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COUNCIL MEETING AGENDA

Mike Mason, Mayor

Phil Sadd – Post 1, Council Member
James Lowe – Post 2, Council Member
Alex Wright – Post 3, Council Member

Jeanne Aulbach – Post 4, Council Member
Lorri Christopher – Post 5, Council Member
Weare Gratwick – Post 6, Council Member

March 17, 2015

COUNCIL AGENDA

7:00 PM

PEACHTREE CORNERS CITY HALL

147 TECHNOLOGY PARKWAY, PEACHTREE CORNERS, GA 30092

A) CALL TO ORDER

B) ROLL CALL

C) PLEDGE OF ALLEGIANCE

D) MAYOR'S OPENING REMARKS

E) CONSIDERATION OF MINUTES – February 17, 2015

F) CONSIDERATION OF MEETING AGENDA

G) PUBLIC COMMENTS

H) CONSENT AGENDA - No Items

I) PRESENTATIONS AND REPORTS

1. **Diana Wheeler** Staff Activity Report
2. **Greg Ramsey** Staff Activity Report

J) OLD BUSINESS

1. **O2015-01-40** Second Read and Consideration of an Ordinance to Adopt Regulations for Post-Development Stormwater Maintenance for new Development and Redevelopment. (Public comment will be heard.)
 (Greg Ramsey)

2. **O2015-01-39**
(Greg Ramsey) Second Read and Consideration of an Ordinance Adopting the Stream Buffer Protection Ordinance for the City of Peachtree Corners, Georgia. (Public comment will be heard.)

K) NEW BUSINESS

1. **R2015-03-37**
(Diana Wheeler) Consideration of a Resolution of the City of Peachtree Corners, Georgia in support of an application to the Atlanta Regional Commission requesting grant funding to implement the Town Center Bridge Project.
2. **R2015-03-38**
(Diana Wheeler) Consideration of a Resolution of the City of Peachtree Corners, Georgia in support of an application to the Atlanta Regional Commission requesting grant funding to implement the Peachtree Parkway Joint Transportation Plan Project.
3. **R2015-03-39**
(Diana Wheeler) Consideration of a Resolution of the City of Peachtree Corners, Georgia in support of an application to the Atlanta Regional Commission requesting grant funding to implement the Town Center Pedestrian and Bicycle Path Plan Project.
4. **Action Item**
(Kym Chereck) Consideration of approval for an intergovernmental agreement between the City of Peachtree Corners and the Gwinnett County Board of Registrations and Elections for City Elections Using Election Equipment.
5. **Action Item**
PH2015-003
(Diana Wheeler) Consideration of approving a Certificate for Development within the Chattahoochee River Corridor in accordance with the provisions of the Metropolitan River Protection Act for a new, single-family residence located at 4324 Ridgegate Drive, Lot 32, Block E, of Riverview Estates Subdivision.
6. **Action Item**
(Greg Ramsey) Consideration of approval for an intergovernmental agreement with Johns Creek for an ARC Corridor Study on SR141.
7. **Action Item**
(Julian Jackson) Consideration of an agreement between Georgia Tech Research Corporation and the City of Peachtree Corners pertaining to a Business Incubator Study.
8. **O2015-03-41**
(Diana Wheeler) First Read and Consideration of an Ordinance to amend the City of Peachtree Corners Zoning Map pursuant to SUP2015-001, Roberts Properties, request for building elevation approval and variances associated with the development of a 6.47 acre parcel zoned C-2 (Commercial Business) at 5242 Peachtree Parkway in District 6, Land Lot 301, Peachtree Corners, Georgia. **(Public hearing April 21, 2015)**

9. **O2015-03-42**
(Diana Wheeler) First Read and Consideration of an Ordinance of the City of Peachtree Corners, Georgia, adopting a document entitled 'The City of Peachtree Corners Green Regulations and Policies' in order to codify existing green practices and to identify the City of Peachtree Corners as a Green Community pursuant to the criteria established by the Atlanta Regional Commission. **(Public hearing April 21, 2015)**

L) WORK SESSION

1. **D. Wheeler** Gateway Monuments
2. **Pond +Co.** Winters Chapel Road Area Study preliminary report
3. **B. Branham** Discussion on Financial Transparency.
4. **D. Wheeler** Tree City, USA
5. **G. Ramsey** Discussion on Award Recommendation for an RFP concerning LMIG Sidewalks for Survey and Design.
6. **J. Jackson** Discussion on Town Center Financing.

M) EXECUTIVE SESSION

N) ADJOURNMENT

**Council Meeting
Minutes
2015-02-17**

CITY OF PEACHTREE CORNERS
COUNCIL MEETING MINUTES
FEBRUARY 17, 2015, @ 7:00PM

The Mayor and Council of the City of Peachtree Corners held a Council Meeting at City Hall, 147 Technology Parkway, Suite 200, Peachtree Corners, GA, 30092. The following were in attendance:

Mayor	Mike Mason
Council Member	Phil Sadd – Post 1
Council Member	James Lowe – Post 2
Council Member	Alex Wright – Post 3
Council Member	Jeanne Aulbach – Post 4
Council Member	Lorri Christopher – Post 5
Council Member	Weare Gratwick – Post 6
City Manager	Julian Jackson
City Clerk	Kym Chereck
Com. Dev. Director	Diana Wheeler
City Attorney	Bill Riley
Public Works Director	Greg Ramsey
Comm. Director	Judy Putnam
Accounting Manager	Brandon Branham
CIP Manager	Melissa Schwartz

PLEDGE OF ALLEGIANCE: Mayor Mason led the Pledge of Allegiance.

MAYOR’S OPENING REMARKS: Mayor Mason informed the public that Comcast, the nation’s largest video, high-speed Internet and phone provider has selected Peachtree Corners as the site of their new regional headquarters.

MINUTES:

MOTION TO APPROVE THE MINUTES FROM THE JANUARY 20, 2015 COUNCIL MEETING.

By: Council Member Wright

Seconded by: Council Member Christopher

Vote: (6-0) (Wright, Christopher, Mason, Sadd, Aulbach, Gratwick)

PUBLIC COMMENT: There were no public comments.

PRESENTATIONS AND REPORTS:

Staff Activity Report – Community Development

Diana Wheeler, Community Development Director, provided her report on staff activities that occurred during the period of February 2, 2015 – February 15, 2015. These activities included, among other items, meeting with the Downtown Development Authority attorney to prepare draft sales contracts, meeting with public hearing applicants, meeting with the ARC to assess best projects for funding, and developing an intent to file form for Liquor Store applicants.

Staff Activity Report – Public Works

Greg Ramsey, Public Works Director, provided his report on staff activities that occurred in the period ending with February 10, 2015. These activities included, among other items, meeting with Peachtree Elementary concerning outdoor classroom space, meeting with the Spalding Terrace Development, meeting with Simpsonwood concerning Chapel relocation, and meeting with the ARC concerning the 141 corridor project.

Councilman Lowe arrived.

OLD BUSINESS:

O2015-01-37

Second Read and Consideration of Amending Chapter 6 Alcoholic Beverages, of the 2012 City of Peachtree Corners Code of Ordinances, by Adding Article XI, 'Retail Sales of Distilled Spirits – Liquor Stores', amending Section 6-5, Distance Requirements, and setting an effective date.

Mrs. Diana Wheeler, Community Development Director, informed the Mayor and Council that this Ordinance is a computation of Ordinances from surrounding Cities. Mrs. Wheeler read and clarified the Ordinance. Mrs. Wheeler stated that in Section 6-242 Hours of Sale, the hours for sale of distilled spirits would be from 9:00 a.m. to 11:45 p.m., Monday through Saturday, and 12³⁰ p.m. to 11:30 p.m. on Sunday.

Mayor Mason asked for public comment concerning this application. A gentleman who currently owns a liquor store in Chamblee stated that he was not in agreement with the Ordinance stating that liquor stores must operate as sole tenants in free standing buildings of at least 5,000 square feet.

A motion was made after discussion concerning permissible signage.

MOTION TO APPROVE ORDINANCE 2015-01-37 AS AMENDED BY DIANA WHEELER.

By: Council Member Lowe

Seconded: Council Member Gratwick

Vote: (7-0) (Lowe, Gratwick, Mason, Sadd, Wright, Aulbach, Christopher)

O2015-01-38

First Read and Consideration of amending Article XIII of the 2012 City of Peachtree Corners Zoning Resolution by adding 'Liquor Store' as a Special Use within C-2, C-3, and M-1 zoning districts and setting an effective date.

Mrs. Diana Wheeler, Community Development Director, informed the Mayor and Council that this item is a companion Ordinance to the previous Ordinance which will amend the zoning ordinance to add liquor stores. The M-1 zoning should be omitted.

Mayor Mason asked for public comment concerning this item. There were no comments.

MOTION TO ADOPT ORDINANCE 2015-01-38, OMITTING THE M-1 ZONING DISTRICT.

By: Council Member Gratwick

Seconded: Council Member Aulbach

Vote: (7-0) (Gratwick, Aulbach, Mason, Sadd, Lowe, Wright, Christopher)

NEW BUSINESS

R2015-02-26

A Resolution of the Mayor and Council of the City of Peachtree Corners, Georgia approving the Town Center LCI Study and incorporating it into the 2033 Comprehensive Plan.

Matt Cherry of Lord, Aeck and Sargent gave a brief presentation concerning the Town Center LCI Study. Among other items, Mr. Cherry presented the action plan.

MOTION TO APPROVE R2015-02-26.

By: Council Member Christopher

Seconded: Council Member Aulbach

Vote: (7-0) (Christopher, Aulbach, Mason, Sadd, Lowe, Wright, Gratwick)

ACTION ITEM – APH2014-09-016

Consideration of Approval of Alcoholic Beverage License Application Retail/ Package Beer & Wine for Earth Fare Inc dba: Earth Fare at 5270 Peachtree Pkwy, Ste 108 Peachtree Corners GA 30092.

Mrs. Diana Wheeler, Community Development Director, informed the Mayor and Council that the applicant has passed all of the background requirements, and therefore, Staff recommended approval of the application.

MOTION TO APPROVE APH2014-09-016.

By: Council Member Christopher

Seconded: Council Member Gratwick

Vote: (7-0) (Christopher, Gratwick, Mason, Sadd, Lowe, Wright, Aulbach)

O2015-01-39

First Read and Consideration of an Ordinance Adopting the Stream Buffer Protection Ordinance for the City of Peachtree Corners, Georgia.
(Second Read and Public Hearing will be on March 17, 2015.)

O2015-01-40

First Read and Consideration of an Ordinance to Adopt Regulations for Post-Development Stormwater Maintenance for new Development and Redevelopment. (Second Read and Public Hearing will be on March 17, 2015.)

ACTION ITEM

Consideration of Approval of a Contract Amendment for Pond & Company for a Winters Chapel Traffic Analysis.

Greg Ramsey, Public Works Director, informed the Mayor and Council that the City has an existing contract with Pond and Company to do an LCI study, and he is recommending that we add to that contract a traffic analysis on Winters Chapel Road. The fee for the traffic analysis would be \$46,900.

DRAFT COPY

MOTION TO APPROVE A CONTRACT AMENDMENT FOR POND AND COMPANY TO DO A TRAFFIC ANALYSIS ON WINTERS CHAPEL ROAD.

By: Council Member Sadd

Seconded: Council Member Christopher

Vote: (7-0) (Sadd, Christopher, Mason, Lowe, Wright, Aulbach, Gratwick)

ACTION ITEM

Consideration of an Intergovernmental Agreement with Gwinnett County for Solid Waste, Street Lights, and Ad Valorem collection.

Brandon Branham, Accounting Manager, informed the Mayor and Council that the City of Peachtree Corners and Gwinnett County have come to an agreement to collect Solid Waste, Street Lights and Ad Valorem to the property bills. The agreement is included in the Council packet.

MOTION TO APPROVE THE IGA WITH GWINNETT COUNTY FOR SOLID WASTE, STREET LIGHTS AND AD VALOREM COLLECTION.

By: Council Member Gratwick

Seconded: Council Member Christopher

Vote: (7-0) (Gratwick, Christopher, Mason, Sadd, Lowe, Wright, Aulbach)

ACTION ITEM

Consideration of an Intergovernmental Agreement with Gwinnett County for Jail Services.

Brandon Branham, Accounting Manager, informed the Mayor and Council that the City of Peachtree Corners and Gwinnett County have come to an agreement for jail services. The agreement is included in the Council packet.

MOTION TO APPROVE THE IGA WITH GWINNETT COUNTY FOR JAIL SERVICES.

By: Council Member Christopher

Seconded: Council Member Gratwick

Vote: (7-0) (Christopher, Gratwick, Mason, Sadd, Lowe, Wright, Aulbach)

ACTION ITEM

Consideration of awarding a bid for landscape work at entryway sign (PIB and Peachtree Parkway) pursuant to Pond & Company landscape plan.

