

Memorandum

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

From: Brittni Nix, Director of Planning and Economic Development

Date: November 18, 2022

Subject: 2022-CD-COC-02

Proposed Zoning: PMUD (Planned Mixed-Use District, City of Dacula)

Existing Zoning: PMUD (Planned Mixed-Use District, City of Dacula)

Size: 113.845 acres

Proposed Use: Planned Mixed-Use Development

Applicant: Maple Multi Family Land c/o Mahaffey Pickens Tucker, LLP
1550 North Brown Road, Suite 125
Lawrenceville, Georgia 30043

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

Location: LL 270, 271 & 275 - 5th District

Existing Land Use and Zoning:

The subject property totals 113.845 acres and is located along both sides of the Stanley Road prescriptive easement. The site is located in the southeastern quadrant of the Winder Hwy and SR 316 intersection and extends to the western boundary of the Lindenwood subdivision. The property was annexed and zoned PMUD (Planned Mixed-Use District) in February 2013 for a multi-use development including a hotel, conference center, office / commercial, and attached residential pursuant to 2012-CD-AA-01 and 2012-CD-RZ-03. The site was never developed.

The property is in close proximity to the Winder Hwy and SR 316 intersection as well as the commercial and manufacturing zoning districts located along the Winder Highway corridor to the north. Proceeding eastward along Stanley Road are single-family residential and mobile home uses. Single-family residential uses are towards the south along Pipeline Road. Furthermore, the property is adjacent to a proposed office / warehouse industrial project zoned M-1 (Light Manufacturing District) to the north, northwest and a Georgia Power easement transects the site.

The Proposed Development:

The applicant has submitted a change of conditions application to seek approval of the proposed planned mixed-use development. The previously approved planned-mixed use

development incorporated a higher number of uses. These uses included hotel, conference center, office / commercial and 613 units of attached residential. The proposed development contains office / warehouse industrial and attached residential uses. The 603 residential units proposed are split between multi-family apartments (378 units) and townhouses (225 units). Staff notes the previously approved concept plan incorporated an additional 49.25 acres and, as such, the proposed concept plan has different property boundaries.

Office / Warehouse Industrial (27.38 acres)

The applicant proposed two (2) industrial buildings within parcel E & F, located in the southwestern quadrant of the site. The total square footage of the two building equals 473,000 sf. Parcel E is located at the southwestern quadrant of the Stanley Road and Pipeline Road intersection with two (2) access points. One access point is on Stanley Road and the other is on Pipeline Road. Parcel F is adjacent to the rear of Parcel E and has one access point on Stanley Road. Parcel E and Parcel F are not interconnected. Staff notes, the 172 parking spaces do not meet the City's minimum parking space requirement for the use. The number of spaces required will fluctuate depending on the division of office and warehouse square footage. Staff recommends requiring adherence to the Zoning Resolution's minimum parking space requirements for a warehouse use (Article X, Section 1002(CC)).

The proposed warehouse industrial use is across from a 43.81 acre M-1 (Light Manufacturing District) parcel. Three (3) warehouses were approved for the subject site in 2022. The two developments are divided by the Stanley Road prescriptive easement.

Attached Residential (46.97 acres)

Multi-family Apartments (22.93 acres)

The proposed multi-family residential tract is within Parcel A as shown on the concept plan. Parcel A is located on the northern side of Stanley Road and is adjacent to the Lindenwood subdivision. Fourteen (14) multi-family apartment buildings are shown (3 stories) with a total of 378 units (16.48 units/acre). The complex includes a clubhouse and pool amenity package. The clubhouse will include leasing offices, fitness room, tech lounge, conference room, clubroom, and mailroom. The apartment complex has two access drives along Stanley Road. The proposed 662 parking spaces do not meet the City's minimum parking space requirement for the use (756 spaces). Staff recommends requiring the minimum parking spaces to meet the Zoning Resolution's parking space requirements for a residential use (Article X, Section 1002(U)).

Townhouses (24.04 acres)

Parcels B, C, and D house the townhouse portion of the planned mixed-use development. Said parcels are located on the south side of Stanley Road and are between existing single-family residential lots and the proposed office/warehouse

industrial parcel located across Pipeline Road. The townhouse parcels are comprised of 225 residential units within 40 buildings (9.36 units/acre). Each townhouse parcel has a single access drive on Stanley Road and includes open space intending for passive recreation. The proposed parking spaces meets the Zoning Resolution's minimum parking space requirements for a residential use (Article X, Section 1002(U)).

