

**CITY OF PEACHTREE CORNERS
COMMUNITY DEVELOPMENT DEPARTMENT**

SPECIAL USE PERMIT ANALYSIS

PLANNING COMMISSION DATE: MAY 14, 2024

CITY COUNCIL DATE: JUNE 25, 2024

CASE NAME: **FORUM ART GALLERY**

CASE NUMBER: **SUP2024-001**

CURRENT ZONING: MUD

LOCATION: 5161 PEACHTREE PKWY., SUITE 905

MAP NUMBERS: 6th DISTRICT, LAND LOT 317

ACREAGE: 0.1+/- ACRES TENANT SPACE

REQUEST: APPROVE USE PERMIT TO ALLOW AN EVENT SPACE IN AN EXISTING SHOPPING CENTER

FUTURE DEVELOPMENT MAP: CENTRAL BUSINESS DISTRICT

APPLICANT: ANDERSON SMITH
3478 LAKESIDE DRIVE
ATLANTA, GA 30326

CONTACT: ANDERSON SMITH
404-782-7321

OWNER: TGA NAP FORUM ON PEACHTREE OWNER LLC
5185 PEACHTREE PKWY #340
PEACHTREE CORNERS, GA 30092

RECOMMENDATION: APPROVE WITH CONDITIONS

SUMMARY:

The applicant is seeking approval of a special use permit to allow for an event facility within an art gallery in The Forum shopping center along Peachtree Parkway between Peachtree Corners Circle and East Jones Bridge Road. The property is zoned MUD and is adjoined by other MUD and C-2 properties in most directions, with residential zoning to the rear of The Forum. The tenant space that the applicant would like to occupy is 4,330 sq. ft. in size and located next to the Barnes and Noble store.

The existing MUD zoning allows special event facilities with an approved special use permit. The applicant's primary business is intended to be an art gallery. However, the applicant would also like to rent the gallery space to individuals and organizations for private events.

ZONING HISTORY:

The property was rezoned from C-2 to MUD in 2022 to facilitate redevelopment of portions of The Forum. Prior to that, The Forum was mostly constructed in its current form and completed by 2002.

ZONING STANDARDS:

Zoning Code Section 1702 identifies specific criteria that should be evaluated when considering a zoning decision. These criteria are enumerated as 'A' through 'F', below. Following each item is the applicant's response followed by Staff's comment.

A. Will this proposed rezoning, special use permit, or change in conditions permit a use that is suitable in view of the use and development of adjacent and nearby property?

Applicant's Response: Yes. The space is suitable in view of adjacent and nearby properties. The space will be used as an art gallery to host art exhibits for gallery artists and related events. Not an event hall.

Staff's Comment: Yes. The rental of the space for private events is not the primary business; however, it is a key component to the applicant's business model.

B. Will this proposed rezoning, special use permit, or change in conditions adversely affect the existing use or usability of adjacent or nearby property?

Applicant's Response: It will not affect any properties adjacent to location.

Staff's Comment: No. The private events aspect of the business should not affect nearby businesses if properly managed.

C. Does the property to be affected by a proposed rezoning, special use permit, or change in conditions have reasonable economic use as currently zoned?

Applicant's Response: It does not.

Staff's Comment: The property has a reasonable economic use as currently zoned.

D. Will the proposed rezoning, special use permit, or change in conditions result in a use which will or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities, or schools?

Applicant's Response: It will not. Facility is being used for an art gallery.

Staff's Comment: Given that the shopping center and this tenant space already exists and there is sufficient parking on site, impacts on infrastructure should remain unchanged. There will be no impact to schools.

E. Is the proposed rezoning, special use permit, or change in conditions in conformity with the policy and intent of the land use plan?

Applicant's Response: No change in conditions. Occupying the space on an As-Is space for use as an art gallery.

Staff's Comment: (see Comprehensive Plan heading, below.)

F. Are there are other existing or changing conditions affecting the use and development of the property which give supporting grounds for either approval or disapproval of the proposed rezoning, special use permit, or change in conditions?

Applicant's Response: No other changing conditions.

Staff's Comment: Yes. The Forum is the city's largest shopping center and a unique draw for its mix of retail and service tenants. The addition of an event space within an art gallery, could be an additional draw for the center.

COMPREHENSIVE PLAN:

The 2045 Comprehensive Plan's Character Area Map indicates that the property is located within the Central Business District Character Area. Policies for this area encourage a mixture of uses including destination-type retail and service businesses in mixed-use settings.

DEPARTMENT ANALYSIS:

The proposal for an event space within an art gallery is consistent with MUD zoning. Additionally, this site is within a large, mixed-use, regional shopping center where retail and service uses are appropriate. Furthermore, as The Forum redevelops and adds new uses, an art gallery with event space is a use that does not currently exist and can act as a new draw for the center.

While art galleries usually have their own special events to showcase the work of featured artists, this gallery's business model also relies on the rental of the gallery space, itself, to individuals, businesses, organizations, and others for private events

such as birthday parties, receptions, and corporate events. If properly managed, these private events could benefit both the art gallery and the Forum.

RECOMMENDATION:

After review of the applicant 's proposal and other relevant information, it is recommended that SUP2024-001 be approved subject to the following conditions:

1. The special use permit approval shall be limited to Suite 905 as depicted on the submitted layout plan titled 'Forum Shopping Center '.
2. The business shall abide by all requirements of Section 1315 of the zoning ordinance (Activity Center/Corridor Overlay District) .
3. The applicant shall obtain all other required approvals, including alcohol license , if needed .
4. Hours of operation shall be limited to between 9:00am and 10:00pm, in conformance with the Forum shopping center hours .
5. Maximum occupancy on the premises shall not exceed 150 people or that which is determined by the building code, whichever is fewer.
6. No after-hours assembly shall be permitted on the premises, in the parking lot, or anywhere else on the shopping center property.
7. Sufficient interior modifications shall be made to Suite 905 in order to ensure that noise emanating from the gallery space shall not be audible 50 ft. beyond Suite 905.
8. The business owner shall establish and maintain a business website that, at a minimum, clearly identifies all services offered, pricing, terms, hours of operation, and provides contact information.
9. The business owner or manager shall be present at all times during each event.
10. The types of events being hosted shall not be those which, in the MUD or C-2 zoning district s, are otherwise prohibited uses or uses which require a special use permit such as a lounge, club, or nightclub.
11. The business owner shall vet all space rental requests to ensure proposed events comply with these standards.
12. The Special Use Permit shall be subject to revocation by the City Council if any illegal activity pertaining to the use, (as determined by Gwinnett County Police Department), occurs on the property or if two or more notices of violation are issued within a twelve-month time period .

