



FAX: (770) 513-2187

City of Dacula

442 Harbins Road
P.O. Box 400
Dacula, GA 30019

Phone: (770) 963-7451

December 15, 2021

Oliver Pryor
Managing Member
Top Capital LLC
1690 South Lumpkin Street
Athens, GA 30606

RE: Zoning Certification of Property Located within the City of Dacula on parcels located in Land Lot 304 of the Fifth District of Gwinnett County, Georgia

Dear Sir or Madam:

This letter is to certify that property located within the City of Dacula on tax parcel R5304 297 of Gwinnett County, Georgia as shown on a preliminary lot division plat titled Dacula Square 765 Dacula Road Dacula, Georgia prepared by Atwell, LLC dated December 9, 2020 is zoned C-2 (General Business District) pursuant to 2018-CD-RZ-04.

Attached is the portion of the City Of Dacula's Zoning Resolution governing the C-2 zoning district as well as the resolution and conditions on the property from the stated case.

The proposed use (automated carwash) complies with the City Of Dacula's Zoning Resolution. If you have any questions, please contact Dacula City Hall at (770) 963-7451.

Best Regards,

Heather Coggins, Assistant City Administrator
City Of Dacula
442 Harbins Road
P.O. Box 400
Dacula, Georgia 30019

"CITY OF HOMES"

City of Dacula
Gwinnett County
Dacula, Georgia

Resolution

READING AND ADOPTION:

At the regular meeting of the Mayor and Council held at the Dacula City Hall in the Council Chambers, 422 Harbins Rd., Dacula, Georgia.

<u>Present:</u>	<u>Vote</u>
Jimmy Wilbanks, Mayor	—
Wendell Holcombe, Councilman	<u>Yea</u>
Susan Robinson, Councilwoman	<u>Yea</u>
Daniel Spain, Councilman	<u>Yea</u>
Hubert Wells, Councilman	<u>Yea</u>

On Motion of Councilman Wendell Holcombe, which carried 4-0, the following resolution was adopted,

A RESOLUTION TO AMEND THE OFFICAL ZONING MAP

WHEREAS, the Planning and Zoning Board has held a duly advertised public hearing and has filed a formal recommendation with the Mayor and Council of the City of Dacula an Application to amend the Official Zoning from R-1400 CZP Single-Family Residential District to C-2 General Business District by Applicant: Butler Properties and Development, LLC, Owner: Hebron Baptist Church, Inc., for a proposed commercial retail center development on a tract of

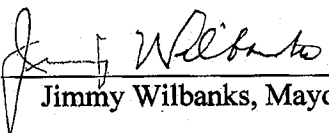
land described by the attached legal description, which is incorporated hereof and made a part hereof by reference; and

WHEREAS, notice to the public regarding said Amendment to the Official Zoning Map has been duly published in the GWINNETT DAILY POST, the Official News Organ of Gwinnett County; and

WHEREAS, a public hearing was held by the Mayor and Council on December 6, 2018 and 0 objections were filed;

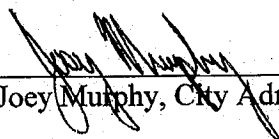
NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council this 6th day of December, 2018 that the aforesaid application to amend the Official Zoning Map from R-1400 CZP to C-2 is hereby APPROVED subject to the following enumerated conditions.

MAYOR AND COUNCIL MEMBERS

By: 
Jimmy Wilbanks, Mayor

Date Signed: 12-7-2018

ATTEST:


Joey Murphy, City Administrator

Applicant: Butler Properties and Development, LLC
Owner: Hebron Baptist Church, Inc.

Case Number 2018-CD-SUP-01

City of Dacula
Gwinnett County
Dacula, Georgia

Resolution

READING AND ADOPTION:

At the regular meeting of the Mayor and Council held at the Dacula City Hall in the Council Chambers, 422 Harbins Rd., Dacula, Georgia.

