

The Proposed Development:

The Applicant has requested annexing the 4.52-acre site into the City of Dacula and rezoning the subject property from RA200 (Agriculture-Residence District, Gwinnett County) to C-2 (General Commercial District, City of Dacula) to allow for commercial uses. Application materials indicate that the applicant intends to develop the property for a convenience store with gas pumps, fast food restaurant and/or retail shops.

The site plan for the corner lot depicts two (2) access points; one for each road. Each access point has a dedicated right turn lane. The Harbins Road access point is restricted to right-in, right-out access. The internal site drive lanes provide direct access to each proposed tract and the adjacent northern property for potential future development. An increase in traffic is likely due to visiting customers and the commercial nature of the businesses. Staff notes that a traffic signal for the Harbins Rd and West Drowning Creek Rd intersection has been permitted by Gwinnett County Department of Transportation.

The northern and eastern property boundaries currently abut unincorporated residentially zoned properties, which requires an undisturbed buffer per Article XI of the Zoning Resolution. The Applicant has proposed replacing the 75' undisturbed buffer with a 25' landscape buffer on the northern and eastern property boundary for screening.

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. Furthermore, the Gwinnett County 2040 Unified Plan designates the subject parcel within the Innovation District, which is consistent with the proposed uses.

Summary:

A convenience store and restaurant would remain consistent with the emerging commercial development pattern surrounding the intersection of Harbins Road and West Drowning Creek Road and could therefore, be approved as requested. However, conditions should be placed on the property to ensure that adverse impacts are not introduced onto neighboring or adjacent properties. As such, the Department recommends that the requested annexation and rezoning be approved with conditions at this location.

Comprehensive Plan:

The subject parcel is designated as a Community Mixed Activity Use Center on the City of Dacula's 2030 Future Development Map and designated Innovation District on the Gwinnett County 2040 Unified Plan.

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 annexation and rezoning 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 is consistent with the emerging commercial nature of the intersection and the recently approved planned mixed-use development across Harbins Road. Therefore, the proposed commercial zoning could be considered suitable as proposed.

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

With the recommended conditions, adverse impacts on surrounding properties would be mitigated and minimized.

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

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

4. *Whether the proposed annexation and rezoning 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.

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

The requested C-2 zoning is consistent with the Community Mixed Activity Use Center designation of the 2030 Future Land Use Map indicating the requested C-2 zoning could be considered appropriate as proposed.

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 subject property is located in the northwest quadrant of the intersection of SR 316 (state freeway) and Harbins Road (major collector). Furthermore, the Harbins 316 planned mixed-use development is located across the street. The proposed development would provide a logical transition of intensity between SR 316 and the existing residential uses located along this portion of Harbins Road.

Recommendation:

Based upon the application, the requested annexation and rezoning is recommended for **approval with conditions**.

*The Department notes the Planning Commission unanimously recommended approval with staff's revised conditions (dated August 29, 2022) at the Public Hearing on August 29, 2022. Said conditions are below; September 29, 2022 updates are in **bold**:*

Concept Plan and Land Use

1. The property shall be developed for general business, commercial, and/or office uses only. Any substantial deviation from the approved conditions of zoning shall be resubmitted to the Mayor and City Council for consideration. The City Administrator shall determine what constitutes substantial deviation.
2. Only one (1) convenience store with gas pumps shall be permitted.
3. Only one (1) fast food restaurant with ~~or without~~ drive-thru windows and/or curb service shall be permitted. A fast food restaurant shall be defined as any establishment which dispenses food for consumption on or off the premises, and which has the following characteristics: a limited menu, items prepared in advance or prepared or heated quickly, no table orders, and food served in disposable wrapping or containers. Said definition shall exclude restaurants with drive-thru services whose primary product focuses on specialty coffees or donuts and exclude restaurants without a drive-thru in a multi-tenant building.
4. The following uses shall be prohibited:
 - a. Outdoor storage
 - b. Car Wash
 - c. Taxidermist
 - d. Automobile, muffler, and/or brake shop
 - e. Automobile, Tune-up shop
 - f. Contractor's office
 - g. Residential or community shelter
 - h. Automotive sales lots and associated service facilities (new or used)
 - i. Boarding and rooming houses
 - j. Quick oil change store
 - k. Tire store
 - l. Van, moving, or truck rental

- m. Auto body repair shop
- n. Building materials sales with outdoor storage
- o. Heavy equipment and farm equipment rental or sales and service
- p. Mobile home or mobile building leasing or sales lots (new or used)

