  
PO Box 1390  
Lawrenceville, Georgia 30046  
770-962-0100  
cross@powelledwards.com

RE: Application Case #: \_\_\_\_\_  
Application Case #: \_\_\_\_\_  
Application Case #: \_\_\_\_\_

Property Location: 5th District, Land Lot 299 Parcel 004

LOCATION/ADDRESS: 1002 Harbins Road, Dacula, Georgia 30019

---

You are hereby notified that an application for a zoning change from C-1 to C-2 has been submitted to the City of Dacula.

The proposed rezoning is contiguous to your property.

The PLANNING COMMISSION Public Hearing/Meeting will be held at the Dacula City Hall, 442 Harbins Rd., Dacula, Georgia on September 30, 2024 at 6:00 P.M. in the Council Chambers.

The CITY COUNCIL Public Hearing/Meeting will be held at the Dacula City Hall, 442 Harbins Rd., Dacula, Georgia on October 3, 2024 at 7:00 P. M. in the Council Chambers.

If you have any comments or concerns concerning this matter, please plan to attend the public hearings.

Thank you.



ADJOINING PROPERTY OWNER(S)  
RECORD NOTIFICATION

DATE: August 8, 2024

TO: Jorge Raul Ramirez  
2438 Courtney Renea Drive  
Dacula, Ga 30019-1596  
(Sent by First Class Mail and Certified Mail - Return Receipt Requested)

FROM: W. Charles "Chuck" Ross  
Powell & Edwards, LLP  
PO Box 1390  
Lawrenceville, Georgia 30046  
770-962-0100  
cross@powelledwards.com

RE: Application Case #: \_\_\_\_\_  
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Thank you.

ADJOINING PROPERTY OWNER(S)  
RECORD NOTIFICATION

DATE: August 8, 2024

TO: Maria Barna  
2428 Courtney Renea Drive  
Dacula, Ga 30019-1596  
(Sent by First Class Mail and Certified Mail - Return Receipt Requested)

FROM: W. Charles "Chuck" Ross  
Powell & Edwards, LLP  
PO Box 1390  
Lawrenceville, Georgia 30046  
770-962-0100  
cross@powelledwards.com

RE: Application Case #: \_\_\_\_\_  
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Thank you.

ADJOINING PROPERTY OWNER(S)  
RECORD NOTIFICATION

DATE: August 8, 2024

TO: Donna Valentine  
Patrick Valentine  
1950 Luke Edwards Road  
Dacula, Ga 30019-2503  
(Sent by First Class Mail and Certified Mail - Return Receipt Requested)

FROM: W. Charles "Chuck" Ross  
Powell & Edwards, LLP  
PO Box 1390  
Lawrenceville, Georgia 30046  
770-962-0100  
cross@powelledwards.com

RE: Application Case #: \_\_\_\_\_  
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Thank you.

ADJOINING PROPERTY OWNER(S)  
RECORD NOTIFICATION

DATE: August 8, 2024

TO: Shane Dobles  
Morgan O'Brien  
2407 Courtney Renea Drive  
Dacula, Ga 30019-1595  
(Sent by First Class Mail and Certified Mail - Return Receipt Requested)

FROM: W. Charles "Chuck" Ross  
Powell & Edwards, LLP  
PO Box 1390  
Lawrenceville, Georgia 30046  
770-962-0100  
cross@powelledwards.com

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Thank you.

ADJOINING PROPERTY OWNER(S)  
RECORD NOTIFICATION

DATE: August 8, 2024

TO: Jody L. Parr  
1001 Harbins Road  
Dacula, Ga 30019-2405  
(Sent by First Class Mail and Certified Mail - Return Receipt Requested)

FROM: W. Charles "Chuck" Ross  
Powell & Edwards, LLP  
PO Box 1390  
Lawrenceville, Georgia 30046  
770-962-0100  
cross@powelledwards.com

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You are hereby notified that an application for a zoning change from C-1 to C-2 has been submitted to the City of Dacula.

The proposed rezoning is contiguous to your property.

The PLANNING COMMISSION Public Hearing/Meeting will be held at the Dacula City Hall, 442 Harbins Rd., Dacula, Georgia on September 30, 2024 at 6:00 P.M. in the Council Chambers.

The CITY COUNCIL Public Hearing/Meeting will be held at the Dacula City Hall, 442 Harbins Rd., Dacula, Georgia on October 3, 2024 at 7:00 P. M. in the Council Chambers.

If you have any comments or concerns concerning this matter, please plan to attend the public hearings.

Thank you.

