

**CITY OF DACULA**  
442 Harbins Rd  
P. O. Box 400  
Dacula, GA, 30019

**COUNCIL MEETING**  
**MINUTES**  
May 5, 2022

**I. CALL TO ORDER AND ROLL CALL OF MEMBERS:**

Mayor Trey King called the May 5, 2022 Council Meeting to order at 7:03 p.m. and roll call of the members was taken. A quorum was present. He welcomed everyone to the meeting.

**Council Members Present:**

Trey King, Mayor  
Sean Williams, Council  
Daniel Spain, Council  
Ann Mitchell, Council  
Denis W. Haynes, Jr., Council

**City Staff Present:**

Heather Coggins, Acting City Administrator  
Jack Wilson, City Attorney  
Brittini Nix, Director of Planning & Economic Development  
Courtney Mahady, Administrative Clerk  
Dana Stump, Administrative Assistant for Planning & Zoning  
Amy White, City Marshal  
Renee Cooke, Front Desk Clerk

**II. INVOCATION:**

Invocation was given by Marshal Amy White.

**III. PLEDGE OF ALLEGIANCE:**

Mayor Trey King led the Pledge of Allegiance.

**IV. GEORGIA CITIES WEEK**

**1. Recognition for Community Participation**

Mayor King announced that Georgia Cities Week was April 24-30, 2022 and the City of Dacula participated by having children in the community express their creativity through coloring. The coloring pages were displayed in the Council Chambers.

**V. CONSENT AGENDA:**

- 2. Approval of the Minutes from the Regular Council Meeting on April 7, 2022**
- 3. 2022 CDBG Subrecipient Agreement (Brookton Station)**

Councilman Spain motioned to approve the Consent Agenda items. Councilman Haynes, Jr. seconded. Motion passed unanimously.

**VI. OLD BUSINESS:**

*None*

**VII. NEW BUSINESS:**

- 4. PUBLIC HEARING: 2021-CD-COC-03**, Applicant: Carter and Associates, Owner: Walton Georgia, LLC requests changes to 2021-CD-RZ-02 and 2021-CD-VAR-02 condition(s). The property is located in Land Lots 270 and 271 of the 5th District and contains 43.81 acres more or less.

Councilman Williams motioned to open the public hearing. Councilwoman Mitchell seconded. Motion passed unanimously.

Director of Planning & Economic Development, Brittini Nix, presented the staff report for the application for change of conditions pertaining to 2021-CD-RZ-02 and 2021-CD-VAR-02 allowing for three industrial buildings instead of one with the use remaining the same. Ms. Nix stated staff recommended approval of the application with conditions.

Councilman Williams inquired who would maintain Stanley Road. Ms. Nix stated that the City of Dacula would maintain the road because it is within the city limits.

*Comment in favor:*

Scott Taylor, 39 Georgia Ave, Suite 200, Atlanta, GA 30312, President and CEO of Carter & Associates stated that with the original user backing out, his company remains committed to moving forward with the project with the conditions being the same. Mr. Taylor added that the intensity of the use would also decrease.

Shane Lanham, 1550 North Brown Rd, Suite 125, Lawrenceville, GA 30043, stated that the original site plan was tailored for a specific end user and the updated site plans will now allow for a wider range of general use. Mr. Lanham stated that the proposed development is compatible with the policies in the comprehensive plan as well as the zoning classifications and land uses of the surrounding area.

Brady Panis, 39 Georgia Ave, Suite 200, Atlanta, GA 30312, Senior Project Manager with Carter & Associates spoke in regards to the future traffic along Stanley Road. Mr. Panis stated that the vehicle use will be less with the updated site plan.

Councilwoman Mitchell inquired how Gwinnett County determined less traffic density with there being three buildings as opposed to one. Mr. Panis indicated that the nature of business would be different meaning less vehicles coming in and out each day.

Councilman Haynes, Jr. expressed some concern about what type of tenant would use the building. Mr. Taylor stated that the type of user would use the buildings for office space as well as some packaging and logistics, not purely distribution.

Councilman Spain motioned to close the public hearing. Councilman Haynes, Jr. seconded. Motion passed unanimously.

- 5. Change of Conditions Application: 2021-CD-COC-03**, Applicant: Carter and Associates, Owner: Walton Georgia, LLC requests changes to 2021-CD-RZ-02 and 2021-CD-VAR-02 condition(s). The property is located in Land Lots 270 and 271 of the 5th District and contains 43.81 acres more or less.