DRAFT COPY

Mrs. Diana Wheeler, Community Development Director, informed the Mayor and Council that she recommends that the Gateway Landscaping bid be awarded to Russell Landscaping for \$90,107.35. Mrs. Wheeler stated that references for Russell Landscaping had been checked.

MOTION TO APPROVE AWARDING THE GATEWAY LANDSCAPE BID TO RUSSELL LANDSCAPING.

By: Council Member Christopher

Seconded: Council Member Gratwick

Vote: (7-0) (Christopher, Gratwick, Mason, Sadd, Lowe, Wright, Aulbach)

WORK SESSION:

Presentation regarding GA Tech incubator program.

Ms. Lynne Heinkeil of Georgia Tech gave a brief presentation on the Georgia Tech incubator program. Ms. Heinkeil recommended a Community Readiness, eight week program.

Discussion on Traffic Control

Mr. Greg Ramsey discussed with the Mayor and Council a process on how the City would move forward with traffic requests.

Discussion on IGA with Johns Creek for ARC State Route 141 Corridor Study.

Mr. Greg Ramsey discussed with the Mayor and Council a possible Intergovernmental Agreement with Johns Creek for ARC State Route 141 Corridor Study. It was decided that this item would come before the Mayor and Council at the next meeting.

Discussion on pole banners designs.

Mrs. Judy Putnam, Communications Director, presented the Mayor and Council with various designs for the City's pole banners. After discussion the selection was narrowed down to two designs.

Discussion concerning Green Ordinances.

Mrs. Diana Wheeler informed the Mayor and Council that the City is on schedule with presenting a Green Committee Ordinance for adoption; first read, at the March 17th Council meeting and second read, at the April 21st Council Meeting.

The completed application is due to the Atlanta Regional Commission by May 1, 2015.

Discussion concerning application to ARC for LCI implementation funds.

Mrs. Diana Wheeler, Community Development Director, informed the Mayor and Council of the upcoming resolution to be heard at the March 17th Council Meeting. Staff would like to submit to the ARC a funding request for the most immediate Transportation Improvement Projects (TIP). The resolution will state, as required, that the City will commit to match funds at 20%. The projects will include the State Route 141 Corridor Study, the Towne Center North Bridge design development, the Comprehensive Transportation Plan, and the Multi-use Trail and Sidewalk Plan.

ADJOURNMENT:

MOTION TO ADJOURN AT 9:19 PM

By: Council Member Sadd

Seconded by: Council Member Aulbach

Vote: (7-0) (Sadd, Aulbach, Mason, Lowe, Wright, Christopher, Gratwick)

Approved,

Attest:

Mike Mason, Mayor

Kyemberly Chereck, City Clerk
(Seal)

**Staff Activity
Report
D. Wheeler**



Memo

TO: Mayor and Council

CC: Julian Jackson, City Manager

FROM: Diana Wheeler, Community Development Director

DATE: March 17, 2015

SUBJECT: Staff Activity Report

The following is a summary of Staff activity during the period of 3/1/15 – 3/13/15.

- A. Meetings with:
1. DDA approve land sales contracts.
 2. Planning Commission for public hearing.
 3. Public hearing applicants to review April submittal documents.
 4. ARC to review projects for funding.
- B. Prepared materials for Green Community application.
- C. Completed contract with Russell Landscape. Work to start the week of March 26th.
- D. Staff Festival Committee met to coordinate booth at June event. First community participation opportunity for Holcomb Bridge Road Corridor study will be included.
- E. Responded to phone calls and e-mails from residents, business people, and others.
- F. The following permits were issued:

DATE	Permit #	NAME	ADDRESS	TYPE
3/2/2015	PP15-0183	PLUMB DIGGITY LLC	6649 PEACHTREE IND BLVD STE M,N,O	PLUMBING
3/2/2015	PP15-0184	MR ROOTER/MR. ELECTRIC, INC	4914 WATERPORT WAY	PLUMBING
3/3/2015	PP15-0185	ROYAL GOURMET	5425 PEACHTREE PKWY F & G	CERTIFICATE OF OCCUPANCY
3/3/2015	PP15-0186	PENDLEY CONSTRUCTION GROUP, LLC	4015 HOLCOMB BRIDGE RD	DEMO
3/3/2015	PP15-0187	ANDY MAY CONSTRUCTION	6550 JIMMY CARTER BLVD STE A	INTERIOR FINISH
3/3/2015	PP15-0188	ACCUAIR HEATING & COOLING	6679 PEACHTREE IND BLVD STE N	HVAC
3/3/2015	PP15-0189	PENDLEY CONSTRUCTION GROUP, LLC	4015 HOLCOMB BRIDGE RD STE 320	INTERIOR FINISH
3/3/2015	PP15-0190	FINDLAY ROOFING	4779 WINTERS CHAPEL RD	REROOF
3/3/2015	PP15-0191	CABOT II-GA	5060 AVALON RIDGE PKQY	CERTIFICATE OF OCCUPANCY
3/3/2015	PP15-0192	LMI SYSTEMS, INC	4511 JONES BRIDGE CIR	ELECTRICAL
3/3/2015	PP15-0193	KIN K WOK'S SUCCESS CONSTRUCTION	6480 JIMMY CARTER BLVD	INTERIOR FINISH
3/4/2015	PP15-0194	SHUMATE MECHANICAL	4099 DEERINGS DR	HVAC
3/4/2015	PP15-0195	SIGNARAMA	4015 HOLCOMB BRIDGE STE 320	PERMANENT SIGN
3/5/2015	PP15-0196	CORNERSTONE HOMES & DEVELOPERS, LLC	4907 OAK MANOR CT	NEW HOME
3/5/2015	PP15-0197	U SMILES XPRESS	6689 PEACHTREE IND BLVD STE F	CERTIFICATE OF OCCUPANCY
3/5/2015	PP15-0198	GOLDEN NAILS	5005 PEACHTREE PKWY STE 850	TEMPORARY SIGN

DATE	Permit #	NAME	ADDRESS	TYPE
3/5/2015	PP15-0199	DR ROOF ATLANTA	6225 COURTSIDE DR	REROOF
3/5/2015	PP15-0200	SIGNS PLUS	3230 MEDLOCK BRIDGE RD STE 112	PERMANENT SIGN
3/5/2015	PP15-0201	ELITE CONSTRUCTION & DESIGN	5250 PEACHTREE PKWY	INTERIOR FINISH
3/6/2015	PP15-0202	SANDRA SMITH	3445 SCOTTS MILL RUN	ADDITION
3/6/2015	PP15-0203	GILMAC ELECTRIC	6649 PEACHTREE IND BLVD	ELECTRICAL
3/6/2015	PP15-0204	LANDMARK DIVIDEND, LLC	6525 THE CORNERS PKWY STE 205	CERTIFICATE OF OCCUPANCY
3/6/2015	PP15-0205	J. MAC ELECTRIC	4907 OAK MANOR CT	T-POLE
3/6/2015	PP15-0206	J. MAC ELECTRIC	4887 OAK MANOR CT	T-POLE
3/6/2015	PP15-0207	J. MAC ELECTRIC	3845 SCOTTS MILL RUN	T-POLE
3/6/2015	PP15-0208	J. MAC ELECTRIC	3855 SCOTTS MILL RUN	T-POLE
3/6/2015	PP15-0209	J. MAC ELECTRIC	3865 SCOTTS MILL RUN	T-POLE
3/6/2015	PP15-0210	RENEW PROPERTIES, LLC	5160 MAINSTREAM CIR	ADDITION
3/6/2015	PP15-0211	NORTH ATLANTA INSTALLATION	5171 PEACHTREE PKWY STE 505	PERMANENT SIGN
3/6/2015	PP15-0212	NORTH ATLANTA INSTALLATION	5171 PEACHTREE PKWY STE 505	PERMANENT SIGN
3/9/2015	PP15-0213	MICHAEL AND SHANNON MEZZA	4534 FITZPATRICK WAY	REMODEL
3/9/2015	PP15-0214	CORNERSTONE HOMES & DEVELOPERS, LLC	4884 OAK MANOR CT	NEW HOME
3/9/2015	PP15-0215	MERIT CONSTRUCTION CO	3135 AVALON RIDGE PLACE STE 200	INTERIOR REMODEL
3/9/2015	PP15-0216	AZAR CONSTRUCTION, INC	4665 POMARINE CIRCLE	BASEMENT FINISH
3/9/2015	PP15-0217	BILL GRANT MANAGEMENT, INC	4299 RIVERVIEW DR	ACCESSORY STRUCTURE
3/10/2015	PP15-0219	U S GOAL	6480 JIMMY CARTER BLVD	RACKING
3/10/2015	PP15-0221	PHILLIPS ELECTRICAL TECHNOLOGY	4400 PEACHTREE IND BLVD	ELECTRICAL
3/10/2015	PP15-0222	JOHN ROHMTLELLER	4034 ANCIENT AMBER WAY	REMODEL
3/11/2015	PP15-0223	SUPERIOR PLUMBING SERVICES, INC	5692 CREEKSIDE DR	PLUMBING
3/11/2015	PP15-0224	SUPERIOR PLUMBING SERVICES, INC	4084 NOBLEMAN POINT	PLUMBING
3/11/2015	PP15-0225	GEORGIA DELTA MECHANICAL, INC	4661 JONES BRIDGE CIR	PLUMBING

**Staff Activity
Report
G. Ramsey**



MEMO

TO: Mayor & Council
 CC: Julian Jackson, City Manager
 FROM: Greg Ramsey, P.E., Public Works Director
 DATE: March 17, 2015
 SUBJECT: Public Works Activity Report

The following is a summary of the Public Works Activities in the monthly period ending 03-10-15:

A. Attended the following meetings:

1. GCDWR – Gunnin Road sewer upgrade, 2-27-15
2. GCDWR – Peachtree Parkway sewer system, 3-6-15
3. ARC – LCI application meeting, 3-11-15
4. Peachtree Elementary – outdoor classroom space, 2-10-15

B. Field Services Operations 02-11-15 thru 03-10-15

1. # of Work Orders Initiated = 102
2. # of Fix It App submittals for PW = 21
3. # of Field Generated Work Orders = 81
4. # of Work Orders Completed = 89
5. # of Work Orders Referred to Other Departments = 10
6. Please see below for summaries of Work Orders & Fix-It App submittals

Work Orders Initiated:

Order Number	Entry Date	Description	Address	Status Type	Completion
15-000210	1/29/2015	Extend Bollards	5995 Crooked Creek Rd	Completed	3/9/2015
15-000239	2/11/2015	Remove Fallen Tree From R.O.W	4229 Virginia Ave	In Progress	
15-000327	2/12/2015	Trash In R.O.W.	Holcomb Way	Completed	2/12/2015
15-000241	2/12/2015	Graffiti Removal	Peachtree Industrial Blvd	Completed	3/6/2015
15-000240	2/12/2015	Trash In R.O.W	6300 Holcomb Way	In Progress	
15-000290	2/13/2015	Cut Grass	4600 Peachtree Industrial Blvd	Completed	2/13/2015
15-000261	2/13/2015	Remove Deceased Animal	South Old Peachtree Rd	Completed	2/13/2015
15-000255	2/17/2015	Trash In R.O.W.	5855 Crooked	Completed	2/17/2015

