



PUBLIC HEARING APPLICATION
REZONING, SPECIAL USE PERMIT, OR CHANGE IN CONDITIONS

A properly completed application and fees are due at the time of submittal. **An incomplete application will not be accepted.** Original signatures are required for the Application.

REQUIRED ITEMS	NUMBER OF COPIES	REQUIRED	PROVIDED
Completed Application Form	• 1 original	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Boundary Survey with Legal Description	• 1 full size copy • 1- 8-1/2" x 11" or 11" x 17" reduction	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Site Plan	• 1 full size Copy • 1- 8-1/2" x 11" or 11" x 17" reduction	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Architectural Elevations	• 1 copy	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Letter of Intent	• 1 copy	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Applicant Certification with Notarized Signature	• 1 copy	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Property Owner Certification with Notarized Signature	• 1 copy	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Standards Governing Exercise of the Zoning Power	• 1 copy	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Disclosure Report Form (Conflict of Interest Certification/Campaign Contributions)	• 1 copy	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Verification of Paid Property Taxes (most recent year)	• One (1) Copy (per tax parcel)	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Electronic copy of complete package	• One (1) copy	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Application Fee	• Make checks payable to the City of Peachtree Corners	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Community Information Meeting Certification	• 1 copy	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Specimen Tree Survey	• 1 copy	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
ADDITIONAL EXHIBITS (IF REQUIRED)			
Additional site plan requirements for the RM Districts, R-TH, R-ZT, Modified, CSO, OBP, MUD or MUO rezoning requests	• 1 copy	<input type="checkbox"/>	<input type="checkbox"/>
Traffic Study	• 1 copy	<input type="checkbox"/>	<input type="checkbox"/>
Development of Regional Impact Review Form	• 1 copy	<input type="checkbox"/>	<input type="checkbox"/>
Other Information Needed to Review Application (as determined by Community Development staff)	• _____	<input type="checkbox"/>	<input type="checkbox"/>
	• _____	<input type="checkbox"/>	<input type="checkbox"/>

REZONING, SPECIAL USE PERMIT, OR CHANGE IN CONDITIONS APPLICATION

AN APPLICATION TO AMEND THE OFFICIAL ZONING MAP OF THE CITY OF PEACHTREE CORNERS, GEORGIA

APPLICANT INFORMATION	PROPERTY OWNER INFORMATION
NAME: <u>Thomas Goode</u>	NAME: <u>Peachtree Corner Shopping Center, LLC</u>
ADDRESS: <u>4631 N. Springs Court</u>	ADDRESS: <u>PO Box 81612</u>
CITY: <u>Dunwoody</u>	CITY: <u>Chamblee</u>
STATE: <u>GA</u> ZIP: <u>30338</u>	STATE: <u>GA</u> ZIP: <u>3066</u>
PHONE: <u>770-652-4240</u>	PHONE: <u>770 455-3101</u>
E-MAIL: <u>goode.thomas@yahoo.com</u>	E-MAIL: <u>Michelle@nelkinrealestate.com</u>
APPLICANT CONTACT, IF DIFFERENT THAN ABOVE	
CONTACT PERSON: <u>William J. Diehl</u>	PHONE: <u>770-925-0111</u>
CONTACT'S E-MAIL: <u>wdiehl@tokn.com</u>	

APPLICANT IS THE:

OWNER'S AGENT PROPERTY OWNER CONTRACT PURCHASER

PRESENT ZONING DISTRICT(S): C-2 REQUESTED ZONING DISTRICT: SUP for Pawn Shop

LAND DISTRICT(S): R6 LAND LOT(S): 275 ACREAGE: 10.58

ADDRESS OF PROPERTY: 7040 Jimmy Carter Blvd., Ste 4, Peachtree Corners, GA 30092

PROPOSED DEVELOPMENT: Pawn Shop

Staff Use Only This Section

Case Number: _____ Hearing Date: P/C _____ C/C _____ Received Date: _____

Fees Paid: _____ By: _____

Related Cases & Applicable Conditions:

Description:

RESIDENTIAL DEVELOPMENT

No. of Lots/Dwelling Units _____

Dwelling Unit Size (Sq. Ft.): _____

NON-RESIDENTIAL DEVELOPMENT

No. of Buildings/Lots: _____ 1 bldg.; Appox. 15 Suites

Total Bldg. Sq. Ft.: _____ ±1500 Sq. Ft (Suite 4)*

Gross Density: N/A

* Building @ 7040 Jimmy Carter Blvd
Total Square Footage 5474

FEE SCHEDULE

1. Rezoning, Change-in-Conditions and Special Use Permit Fees – Residential Zoning Districts
(note: a Special Use Permit related to a rezoning case shall not incur an additional fee)

