

Memorandum

To: City of Dacula Council and Mayor,
Planning Commission and Members

From: Hayes Taylor, City Planner

Date: September 14, 2023

Subject: 2023-CD-RZ-02

Proposed Zoning: C-3 (Central Business District and Heavy Commercial District)

Existing Zoning: OI (Office-Institutional District)

Size: 0.83 acres

Proposed Use: Animal Hospital & Copy Shop

Applicant: Fransisco Garcia
2528 Pharr Avenue
Dacula, GA, 30019
404-395-2294

Owner: Francisco Garcia
2528 Pharr Avenue
Dacula, Georgia
404-395-2294

Location: 5th District, Land Lot 302A, Parcel 103

Existing Land Use and Zoning:

The subject property is located at 2528 Pharr Avenue, totals 0.8349 acres along Church Street, and is west of the Church Street and Pharr Avenue intersection. The parcel is zoned OI (Office-Institutional District) and is vacant with the exception of perimeter fencing. The parcel adjacent to the north is a non-conforming residential use, zoned OI (Office-Institutional District), and properties adjacent to the south and west are zoned R-1200 (Single-Family Residential District).

The City Council previously approved 2021-CD-VAR-03 on the subject property, which eliminated the buffer requirement for the property to allow for the construction of a copy shop. Pursuant to 2021-CD-VAR-03, the zoning conditions implemented are intended to preserve the neighborhood feel of the area by implementing restrictions on signs, dumpsters, pick-up hours, outdoor storage, security, and parking.

The Future Land Use Map approved in 2019 designates the property and the surrounding area to the north as a Community Mixed-Use district. Abutting the subject parcel to the south is existing residential property designated as a Suburban Density Residential on the Future Land Use Map.

The Proposed Rezoning & Development:

The applicant has requested to rezone the .83-acre property from OI (Office Institutional District) to C-3 (Central Business District and Heavy Commercial District) to construct a 3-suite 6,000 sf commercial building for Dacula Animal Hospital and a copy shop. Per the Zoning Resolution, veterinary clinics and animal hospitals require a C-3 zoning (Article IX, Section 907). Veterinary clinics and animal hospitals require C-3 zoning because typical functions require extended operating hours and produce high noise levels, which can introduce adverse impacts on neighboring residents.

Staff notes that the property is situated on the perimeter of the Community Mixed Activity Use character area and is adjacent to the Suburban Density Residential character area to the South. The Future Land Use map designates the subject property for Community Mixed Activity Use. The Comprehensive Plan notes that in order to shield neighborhoods from commercial traffic, commercial land uses should be concentrated in the “heart” of the Community Mixed Activity Use areas to create an appropriate transition of uses (Dacula Comprehensive Plan, Chapter 7 – Page 7.14). Therefore, the rezoning is in conflict with the Future Land Use Map.

Summary:

The proposed animal hospital increases the land use intensity from the presiding zoning district OI (Office-Institutional District) to C-3 (Central Business District and Heavy Commercial District). The rezoning is not consistent with the City’s Future Land Use Map and conflicts with the land use of adjacent properties by potentially introducing adverse impacts. For these reasons, the Department recommends that the rezoning be denied.

Comprehensive Plan:

The City of Dacula’s 2019 Comprehensive Plan labels the subject property as Community Mixed Activity Use on the Future Land Use Map. Community Mixed Use land uses are defined as “relatively large activity center nodes of commercial, office, and institutional facilities which serve several surrounding neighborhoods” ranging 40,000 to 100,000 square feet or more (The City of Dacula, Georgia 2019 Comprehensive Plan, page 7.14).

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 request will permit a use that is suitable in view of the use and development of an adjacent and nearby property?

The proposed use is inconsistent with the development pattern in the area as it is adjacent to residential use properties. In addition, the proposed rezoning is inconsistent with the Future Land Use Map. Considering the above, the proposed development is considered unsuitable as proposed.

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

The rezoning could adversely impact the surrounding residential properties.

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

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

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

The proposed use is not expected to increase the burden of use for utilities, or schools. Business-related traffic, such as customers and/or delivery trucks could affect existing streets.

5. ***Whether the proposed rezoning request conforms with the policy and intent of the Land Use Plan?***

The City of Dacula's Future Land Use Map designates the property for a Community Mixed-Activity Use Center. As such, the proposed rezoning would not be considered currently suitable at this location.

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?***

There is a lack of Council precedent for C-3 zoning in the nearby area. The evaluation of appropriate future uses of the property should take into consideration the immediate uses around the area.

Recommendation:

Based on the application, the requested rezoning is recommended for denial. Should the City Council approve the application, the following conditions are recommended:

The Department notes the Planning Commission unanimously recommended denial of the requested rezoning at the Public Hearing on September 25, 2023.

Land Use

1. The property shall only be developed for office and animal hospital/veterinary clinic. Any substantial deviation from the approved concept plan entitled 2528 Pharr Avenue by Grant Shepard & Associates, dated April 15, 2021 and conditions of zoning shall be resubmitted to the Mayor and Council for consideration. The City Administration shall determine what constitutes substantial deviation.

2. No kennel or overnight services will be permitted.
3. No outdoor storage shall be permitted.
4. One ground sign shall be permitted. The ground sign shall be monument-type only with indirect lighting. The ground sign shall be limited to a single monument-type sign with a brick or stacked stone base of at least 2 feet in height. Neon or self-illuminating ground signs shall be prohibited.
5. Parking lot and security lighting shall be directed towards the property to minimize the adverse impact on neighboring properties.
6. 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 6:00 p.m., Monday through Friday. Dumpster enclosures shall remain closed, locked, and in good repair at all times.
7. Business hours will be limited to 9 a.m. to 6 p.m., Monday through Friday, and 9 a.m. to 2 p.m. on Saturday.
8. No tents, canopies, temporary banners, streamers, or roping decorated 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.
9. Human sign spinners and/or twirlers shall be prohibited.
10. The elimination of the 50-foot undisturbed buffer requirement on the south and west property lines will be maintained. The existing fence shall be maintained by the property owner and be in good repair at all times.
11. All business activity shall be contained within the primary building.
12. Parking must meet requirements as stated in Article XII of the Zoning Resolution.
13. The owner must provide a 20-foot access easement along the southern property boundary to permit access to existing utilities.
14. Provide fencing along the front, side, and rear property lines. Prior to issuance of a Certificate of Occupancy, any fence located in the front shall be ornamental or decorative and constructed of brick, stone, wood, wrought iron, and/or split rail, and shall not exceed 4 feet in height. Fencing on the rear and side of the property must be constructed of materials approved by the City Administrator prior to permit issuance.
15. Provide a five-foot wide landscape strip outside of the right-of-way along Church Street. The landscape strip shall include at least two understory plants/shrubs every 10 linear feet. The landscape strip shall include boxwoods, viburnum, juniper, murraya, or shrub species useful for noise prevention approved by the City.

Architectural Design

1. The proposed elevation, building materials, and colors shall be approved by the City prior to building permit issuance. The face shall resemble the surrounding residential dwelling with the front and side faces constructed of brick, stone, or stucco with

accents of fiber shake, board, or fiber cement siding. The remainder of the structure shall be constructed of brick, stone, stucco, concrete fiber, or similar material.

2. The front yard shall be sodded.