

## CITY OF DACULA

### ANNEXATION INFORMATION

In order for your property to be considered for annexation you must submit the following:

- 1) Annexation Application, Application Fee \$2,250.00
- 2) Annexation Petition
- 3) Owner/Applicant Application
- 4) Annexation Questionnaire
- 5) Legal Description
- 6) One (1) reduced 8 x 11 copy of the plat(s)
- 7) Fifteen (15) copies of the plat
- 8) A map and complete survey prepared by a registered surveyor, which includes:
  - No fewer than 4 surveyed map registration points that relate it to the Georgia Coordinate System of 1985, and
  - the boundaries of the area being annexed and the existing boundaries of the city between the points at which these boundaries close.
  - The surveyed map must meet the requirements of the Rules and Regulations of the State of Georgia, Section 180-7-01 Technical Standards for Property Surveys.
  - The map and survey must also meet the requirements of Code Section 15-6-67 for the filings of maps or plats relating to real estate with the clerk of Superior Court.
- 9) Adjoining Property Owners—applicant notifies all adjoining property owners(s) of annexation request. A copy of letter of notification to adjoining property owner(s) must be attached to the application.
- 10) An Economic and Community Infrastructure Facilities Impact Worksheet must be completed and submitted with applications. Impact Worksheet requirement may be waived at the discretion of the City Administrator.

All forms must be completed and submitted to:

*City Administrator, City of Dacula  
P. O. Box 400  
Dacula, Georgia 30019*

*Page 1*  
APPLICATION FOR ANNEXATION  
CITY OF DACULA  
P. O. BOX 400  
DACULA, GEORGIA 30019-0007

Ordinance No.: \_\_\_\_\_ Date: \_\_\_\_\_

Final Approval Date: \_\_\_\_\_ Application No.: \_\_\_\_\_

I Hereby Request That The Property Described In This Application Be Annexed Into The Dacula City Limits With a Zoning Classification of PMUD

Address of Property to Be Annexed: 891 and 911 Harbins Road, Dacula, Georgia 30019

Area: 49.690 Acres, or \_\_\_\_\_ Square Feet \_\_\_\_\_ Tax Map Number R5278 002; R5278 002B

**Owner of Property** David E. McMillian

Telephone Number 678-858-5174

Address 891 Harbins Road, Dacula, Georgia 30019

**Applicant** WWP Acquisition, LLC c/o Andersen Tate & Carr, P.C.; Melody A. Glouton, Esq.

Telephone Number 770-339-0474

Address 1960 Satellite Blvd., Suite 4000, Duluth, Georgia 30019

*If the Owner and Applicant Are Not the Same, Please Complete Attachment 1.*

Resident Population 1 Housing Units 1 Other Buildings 6

Race Population 1 White 1 Black 0 Other n/a

A. Reasons For Requesting Annexation: *Give a brief summary of the reasons for requesting annexation:* \_\_\_\_\_

The Applicant is requesting the annexation to develop a planned, mixed-use community consistent with the previously approved PMUD development immediately adjacent to the property already within the City of Dacula. (Case #2020-CD-RZ-03)

B. Site Plan - All site plans shall draw the location of existing buildings and other improvements to the property.

C. Property Description - A written legal description and recent plat of the property to be submitted.

D. Meeting Dates and Processing of Applications - See Attachment 2.

E. Fee - \$2,250.00

F. Authorization To Inspect Premises - I hereby authorize the Dacula City Council to inspect the premises which are the subject of this annexation application.

G. Petition Requesting Annexation - *Attachment 3 must be completed by owners.*

H. Annexation Questionnaire - *Attachment 4 must be completed.*

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

PETITION REQUESTING ANNEXATION  
CITY OF DACULA, GEORGIA

Date: May 12, 2022

TO THE HONORABLE CITY COUNCIL OF THE CITY OF DACULA, GEORGIA

1. The undersigned, as owner of all real property of the territory described herein, respectfully requests that the City Council annex this territory to the City of Dacula, Georgia, and extend the City boundaries to include the same.
2. The territory to be annexed abuts the existing boundary of Dacula, Georgia, and the description of such territory area is as follows:

Address/Location of Property: 891 and 911 Harbins Road, Dacula, Georgia 30019. A copy of the legal  
description for purposes of annexation is attached hereto and included herein. The northern boundary of the  
property runs along Drowning Creek Road.

Tax Map Number R5278 002 and R5278 002B

*See Attached Description.*

3. It is requested that this territory to be annexed shall be zoned PMUD for the following reasons: The Applicant proposes to develop the property as a planned, mixed-use development.

WHEREFORE, the Petitioners pray that the City Council of the City of Dacula, Georgia, pursuant to the provisions of the Acts of the General Assembly of the State of Georgia, Georgia Laws, do by proper ordinance annex said property to the City Limits of the City of Dacula, Georgia.

Respectfully Submitted,

Owners Address: 891 and 911 Harbins Road, Dacula, Georgia 30019

PROPERTY OWNER AUTHORIZATION

City of Dacula

Application for Annexation

I Swear That I Am The Owner Of The Property Which Is The Subject Matter Of the Attached Application, As Is Shown In The Records Of Gwinnett County, Georgia.

I Authorize The Person Named Below To Act As Applicant In The Pursuit Of An Annexation Request Of This Property.

Name Of Applicant: WWP Acquisition, LLC c/o Andersen Tate & Carr; Melody A. Glouton, Esq.

Address: 1960 Satellite Blvd., Suite 4000

City: Duluth State: GA Zip Code: 30097

Telephone Number: 770-822-0900



Signature of Owner

City of Dacula  
Annexation Questionnaire  
*Please Type or Print*

Property Owner

Name: David E. McMillian

Address: 891 Harbins Road, Dacula, GA 30019

Business Phone: 770-822-0900

Home Phone: n/a

Address of Property to be Annexed: 891 and 911 Harbins Road, Dacula, Georgia 30019

Gwinnett County Zoning RA-200

Property Annexed as RA-200 (Requesting PMUD zoning classification within the City of Dacula)

Description: The property is located on Harbins Road at the intersection of West Drowning Creek Road and consists of approximately 49.690 acres.

District: 5th Land Lot: 277 & 278 Parcel: R5278 002; R5278 002B

Assessed Value: \$1,085,000 Acreage: 49.690

List each adult living on site:

David McMillian

List number of Individuals by race:

(1) Caucasian

Describe any other structure(s) on site:

There is a one-story frame house with a carport, including several accessory structures and a detached garage on the site. There are also two barns located on the property.