**CONFLICT OF INTEREST CERTIFICATION**

The undersigned, making application for rezoning/SUP, has complied with the Official Code of Georgia, Section 36-67A-1, et. seq, Conflict of Interest in Zoning Actions and has submitted or attached the required information on the forms provided.

Signature of Applicant \_\_\_\_\_ Date \_\_\_\_\_

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

Signature of Applicant' Attorney W. Charles Ross Date 8/18/2024

Type or Print Name/Title W. Charles "Chuck" Ross, Esq.

Notary Public Terry S. Peffinger Date 8/18/24



**Official Use Only**

DATE RECEIVED \_\_\_\_\_ ZONING CASE NUMBER \_\_\_\_\_

RECEIVED BY \_\_\_\_\_

\_\_\_\_\_

**CONFLICT OF INTEREST CERTIFICATION**

The undersigned, making application for rezoning/SUP, has complied with the Official Code of Georgia, Section 36-67A-1, et. seq, Conflict of Interest in Zoning Actions and has submitted or attached the required information on the forms provided.

Signature of Applicant  Date 8/8/24

Type or Print Name/Title Michael Lebowitz - Member

Signature of Applicant' Attorney \_\_\_\_\_ Date \_\_\_\_\_

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

Notary Public  Date 8/8/24

(Notary Seal)



**Official Use Only**

DATE RECEIVED \_\_\_\_\_ ZONING CASE NUMBER \_\_\_\_\_

RECEIVED BY \_\_\_\_\_



## City of Dacula

P. O. Box 400

Dacula, GA 30019

(770) 962-0055 / Fax (770) 513-2187

### IMPACT ANALYSIS STATEMENT

As required by the Zoning Resolution of the City of Dacula, the following standards are relevant in balancing the interest in promoting the public health, safety, morality, or general welfare against the right to the unrestricted use of property and shall govern the exercise of the zoning power. **ALL APPLICATIONS MUST BE COMPLETED WITH THE COMPLETED IMPACT ANALYSIS STATEMENT.**

DATE August 8, 2024,

APPLICANT Key Growth Capital, LLC

- A. Whether a proposed rezoning will permit a use that is suitable in view of the use and development of adjacent and nearby property: This part of Harbins Road has been specifically classified by the City to be developed commercially. Indeed, the property is already zoned C-1, and the property owner could construct a myriad of higher intensity uses without further approval by the City. The parcel is bordered to the northwest by the SuperShine Xpress Carwash and the new Publix shopping center. The property across Harbins Road is zoned for office and institutional use. Although the subject parcel is adjacent to two unincorporated Gwinnett County residential parcels, the proposed fitness club would serve as an appropriate transition from the existing more intense commercial uses to the neighborhood entrance.
- B. Whether a proposed rezoning will adversely affect the existing use or usability of adjacent or nearby property: The proposed rezoning will not adversely affect the existing use or usability of adjacent or nearby property. The entrance to the fitness club will be the same entrance already being used by the carwash on Harbins Road. There is no access onto the residential street. Further, the Applicant will provide appropriate screening where the two residential properties abut the subject parcel.
- C. Whether the property to be affected by a proposed rezoning has a reasonable economic use as currently zoned: As noted in the Dacula 2050 Comprehensive Plan, this area has been identified as containing underutilized properties. While the property is zoned C-1, being located adjacent to a carwash limits many options that might otherwise be available to this property. The proposed use will present a harmonious use that will not be disturbed by the carwash and will not cause a disturbance to the two residential properties adjacent.
- D. 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: The proposed use will not create any significant increase in traffic along Harbins Road, nor will it create a strain on any utilities and will have no impact upon schools.
- E. Whether the proposed rezoning is in conformity with the policy and intent of the Land Use Plan: The Dacula 2050 Comprehensive Plan identifies this area as "Emerging Commercial" which has a stated purpose of providing a transition area on Harbins Road consistent with the County Comprehensive Plan which identifies this area as a "Community Node." This area also seeks to encourage the redevelopment of underutilized properties. As noted above, the proposed fitness club use would provide an appropriate transition between the shopping center & car wash and the residential properties to the south and east.
- F. 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: As noted above, this area has been classified for commercial development and significant commercial development has already begun on nearby parcels. The less intensive use of the proposed fitness club is the most appropriate use for this location as it can provide a proper transition to the adjacent residential properties located in unincorporated Gwinnett County.





City of Dacula  
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Dacula, GA 30019  
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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 the Mayor and/or a member of the City Council or a member of the Dacula Planning Commission.

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>
_____		
_____		
_____		
_____		

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.

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)*