Councilman Spain motioned to approve with staff recommended conditions [listed below]. Councilwoman Mitchell seconded. Motion passed unanimously.

**CONDITION SET #1**

Resulting from regional review (DRI) by the Atlanta Regional Commission (ARC) & the Georgia Regional Transportation Authority (GRTA)

**Attachment A – General Conditions**

**General Conditions of Approval to GRTA Notice of Decision:**

*Pedestrian, Bicycle and Transit Facilities*

- Provide pedestrian connectivity between all buildings and uses.
- Provide sidewalks along Stanley Road and Winder Highway in accordance with City of Dacula ordinance and design standards.

**Roadway & Site Access Improvement Conditions to GRTA Notice of Decision:**

*Winder Highway (SR 8/US 29) at Relocated Stanley Road (Intersection 2B)*

- 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.
- Construct a channelized eastbound right-turn lane along Winder Highway (SR 8/US 29)
- Construct a westbound left-turn lane along Winder Highway (SR 8/US 29)

- Construct a northbound left-turn lane and a channelized right-turn lane along Stanley Road

*Stanley Road at Driveway B (Intersection 6)*

- Construct a southbound left-turn lane along relocated Stanley Road
- Construct Driveway B to consist of a minimum of one (1) ingress lane and a minimum of one (1) egress lane

*Stanley Road at Driveway C (Intersection 7)*

- Construct a southbound left-turn lane along relocated Stanley Road
- Construct Driveway C to consist of a minimum of one (1) ingress lane and a minimum of one (1) egress lane

**Attachment B – Required Elements of the DRI Plan of Development**

Conditions Related to Altering Site Plan after GRTA Notice of Decision:

The on-site development will be constructed materially (substantially) in accordance with the Site Plan. Changes to the Site Plan will not be considered material or substantial so long as the following conditions are included as part of any changes:

- All “Proposed Conditions of Approval to GRTA Notice of Decision” set forth in Attachment A are provided.

**Attachment C – Required Improvements to Service the DRI**

As defined by the *GRTA DRI Review Procedures*, a “Required Improvement means a land transportation service or access improvement which is necessary in order to provide a safe and efficient level of service to residents, employees and visitors of a proposed DRI.

The Required Improvements in the study network were identified in the Review Package as necessary to bring the level of service up to an applicable standard before the build-out of the proposed project. These requirements are identified in Sections 1 and 2 of this Attachment. Section 1 contains improvements that do not require GRTA approval at this time because they are to be constructed prior to the completion of the DRI Plan of Development. However, GRTA approval shall be required in the event state and/or federal funds are proposed at a later date to be used for any portion of the improvements described in Section 1. Section 2 contains improvements that require GRTA approval prior to the expenditure of state and/or federal funding. Subject to the conditions set forth in Attachment A and Attachment B, GRTA approves the expenditure of state/and or federal funding for the improvements contained in Section 2.

**Section 1:**

General Conditions of Approval to GRTA Notice of Decision:

*Pedestrian, Bicycle and Transit Facilities*

- Provide pedestrian connectivity between all buildings and uses.
- Provide sidewalks along Stanley Road and Winder Highway in accordance with City of Dacula ordinance and design standards.

Roadway & Site Access Improvement Conditions to GRTA Notice of Decision:

*Winder Highway (SR 8/US 29) at Relocated Stanley Road (Intersection 2B)*

- 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.
- Construct a channelized eastbound right-turn lane along Winder Highway (SR 8/US 29)
- Construct a westbound left-turn lane along Winder Highway (SR 8/US 29)
- Construct a northbound left-turn lane and a channelized right-turn lane along Stanley Road

*Stanley Road at Driveway B (Intersection 6)*

- Construct a southbound left-turn lane along relocated Stanley Road
- Construct Driveway B to consist of a minimum of one (1) ingress lane and a minimum of one (1) egress lane

*Stanley Road at Driveway C (Intersection 7)*

- Construct a southbound left-turn lane along relocated Stanley Road
- Construct Driveway C to consist of a minimum of one (1) ingress lane and a minimum of one (1) egress lane

**Section 2:**

Roadway Improvement Conditions to GRTA Notice of Decision:

*University Parkway (SR 316/US 29)*

- Widen the southbound approach along University Parkway (SR 316/US 29) to add one (1) through lane so that it consists of two (2) left-turn lanes, three (3) through-lanes, and one (1) right-turn lane.

