

**CITY OF PEACHTREE CORNERS
COMMUNITY DEVELOPMENT DEPARTMENT**

SPECIAL USE PERMIT ANALYSIS

PLANNING COMMISSION DATE: AUGUST 15, 2023

CITY COUNCIL DATE: SEPTEMBER 26, 2023

CASE NAME: **PRIMAVERA EVENT HALL**

CASE NUMBER: **SUP2023-003**

CURRENT ZONING: C-2

LOCATION: 3466 HOLCOMB BRIDGE RD., SUITE P

MAP NUMBERS: 6th DISTRICT, LAND LOT 283

ACREAGE: 0.1+/- ACRES TENANT SPACE

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

FUTURE DEVELOPMENT MAP: HOLCOMB BRIDGE CORRIDOR

APPLICANT: BRIAN JENABZADEH
11539 PARK WOODS CIR, STE 304
ALPHARETTA, GA 30005

CONTACT: BRIAN JENABZADEH
678-437-5962

OWNER: GWINNETT WALK, LLC
3466 HOLCOMB BRIDGE RD
PEACHTREE CORNERS, GA 30092

RECOMMENDATION: DENY

UPDATE:

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

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

SUMMARY:

The applicant is seeking approval of a special use permit to allow for a new event hall business in the Gwinnett Walk shopping center along Holcomb Bridge Road west of Crooked Creek Road. The property is adjoined by other C-2 shopping center properties and O-I (Office-Institutional District) properties containing small office buildings on both sides of Holcomb Bridge Road. The nearest residential building is approximately 500 feet to the northwest in the Woodmont Landing condominiums property.

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 was rezoned by Gwinnett County in 1981 for the current strip mall which was constructed in 1985. Aside from recent aesthetic improvements, which included **painting of the brick façade**, 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 nearby parcels are all retail uses.

Staff's Comment: The use may not be suitable for the proposed location when considering the property's history and the need for highly vigilant business practices to ensure that customer events don't extend beyond permitted 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

Staff's Comment: Given the surrounding C-2 and O-I zoning and uses, this event hall, with appropriate conditions in place, may fit with the existing 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: Yes

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

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

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: The existing conditions support the development of entertainment-related businesses in the Holcomb Bridge corridor.

Staff's Comment: In this case, the tenant space is part of a shopping center that has had significant issues in the past with illegal activity. Because of its past history, this property may not be an appropriate location for a business that requires special use consideration and conscientious management to ensure that it doesn't allow illegal activities such as night clubs.

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 a Primavera Event Hall business is consistent with C-2 zoning. This location is in a commercial shopping center abutting other C-2 and O-I properties. The nearest residential property is approximately 500 feet away, giving significant buffer between residents and this use.

However, the shopping center, itself, has a tainted history with code enforcement and law enforcement. Most recently, the city expended great effort to remove an illegal adult business from the same tenant space. The same property owner also owns a shopping center in Duluth that, until recently, was the location of a night club. The applicant has recently opened a Primavera Event Hall in that former night club space. In response to staff's question about the customers that use the Duluth Primavera location, the applicant responded by stating, " Events like birthday parties and weddings have taken place there. Some have used the space for business conferences. Private clubs rent the place out sometimes."

The use of the proposed space by 'private clubs' would be problematic if clubs rented the event space for the purpose of conducting their own commercial business. Especially, if that business involved the sale of alcohol or after-hours activities. In addition to being illegal in Peachtree Corners, the use of the event space in that scenario would circumvent the special use permit process. Adopting strong zoning conditions in order to ensure compliance with the intent of a special use approval would only be effective when the business owner and property owner are pro-active and vigilant about business management.

In this case, the application states that the seating capacity for the event hall space is 469 and they will have 2 employees. When staff questioned how the space could be operated with so few employees, the applicant responded that they use sub-contractors as support staff. In addition, other than identifying that off-duty Gwinnett County police officers will be used for security, the applicant has not provided a sufficiently-detailed 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, and how alcohol will (or won't) be provided on premises.

Additionally, unlike more traditional event venues, this event hall will be more of a "self-service" facility, whereby clients are asked to bring or use outside food providers, beverage providers, contracted music and entertainment, florist, photographers, etc. By comparison, "full-service" banquet and event halls, such as those located within hotels, provide most or all of the services that customers need. And when the event management provides the event services, then they have greater oversight over the event operations. By only renting the space and the tables and chairs, the applicant's business model delegates much of the event logistics, responsibilities, and, ultimately, control to the customer.

As such, there are insufficient assurances in place to prevent the use from becoming a nightclub or similar type facility which is not allowed. Further, the shopping center's history suggests that if disreputable activities were to occur, they may be tolerated and the city's efforts to enforce zoning conditions may not be supported. Therefore, while the proposed use itself might be acceptable, the purpose of the special use permit process is to review additional factors which should be taken into consideration beyond just the use. In this case, there are sufficient concerns related to property history, management, and proposed business operations, to suggest that the proposed use would not be appropriate at this location.

RECOMMENDATION:

After review of the applicant 's proposal and other relevant information, it is recommended that SUP20 23-003 be denied.

If approval is considered, the following conditions are recommended:

1. The special use permit approval shall be limited to the 7,025 square feet in combined Suite P (formerly known as Suites P through V) as depicted on the submitted shopping center I easing site plan.
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 1:00pm and 9:00pm Sunday through Thursday; and between 1:00pm and 11:00pm Friday and Saturday .
5. Maximum occupancy on the premises shall not exceed 400 people or that which is determined by the building code and the fire marshal , 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 P in order to ensure that noise emanating from the event hall business shall not be audible 50 ft. beyond Suite P.

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 include prohibited uses or those 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. Event attendees shall not be charged any fees for admission, food, beverage, entertainment, or any other aspect of any event being hosted.
13. A business license shall not be issued until staff confirms compliance with conditions #3, #7, and #8, above .
14. The Special Use Permit shall be subject to revocation by the City Council if any illegal activity pertaining to the use occurs on the property or if two or more notices of violation are issued within a twelve-month time period.