<u>Present:</u>	<u>Vote</u>
Jimmy Wilbanks, Mayor	—
Wendell Holcombe, Councilman	<u>Yea</u>
Susan Robinson, Councilwoman	<u>Yea</u>
Daniel Spain, Councilman	<u>Yea</u>
Hubert Wells, Councilman	<u>Yea</u>

On Motion of Councilman Wendell Holcombe, which carried 4-0, the following resolution was denied without prejudice,

A SPECIAL USE PERMIT FROM ARTICLE IX – USE PROVISIONS, SECTION 906 – C-2
GENERAL BUSINESS DISTRICT OF THE CITY OF DACULA ZONING RESOLUTION
WHEREAS, the Planning and Zoning Board has held a duly advertised public hearing and has filed a formal recommendation with the Mayor and Council of the City of Dacula an Application of a SPECIAL USE PERMIT from Article IX – Use Provisions, Section 906 – C-2 General Business District of the City of Dacula Zoning Resolution by Applicant: Butler Properties and Development, LLC, Owner: Hebron Baptist Church, Inc., to allow for a quick oil change

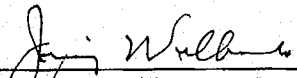
center in C-2 General Business District, which is incorporated hereof and made a part hereof by reference; and

WHEREAS, notice to the public regarding said Special Use Permit has been duly published in the GWINNET DAILY POST, the Official News Organ of Gwinnett County; and

WHEREAS, a public hearing was held by the Mayor and Council on December 6, 2018 and objections were 0 filed;

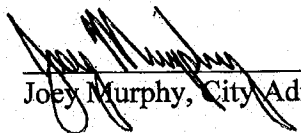
NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council this 6th day of December, 2018 that the aforesaid application to allow a quick oil change center on the subject property is hereby DENIED WITHOUT PREJUDICE.

MAYOR AND COUNCIL MEMBERS

By: 
Susan Robinson, Mayor Pro-tem
Flammy Robinson

Date Signed: 12-7-2018

ATTEST:



Joey Murphy, City Administrator

Applicant: Butler Properties and Development, LLC
Owner: Hebron Baptist Church, Inc.

Legal Description

All that tract or parcel of land, together with and including all improvements thereon, lying in Land Lots 303 and 304 of the 5th Land District of Gwinnett County, Georgia, and being more particularly described as follows:

Commencing at the northwestern right-of-way intersection of Dacula Road and Old Peachtree Road, thence along the northern right-of-way line of Dacula Road a distance of 649.00 feet to a point, that point being the POINT OF BEGINNING, thence continuing along said right-of-way along a curve to the left having an arc length of 80.44 feet, a radius of 1949.86 feet and being subtended by a chord bearing of North 18 degrees 44 minutes 53 seconds West a distance of 80.44 feet to a point, thence North 25 degrees 15 minutes 18 seconds West a distance of 557.41 feet to a point, thence leaving said right-of-way North 58 degrees 50 minutes 48 seconds East a distance of 408.77 feet to a point, thence South 25 degrees 07 minutes 52 seconds East a distance of 647.42 feet to point, thence South 59 degrees 03 minutes 14 seconds West a distance of 108.17 feet to a point, thence South 60 degrees 47 minutes 28 seconds east a distance of 307.41 feet to a point on the northern right-of-way line of Dacula Road, that point being the POINT OF BEGINNING.



DU SOUTH
SURVEYING & ENGINEERING, INC.
 22 BARNETT SQUARE RD.
 WASHINGTON, GA 30077
 770-374-1901 OFFICE
 www.dusouth.com

PLAN FOR:
BUTLER PROPERTIES & DEVELOPMENT
 765 DACULA ROAD
 LAND LOTS 318 & 314
 5th LAND DISTRICT
 CITY OF DACULA
 GWINNETT COUNTY, GEORGIA