Petitioner(s) WWP Acquisition, LLC

Petitioner (if different)

WWP Acquisition, LLC

c/o Andersen Tate & Carr, PC

1960 Satellite Blvd., Suite 4000

Duluth, Georgia 30097

CITY OF DACULA

MEETING DATES AND PROCESSING OF APPLICATIONS

If your application is found to be valid, the City will notify you. The City will place a legal advertisement in the Official News Organ (Gwinnett Daily Post) advertising the Public Hearing, not less than 15 days not more than 45 days from the time of the validity determination.

The Mayor and City Council meet on the first Thursday of each month at 7:00 P. M.

The City will notify you of the date and time of the Public Hearing.

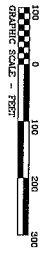
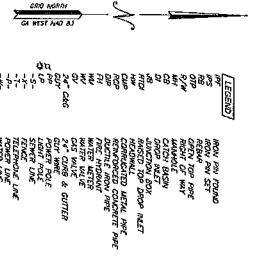
All that tract or parcel of land lying and being in Land Lots 277 and 278 of the 5th District, Gwinnett County, Georgia and being more particularly described as follows:

BEGINNING at an iron pin set at the intersection of the southwesterly Right of Way of Harbins Road (variable R/W) and the southeasterly Right of Way of West Drowning Creek Road (60 foot R/W); thence from the point thus established and running along said Right of Way of Harbins Road the following courses: South 31° 07' 31" East a distance of 109.93 feet to an iron pin set; thence South 30° 15' 12" East a distance of 173.71 feet to an iron pin set; thence South 29° 45' 17" East a distance of 237.47 feet to an iron pin set; thence South 29° 38' 58" East a distance of 315.42 feet to a concrete monument found; thence leaving said Right of Way of Harbins Road and running South 54° 59' 47" West a distance of 431.70 feet to a 1 inch open top pipe found; thence South 39° 24' 02" East a distance of 463.83 feet to a 3 inch flat bar found; thence South 37° 10' 32" West a distance of 269.80 feet to an iron pin set; thence South 37° 43' 00" West a distance of 199.80 feet to a blade found; thence South 38° 45' 05" West a distance of 55.71 feet to an iron pin set; thence South 32° 55' 32" West a distance of 306.30 feet to an iron pin set; thence South 22° 19' 22" West a distance of 384.90 feet to an iron pin set; thence South 22° 21' 45" West a distance of 152.90 feet to a 1 inch open top pipe found; thence South 20° 30' 28" West a distance of 116.88 feet to an iron pin set; thence South 11° 06' 23" West a distance of 27.54 feet to a 1\2 inch open top pipe found; thence South 11° 58' 48" West a distance of 181.68 feet to a point in the centerline of Palm Creek; thence running along the centerline of Palm Creek the following courses: North 53° 46' 26" West a distance of 33.34 feet to a point; thence North 30° 38' 51" West a distance of 101.59 feet to a point; thence North 44° 28' 08" West a distance of 79.80 feet to a point; thence North 15° 39' 03" East a distance of 23.07 feet to a point; thence North 25° 49' 59" West a distance of 70.92 feet to a point; thence North 50° 59' 38" West a distance of 89.43 feet to a point; thence North 35° 24' 00" West a distance of 85.42 feet to a point; thence North 74° 59' 45" West a distance of 28.02 feet to a point; thence North 20° 51' 59" West a distance of 71.75 feet to a point; thence North 87° 10' 54" West a distance of 51.03 feet to a point; thence North 19° 25' 16" West a distance of 32.84 feet to a point; thence North 38° 09' 27" East a distance of 35.22 feet to a point; thence North 13° 37' 54" East a distance of 140.99 feet to a point; thence North 03° 12' 52" West a distance of 96.01 feet to a point; thence North 22° 21' 11" East a distance of 23.70 feet to a point; thence North 19° 08' 27" West a distance of 96.92 feet to a point at the intersection of Palm Creek and an unnamed branch; thence then leaving the centerline of Palm Creek and running along the centerline of said unnamed branch the following courses: North 39° 23' 16" East a distance of 23.54 feet to a point; thence North 05° 44' 13" West a distance of 9.66 feet to a point; thence North 35° 08' 32" East a distance of 37.03 feet to a point; thence North 12° 05' 05" West a distance of 11.16 feet to a point; thence North 21° 19' 07" East a distance of 34.42 feet to a point; thence North 43° 15' 00" East a distance of 48.96 feet to a point; thence North 14° 59' 12" East a distance of 53.14 feet to a point; thence North 49° 32' 52" West a distance of 23.45 feet to a point at a fence crossing; thence North 06° 49' 37" West a distance of 22.04 feet to a point; thence North 19° 02' 17" West a distance of 61.86 feet to a point; thence North 02° 39' 52" East a distance of 68.90 feet to a point; thence North 12° 40' 21" West a distance of 21.58 feet to a point; thence North 23° 54' 04" East a distance of 96.17 feet to a point; thence North 63° 15' 57" East a distance of 44.85 feet to a point; thence North 35° 28' 56" East a distance of 72.54 feet to a point at the intersection of said unnamed branch and a branch leading from a nearby pond; thence continuing along said unnamed branch North 08° 49' 45" East a distance of 72.29 feet to a point; thence North 02° 04' 19"