**CONDITION SET #2:**

Conditions of the City of Dacula

Transportation / Infrastructure

- 1.A. All new utility lines shall be located underground. The developer shall be responsible for the relocation of public or private utilities and stormwater infrastructure.

- 1.B. Sidewalks shall be required adjacent to Winder Highway right-of-way. The sidewalk location shall be reviewed and approved by the City of Dacula and Georgia Department of Transportation. Sidewalks shall be required adjacent to both sides of the full length of the relocated Stanley Road improvements. The location of sidewalks shall be reviewed and approved by the Gwinnett County D.O.T. and City of Dacula.
- 1.C. Sidewalks shall be constructed with an additional 2-foot by 8-foot pad approximately every 300 linear feet to accommodate future pedestrian amenities such as benches, planters, and trash containers adjacent to the Winder Highway right-of-way. 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, Gwinnett County D.O.T. or Georgia Department of Transportation depending on who owns the subject right-of-way.
- 1.D. Provide decorative light poles / fixtures along Winder Highway right-of-way. Streets lights shall be staggered, 150 feet on-center. All street lighting shall be subject to review and approval of the City of Dacula, Gwinnett County D.O.T or Georgia Department of Transportation depending on who owns the subject right-of-way. Where applicable, streetlights shall be placed adjacent to required pedestrian amenity sidewalk pads. The property owner shall be responsible for street light maintenance and lighting fees. Light fixtures which are utilized shall be as follows:
  - Fixture Head Pole Type (Streetlight)
  - Max. Pole Height = Cobra Head Fluted (Black) 40 ft. or Cobra Head Smooth (Black) 40 ft.
- 1.E. A sign prohibiting truck access beyond the southeastern corner of the site shall be required adjacent to the Stanley Road right-of-way / dedicated easement at the end of the proposed Stanley Road improvements.
- 1.F. Access onto Winder Highway must meet Georgia Department of Transportation standards. The Stanley Road relocation and improvements must meet current Gwinnett County D.O.T. standards under the Gwinnett County Unified Development Ordinance (UDO) and be dedicated to Gwinnett County as right-of-way. Proposed access on Stanley Road must meet the minimum spacing requirements of the Gwinnett County UDO. The property owner / developer must coordinate with the Winder Highway & SR 316 interchange Project Manager(s) to ensure the relocation of Stanley Road does not interfere with the interchange.
- 1.G. 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 D.O.T. and Georgia Department of Transportation respectively. All design and construction will be subject to Gwinnett County D.O.T. and Georgia Department of Transportation review and approval.

- 1.H Applicant/developer shall pay its proportionate share of the costs of a traffic signal at the intersection of Winder Hwy and relocated Stanley Road.

Landscaping Requirements

- 2.A. Provide landscaped islands throughout all surface parking areas as required by the Dacula Buffer, Landscape, and Tree Ordinance.
- 2.B. Provide a minimum ten-foot wide landscaped strip adjacent to the Winder Highway right-of-way and the full length of the relocated Stanley Road improvements on both sides. At least 50% of plantings shall consist of trees 3-inches in caliper (dbh) or greater. Type and size of plantings shall be in compliance with the Dacula Buffer, Landscape, and Tree Ordinance.
- 2.C. Provide non-ornamental shade trees spaced 50-feet on-center or grouped at 120-feet on-center along the Winder Highway right of way. All street trees shall be a minimum 4-inch caliper (dbh) at the time of planting. Street trees shall be planted six-feet from back-of-curb subject to review and approval of the City of Dacula, Georgia, or Gwinnett Department of Transportation depending on who owns the subject right-of-way.

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

1. Willow Oak
2. Overcup Oak
3. Nuttal Oak
4. Pin Oak
5. Shumard Oak
6. Lacebark Elm
7. Japanese Zelkova

- 2.D. 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.
- 2.E. Natural vegetation shall remain on the property until issuance of a development permit.

Parking / Yard, Height & Setback

- 3.A. A parking lot landscape plan shall be submitted to the City for approval. At a minimum, the landscape plan shall include the monument sign location and should insure that each parking island / strip will have a minimum of two (2) ornamental shade trees. All parking area trees shall be a minimum of 3-inch dbh caliper.

3.B. Parking lot and security lighting shall be directed in towards the property so as to minimize the adverse impact on neighboring properties.