Order Number	Entry Date	Description	Address	Status Type	Completion
			Creek Rd		
15-000257	2/17/2015	Trash In R.O.W.	125 Technology Pkwy	Completed	2/17/2015
15-000258	2/17/2015	Remove Deceased Animal	Crooked Creek /Jay Bird Alley	Completed	2/18/2015
15-000252	2/17/2015	Street Maintenance	E East Jones Bridge Rd	Completed	2/17/2015
15-000243	2/17/2015	Sidewalk Broken/Cracked	3632 Arnsdale Dr	In Progress	
15-000249	2/17/2015	Trash In R.O.W.	Medlock Bridge Rd	Completed	2/17/2015
15-000251	2/17/2015	Street Maintenance	Spalding Dr	Completed	2/17/2015
15-000247	2/17/2015	Remove Tree Limbs	Spalding Dr	Completed	2/17/2015
15-000248	2/17/2015	Removed Tree	West Jones Bridge Rd	Completed	2/17/2015
15-000253	2/17/2015	Street Maintenance	West Jones Bridge Rd	Completed	2/17/2015
15-000242	2/17/2015	Trash In R.O.W.	6173 Crooked Creek Rd	In Progress	
15-000262	2/18/2015	Remove Deceased Animal	157 Technology Pkwy	Completed	2/18/2015
15-000273	2/18/2015	Ice In R.O.W.	4154 Ancient Amber Way	Completed	2/18/2015
15-000244	2/18/2015	Clean Storm Drain	4236 Florida Ave	Completed	2/23/2015
15-000277	2/18/2015	Tree Removal	45 Technology Pkwy	Completed	2/18/2015
15-000276	2/18/2015	Tree Limb Removal	4591 Jones Bridge Cir	Completed	2/18/2015
15-000275	2/18/2015	Tree Removal	6400 Peachtree Industrial Blvd	Completed	2/18/2015
15-000282	2/18/2015	Trash In R.O.W.	Old South Peachtree Rd	Completed	2/18/2015
15-000278	2/18/2015	Trash In R.O.W.	Peachtree Industrial Blvd	Completed	2/18/2015
15-000279	2/18/2015	Trash In R.O.W.	Peachtree Industrial Blvd	Completed	2/18/2015
15-000246	2/19/2015	Trash In R.O.W.	4568 East Jones Bridge Rd	Completed	3/5/2015
15-000286	2/19/2015	Remove Deceased Animal	4671 Winters Chapel Rd	Completed	2/19/2015
15-000287	2/19/2015	Remove Tree Limbs	Corley Rd	Completed	2/19/2015
15-000285	2/19/2015	Remove Deceased Animal	Governors Park	Completed	2/19/2015
15-000254	2/19/2015	Trash In R.O.W.	Holcomb Way	Completed	2/23/2015
15-000250	2/19/2015	Trash In R.O.W.	Jones Bridge Cir	Completed	2/17/2015
15-000283	2/19/2015	Remove Deceased Animal	N Hwy 141	Completed	2/19/2015
15-000284	2/19/2015	Objects In Road	Spalding Dr	Completed	2/19/2015
15-000288	2/19/2015	Removed Tree Limbs	Spalding Dr	Completed	2/19/2015
15-000245	2/19/2015	Graffiti Removal	Jimmy Carter Blvd	In Progress	
15-000289	2/20/2015	Removed Tree Limbs	6080 Crooked Creek Rd	Completed	2/20/2015
15-000209	2/21/2015	Remove Deceased Animal	Jones Mill Rd @ P'tree Corners Cir	Completed	1/21/2015

Order Number	Entry Date	Description	Address	Status Type	Completion
15-000330	2/23/2015	Trash In R.O.W.	6582 Peachtree Industrial Blvd	In Progress	
15-000256	2/23/2015	Trash In R.O.W.	167 Technology Pkwy	Completed	2/17/2015
15-000324	2/23/2015	Trash In R.O.W.	6141 Peachtree Industrial Blvd	Completed	2/23/2015
15-000325	2/23/2015	Trash In R.O.W.	6375 Peachtree Industrial Blvd	Completed	2/23/2015
15-000333	2/23/2015	Remove Deceased Animal	6520 Hillandale Dr and Mercer Place Apts	Completed	2/23/2015
15-000331	2/23/2015	Remove Deceased Animal	6582 Peachtree Industrial Blvd	Completed	2/23/2015
15-000332	2/23/2015	Remove Street Sign	Holcomb Bridge Rd	Completed	2/23/2015
15-000323	2/23/2015	Remove Street Sign	Holcomb Bridge Rd	Completed	2/23/2015
15-000259	2/23/2015	Trash In R.O.W.	Jay Bird Alley, East Of Crooked Creek Rd	Completed	2/23/2015
15-000328	2/23/2015	Trash In R.O.W.	Jimmy Carter Blvd	Completed	2/23/2015
15-000326	2/23/2015	Trash In R.O.W.	Jones Mill Ramp	Completed	2/23/2015
15-000335	2/23/2015	Trash In R.O.W.	N Jones Mill Rd	Completed	2/23/2015
15-000295	2/24/2015	Object In R.O.W.	4600 S Peachtree Industrial Blvd	Completed	2/24/2015
15-000337	2/24/2015	Trash In R.O.W.	Governors Lake Dr	Completed	2/24/2015
15-000292	2/24/2015	Deice Roads	Jones Mill Cir	Completed	2/24/2015
15-000336	2/24/2015	Trash In R.O.W.	Medlock Bridge Rd	Completed	2/24/2015
15-000293	2/24/2015	Deice Bridge	Spalding Dr	Completed	2/24/2015
15-000291	2/24/2015	Remove Deceased Animal	Jones Mill Cir	Completed	2/24/2015
15-000260	2/25/2015	Graffiti Removal	3375 Holcomb Bridge Rd	In Progress	
15-000296	2/25/2015	Patrolled City Roads For Ice/Sleet	Entire City	Completed	2/26/2015
15-000338	2/25/2015	Trash In R.O.W.	Peachtree Corners Cir	Completed	2/25/2015
15-000307	2/26/2015	Remove Deceased Animal	3517 Jones Mill Road	Completed	2/26/2015
15-000311	2/26/2015	Trash In R.O.W.	4684 S Berkley Lake Rd	Completed	2/26/2015
15-000310	2/26/2015	Remove Deceased Animal	4803 Winters Chapel Rd	Completed	2/26/2015
15-000309	2/26/2015	Trash In R.O.W.	4830 Winters Chapel Rd	Completed	2/26/2015
15-000308	2/26/2015	Trash In R.O.W.	6597 Peachtree Industrial Blvd	Completed	2/26/2015
15-000315	2/26/2015	Remove Deceased Animal	6755 Peachtree St	Completed	2/27/2015
15-000314	2/26/2015	Remove Deceased Animal	Holcomb Bridge Rd	Completed	2/26/2015
15-000329	2/26/2015	Trash In R.O.W.	Kingston Ct	Completed	2/23/2015
15-000322	2/26/2015	Remove Tree Limbs	Peachtree Industrial Blvd	Completed	3/3/2015
15-000313	2/26/2015	Trash In R.O.W.	Peachtree Industrial Blvd	Completed	2/26/2015

Order Number	Entry Date	Description	Address	Status Type	Completion
15-000297	2/26/2015	Trash In R.O.W.	PIB Access Rd.	Completed	2/26/2015
15-000312	2/26/2015	Trash In R.O.W.	Spalding Dr	Completed	2/26/2015
15-000298	2/26/2015	Removed Tree Limbs	W Jones Bridge Rd	Completed	2/26/2015
15-000339	2/26/2015	Trash In R.O.W.	3517 Jones Mill Rd	Completed	2/26/2015
15-000264	2/27/2015	Trash In R.O.W.	3387 Meadow Rue Dr.	Completed	3/6/2015
15-000263	2/27/2015	Repair Pothole	4661 Jones Bridge Rd	Completed	3/11/2015
15-000316	2/27/2015	Remove Deceased Animal	Governors Lake Dr	Completed	2/27/2015
15-000299	2/27/2015	Graffiti Removal	Medlock Bridge Rd	Completed	2/27/2015
15-000300	2/27/2015	Trash In R.O.W.	South Berkley Lake Rd	Completed	3/11/2015
15-000319	3/2/2015	Trash In R.O.W.	2200 Montrose Pkwy Medlock Bridge Apts	Completed	3/2/2015
15-000320	3/2/2015	Remove Deceased Animal	420 Technology Pkwy	Completed	3/2/2015
15-000321	3/2/2015	Trash In R.O.W.	6490 Appletree Way	Completed	3/3/2015
15-000301	3/2/2015	Cut Tree Limbs	Crooked Creek Rd	Completed	3/2/2015
15-000302	3/2/2015	Trash In R.O.W.	Hwy 141 South	Completed	3/2/2015
15-000303	3/2/2015	Trash In R.O.W.	Jones Mill Rd	Completed	3/2/2015
15-000266	3/2/2015	Trash In R.O.W.	Jones Mill Rd	Completed	3/3/2015
15-000317	3/2/2015	Trash In R.O.W.	Meadow Rue Ln	Completed	3/2/2015
15-000265	3/2/2015	Pot Holes	SE Bush Rd	Pending	
15-000318	3/2/2015	Trash In R.O.W.	Medlock Bridge Rd	Completed	3/2/2015
15-000267	3/3/2015	Repair Street Sign	2925 Colonnades Ct	Completed	3/3/2015
15-000304	3/3/2015	Repair Pothole	Medlock Bridge Rd	Completed	3/3/2015
15-000305	3/5/2015	Trash In R.O.W.	6195 Crooked Creek Rd	In Progress	
15-000306	3/5/2015	Remove Tree Limbs	Peachtree Corners Cir	In Progress	
15-000270	3/5/2015	Trash In R.O.W.	3605 Jones Mill Rd	Completed	3/5/2015
15-000269	3/5/2015	Trash In R.O.W.	6280 Meadow Rue Dr	Completed	3/5/2015
15-000271	3/5/2015	Trash In R.O.W.	Florida Ave	Completed	3/5/2015
15-000274	3/5/2015	Remove Deceased Animal	Jones Mill Rd	Completed	2/18/2015
15-000268	3/5/2015	Trash In R.O.W.	Peachtree Corners Cir	Completed	3/5/2015
15-000272	3/5/2015	Trash In R.O.W.	Peachtree St	Completed	3/5/2015
15-000294	3/9/2015	Sinkhole	3735 River Hollow Run	In Progress	
15-000280	3/9/2015	Remove Deceased Animal	4783 Bush Road	In Progress	
15-000281	3/9/2015	Graffiti Removal	7050 Jimmy Carter Blvd	In Progress	

Work Orders Referred to other Departments:

Date Created	Request Type	Address	Status Type	Referred To Other Departments
02/09/2015	Foul Odor Coming from Retention Pond	620 Ivy Chase Lane	Closed	Gwinnett County Water Resources
02/11/2015	Feral Cats Taking Over the Neighborhood	3864-3866 Meadow Creek Drive	Closed	Gwinnett Animal Control
02/12/2015	Sidewalk Broken / Cracking	5435 West Jones Bridge Road	Closed	Gwinnett DOT
02/12/2015	Abandoned Vehicle	5908 Princess LN	Closed	Gwinnett Police Department
02/18/2015	Request for Street Lights	4085-4115 Frank Neely Road	In- Process	Georgia Power
02/19/2015	Delineators Removed	Meadow Rue Drive	In- Process	Gwinnett DOT
02/20/015	Fire Hydrant Leak	Gran River Subdivision 4765 Gran River Glenn	Closed	Gwinnett Water Resources
02/23/2015	Request for Street Lights	3688 Creekstone Drive	In- Process	Georgia Power
02/27/2015	Trash Private Property/ Noise	3942 Spalding Drive	Closed	Waste Pro - Gwinnett
03/02/2015	Bulk Item Pick up	Address Not Provided	Closed	Waste Pro – Gwinnett

02015-01-40

Stormwater

**AN ORDINANCE TO ADOPT REGULATIONS FOR POST-DEVELOPMENT
STORMWATER MAINTENANCE FOR NEW DEVELOPMENT AND
REDEVELOPMENT**

WHEREAS, the City of Peachtree Corners has a duty to preserve the health, safety, and welfare of the citizens of the City; and

WHEREAS, land development projects and other land use conversions, and their associated changes to land cover, permanently alter the hydrologic response of local watersheds and increase stormwater runoff rates and volumes, which in turn increase flooding, stream channel erosion, and sediment transport and deposition; and

WHEREAS, land development projects and other land use conversions also contribute to increased nonpoint source pollution and degradation of receiving waters; and

WHEREAS, the impacts of post-development stormwater runoff quantity and quality can adversely affect public safety, public and private property, drinking water supplies, recreation, fish and other aquatic life, property values and other uses of lands and waters; and

WHEREAS, these adverse impacts can be controlled and minimized through the regulation of stormwater runoff quantity and quality from new development and redevelopment, by the use of both structural facilities as well as nonstructural measures, such as the conservation of open space and greenspace areas; and

WHEREAS, localities in the State of Georgia are required to comply with a number of both State and Federal laws, regulations and permits which require a locality to address the impacts of post-development stormwater runoff quality and nonpoint source pollution; and

WHEREAS, the Mayor and Council of the City of Peachtree Corners desire to establish a set of Stormwater Management Policies to provide reasonable guidance for post-development stormwater runoff and they have determined that it is in the public interest to regulate post-development stormwater runoff discharges in order to minimize increases in stormwater runoff rates and volumes, post-construction soil erosion and sedimentation, stream channel erosion, and nonpoint source pollution associated with post-development stormwater runoff.

THEREFORE, THE MAYOR AND COUNCIL OF THE CITY OF PEACHTREE CORNERS HEREBY ORDAIN AND ADOPT THE REGULATIONS FOR POST-DEVELOPMENT STORMWATER MAINTENANCE FOR NEW DEVELOPMENT AND REDEVELOPMENT TO READ AS FOLLOWS:

Sec. 1. - Purpose and Intent.