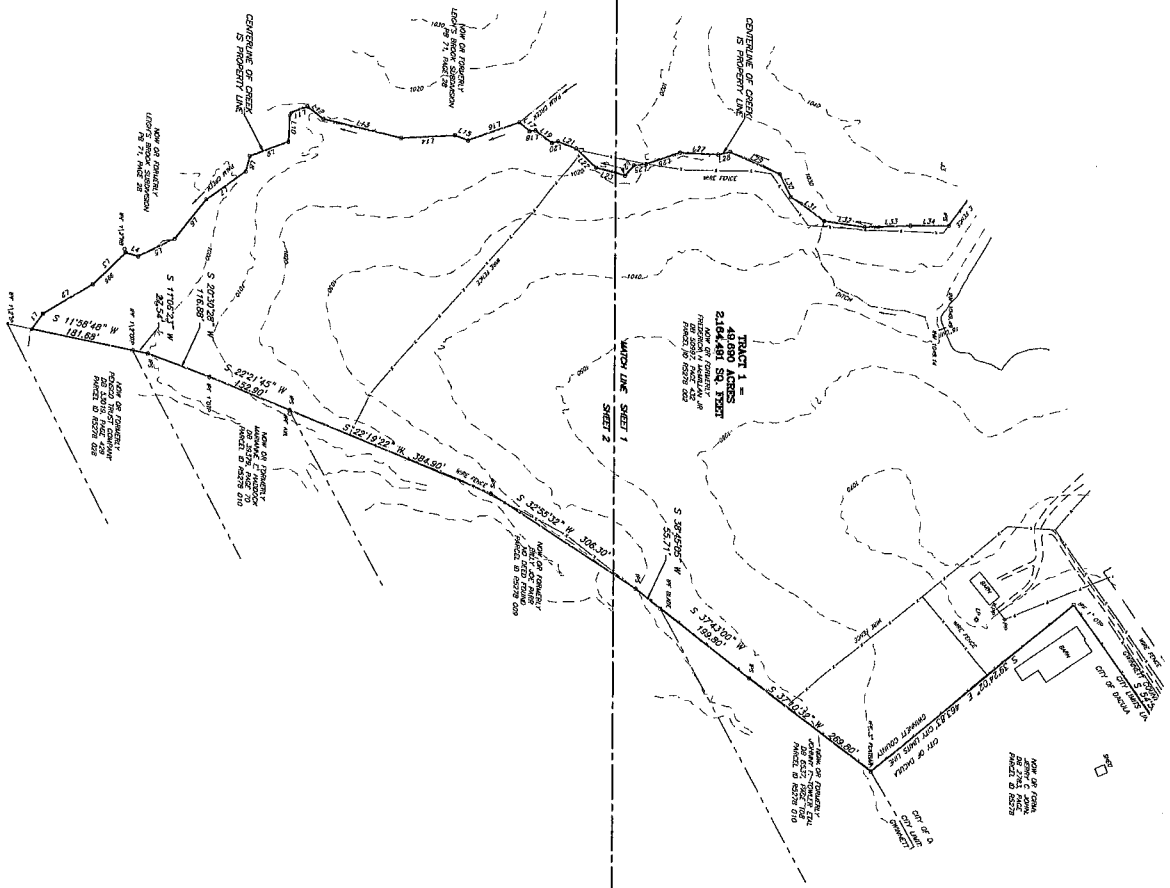
West a distance of 80.17 feet to a point at the end of the branch; thence leaving said branch and running North 00° 14' 59" West a distance of 68.57 feet to an iron pin set; thence North 53° 26' 32" West a distance of 768.02 feet to an axle found on the aforementioned Right of Way of West Drowning Creek Road; thence running along said Right of Way of West Drowning Creek Road and a curve to the left an arc length of 391.01 feet, (said curve having a radius of 2936.01 feet, with a chord bearing of North 51° 15' 36" East, and a chord length of 390.72 feet) to an iron pin set; thence continuing along said Right of Way the following courses: North 48° 45' 16" East a distance of 236.40 feet to an iron pin set; thence running along a curve to the right an arc length of 347.93 feet, (said curve having a radius of 725.05 feet, with a chord bearing of North 60° 12' 51" East, and a chord length of 344.60 feet) to an iron pin set; thence North 71° 06' 02" East a distance of 181.95 feet to an iron pin set; thence running along a curve to the left an arc length of 287.19 feet, (said curve having a radius of 2226.21 feet, with a chord bearing of North 67° 38' 47" East, and a chord length of 287.00 feet) to an iron pin set and the TRUE POINT OF BEGINNING. Said tract contains 49.690 Acres (2,164,491 Square Feet).







1	10	20	30	40	50	60	70	80	90	100	110	120	130	140	150	160	170	180	190	200	210	220	230	240	250	260	270	280	290	300	310	320	330	340	350	360	370	380	390	400	410	420	430	440	450	460	470	480	490	500	510	520	530	540	550	560	570	580	590	600	610	620	630	640	650	660	670	680	690	700	710	720	730	740	750	760	770	780	790	800	810	820	830	840	850	860	870	880	890	900	910	920	930	940	950	960	970	980	990	1000
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THE ADDRESS  
891 HARBINS ROAD  
DUBLIN, GEORGIA 30019

**TSS**  
TECHNICAL SURVEY SERVICES  
1481 Atlanta Road, NE  
Atlanta, GA 30329  
(770) 222-0244  
www.tssinc.com

No	Revision	Date

Field Date: 06/20/2022  
Plot Date: 07/12/2022  
Scale: 1" = 100'

ANNEXATION PLAT  
FOR  
WATKINS REAL ESTATE GROUP  
OF  
891 HARBINS ROAD  
LAND LOTS 277 & 278 5th DISTRICT  
GWINNETT COUNTY, GEORGIA

**2**  
SHEET 2 OF 2  
JOB # 2022-288  
CROSBY, WILLIAMS  
PING, WATKINS, HANSEN  
LAW SOCIETY

EXISTING ZONING	RA 300 GWINNETT COUNTY
LAND AREA (ACRES)	53.84 AC
LAND AREA (SQ. FEET)	3,680,000
PRIVATE ACCESS (SQ. FT.)	13,690
PROVIDED OPEN SPACE (SQ. FT.)	48,970
SITE AREA AFTER OPEN SPACE IS PROVIDED	23.02 AC (94,494)
RESIDENTIAL LAND USE AREA PROPOSED	23.02 AC (94,494)
PROPOSED RESIDENTIAL DENSITY	1.71 UNITS PER ACRE
PROPOSED NUMBER OF RESIDENTIAL UNITS	37 UNITS

OUT PARCEL 1 SITE AREA	2.23 AC
OPEN SPACE AREA ALLOTMENT	0.00 AC
OUT PARCEL 2 SITE AREA	1.71
OPEN SPACE AREA ALLOTMENT	0.00 AC
OUT PARCEL 3 SITE AREA	2.37 AC
OPEN SPACE AREA ALLOTMENT	0.00 AC
OUT PARCEL 4 SITE AREA	4.27 AC
OPEN SPACE AREA ALLOTMENT	0.41 AC
OUT PARCEL 5 SITE AREA	3.04 AC
OPEN SPACE AREA ALLOTMENT	0.02 AC
PARCEL 6 TOWNHOME TRACT SITE AREA	2.97 AC
NUMBER OF UNITS	53 UNITS
RESIDENTIAL LAND USE AREA	19,530 SQ. FT.
PARKING PROVIDED	19 SPACES
PARCEL 7 APARTMENT TRACT SITE AREA	36.86 AC
RESIDENTIAL LAND USE AREA	727,200 SQ. FT.
NUMBER OF UNITS	304 UNITS
PARKING PROVIDED	611 SPACES
OPEN SPACE PARCEL 'A'	6.97 AC
TOTAL SITE AREA	57.7 AC
OPEN SPACE PARCEL 'B'	0.54 AC
TOTAL SITE AREA	58.24 AC
PROPOSED STRIPTS	50'
FRONT - ARTERIAL OR COLLECTOR ST.	10'
FRONT - LOCAL STREET	10'
SIDE - ARTERIAL STREET	25'
REAR	60'
PROPOSED MAXIMUM HEIGHT	10'
LANDSCAPE STRIPS	ADJACENT TO PUBLIC STREET ROW
LANDSCAPE STRIPS	BETWEEN SINGLE FAMILY & COMMERCIAL
BETWEEN SINGLE FAMILY & MULTI-FAMILY	50'

