



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 & 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

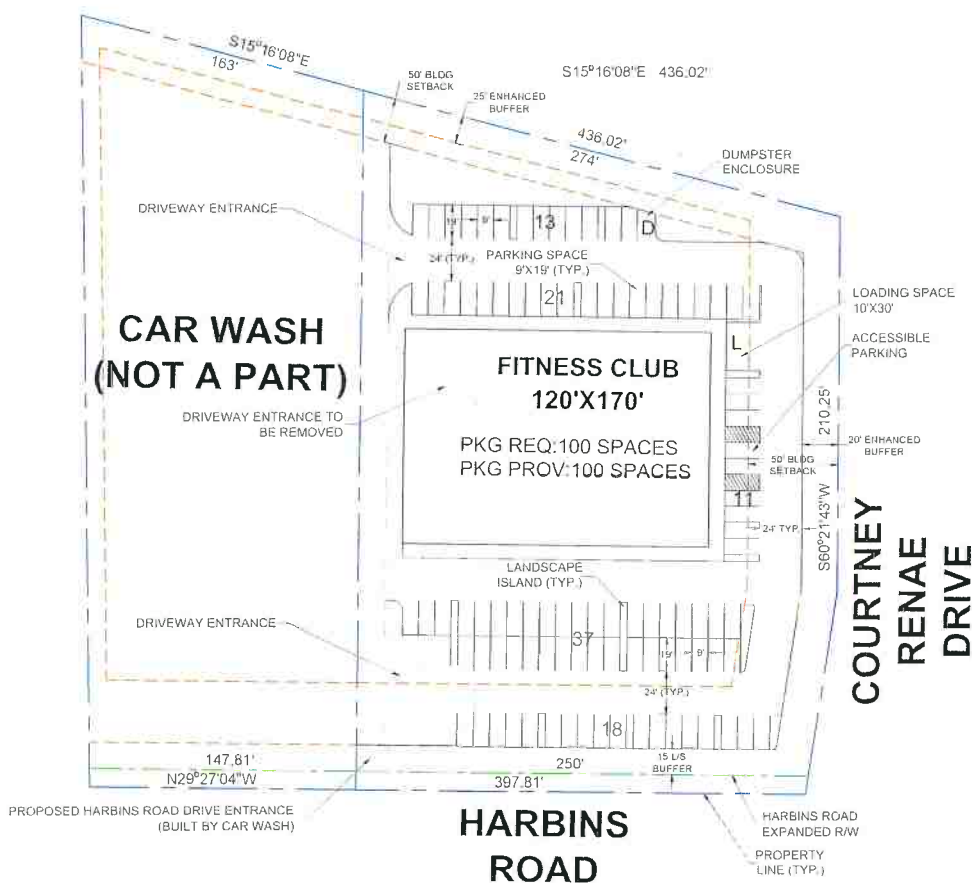
PRESENT ZONING DISTRICT(S) C-1 REQUESTED ZONING DISTRICT C-2
 LAND LOT(S) 299 PARCEL # R5299 004 DISTRICT(S) 5 ACREAGE 2.108
 PROPOSED DEVELOPMENT OR SPECIAL USE REQUESTED Fitness Club

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:**
1. THIS PROPERTY DOES NOT LIE WITHIN A 100-YEAR FLOODPLAIN AS SHOWN ON FIRM COMMUNITY PANEL NO. 13135C0077F DATED SEPT. 29, 2006.
 2. 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**

Sheet Title	
Revisions	
File	
Date	June 4 2024
Scale	1"=30'
Drawing	

CAUTION

THE UTILITIES SHOWN ARE SHOWN FOR THE CONTRACTOR'S CONVENIENCE ONLY. THERE MAY BE OTHER UTILITIES NOT SHOWN ON THIS SURVEY. THE LAND SURVEYOR ASSUMES NO RESPONSIBILITY FOR THE LOCATIONS SHOWN AND IT SHALL BE THE CONTRACTOR'S RESPONSIBILITY TO VERIFY THE LOCATIONS OF ALL UTILITIES WITHIN THE LIMITS OF THE WORK. ALL DAMAGE MADE TO EXISTING UTILITIES BY THE CONTRACTOR SHALL BE THE SOLE RESPONSIBILITY OF THE CONTRACTOR.