Signage, Temporary Uses, & Peddling

4.A. Oversized signs or billboards shall not be permitted.

4.B. One ground sign shall be permitted. The ground sign shall be monument type only with indirect lighting. Ground sign shall be limited to a single monument-type sign with brick, stone, stucco, wood or metal consistent with the architecture and exterior treatment of the building at least 2 feet in height. Neon or self-illuminating ground signs shall be prohibited.

4.C. Blinking, exposed neon, portable, inflatable and temporary signage shall be prohibited.

4.D. Peddlers shall be prohibited.

4.E. 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.

4.F. No tents, canopies, temporary banners, streamers or roping decorated with flags, tinsel, or other similar material shall be displayed, hung, or strung on the site without appropriate permit(s). No decorative balloons or hot-air balloons shall be displayed on the site.

Architectural Design

5.A. Architectural design should comply with the following performance guidelines:

(1) 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.

(2) 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.

(3) Buildings shall incorporate live plant material growing immediately in front of or on the building.

(4) 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.



- (5) Any accessories provided such as railings, benches, trash receptacles and / or bicycle racks shall complement the building design and style.
- (6) Walls visible from roadways or parking areas shall incorporate changes in building material / color.

General

- 6.A. The property shall be developed in accordance with the conceptual site plan prepared by Kimley Horn entitled Project Whiplash Industrial Development, dated November 12, 2021. Any substantial deviation from the approved conceptual plan and / or remaining conditions of zoning shall be resubmitted to the City Council for consideration. The City Administrator shall determine what constitutes substantial deviation.
- 6.B. A building height variance is granted to allow the principle building on-site a maximum height of 50 feet.

**6. PUBLIC HEARING: 2022-CD-COC-01**, Applicant: Peter Thakkar, Owner: Jalabapa Investments LLC requests changes to CD-RZ-02-02 condition(s). The property is located in Land Lot 301 of the 5th District and contains 0.78 acres more or less.

Councilman Haynes, Jr. motioned to open the public hearing. Councilman Williams seconded. Motion passed unanimously.

Director of Planning & Economic Development, Brittini Nix, presented the staff report for the application for change of conditions pertaining to CD-RZ-02-02 conditions to reduce the front landscape strip from 10-feet to 5-feet. Ms. Nix stated staff recommend approval of the application with conditions.

*Comment in favor:*

Joey Murphy, 475 Dacula Road, Dacula, GA 30019, on behalf of the applicant, presented the change of conditions application. Mr. Murphy stated the applicant is in the process of developing a new BP Station and has encountered some hardships with the acquisitions of right-of-way from Gwinnett County. The applicant would like to reduce the 10-foot front landscape strip to 5-feet to allow for safe delivery of fuel.

Councilman Spain motioned to close the public hearing. Councilman Haynes, Jr. seconded. Motion passed unanimously.

**7. Change of Conditions Application: 2022-CD-COC-01**, Applicant: Peter Thakkar, Owner: Jalabapa Investments LLC requests changes to CD-RZ-02-02 condition(s). The property is located in Land Lot 301 of the 5th District and contains 0.78 acres more or less.

Councilman Williams motioned to approve with staff recommended conditions [listed below]. Councilman Haynes, Jr. seconded. Motion passed unanimously.

- A. To restrict the use of the property as follows:
  - 1. Retail, service commercial, office, and accessory uses.
  
- B. To satisfy the following site development considerations:
  - 1. Provide a five-foot wide landscape strip outside the dedicated rights-of-way of Harbins Road. The landscape strip shall include at least two (2) understory plantings / shrubs per 10 linear feet.
  - 2. Dumpsters shall be screened by a 100 percent (100 %) opaque masonry fence or wall matching the buildings, a minimum of six (6) feet in height. Dumpster pickup shall be between the hours of 7:00 AM and 7:00 PM, Monday through Saturday. Dumpster enclosures shall remain closed, locked, and in good repair at all times.
  - 3. Provide five (5) foot wide sidewalks along Harbins Road.
  - 4. Billboards/Outdoor Advertising Signs shall be prohibited.
  - 5. Buildings shall be finished with architectural treatments of glass, and/or stone and/or brick, or other suitable materials submitted and considered by the City Council as appropriate to meet this condition.
  - 6. The development shall be limited to monument type ground signs. Monument signs shall have a base matching the architectural treatment of the buildings.
  - 7. Outdoor lighting shall be contained in cut-off type luminaries which do not reflect into nearby properties or roadways.
  - 8. Provide interparcel access driveways between the commercial parcels where practical.
  - 9. No outdoor speakers or public address system shall be allowed.
  