# HARBIN 2

## MIXED-USE DEVELOPMENT

### DACULA GEORGIA

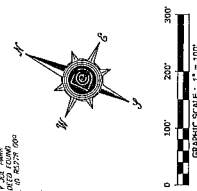
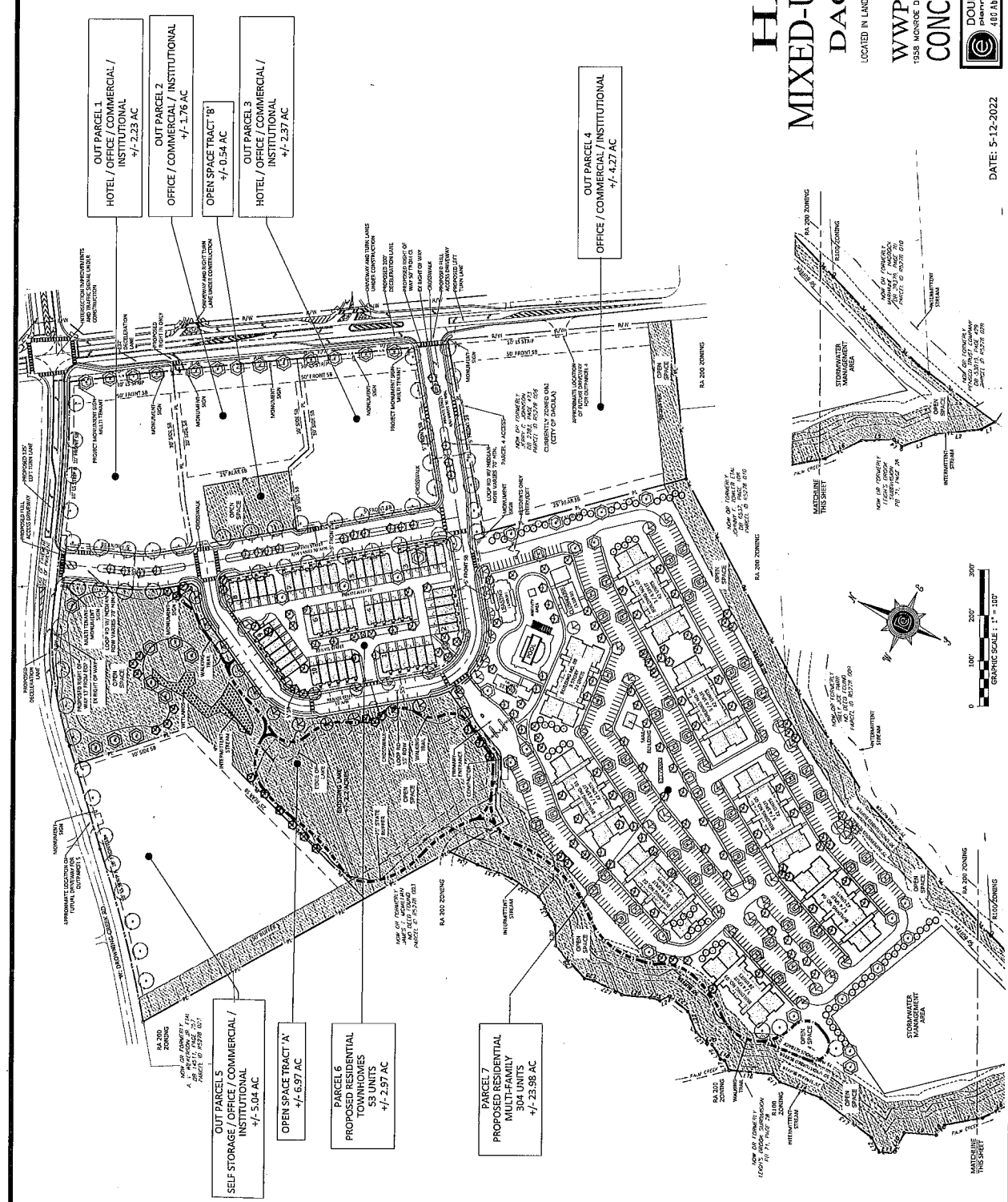
LOCATED IN LAND LOTS 277 & 278, DISTRICT 3, DACULA, GWINNETT COUNTY, GA  
OWNER AND/OR DEVELOPER

**WWP ACQUISITION, LLC**  
1938 MONROE DRIVE NE ATLANTA, GEORGIA 30324, PHONE: 404-872-8666

### CONCEPTUAL MASTER PLAN

**DOU GERAKIS CONSULTING ENGINEERS, INC.**  
planning - civil engineering - sanitary engineering  
480 Abbey Court, Alpharetta, Georgia 30004, phone: 770-752-9800

DATE: 5-12-2022



GRAPHIC SCALE: 1" = 100'

# ANDERSEN | TATE | CARR

Melody A. Glouton  
Email: [mglouton@atclawfirm.com](mailto:mglouton@atclawfirm.com)

Telephone: 770.822.0900  
Direct Dial: 770.339.0475

May 12, 2022

**VIA FIRST CLASS U.S. MAIL and**  
**CERTIFIED U.S. MAIL, RETURN RECEIPT REQUESTED**

[Adjacent Property Owner]

Re: Proposed Rezoning and Annexation Case # CD-RZ-\_\_\_\_; CD-AA\_\_\_\_  
Property Location: 5<sup>th</sup> District, Land Lots 278 and 279, Tax Parcels 5278 002; 5278 002B; 5278 006

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Dear Property Owner,

This letter is to inform you that a Rezoning and Annexation Application has been submitted to the City of Dacula Planning Department on a tract of land that is adjacent/contiguous to your property. The Rezoning and Annexation Application is for a zoning change from RA-200 (Agriculture-Residence District) and O-I (Office Institutional District) to PMUD (Planned Mixed-Use District).

Please be advised of the following information pertaining to the rezoning application:

Applicant Name: WWP Acquisition, LLC  
Zoning Change: RA-200 and O-I to PMUD  
Street Location: 891, 911 and 971 Harbins Road, Dacula, Georgia  
Property Size: 53.973 acres  
Proposed Development: A planned, mixed-use development (including commercial, office, and residential uses)  
Contact Person: Melody A. Glouton, Andersen, Tate, & Carr, PC  
770-822-0900; [mglouton@atclawfirm.com](mailto:mglouton@atclawfirm.com)

**Zoom Community Meeting:** \_\_\_\_\_

**Planning Commission Public Hearing:** \_\_\_\_\_

Dacula City Hall, Council Chambers 6:30 PM  
442 Harbins Rd., Dacula, Georgia

**City Council Public Hearing:** \_\_\_\_\_

Dacula City Hall, Council Chambers, 7:00 PM  
442 Harbins Rd., Dacula, Georgia

If you have any concerns regarding this matter, please do not hesitate to contact me or plan to attend the public hearings.