The purpose of this ordinance is to protect, maintain and enhance the public health, safety, environment and general welfare by establishing minimum requirements and procedures to control the adverse effects of increased post-development stormwater runoff and nonpoint source pollution associated with new development and redevelopment. It has been determined that proper management of post-development stormwater runoff will minimize damage to public and private property and infrastructure, safeguard the public health, safety, environment and general welfare of the public, and protect water and aquatic resources. This ordinance seeks to meet that purpose through the following objectives:

- (1) Establish decision-making processes surrounding land development activities that protect the integrity of the watershed and preserve the health of water resources;
- (2) Require that new development and redevelopment maintain the pre-development hydrologic response in their post-development state as nearly as practicable in order to reduce flooding, stream bank erosion, nonpoint source pollution and increases in stream temperature, and maintain the integrity of stream channels and aquatic habitats;
- (3) Establish minimum post-development stormwater management standards and design criteria for the regulation and control of stormwater runoff quantity and quality;
- (4) Establish design and application criteria for the construction and use of structural stormwater control facilities that can be used to meet the minimum post-development stormwater management standards;
- (5) Encourage the use of nonstructural stormwater management and stormwater better site design practices, such as the preservation of greenspace and other conservation areas, to the maximum extent practicable. Coordinate site design plans, which include greenspace, with the county's greenspace protection plan;
- (6) Establish provisions for the long-term responsibility for and maintenance of structural stormwater control facilities and nonstructural stormwater management practices to ensure that they continue to function as designed, are maintained, and pose no threat to public safety; and
- (7) Establish administrative procedures for the submission, review, approval and disapproval of stormwater management plans, and for the inspection of approved active projects, and long-term follow up.

Sec. 2. - Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Applicant means a person submitting a postdevelopment stormwater management application and plan for approval.

Channel means a natural or artificial watercourse with a definite bed and banks that conducts continuously or periodically flowing water.

Conservation easement means an agreement between a landowner and the city or other government agency or land trust that permanently protects open space or greenspace on the owner's land by limiting the amount and type of development that can take place, but continues to leave the remainder of the fee interest in private ownership.

Detention means the temporary storage of stormwater runoff in a stormwater management facility for the purpose of controlling the peak discharge.

Detention facility means a detention basin or structure designed for the detention of stormwater runoff and gradual release of stored water at controlled rates.

Developer means a person who undertakes land development activities.

Development means a land development or land development project.

Director means the director of the city community development department.

Drainage easement means an easement appurtenant or attached to a tract or parcel of land allowing the owner of adjacent tracts or other persons to discharge stormwater runoff onto the tract or parcel of land subject to the drainage easement.

Erosion and sedimentation control plan means a plan that is designed to minimize the accelerated erosion and sediment runoff at a site during land disturbance activities.

Extended detention means the detention of stormwater runoff for an extended period, typically 24 hours or greater.

Extreme flood protection means measures taken to prevent adverse impacts from large low-frequency storm events with a return frequency of 100 years or more.

Flooding means a volume of surface water that is too great to be confined within the banks or walls of a conveyance or stream channel and that overflows onto adjacent lands.

Greenspace or open space means permanently protected areas of the site that are preserved in a natural state.

Hotspot means an area where the use of the land has the potential to generate highly contaminated runoff, with concentrations of pollutants in excess of those typically found in stormwater.

Hydrologic Soil Group (HSG) means a natural resource conservation service classification system in which soils are categorized into four runoff potential groups. The groups range from group A soils, with high permeability and little runoff produced, to group D soils, which have low permeability rates and produce much more runoff.

Impervious cover means a surface composed of any material that significantly impedes or prevents the natural infiltration of water into soil. The term "impervious cover" includes, but is not limited to, rooftops, buildings, streets and roads, and any concrete or asphalt surface.

Industrial stormwater permit means a National Pollutant Discharge Elimination System (NPDES) permit issued to an industry or group of industries that regulates the pollutant levels associated with industrial stormwater discharges or specifies on-site pollution control strategies.

Infiltration means the process of percolating stormwater runoff into the subsoil.

Inspection and maintenance agreement means a written agreement providing for the long-term inspection and maintenance of stormwater management facilities and practices on a site or with respect to a land development project, which when properly recorded in the deed records constitutes a restriction on the title to a site or other land involved in a land development project.

Jurisdictional wetland means an area that is inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support a prevalence of vegetation typically adapted for life in saturated soil conditions, commonly known as hydrophytic vegetation.

Land development means any land change, including, but not limited to, clearing, digging, grubbing, stripping, removal of vegetation, dredging, grading, excavating, transporting and filling of land, construction, paving, and any other installation of impervious cover.

Land development activities means those actions or activities that comprise, facilitate or result in land development.

Land development project means a discrete land development undertaking.

New development means a land development activity on a previously undeveloped site.

Nonpoint source pollution means a form of water pollution that does not originate from a discrete point such as a sewage treatment plant or industrial discharge, but involves the transport of pollutants such as sediment, fertilizers, pesticides, heavy metals, oil, grease, bacteria, organic materials and other contaminants from land to surface water and groundwater via mechanisms such as precipitation, stormwater runoff, and leaching. Nonpoint source pollution is a byproduct of land use practices such as agricultural, silvicultural, mining, construction, subsurface disposal and urban runoff sources.

Nonstructural stormwater management practice or nonstructural practice means any natural or planted vegetation or other nonstructural component of the stormwater management plan that provides for or enhances stormwater quantity and/or quality control or other stormwater management benefits, and includes, but is not limited to, riparian buffers, open and greenspace areas, overland flow filtration areas, natural depressions, and vegetated channels.

Off-site facility means a stormwater management facility located outside the boundaries of the site.

On-site facility means a stormwater management facility located within the boundaries of the site.

Overbank flood protection means measures taken to prevent an increase in the frequency and magnitude of out-of-bank flooding (i.e., flow events that exceed the capacity of the channel and enter the floodplain), and that are intended to protect downstream properties from flooding for the two-year through 25-year frequency storm events.

Owner means the legal or beneficial owner of a site, including, but not limited to, a mortgagee or vendee in possession, receiver, executor, trustee, lessee or other person in control of the site.

Permit means the permit issued by the city to the applicant that is required for undertaking any land development activity.

Postdevelopment refers to the time period, or the conditions that may reasonably be expected or anticipated to exist, after completion of the land development activity on a site as the context may require.

Pre-development refers to the time period, or the conditions that exist, on a site prior to the commencement of a land development project and at the time that plans for the land development of a site are approved by the plan approving authority. Where phased development or plan approval occurs (preliminary grading, roads and utilities, etc.), the existing conditions at the time prior to the first item being approved or permitted shall establish predevelopment conditions.

Project means a land development project.

Redevelopment means a land development project on a previously developed site, but excludes ordinary maintenance activities, remodeling of existing buildings, resurfacing of paved areas, and exterior changes or improvements which do not materially increase or concentrate stormwater runoff, or cause additional nonpoint source pollution.

Regional stormwater management facility or regional facility means stormwater management facilities designed to control stormwater runoff from multiple properties, where the owners or developers of the individual properties may assist in the financing of the facility, and the requirement for on-site controls is either eliminated or reduced.

Runoff means stormwater runoff.

Site means the parcel of land being developed, or the portion thereof, on which the land development project is located.

Stormwater better site design means nonstructural site design approaches and techniques that can reduce a site's impact on the watershed and can provide for nonstructural stormwater management. The term "stormwater better site design" includes conserving and protecting natural areas and greenspace, reducing impervious cover and using natural features for stormwater management.

Stormwater management means the collection, conveyance, storage, treatment and disposal of stormwater runoff in a manner intended to prevent increased flood damage, stream bank channel erosion, habitat degradation and water quality

degradation, and to enhance and promote the public health, safety and general welfare.

Stormwater management facility means any infrastructure that controls or conveys stormwater runoff.

Stormwater management measure means any stormwater management facility or nonstructural stormwater practice.

Stormwater management plan means a document describing how existing runoff characteristics will be affected by a land development project and containing measures for complying with the provisions of this article.

Stormwater management system means the entire set of structural and nonstructural stormwater management facilities and practices that are used to capture, convey and control the quantity and quality of the stormwater runoff from a site.

Stormwater retrofit means a stormwater management practice designed for a currently developed site that previously had either no stormwater management practice in place or a practice inadequate to meet the stormwater management requirements of the site.

Stormwater runoff means the flow of surface water resulting from precipitation.

Structural stormwater control means a structural stormwater management facility or device that controls stormwater runoff and changes the characteristics of that runoff including, but not limited to, the quantity and quality, the period of release or the velocity of flow of such runoff.

Subdivision means the division of a tract or parcel of land resulting in one or more new lots or building sites for the purpose, whether immediately or in the future, of sale, other transfer of ownership or land development, and includes divisions of land resulting from or made in connection with the layout or development of a new street or roadway or a change in an existing street or roadway.

Sec. 3. - Violations, enforcement and penalties.

Any action or inaction which violates the provisions of this ordinance or the requirements of an approved stormwater management plan or permit, may be subject to the enforcement actions outlined in this section. Any such action or inaction that is continuous with respect to time is deemed to be a public nuisance and may be abated by injunctive or other equitable relief. The imposition of any of the penalties described in subsection (2) of this section shall not prevent such equitable relief.

- (1) *Notice of violation.* If the city community development department determines that an applicant or other responsible person has failed to comply with the terms and conditions of a permit, an approved stormwater management plan or the provisions of this ordinance, it shall issue a written notice of violation to such applicant or other responsible person. Where a

person is engaged in activity covered by this ordinance without having first secured a permit therefor, the notice of violation is served on the owner or the responsible person in charge of the activity being conducted on the site. The notice of violation shall contain:

- a. The name and address of the owner or the applicant or the responsible person;
- b. The address or other description of the site upon which the violation is occurring;
- c. A statement specifying the nature of the violation;
- d. A description of the remedial measures necessary to bring the action or inaction into compliance with the permit, the stormwater management plan or this ordinance and the date for the completion of such remedial action;
- e. A statement of the penalty or penalties that may be assessed against the person to whom the notice of violation is directed; and
- f. A statement that the determination of violation may be appealed to the city community development department by filing a written notice of appeal within 30 days after the notice of violation (except that in the event the violation constitutes an immediate danger to public health or public safety, 24 hours' notice shall be sufficient).

(2) *Penalties.* In the event the remedial measures described in the notice of violation have not been completed by the date set forth for such completion in the notice of violation, any one or more of the following actions or penalties may be taken or assessed against the person to whom the notice of violation was directed. Before taking any of the following actions or imposing any of the following penalties, the city community development department shall first notify the applicant or other responsible person in writing of its intended action, and shall provide a reasonable opportunity, of not less than ten days (except that in the event the violation constitutes an immediate danger to public health or public safety, 24 hours' notice is sufficient), to cure such violation. In the event the applicant or other responsible person fails to cure such violation after such notice and cure period, the city community development department may take any one or more of the following actions or impose any one or more of the following penalties:

- a. *Stop work order.* The city community development department may issue a stop work order that is served on the applicant or other responsible person. The stop work order shall remain in effect until the applicant or other responsible person has taken the remedial measures set forth in the notice of violation or has otherwise cured the violation or violations described therein, provided the stop work order may be withdrawn or modified to enable the applicant or other responsible person to take the necessary remedial measures to cure such violation or violations.

- b. *Withhold certificate of occupancy.* The city community development department may refuse to issue a certificate of occupancy for the building or other improvements constructed or being constructed on the site until the applicant or other responsible person has taken the remedial measures set forth in the notice of violation or has otherwise cured the violations described therein.
- c. *Suspension, revocation or modification of permit.* The city community development department may suspend, revoke or modify the permit authorizing the land development project. A suspended, revoked or modified permit may be reinstated after the applicant or other responsible person has taken the remedial measures set forth in the notice of violation or has otherwise cured the violations described therein, provided such permit may be reinstated (upon such conditions as the city may deem necessary) to enable the applicant or other responsible person to take the necessary remedial measures to cure such violations.
- d. *Civil penalties.* In the event the applicant or other responsible person fails to take the remedial measures set forth in the notice of violation or otherwise fails to cure the violations described therein within ten days, or such greater period as the city community development department shall deem appropriate (except that, in the event the violation constitutes an immediate danger to public health or public safety, 24 hours' notice is sufficient) after the city has taken one or more of the actions described above, the department may impose a penalty not to exceed \$1,000.00 (depending on the severity of the violation) for each day the violation remains unremedied after receipt of the notice of violation.
- e. *Criminal penalties.* For intentional and flagrant violations of this ordinance, the city community development department may issue a citation to the applicant or other responsible person, requiring such person to appear in municipal court to answer charges for such violation. Upon conviction, such person shall be guilty of a violation of this Code. Each act of violation and each day upon which any act of violation shall occur shall constitute a separate violation of this Code.

Sec. 4. - Applicability.

- (a) This ordinance shall be applicable to all land development, including, but not limited to, site plan applications, subdivision applications, and grading applications, unless exempt pursuant to subsection (b) of this section. These standards apply to any new development or redevelopment site that meets one or more of the following criteria, or as otherwise required by the Director:
 - (1) New development that involves the creation of 5,000 square feet or more of impervious cover, or that involves other land development activities of 5,000 square feet or more;

- (2) Redevelopment that includes the creation, addition or replacement of 5,000 square feet or more of impervious cover, or that involves other land development activity of 5,000 square feet or more;
- (3) Any new development or redevelopment, regardless of size, that is defined by the Director to be a hotspot land use; or
- (4) Land development activities that are smaller than the minimum applicability criteria set forth in subsections (a)(1) and (2) of this section, if such activities are part of a larger common plan of development, even though multiple, separate and distinct land development activities may take place at different times on different schedules.