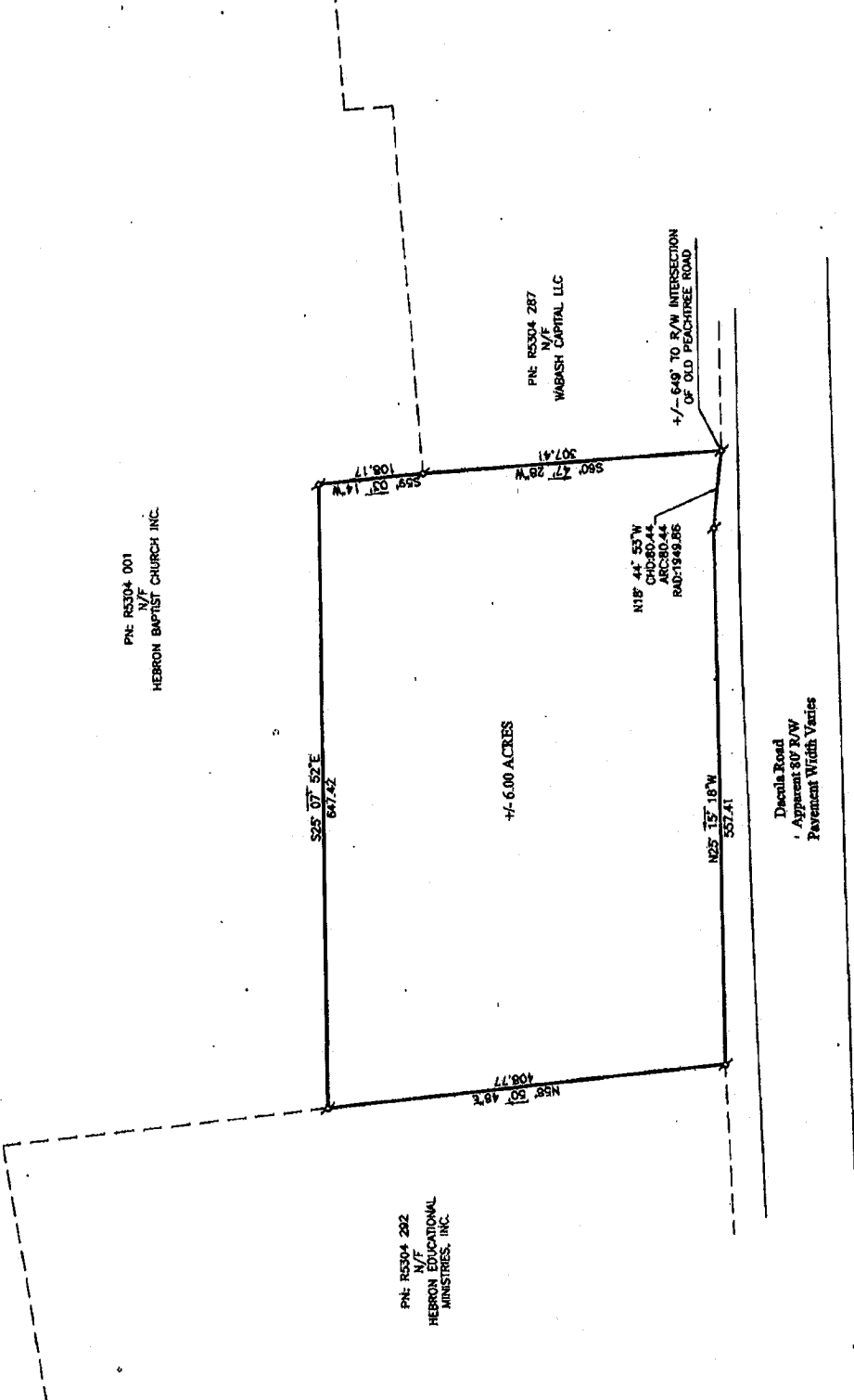
CHANGES	DATE

DATE
 10-05-18

PROJECT
 18-039-01S

CONCEPTUAL BOUNDARY

SHEET 1 OF 1



1. TOTAL ACRES: ± 6.00 ACRES
2. THIS IS NOT A BOUNDARY SURVEY. NO FIELD LOCATION HAS BEEN PERFORMED.
3. BOUNDARY LINES ARE REFERENCED FROM A SURVEY BY LAND DEVELOPMENT SURVEYORS, INC. DATED 05/03/14, AND RECORDED IN PLAT BOOK 132, PAGE 6.

REZONING CASE: 2018-CD-RZ-04

Owner: Hebron Baptist Church, Inc.