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

NF
WREG HARBINS LAND, LLC.
SHOPPING CENTER TRACT
(DB 02240, PG 11)
(PB 156, PGS 254-256)
ZONED PMUD

NF
WREG HARBINS LAND, LLC.
(DB 09240, PG 250)
(PB 156, PGS 254-256)
ZONED PMUD

LOT 2B BRANDS RIDGE U-1
NF
JORGE RAUL RAMIREZ
(DB 50964, PG 622)
(PB 77, PG 135)
ZONED R-100

LOT 1B BRANDS RIDGE U-1
NF
MARIA BARNA
(DB 4953, PG 369)
(PB 77, PG 135)
ZONED R-100

- 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 TIME OF THIS SURVEY. OTHER MATTERS OF RECORD WHICH AFFECT THE SUBJECT PROPERTY COULD EXIST AND MAY NOT BE SHOWN HEREON.
 3. THIS PROPERTY LIES WITHIN FLOOD ZONE "X", OUTSIDE OF THE 100YR FLOOD ZONE, AS PER FEMA FIRM MAP NO. 13138C 0077I, EFFECTIVE 9/25/2006.
 4. BUFFERS, SETBACKS AND ZONING ARE SUBJECT TO THE LOCAL ISSUING AUTHORITY AND THE CITY OF DACULA.
 5. THE VERTICAL DATUM USED FOR THIS SURVEY IS BASED ON THE NORTH AMERICAN VERTICAL DATUM ON 1988.
 6. PROPOSED IMPROVEMENTS, SETBACKS, ETC. ARE AS PER CONSTRUCTION PLANS PREPARED BY EVANS DESIGN GROUP FOR SUPERSHINE XPRESS CARWASH LAST REVISED ON 4/24/24 AND APPROVED BY GWINNETT COUNTY ON 7/23/24.

- REFERENCES:**
1. WARRANTY DEED RECORDED IN DB 30742, PAGE 251 ON 1/22/03 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 SHOWN HEREON HAS BEEN FOUND TO COMPLY WITH THE ZONING RESOLUTION AND SUBDIVISION REGULATIONS OF THE CITY OF DACULA, GEORGIA, AND THAT IT HAS BEEN APPROVED BY THE CITY OF DACULA FOR RECORDING IN THE OFFICE OF THE CLERK OF SUPERIOR COURT OF GWINNETT COUNTY, GEORGIA.

DATED: _____

OFFICIAL OF THE CITY OF DACULA

ENGINEERS OR SURVEYORS 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 SHOWN HEREON ACTUALLY EXIST OR ARE MARKED TO FUTURE; AND THEIR LOCATION, SIZE, TYPE, AND MATERIAL ARE CORRECTLY SHOWN; AND THAT ALL ENGINEER REQUIREMENTS OF THE SUBDIVISION REGULATIONS OF THE CITY OF DACULA, GEORGIA, HAVE OR WILL BE FULLY COMPLIED WITH.

By: *D. Griffin* 08/03/24
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 AN ACTUAL SURVEY, THAT ALL STATE, COUNTY, AND CITY TAXES OR OTHER ASSESSMENTS NOW DUE ON THIS LAND HAVE BEEN PAID, I HEREBY CERTIFY THAT I (WE) ACCEPT THIS PLAN OF SUBDIVISION, ESTABLISH THE MINIMUM BUILDING SETBACK LINES, AND DEDICATE ALL STREETS, ALLEYS, WALKWAYS, DRAINAGE EASEMENTS, AND OTHER SPACES TO PUBLIC USE AS NOTED."

DATE: _____

OWNER: _____

C-1 NEIGHBORHOOD COMMERCIAL ZONING
TRACT 1 = 1.401 ACRES
TRACT 2 = 2.108 ACRES
RW 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.
PROFESSIONAL LAND SURVEYING SERVICES
2048 MILL LANDING COURT
LAWRENCEVILLE, GA. 30043
(770) 778-3293

Date:	02/15/2023	Land Lot:	299	District:	5TH	Sheet No.	
County:	GWINNETT	Scale:	1" = 50'	Section:	NA		
Project:	1002HARB	Drawn By:	DG				1 OF 1

STATE PLANE COORDINATE TABLE

Point	Northing	Easting	Elev.	Description
209	1443350.125	2301073.790	1083.05	11RSPD
216	1443130.892	2301050.015	1086.05	BLADE
250	1442825.529	2301807.872	1073.82	1101P 56 GRND
297	1442753.946	2301700.811	1056.56	11125R&K
425	1442929.501	2301990.613	1072.93	11RSPD