The subject application has completed a regional review through the Atlanta Regional Commission (ARC) and Georgia Regional Transportation Authority (GRTA); the reviewing authorities have recommended approval with conditions.

The City of Dacula's 2019 Comprehensive Plan labels the subject property as Regional Mixed Use on the Future Land Use Map. Regional Mixed Use Activity Centers land uses are defined as "large-scale (Over 100,000 square feet) activity centers with commercial retail, office and employment, and higher density land uses.... should be located near the intersection of major thoroughfares" (The City of Dacula, Georgia 2019 Comprehensive Plan, page 7.13). The proposed planned mixed-use development follows the description of Regional Mixed Use.

Staff notes that the applicant addressed six out of the eight listed "Implementation Policies" within the Letter of Intent. The two policies that were not directly addressed were, "encourage development of a rational network of commercial activity centers to meet the service needs of citizens while avoiding unattractive and inefficient strip development along major roads" and "encourage unique architectural design with articulated facades in order to avoid generic "Big Box" appearance." Staff recommends implementing zoning conditions to ensure the applicant meets the objective(s) of these two policies.

Variance Request

The City of Dacula's Planned Mixed-Use District provides the opportunity for the applicant to request variance(s).

- 1) The applicant has requested a variance to allow the two (2) proposed office / warehouse industrial buildings to be 50-feet in height. Application materials state the property across the street was granted a height variance. The two situations are different due to the proximity of the buildings in relation to the respective right of ways. Building E is approximately 90 feet from the Pipeline Road right-of-way at its closest point. Staff recommends denying the variance as a true hardship has not been presented for consideration.
- 2) The utilization of vinyl coated chain link fences for areas not visible from the right-of-way for the separation from various uses and buildings has been requested in the application materials. A variance is not needed per the City's Ordinances for said request. Staff recommends permitting black vinyl coated chain link fencing around stormwater management ponds, dog parks, and Parcels E & F (office / warehouse industrial use) where not visible from the right-of-way.

- 3) The applicant has requested the Mayor and City Council increase the maximum residential acreage permitted. The applicant requests a variance in order to utilize 46.97 acres) of the 113.845 acres development for residential use.

Article IX, Sec. 916(C) permits residential use to occupy a maximum of 40% of the developed land after the 25% open space requirement has been fulfilled. The variance request of allowing 46.97 acres (55.01%) of residential use is not in the spirit of the ordinance and does not permit a healthy mixture of uses with the development. Staff recommends denying the variance as a true hardship has not been presented for consideration. Adherence to the Ordinance would require limiting the residential acreage to 40% of the developed land after the 25% open space requirement has been fulfilled (34.155 acres).

Summary:

The subject development utilizes multi-family apartments and townhouses to provide a transition between the approved office / warehouse industrial concept and existing single-family residential properties along Stanley Road. Uses are centered along Stanley Road with a central green space located within the power line easement. The proposed development could complement the office and employment center components of the nearby Rowen project.

The proposed planned mixed-use development could be considered acceptable if the development adheres to staff's recommended conditions and Variances #1 and #3 are denied. Conditions should be approved and subject variances denied to ensure a healthy mixture of land uses that enhance the quality of life and provide needed services, provide a cohesive integration within the development, transportation improvements are completed, and aesthetic requirements are upheld. As such, the Department recommends the requested change of conditions application be approved with conditions and Variance #1 and #3 denied.

Comprehensive Plan:

The subject parcels are designated as Regional Mixed Use and Transportation Communications Utilities on the City of Dacula's 2030 Future Development Map.

The analysis of the application should be made based upon the "Standards Governing Exercise of the Zoning Power" as stated in Section 1702 of The 2000 Zoning Resolution of the City of Dacula.

1. Whether the proposed change of conditions will permit a use that is suitable in view of the use and development of an adjacent and nearby property?

The proposed development could provide a logical transition between the intensity of Winder Highway and established low-density residential developments located along Stanley Road if the proposed mixture of uses adheres to the Planned Mixed-Use District. Therefore, the proposed use with recommendations conditions could be considered suitable as proposed.

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

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

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

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

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

An increase of traffic, utility use, and school-aged children would be expected from the request. Recommended conditions are designed and expected to lessen potential burden on streets, transportation facilities, and utilities.