Sincerely,  
ANDERSEN, TATE & CARR, P.C.

*Melody A. Glouton*

Melody A. Glouton



**Adjoining Property Owners List**  
**WWP Acquisition, LLC**  
**[Annexation Application](#)**

<b>Adjoining Property Owner / Tax Parcel</b>	<b>Mailing Address</b>
TOWLER, JOHNNY F ETAL 1011 HARBINS RD DACULA GA 30019-2405 R5278 030 2.0500 acres	TOWLER, JOHNNY F ETAL 1011 HARBINS RD DACULA GA 30019-2405
PARR, BILLY JOE 1031 HARBINS RD DACULA GA 30019-2405 R5278 009 10.2900	PARR, BILLY JOE 1031 HARBINS RD Dacula, GA 30019
HADDOCK, MARIANNE E 1071 HARBINS RD Dacula, GA 30019 R5278 010 7.010 acres	HADDOCK, MARIANNE E 630 HAMBY RD BLUE RIDGE GA 30513-6161
SAMUEL C MCALLISTER JR IRA 1091 HARBINS RD Dacula, GA 30019 R5278 028 7.480 acres	SAMUEL C MCALLISTER JR IRA PO BOX 173859 DENVER CO 80217-3859
REESE, THOMAS G 1070 LEIGHS BROOK WAY DACULA GA 30019-2454 R5278 062 1.85 acres	REESE, THOMAS G 1070 LEIGHS BROOK WAY DACULA GA 30019-2454

<p>ANIS, MAXIM  1060 LEIGHS BROOK WAY  DACULA GA 30019-2454  R5278 061  1.10 acres</p>	<p>ANIS, MAXIM  1060 LEIGHS BROOK WAY  DACULA GA 30019-2454  R5278 061</p>
<p>MERCADO-WILLIAMS, LISA  1050 LEIGHS BROOK WAY  DACULA GA 30019-2454  R5278 060  1.08 acres</p>	<p>MERCADO-WILLIAMS, LISA  1050 LEIGHS BROOK WAY  DACULA GA 30019-2454</p>
<p>YON, KIMBERLY L  1040 LEIGHS BROOK WAY  DACULA GA 30019-2454  R5278 059  0.90 acres</p>	<p>YON, KIMBERLY L  1040 LEIGHS BROOK WAY  DACULA GA 30019-2454</p>
<p>CONOVER, CHRISTOPHER N &amp; LESLIE  1030 LEIGHS BROOK WAY  DACULA GA 30019-2454  R5278 058  2.50 acres</p>	<p>CONOVER, CHRISTOPHER N &amp; LESLIE  1030 LEIGHS BROOK WAY  DACULA GA 30019-2454</p>
<p>MCMILLAN, JAMES T  2251 W DROWNING CREEK RD  DACULA GA 30019-2423  R5278 003  14.57 acres</p>	<p>MCMILLAN, JAMES T  2251 W DROWNING CREEK RD  DACULA GA 30019-2423</p>
<p>WILKERSON, A V JR &amp; BRENDA F  2261 W DROWNING CREEK RD  DACULA GA 30019-2423  R5278 023  0.73 acres</p>	<p>WILKERSON, A V JR &amp; BRENDA F  2261 W DROWNING CREEK RD  DACULA GA 30019-2423</p>

# ANDERSEN | TATE | CARR

May 13, 2022

## **LETTER OF INTENT AND JUSTIFICATION FOR REZONING AND ANNEXATION**

### **Rezoning and Annexation Applications City of Dacula, Georgia**

#### **Applicant:**

WWP Acquisition, LLC

#### **Rezoning Tract:**

Tax Parcel IDs R5278 002; R5278 002B; R5278 006  
± 53.973 Acres of Land

#### **Annexation Tract:**

Tax Parcel IDs R5278 002; R5278 002B  
± 49.690 Acres of Land

Located at 891, 911, and 971 Harbins Road, Dacula, Georgia  
**From RA-200 and O-I to PMUD**

#### **Submitted for Applicant by:**

Melody A. Glouton, Esq.  
ANDERSEN TATE & CARR, P.C.  
One Sugarloaf Centre  
1960 Satellite Blvd.  
Suite 4000  
Duluth, Georgia 30097  
770.822.0900  
[mglouton@atclawfirm.com](mailto:mglouton@atclawfirm.com)

## I. INTRODUCTION

This Application for Rezoning and Annexation is submitted for a 53.973-acre parcel of land located in Land Lots 277 and 278 of the 5<sup>th</sup> District of Gwinnett County, Dacula, Georgia, and known as the property located at the intersection of Harbins Road and West Drowning Creek Road (hereinafter the “Property”). The Property is an assemblage of three tax parcels, with frontage on both Harbins Road and West Drowning Creek Road. The Property is shown on the survey prepared by Technical Survey Services, dated April 25, 2022, and filed with these Applications. The Property is further identified below from the Gwinnett County GIS:



The Property is currently zoned RA-200 (Agriculture-Residence District) and O-I (Office Institutional District) pursuant to the Gwinnett County Unified Development Ordinance and the Zoning Resolution of the City of Dacula.<sup>1</sup> The Applicant, WWP Acquisition, LLC (the “Applicant”) now seeks approval to rezone and annex the Property into the City of Dacula, Georgia. Specifically, the Applicant is requesting to rezone the Property to PMUD (Planned Mixed-Use District) in order to develop a distinctive and attractive Planned Mixed-Use community that will be complimentary to the immediately adjacent mixed-use development within the City limits that is currently under construction by the same Applicant.

This document is submitted as the Letter of Intent, Impact Analysis Statement, and other materials required by the "Zoning Resolution of the City of Dacula" (the “Zoning Resolution”).