A. For the following single-family residential zoning districts: RA-200, R-140, R-LL, R-100, R-75, RL, MHS.

- 0 - 5 Acres = \$ 500
- > 5 - 10 Acres = \$ 1,000
- > 10 - 20 Acres = \$ 1,500
- > 20 - 100 Acres = \$ 2,000
- > 100 - Acres = \$ 2,500 plus \$40 for each additional acre over 100
- Maximum Fee: \$10,000

B. For the following single and multifamily residential zoning districts: R-TH, RMD, RM-6, RM-8, RM-10, RM-13, R-SR, MH, R-60, R-ZT, R-75 MODIFIED or CSO, and R-100 MODIFIED or CSO.

- 0 - 5 Acres = \$ 850
- > 5 - 10 Acres = \$1,600
- > 10 - 20 Acres = \$2,100
- > 20 - 100 Acres = \$2,600
- > 100 - Acres = \$3,200 plus \$40 for each additional acre over 100

2. Rezoning, Change-in-Conditions and Special Use Permit Fees - Non-Residential Zoning Districts
(note: a Special Use Permit related to a rezoning case shall not incur an additional fee)

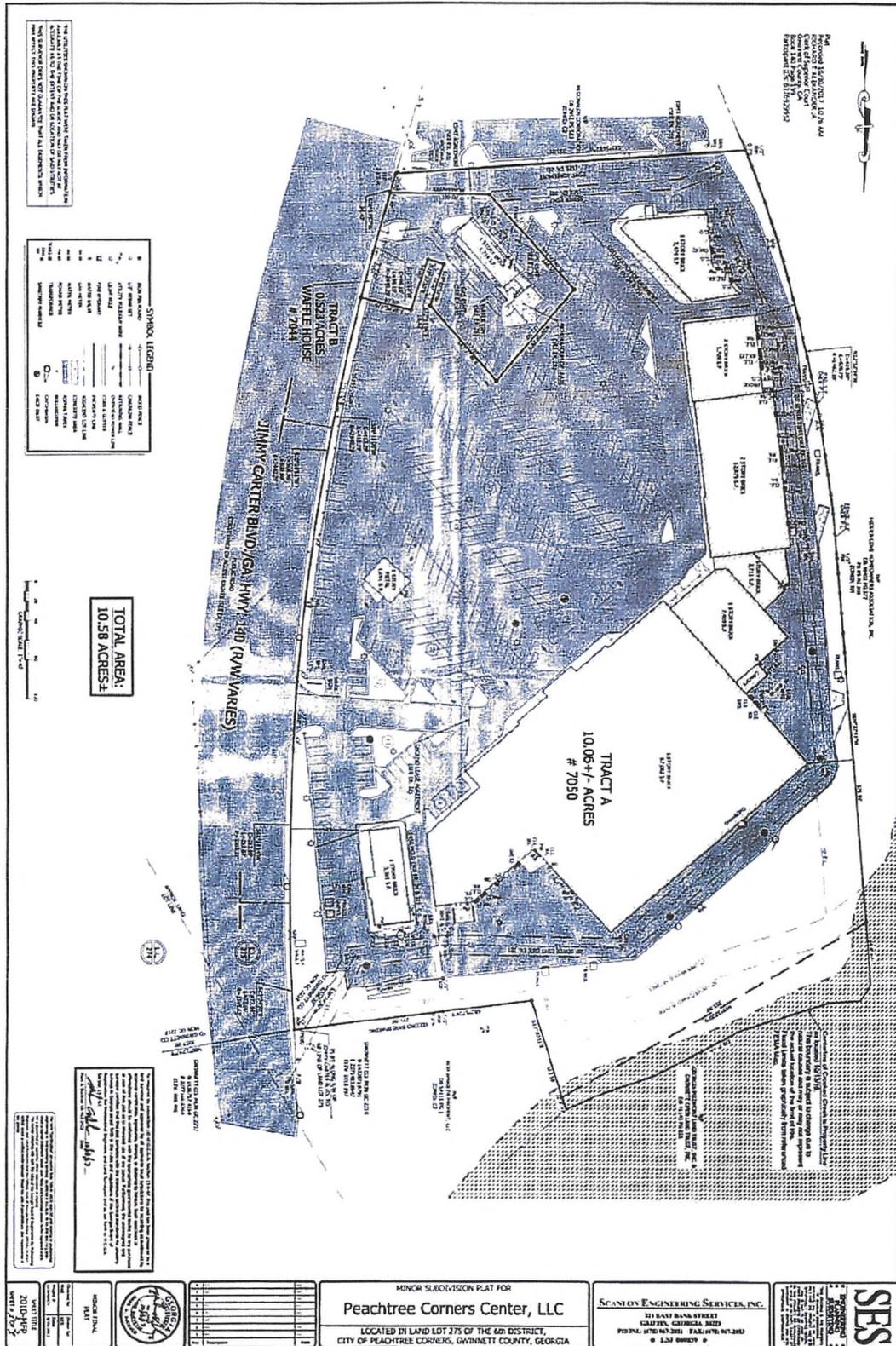
For the following office, commercial and industrial zoning districts: C-1, C-2, C-3, O-1, OBP, M-1, M-2, HS, NS.

