

# Memorandum

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

**From:** Brittini Nix, City Administrator

**Date:** March 20, 2023

**Subject:** 2023-CD-RZ-01, 2023-CD-SE-01, & 2023-CD-SUP-01

**Proposed Zoning:** C-2 General Business District;  
Special Exception for automotive muffler, brake, and tune-up shop; and  
Special Use Permit for auto body repair, and automotive sales lot and  
associated service facility uses.

**Existing Zoning:** C-1 Neighborhood Commercial District

**Size:** 0.46 acres

**Proposed Use:** Automotive mechanical repairs, auto body repair, and automotive sales

**Applicant:** Gary L. Wilson, Jr.  
2061 Experiment Station, Ste 301, Box 422  
Watkinsville, Georgia 30677

**Owner(s):** All Investments, LLC  
2061 Experiment Station, Ste 301, Box 422  
Watkinsville, Georgia 30677

**Location:** LL 302A - 5th District, Parcel 108B

## Existing Land Use and Zoning:

The subject property totals 0.46 acres and is located in the southwestern quadrant of the McMillan Road and Stanley Road / Church Street intersection. The site contains one (1) primary structure on-site. Said structure is approximately 3,403 sf and contains four (4) automobile bays and office space. Asphalt areas are located in the front and rear yards.

The subject property is currently zoned C-1 Neighborhood Commercial District. Staff notes the previous automotive use on-site was considered a non-conforming use. The non-conforming use ceased on September 17, 2021. As the use has been discontinued for over one year, future use(s) must comply with the City's current ordinances. Staff was unable to find documentation authorizing the previous uses on the property by the City Council nor City staff. Therefore, there is a lack of Council precedent for the non-conforming automotive use.

245 McMillan Road, the subject property, is within close proximity to both commercial and single-family residential uses. Commercial uses include a contractor's office, a self-storage facility, and an addiction treatment clinic. The commercial properties are primarily zoned C-2 General Business District and one vacant property is zoned C-1 Neighborhood Commercial District along the McMillan Road corridor near its intersection with Stanley Road / Church Street. Parcels directly adjacent to the south of the subject property are zoned R-1200 Single-Family Residential District for residential use.

### **The Proposed Development:**

The applicant has submitted three land use applications for multiple automotive uses. Applications include a rezoning, a special exception, and special use permits. The provided application materials do not indicate modifications to the property nor additions to the existing primary structure.

#### *2023-CD-RZ-01*

The first application is a rezoning application to request rezoning the property from C-1 Neighborhood Commercial District to C-2 General Business District. The requested zoning district is consistent with the existing zoning along the subject section of McMillan Road. Staff recommends approving the requested rezoning.

#### *2023-CD-SE-01*

The applicant has requested a special exception for an automotive muffler, brake, and tune-up shop. These uses are limited to automotive mechanical services and are typically performed within automobile bays. As these uses are contained within the structure, the intensity is consistent with the neighboring uses. Staff recommends approving the requested special exception.

#### *2023-CD-SUP-01*

Two special use permits have been requested for auto body repair, and automotive sales and associated service facilities. Both uses typically require utilizing the surrounding yards and are not contained within the structure. Due to the property's characteristics (size, shape, and building location), the size of the front and side yards are limited and would not be appropriate locations for the proposed uses. Furthermore, the existing zonings within the subject corridor do not permit storage outside of a fenced area. As such, permitted outdoor uses should remain within an enclosed area in the rear yard.

*Auto body repair:* Auto body repair is considered more intensive than automotive mechanical services because of the sound, space, and accumulation of large parts required. These characteristics can create adverse impacts on the residential neighbors. Due to the intensity of the use and the limited space on the subject property, staff recommends denying this request.

*Automotive sales lot and associated service facilities:* The property's characteristics do not provide adequate space to permit automotive sales in the front yard and accommodate customer / employee parking. Furthermore, existing zoning within the corridor only permits

outdoor storage within an enclosed area. As such, staff recommends that all automobiles for sale are limited to the rear yard within an enclosed area and associated service facilities are confined within structure.

### **Summary:**

The subject application requests would allow the applicant to conduct automotive mechanical repairs, auto body repair, and automotive sales on the premises. Automotive repair and automotive sales could be considered suitable if contained within the structure and/or enclosed rear yard. With the stated restriction, said uses would be consistent in intensity with existing uses along this section of the McMillan Road corridor. However, conditions should be placed on the property to ensure that adverse impacts are not introduced onto neighboring or adjacent properties. Zoning conditions would not be able to adequately reduce the impact of adverse conditions on neighboring properties for an auto body repair use.

