



**Revised Land Use Application:** RZ2025-002, CV2025-001,  
CV2025-002, CV2025-003, CV2025-004  
**City Council 1<sup>st</sup> Read:** March 11, 2025  
**City Council 2<sup>nd</sup> Read:** March 25, 2025

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<b>CASE NAME:</b>	<b>RZ2025-002, CV2025-001, CV2025-002, CV2025-003, &amp; CV2025-004 – Day Building.</b>
<b>PROJECT LOCATION:</b>	4725 Peachtree Corners Circle
<b>DISTRICT/LANDLOT:</b>	6 <sup>th</sup> District, Land Lot 301
<b>ACREAGE:</b>	±6.89 acres
<b>EXISTING ZONING:</b>	M-1 (Light Industry District)
<b>EXISTING LAND USE:</b>	Office building and associated parking
<b>FUTURE LAND USE DESIGNATION:</b>	Central Business District, SAP subarea: Commercial Core
<b>OVERLAY(S):</b>	Activity Center Corridor Overlay District
<b>APPLICANT:</b>	Pine Grove Communities, LLC c/o Kathryn Zickert – Smith, Gambrell, and Russell, LLP. 1105 W. Peachtree St. NE, Suite 1000 Atlanta, GA 30309
<b>OWNER:</b>	Cecil B. Day Investment Company 4725 Peachtree Corners Circle, Suite 300 Peachtree Corners, GA 30092
<b>PROPOSED REQUEST:</b>	Rezoning to allow for a townhouse development.
<b>CONTACT:</b>	KATHRYN ZICKERT 404.815.3704
<b>STAFF RECOMMENDATION:</b>	<b>APPROVAL with conditions of RZ2025-002, CV2025-001, CV2025-002, CV2025-003, &amp; CV2025-004.</b>

**STAFF UPDATE:**

The Applicant's revised application is before us on remand from the Superior Court of Georgia. The Applicant's original application was denied by the Mayor and Council after a public hearing was held at the June 25, 2024, City Council meeting. The Applicant subsequently appealed the decision, and the matter has since been remanded back to the City for consideration as modified. The original application included a request to rezone the subject property from M-1 (Light-Industry) to MUD (Mixed Use Development) to allow for 248 apartments, 24 stacked flats, and 9,500sf of retail/office space. The Applicant is now proposing to rezone the property from M-1 (Light Industry) to R-TH (Single Family Residence Townhouse District) to allow for the construction of a 61-unit townhouse development. With this revised application, four concurrent variances are being requested, to encroach into the 75-foot no impervious surface setback 2,745 square feet and into the 50-foot undisturbed buffer 5,311 square feet, to reduce the front setback along Peachtree Corners Circle to 20 feet, to reduce the side setbacks to 20 feet along the southern, western, and eastern property lines, and to reduce the landscape strip along Peachtree Corners Circle to 15 feet. In addition to the aforementioned changes, the Applicant has revised the proposed site plan to include: several amenities, including a pocket park, court yard, and dog park/sitting area, up to 24 rear loaded townhomes and guest parking spaces dispersed throughout the development.

The 2045 Comprehensive Plan's Character Area Map indicates that the subject property is located within the Commercial Core subarea of the Central Business District (CBD) Character Area. The proposed request is consistent with the intent of the Commercial Core subarea, which envisions medium density infill residential to support and complement surrounding office uses. The redevelopment of this property will provide housing in this area of the city and attract people who work in Technology Park and want to live nearby, as well as residents who want to downsize but still own a home and live within the city.

**CITY OF PEACHTREE CORNERS  
COMMUNITY DEVELOPMENT DEPARTMENT**

**REZONING ANALYSIS**

PLANNING COMMISSION DATE: MAY 14, 2024

CITY COUNCIL DATE: JUNE 25, 2024

CASE NAME: **DAY BUILDING MIXED USE**

CASE NUMBER: **RZ2024-002 / V2024-003**

CURRENT ZONING: M-1

LOCATION: 4725 PEACHTREE CORNERS CIRCLE

MAP NUMBERS: 6<sup>th</sup> DISTRICT, LAND LOT 301

ACREAGE: 6.89 ACRES

PROPOSED DEVELOPMENT: REZONING OF 6.897 ACRES FROM M-1 TO MUD WITH ASSOCIATED VARIANCES TO ALLOW FOR A MIXED-USE DEVELOPMENT