Applicant: Butler Properties and Development, LLC

APPROVED CONDITIONS OF ZONING– December 6, 2018

1. The property shall be developed in accordance with the conceptual site plan prepared by DūSouth Surveying & Engineering, Inc. dated August 1, 2018. Any substantial deviation from the approved conceptual plan and/or conditions of zoning shall be resubmitted to the Mayor and City Council for consideration. The City Administrator shall determine what constitutes substantial deviation.
2. 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, or split faced block. Architectural design 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.
3. A 15-foot wide landscape strip shall be provided along the commercial tract frontage of Dacula Road. The landscape strip shall be planted so as to not impede sight distance along Dacula Road. A landscape plan shall be submitted to the City for approval prior to the issuance of a development permit.
4. Provide a 10-foot wide landscaped strip along the side and rear property lines. Landscape strips shall be planted with a single row of Leyland Cypress trees, planted 30-foot on center.
5. A parking lot landscape plan shall be 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.
6. Ground signage shall be limited to one monument-type sign for each commercial lot fronting Dacula 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 Dacula Road and located so as to not impede site distance along Dacula Road. Sign location and design subject to review and approval by the City of Dacula.

7. No outdoor storage shall be permitted on site.
8. The required 75-foot undisturbed buffer on the northern side property line shall be eliminated as proposed and replaced with a 10-foot wide landscape strip. The required 75-foot buffer on the eastern property line (rear) may be graded and replanted to facilitate installation of stormwater ponds and utilities.
9. A 5-foot wide sidewalk shall be constructed/replaced on the property frontage of Dacula Road.
10. 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.
11. 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/developers expense prior to the issuance of any certificates of occupancy for the development.
12. 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.
13. Provide pedestrian street lights along Dacula Road utilizing decorative light poles/fixtures. The lights shall be placed adjacent to (not on) the public right-of-way. Light source shall be high-pressure sodium and installed 150-feet on center. Light poles shall be black and maximum 25-feet high. Pedestrian street light design and placement shall be subject to review and approval by the City of Dacula.
14. Parking lot lighting shall be directed in toward the property so as not to shine directly onto adjacent properties.
15. 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.
16. 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.
17. Site grading adjacent to Dacula Road will be consistent in elevation to the right-of-way of Dacula Road to ensure adequate sight distance.

18. Human sign spinners and/or twirlers shall be prohibited.

19. Interparcel access drive shall be provided to the parking area of parcel #5304 287 (AutoZone).

**Zoning Resolution
of the City of Dacula, Georgia**

**Article IX
Use Provisions**

Section 906 C-2 General Business District.

The C-2 General Business District is intended primarily for those commercial uses that require a location accessible to large numbers of people and that serve substantial portions of the community. This C-2 General Business District is intended to provide adequate space in appropriate locations along major streets, thoroughfares and at intersections for various types of business use. These uses should include the retailing of major goods and services, general office facilities and public functions that would serve a community area of several neighborhoods. Development of uses in the District characteristically occupies a larger area than in the C-1 Neighborhood Business District because it is intended to serve a greater population and to offer a wider range of services. Orientation and expansion of this District should occur as an increase in depth at major intersections rather than as a strip-like extension along the street or thoroughfare.

A. Area, Yard and Height Requirements:

Dist.	Minimum Dwelling Unit Size (Sq.Ft.)	Minimum Lot Area Size (Sq.Ft)	Minimum Width (Ft)	Setback from Right-of-Way (Ft.)		Minimum Side Yard (Ft.)	Minimum Rear Yard (Ft.)	Maximum Height (Ft.)
				Major Street (Ft.)	Interior Street (Ft.)			
C-2	-	none	40	50	50	10 ⁽¹⁾	15 ⁽¹⁾	40

(1) Buffer zones are required in addition to side and rear yard where an office-institutional, business, or manufacturing use abuts a Residential District.

B. Permitted Uses:

Only the following permitted uses shall be allowed in the C-2 General Business District and no structure shall be erected, structurally altered or enlarged for any use other than a use permitted herein with the exception of: a) uses lawfully established prior to the effective date of the amendment; b) special exceptions as permitted herein; or, c) accessory uses defined in Article III, Definitions; or other uses which are clearly similar to and consistent with the purpose of this District.

1. Accessory Buildings, Structures and Uses.
2. Appliance Repair Shop.
3. Art Gallery.
4. Banks and other financial institutions.
5. Beauty parlors and barber shops.
6. Building, electrical or plumbing contractors (provided no equipment or materials are stored outside).
7. Building supply stores.
8. Business college or business schools operated as a business enterprise.
9. Camera Store.
10. Car Wash.
11. Clinic, Medical, Public/Private.