OWNER/DEVELOPER:
CORE CITY DEVELOPERS, LLC.
475 DACULA RD. STE A
DACULA, GA. 30019
PETER TRASKAR
PHONE: 678-773-6931

SURVEYOR:
DS GRIFFIN, INC.
2048 MILL LANDING COURT
LAWRENCEVILLE, GA. 30043
PHONE: 770-778-3293
EMAIL: DANIELDSGRIFFININC.COM

No.	By	Date	Revision
2	DG	08/03/2024	UPDATE PER REVISED CIVIL PLANS
1	DG	02/26/2023	ADDED PARCEL NUMBERS

Cadd File No: _____

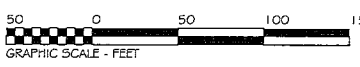
AS REQUIRED BY SUBSECTION (a) OF D.C.G.A. SECTION 13-6-67, THIS PLAT HAS BEEN PREPARED BY A LAND SURVEYOR AND APPROVED BY ALL APPLICABLE LOCAL JURISDICTIONS FOR RECORDING AS EVIDENCED BY APPROVAL CERTIFICATES, SIGNATURES, STAMPS, OR STATEMENTS HEREON. SUCH APPROVALS OR AFFIRMATIONS SHOULD BE CONFIRMED WITH THE APPROPRIATE GOVERNMENTAL BODIES BY ANY PURCHASER OR USER OF THIS PLAT AS TO INTENDED USE OF ANY PARCEL. FURTHERMORE, THE UNDERSIGNED LAND SURVEYOR CERTIFIES THAT THIS PLAT COMPLIES WITH THE MINIMUM TECHNICAL STANDARDS FOR PROPERTY SURVEYS IN GEORGIA AS SET FORTH IN THE RULES AND REGULATIONS OF THE GEORGIA BOARD OF REGISTRATION FOR PROFESSIONAL ENGINEERS AND LAND SURVEYORS AS SET FORTH IN G.C.G.A. SECTION 13-6-67.



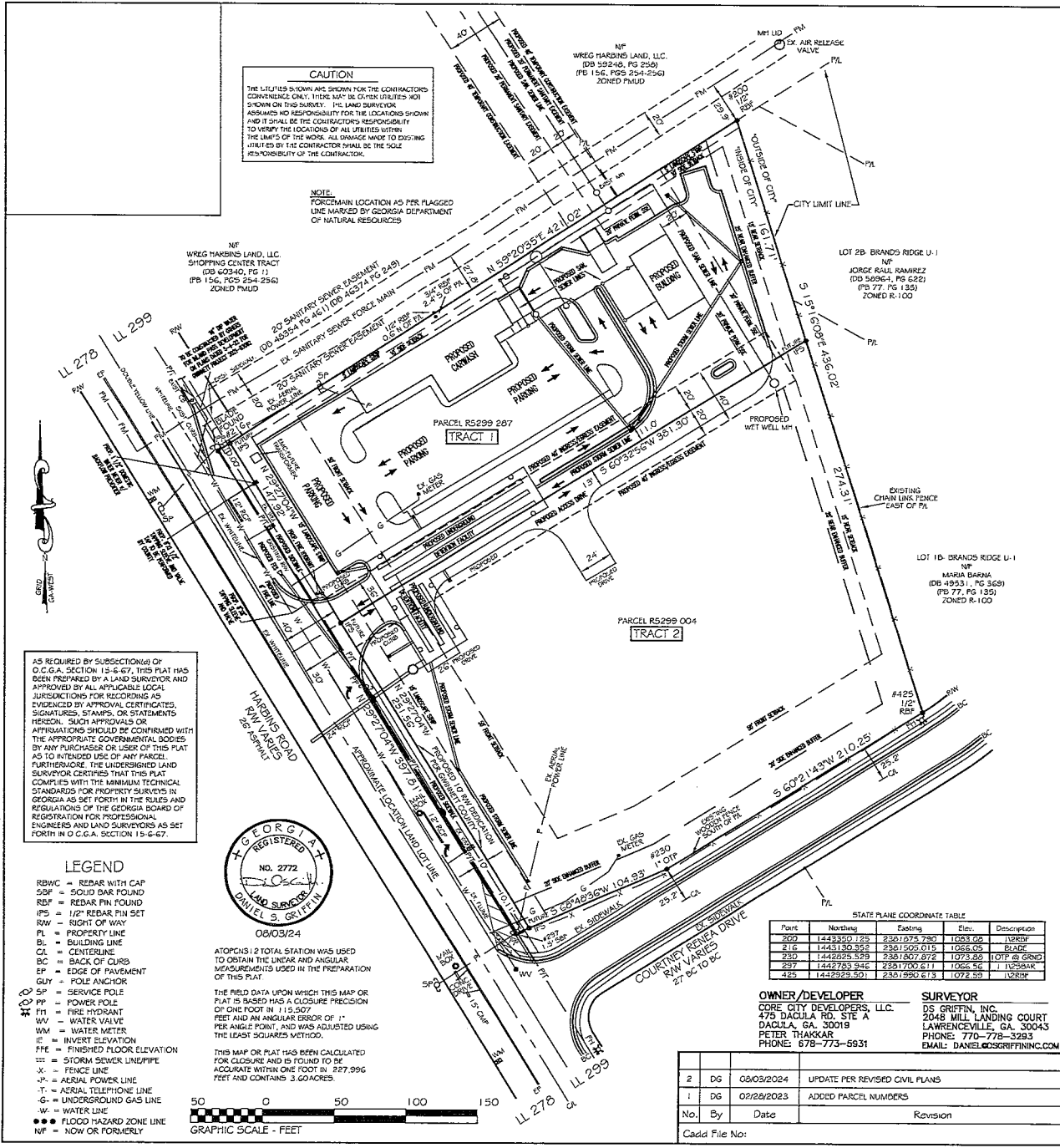
ATOPNS12 TOTAL STATION WAS USED TO OBTAIN THE LINEAR AND ANGULAR MEASUREMENTS USED IN THE PREPARATION OF THIS PLAT.