Architectural Design

- 5. All building exteriors shall be constructed of brick, stone or stucco. All buildings shall have flat roofs with architectural treatments to include canopies and parapets. Mechanical, HVAC and like systems shall be screened from street level on all sides by an opaque wall of brick, stucco, split faced block, or similar material approved by the Department of Planning and Development. Architectural design **of multi-tenant buildings** shall lend the appearance of multi-tenant occupancy; facades of multi-tenant buildings shall be varied in depth and parapet height. Final architectural plans and color palate shall be submitted to the City for approval.
- 6. Elevated or roof mounted mechanical, HVAC and like systems shall be positioned in such a way as to not be visible from the front street level or parking areas of the development. Final architectural plans and color palate shall be submitted to the Department of Planning and Development for approval.
- 7. Chain link fence shall be prohibited except around the stormwater management pond.

Landscaping and Parking

- 8. ~~15~~ **10**-foot wide landscape strips shall be provided along the commercial tract frontage of Harbins Road and West Drowning Creek Road. The landscape strips shall be planted so as to not impede sight distance along said roads. A landscape plan shall be submitted to the City for approval prior to the issuance of a development permit.

Provide non-ornamental shade trees spaced 30-feet on-center along the Harbins Road and West Drowning Creek Road rights-of-way and along the southern side of the rear access drive. 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 and Gwinnett Department of Transportation.

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

- a. Willow Oak
- b. Overcup Oak
- c. Nuttal Oak
- d. Pin Oak

- e. Shumard Oak
 - f. Lacebark Elm
 - g. Japanese Zelkova
9. The required undisturbed buffer along the rear and side property line shall be eliminated and replaced with ~~25~~**20**-foot wide landscape strips. Landscape strips shall be planted with a single row of Leyland Cypress trees, planted 30-foot on center. **The buffer can be eliminated after a Development Permit has been issued on adjacent property for commercial use.**
10. 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 25 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.
11. 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.
12. Specimen trees on-site shall be saved when feasible.
13. Natural vegetation shall remain on the property until issuance of a land disturbance permit.

Signage and Advertising

14. Oversized signs or billboards shall not be permitted.
15. Ground signage shall be limited to one monument-type sign for each commercial lot ~~fronting Harbins Road~~. 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 base (minimum two feet in height) matching the materials of the buildings. Neon signs shall be prohibited. Signs shall be set back 15-feet from right-of- way of Harbins Road and located so as to not impede site distance along Harbins Road. Sign location and design subject to review and approval by the City of Dacula.
16. Blinking, exposed neon, portable, inflatable and temporary signage shall be prohibited.
17. 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.

18. 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

19. A five-foot sidewalk shall be required adjacent to Harbins Road and West Drowning Creek Road rights-of-way. The sidewalk location shall be reviewed and approved by the City of Dacula and Gwinnett County Department of Transportation.
20. A five-foot wide sidewalk shall be required along the rear access drive. Sidewalk 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 containers. 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.
21. Prior to the issuance of a development permit, the developer shall complete a Traffic Impact Study for the site. The study shall be submitted to the City of Dacula and GCDOT Traffic Engineering for review and approval. Recommended improvements shall be completed at the owners/developer's expense prior to the issuance of any certificates of occupancy for the development.
22. Coordinate with Harbins 316 planned mixed-use development to provide a full center turn lane along Harbins Road in lieu of a right-in, right-out drive lane, as required by Gwinnett County DOT.
23. Align West Drowning Creek Road entrance with the proposed driveway for DRI 3700 (Harbins 2) as feasible. The entrance location shall be reviewed and approved by the City of Dacula.
24. Provide a sight distance verification for each driveway. The number, location and design of all access driveways will be subject to review and approval by GCDOT Traffic Engineering and the City Of Dacula.
25. Widening/entrance plans shall be submitted for review and approval by the City of Dacula and Gwinnett County Department of Transportation. It shall be the responsibility of the applicant to secure at no cost to Gwinnett County all necessary right-of-way to implement the required improvements.
26. Provide decorative light poles / fixtures adjacent to (not on) Harbins Road right-of-way and the rear access drive. Streets 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. The property owner shall be responsible for street light maintenance and lighting fees. A separate lighting plan showing type of light and locations shall be submitted to the City for review and approval.

27. Parking lot lighting shall be directed in toward the property so as not to shine directly onto adjacent properties.
28. All new utility lines shall be located underground. The developer shall be responsible for the relocation of public or private utilities and stormwater infrastructure.
29. 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.
30. All vehicular access onto the proposed rear access drive must meet the City of Dacula's project access improvement standards of a public road. All improvements shall be provided by the developer.
31. Interparcel access drive shall be provided to parcel #5277 043.