As such, the Department recommends that the requested rezoning, special exception, and special use permit for automotive sales lot and associated service facilities are approved with conditions at this location. The Department recommends denying the special use permit for auto body repair at this location.

### **Comprehensive Plan:**

The City of Dacula's 2019 Comprehensive Plan labels the subject property as Community Mixed Activity Use Center on the Future Land Use Map. Community Mixed Use land uses are defined as "relatively large-scale (40,000 to 100,000 square feet) of commercial, office, and institutional facilities which serve surrounding neighborhoods. They may include some mix of uses, including commercial areas that primarily cater to the community as a whole" (The City of Dacula, Georgia 2019 Comprehensive Plan, page 7.14). The proposed commercial uses follows the description of Community Mixed Use. Staff notes the comprehensive plan encourages "internal pedestrian circulation, streetscape amenities, and landscaping" within Community Mixed Activity Use Centers.

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, special exception, and special use permit will permit a use that is suitable in view of the use and development of an adjacent and nearby property?***

The requested C-2 zoning, special exception, and special use permit for automotive sales lot and associated service facilities are consistent with the commercial uses at the subject intersection. Therefore, the proposed automotive uses could be considered suitable as proposed.

The proposed auto body repair use could introduce adverse impacts on adjacent properties. As such, the subject use could be considered unsuitable at this location.

**2. *Whether the proposed rezoning, special exception, and special use permit will adversely affect the existing use or usability of adjacent or nearby properties?***

If approved, the recommended conditions would help mitigate any negative impacts onto the surrounding properties from the proposed use.

**3. *Whether the property to be affected by the proposed rezoning, special exception, and special use permit has a reasonable economic use as currently zoned?***

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

**4. *Whether the proposed rezoning, special exception, and special use permit will result in a use which will or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities, or schools?***

With the proposed conditions, excessive and burdensome use of existing streets, transportation facilities, or utilities would be minimized. No additional impacts are anticipated for area schools.

**5. *Whether the proposed rezoning, special exception, and special use permit request is in conformity with the policy and intent of the Land Use Plan?***

The requested C-2 zoning, special exception, and special use permit for automotive sales lot are consistent with the Community Mixed Activity Use Center designation of the 2030 Future Land Use Map, indicating the requested uses could be considered appropriate as proposed as long as zoning conditions are imposed to facilitate the implementation policies. Staff notes that the Plan suggests residential land uses should be provided a buffer between them and the Community Mixed Activity Use Center. As such, the higher intensity uses, such as auto body repair, should not be located adjacent to existing single-family residential properties.

**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, special exception, and special use permit?***

Automotive uses were previously active on the property until September 17, 2021 and the primary structure on-site is designed to accommodate automotive uses. Said uses were permitted as a non-conforming use under Article VIII of the Zoning Resolution. However, documentation granting permission for the automotive uses on the property were not found. As such, there is a lack of Council precedent for automotive uses on the property. The evaluation of appropriate future uses of the property should take into consideration the immediate uses along this corridor.

## **Recommendation:**

Based upon the applications, the requested rezoning, special exception, and special use permit for automotive sales lot and associated service facilities are recommended for **approval with the following conditions**. The special use permit for auto body repair is recommended for **denial**. If the City Council approves the subject special use permit, **the following conditions are recommend:**

*The Department notes the Planning Commission unanimously recommended approval with staff's recommendations conditions for 2023-CD-RZ-01 and 2023-CD-SE-01 at the Public Hearing on March 27, 2023. Said conditions are below.*

*The Planning Commission unanimously recommended denial of 2023-CD-SUP-01 at the Public Hearing on March 27, 2023.*

## Concept Plan and Land Use

1. Any substantial deviation from the conditions of zoning shall be resubmitted to the Mayor and City Council for consideration. The City Administrator shall determine what constitutes substantial deviation.
2. Any modifications to the existing property improvements (ex: paint, repairs, additions, concrete, asphalt, etc.) shall be reviewed and approved by the City.
3. Outdoor storage shall only be allowed within the screened rear portion of the site. Outdoor storage includes, but not limited to, automobiles for sale, automobiles for service, junk vehicles vehicle parts, and machinery. All items must be located on a hard surface excluding contained gravel.
4. Outdoor display of parts, new or used tires, junked vehicles or other materials is prohibited. No outside loudspeakers shall be allowed.
5. All automotive mechanical services shall be contained within the proposed structure.