THE FIELD DATA UPON WHICH THIS MAP OR PLAT IS BASED HAS A CLOSURE PRECISION OF ONE FOOT IN 115,507 FEET AND AN ANGULAR ERROR OF 1" PER ANGLE POINT, AND WAS ADJUSTED USING THE LEAST SQUARES METHOD.

THIS MAP OR PLAT HAS BEEN CALCULATED FOR CLOSURE AND IS FOUND TO BE ACCURATE WITHIN ONE FOOT IN 227,996 FEET AND CONTAINS 3.60 ACRES.



- LEGEND**
- RBWC = REBAR WITH CAP
 - SBF = SOLID BAR FOUND
 - REF = REBAR PIN FOUND
 - IPS = 1/2" REBAR PIN SET
 - RAW = RIGHT OF WAY
 - PL = PROPERTY LINE
 - BL = BUILDING LINE
 - CL = CENTERLINE
 - BC = BACK OF CURB
 - EP = EDGE OF PAVEMENT
 - QU = POLE ANCHOR
 - SP = SERVICE POLE
 - FP = POWER POLE
 - FM = FIRE HYDRANT
 - WV = WATER VALVE
 - WM = WATER METER
 - IE = INVERT ELEVATION
 - FHC = FINISHED FLOOR ELEVATION
 - SWS = STORM SEWER UNLINED
 - X = FENCE LINE
 - AP = AERIAL POWER LINE
 - T = AERIAL TELEPHONE LINE
 - G = UNDERGROUND GAS LINE
 - W = WATER LINE
 - = FLOOD HAZARD ZONE LINE
 - NF = NOW OR FORMERLY



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 • 770.962.0100

Street Address For Direct Deliveries Only • 10 Lumpkin Street Lawrenceville, GA 30046

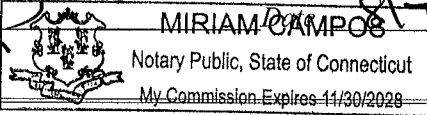
Legal Description

ALL THAT TRACT OR PARCEL OF LAND lying and being in Land Lot 299 of the 5th 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 [Signature] Date 8-7-2024
Type or Print Name/Title Michael Lebowitz - Member
Notary Public [Signature]  8/7/24

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

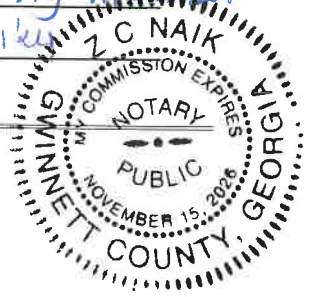
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Signature of Applicant _____ Date _____
Type or Print Name/Title _____
Notary Public _____ Date _____

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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

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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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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: 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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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)



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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.



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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:

Name of Government Official	Contributions <i>(All which aggregate to \$250.00+)</i>	Contribution Date <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:

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

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