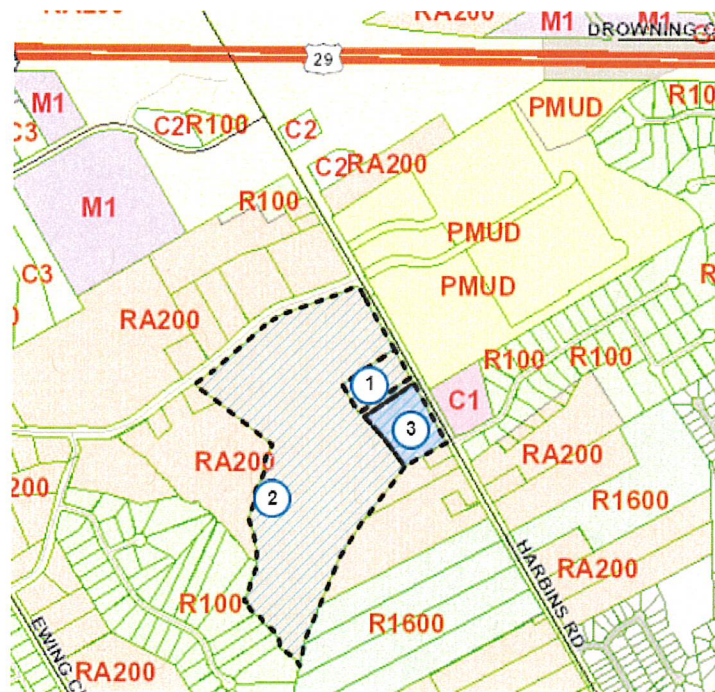
<sup>1</sup> Tax Parcels R5278 002 and R5278002B are currently in Gwinnett County and zoned RA-200. Tax Parcel R5278 006 is in the City of Dacula and zoned O-I.



## II. DESCRIPTION OF THE PROPERTY AND SURROUNDING AREA

The Property is a large tract fronting both Harbins Road and West Drowning Creek Road in Gwinnett County. One tract is currently in Gwinnett County (49.690 acres) and the remaining tract (4.28 acres) is already within the City of Dacula. The surrounding zoning classifications and uses are as follows:

Location	Zoning
<i>Proposed Site</i>	<i>Currently RA-200 and O-I</i>
North	RA-200 (Gwinnett County)
East	PMUD; C-1 (City of Dacula)
South	RA-200 and R-1600 (Gwinnett County and City of Dacula)
West	RA-200 and R-100 (Gwinnett County)



The Applicant is requesting the City of Dacula annex and rezone the Property to allow for a planned, mixed-use development. Under its current zoning classification, RA-200 and O-I, the property is currently occupied with single family residences, accessory structures, barns, and an unutilized personal care home. The site is surrounded by other residential uses to include primarily large lot residential with a single family subdivision found to the west and will be adjacent to the mixed-use development that includes multi-family, senior living, retail, commercial, and institutional uses known as “Inland Pass.” As such, the Property is ideal for

development as a mixed-use community transitioning from the anticipated commercial uses spanning Highway 316.

As stated in the City of Dacula's 2030 Comprehensive Plan (the "Comprehensive Plan"), the Property, is immediately adjacent to "Village Residential" and "Community Activity Center" Character Areas. The Village Residential areas specifically support development of neighborhoods which are in close proximity to activity centers and are relatively dense compared to Suburban Residential areas. The connectivity provided by Village Residential development means that residents are more likely to walk or bike to nearby centers rather than being forced to rely on automobiles. The Comprehensive Plan further supports "Mixed Use" areas to include commercial (retail, smaller offices, restaurants, etc.), some types of residential (apartment/condo, town homes) when they are adjacent to commercial/office areas and Village Residential areas in order to ensure pedestrian access.

The rezoning and development of the Property, as intended by the Applicant, will enhance the surrounding and existing development currently under construction in the City of Dacula. Specifically, the proposed development of multifamily residential with open space, walking trails, and approximately 15+ acres of hotel/office/commercial/institutional acres falls within the recommended land use for this area. Further, by providing additional housing options for potential residents, the City of Dacula is encouraging a mix of housing that appeals to a wide variety of target markets. Further, an annexation and rezoning of the Property to PMUD is consistent with the guiding principles of the Comprehensive Plan, which specifically states: "We have vacant land developable available for multifamily housing." As well as "[we] will seek to balance the supply of housing and employment in our community and consider their location in relation to each other."

### **III. PROJECT SUMMARY**

As shown on the site plan by Doulgerakis Consulting Engineers, Inc., dated May 12, 2022, and filed with this Application (hereinafter the "Site Plan"), the Applicant is proposing to rezone 53.973 acres from RA-200 and O-I to PMUD in order to accommodate the development of a planned, mixed-used community. The Applicant proposes to develop the Property in compliance with the PMUD zoning classification to allow more unique, flexible, creative, and imaginative arrangements and mixes of land uses on the Property than what is permitted under its current zoning.

#### **PMUD – Planned Mixed-Unit District**

The master planned development will contain a variety of housing options to meet the increasing demand for the community. Approximately 13.49 acres (25% of the overall site) will be preserved as green space with well-allocated open space areas, walking trails, and a large, centrally located amenity.

The proposed development would provide attractive, high-end multi-family and townhome residences with various features including a centrally located amenity area with a clubhouse, pool, fitness center, and outdoor patio space. The development's focal point will be

the central amenity area, which along with the open green space and extensive walking trail, will create a unique identity and character for the community. The community will also contain significant amounts of commercial space, primarily serving the community and immediate surrounding area. The commercial component will be designed to enhance and integrate with the residential areas through an emphasis on both Harbins Road and West Drowning Creek Road. The primary intent is to serve the needs of the residential community and the larger City of Dacula community so that neighborhood oriented businesses can serve residents.

With regard to the principal uses within the development, the Site Plan provides for the following different dwelling types and commercial uses, including the total acreage and total number of residential units and/or square footage:

<b>Land Use / Zoning</b>	<b>Area / Acres</b>
Open Space	13.39 (25%)
Residential Land Use Provided	22.02 (54.4%)*
Proposed Residential Density	16.21/upa*
Proposed Number of Residential Units	357 (304 multi-family; 53 townhomes)
Office/Commercial/Retail/ Outparcels	5 Parcels; 15.67 acres
<b>Total Acreage</b>	<b>53.973</b>

\*Variance Requests:

The Applicant is requesting a variance from Article IX, Section 916 (C) (3) which residential acreage shall not exceed 40 percent of the land that can be developed after the 20 percent open space requirement has been satisfied. As shown on the survey and site plan filed with the rezoning application, and in consideration of the size, layout, and location of the Property, there are significant site constraints with streams and wetlands that do not make the entire site developable, which lends better to a multifamily development so the design can be accommodated around those areas. It is also anticipated that the cost to provide sewer to the Property will be in excess of Three million dollars. As such, a more dense development is required to support the development costs associated with the project. Therefore, strict adherence to the language of the Zoning Resolution would effectively prohibit the Applicant from developing the Property with a proposed use that is permitted under the PMUD zoning classification.