- 0 - 5 Acres = \$ 850
- > 5 - 10 Acres = \$1,600
- > 10 - 20 Acres = \$2,100
- > 20 - 100 Acres = \$2,600
- > 100 - Acres = \$3,200 plus \$50 for each additional acre over 100

3. Mixed-Use (MUD and MUO) or High Rise Residential (HRR)

Application Fee – \$1,200 plus \$75 per acre (maximum fee - \$10,000)

- 4. Chattahoochee Corridor Review (involving a public hearing) - \$150.
- 5. Buffer Reduction (Greater than 50%) Application Fee - \$500.
- 6. Zoning Certification Letter - \$100 (per non-contiguous parcel).
- 7. Comprehensive Plan Amendment - \$1,000





THOMPSON
O'BRIEN

Thompson, O'Brien, Kemp & Nasuti, P.C.
Attorneys at Law

William J. Diehl
WDiehl@tokn.com

March 22, 2023

VIA SUBMISSION TO THE DEPARTMENT OF PLANNING & ZONING

Mayor and Council for the City of Peachtree Corners
The Planning Commission for the City of Peachtree Corners
The Planning Department for the City of Peachtree Corners
Peachtree Corners City Hall
310 Technology Parkway
Peachtree Corners, GA 30092

RE: Renewal of the Special Use Permit extended to Peachtree Corners Paw at 7040
Jimmy Carter Boulevard

To All That Are Concerned,

This office represents Tommy Goode, the owner of Peachtree Corners Pawn. Please allow this correspondence to serve as a Letter of Intent concerning the renewal of the Special Use Permit for Peachtree Corners Pawn, which operates from Suite 4 of 7040 Jimmy Carter Boulevard, Peachtree Corners, Georgia 30092 (the "Property"). Peachtree Corners Pawn has operated from the Property since 2020, when the City first extended a Special Use Permit to the Applicant (Case No. SUP 2019-002; Ordinance No. 2019-12-155). As a condition to that permit, however, the City required that the applicant resubmit its request for a special use permit in 2023.

This application is being made to extend Mr. Goode's Special Use Permit. Since occupying and using the Property, Peachtree Corners Pawn has operated without citation and without incident. Peachtree Corners Pawn and his employees have participated and engaged law enforcement in their regulation and supervision of pawn shops, allowing for inspections of the property to ensure compliance with state law. Moreover, Mr. Goode has increased commercial business and investment in the surrounding shopping center, serving as "eyes on the street" and reporting suspicious activity, illegal parking, and otherwise participating in the security of the surrounding area.

Mr. Goode, having shown that the use is compatible with surrounding uses and that the use can be made without creating public nuisance or otherwise threatening public safety or welfare, seeks a

renewal of the permit. Mr. Goode is a resident of Peachtree Corners and has respected and obeyed the regulations of the City and State in operating his business. Considering that commitment, Mr. Goode asks that the special use permit be renewed with the conditions previously in place, except that he requests the permit be extended without a renewal period going forward. Acknowledging that working relationships are central to zoning compliance, Mr. Goode would be willing to accept a condition—similar to the one previously placed on the use—that the permit only is valid while Peachtree Corners Pawn is under his ownership (or the ownership of his immediate family).

Again, Peachtree Corners Pawn strives to be an active member of the community and has operated wholly within the boundaries of the law. Mr. Goode assures the Mayor and Council for the City of Peachtree Corners that his business will be continue to act in such accord. And here, the applicant is not offering that commitment based solely on his word. Mr. Goode is willing to consider and accept reasonable accommodations to the use, to the extent that the City, including its elected officials, commissions, or staff, has particular concerns about any aspects of his business.

We look forward to engaging with the City about this application and working toward the continued operation of a thriving community-owned business in Peachtree Corners.

Very truly yours,

THOMPSON, O'BRIEN, KAPPLER & NASUTI, P.C.

A handwritten signature in black ink, appearing to read 'W. Diehl', with a large circular flourish at the end.

