

Memorandum

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

From: Hayes Taylor, City Planner

Date: February 1, 2024 (*Amended*)

Subject: 2023-CD-RZ-04

Proposed Zoning: M-1 (Light Manufacturing District)

Existing Zoning: PMUD (Planned Mixed-Use District)

Size: 40.22 acres

Proposed Use: Industrial Warehouse/Distribution/Office Buildings

Applicant: CHI/Acquisitions LP c/o Mahaffey Pickens Tucker, LLP
1550 North Brown Road, Suite 125
Lawrenceville, Georgia 30043

Owner: Walton Georgia, LLC
8800 N. Gainey Center Drive, Ste 345
Scottsdale, Arizona 85258

Location: LL 270- 5th District

Existing Land Use and Zoning:

The subject property totals 40.22 acres and is located south of the Stanley Road prescriptive easement. The site is located in the southeastern quadrant of the Winder Hwy and SR 316 intersection and extends to the western boundary of Pipeline Road. The property was annexed and zoned PMUD (Planned Mixed-Use District) in February 2013 for a multi-use development including a hotel, conference center, office/commercial, and attached residential pursuant to 2012-CD-AA-01 and 2012-CD-RZ-03. The project was never developed and the property remains vacant with wooded areas and a stream transecting the site.

The property is in close proximity to the Winder Hwy and SR 316 intersection as well as the commercial and manufacturing zoning districts located along the Winder Highway corridor to the north. Proceeding eastward along Stanley Road and southward along Pipeline Road are single-family residential and mobile home uses. Across Stanley Rd to the north and northwest is an office/warehouse industrial project zoned M-1 (Light Manufacturing District), which has an approved concept plan.

The Proposed Rezoning & Development:

The applicant has submitted a rezoning application to rezone the property from PMUD to M-1 for warehouse/distribution facility use.. The previously approved planned-mixed-development incorporated office/warehouse industrial and attached residential uses. The proposed development contains two (2) office/warehouse/distribution facilities with the requisite parking and delivery areas. The warehouse buildings with concrete tilt-up walls are approximately 473,200 square feet in total. The site plan shows fifty-foot-wide building setbacks along Stanley Road and twenty foot-wide building setbacks along the adjacent properties. In addition, the development would incorporate two (2) thirty-foot-wide access driveways on Stanley Road.

Staff notes that the application materials include a variance to the building height maximum. The applicant has requested a variance to allow the two (2) proposed office/warehouse industrial buildings to be 50-feet in height, citing the industry standard of 36-feet in height for storage. Article IX, Section 908 of the Zoning Resolution limits the maximum height to 40 feet, which would not be sufficient for the intended purpose of the proposed use. Staff notes, the approved industrial project across the street was granted a height variance to allow for 50-feet in building height.

The City of Dacula’s 2019 Comprehensive Plan designates the subject property as Regional Mixed Use on the Future Land Use Map. Regional Mixed Use Activity Centers land uses are defined as “large-scale (Over 100,000 square feet) activity centers with commercial retail, office, and employment, and higher density land uses.... should be located near the intersection of major thoroughfares” (The City of Dacula, Georgia 2019 Comprehensive Plan, page 7.13). The proposed industrial development fits within the “warehousing/distribution” characterization in the description of Regional Mixed Use within the 2019 Comprehensive plan.

Summary:

The subject development provides proximal in-city employment opportunities for residents with different skillsets than the office and employment center components of the nearby Rowen project. The proposed industrial development would remain consistent with the commercial/industrial nature of Winder Hwy and the approved warehouses across Stanley Road. The site is well suited for a distribution center due to its close proximity to Winder Highway and SR 316. Staff recommends the requested rezoning and variance be approved with conditions.

Comprehensive Plan:

The subject parcels are designated as Regional Mixed Use on the City of Dacula’s 2030 Future Development Map.

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 rezoning will permit a use that is suitable given the use and development of an adjacent and nearby property?***

The proposed development is congruent with the variety of intense and industrial land uses along Winder Highway and the approved industrial uses across the street on Stanley Road.

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

No, with the recommended conditions, negative impacts on surrounding properties would be mitigated and minimized.

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

Yes, the property has reasonable economic use as currently zoned.

- 4. 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?***

An increase of traffic, and utility use, would be expected from the request. Recommended conditions are designed and expected to lessen the potential burden on streets, transportation facilities, and utilities. No additional burden for schools is expected.

- 5. Whether the proposed rezoning request is in conformity with the policy and intent of the Land Use Plan?***

The requested zoning and affiliated concept plan are consistent with the warehousing/distribution characterization portion of the policies and objectives of the Regional Mixed Use designation of the 2030 Future Land Use Map.

- 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 rezoning?***

The proposed development would provide an employment center and would conform to portions of the Regional Mixed Use designation.