The Applicant is also requesting a variance from the density requirement under Section 916(C) of the Resolution which provides for a maximum of 13-units per acre. The additional residential density will provide the necessary support to the proposed retail and office to ensure a successful master planned community that will be an asset to the City of Dacula for years to come. The Applicant’s requested variances are the minimum necessary to afford the Applicant

relief so that the Property may be developed with an economically viable use as permitted under PMUD.

#### **IV. SITE IMPACT ANALYSIS**

Pursuant to the Zoning Resolution, the Applicant submits its written responses to the impact analysis which shows that rezoning to PMUD satisfies the “Standards Governing Exercise of the Zoning Power,” as follows:

- A) Whether a proposed rezoning will permit a use that is suitable in view of the use and development of adjacent and nearby property:

Yes, approval of the proposed development will permit a use that is suitable in view of the use and development of adjacent and nearby property. The proposed development will serve as a transitional zoning between the anticipated commercial growth expected at the Harbins Road and Hwy 316 intersection and the adjacent residential uses further down Harbins Road in unincorporated Gwinnett County.

- B) Whether a proposed rezoning will adversely affect the existing use or useability of adjacent or nearby property:

No, approval of the proposed rezoning will not adversely affect the existing use or usability of adjacent or nearby properties. The proposed development is compatible with the Comprehensive Plan and complimentary to adjacent and nearby uses.

- C) Whether the property to be affected by a proposed rezoning has reasonable economic use as currently zoned:

The Applicant submits that due to the size, location, layout, topography, and natural features of the Subject Property, it does not have reasonable economic use as currently zoned.

- 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:

No, approval of the proposed rezoning will not result in an excessive or burdensome use of the existing infrastructure systems. Moreover, the Subject Property is located at a major node with convenient access to major thoroughfares, utilities and sewer. The Property has convenient access to Highway 316. The proposed development would complement the existing and nearby residential uses.

- E) Whether the proposed rezoning is in conformity with the policy and intent of the Land Use Plan:

Yes, the proposed Rezoning and Annexation Application conforms with the policy and intent of the Comprehensive Plan and Future Land Use Map. The Subject Property is identified in the plan as adjacent to Village Residential and Community Activity Center

Character Areas. This area calls for higher density residential to serve as a transitional buffer between more intense commercial uses and less dense residential.

- F) Whether there are other existing or changing conditions affecting the use and development of the property which give supporting grounds for either the approval or disapproval of the zoning proposal:

Yes. The proposed Rezoning achieves a goal of the Comprehensive Plan by proposing a development and site layout that serves as a transitional buffer between the commercial and residential uses. Additionally, the location of the proposed residential to the commercial/institutional uses provides a cohesive development. Lastly, the proposed development would bring needed neighborhood serving retail/commercial uses to the residents south of Hwy 316 on Harbins Road.

## **V. JUSTIFICATION FOR REZONING**

The Applicant respectfully submits that "Zoning Resolution of the City of Dacula" (the "Zoning Resolution"), as amended from time to time, to the extent that it classifies the Property in any zoning district that would preclude development of a planned, mixed-use development, under the PMUD zoning classification, is unconstitutional as a taking of property, a denial of equal protection, an arbitrary and capricious act, and an unlawful delegation of authority under the specific constitutional provisions later set forth herein. Any existing inconsistent zoning of the Property pursuant to the Zoning Resolution deprives the Applicant and Property owner of any alternative reasonable use and development of the Property. Additionally, all other zoning classifications, including ones intervening between the existing classification and that requested herein, would deprive the Applicant and Property owner of any reasonable use and development of the Property. Further, any attempt by the Mayor and Council of the City of Dacula to impose greater restrictions upon the manner in which the Property will be developed than presently exist would be equally unlawful.

Accordingly, Applicant submits that the current zoning classification and any other zoning of the Property save for what has been requested as established in the Zoning Resolution constitute an arbitrary and unreasonable use of the zoning and police powers because they bear no substantial relationship to the public health, safety, morality or general welfare of the public and substantially harm the Applicant and Property owner. All inconsistent zoning classifications between the existing zoning and the zoning requested hereunder would constitute an arbitrary and unreasonable use of the zoning and police powers because they bear or would bear no substantial relationship to the public health, safety, morality, or general welfare of the public and would substantially harm the Applicant and Property owner. Further, the existing inconsistent zoning classification constitutes, and all zoning and plan classifications intervening between the existing inconsistent zoning classification and that required to develop this Project would constitute, a taking of the owner's private property without just compensation and without due process in violation of the Fifth Amendment and Fourteenth Amendment of the Constitution of the United States, and Article I, Section I, Paragraph I and Article I, Section III, Paragraph I of the Constitution of the State of Georgia and the Due Process and Equal Protection Clauses of the Fourteenth Amendment to the Constitution of the United States.

Further, the Applicant respectfully submits that failure to approve the requested rezoning change would be unconstitutional and would discriminate in an arbitrary, capricious and unreasonable manner between the Applicant and Property owner and owners of similarly situated property in violation of Article I, Section III, Paragraph I of the Constitution of the State of Georgia and the Equal Protection Clause of the Fourteenth Amendment of the Constitution of the United States.

Finally, the Applicant respectfully submits that the Mayor and Council of the City of Dacula cannot lawfully impose more restrictive standards upon the development of the Property than presently exist, as to do so not only would constitute a taking of the Property as set forth above, but also would amount to an unlawful delegation of their authority, in response to neighborhood opposition, in violation of Article IX, Section IV, Paragraph II of the Georgia Constitution.

This Application meets favorably with the prescribed test set out by the Georgia Supreme Court to be used in establishing the constitutional balance between private property rights and zoning and planning as an expression of the government's police power. See Guhl v. Holcomb Bridge Road Corp., 238 Ga. 322 (1977).

**A) CONCLUSION**

For the foregoing reasons, the Applicant respectfully requests that this Application to Annex and Rezone from RA-200 and O-I to PMUD be approved. The Applicant welcomes the opportunity to meet with the City of Dacula Planning Department staff to answer any questions or to address any concerns relating to this Letter of Intent or supporting materials.

Respectfully submitted this 13<sup>th</sup> day of May, 2022.

**ANDERSEN, TATE & CARR, P.C.**

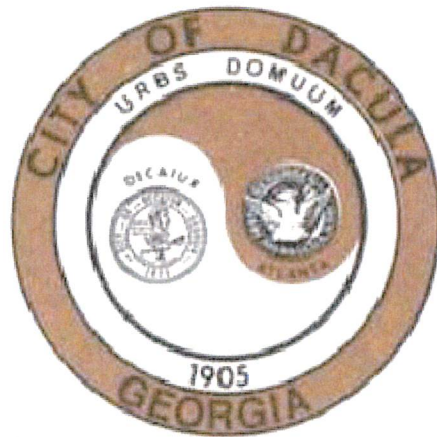
*Melody A. Glouton*

Melody A. Glouton, Esq.