  - 8. PUBLIC HEARING: 2022-CD-VAR-02**, Applicant: Peter Thakkar, Owner: Jalabapa Investments, LLC requests a variance from the City's Buffer, Landscape, and Tree Ordinance. The property is located in Land Lot 301 of the 5th District and contains 1.47 acres more or less.

Councilwoman Mitchell motioned to open the public hearing. Councilman Spain seconded. Motion passed unanimously.

Director of Planning & Economic Development, Brittini Nix, presented the staff report for the application for a variance from the City's Buffer, Landscape, and Tree Ordinance. Ms. Nix stated staff recommend approval of the application with conditions.

Councilman Haynes, Jr. inquired about the timeline of the BP Station project. Joey Murphy, the applicant's representative, stated that they expect to start the project late summer and will take between 6-8 months to complete.

Councilman Spain motioned to close the public hearing. Councilman Williams seconded. Motion passed unanimously.

9. **Variance Application: 2022-CD-VAR-02**, Applicant: Peter Thakkar, Owner: Jalabapa Investments, LLC requests a variance from the City's Buffer, Landscape, and Tree Ordinance. The property is located in Land Lot 301 of the 5th District and contains 1.47 acres more or less.

Councilman Haynes, Jr. motioned to approve with staff recommended conditions [listed below]. Councilman Spain seconded. Motion passed unanimously.

- A. To restrict the use of the property as follows:
  1. Retail, service commercial, office, and accessory uses.
- B. To satisfy the following site development considerations:
  1. Provide a five-foot wide landscape strip outside the dedicated rights-of-way of Harbins Road. The landscape strip shall include at least two (2) understory plantings / shrubs per 10 linear feet.
  2. Dumpsters shall be screened by a 100 percent (100 %) opaque masonry fence or wall matching the buildings, a minimum of six (6) feet in height. Dumpster pickup shall be between the hours of 7:00 AM and 7:00 PM, Monday through Saturday. Dumpster enclosures shall remain closed, locked, and in good repair at all times.
  3. Provide five (5) foot wide sidewalks along Harbins Road.
  4. Billboards/Outdoor Advertising Signs shall be prohibited.
  5. Buildings shall be finished with architectural treatments of glass, and/or stone and/or brick, or other suitable materials submitted and considered by the City Council as appropriate to meet this condition.
  6. The development shall be limited to monument type ground signs. Monument signs shall have a base matching the architectural treatment of the buildings.
  7. Outdoor lighting shall be contained in cut-off type luminaries which do not reflect into nearby properties or roadways.
  8. Provide interparcel access driveways between the commercial parcels where practical.
  9. No outdoor speakers or public address system shall be allowed.

**VIII. STAFF COMMENTS:**

Acting City Administrator, Heather Coggins, presented an ARPA update stating that the City would be receiving a second trench of funds from the Federal Government; however, the amount will be lower than initially expected. Ms. Coggins stated that she expects we would receive the funds in August 2022, a year from when we received the first funding. Ms. Coggins added that the broadband for the maintenance facility was scheduled to be installed on May 11, 2022 but would not be up and running until our IT Company came in and did some work.

**IX. MAYOR AND COUNCIL COMMENT(S):**

Councilwoman Ann Mitchell stated she was looking forward to Georgia Cities Week next year and hopes that some of the council would come and educate students of the local schools about how local government works.

**X. PUBLIC COMMENTS:**

*None*

**XI. EXECUTIVE SESSION: Real Property Matter**

Councilman Spain motioned to exit regular session. Councilman Williams seconded. Motion passed unanimously. Regular session adjourned and executive session began for the purposes of real property matters at 7:46 p.m.

Councilman Spain motioned to exit executive session and reconvene to regular session. Councilwoman Mitchell seconded. Motion passed unanimously. Regular session reconvened at 8:13 p.m.

City Attorney, Jack Wilson, reported there were no votes taken in executive session. The Council met to discuss real property matters as allowed by the Open Meetings Act.

**XII. ADJOURNMENT:**

Councilman Haynes, Jr. motioned to adjourn. Councilman Williams seconded. Motion passed unanimously. Meeting adjourned at 8:14 p.m.

*Minutes approved*

\_\_\_\_\_ *Date*

\_\_\_\_\_ *Signature*