12. Clothing Sales.
13. Community Center.
14. Convenience Food Store.
15. Cultural facilities.
16. Dance Studio.
17. Day care facilities provided they comply with all State day care and Health Department requirements.
18. Dental Clinic or Dental Laboratory.
19. Department stores.
20. Drug stores and pharmacies.
21. Dry Cleaning Facility.
22. Electronic sales and service establishments.
23. Equipment rental (excluding heavy equipment, bulldozers, backhoes, forklifts, cranes, etc., and provided there is no outside storage associated with the use).
24. Fitness Center, Health Club, Spa.
25. Flower and gift shops.
26. Food stores or grocery stores.
27. Furniture rental or sales establishments.
28. Garden Center/Plant Nursery.
29. Gasoline Service Station.
30. Gift Shop
31. Hardware Store.
32. Health, Clinic or Spa.
33. Jewelry Store.
34. Laundry, Self-serve, Pick-up.
35. Locksmith.
36. Lodges, fraternal and social organizations.
37. Medical Laboratory.
38. Mini-warehouse/personal storage facilities.
39. Museum, Historical Display.
40. Newspaper and printing facilities.
41. Offices, Professional and Business.
42. Parking lots and parking garages.
43. Park or Playground.
44. Picture Framing.
45. Photocopying/Reproduction Service.

46. Photographic Studio or Supply.
47. Planned Shopping Centers.
48. Plumbing, electrical, pool and home building supply showrooms and sales centers (provided there is no outdoor storage associated with the use).
49. Public and private educational institutions offering general education courses, including nursery schools and kindergartens.
50. Public buildings and facilities (government owned).
51. Public offices or Buildings.
52. Radio, recording or television studios, broadcasting stations and facilities.
53. Recreation facilities (indoor, such as bowling alleys, skating rinks, shooting ranges and movie theaters).
54. Shoe Repair.
55. Shopping Centers, including grocery stores.
56. Taxidermist.
57. Transportation terminals for passengers.
58. Travel Agency.
59. Utility structures such as electric transformer stations, telephone exchanges, gas regulator stations, water and wastewater pumping stations, and water tanks may be located to serve the public interest, provided such facilities comply with the following requirements:
 - a. Any building or structure, except a surrounding fence, shall be set back at least thirty (30) feet from any property line.
 - b. The facility shall be completely surrounded by a woven wire fence at least eight (8) feet high.
 - c. The facility shall be furnished with a planted buffer not less than ten (10) feet wide to create an effective visual screen on all sides.
 - d. The facility may not be used for the storage of vehicles or equipment.
60. Watch Repair.

C. Temporary Uses

1. Within the C-2 General Business District only the following temporary uses are permitted:
 - a. Fruit Stands:
 - (1) The sale of fruits and vegetables not to exceed a period of three (3) months.
 - b. Charitable or Non-profit Private Events:
 - (1) Not to exceed a period of two (2) days.
 - c. Pumpkin and Christmas Tree Sales:
 - (1) Allowed between October 15 and January 1.

- d. Sidewalk Sales:
 - (1) The sale of any items in association with an existing business located on the premises as a principal use.
 - (2) Not to exceed 2 days.
- e. Celebrations and/or Customer Appreciation Events for Private Businesses:
 - (1) Event must be located on the same premises as a principal use (i.e., parking lot or tent sales).
 - (2) Events shall be limited to a maximum two (2) events per location for each calendar month.
 - (3) A total of six (6) events per location for each calendar year.
- f. Privately sponsored community events:
 - (1) Public roadways shall remain open with adequate traffic control.
 - (2) Not to exceed a maximum two (2) days.
- g. Farmers Markets / Outdoor Markets:
 - (1) The market must be located wholly on private property.
 - (2) Adequate parking and safety signage shall be provided to ensure safe pedestrian and vehicle travel.
 - (3) Grass parking is allowed off of public right-of-way if a paved entrance is utilized.
 - (4) The use shall be limited to weekend Saturdays & Sundays between the hours of 8:00AM to 4:00 PM. The sale of alcohol is prohibited.
- h. The sale of fireworks with the following requirements:
 - (1) The temporary sales location must be accessed through an approved D.O.T. entrance.
 - (2) A paved parking area with a minimum of five (5) parking spaces must be available for patron and seller use.
 - (3) On-site generators are prohibited.
- 2. Requirements for Approval of a Temporary Use Permit:
 - a. Written permission of the property owner(s) must be provided.
 - b. Private events shall not encroach public property or right-of-way without permission.
 - c. A total of two (2) signs may be erected for temporary events under with the following considerations:
 - 1) Air-or gas-filled balloons or other devices which have a capacity for air or gas which does not exceed three (3) cubic feet.
 - 2) Streamers or pennants.
 - 3) Flags or banners, maximum size of thirty-two (32) square feet.
 - 4) Temporary signs shall not be closer than ten (10) feet to the pavement of any street or