Recommendation:

Based on the application, the requested rezoning is recommended for **approval with the following conditions.**

The Department notes the Planning Commission unanimously recommended approval with staff's recommended conditions for the requested rezoning at the Public Hearing on January 29, 2024. Said conditions are below.

Since the Planning Commission Public Hearing, staff is recommending minor amendments to the conditions for clarity. Said amendments are depicted in red.

Concept Plan and Land Use

- 1) The property shall be developed in accordance with the conceptual site plan prepared by Kimley-Horn entitled CHI Dacula Industrial Development – submitted with the application on November 20, 2023. Any discrepancies between the subject concept plan and the approved zoning conditions/City Ordinances shall not be interpreted as an administrative variance. Development plans must adhere to the approved zoning conditions for the site and City Ordinances.

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) The following uses in the Light Manufacturing District shall be prohibited and made part of the owner’s restrictive covenants: splitting operations or storage lots, mobile home leasing or sales lots, taxi cab, limousine, or other for hire vehicle services (excluding public or private ambulatory services), solid waste transfer stations, the storage or warehousing of caustic or hazardous materials, animal rendering plants, bulk petroleum or natural gas plant and/or storage facilities, landfills, composting facilities, fertilizer manufacturing, foundries, heavy equipment rental or repair, hardship mobile homes, incinerators, junkyards, lawnmower repair shops, livestock feedlots, materials recovery facility, pawn shops, poultry houses, the raising of dangerous animals for profit or gain, privately owned septic treatment facilities, stack houses, stand-alone crematories, truck stops and/or semi storage lots.
- 3) The following uses in the Light Manufacturing District shall be allowed with the approval of a Special Use Permit by the Mayor and City Council of the City of Dacula: helicopter landing pads, fleet vehicle parking lots, or any other non-specified commercial and/or industrial business or use that could require outside storage.
- 4) All forms of on-site outdoor storage shall be subject to Special Use Permit and require approval by the Mayor and City Council.

- 5) The open space shall not be subdivided, and the open space shall be owned and maintained by a mandatory property owners' association. The deed to the mandatory property's association shall require that the open space be perpetually maintained as open space subject only to the development of Gwinnett County/City of Dacula trail system and approved utilities easements.

Architectural Design

- 6) Architectural design of industrial/warehouse facilities shall comply with the following performance guidelines:
 - a. Building facades shall be of architectural treatments of glass and/or brick, stone, stucco, or tilt-up concrete subject to review and approval of the City of Dacula.
 - b. Contrasting accent colors of any wall, awning or other feature (other than dark green or brick red) shall be limited to no more than 15% of the total area for any single facade.
 - c. Buildings shall incorporate live plant material growing immediately in front of or on the building.
 - d. All mechanical, HVAC and like systems shall be screened from street level view (within 300 feet) on all sides by an opaque wall or fence of brick, stucco, split-faced block or wood.
 - e. Any accessories provided such as railings, benches, trash receptacles and/or bicycle canopies shall complement the building design and style.
 - f. Walls visible from roadways or parking areas shall incorporate changes in building material/color.

Final architectural plans and color palate shall be submitted to the Department of Planning and Development for approval. The Department reserves the right to deny the architectural plans and color palate if they do not capture the intent of the condition to provide structures with quality materials and pleasing visual interest.

- 7) Nonresidential buildings shall be limited to a maximum height of 50-feet.
- 8) Chain link fence shall be prohibited except around the stormwater management ponds, any dog parks, and where not visible from the right-of-way. All chain link fences shall be black vinyl.
- 9) 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.

Landscaping and Parking

- 10) A twenty (20) foot wide landscape strip from the proposed right-of-way shall be provided along Stanley Road and Pipeline Road. The landscape strip shall be planted so as to not impede site distance.
- a. Provide non-ornamental shade trees spaced twenty (20) feet on-center along Pipeline Road and the proposed Stanley Road right-of-way. All street trees shall be a minimum 3-inch caliper (dbh) at the time of planting. Street trees shall be planted at least six-feet from back-of-curb subject to review and approval of the City of Dacula.