William J. Diehl

Enclosures

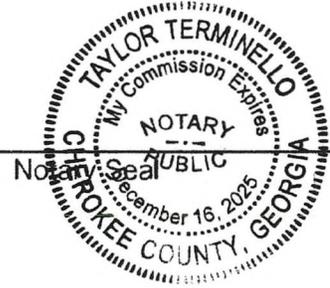
APPLICANT'S CERTIFICATION

The undersigned below states under oath that they are authorized to make this application. The undersigned is aware that no application or reapplication affecting the same land shall be acted upon within 12 months from the date of last action by the city council unless waived by the city council. In no case shall an application or reapplication be acted upon in less than six (6) months from the date of last action by the city council.

Thomas J Boode 3/21/2023
Signature of Applicant Date

Thomas J Boode
Type or Print Name and Title

Taylor Terminello 3/22/23
Signature of Notary Public Date



PROPERTY OWNER'S CERTIFICATION

The undersigned below states under oath that they are authorized to make this application. The undersigned is aware that no application or reapplication affecting the same land shall be acted upon within 12 months from the date of last action by the city council unless waived by the city council. In no case shall an application or reapplication be acted upon in less than six (6) months from the date of last action by the city council. As the property owner, I authorize the above noted applicant to act on my behalf with regard to this application.

Michelle Nelkin 03/20/2023
Signature of Property Owner Date

Peachtree Corners Shopping Center LLC / Michelle Nelkin, Managing Member
Type or Print Name and Title

Lynn McCarty 03/20/2023
Signature of Notary Public Date



APPLICANT'S RESPONSE
STANDARDS GOVERNING THE EXERCISE OF THE ZONING POWER

Pursuant to section 1702 of the 2012 zoning resolution, the city council finds that the following standards are relevant in balancing the interest in promoting the public health, safety, morality or general welfare against the right to the unrestricted use of property and shall govern the exercise of the zoning power.

PLEASE RESPOND TO THE FOLLOWING STANDARDS IN THE SPACE PROVIDED OR USE AN
ATTACHMENT AS NECESSARY:

- 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?
See attached.
- B. Will this proposed rezoning, special use permit, or change in conditions will adversely affect the existing use or usability of adjacent or nearby property?
See attached.
- 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?
See attached.
- D. Will the proposed rezoning, special use permit, or change in conditions will result in a use which will or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities, or schools?
See attached.
- E. Will the proposed rezoning, special use permit, or change in conditions is in conformity with the policy and intent of the land use plan?
See attached.
- 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?
See attached.

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PLEASE RESPOND TO THE FOLLOWING STANDARDS IN THE SPACE PROVIDED OR USE AN ATTACHMENT AS NECESSARY:

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?

Yes. Peachtree Corners Pawn has been in operating since 2019 and during its operations has not had a negative impact on the use and development of nearby and adjacent properties. The applicant seeks to renew the Special Use Permit for Suite 4 of the building located at 7040 Jimmy Carter Boulevard. The suite is 1500 SF of the 5474 SF building located in a shopping center owned by Peachtree Corners Center, LLC, 7050 Jimmy Carter Boulevard. The shopping center formerly housed a pawn shop and a check cashing establishment located in of the 7050 building. The Applicant is experienced in the industry and makes all efforts to comply with local and state regulations, including active participation in investigations by the Gwinnett County Police Department.

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

No. Peachtree Corners Pawn has peacefully operated in the shopping center. Similar businesses operate nearby. Peachtree Corners Pawn has not and will not have any adverse effects on the existing use or usability of adjacent and nearby properties.

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?

Yes, the property has a reasonable economic use it is currently zoned, although the Special Use Permit has allowed an otherwise vacant property to be put to use and to increase commercial businesses in the area.

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

No. Since the proposed pawnshop is located in an existing building within the shopping center, its impact on transportation and other infrastructure should remain unchanged.

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

Yes, Peachtree Corners Pawn's use has been permitted allowed as a special use in the C2 zoning classification. All 10.58 acres of the Peachtree Corners Center, LLC property is zoned C2. Pawn shops are not permitted anywhere in the City of Peachtree Corners other than as a special use within the C2 zoning classification. The applicant seeks the renewal of the SUP only for the 1500 SF of Suite 4.

The 2040 Peachtree Corners Character Area Map indicates that the property is located in the Holcomb Bridge Corridor Character Area. It is an appropriate use within the area.

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?

Yes. Peachtree Corners Pawn occupies only 1500 SF of the building at 7040 Jimmy Carter Boulevard. The applicant has not had any outdoor sales, display or storage. The Applicant has been in good standing with the City and has not received any violations or citations.