(b) The following activities are exempt from this ordinance:

- (1) Individual single-family or duplex residential lots that are not part of a subdivision or phased development project;
- (2) Additions or modifications to existing single-family or duplex residential structures;
- (3) Agricultural or silvicultural land management activities within areas zoned for these activities; and
- (4) Repairs to any stormwater management facility or practice deemed necessary by the Director.

Sec. 5. - Designation of Ordinance Administrator

The Director or a designee is hereby appointed to administer and implement the provisions of this ordinance.

Sec. 6. - Compatibility with Other Regulations

This ordinance is not intended to modify or repeal any other ordinance, rule, regulation or other provision of law. The requirements of this ordinance are in addition to the requirements of any other ordinance, rule, regulation or other provision of law, and where any provision of this ordinance imposes restrictions different from those imposed by any other ordinance, rule, regulation or other provision of law, whichever provision is more restrictive or imposes higher protective standards for human health or the environment shall control.

Sec. 7. - Stormwater Design Manual.

The City of Peachtree Corners will utilize the policy, criteria and information including technical specifications and standards in the latest edition of the Georgia

Stormwater Management Manual and any relevant local addenda to the Gwinnett County Stormwater Systems and Facilities Installation Standards and Specifications (or equivalent city stormwater management design manual) for the proper implementation of the requirements of this ordinance. The manual may be updated and expanded periodically, based on improvements in science, engineering, monitoring and local maintenance experience.

Sec. 8. - Permit—Required; application requirements.

- (a) No owner or developer shall perform any land development activities without first meeting the requirements of this ordinance prior to commencing the proposed activity.
- (b) Unless specifically exempted by this ordinance, any owner or developer proposing a land development activity shall submit to the City of Peachtree Corners Community Development Department a permit application on a form provided by the city for that purpose.
- (c) Unless otherwise exempted by this ordinance, a permit application shall be accompanied by the following items in order to be considered:
 - (1) Stormwater concept plan and consultation meeting certification in accordance with Section 10 of this Ordinance.
 - (2) Stormwater management plan in accordance with Section 11 of this Ordinance.
 - (3) Inspection and maintenance agreement in accordance with Section 11 of this Ordinance if applicable;
 - (4) Performance bondSection 13 of this Ordinance, if applicable; and
 - (5) Permit application and plan review fees in accordance with Sections 9 and 14 of this Ordinance.

Sec. 9. - Same—Application procedure.

- (a) Applications for land development permits are filed with the city community development department.
- (b) Permit applications shall include the items set forth in section 10. Two copies of the stormwater management plan and the inspection maintenance agreement, if applicable, is included.
- (c) The city community development department shall inform the applicant whether the application, stormwater management plan and inspection and maintenance agreement are approved or disapproved.
- (d) If either the permit application, stormwater management plan or inspection and maintenance agreement are disapproved, the city community development department shall notify the applicant of such fact in writing. The applicant may then revise any item not meeting the requirements hereof and

resubmit the same, in which event this subsection and subsection (c) of this section shall apply to such resubmittal.

- (e) Upon a finding by the city community development department that the permit application, stormwater management plan and inspection and maintenance agreement, if applicable, meet the requirements of this article, the city community development department may issue a permit for the land development project, provided all other legal requirements for the issuance of such permit have been met.
- (f) Notwithstanding the issuance of the permit, in conducting the land development project, the applicant or other responsible person is subject to the following requirements:
 - (1) The applicant shall comply with all applicable requirements of the approved plan and this article and shall certify that all land clearing, construction, land development and drainage will be done according to the approved plan;
 - (2) The land development project is conducted only within the area specified in the approved plan;
 - (3) The city community development department is allowed to conduct periodic inspections of the project;
 - (4) No changes may be made to an approved plan without review and written approval by the city community development department; and
 - (5) Upon completion of the project, the applicant or other responsible person shall submit the engineer's report and certificate and as-built plans required by Section 17 of this Ordinance.

Sec. 10. - Stormwater concept plan and consultation meeting.

- (a) *Discussion of postdevelopment stormwater management.* Before any stormwater management permit application is submitted, it is recommended that the landowner or developer shall meet with the city community development department for a consultation meeting on a concept plan for the post-development stormwater management system to be utilized in the proposed land development project. This consultation meeting shall take place at the time of the preliminary plan of subdivision or other early step in the development process. The purpose of this meeting is to discuss the post-development stormwater management measures necessary for the proposed project, as well as to discuss and assess constraints, opportunities and potential ideas for stormwater management designs before the formal site design engineering is commenced.
- (b) *Information to be submitted.* To accomplish this goal, the following information shall be included in the concept plan that is submitted in advance of the meeting:

- (1) *Existing conditions; proposed site plans.* Existing conditions and proposed site layout sketch plans which illustrate, at a minimum, existing and proposed topography; perennial and intermittent streams; mapping of predominant soils from soil surveys (when available); boundaries of existing predominant vegetation and proposed limits of clearing and grading; and location of existing and proposed roads, buildings, parking areas and other impervious surfaces.
- (2) *Natural resources inventory.* A written or graphic inventory of the natural resources at the site and surrounding area as it exists prior to the commencement of the project. This description should include a discussion of soil conditions, forest cover, topography, wetlands, and other native vegetative areas on the site, as well as the location and boundaries of other natural feature protection and conservation areas such as wetlands, lakes, ponds, floodplains, stream buffers and other setbacks (e.g., drinking water well setbacks, septic setbacks, etc.). Particular attention should be paid to environmentally sensitive features that provide particular opportunities or constraints for development.
- (3) *Stormwater management system concept plan.* A written or graphic concept plan of the proposed post-development stormwater management system including: preliminary selection and location of proposed structural stormwater controls; location of existing and proposed conveyance systems such as grass channels, swales, and storm drains; flow paths; location of floodplain/floodway limits; relationship of site to upstream and downstream properties and drainages; and preliminary location of proposed stream channel modifications, such as bridge or culvert crossings. (4) Local watershed plans and any relevant resource protection plans will be consulted in the discussion of the concept plan.

Sec. 11. - Stormwater Management Plan Requirements

- (a) The stormwater management plan shall detail how post-development stormwater runoff will be controlled or managed and how the proposed project will meet the requirements of this ordinance, including the performance criteria set forth in Section 16 of this Ordinance.
- (b) This plan shall be in accordance with the criteria established in this section and must be submitted with the stamp and signature of a professional engineer (PE) licensed in the state of Georgia., who must verify that the design of all stormwater management facilities and practices meet the submittal requirements outlined in the submittal checklists found in the stormwater design manual.
- (c) The stormwater management plan must ensure that the requirements and criteria in this article are being complied with and that opportunities are being taken to minimize adverse post-development stormwater runoff impacts from the development. The plan shall consist of maps, narrative,

and supporting design calculations (hydrologic and hydraulic) for the proposed stormwater management system. The plan shall include all of the information required in the Stormwater Management Site Plan checklist found in the stormwater design manual. This includes:

- (1) The common address and legal description of the site.
- (2) Vicinity Map.
- (3) Existing conditions hydrologic analysis. The existing condition hydrologic analysis for stormwater runoff rates, volumes, and velocities, which shall include: a topographic map of existing site conditions with the drainage basin boundaries indicated; acreage, soil types and land cover of areas for each sub-basin affected by the project; all perennial and intermittent streams and other surface water features; all existing stormwater conveyances and structural control facilities; direction of flow and exits from the site; analysis of runoff provided by off-site areas upstream of the project site; and methodologies, assumptions, site parameters and supporting design calculations used in analyzing the existing conditions site hydrology. For redevelopment sites, predevelopment conditions shall be modeled using guidelines established by the Director for the portion of the site undergoing land development activities.
- (4) Postdevelopment hydrologic analysis. The postdevelopment hydrologic analysis for stormwater runoff rates, volumes, and velocities, which shall include: a topographic map of developed site conditions with the post-development drainage basin boundaries indicated; total area of post-development impervious surfaces and other land cover areas for each sub-basin affected by the project; calculations for determining the runoff volumes that need to be addressed for each sub-basin for the development project to meet the post-development stormwater management performance criteria in Section 16; location and boundaries of proposed natural feature protection and conservation areas; documentation and calculations for any applicable site design credits that are being utilized; methodologies, assumptions, site parameters and supporting design calculations used in analyzing the existing conditions site hydrology. If the land development activity on a redevelopment site constitutes more than 50 percent of the site area for the entire site, then the performance criteria in Section 16 must be met for the stormwater runoff from the entire site.
- (5) Stormwater management system. The description, scaled drawings and design calculations for the proposed post-development stormwater management system, which shall include: A map and/or drawing or sketch of the stormwater management facilities, including the location of nonstructural site design features and the placement of existing and proposed structural stormwater controls, including design water surface elevations, storage volumes available from zero to maximum head, location of inlet and outlets, location of bypass and discharge systems, and all orifice/restrictor sizes; a narrative describing how the

selected structural stormwater controls will be appropriate and effective; cross section and profile drawings and design details for each of the structural stormwater controls in the system, including supporting calculations to show that the facility is designed according to the applicable design criteria; a hydrologic and hydraulic analysis of the stormwater management system for all applicable design storms (including stage-storage or outlet rating curves, and inflow and outflow hydrographs); documentation and supporting calculations to show that the stormwater management system adequately meets the post-development stormwater management performance criteria in Section 16; drawings, design calculations, elevations and hydraulic grade lines for all existing and proposed stormwater conveyance elements including stormwater drains, pipes, culverts, catch basins, channels, swales and areas of overland flow; and where applicable, a narrative describing how the stormwater management system corresponds with any watershed protection plans and/or local greenspace protection plan.

- (6) Postdevelopment downstream analysis. A downstream peak flow analysis that includes the assumptions, results and supporting calculations to show safe passage of post-development design flows downstream. The analysis of downstream conditions in the report shall address each and every point or area along the project site's boundaries at which runoff will exit the property. The analysis shall focus on the portion of the drainage channel or watercourse immediately downstream from the project. This area shall extend downstream from the project to a point in the drainage basin where the project area is ten (10) percent of the total basin area. In calculating runoff volumes and discharge rates, consideration may need to be given to any planned future upstream land use changes. The analysis shall be in accordance with the stormwater design manual.
- (7) Construction-phase erosion and sedimentation control plan. An erosion and sedimentation control plan in accordance with the Georgia Erosion and Sedimentation Control Act of 1975 (O.C.G.A. § 12-7-1 et seq.) or NPDES permit for construction activities. The plan shall also include information on the sequence/phasing of construction and temporary stabilization measures and temporary structures that will be converted into permanent stormwater controls.
- (8) Landscaping and open space plan. A detailed landscaping and vegetation plan describing the woody and herbaceous vegetation that will be used within and adjacent to stormwater management facilities and practices. The landscaping plan must also include: the arrangement of planted areas, natural and greenspace areas and other landscaped features on the site plan; information necessary to construct the landscaping elements shown on the plan drawings; descriptions and standards for the methods, materials and vegetation that are to be used in the construction; density of plantings;

descriptions of the stabilization and management techniques used to establish vegetation; and a description of who will be responsible for ongoing maintenance of vegetation for the stormwater management facility and what practices will be employed to ensure that adequate vegetative cover is preserved.

- (9) Operations and maintenance plan. Detailed description of ongoing operations and maintenance procedures for stormwater management facilities and practices to ensure their continued function as designed and constructed or preserved. These plans will identify the parts or components of a stormwater management facility or practice that need to be regularly or periodically inspected and maintained, and the equipment and skills or training necessary. The plan shall include an inspection and maintenance schedule, maintenance tasks, responsible parties for maintenance, funding, access and safety issues. Provisions for the periodic review and evaluation of the effectiveness of the maintenance program and the need for revisions or additional maintenance procedures shall be included in the plan.
- (10) Maintenance access easements. The applicant must ensure access from public right-of-way to stormwater management facilities and practices requiring regular maintenance at the site for the purpose of inspection and repair by securing all the maintenance access easements needed on a permanent basis. Such access shall be sufficient for all necessary equipment for maintenance activities. Upon final inspection and approval, a plat or document indicating that such easements exist shall be recorded and shall remain in effect even with the transfer of title of the property.
- (11) Inspection and maintenance agreements. Unless an on-site stormwater management facility or practice is dedicated to and accepted by the city community development department as provided in Section 12, the applicant must execute an easement and an inspection and maintenance agreement binding on all subsequent owners of land served by an on-site stormwater management facility or practice in accordance Section 12.
- (12) Evidence of acquisition of applicable local and nonlocal permits. The applicant shall certify and provide documentation to the city community development department that all other applicable environmental permits have been acquired for the site prior to approval of the stormwater management plan.