Street trees shall be of one or a combination of the following species:

- a. Blood Good Japanese Maple
 - b. Willow Oak
 - c. Carolina Silverbell
 - d. Nuttall Oak
 - e. Shumard Oak
 - f. White Oak
 - g. Japanese Zelkova
 - h. Red Maple
 - i. North Red Oak
- 11) Provide a 10-foot-wide landscaped buffer along the side and rear property lines of developing parcels, units, or phases. Landscape buffers shall be planted with a single row of Leyland Cypress, Shumard Oak, or Cryptomeria trees, planted fifteen (15) foot on center. The buffer can be eliminated after a Building Permit has been issued on adjacent property.
- 12) Landscaping and fencing shall be provided around all stormwater ponds. Fencing shall remain closed, locked, and in good repair at all times. Proposed landscaping shall adhere to best management practices and provide visual interest and screening. Landscaping plans shall be reviewed and approved by the Department of Planning and Development.
- 13) A parking lot landscape plan shall be submitted to the City for approval prior to a development permit issuance. At a minimum, the landscape plan shall include monument sign locations and should ensure that each parking island/strip will have a minimum of one (1) ornamental shade tree per 10 linear feet. Fifty (50) percent of all parking area trees shall be a minimum of 2-inch dbh caliper and fifty (50) percent shall be a minimum of 3-inch dbh caliper.
- 14) Parking lot lighting shall be directed in toward the property so as not to shine directly into adjacent properties. Interior street lights shall be black, decorative, and utilize downward illumination or frosted globes only. Design rendering and lighting specification shall be subject to review and approval by the City Administrator or his/her designee.
- 15) Natural vegetation shall remain on the property until issuance of a land disturbance permit.

16) A specimen tree survey shall be provided for review. Specimen trees on-site shall be saved when feasible.

Signage and Advertising

17) The subject site shall be limited to one (1) off-site project monument sign located out of the right-of-way at the intersection of Winder Highway and relocated Stanley Road as long as written notarized permission from the property owner is provided to the City prior to permit issuance. The monument sign shall not exceed a maximum of 20-foot in height, is limited to a maximum 150-square foot of advertising space, and shall be constructed with a brick or masonry base (minimum two feet in height) matching the materials of the buildings. The sign shall be located so as to not impede site distance along Winder Highway. Neon or self-illuminating ground signs shall be prohibited. Sign location and design criteria are subject to review and approval by the City of Dacula.

18) Ground signage shall be limited to one monument-type sign for each parcel. Each sign is limited to a maximum 50-square foot of advertising space. Monument signs shall not exceed a maximum of 6-foot in height and shall be constructed with a brick or masonry base (minimum two feet in height) matching the materials of the buildings. Neon or self-illuminating ground signs shall be prohibited. Signs shall be set back 15 feet from the Stanley Road right-of-way and located so as to not impede site distance along Stanley Road. Sign location and design subject to review and approval by the City of Dacula.

19) Temporary signage shall be regulated and/or permitted as stated in Article XII (Signs and Advertising) of the City of Dacula Zoning Resolution with the following exceptions:

- a. Business specific temporary signage must be mounted flush onto or against existing permitted structures within the development.
- b. Temporary signage shall be prohibited on individual residential units.

20) Live human advertisement shall be prohibited within the subject area. To include, but not necessarily be limited to, sign spinners, twirlers, dancers, clowns, and/or other similar temporary advertising methods commonly provided by costumed or animated humans.

21) Tents, free-standing-canopies, streamers or roping decorated with flags, tinsel, decorative balloons, hot-air balloons or other similar materials shall be prohibited on the site.

22) Oversized signs or billboards shall be reviewed and permitted separately and must abide by the procedures and regulations as stated in Article XII of the Zoning Resolution.

Transportation and Infrastructure

23) A Traffic Impact Study shall be provided prior to the issuance of a development permit. Prior to the issuance of the first certificate of occupancy, the applicant shall make any improvements recommended by the traffic impact study, provided the improvements are

approved by the City of Dacula, Gwinnett County Department of Transportation respectively, and Georgia Department of Transportation.

- 24) Install a traffic signal when warranted and approved by GDOT.
- 25) The entire section of Stanley Road and Pipeline Road ~~within the development frontage~~ shall be improved and paved with asphalt to the City of Dacula/Gwinnett County performance standards respectively. Stanley Road improvements shall meet existing asphalt to ensure a continuous paved road. Road improvements shall be fully installed and functional prior to the issuance of a certificate of occupancy for any portion of the development.
- 26) The developer/owner shall, at its expense, construct all improvements associated with a phase of construction including, but not limited to, paving and striping roadways, curb, gutter, road signage, and installation of all water and sewer infrastructure necessary for the development of that phase prior to the issuance of any certificate of occupancy permits for that phase of work.
- 27) It shall be the responsibility of the applicant to secure at no cost to the City and/or Gwinnett County, all necessary right-of-way to implement the required improvements.
- 28) Ownership and maintenance of drives, roads, side streets, alleys, and/or parking lots found on the subject site shall be the responsibility of the developer and/or private property owner.
- 29) All new utility lines shall be located underground. The developer shall be responsible for the relocation of public or private utilities and stormwater infrastructure.
- 30) Utilities shall be placed on the developer's property whenever possible. Appropriate access and maintenance easements shall be filed at the time of final plat approval for any one parcel or section of the subject development.
- 31) All vehicular access onto the proposed private drive must meet the City of Dacula's project access improvement standards of a public road. All improvements shall be provided by the developer.
- 32) A five-foot sidewalk shall be required adjacent to the proposed Stanley Road right-of-way. The sidewalk location shall be reviewed and approved by the City of Dacula and Gwinnett County Department of Transportation respectively.
- 33) Sidewalks shall be constructed with an additional 2-foot by 8-foot pad approximately every 300 linear feet to accommodate pedestrian amenities such as benches, planters, and trash receptacle. All such required amenities shall be decorative, commercial-quality fixtures. Sidewalk design and placement of any of these amenities shall be reviewed and approved by the City of Dacula.
- 34) A bike rack with a canopy or shelter shall be installed on site. The bike rack and canopy shall be decorative, commercial-quality fixtures. The design and placement of the bike rack and canopy shall be reviewed and approved by the City of Dacula.

