

**CITY OF PEACHTREE CORNERS
COMMUNITY DEVELOPMENT DEPARTMENT**

SPECIAL USE PERMIT ANALYSIS

PLANNING COMMISSION DATE: JUNE 20, 2023

CITY COUNCIL DATE: JULY 25, 2023

CASE NAME: **PEACHTREE CORNERS PAWN**

CASE NUMBER: **SUP2023-002**

CURRENT ZONING: C-2 GENERAL BUSINESS DISTRICT

LOCATION: 7040 JIMMY CARTER BOULEVARD, SUITE 4

MAP NUMBERS: 6th DISTRICT, LAND LOT 275

ACREAGE: 10.58 ACRES, ENTIRE SHOPPING CENTER

PROPOSED DEVELOPMENT: RE-APPROVE SPECIAL USE PERMIT TO ALLOW
FOR CONTINUED OPERATION OF A PAWN
SHOP IN A C-2 DISTRICT

FUTURE DEVELOPMENT MAP: HOLCOMB BRIDGE CORRIDOR
CHARACTER AREA

APPLICANT: THOMAS GOODE
4631 NORTH SPRINGS CT
DUNWOODY GA 30338

CONTACT: JOHN UNDERWOOD, ATTORNEY
770-925-0111

OWNER: PEACHTREE CORNERS S HOPPING CENTER LLC
PO BOX 81612
CHAMBLEE GA 30366

RECOMMENDATION: APPROVE WITH CONDITIONS

UPDATE:

At the Planning Commission hearing, there were no speakers in support or opposition to this request.

After consideration, a motion was made to approve the request. The vote was unanimous.

PROJECT DATA:

The applicant is requesting re-approval of a Special Use Permit on a portion of a 10.58-acre parcel, zoned C-2 (General Business District), to allow a pawn shop. He was previously approved for this use in 2020 but was conditioned to require re-approval of the Special Use Permit in three years' time. The pawn shop owner previously had an existing pawn shop business in Peachtree Corners located about a mile away at 6889 Peachtree Industrial Boulevard. The business owner relocated his business to the Jimmy Carter Boulevard location upon the approval of the previous request in 2020.

The subject property for the proposed relocation is currently being used as the applicant's pawn shop in the large shopping center on Jimmy Carter Boulevard just northwest of Peachtree Industrial Boulevard. The specific location is the one-story building (known as 7040 Jimmy Carter Boulevard) to the south of the larger two-story building (known as 7050 Jimmy Carter Boulevard). The pawn shop business is proposed to continue in Suite 4 of 7040 Jimmy Carter Boulevard which is a 1500 square foot space.

The surrounding area is characterized by commercial establishments zoned C-2 to the north, south and east. To the west, a condominium townhome complex named Hidden Cove is zoned RM (Residential Multifamily District).

In the three years since the previous approval, there have been no code enforcement issues with the business and the city is unaware of any issues with police activity or any other negative impacts to surrounding businesses or property owners.

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. 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 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.

Staff's Comment: The pawn shop has demonstrated that it does not have a negative history at this location and is, therefore, unlikely to have a detrimental impact on the use and development of adjacent and nearby property in the proposed location.

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: 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.

Staff's Comment: The proposed Special Use Permit would allow Peachtree Corners to regulate how the business operates while not increasing any adverse effects on the existing use or usability of adjacent or 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?

Applicant's Response: 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.

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: 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.

Staff's Comment: As the proposed location already operates and is a small storefront within an existing large-scale shopping center, impacts on infrastructure should remain unchanged.

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: 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.

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

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: 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.

Staff's Comment: The fact that the existing location has operated without issue since it was approved in 2020 suggests that the proposed continuation of the use should not have a detrimental impact on the surroundings.

COMPREHENSIVE PLAN:

The 2040 City of Peachtree Corners Character Area Map indicates that the property is located within the Holcomb Bridge Corridor Character Area. This Character Area encourages a higher-intensity nodes at major intersections, with a mix of destination retail and smaller, neighborhood-serving commercial uses. The proposed Special Use Permit would not be inconsistent with these encouraged uses.

DEPARTMENT ANALYSIS:

The business in question is currently operating at this location through the granting of a Special Use Permit by the City Council in 2020. This approval came with several conditions, one of which required that the applicant request re-approval of the Special Use Permit after three years.

In the time since the business began operations at the Jimmy Carter location in 2020, the pawn shop has been a good business citizen with no code enforcement or police issues.

Therefore, after review of the applicant 's proposal and other relevant information , it is recommended that SUP20 23-002 be approved with the following conditions:

1. Pawn shop, as a special use, shall be added to the shopping center and limited to the designated location, 7040 Jimmy Carter Boulevard, Suite 4, shown on the site plan provided with this application.

2. No outdoor sales, display, or storage shall be permitted.
3. Except for a 'grand opening' type banner issued in accordance with sign ordinance requirements, no other temporary advertising such as balloons, tents, or flags shall be permitted.
4. Signage shall be limited to the following: one wall sign no greater than 36 sq. ft. in area on the front of the building; one "open" sign no greater than 3 sq. ft. located in the storefront area; and one sign slot in the monument sign for the shopping center.
5. Except for the 'open' sign, no signage shall be placed in the windows and no signage shall be placed on the roof.
6. Hours of operation for the pawn shop shall be limited to between 8:00am and 7:00pm.
7. No bars shall be permitted on the windows.
8. Pawn shop owner shall repair or repaint any graffiti or vandalism that occurs on the outside of the store within 72 hours.
9. The Special Use Permit shall be nontransferable to any party other than the wife and/or daughter of the business owner, Mr. Thomas Goode.
10. The Special Use Permit shall expire three years from the date of approval. The business owner may request to extend the Special Use Permit by filing a new application no sooner than six months prior to the expiration date. However, the Special Use Permit shall terminate at any time prior to the three-year expiration date if the city has approved a redevelopment plan for the larger shopping center; or, if the change of ownership of the shopping necessitates such termination, as determined by city staff. In either case, the applicant shall be given, at the discretion of city staff, 120 days' notice of the termination of the Special Use Permit by the city.