## Architectural Design

6. New structures or building expansion shall have the following: exterior facades constructed of brick, stone or stucco, and mechanical, HVAC and like systems shall be screened from street level on all sides by an opaque wall of brick, stucco, or split faced block. Final architectural plans and color palate shall be submitted to the City for approval.
7. Exterior walls of primary and accessory structures shall be maintained free from holes, breaks, loose or rotting materials and shall be maintained weatherproof and properly surface coated as needed to prevent deterioration. All exterior surfaces, including, but not limited to, doors, door and window frames, cornices, porches and trim shall be maintained in good repair. Exterior wood surfaces, other than decay-resistant woods,

shall be protected from the elements and decay by painting or other protective covering or treatment. Peeling, flaking and chipped paint shall be eliminated and surfaces repainted. All siding and masonry joints shall be maintained weather-resistant and watertight. Color palate shall be submitted to the City for approval.

8. Roofs of buildings shall be maintained so that they are structurally sound and in a safe condition and have no defects which might admit rain or cause dampness in the interior portions of a building. All portions, additions or sections of a roof, including, but not limited to, the fascia, eave, soffit, sheathing, rafter tail, barge rafter, vent screening, gutter, downspout, roof jack, and metal flashing, shall be complete with all trim strips, moldings, brackets, braces and supports attached or fastened in accordance with common building practices. Gutters must be free of vegetation and in good repair. Roof drainage shall be adequate to prevent rainwater from causing dampness or deterioration in the walls or interior portion of the building.
9. The outdoor storage area in the rear shall be screened by a 6-foot high wooden privacy fence or a black chain link fence with opaque green, brown, or black slates. The fence shall be enhanced with a 10-foot wide landscape strip subject to review and approval by the City of Dacula.

#### Landscaping and Parking

10. A four-foot tall split-rail fence shall be installed along the perimeter of the front parking area where it abuts to McMillan Road right-of-way. The fence shall be submitted to the City for approval prior to the issuance of a fence permit.
11. The required undisturbed buffer along the south side property line shall be eliminated and replaced with fencing and a 10-foot wide landscape strip (see condition #6).
12. The addition of a paved parking lot or entrance / exit drives shall have the following: a parking lot landscape plan submitted to the City for approval. At a minimum, the landscape plan shall include monument sign location and should insure that each parking island / strip will have a minimum of two (2) ornamental shade trees. All parking area trees shall be a minimum of 2-inch dbh caliper.
13. 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.
14. Specimen trees on-site shall be saved when feasible.
15. A hydrology study or compliance letter from a licensed Georgia Engineer shall be required prior to the installation, modification or addition of any impervious / hard surfaces on the subject property.
16. All hard surfaces must be in good repair and maintained in a passable condition so as to allow safe vehicular and pedestrian ingress and egress. Impassable includes, but not

limited to, cracking, reflection cracks, deterioration, depression (pothole), sinkholes, rutting, raveling, shoving, upheaval, peeling, root cracks, and uneven surfaces.

17. A minimum of thirteen (13) marked parking spaces shall be required for customer and employee parking. Said spaces shall not be used for the sale, repair, dismantling, or servicing or storing of any vehicle, equipment, materials, or supplies.

### Signage and Advertising

18. Oversized signs or billboards shall not be permitted.
19. Ground signage shall be limited to one monument-type sign and shall not be located within the right-of-way. The monument sign shall not exceed a maximum of 5-foot in height and shall be constructed with a brick base (minimum two feet in height) matching the materials of the buildings. Neon signs shall be prohibited. The monument sign shall not impede site distance along McMillan Road. Sign location and design are subject to review and approval by the City of Dacula.
20. Blinking, exposed neon, portable, inflatable and temporary signage shall be prohibited.
21. 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.
22. Live human advertisement shall be prohibited within the subject area. This includes, but is not limited to, sign spinners, twirlers, dancers, clowns, and / or other similar temporary advertising methods commonly provided by costumed or animated humans.

### Transportation and Infrastructure

23. Parking lot lighting shall be directed in toward the property so as not to shine directly onto adjacent properties.
24. All new utility lines shall be located underground. The developer shall be responsible for the relocation of public or private utilities and stormwater infrastructure.
25. 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.
26. All vehicular access must meet the City of Dacula's project access improvement standards of a public road. All improvements shall be provided by the developer/owner.

