

**AN ORDINANCE TO APPROVE A REQUEST TO REZONE 44 ACRES FROM C-2 TO MUD TO ALLOW FOR NEW MIXED-USE DEVELOPMENT AT 5131 THROUGH 5185 PEACHTREE PKWY., DIST. 6, LAND LOTS 301 AND 317, PEACHTREE CORNERS, GA.**

**WHEREAS:** Notice to the public regarding said public hearing has been duly published in The Gwinnett Daily Post, the Official News Organ of Peachtree Corners; and

**WHEREAS:** Public Hearings were held by the Mayor and City Council of Peachtree Corners on July 26, 2022, and August 23, 2022;

**NOW THEREFORE, IT IS HEREBY ORDAINED by the governing authority of the City of Peachtree Corners, Georgia** that RZ2022-005, The Forum Mixed Use, for the above referenced property is hereby approved subject to the following conditions:

1. The property shall be rezoned from C-2 to MUD.
2. The site may be developed with up to 381 multifamily units. However, the maximum number of units is dependent on site conditions, compliance with zoning conditions, and fully engineered plans that meet regulations. Units shall consist solely of studio, one, and two-bedroom units.
3. The site plan layout shall be in general conformance with the site plan submitted with this application and prepared by Kimley Horn dated 6/6/22 including all the amenities and features (with revisions to meet these conditions and zoning and development regulations)
4. The developer shall build a Hotel Indigo or comparable boutique hotel as defined by the hotel industry, and as approved by the City Manager or his designee. The hotel shall have a minimum of 100 rooms and a maximum of 250 rooms. A non-boutique hotel brand such as Holiday Inn or Hampton Inn shall be prohibited.
5. A building permit for the second multifamily building shall not be issued until a permit is issued for the hotel. Construction of the second multifamily building and hotel may occur simultaneously provided that each hotel inspection must be passed before the equivalent multifamily inspection can be requested.
6. A Certificate of Occupancy for the second multifamily building shall not be issued until the Certificate of Occupancy for the hotel is issued and planned improvements to the main shopping street are complete.
7. Developer shall construct an elevated pedestrian connection from the Peachtree Parkway Pedestrian Bridge in the most direct route possible to the shopping street of The Forum. Final plans shall be approved by the City Manager or his designee.
8. A row of evergreen trees in the buffer or another screening device, as approved by the City Manager or his designee, shall be placed in a manner as to screen the adjacent neighborhood from the west side of the parking deck.
9. The existing mature landscaping located along Peachtree Parkway shall be preserved or replaced to existing conditions and enhanced with additional vegetative material where sparse as approved by the City Manager or his designee.

10. The traffic study, site plan, and access points shall be evaluated by city traffic engineering staff to determine if traffic improvements are warranted. Any such required improvements shall be funded by the developer.
11. The developer shall construct the multi-use trail system through the subject property. The trail shall consist of signage and trail-specific paving patterns or materials to identify the path of the trail, as approved by the Engineering Department.
12. All stormwater detention shall be located within existing facilities or be underground and all on-site facilities shall be constructed to meet the standards of the City of Peachtree Corners Stormwater Ordinances including, but not limited to, stormwater detention, water quality standards, stream protection and management of off-site drainage flowing through the site.
13. All stormwater facilities shall be owned and maintained by the owner of the subject property in accordance with the City of Peachtree Corners Stormwater Ordinances.
14. The developer shall provide sidewalk connectivity between all newly constructed buildings and dedicated trails within the site and to all public streets adjacent to the site. Sidewalks shall also be extended along Forum Drive and along the sides of newly constructed corner buildings.
15. Residential building elevations shall be contemporary in appearance and designed to blend with the European aesthetic of the Forum. Non-residential building elevations shall be designed to match the European aesthetic of the Forum, subject to approval by the Community Development Department.
16. To promote a European café ambiance, outdoor dining located adjacent to sidewalks shall utilize umbrella tables and trellises.
17. Bicycle racks and an e-scooter corral shall be provided within the development; but may be removed in the future if city staff determines they are no longer needed.
18. The multifamily building shall have controlled access at all pedestrian entry points.
19. This property shall participate in the crime-free multifamily housing program.
20. The development shall incorporate public art in the form of an 'art walk', a pedestrian path incorporating art that connects the Peachtree Parkway Bridge landing to The Forum's main shopping street. The design of the artwork shall be approved by the Community Development Department. Completion of the artwork shall occur prior to the issuance of the Certificate of Occupancy for the first multifamily building. Total cost of the artwork shall be a minimum of \$25,000.
21. 20% of the multifamily parking shall be designed to be electric vehicle ready.
22. Developer shall participate in Peachtree Corners' Smart Cities Initiative by providing the following:
  - a. A minimum of 5 digital kiosks with electric vehicle charging ports and an access agreement to allow for mobile edge compute servers within the kiosks, to be placed at key locations thought the property.
  - b. A 5G deployment and video surveillance plan adequate to support the development that shall be reviewed and approved by the City Manager or his designee.
  - c. Smart Home technology within residential units.