CHARACTER AREA MAP: CENTRAL BUSINESS DISTRICT

APPLICANT: PINE GROVE COMMUNITIES, LLC  
C/O ANDERSEN, TATE & CARR P.C.  
1960 SATELLITE BLVD, SUITE 4000  
DULUTH, GA 30097

CONTACT: MELODY GLOUTON, ESQ.  
770-822-0900

OWNER: CECIL B. DAY INVESTMENT CO.  
4725 PEACHTREE CORNERS CIRCLE, SUITE 3000  
PEACHTREE CORNERS, GA 30092

**PLANNING COMMISSION  
RECOMMENDATION: APPROVE WITH CONDITIONS**

**STAFF RECOMMENDATION: APPROVE WITH CONDITIONS**

**UPDATE:**

At the Planning Commission hearing, there were only four Commissioners present. The Applicant provided 36 letters of support from members of the community. Additionally, there were 7 who spoke in opposition to the applicant's request. Concerns were primarily related to the removal of trees and greenery, burden on our school system and traffic.

There was discussion among the Planning Commissioners about quality and design of the project, and the importance of activating the property versus the alternative of the property sitting vacant. After discussion, the Planning Commissioners made a motion resulting in a recommendation of approval with staff recommended conditions.

**SUMMARY:**

The Applicant is requesting the rezoning of 6.89 acres from M-1 (Light Industry District) to MUD (Mixed-Use Development District) to construct an age targeted mixed-use development consisting of a five-story multi-family building with ground floor office/retail, owner-occupied stacked flats, two retail outparcels and greenspace.

The Applicant is also requesting two variances: one from Section 1318.5(c) to allow the minimum project area to be less than eight (8) contiguous acres as required for a MUD zoning district, and a second variance from Section 18-50(a)(1) to allow for a temporary encroachment into the 50' undisturbed wetlands buffer around the existing detention pond in order to raise the berm to accommodate additional stormwater detention as required by current design standards.

The property is currently developed with an approximately 75,000sf office building constructed in 1986, known as the Day Building. The Applicant proposes to tear down the office building and redevelop the site with a 248-unit multi-family building wrapped around a parking deck to be shared with the residences and onsite commercial uses. The development would also include 24 owner occupied stacked flats, 9,500sf of retail space, and approximately 2.27 acres of public green space. The retail space will consist of two outparcels fronting Peachtree Corners Circle with potential users to include retail and/or entertainment with food and beverage. The public green space and pavilion will be located on the northwest corner of the property along Peachtree Corners Circle with the residential towards the interior of the development.

The overall property itself is located at the southwest side of Peachtree Corners Circle between Triangle Parkway and Peachtree Parkway. The site sits across Peachtree Corners Circle from the Forum and is surrounded by office and industrial uses within the Spalding Triangle Office Park.

The site plan submitted by the Applicant indicates two points of access into the property, both of which exist today. The access points will create a boulevard feel through the development from Peachtree Corners Circle to the north and connecting to the southern portion of the development on Metric Place.

The property to the east along Peachtree Corners Circle is currently zoned MUD. The property to the northeast across Peachtree Corners Circle is zoned MUD as part of the Forum and R75 to the northwest as part of Amberfield subdivision. The properties to the west and south are zoned O-I and M-1 which includes various office uses as part of the Spalding Triangle Office Park.

The subject property is located within the Central Business District Character Area on the Peachtree Corners Character Area Map. This area encourages mixed-use development in appropriate areas.

### **ZONING HISTORY:**

The property was zoned M-1 by Gwinnett County with no record of a prior public hearing case.

### **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, approval of the proposed Rezoning will permit a use that is suitable in view of the use and development of adjacent and nearby property. The proposed mixed-use development would complement existing uses surrounding the property, which include two other properties recently rezoned from M-1 to MUD. The Property is also located within the Central Business District Character Area. The surrounding area is characterized by a mix of intense retail, commercial, office, institutional, and residential uses. The proposed mixed-use development would complement this existing land use mix and provide much-needed residential critical mass.