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

The requested zoning and affiliated concept plan is consistent with the policies and objectives of the Regional Mixed Use designation of the 2030 Future Land Use Map indicating the requested change of conditions could be considered appropriate as proposed if the proposed PMUD concept aligns with the intention of the City's Planned Mixed-Use District.

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 change of conditions?*

The development could adhere to the Planned Mixed-Use District if an appropriate and healthy mixture of uses are implemented per staff's recommendation to approve the change of conditions with zoning conditions and Variance #1 and #3 denied. The proposed development provides an employment center and housing opportunities.

Recommendation:

Based upon the application, the requested change of conditions is recommended for **approval with the following conditions and Variance #1 and Variance #3 denied.**

Condition Set #1

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

Attachment A - GRTA General Conditions

General Conditions of Approval to GRTA Notice of Decision:

Pedestrian, Bicycle and Transit Facilities

- Provide pedestrian connectivity between all buildings and uses.

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 two-lane roadway with one (1) lane in each direction**
- 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
- Install a traffic signal when warranted and approved by GDOT

** City staff recommends amending the subject condition with the following language to be consistent with ARC and GRTA required improvement for DRI #3535 (2021-CD-COC-03), “construct relocated Stanley Road as a three-lane roadway with one (1) lane in each direction and a center two-way left-turn lane along the property frontage. Stanley Road may taper into a two-lane roadway with location approval from the City of Dacula.”(See Condition Set #2, condition # 50)*

Stanley Road at Village Broad Street / Driveway 9 (Intersection 3)

- Construct Driveway 9 to consist of one (1) ingress lane and one (1) egress lane under side street stop control

Stanley Road at Driveway 1 (Intersection 4)

- Construct Driveway 1 to consist of one (1) ingress lane and one (1) egress lane under side street stop control

Stanley Road at Driveway 2 (Intersection 5)

- Construct Driveway 2 to consist of one (1) ingress lane and one (1) egress lane under side street stop control

Pipeline Road at Driveway 3 (Intersection 6)

- Construct Driveway 3 to consist of one (1) ingress lane and one (1) egress lane under side

street stop control

Pipeline Road at Driveway 4 (Intersection 7)

- Construct Driveway 4 to consist of one (1) ingress lane and one (1) egress lane under side street stop control

Stanley Road at Driveway 5 (Intersection 8)

- Construct Driveway 5 to consist of one (1) ingress lane and one (1) egress lane under side street stop control

Stanley Road at Driveway 6 (Intersection 9)

- Construct Driveway 6 to consist of one (1) ingress lane and one (1) egress lane under side street stop control

Stanley Road at Driveway 7 (Intersection 10)

- Construct Driveway 7 to consist of one (1) ingress lane and one (1) egress lane under side street stop control

Stanley Road at Driveway 8 (Intersection 11)

- Construct Driveway 8 to consist of one (1) ingress lane and one (1) egress lane under side street stop control

**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 require re-review from GRTA so long as the following GRTA 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 Serve 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.

Roadway 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 two-lane roadway with one (1) lane in each direction**
- 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
- Install a traffic signal when warranted and approved by GDOT

** City staff recommends amending the subject condition with the following language to be consistent with ARC and GRTA required improvement for DRI #3535 (2021-CD-COC-03), “construct relocated Stanley Road as a three-lane roadway with one (1) lane in each direction and a center two-way left-turn lane along the property frontage. Stanley Road may taper into a two-lane roadway with location approval from the City of Dacula.”(See Condition Set #2, condition # 50)*

Stanley Road at Village Broad Street / Driveway 9 (Intersection 3)

- Construct Driveway 9 to consist of one (1) ingress lane and one (1) egress lane under side street stop control

Stanley Road at Driveway 1 (Intersection 4)

- Construct Driveway 1 to consist of one (1) ingress lane and one (1) egress lane under side street stop control

Stanley Road at Driveway 2 (Intersection 5)

- Construct Driveway 2 to consist of one (1) ingress lane and one (1) egress lane under side street stop control

Pipeline Road at Driveway 3 (Intersection 6)

- Construct Driveway 3 to consist of one (1) ingress lane and one (1) egress lane under side street stop control

Pipeline Road at Driveway 4 (Intersection 7)

- Construct Driveway 4 to consist of one (1) ingress lane and one (1) egress lane under side street stop control

Stanley Road at Driveway 5 (Intersection 8)

- Construct Driveway 5 to consist of one (1) ingress lane and one (1) egress lane under side street stop control

Stanley Road at Driveway 6 (Intersection 9)

- Construct Driveway 6 to consist of one (1) ingress lane and one (1) egress lane under side street stop control

Stanley Road at Driveway 7 (Intersection 10)

- Construct Driveway 7 to consist of one (1) ingress lane and one (1) egress lane under side street stop control

Stanley Road at Driveway 8 (Intersection 11)

- Construct Driveway 8 to consist of one (1) ingress lane and one (1) egress lane under side street stop control.

