

**CITY OF PEACHTREE CORNERS
COMMUNITY DEVELOPMENT DEPARTMENT**

SPECIAL USE PERMIT ANALYSIS

PLANNING COMMISSION DATE: APRIL 18, 2023

CITY COUNCIL DATE: MAY 23, 2023

CASE NAME: **THE 1314 EVENT HALL**

CASE NUMBER: **SUP2023-001**

CURRENT ZONING: C-2

LOCATION: 6275 SPALDING DR., SUITE E-2

MAP NUMBERS: 6th DISTRICT, LAND LOT 313

ACREAGE: 0.1 +/- ACRES TENANT SPACE

PROPOSED DEVELOPMENT: APPROVE USE PERMIT TO ALLOW A NEW EVENT HALL IN AN EXISTING SHOPPING CENTER

FUTURE DEVELOPMENT MAP: HOLCOMB BRIDGE CORRIDOR

APPLICANT: ABUREKHAЕ UGHULU
120 BRIGHTFIELD DR
LOGANVILLE, GA 30052

CONTACT: APRIL LASH, ATTORNEY
678-764-6854

OWNER: SPALDING GREENE, LLC
6275 SPALDING DR
PEACHTREE CORNERS, GA 30092

RECOMMENDATION: DENY

UPDATE:

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

After consideration, a motion was made to deny the request. This motion was passed unanimously by the Planning Commission.

At the May 23, 2023 City Council meeting, the case was deferred to the June meeting so that the applicant could address additional questions related to his business plan and details of his operational plan. While the applicant provided his business plan with additional information, staff retains concerns about the proximity of the location to established residential neighborhoods and the incompatibility of the uses.

SUMMARY:

The applicant is seeking approval of a special use permit to allow for a new event hall business in the Spalding Greene shopping center along Spalding Drive north of Holcomb Bridge Road. The property is adjoined by other C-2 shopping center properties. To the side and rear are residential zones; across Spalding Drive is also residential.

The existing C-2 zoning permits event hall businesses with an approved special use permit. The applicant has not previously owned or operated an event hall business in Peachtree Corners.

ZONING HISTORY:

The property has not gone through any previous zoning changes. The strip mall was constructed in 1990 and the property has remained substantially the same since it was built.

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 SUP will be used to facilitate various events in an event planning space.

Staff's Comment: No. This use at this location is immediately adjacent to several residential neighborhoods. The proximity to this use may cause disturbances from noise or after-hours activities.

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. The proposed SUP will not adversely affect the existing use or usability of adjacent or nearby property.

Staff's Comment: Yes. The proposal would allow a use that could involve loud music and large gatherings in close proximity to established residential neighborhoods. These activities may also disrupt nearby businesses.

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: The property will have reasonable economic use because it will generate income and people into 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: The SUP will not cause an excessive or burdensome use of existing streets, transportation, utilities or school. It is an event planning space with sufficient parking area as well as utilities to hand the event.

Staff's Comment: Given that the shopping center and this retail space already exist and have more than sufficient parking, impacts on infrastructure should remain unchanged. There will be no impact on 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: Yes, the proposed SUP will change in conditions that are in conformity with the policy and intent of the land use plan.

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

F. Are there 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: n/a for intended use

Staff's Comment: Yes. While there may be conditions that can address hours of operation, noise, etc. the applicant has not provided a viable business plan nor details on how they plan to address numerous operational issues such as crowds, noise, security, or the provision of alcohol.

COMPREHENSIVE PLAN:

The 2040 Comprehensive Plan's Character Area Map indicates that the property is located within the Holcomb Bridge Corridor Character Area. Policies for this area encourage a mixture of uses including destination-type retail and service businesses at commercial nodes.

DEPARTMENT ANALYSIS:

The proposal for an event hall business is consistent with C-2 zoning. However, this location is directly adjacent to numerous established residential neighborhoods and without adequate safeguards, the character of these neighborhoods could be compromised by the introduction of a large gathering space such as this event hall.

The applicant has not provided a detailed business plan or operational plan to address the items that are of typical concern when evaluating an event hall proposal. These include how to deal with crowds, how noise and loud music will be addressed, how security will be handled, and how alcohol will (or won't) be provided on premises. Furthermore, the applicant has not previously operated an event hall in Peachtree Corners or anywhere else in this country, so a track record of successfully managing these issues is not present. As such, there are insufficient assurances in place to prevent the use from becoming a nightclub or similar type facility which are not allowed and have been problematic in the past.

RECOMMENDATION:

After review of the applicant's proposal and other relevant information, it is recommended that SUP2023-001 be denied.

If approval is considered, the following conditions are recommended:

- 1. The special use permit approval shall be limited to Suite E-2 as depicted on the submitted shopping center leasing site plan titled "Exhibit B".**
- 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, but not limited to, alcohol licensing.**
- 4. Hours of operation shall be limited to between 4:00pm and 9:00pm Sunday through Thursday; and between 4:00pm and 11:00pm Friday and Saturday.**
- 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 E-2 in order to ensure that noise emanating from the event hall business shall not be audible 50 ft. beyond Suite E-2.**
- 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 C-2 zoning district, 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 potential clients to ensure proposed events comply with these standards.**
- 12. A business license shall not be issued until staff confirms compliance with conditions #3, #7, and #8, above.**
- 13. The Special Use Permit shall be revoked 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.**