Staff Comment: This property is located in the Central Business District in the Character Area Map as well as near the Forum. The proposed use is in alignment with the plan.

#### **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: Approval of the proposed rezoning will not adversely affect the existing use or usability of adjacent or nearby property. Rather, the proposed development would complement surrounding land uses by providing additional housing options for current and future residents of the City of Peachtree Corners. Residents of the proposed community would have convenient access to employment centers, commercial and retail. Additionally, the proposed non-residential component of the proposed development will provide an additional dining and entertainment destination for people who live and work in the surrounding area. Lastly, proposed traffic improvements included in the proposed development will alleviate an existing "blind curve"

sightline issue traveling eastbound along Peachtree Corners Circle and provide additional vehicular and pedestrian connectivity between Metric Place and the Forum.

Staff Comment: Given the proximity to the Forum, adjacent MUD zoning, and other surrounding commercial developments, a mixed-use development could be considered in keeping with the existing development pattern of the area or the nature of the Central Business District.

**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 Applicant submits that due to the size, location, layout, topography, and natural features of the Property, it does not have reasonable economic use as currently zoned. The Applicant further submits that, at 38 years old, the current office building is not as competitive in today's office market. Office buildings in Peachtree Corners built before 2010 have experienced an average net annual absorption of negative 24,572 square feet per year over the past ten years. Peachtree Corners office availability is currently at high levels of 25% or 1,500,000 square feet.

Staff 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: Approval of the proposed rezoning will not result in a use which will or could cause an excessive or burdensome use of existing infrastructure systems. The proposed development has frontage on Peachtree Corners Circle and Metric Place with access to water and sewer utilities on-site. A traffic impact study prepared by Kimley-Horn, dated March 2024, conclude that all nearby intersections are projected to operate at acceptable levels of service under "build" and "no-build" conditions. No roadway improvements were recommended.

Staff Comment: Given the access points are along and just off several major roadways, it is unlikely that transportation facilities would be overburdened by the proposed development. According to the trip generation analysis submitted by the Applicant's engineer, the additional components being added to the property are expected to generate approximately 782 new vehicle trips per day with a potential for a 17% reduction if developed for active adult use (55 +). Schools within the Norcross cluster have experienced a decline in enrollment over the last few years and currently has the capacity to support a potential increase as a result of the development.

**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: The proposed rezoning application is in conformity with the policy and intent of the 2045 Plan. The Property is located within the Central Business District and encouraged land uses specifically include mixed-use developments with multifamily residential.

The proposed development would be compatible with and successfully co-exist with the surrounding uses.

Staff Comment: See Comprehensive Plan heading below.

**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: The Applicant submits that the character of the surrounding development and the existing mix of uses in the area provide supporting reasons for approval of the rezoning. The Applicant submits that the Property's location, size, and dimensions, as well as its frontage along Peachtree Corners Circle provide further support for approval of the proposed rezoning application.

Staff Comment: The City's Comprehensive Plan envisions mixed-use developments at appropriate locations in the Central Business District. This proposal is very close to the Forum and located along a major commercial corridor. Given its location and proposed mixture of uses, the Comprehensive Plan could support this type of development.

**COMPREHENSIVE PLAN:**

The Peachtree Corners 2045 Comprehensive Plan lists the subject property in the Central Business District Character Area. This area encourages a wide range of uses which contribute to a "vibrant, dynamic, livable, and walkable town center" supported by the "most intense concentration of development and density."

This character area also specifically envisions mixed-use development, multifamily development when part of mixed-use, freestanding restaurants when part of mixed-use, and developments which include pedestrian amenities within their site with connections to the greater community. The plan calls for the height of these developments to stay under 6 stories in the Peachtree Parkway area.

**DEPARTMENT ANALYSIS:**

The property is located on the southwest side of Peachtree Corners Circle between Triangle Parkway and Peachtree Parkway with additional access to Metric Place.

The Peachtree Corners 2045 Comprehensive Plan shows the property located in the Central Business District Character Area, which encourages higher-density residential uses, including multi-family, stacked flats, and townhomes, when integrated into mixed-use developments at appropriate locations. The location's proximity to the Forum, adjacent MUD zoned property, and surrounding commercial could support the proposed development by providing additional residents within walking distance to the Forum's shopping and restaurants. Further, the Applicant's proposal for the development to be age targeted addresses an identified need within

the city. While the property does not sit directly on the City's multi-use trail system, the Applicant is proposing a connection to the street that will align with the future roundabout as well as a spur connection to the multi-use trail planned on the adjacent property.