Section 2:

Roadway Improvement Conditions to GRTA Notice of Decision:

- There are no further recommendations for this project

Condition Set #2

Conditions of the City of Dacula

Concept Plan and Land Use

- 1) The property shall be developed in accordance with the conceptual site plan prepared by Kimley-Horn entitled TCR - Dacula dated October 3, 2022 with modification required to adhere to the approved zoning conditions. Any discrepancies between the subject concept plan and the approved zoning conditions/City Ordinances shall not be interpreted as an administrative variance. Development plans must adhere to the approved zoning conditions for the site and City Ordinances.

Any substantial deviation from the approved conceptual plan and / or remaining conditions of zoning shall be resubmitted to the City Council for consideration. The City Administrator shall determine what constitutes substantial deviation.

- 2) The following uses in the Planned Mixed-Use Zoning District shall be prohibited and made part of the owner's restrictive covenants: adult entertainment establishments, log splitting operations or storage lots, mobile home leasing or sales lots, taxi cab, limousine, or other for hire vehicle services (excluding public or private ambulatory services), solid waste transfer stations, the storage or warehousing of caustic or hazardous materials, animal rendering plants, bulk petroleum or natural gas plant and/or storage facilities, landfills, composting facilities, fertilizer manufacturing, foundries, heavy equipment rental or repair, hardship mobile homes, incinerators, junkyards, lawnmower repair shops, livestock feedlots, materials recovery facility, pawn shops, title loan and check cashing facilities, poultry houses, the raising of dangerous animals for profit or gain, privately owned septic treatment facilities, stack houses, stand-alone crematories, truck stops and/or semi storage lots.
- 3) The following uses in the Planned Mixed-Use Zoning District shall be allowed with the approval of a Special Use Permit by the Mayor and City Council of the City of Dacula: contractor's offices with outdoor storage, machine/welding/radiator or muffler repair shops, vehicle rental (without driver), churches and/or religious facilities that are not located in a standalone building or structure, automotive sales lots, general auto repair, tire stores, muffler shops, boat sales establishments, crematories as an accessory to a funeral home, equipment rental sales or service (excluding heavy equipment) with associated outside storage, helicopter landing pads, mini-warehouse / personal storage facilities, fleet vehicle parking lots, tattoo and body piercing parlors, pool or billiard halls, liquor and/or package stores, van, moving or truck rental (i.e. U-Haul, Ryder) or any other non-specified commercial and/or industrial business or use that could require outside storage.
- 4) All forms of on-site outdoor storage shall be subject to Special Use Permit approval by the Mayor and City Council. Garages within the multi-family development shall be allowed.

- 5) Fast food restaurants with or without drive-thru windows and/or curb service shall not 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.
- 6) Master covenants and deed restriction shall be made part of this development and will cover the entire planned mixed-use development. The covenants, at minimum, shall adhere to Section 916(D)(8) of the Zoning Resolution and must be approved by the City prior to final plat approval.
- 7) The open space shall not be subdivided, and the open space shall be owned and maintained by a mandatory property owners' association. The deed to the mandatory property's association shall require that the open space be perpetually maintained as open space subject only to the development of Gwinnett County / City of Dacula trail system and approved utilities easements.
- 8) A natural pedestrian walking trail with location markers connecting Parcel A, Parcel B, Parcel C, and Parcel D to the Central Green Space shall be required. The trail shall follow the natural stream where appropriate.
- 9) The Central Green Space shall be developed in accordance with "Greenspace Option 2" dated November 10, 2022 and a pedestrian walking trail, at minimum.
- 10) Residential acreage shall not exceed 40 percent of the land that can be developed after the 25 percent open space requirement has been satisfied. Detached dwelling units shall not exceed five (5) units per acre. Attached dwelling units shall not exceed thirteen (13) units per acre.
- 11) For any zoning map amendment for which the City Council is not the applicant, and upon which a development permit, building permit, or certificate of occupancy has not been issued within twenty-four (24) months of the date of approval of said amendment, the City Council may review the zoning district classification of the property and determine whether the zoning shall be continued or initiated for rezoning.