Sec. 12. - Stormwater management inspection and maintenance agreements.

- (a) Prior to the issuance of any permit for a land development activity requiring a stormwater management facility or practice hereunder and for which the City of Peachtree Corners requires ongoing maintenance, the applicant or

owner of the site must, unless an on-site stormwater management facility or practice is dedicated to and accepted by the city community development department, execute an inspection and maintenance agreement, and/or a conservation easement, if applicable, that shall be binding on all subsequent owners of the site.

- (b) The inspection and maintenance agreement, if applicable, must be approved by the City of Peachtree Corners prior to plan approval, and recorded in the deed records upon final plat approval.
- (c) The inspection and maintenance agreement shall identify by name or official title the person(s) responsible for carrying out the inspection and maintenance. Responsibility for the operation and maintenance of the stormwater management facility or practice, unless assumed by a governmental agency, shall remain with the property owner and shall pass to any successor owner. If portions of the land are sold or otherwise transferred, legally binding arrangements shall be made to pass the inspection and maintenance responsibility to the appropriate successors in title. These arrangements shall designate for each portion of the site the person to be permanently responsible for its inspection and maintenance.
- (d) As part of the inspection and maintenance agreement, a schedule shall be developed for when and how often routine inspection and maintenance will occur to ensure proper function of the stormwater management facility or practice. The agreement shall also include plans for annual inspections to ensure proper performance of the facility between scheduled maintenance and shall also include remedies for the default thereof.
- (e) In addition to enforcing the terms of the inspection and maintenance agreement, the city community development department may also enforce all of the provisions for ongoing inspection and maintenance in Section 18 of this ordinance.
- (f) The city community development department, in lieu of an inspection and maintenance agreement, may accept dedication of any existing or future stormwater management facility for maintenance, provided such facility meets all the requirements of this ordinance and includes adequate and perpetual access and sufficient area, by easement or otherwise, for inspection and regular maintenance.

Sec. 13. Performance and Maintenance Bonds

The City of Peachtree Corners will require maintenance and performance bonds as stated in the City's Development Regulations.

Sec. 14. - Application review fees.

The fee for review of any stormwater management application shall be based on the fee structure established by the City of Peachtree Corners and shall be made prior to the issuance of any building permit for the development.

Sec. 15. Modifications for Off-Site Facilities

- (a) The stormwater management plan for each land development project shall provide for stormwater management measures located on the site of the project, unless provisions are made to manage stormwater by an off-site or regional facility. The off-site or regional facility must be located on property legally dedicated for the purpose, must be designed and adequately sized to provide a level of stormwater quantity and quality control that is equal to or greater than that which would be afforded by on-site practices and there must be a legally obligated entity responsible for long-term operation and maintenance of the off-site or regional stormwater facility. In addition, on-site measures shall be implemented, where necessary, to protect upstream and downstream properties and drainage channels from the site to the off-site facility.
- (b) A stormwater management plan must be submitted to the city community development department that shows the adequacy of the off-site or regional facility.
- (c) To be eligible for a modification, the applicant must demonstrate to the satisfaction of the Director that the use of an off-site or regional facility will not result in the following impacts to upstream or downstream areas:
 - (1) Increased threat of flood damage to public health, life, and property;
 - (2) Deterioration of existing culverts, bridges, dams, and other structures;
 - (3) Accelerated streambank or streambed erosion or siltation;
 - (4) Degradation of in-stream biological functions or habitat; or
 - (5) Water quality impairment in violation of the state water quality standards, and/or violation of any state or federal regulations.

Sec. 16. - Postdevelopment stormwater management performance criteria.

The following performance criteria shall be applicable to all stormwater management plans, unless otherwise provided for in this ordinance:

- (1) *Water quality.* All stormwater runoff generated from a site shall be adequately treated before discharge. It will be presumed that a stormwater management system complies with this requirement if:
 - a. It is sized to treat the prescribed water quality treatment volume from the site, as defined in the Development Regulations in combination with the Gwinnett County Stormwater Systems and Facilities Installation Standards and Specifications;
 - b. Appropriate structural stormwater controls or nonstructural practices are selected, designed, constructed or preserved, and maintained according to the specific criteria in the Development

Regulations in combination with the Gwinnett County Stormwater Systems and Facilities Installation Standards and Specifications; and,

- c. Runoff from hotspot land uses and activities identified by the city community development department are adequately treated and addressed through the use of appropriate structural stormwater controls, nonstructural practices and pollution prevention practices.
- (2) *Stream channel protection.* Protection of stream channels from bank and bed erosion and degradation shall be provided by using all of the following three approaches:
 - a. Preservation, restoration and/or reforestation (with native vegetation) of the applicable stream buffer;
 - b. Twenty-four-hour extended detention storage of the one-year, 24-hour return frequency storm event;
 - c. Erosion prevention measures such as energy dissipation and velocity control.
 - (3) *Overbank flooding protection.* Downstream overbank flood and property protection shall be provided by controlling (attenuating) the post-development peak discharge rate to the pre-development rate for the 25-year, 24-hour return frequency storm event. If control of the one-year, 24-hour storm under subsection (1) of this section is exempted, then peak discharge rate attenuation of the two-year through the 25-year return frequency storm event must be provided.
 - (4) *Extreme flooding protection.* Extreme flood and public safety protection shall be provided by controlling and safely conveying the 100-year, 24-hour return frequency storm event such that flooding is not exacerbated.
 - (5) *Structural stormwater controls.* All structural stormwater management facilities shall be selected and designed using the appropriate criteria from the Development Regulations in combination with the Gwinnett County Stormwater Systems and Facilities Installation Standards and Specifications. All structural stormwater controls must be designed appropriately to meet their intended function. For other structural stormwater controls not included in the Development Regulations in combination with the Gwinnett County Stormwater Systems and Facilities Installation Standards and Specifications Manual, or for which pollutant removal rates have not been provided, the effectiveness and pollutant removal of the structural control must be documented through prior studies, literature reviews, or other means and receive approval

from the city community development department before being included in the design of a stormwater management system. In addition, if hydrologic or topographic conditions, or land use activities warrant greater control than that provided by the minimum control requirements, the city may impose additional requirements deemed necessary to protect upstream and downstream properties and aquatic resources from damage due to increased volume, frequency, and rate of stormwater runoff or increased nonpoint source pollution loads created on the site in question. Applicants shall consult the regulations for guidance on the factors that determine site design feasibility when selecting and locating a structural stormwater control.

- (6) *Stormwater credits for nonstructural measures.* The use of one or more site design measures by the applicant may allow for a reduction in the water quality treatment volume required under subsection (1) of this section. The applicant may, if approved by the city community development department, take credit for the use of stormwater better site design practices and reduce the water quality volume requirement. For each potential credit, there is a minimum set of criteria and requirements that identify the conditions or circumstances under which the credit may be applied. The site design practices that qualify for this credit and the criteria and procedures for applying and calculating the credits are included in the regulations.
- (7) *Drainage system guidelines.* Stormwater conveyance facilities, which may include but are not limited to culverts, stormwater drainage pipes, catch basins, drop inlets, junction boxes, headwalls, gutter, swales, channels, ditches, and energy dissipaters shall be provided when necessary for the protection of public right-of-way and private properties adjoining project sites and/or public rights-of-way. Stormwater conveyance facilities that are designed to carry runoff from more than one parcel, existing or proposed, shall meet the following requirements:
 - a. Methods to calculate stormwater flows shall be in accordance with the stormwater design manual;
 - b. All culverts, pipe systems and open channel flow systems shall be sized in accordance with the stormwater management plan using the methods included in the stormwater design manual; and
 - c. Design and construction of stormwater conveyance facilities shall be in accordance with the criteria and specifications found in the stormwater design manual.
- (8) *Dam design guidelines.* Any land disturbing activity that involves a site that proposes a dam shall comply with the Georgia Safe Dams Act of

1978 (O.C.G.A. § 12-5-370 et seq.) and Rules for Dam Safety as applicable.

Sec. 17. - Construction inspections of postdevelopment stormwater management system.

- (a) *Inspections to ensure plan compliance during construction.* Periodic inspections of the stormwater management system construction shall be conducted by the staff of the city community development department or conducted and certified by a professional engineer who has been approved by the City of Peachtree Corners. Construction inspections shall utilize the approved stormwater management plan for establishing compliance. All inspections are documented with written reports that contain the following information:
- (1) The date and location of the inspection;
 - (2) Whether construction is in compliance with the approved stormwater management plan;
 - (3) Variations from the approved construction specifications; and
 - (4) Any other variations or violations of the conditions of the approved stormwater management plan.

If any violations are found, the applicant shall be notified in writing of the nature of the violation and the required corrective actions.

- (b) *Final inspection and as-built plans.* Upon completion of a project, and before a certificate of occupancy shall be granted, the applicant is responsible for certifying that the completed project is in accordance with the approved stormwater management plan. All applicants are required to submit actual "as built" plans for any stormwater management facilities or practices after final construction is completed. The plan must show the final design specifications for all stormwater management facilities and practices and must be certified by a professional engineer. A final inspection by the city community development department is required before the release of any performance securities can occur.

Sec. 18. - Ongoing inspection and maintenance of stormwater facilities and practices.

- (a) *Long-term maintenance inspection of stormwater facilities and practices.*
- (1) Stormwater management facilities and practices included in a stormwater management plan which are subject to an inspection and maintenance agreement must undergo ongoing inspections to document maintenance and repair needs and ensure compliance with the requirements of the agreement, the plan and this ordinance.

- (2) A stormwater management facility or practice is inspected on a periodic basis by the responsible person in accordance with the approved inspection and maintenance agreement. In the event that the stormwater management facility has not been maintained and/or becomes a danger to public safety or public health, the city community development department shall notify the person responsible for carrying out the maintenance plan by registered or certified mail to the person specified in the inspection and maintenance agreement. The notice shall specify the measures needed to comply with the agreement and the plan and shall specify the time within which such measures are completed. If the responsible person fails or refuses to meet the requirements of the inspection and maintenance agreement, the City of Peachtree Corners, may correct the violation as provided in Subsection (d) hereof.
- (3) Inspection programs by the city community development department may be established on any reasonable basis, including but not limited to: routine inspections; random inspections; inspections based upon complaints or other notice of possible violations; and joint inspections with other agencies inspecting under environmental or safety laws. Inspections may include, but are not limited to: reviewing maintenance and repair records; sampling discharges, surface water, groundwater, and material or water in stormwater management facilities; and evaluating the condition of stormwater management facilities and practices.
- (b) *Right-of-entry for inspection.* The terms of the inspection and maintenance agreement shall provide for the city to enter the property at reasonable times and in a reasonable manner for the purpose of inspection. This includes the right to enter a property when it has a reasonable basis to believe that a violation of this ordinance is occurring or has occurred and to enter when necessary for abatement of a public nuisance or correction of a violation of this ordinance.
- (c) *Records of maintenance activities.* Parties responsible for the operation and maintenance of a stormwater management facility shall provide records of all maintenance and repairs to the city community development department.
- (d) *Failure to maintain.* If a responsible person fails or refuses to meet the requirements of the inspection and maintenance agreement, the City of Peachtree Corners, after 30 days' written notice (except that in the event the violation constitutes an immediate danger to public health or public safety, 24 hours' notice shall be sufficient), may correct a violation of the design standards or maintenance requirements by performing the necessary work to place the facility or practice in proper working condition. The City of Peachtree Corners may assess the owner(s) of the facility for the cost of repair work which shall be a lien on the property, and may be placed on the ad valorem tax bill for such property and collected in the ordinary manner for such taxes.

Sec. 18. Severability.

**STATE OF GEORGIA
CITY OF PEACHTREE CORNERS**

ORDINANCE 2015-01-40

If the provisions of any section, subsection, paragraph, subdivision or clause of this ordinance shall be adjudged invalid by a court of competent jurisdiction, such judgment shall not affect or invalidate the remainder of any section, subsection, paragraph, subdivision or clause of this ordinance.

SO ORDAINED AND EFFECTIVE, this ____ day of _____, 2015.

Approved by:

Mike Mason, Mayor

Attest:

Approved as to form and content:

Kym Chereck, City Clerk

William F. Riley, City Attorney

02015-01-39

Stream Buffer

**AN ORDINANCE ADOPTING THE STREAM BUFFER PROTECTION ORDINANCE
FOR THE CITY OF PEACHTREE CORNERS, GEORGIA**

WHEREAS, the City of Peachtree Corners is charged with providing for the health, safety and welfare of the citizens of the City; and

WHEREAS, the Environmental Protection Division of the State of Georgia has promulgated a suggested model Ordinance for stream buffer protection which the Council finds is the best way to preserve the natural stream buffers in the City and protect the environment; and

WHEREAS, the Mayor and City Council find that the health, safety and welfare of the citizens of the City will be better preserved and protected by the adoption of the suggested model stream buffer protection ordinance.

