

Memorandum

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

From: Brittini Nix, City Administrator

Date: April 20, 2023

Subject: Change of Conditions Case: 2023-CD-COC-01

Proposed Zoning: O-I (Office-Institutional District)

Existing Zoning: O-I (Office-Institutional District)

Size: 1.84 acres

Proposed Use: Medical / Dental Offices

Applicant: EVAA, LLC
1030 Duluth Hwy
Lawrenceville, Georgia 30043
770-891-9142

Owner: EVAA, LLC
1030 Duluth Hwy
Lawrenceville, Georgia 30043
770-891-9142

Location: LL 303 - 5th District, Parcels 004 and 007

Existing Land Use and Zoning:

The site is located on the east side of Dacula Road, south of the Dacula Road and Freemans Walk Drive intersection. The subject property totals 1.84-acres and is zoned O-I (Office Institutional District) pursuant to 2021-CD-RZ-01 and 2021-CD-VAR-01. The site is actively under development for a 12,253 sf medical office building under development permit 2022-CD-DEV-01.

Various commercial uses are located 0.12 +/- miles north of the subject property. These uses include, but are not limited to, a postal facility, chiropractor, day care facility, restaurant, and gas station zoned O-I (Office-Institutional District) and C-1 (Neighborhood Commercial District). Properties zoned R-1200 (Single-Family Residential District) are located adjacent to the north, south, east, and across Dacula Road to the west.

The Proposed Development:

The applicant has requested a change of conditions to eliminate and replace the 20-foot rear undisturbed buffer with a 20-foot rear landscape strip. Replacing the undisturbed buffer with a landscape strip would permit the developer to encroach within the subject area and build the retaining wall as designed.

The proposed 20-foot landscape strip would be in addition to the existing 5-foot landscape strip along the rear of the property. Therefore, the landscape strip abutting the rear property line would total 25 feet. Said landscape strip would still require Leyland Cypress trees, planted 20-foot on center (zoning condition #6) and a 6-foot opaque fence (zoning condition #7) per the zoning conditions.

Application materials do not indicate any additional modifications from the approved site plan nor zoning conditions.

Summary:

The proposed change of conditions to eliminate and replace the rear undisturbed buffer with a landscape strip could be considered suitable at this location as the permanent use of the land would remain a separation between the office and residential uses. As such, the Department recommends the requested change of conditions be approved.

Comprehensive Plan:

The City of Dacula's 2019 Comprehensive Plan labels the subject property as Neighborhood Commercial on the Future Land Use Map. Neighborhood Commercial land uses are described as small office, small retail, small institutional, or parks / recreation uses along major road thoroughfares, such as Dacula Road, that "provide opportunities for small-scale retail, services, and office that are compatible with neighborhoods that do not generate excessive traffic" (The City of Dacula, Georgia 2019 Comprehensive Plan, page 7.18). Considering the above description, the proposed change of conditions for the medical / dentist office is compatible with the Neighborhood Commercial designation given by the Comprehensive Plan.

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 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?*

The proposed change of conditions for the medical / dentist office use could be considered suitable as a separation between office and residential uses would remain.

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

With the recommended conditions, adverse impacts on adjacent / nearby properties could be minimized.

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

Yes, the property has 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?*

No, excessive and burdensome use of existing streets, transportation facilities, utilities or schools would not be expected should the request be approved.

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

The proposed change of conditions for the medical / dentist office is consistent with the Neighborhood Commercial designation of the 2030 Future Land Use Map, which indicates the request should be approved.

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?*

Eliminating and replacing the rear undisturbed buffer with a landscape strip would allow the development to proceed as designed. Furthermore, only landscaped vegetation and underground infrastructure would be permitted to remain within the 25-foot landscape strip on a permanent basis.

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 staff's recommendations conditions for the requested special use permit at the Public Hearing on April 24, 2023. Said conditions are below.

Changes from 2021-CD-RZ-01 and 2021-CD-VAR-01 zoning conditions are below.
Additions are shown in **bold** and deletions in ~~strikethrough~~.

1. The property shall be developed in accordance with the ~~conceptual~~ site plan prepared by **Foresite Group dated May 23, 2022** ~~Hayes, James & Associates dated January 4, 2021~~. Any substantial deviation from the approved ~~conceptual~~ plan and/or remaining conditions of zoning shall be resubmitted to the City Council for consideration. The City Administrator shall determine what constitutes substantial deviation.
2. All building exteriors shall be constructed of brick, stone, glass or stucco. All buildings shall have flat roofs with architectural treatments to include canopies and parapets. 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. Architectural design shall lend the appearance of multi-tenant occupancy; facades of multi-tenant buildings shall be varied in depth and parapet height. Final architectural plans and color palate shall be submitted to the City for approval.
3. No outdoor storage shall be permitted.
4. A 10-foot wide landscape strip shall be provided along the commercial tract frontage of Dacula Road. The landscape strip shall be planted so as to not impede site distance along Dacula Road. A landscape plan shall be submitted to the City for approval prior to the issuance of a development permit.
5. The required 50-foot undisturbed buffer on the side property lines shall be eliminated and replaced with a 15-foot wide landscape strip. Landscape strips shall be planted with a single row of Leyland Cypress trees, planted 30-foot on center.
6. The required 50-foot undisturbed buffer on the rear property line shall be **eliminated and replaced with a 25-foot landscape strip with a minimum planting of Leyland Cypress trees, planted 20-foot on center, and understory plantings.** ~~reduced to a 20-foot undisturbed buffer.~~ Encroachment for one (1) perpendicular sewer line shall be permitted subject to review and approval. ~~A landscape strip shall be required along the rear of the property and with a minimum planting of Leyland Cypress trees, planted 20-foot on center.~~
7. Opaque fencing along the rear of the property shall be required. The fence shall be a 6-foot high black chain link fence with opaque green, brown, or black slats or a 6-foot high green, brown, or black vinyl fence. Fencing shall be located behind the tree line with location subject to review and approval by the Department of Planning and Development.
8. A parking lot landscape plan shall be 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.

9. One ground sign shall be permitted. The ground sign shall be monument type only with indirect lighting. Ground sign shall be limited to a single monument-type sign with a brick or stacked stone base of at least 2 feet in height. Neon or self-illuminating ground signs shall be prohibited.
10. Parking lot and security lighting shall be directed in towards the property so as to minimize the adverse impact on neighboring properties.
11. All trash dumpsters shall be screened by an enclosure using the same exterior building material as the adjacent occupied buildings. Pickup shall be limited to the hours of 7:00 a.m. to 9:00 p.m. Monday through Saturday. Dumpster enclosures shall remain closed, locked, and in good repair at all times.
12. A 5-foot wide sidewalk shall be constructed/replaced on the property frontage of Dacula Road.
13. A standard deceleration lane with 50-foot taper and 40-foot right-of-way from the centerline shall be required, reviewed, and approved by Gwinnett County Department of Transportation prior to the issuance of a development permit. The developer shall be limited to one curb cut. Prior to the issuance of a development permit, a sight distance certification shall be provided. Minimum separation from a driveway, public road, or side street shall be provided as specified in the Gwinnett County Unified Development Ordinance.
14. The developer shall be responsible for the relocation of public or private utilities and stormwater infrastructure.
15. 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.
16. Human sign spinners and/or twirlers shall be prohibited.