Such properties may first be reviewed by the Planning Commission, which shall make such findings and recommendations as it deems appropriate.

Architectural Design

- 12) Architectural design of industrial / warehouse facilities shall 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.

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

- 13) The fronts and visible sides of commercial building exteriors shall be constructed of brick, stone, stacked stone, stucco, EIFS, tilt-up concrete, and/or glass. The rear of the structures shall be finished with brick, stone, stucco, tilt-up concrete, glass, split faced block (CMU), painted block on the rear of the structures, or any combination thereof. Non-residential structures may contain accents of fiber-cement siding in addition to the primary construction materials. The Department of Planning and Development shall decide what is considered rear of the structure (if any). All non-residential buildings shall be constructed with flat roofs with architectural treatments to include canopies and varying parapet heights. A combination of pitched roofs and architectural parapet treatments shall be allowed with City approval. The appearance of flat roof structures shall be avoided. Mansard style roofs shall be prohibited. Ground mounted mechanical, HVAC and like systems shall be screened on all sides by an opaque wall of brick, stucco, split faced block or wood. 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 surface parking areas of the development. Architectural design shall lend the appearance of multi-tenant occupancy; facades of multi-tenant buildings shall have varied parapet height. Final architectural plans and color palate shall be submitted to the Department of Planning and Development for approval. The Department reserves the right to deny the architectural plans and color palate if they do not capture the intent of the condition to provide structures with quality materials and pleasing visual interest.
- 14) Townhouse building exteriors shall, at a minimum, be constructed of fiber cement siding with accents of brick, stone, stacked stone, stucco, or cedar shake on all sides to provide visual interest. Accent materials must be present on each unit with variation between adjoining units.

Vinyl siding shall be prohibited except as used for maintenance free accent elements such as soffits, and window casings. Residential buildings shall be constructed with a pitched roof, minimum 4 to 12 pitch, or flat roof with architectural treatments to include canopies and parapets of varying heights to avoid the appearance of a flat roof. A combination of pitched roofs and architectural parapet treatments shall be allowed with City approval. Ground mounted mechanical, HVAC and like systems shall be screened from public view by an opaque wall of brick, stucco, split faced block or wood, or landscaping. 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. The Department reserves the right to deny the architectural plans and color palate if they do not capture the intent of the condition to provide quality structures with pleasing visual interest.

- 15) Architectural design of multi-family structures shall be developed in accordance with the elevations/renderings entitled Hammond Center dated January 4, 2021. Any substantial deviation shall be resubmitted to the City Council for consideration. The City Administrator or his/her designee shall determine what constitutes substantial deviation.
- 15) Multi-family apartment buildings and facilities shall be limited to a maximum of 3-stories.
- 16) Nonresidential buildings shall be limited to a maximum height of 40-feet.
- 17) Attached residential units shall be a minimum of 750 square feet for single bedroom and 1,100 square feet for two bedroom, and 1,200 square feet for three bedrooms.
- 18) Any accessories provided such as railings, benches, trash receptacles and / or bicycle racks shall complement the building design and style.
- 19) Chain link fence shall be prohibited except around the stormwater management ponds, any dog parks, and where not visible from the right-of-way within Parcels E & F (office / warehouse industrial use). All chain link fences shall be black vinyl.
- 20) All trash dumpsters shall be screened by an enclosure using the same exterior building material as the adjacent occupied buildings. Pickup shall be limited to the hours of 7:00 a.m. to 9:00 p.m. Monday through Saturday. Dumpster enclosures shall remain closed, locked, and in good repair at all times.

Landscaping and Parking

- 21) A ten (10) foot wide landscape strip from the proposed right-of-way shall be provided along both sides of Stanley Road. The landscape strip shall be planted so as to not impede site distance along Stanley Road.
 - a. Provide non-ornamental shade trees spaced 30-feet on-center along the proposed Stanley Road right-of-way. All street trees shall be a minimum 3-inch caliper (dbh) at the time of planting. Street trees shall be planted at least six-feet from back-of-curb subject to review and approval of the City of Dacula.