23. Developer shall authorize the City's public use and access of building rooftops to accommodate equipment necessary for 5G and security technology at mutually agreed upon rates.
24. Building Heights shall be a maximum of 90 ft; however, buildings located within 200 ft. of existing residential subdivisions shall not exceed 50 ft. in height.
25. Existing dumpsters located near the Belks space shall be relocated away from the residential area.
26. Rooftop mechanical units and dumpsters shall be screened.
27. Apartment units shall be individually metered and participate in the crime-free multi-family housing program.
28. With regard to the multifamily units, the following shall apply:
  - a. Each unit shall have General Electric stainless-steel kitchen appliances (or equal or better).
  - b. All kitchens shall include granite countertops (or equal material such as quartz).
  - c. Designer ceramic or glass tile backsplashes shall be provided in all units.
  - d. Floor finish materials shall be tile, carpet, luxury vinyl tile/plank, natural hardwoods, or engineered wood. Concrete flooring shall be prohibited.
  - e. For increased privacy and reduced sound transmission, each unit shall have a minimum 7/16" 6-lb pad under all carpeted areas.
  - f. All units to be equipped with light fixtures and at least one overhead light per room. All lighting within units shall be LED or newer lighting technology. No recessed can lights shall be permitted.
  - g. All bathrooms shall have granite countertops (or equal material such as quartz).
  - h. All bathrooms shall have tiled shower/tub surrounds.
  - i. All units shall have nine-foot ceilings throughout.
  - j. All bedrooms shall include a walk-in closet, except for the one bedroom with den which shall include a full room-length wall closet.
  - k. All units shall be equipped with a full-size washer and dryer.
  - l. All units shall be equipped with an automatic fire sprinkler system.
  - m. Walk-out, recessed, and Juliet balconies shall be permitted. Balconies shall extend a maximum of 4'-0" beyond the face of the building. Juliet balconies shall not comprise more than 25% of all the balconies.
  - n. The property owner shall provide elevators and elevator lobbies.
  - o. All interior corridors shall be enclosed and climate controlled. Open air breezeways shall be prohibited.
  - p. The property owner shall provide trash chutes internal to the building so residents do not have to carry their trash downstairs.
  - q. All interior corridor floor finish materials shall be tile, carpet, luxury vinyl tile/plank, or engineered wood. Unfinished concrete flooring shall be prohibited.
29. Developer shall submit a comprehensive sign package for review and approval by the City Manager or his designee.
30. With regard to Gwinnett County Zoning Cases RZ1990-35, RZ1990-136, RZ1998-156, RZC1999-088, RZC2002-040, SUP2005-020, and CIC2006-017 as they apply to The

Forum properties included in this application (parcels 6301 174 & 6317 001), only the following conditions shall apply:

- a. All uses and special uses permitted within the C-1 zoning district. All uses permitted within the C-2 zoning district, except for the following: animal hospitals; automotive car wash; automotive parts stores; billboards; building, electrical or plumbing contractors; funeral homes or mausoleums; furniture rental establishments; equipment rental; self-service or coin operated laundries; liquor stores; mobile buildings; parking lots and garages (as a principal use); pest control businesses; lounges/clubs; movie theaters, convenience stores, gas stations, auto repair, and other automotive uses, and any temporary uses.
- b. Drive-through businesses shall be limited to a maximum of two and shall require City Manager approval with regard to location and use.
- c. Developer shall preserve and maintain the existing natural undisturbed buffers a minimum of 75 feet in width along with any existing fencing and screening adjacent to residential zoning.
- d. Provide internal access to any outparcel development.
- e. No billboards are permitted.
- f. Dumpsters shall be screened by an opaque decorative wall, at least six (6) feet in height, which will coordinate with the building architecture, and with a gated entry. Pick-up for dumpsters shall be limited to between the hours of 8:00 a.m. and 6:00 p.m.
- g. Buildings shall be finished with architectural treatments containing a mixture of brick, stone, stucco, glass, or wood on all sides facing public roads and/or where pedestrian traffic will access the project. All mechanical appurtenances and/or duct work shall be screened from view. Screening shall coordinate with the building architecture. Mechanical equipment shall be screened.
- h. Business hours are to be limited to Monday through Thursday from 7:00 a.m. to 12:00 midnight and Friday through Sunday from 7:00 a.m. to 2 a.m. Business hours for the coffee/bagel shop and any specialty gourmet food store(s) shall be 6:00 a.m. to 2 a.m. seven days a week. However, any business closer than 250 feet from the Amberfield property line of an occupied residence shall close at midnight.
- i. All food service facilities on the property, including outparcels, shall install odor scrubbers which remove 95% of cooking odors.
- j. Truck delivery shall be limited to the hours of 8:00 a.m. to 6:00 p.m. The following exception shall be related only to the Trader Joe's business (or comparable business occupying the same space) as described below. Additional delivery hours shall be extended to no earlier than 6:30 a.m. and no later than 9:30 p.m. for Suite 101 of the southernmost building located at the Peachtree Corners Circle end of the Forum development. Deliveries shall be of merchandise or produce only and shall not include waste or garbage removal or pick-up of any type. Trader Joe's deliveries (or comparable business occupying the same space) shall be subject to the following:

- i. No delivery truck shall enter the Forum property before 6:30 a.m. No idling or beeping is permitted before 8 a.m. All trucks must exit the property prior to 9:30 p.m.
  - ii. Delivery trucks must enter from the Peachtree Corners Circle entrance and shall be prohibited from using the back alley behind the main stretch of buildings.
  - iii. Trader Joe's is to use only electric forklifts and no beeping is permitted before 8 a.m.
  - iv. Trader Joe's will provide to the Amberfield Homeowners' Association direct contact information for the Store Manager, Assistant Manager, Director of Operations for Transportation and Vice President of Operations.
  - v. The Forum management shall also provide to the Amberfield Homeowners' Association contact information for the Forum on site management.
  - vi. Lights in the parking area associated with the retail/office buildings shall include the same cut-off's as other lighting in the Forum complex.
  - vii. No merchandise, shipping, or storage materials shall be stored on the exterior of the store location. Exceptions shall be seasonal plants and flowers.
  - viii. The Forum shall preserve and maintain the existing 8-foot-high sound abatement type opaque fencing along the entire length of the retaining wall adjacent to Amberfield as noted on the site plan submitted on June 20, 2006. The style and choice of the fence shall be approved by the Amberfield Homeowners' Association.
  - ix. The Forum shall install parking lot-controlled access gates (subject to review by Gwinnett County Fire Services) to prevent traffic from entering the back alley and parking area before the allotted hours. The gates will be closed at 6 pm and open at 8 am.
  - k. No overnight parking or idling of delivery trucks shall be allowed.
  - l. Outdoor lighting shall be contained in cut-off type luminaries and shall be directed in toward the property so as not to reflect into adjacent properties nor to create a hazard for passing automobile traffic. Any lights located on the rear of the building must be directed downward.
  - m. Operation of parking lot cleaning machinery or other maintenance equipment that emits noise shall be limited to the hours of 8:00 a.m. to 9:30 p.m.
31. Unless noted otherwise, all site improvements shall be completed prior to the issuance of the Certificate of Occupancy for the second multi-family building.
32. The parking deck architecture shall be consistent with the commercial buildings of The Forum. The developer shall coordinate with the City Manager to create a parking deck plan that addresses issues including, but not limited to, security, traffic, and screening. The parking deck plan shall be approved by the City Council.

33. The western wall of the parking deck facing the adjacent Amberfield residential community shall be constructed with a solid wall or other screening method that prevents extraneous noise and light.
34. Exterior speakers shall be prohibited on the north facing side of the northwestern building on parcel R6317 001.

Effective this 23rd day of August 2022.

So Signed and Witnessed this 23<sup>rd</sup> day of August, 2022.

Attest:

Approved:



Kymerly Chereck, City Clerk



Mike Mason, Mayor