any public right-of-way.

5) Temporary yard signs not to exceed six (6) square feet.

- d. Adequate parking, ingress and egress must be provided on-site or written permission must be obtained if parking is provided on an adjoining property.
- e. All requirements of the Fire Marshal's Office, Georgia Environmental Health Department, and the USDA must be followed at all times regarding food preparation, preservation, and sales.
- f. Requirements of the Dacula Alcohol Ordinance must be adhered to at all times. An off duty uniformed Post certified officer is required onsite if alcohol is to be served on the premises of the event.
- g. All other requirements for licenses and regulations of the City of Dacula shall be met.
- h. Temporary use permits shall be counted towards a business not a multi-tenant commercial building.
- i. Restroom facilities shall be provided by the applicant during the temporary event.
- j. A certificate of general liability insurance (minimum \$1,000,000) must be provided prior to permit approval.
- k. A temporary permit is applied for and approved by the City Administrator or his/her designee.
- l. The City Administrator shall have the authority to grant administrative variances on temporary uses and requirements of a temporary use permit.

D. Special Exceptions:

Within the C-2 General Business District, the following uses may be permitted provided the applicant for such a development is granted a Special Exception subject to the approval of the Mayor and City Council.

1. Automobile, Muffler and/or Brake Shop.
2. Automobile, Tune-up shop.
3. Caretaker or watchman quarters as an accessory use for the purpose of securing outside storage of equipment and materials that are associated with the primary use of the business.
4. Contractor's offices or the outside storage of equipment or materials in the rear yard that is screened by an opaque fence and landscaping.
5. Residential or community shelter.

E. Special Uses.

Within the C-2 General Business District, the following uses may be permitted provided the applicant for such a development is granted a Special Use Permit by the City Council after receiving recommendations from the City Administrator and Planning Commission and after a public hearing.

1. Automotive sales lots and associated service facilities (new or used).
2. Boarding and rooming houses.

3. Places of worship to include but not necessarily be limited to churches, temples, mosques, synagogues or the like located in single occupancy buildings.
 4. Quick Oil Change Store.
 5. Tire Store.
 6. Van, Moving or Truck Rental (e.g. U-Haul, Ryder) provided such facilities comply with the following requirements:
 - a. Equipment or rental vehicles shall not be parked or stored in the required front yard.
 - b. The storage area for the vehicles or equipment to be rented shall be screened by a solid fence at least six (6) feet high.
 - c. The storage area shall be located no closer than 100 feet from any side or rear property lines zoned residential and shall be appropriately landscaped and maintained.
 7. Auto body repair shops.
 8. Building materials sales with outdoor storage.
 9. Heavy equipment and farm equipment rental or sales and service.
 - a. Equipment or rental vehicles shall not be parked or stored in the required front yard.
 - b. The storage area for the vehicles or equipment to be rented shall be screened by a solid fence at least six (6) feet high.
 - c. The storage areas shall be located no closer than 100 feet from any side or rear property lines zoned residential and shall be appropriately landscaped and maintained.
 10. Mobile home or mobile building leasing or sales lots (new or used).
 11. Recreation facilities (commercial outdoor, such as miniature golf courses, driving ranges, water slides or drive-in theaters).
- F. Other Provisions
1. No outdoor storage except as otherwise provided herein.
 2. Mobile food units are permitted with a City issued permit.