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

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

22) A ten (10) foot wide landscape strip from right-of-way shall be provided along both sides of Pipeline Road. The landscape strip shall be planted so as to not impede site distance along Pipeline Road.

- a. Provide non-ornamental shade trees spaced 30-feet on-center along the Pipeline Road right-of-way. All street trees shall be a minimum 3-inch caliper (dbh) at the time of planting. Street trees shall be planted at least six-feet from back-of-curb subject to review and approval of the City of Dacula.

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

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

23) Provide a 10-foot wide landscaped buffer along the side and rear property lines of developing parcels, units, or phases. Landscape buffers shall be planted with a single row of Leyland Cypress or Cryptomeria trees, planted 30-foot on center. The buffer can be eliminated after a Building Permit has been issued on adjacent property.

24) Landscaping and fencing shall be provided around all stormwater ponds. Fencing shall remain closed, locked, and in good repair at all times. Proposed landscaping shall adhere to best management practices and provide visual interest and screening. Landscaping plans shall be reviewed and approved by the Department of Planning and Development.

25) 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 insure 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.

- 26) Parking spaces shall adhere to the minimum requirement as stated in Article X, Section 1002 of the Zoning Resolution.
- 27) Parking lot lighting shall be directed in toward the property so as not to shine directly into adjacent properties. Interior street lights shall be black, decorative, and utilize downward illumination or frosted globes only. Design rendering and lighting specification shall be subject to review and approval by the City Administrator or his/her designee.
- 28) Natural vegetation shall remain on the property until issuance of a land disturbance permit.
- 29) A specimen tree survey shall be provided for review. Specimen trees on-site shall be saved when feasible.

Signage and Advertising

- 30) The subject site shall be limited to one (1) off-site multi-tenant project monument sign located out of the right-of-way at the intersection of Winder Highway and relocated Stanley Road as long as written notarized permission from the property owner is provided to the City prior to permit issuance. The monument sign shall not exceed a maximum of 20-foot in height, is limited to a maximum 150-square foot of advertising space, and shall be constructed with a brick or masonry base (minimum two feet in height) matching the materials of the buildings. The sign shall be located so as to not impede site distance along Winder Highway. Neon or self-illuminating ground signs shall be prohibited. Sign location and design criteria are subject to review and approval by the City of Dacula.
- 31) Ground signage shall be limited to one monument-type sign for each parcel. Each sign is limited to a maximum 50-square foot of advertising space. Monument signs shall not exceed a maximum of 6-foot in height and shall be constructed with a brick or masonry base (minimum two feet in height) matching the materials of the buildings. Neon or self-illuminating ground signs shall be prohibited. Signs shall be set back 15 feet from Stanley Road and Pipeline Road right-of-way and located so as to not impede site distance along Stanley Road and Pipeline Road. Sign location and design subject to review and approval by the City of Dacula.
- 32) Temporary signage shall be regulated and/or permitted as stated in Article XII (Signs and Advertising) of the City of Dacula Zoning Resolution with the following exceptions:
 - a. Business specific temporary signage must be mounted flush onto or against existing permitted structures within the development.
 - b. Temporary signage shall be prohibited on individual residential units.
- 33) 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.

- 34) Tents, free-standing-canopies, streamers or roping decorated with flags, tinsel, decorative balloons, hot-air balloons or other similar materials shall be prohibited on the site. Yard and sail signs shall be permitted for residential leasing purposes only.
- 35) Oversized signs or billboards shall be reviewed and permitted separately and must abide by the procedures and regulations as stated in Article XII of the Zoning Resolution.

Transportation and Infrastructure

- 36) 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 and Gwinnett County Department of Transportation respectively.
- 37) Applicant/developer shall pay its proportionate share of the costs of a traffic signal at the intersection of Winder Hwy and relocated Stanley Road when warranted.
- 38) The entire section of Stanley Road and Pipeline Road within the development shall be improved and paved with asphalt to the City of Dacula/Gwinnett County performance standards respectively. Stanley Road improvements shall meet existing asphalt to ensure a continuous paved road. Road improvements shall be fully installed and functional prior to the issuance of a certificate of occupancy for any portion of the development.
- 39) The developer/ owner shall, at its expense, construct all improvements associated with a phase of construction including, but not limited to, paving and striping roadways, curb, gutter, road signage, and installation of all water and sewer infrastructure necessary for the development of that phase prior to the issuance of any certificate of occupancy permits for that phase of work.
- 40) It shall be the responsibility of the applicant to secure at no cost to the City and/or Gwinnett County, all necessary right-of-way to implement the required improvements.
- 41) Ownership and maintenance of drives, roads, side streets, alleys, and/or parking lots found on the subject site shall be the responsibility of the developer and/or private property owner.
- 42) All new utility lines shall be located underground. The developer shall be responsible for the relocation of public or private utilities and stormwater infrastructure.
- 43) 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.
- 44) Provide inter-parcel access (curb cuts) where possible to contiguous parcels of the mixed use development.