Enclosures  
MAG/dwb



**Economic and Community Infrastructure Facilities Impact  
Worksheet**



**To be completed and submitted with applications for:  
Annexation, Rezoning, Change of Conditions,  
Special Use Permit, Special Exception, or Variance.**

Date Received: \_\_\_\_\_

Reviewed By: \_\_\_\_\_

## Proposed Project Information

Name of Proposed Project: Harbins II, A Planned Mixed-Use Development  
Developer/Applicant: Watkins Real Estate Group / WWP Acquisition, LLC  
c/o Andersen Tate & Carr, P.C.  
Melody A. Glouton, Esq. and Shaun R. Adams, Esq.

Telephone: 770-822-0900  
Fax: 770-236-9719  
Email(s): [mglouton@atclawfirm.com](mailto:mglouton@atclawfirm.com)  
[sadams@atclawfirm.com](mailto:sadams@atclawfirm.com)

## Economic Impacts

Estimated Value at Build-Out:  
Commercial: \$25,000,000  
Townhomes: \$16,000,000  
Multifamily: \$83,000,000  
Total: \$124,000,000

Will the proposed project generate population and/or employment increases in the area?  
If yes, what would be the major infrastructure and facilities improvement needed to support the increase?

Yes. The project will undergo a Development of Regional Impact review with the ARC and GRTA to determine infrastructure impacts and to make recommended improvements, if any are required. Additionally, the proposed development is located along a major node with access to Hwy 316 at Harbins Road and has access to water and sewer.

How many short-term and /or long-term jobs will the development generate?  
Commercial: 75 Jobs  
Townhomes: 0 Jobs  
Multifamily – 10 Jobs

Estimated annual local tax revenues (i.e., property tax, sales tax) likely to be generated by the proposed development:  
\$1,000,000

Is the regional work force sufficient to fill the demand created by the proposed project?  
Yes

## Community Facilities & Infrastructure Impacts

### Water Supply

Name of water supply provider for this site:  
Gwinnett County



What is the estimated water supply demand to be generated by the project, measured in Gallons Per Day (GPD)?

157,404 GPD

Is sufficient water supply capacity available to serve the proposed project?

Yes

If no, are there any current plans to expand existing water supply capacity?

N/A

If there are plans to expand the existing water supply capacity, briefly describe below:

N/A

If water line extension is required to serve this project, how much additional line (in feet) will be required?

N/A

### **Wastewater Disposal**

What is the estimated sewage flow to be generated by the project, measured in Gallons Per Day (GPD)?

136,873 GPD

Name of wastewater treatment provider for this site:

Gwinnett County

Is sufficient wastewater treatment capacity available to serve this proposed project?

Yes

If no, are there any current plans to expand existing wastewater treatment capacity?

N/A

If there are plans to expand existing wastewater treatment capacity, briefly describe below:

N/A

If sewer line extension is required to serve this project, how much additional line (in feet) will be required?

New pump station with an estimated 4,500LF forcemain.

### **Land Transportation**

How much traffic volume is expected to be generated by the proposed development, in peak hour vehicle trips per day?

- Daily Trips: 3,516
- AM Peak Hour Trips: 284
- PM Peak Hour Trips: 138

List any traffic and/or road improvements being made and how they would affect the subject area.

Sponsor	Status	Project Name	Effect on Subject Area
Gwinnett County	Under Construction	SR 316 at Harbins Road interchange project	Traffic Reoriented in area with new interchange
Gwinnett County	Long Range Project	Harbins Road Widening	Induced Demand
Developer (Watkins Real Estate Group)	Under Design	Signal at Harbins Rd and W Drowning Creek Road (Per DRI #3207-Inland Pass Recommendation)	Relieve excessive delay for traffic at intersection
Developer (Watkins Real Estate Group)	Pending Traffic Study	Turn Lanes into the Site (Pending Traffic Study)	Removes site's new trips from through traffic

### Solid Waste Disposal

How much solid waste is the project expected to generate annually (in tons)?

1231 Tons

Is sufficient landfill capacity available to serve this proposed project?

Yes

If no, are there any current plans to expand existing landfill capacity?

N/A

If there are plans to expand existing landfill capacity, briefly describe below:

N/A

Will any hazardous waste be generated by the development? If yes, please explain below:

No

### Stormwater Management

What percentage of the site is projected to be impervious surface once the proposed development has been constructed?

52%

Is the site located in a water supply watershed?

Yes

If yes, list the watershed(s) name(s) below:

Alcovy

Describe any measures proposed (such as buffers, detention or retention ponds, and/or pervious parking areas) to mitigate the project's impacts on stormwater management:

The project will preserve a large open space area providing natural protection to the onsite streams and wetlands. Additionally the project will construct an onsite water quality and stormwater management facility to mitigate the runoff from the project's developed areas per the guidelines of the Georgia Stormwater Management Manual.

## Environmental Quality

Is the development located within or likely to affect any of the following:

1. Water supply watersheds?

\_\_\_\_\_ Yes, Alcovy \_\_\_\_\_

2. Significant groundwater recharge areas?

\_\_\_\_\_ No \_\_\_\_\_

3. Wetlands?

\_\_\_\_\_ No \_\_\_\_\_

4. Protected river corridors?

\_\_\_\_\_ No \_\_\_\_\_

5. Floodplains?

\_\_\_\_\_ No \_\_\_\_\_

6. Historic resources?

\_\_\_\_\_ None known to applicant \_\_\_\_\_

7. Other environmentally sensitive resources?

\_\_\_\_\_ No \_\_\_\_\_

If you answered yes to any question 1-7 above, describe how the identified resource(s) may be affected below:

\_\_\_\_\_ The proposed uses are allowed with no restrictions in the Alcovy Watershed. \_\_\_\_\_

## Other Facilities

What intergovernmental impacts would the proposed development generate for:

Schools?

\_\_\_\_\_ The proposed development would have little impact on school system with 304 multi-family units which are targets at young professionals and individuals without children and only 53 town home units. \_\_\_\_\_

Libraries?

The proposed development will have little to no impact on libraries as much of the development is commercial in nature.

Fire, Police, or EMS

The proposed development would have little additional burden on emergency services.

Other community services/resources (day care, health care, low income, non-English speaking, elderly, etc.)?

The proposed development would have little to no additional impact on the stated services/resources other than what is already entitled or contemplated for the site

**Additional Comments:**

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