THEREFORE, Mayor and City Council of the City of Dunwoody hereby adopt the Stream Buffer Protection Ordinance to read in its entirety as follows:

Section 1. Findings and Purposes

- (a) The Sections below shall be known as the "City of Peachtree Corners Stream Buffer Protection Ordinance." The City Council of City of Peachtree Corners hereby finds that buffers adjacent to streams provide numerous benefits including:
- (1) Protecting, restoring and maintaining the chemical, physical and biological integrity of streams and their water resources;
 - (2) Removing pollutants delivered in urban stormwater;
 - (3) Reducing erosion and controlling sedimentation;
 - (4) Protecting and stabilizing stream banks;
 - (5) Providing for infiltration of stormwater runoff;
 - (6) Maintaining base flow of streams;
 - (7) Contributing organic matter that is a source of food and energy for the aquatic ecosystem;
 - (8) Providing tree canopy to shade streams and promote desirable aquatic habitat;

- (9) Providing riparian wildlife habitat;
 - (10) Furnishing scenic value and recreational opportunity;
and
 - (11) Providing opportunities for the protection and restoration
of greenspace.
- (b) It is the purpose of this Ordinance is to protect the public health, safety, environment and general welfare; to minimize public and private losses due to erosion, siltation and water pollution; and to maintain stream water quality by provisions designed to:
- (1) Create buffer zones along the streams of the City of Peachtree Corners for the protection of water resources;
and,
 - (2) Minimize land development within such buffers by establishing buffer zone requirements and by requiring authorization for any such activities.

Section 2. Definitions.

"Buffer" means, with respect to a stream, a natural or enhanced vegetated area (established by Section 5(a)(1) below), lying adjacent to the stream.

"Impervious Cover" means any manmade paved, hardened or structural surface regardless of material. Impervious cover includes but is not limited to rooftops, buildings, streets, roads, decks, swimming pools and any concrete or asphalt.

"Land Development" means any land change, including but not limited to clearing, grubbing, stripping, removal of vegetation, dredging, grading, excavating, transporting and filling of land, construction, paving and any other installation of impervious cover.

"Land Development Activity" means those actions or activities which comprise, facilitate or result in land development.

"Land Disturbance" means any land or vegetation change, including, but not limited to, clearing, grubbing, stripping, removal of vegetation, dredging, grading, excavating, transporting and filling of land, that do not involve construction, paving or any other installation of impervious cover.

"Land Disturbance Activity" means those actions or activities which comprise, facilitate or result in land disturbance.

"Floodplain" means any land area susceptible to flooding, which would have at least a one percent probability of flooding occurrence in any calendar year based on the basin being fully developed as shown on the current land use plan; i.e., the regulatory flood.

"Parcel" means any plot, lot or acreage shown as a unit on the latest county tax assessment records.

"Permit" means the permit issued by the City of Peachtree Corners required for undertaking any land development activity

"Person" means any individual, partnership, firm, association, joint venture, public or private corporation, trust, estate, commission, board, public or private institution, utility, cooperative, city, county or other political subdivision of the State, any interstate body or any other legal entity.

"Protection Area, or Stream Protection Area" means, with respect to a stream, the combined areas of all required buffers and setbacks applicable to such stream.

"Riparian" means belonging or related to the bank of a river, stream, lake, pond or impoundment.

"Setback" means, with respect to a stream, the area established by Section 5(a)(2) extending beyond any buffer applicable to the stream.

"Stream" means any conveyance, beginning at:

1. The location of a spring, seep, or groundwater outflow that sustains the flow of water; or
2. A point in the stream channel with a drainage area of 25 acres or more; or
3. Where evidence indicates the presence of a stream in a drainage area of less than 25 acres, the City of Peachtree Corners may require field studies to verify the existence of a stream.

"Stream Bank" means the sloping land that contains the stream channel and the normal flows of the stream.

"Stream Channel" means the portion of a watercourse that contains the base flow of the stream.

“Watershed” means the land area that drains into a particular stream.

Section 3. Applicability.

This Ordinance shall apply to all land development activity on property containing a stream protection area as defined in Section 3 of this ordinance. These requirements are in addition to, and do not replace or supersede, any other applicable buffer requirements established under state law and approval or exemption from these requirements do not constitute approval or exemption from buffer requirements established under state law or from other applicable local, state or federal regulations.

Section 4. Grandfather Provisions; Exemption.

- (a) This Ordinance shall not apply to the following activities:
- (1) Work consisting of the repair or maintenance of any lawful use of land that is zoned and approved for such use on or before the effective date of this ordinance.
 - (2) Existing development and on-going land disturbance activities including but not limited to existing agriculture, silviculture, landscaping, gardening and lawn maintenance, except that new development or land disturbance activities on such properties will be subject to all applicable buffer requirements.
 - (3) Any land development activity that is under construction, fully approved for development, scheduled for permit approval or has been submitted for approval as of the effective date of this ordinance.
 - (4) Land development activity that has not been submitted for approval, but that is part of a larger master development plan, such as for an office park or other phased development that has been previously approved within one year of the effective date of this ordinance.
- (b) Exemptions. The following specific activities are exempt from obtaining a required stream buffer variance, however the work must be permitted with the City of Peachtree Corners. The

exemption of these activities does not constitute an exemption for any other activity proposed on a property.

- (1) Activities for the purpose of building one of the following:
 - (i) a stream crossing by a driveway, transportation route or utility line;
 - (ii) public water supply intake or public wastewater outfall structures;
 - (iii) public access facilities that must be on the water including boat ramps, docks, foot trails leading directly to the river, fishing platforms and overlooks;
 - (iv) unpaved foot trails and paths;
 - (v) Activities to restore and enhance stream bank stability, vegetation, water quality and/or aquatic habitat, so long as native vegetation and bioengineering techniques are used.
- (2) Public sewer line easements paralleling the creek, except that all easements (permanent and construction) and land disturbance should be at least 25 feet from the top of the bank. This includes such impervious cover as is necessary for the operation and maintenance of the utility, including but not limited to manholes, vents and valve structures. This exemption shall not be construed as allowing the construction of roads, bike paths or other transportation routes in such easements, regardless of paving material, except for access for the uses specifically cited in subsection (b)(1) above.
- (3) Land development activities within a right-of-way existing at the time this ordinance takes effect or approved under the terms of this ordinance.
- (4) Within an easement of any utility existing at the time this ordinance takes effect or approved under the terms of this ordinance, land disturbance activities and such impervious cover as is necessary for the operation and maintenance of the utility, including but not limited to manholes, vents and valve structures.

- (5) Emergency work necessary to preserve life or property. However, when emergency work is performed under this section, the person performing it shall report such work to the City of Peachtree Corners on the next business day after commencement of the work. Within 10 days thereafter, the person shall apply for a permit and perform such work within such time period as may be determined by the City of Peachtree Corners to be reasonably necessary to correct any impairment such emergency work may have caused to the water conveyance capacity, stability or water quality of the protection area.
- (6) Forestry and silviculture activities on land that is zoned for forestry, silvicultural or agricultural uses and are not incidental to other land development activity. If such activity results in land disturbance in the buffer that would otherwise be prohibited, then no other land disturbing activity other than normal forest management practices will be allowed on the entire property for three years after the end of the activities that intruded on the buffer.
- (c) After the effective date of this ordinance, it shall apply to all new development including subdividing and platting activities.
- (d) Any land development activity within a buffer established hereunder or any impervious cover within a setback established hereunder is prohibited unless a variance is granted pursuant to Section 5(b) below.

Section 5. Land Development Requirements.

- (a) Buffer and Setback Requirements. All land development activity subject to this Ordinance shall meet the following requirements:
 - (1) An undisturbed natural vegetative buffer shall be maintained for 50 feet, measured horizontally, on both banks (as applicable) of the stream as measured from the top of the stream bank. The top of the bank is a clearer landmark than the edge of the water or the end of vegetation, particularly on intermittent streams. The land forming the bank is also considered part of the buffer for purposes of this ordinance.

- (2) An additional setback shall be maintained for 25 feet, measured horizontally, beyond the undisturbed natural vegetative buffer, in which all impervious cover shall be prohibited. Grading, filling and earthmoving shall be minimized within the setback.
 - (3) No septic tanks or septic tank drain fields shall be permitted within the buffer or the setback.
- (b) Variance Procedures. Variances from the above buffer and setback requirements may be granted in accordance with following provisions and are subject to approval by the Georgia Environmental Protection Division (GAEPD):
- (1) Where a parcel was platted prior to the effective date of this ordinance, and its shape, topography or other existing physical condition prevents land development consistent with this ordinance, and the Community Development Department finds and determines that the requirements of this ordinance prohibit the otherwise lawful use of the property by the owner, the appeals board of the City of Peachtree Corners may grant a variance from the buffer and setback requirements hereunder, provided such variance requires mitigation measures to offset the effects of any proposed land development on the parcel.
 - (2) Except as provided above, the appeals board of the City of Peachtree Corners shall grant no variance from any provision of this ordinance without first conducting a public hearing on the application for variance and authorizing the granting of the variance by an affirmative vote of the appeals board. The City of Peachtree Corners shall give public notice of each such public hearing in a newspaper of general circulation within the City of Peachtree Corners. The City of Peachtree Corners shall require that the applicant post a sign giving notice of the proposed variance and the public hearing. The sign shall be of a size and posted in such a location on the property as to be clearly visible from the primary adjacent road right-of-way.

Variances will be considered only in the following cases:

- (i) When a property's shape, topography or other physical conditions existing at the time of the

adoption of this ordinance prevents land development unless a buffer variance is granted.

- (ii) Unusual circumstances when strict adherence to the minimal buffer requirements in the ordinance would create an extreme hardship.

Variances will not be considered when, following adoption of this ordinance, actions of any property owner of a given property have created conditions of a hardship on that property.

- (c) At a minimum, a variance request shall include the following information:
 - (1) A site map that includes locations of all streams, wetlands, floodplain boundaries and other natural features, as determined by field survey;
 - (2) A description of the shape, size, topography, slope, soils, vegetation and other physical characteristics of the property;
 - (3) A detailed site plan that shows the locations of all existing and proposed structures and other impervious cover, the limits of all existing and proposed land disturbance, both inside and outside the buffer and setback. The exact area of the buffer to be affected shall be accurately and clearly indicated;
 - (4) Documentation of unusual hardship should the buffer be maintained;
 - (5) At least one alternative plan, which does not include a buffer or setback intrusion, or an explanation of why such a site plan is not possible;
 - (6) A calculation of the total area and length of the proposed intrusion;
 - (7) A stormwater management site plan, if applicable; and,
 - (8) Proposed mitigation, if any, for the intrusion. If no mitigation is proposed, the request must include an explanation of why none is being proposed.
- (d) The following factors will be considered in determining whether to issue a variance:

- (1) The shape, size, topography, slope, soils, vegetation and other physical characteristics of the property;
- (2) The locations of all streams on the property, including along property boundaries;
- (3) The location and extent of the proposed buffer or setback intrusion;
- (4) Whether alternative designs are possible which require less intrusion or no intrusion;
- (5) The long-term and construction water-quality impacts of the proposed variance; and,
- (6) Whether issuance of the variance is at least as protective of natural resources and the environment.

Section 6. Compatibility with Other Buffer Regulations and Requirements.

This ordinance is not intended to interfere with, abrogate or annul any other ordinance, rule or regulation, statute or other provision of law. The requirements of this ordinance should be considered minimum requirements, and where any provision of this ordinance imposes restrictions different from those imposed by any other ordinance, rule, regulation or other provision of law, whichever provisions are more restrictive or impose higher protective standards for human health or the environment shall be considered to take precedence.

Metropolitan River Protection Act and Chattahoochee Corridor Plan

Requires a 50-foot undisturbed vegetative buffer and 150-foot impervious surface setback on the Chattahoochee and its impoundments and a 35-foot undisturbed vegetative buffer (all measured from the edge of the water) on perennial tributary streams in a Corridor extending 2000 feet from either bank of the river and its impoundments. The Corridor extends from Buford Dam to the downstream limits of the Atlanta region (Douglas and Fulton Counties). Streams in the basin of the Corridor are required to be protected by buffers, but no required width is specified. (Georgia Code 12-5-440 et seq.)

DNR Part 5 Criteria for Small (under 100 square miles) Water Supply Watersheds

Authorized under Part V of the Georgia Planning Act of 1989, these criteria require 100-foot undisturbed buffers and 150-foot setbacks on all perennial streams within 7 miles upstream of a public water supply reservoir or public water supply intake. Beyond 7 miles, the required buffer is 50 feet and the required setback is 75 feet. Equivalent protection measures can be adopted with approval from Georgia DCA and DNR.

DNR Part 5 Criteria for River Protection

Authorized under the 1991 Mountains and River Corridors Protection Act of 1991, these criteria require a 100-foot buffer along rivers with average annual flows of greater than 400 cfs (excepting the portion of the Chattahoochee referenced above). The buffer is measured from the top of the stream bank.