- 45) All vehicular access onto the proposed private drive must meet the City of Dacula's project access improvement standards of a public road. All improvements shall be provided by the developer.
- 46) A five-foot sidewalk shall be required adjacent to both sides of proposed Stanley Road and Pipeline Road right-of-way. The sidewalk location shall be reviewed and approved by the City of Dacula and Gwinnett County Department of Transportation respectively.
- 47) Sidewalks shall be constructed with an additional 2-foot by 8-foot pad approximately every 300 linear feet to accommodate pedestrian amenities such as benches, planters, and trash 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.
- 48) Provide decorative light poles / fixtures along proposed Stanley Road and Pipeline Road right-of-way. 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. Street light service fees and maintenance are the responsibility of the property owners association. A separate lighting plan showing type of light and locations shall be submitted to the City for review and approval.
- 49) A sign prohibiting truck access at the intersection of Stanley Road and Pipeline Road shall be required adjacent to the Stanley Road right-of-way / dedicated easement at the end of the proposed Stanley Road improvements.
- 50) Amend ARC and GRTA condition, "construct relocated Stanley Road as a two-lane roadway with one (1) lane in each direction" with the following language, "construct relocated Stanley Road as a three-lane roadway with one (1) lane in each direction and a center two-way left-turn lane along the property frontage. Stanley Road may taper into a two-lane roadway with location approval from the City of Dacula" The amended language is consistent with ARC and GRTA required improvement for DRI #3535 and City Council approved 2021-CD-COC-03.

Private Access

- 51) It is the responsibility of the owner and/or developer to provide pass codes, keys, and/or up to date contact information for controlled entrance locations to the Dacula Marshal's Department, Gwinnett County Police Department, and Gwinnett County Fire Department.
- 52) Contact information for any maintenance associations, homeowner associations, property owners association and/or private security company's shall be submitted and updated regularly with the Dacula Marshal's Department and the Dacula Planning and Development Department.

- 53) Controlled access for the multi-family parcel shall consist of gates, swing fences, entry posts, or other similar mechanism to control vehicular or pedestrian movement.

Grading and Phasing

- 54) Prior to the issuance of a Land Disturbance Permit or Development Permit for mass grading of residential uses exceeding 10 acres, the Developer or Land Owner will submit a “Bond Stabilization and Landscape Plan” to the City of Dacula which will provide for the permanent stabilization of disturbed area(s) via rye grass seeding, tree replanting and landscaping in accordance with the City’s Development Regulations and these conditions of zoning. Tree replanting along the frontage of both sides of Stanley Road and Pipeline Road shall include non-ornamental shade trees spaced 30-feet on-center, six feet from the right-of-way or pavement edge of the private drive. All street trees shall be a minimum 2-inch caliper (dbh) at the time of planting. Interior replanting of disturbed areas shall include five (5) two-inch caliper trees (DBH) per acre.

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

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

- 55) The initial free-standing multi-family phase of the development shall be limited to 200 units. No other multi-family permits shall be issued until a minimum of 200,000 square feet of non-residential floor area have been permitted and granted a certificate of occupancy.

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

Condition Set #3

Approved Conditions of requested variances, variations, and waivers to City ordinances and regulations.

- 1) Residential acreage shall not exceed 40 percent of the land that can be developed after the 25 percent open space requirement has been satisfied. Detached dwelling units shall not exceed five (5) units per acre. Attached dwelling units shall not exceed thirteen (13) units per acre.
- 2) Chain link fence shall be prohibited except around the stormwater management ponds, any dog parks, and where not visible from the right-of-way within Parcels E & F (office / warehouse industrial use). All chain link fences shall be black vinyl.
- 3) Nonresidential buildings shall be limited to a maximum height of 40-feet.