- 35) Provide decorative light poles/fixtures along proposed Stanley Road right-of-way. Street lights shall be staggered, 150 feet on-center. Light poles shall be black and a maximum 20 feet high. All street lighting shall be subject to review and approval of the City of Dacula and Gwinnett County Department of Transportation. Where applicable, streetlights shall be placed adjacent to required pedestrian amenity sidewalk pads. A separate lighting plan showing the type of light and locations shall be submitted to the City for review and approval.
- 36) Construct relocated Stanley Road as a three-lane roadway with one (1) lane in each direction and a center two-way left-turn lane along the property frontage. Stanley Road may taper into a two-lane roadway with location approval from the City of Dacula.
- 37) A sign prohibiting truck access at the intersection of Stanley Road and Pipeline Road shall be required adjacent to the Stanley Road right-of-way/dedicated easement at the end of the proposed Stanley Road improvements.
- 38) Construct a northbound left-turn lane and a channelized right-turn lane along Stanley Rd.
- 39) Construct a channelized eastbound right-turn lane along Winder Highway (SR 8/US 29) and a westbound left-turn lane along Winder Highway (SR 8/US 29).

Private Access

- 40) It is the responsibility of the owner and/or developer to provide passcodes, keys, and/or up to date contact information for controlled entrance locations to the Dacula Marshal's Office, Gwinnett County Police Department, and Gwinnett County Fire Department.
- 41) Contact information for any maintenance associations, and/or private security companies shall be submitted and updated regularly with the Dacula Marshal's Office and the Dacula Planning and Development Department.

Grading and Phasing

- 42) Prior to the issuance of a Land Disturbance Permit or Development Permit for mass grading ~~of residential uses~~ exceeding 10 acres, the Developer or Land Owner will submit a "Bond Stabilization and Landscape Plan" to the City of Dacula which will provide for the permanent stabilization of disturbed area(s) via rye grass seeding, tree replanting and landscaping in accordance with the City's Development Regulations and these conditions of zoning. Tree replanting along the frontage of both sides of Stanley Road and Pipeline Road shall include non-ornamental shade trees spaced 20-feet on-center, six feet from the right-of-way or pavement edge of the private drive. All street trees shall be a minimum 2-inch caliper (dbh) at the time of planting. Interior replanting of disturbed areas shall include five (5) two-inch caliper trees (DBH) per acre.

Once the “Bond Stabilization and Landscape Plan” has been approved by the City Administrator or designee, and prior to the issuance of any Land Disturbance or Development Permit, Developer or Land Owner shall post a performance bond in favor of the City of Dacula to guarantee the replanting of the disturbed acreage in accordance with the City’s Development Regulations and these conditions of zoning. The performance bond amount shall be equal to \$15,000.00 per acre disturbed. The bond shall be in the form of a Letter of Credit from an FDIC insured institution or an insurance company in good standing with the Georgia Insurance Commissioner’s office, authorized to do business in Georgia, and rated “A” or better by the rating agency A.M. Best. The Surety must also be listed on the U.S. Department of Treasury’s Circular 570. The City staff shall approve the form of the performance bond and the qualifications of the surety prior to execution of the bond.

In the event that Developer/Land Owner has not obtained a building permit within twelve (12) months of the issuance of the Land Disturbance or Development Permit, whichever is first issued, then the City of Dacula will redeem the performance bond [or equivalent security acceptable to the City of Dacula] to fund the implementation of the Bond Stabilization and Landscape Plan. The performance bond [or equivalent security acceptable to the City of Dacula] will terminate and/or be surrendered or returned once the improvements shown in the Bond Stabilization and Landscape Plan have been completed or a building permit is issued on any parcel of the development.

- 43) Site grading adjacent to access points shall be consistent in elevation to the proposed Stanley Road right-of-way to ensure adequate sight distance.