The Applicant has also requested two variances in order to accommodate the proposed development: (1) allow the minimum project area to be less than eight (8) contiguous acres, and (2) to allow for a temporary encroachment of the 50' undisturbed wetlands buffer around the existing detention pond. The Applicant references the rezoning cases for the adjacent property (RZ2021-004) known as PCC Lofts and the Innovation Lofts property (RZ2022-006) as support for the variance. While both cases ultimately received a variance to recue the minimum project acreage, they are distinguished from the proposed development as the properties in both cases contained environmental constraints as well as provided significant improvements to public infrastructure, including an extension of the multi-use trail. However, the Applicant's proposal to provide needed age targeted housing and single level living designed for owner occupied opportunities within close proximity to the Forum and the City's downtown, and the property's similar size to the adjacent property which was granted the requested relief under RZ2021-004, could provide support for granting the requested relief from the minimum project acreage.

The second variance request to allow for a temporary encroachment into the 50' undisturbed wetlands buffer is necessary to bring the existing stormwater detention facilities up to current City of Peachtree Corners Stormwater Ordinance standards as well as provide the additional capacity required to support the redevelopment.

The Applicant submitted architectural elevations as part of the rezoning request which show attractive, modern brick and glass designs, functional balconies and rooftop amenities which meet the requirements of the Activity Center/Corridor Overlay District and coordinate with the existing office development on the site.

## REVISED STAFF RECOMMENDATION

Based on the findings and conclusions herein, Staff recommends **APPROVAL** of Land Use Petition **RZ2025-002, CV2025-001, CV2025-002, CV2025-003, & CV2025-004** subject to the following conditions:

1. The property shall be rezoned from M-1 to R-TH and variances shall be granted as follows:
  - a. to encroach into the 75-foot no impervious surface setback 2,745 square feet and into the 50-foot undisturbed buffer 5,311 square feet; Limits of disturbance shall be as depicted on the Stream Buffer Exhibit prepared by PEC+ and dated 02/02/2025.
  - b. to reduce the required deceleration lane to 120 feet with a 50-foot taper;
  - c. to reduce the front setback along Peachtree Corners Circle to 20 feet;
  - d. to reduce the side setbacks to 20 feet along the southern, western, and eastern property lines;
  - e. and to reduce the landscape strip along Peachtree Corners Circle to 15 feet.
2. The site may be developed with up to 61 townhomes. However, the maximum number of units is dependent on-site conditions, compliance with zoning conditions, and fully engineered plans that meet zoning and development regulations.
3. The final site plan layout shall be in substantial conformance with the site plan labeled 'Rezoning Master Plan' prepared by PEC+ and dated 1/31/2025 (revision), (with revisions to meet these conditions and zoning and development regulations).
4. Development shall include two access points, one along Peachtree Corners Circle and the other along Metric Place, subject to review and approval by the City of Peachtree Corners Public Works Director.
5. Driveways shall be at least 18 ft. in length to ensure that vehicles do not overhang sidewalks, streets, or alleys.
6. Developer shall construct on-site stormwater detention facilities to meet the standards 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.
7. All stormwater facilities shall be owned and maintained by the Homeowner's Association in accordance with Peachtree Corners' Stormwater Ordinances.
8. The developer shall provide sidewalks along all internal streets and provide pedestrian sidewalk connection(s) from the development onto the public sidewalk where the connection(s) are possible based upon site grading design.
9. The developer shall provide a central mailbox for the community with adequate pedestrian access.
10. Building elevations shall be in substantial conformance with the plans submitted with this application and dated as received by the Community Development Department March 5, 2025. Final building elevations shall be subject to review and approval by the City Manager or his/her designee.
11. A minimum of 19 units shall be rear loaded, including all units facing the public right of way.
12. No more than 15% of the townhomes may be rental units concurrently. The limitation shall be incorporated into the Homeowners' Association covenants and enforced by the Homeowners' Association.