Section 7. Additional Information Requirements for Development on Buffer Zone Properties

Any permit applications for property requiring buffers and setbacks hereunder must include the following:

- (1) A site plan showing:
 - a. The location of all streams on the property;
 - b. Limits of required stream buffers and setbacks on the property;
 - c. Buffer zone topography with contour lines at no greater than five (5)-foot contour intervals;
 - d. Delineation of forested and open areas in the buffer zone; and,
 - e. Detailed plans of all proposed land development in the buffer and of all proposed impervious cover within the setback.
- (2) A description of all proposed land development within the buffer and setback; and,
- (3) Any other documentation that the City of Peachtree Corners may reasonably deem necessary for review of the application and to insure that the buffer zone ordinance is addressed in the approval process.

All buffer and setback areas must be recorded on the final plat of the property following plan approval.

Section 8. Responsibility

Neither the issuance of a development permit nor compliance with the conditions thereof, nor with the provisions of this ordinance, shall relieve any person from any responsibility otherwise imposed by law for damage to persons or property; nor shall the issuance of any permit hereunder serve to impose any liability upon City of Dunwoody, its vendors, officers or employees, for injury or damage to persons or property.

Section 9. Inspection

The City of Peachtree Corners may cause inspections of the work in the buffer or setback to be made periodically during the course thereof and shall make a final inspection following completion of the work. The permittee shall assist the City of Peachtree Corners in making such inspections. The City of Peachtree Corners shall have the authority to conduct such investigations as it may reasonably deem necessary to carry out its duties as prescribed in this ordinance, and for this purpose to enter at reasonable time upon any property, public or private, for the purpose of investigating and inspecting the sites of any land development activities within the protection area.

No person shall refuse entry or access to any authorized representative or agent who requests entry for purposes of inspection, and who presents appropriate credentials, nor shall any person obstruct, hamper or interfere with any such representative while in the process of carrying out official duties.

Section 10. Violations, Enforcement and Penalties

- (a) Any action or inaction which violates the provisions of this ordinance or the requirements of an approved site plan or permit may be subject to the enforcement actions outlined in this Section. Any such action or inaction which is continuous with respect to time is deemed to be a public nuisance and may be abated by injunctive or other equitable relief. The imposition of any of the penalties described below shall not prevent such equitable relief.

- (b) *Notice of Violation.* If the City of Peachtree Corners determines that an applicant or other responsible person has failed to comply with the terms and conditions of a permit, an approved

site plan or the provisions of this ordinance, it shall issue a written notice of violation to such applicant or other responsible person. Where a person is engaged in activity covered by this ordinance without having first secured the appropriate permit therefor, the notice of violation shall be served on the owner or the responsible person in charge of the activity being conducted on the site.

The notice of violation shall contain:

- (1) The name and address of the owner or the applicant or the responsible person;
 - (2) The address or other description of the site upon which the violation is occurring;
 - (3) A statement specifying the nature of the violation;
 - (4) A description of the remedial measures necessary to bring the action or inaction into compliance with the permit, the approved site plan or this ordinance and the date for the completion of such remedial action;
 - (5) A statement of the penalty or penalties that may be assessed against the person to whom the notice of violation is directed; and,
 - (6) A statement that the determination of violation may be appealed to the City of Peachtree Corners by filing a written notice of appeal within thirty (30) days after the notice of violation (except that in the event the violation constitutes an immediate danger to public health or public safety, 24 hours notice shall be sufficient)..
- (c) In the event the remedial measures described in the notice of violation have not been completed by the date set forth for such completion in the notice of violation, any one or more of the following actions or penalties may be taken or assessed against the person to whom the notice of violation was directed. Before taking any of the following actions or imposing any of the following penalties, the City of Peachtree Corners shall first notify the applicant or other responsible person in writing of its intended action, and shall provide a reasonable opportunity, of not less than ten days (except that in the event the violation constitutes an immediate danger to public health or public safety, 24 hours notice shall be sufficient) to cure such violation. In the event the applicant or other responsible person fails to

cure such violation after such notice and cure period, the City of Peachtree Corners may take any one or more of the following actions or impose any one or more of the following penalties.

- (1) *Stop Work Order* - The City of Peachtree Corners Inspector may issue a stop work order which shall be served on the applicant or other responsible person. The stop work order shall remain in effect until the applicant or other responsible person has taken the remedial measures set forth in the notice of violation or has otherwise cured the violation or violations described therein, provided the stop work order may be withdrawn or modified to enable the applicant or other responsible person to take necessary remedial measures to cure such violation or violations.
- (2) *Withhold Certificate of Occupancy* - The City of Peachtree Corners Community Development Department may refuse to issue a certificate of occupancy for the building or other improvements constructed or being constructed on the site until the applicant or other responsible person has taken the remedial measures set forth in the notice of violation or has otherwise cured the violations described therein.
- (3) *Suspension, Revocation or Modification of Permit* - The City of Community Development Department may suspend, revoke or modify the permit authorizing the land development project. A suspended, revoked or modified permit may be reinstated after the applicant or other responsible person has taken the remedial measures set forth in the notice of violation or has otherwise cured the violations described therein, provided such permit may be reinstated (upon such conditions as the City of Peachtree Corners may deem necessary) to enable the applicant or other responsible person to take the necessary remedial measures to cure such violations.
- (4) *Civil Penalties* - In the event the applicant or other responsible person fails to take the remedial measures set forth in the notice of violation or otherwise fails to cure the violations described therein within ten days (or such greater period as the City of Peachtree Corners shall deem appropriate) (except that in the event the violation constitutes an immediate danger to public health or public safety, 24 hours notice shall be sufficient) after the City of Peachtree Corners has taken one or more of the actions described above, the City of Peachtree Corners

may impose a penalty not to exceed \$1,000 (depending on the severity of the violation) for each day the violation remains unremedied after receipt of the notice of violation.

- (5) *Criminal Penalties* - For intentional and flagrant violations of this ordinance, or for failure to pay a Civil Penalty designated above within thirty (30) days of imposition, the City of Peachtree Corners may issue a citation to the applicant or other responsible person, requiring such person to appear in Peachtree Corners Municipal Court to answer charges for such violation. Upon conviction, such person shall be punished by a fine not to exceed \$1,000 or imprisonment for 60 days or both. Each act of violation and each day upon which any violation shall occur shall constitute a separate offense.

Section 11. Administrative Appeal and Judicial Review.

- (a) *Administrative Appeal.* Any person aggrieved by a decision or order of the City of Peachtree Corners Department, may appeal in writing within 10 days after the issuance of such decision or order to the Community Development Director of the City of Peachtree Corners and shall be entitled to a hearing before the (designated appeals body) of Peachtree Corners within 45 days of receipt of the written appeal.
- (b) *Judicial Review.* Any person aggrieved by a decision or order of the City of Peachtree Corners, after exhausting all administrative remedies, shall have the right to appeal by Petition for Writ of Certiorari to the Superior Court of Gwinnett County.

SO ORDAINED, this ____ day of _____, 2012.

Approved:

Mike Mason, Mayor

ATTEST:

Approved as to Form and Content:

Kym Chereck, City Clerk
(Seal)

William F. Riley, City Attorney

R2015-03-37
Town Center
Bridge Project

**RESOLUTION OF THE CITY OF PEACHTREE CORNERS, GEORGIA IN SUPPORT OF
AN APPLICATION TO THE ATLANTA REGIONAL COMMISSION REQUESTING
GRANT FUNDING TO IMPLEMENT THE TOWN CENTER BRIDGE PROJECT**

WHEREAS, the City of Peachtree Corners has adopted a Comprehensive Plan and a Livable Centers Initiative Plan recommending the Town Center Bridge Project; and

WHEREAS, the City of Peachtree Corners, Georgia wishes to commence the design of the Town Center Bridge Project; and,

WHEREAS, the construction of the Town Center Bridge Project is a vital element in the implementation of the Town Center Livable Centers Initiative Study and the City's Comprehensive Plan;

NOW THEREFORE BE IT RESOLVED by the Mayor and City Council of the City of Peachtree Corners, Georgia, that the City Council support the City of Peachtree Corners' application to the Atlanta Regional Commission for a grant through the Livable Center Initiative program to implement the Town Center Bridge Project. And, further be it resolved that the City of Peachtree Corners will provide the required 20% match for this project should grant funds be awarded.

RESOLVED this _____ day of _____, 2015.

APPROVED:

Mike Mason, Mayor

ATTESTED BY CITY CLERK:

Kym Chereck

R2015-03-38

Peachtree

Parkway

**RESOLUTION OF THE CITY OF PEACHTREE CORNERS, GEORGIA IN SUPPORT OF
AN APPLICATION TO THE ATLANTA REGIONAL COMMISSION REQUESTING
GRANT FUNDING TO IMPLEMENT THE PEACHTREE PARKWAY JOINT
TRANSPORTATION PLAN PROJECT**

WHEREAS, the City of Peachtree Corners has adopted a Comprehensive Plan and a Livable Centers Initiative Plan recommending the development of a transportation plan for Peachtree Parkway; and

WHEREAS, the City of Peachtree Corners, Georgia wishes to commence the development of a Peachtree Parkway transportation plan in partnership with the City of Johns Creek where a similar study is currently underway; and,

WHEREAS, a cohesive, unified transportation plan for Peachtree Parkway, a roadway that connects both cities is in the mutual best interest of Peachtree Corners and Johns Creek;

NOW THEREFORE BE IT RESOLVED by the Mayor and City Council of the City of Peachtree Corners, Georgia, that the City Council support the City of Peachtree Corners' application to the Atlanta Regional Commission for a grant through the Livable Center Initiative program to develop the Peachtree Parkway transportation plan. And, further be it resolved that the City of Peachtree Corners will provide the required 20% match for this project should grant funds be awarded.

RESOLVED this ____ day of _____, 2015.

APPROVED:

Mike Mason, Mayor

ATTESTED BY CITY CLERK:

Kym Chereck

R2015-03-39

**Town Center
Pedestrian and
Bicycle Path**

**RESOLUTION OF THE CITY OF PEACHTREE CORNERS, GEORGIA IN SUPPORT OF
AN APPLICATION TO THE ATLANTA REGIONAL COMMISSION REQUESTING
GRANT FUNDING TO DEVELOP THE TOWN CENTER PEDESTRIAN AND BICYCLE
PATH PLAN PROJECT**

WHEREAS, the City of Peachtree Corners has adopted a Comprehensive Plan and a Livable Centers Initiative Plan recommending the development of a detailed Town Center Pedestrian and Bicycle Path plan; and

WHEREAS, the City of Peachtree Corners, Georgia wishes to commence the design of the Town Center Pedestrian and Bicycle Path; and

WHEREAS, the construction of the Town Center Pedestrian and Bicycle Path system is a vital element in the implementation of the Town Center Livable Centers Initiative Study and the City's Comprehensive Plan;

NOW THEREFORE BE IT RESOLVED by the Mayor and City Council of the City of Peachtree Corners, Georgia, that the City Council supports the City of Peachtree Corners' application to the Atlanta Regional Commission for a grant through the Livable Center Initiative program to implement the Town Center Pedestrian and Bicycle Path Plan. And, further be it resolved that the City of Peachtree Corners will provide the required 20% match for this project should grant funds be awarded.

RESOLVED this _____ day of _____, 2015.

APPROVED:

Mike Mason, Mayor

ATTESTED BY CITY CLERK:

Kym Chereck

Election IGA

STATE OF GEORGIA

COUNTY OF GWINNETT

INTERGOVERNMENTAL AGREEMENT BETWEEN THE CITY OF PEACHTREE CORNERS AND
THE GWINNETT COUNTY BOARD OF REGISTRATIONS AND ELECTIONS FOR CITY
ELECTIONS USING ELECTION EQUIPMENT

THIS AGREEMENT entered into between the City of Peachtree Corners, Georgia, a Municipal Corporation, lying within the County of Gwinnett, Georgia, hereinafter referred to as "City" and the Gwinnett County Board of Registrations and Elections, hereinafter referred to as "Board."

WITNESSETH

WHEREAS, the Georgia General Assembly created the Gwinnett County Board of Registrations and Elections having jurisdiction over the conduct of primaries and elections (1988 Ga. Laws, p. 4296, as amended), and provided that the Board was empowered with all the powers and duties relating to the conduct of elections and registration of voters as election superintendent and board of registrars pursuant to the provisions of Title 21 of the Official Code of Georgia; and

WHEREAS, pursuant to 1988 Ga. Laws, p. 4296, as amended, the Board has the authority to contract with any municipal corporation located within Gwinnett County for the holding by the Board of any primary or election to be conducted within the municipal corporation; and

WHEREAS, recommended guidelines of the Secretary of State concerning municipal use of election equipment recommend that cities and counties enter into intergovernmental agreements outlining the responsibilities and obligations of the election superintendent of the city and the election superintendent of the county; and

WHEREAS, the City and the Board, in the performance of their electoral functions, desire to enter into this contract outlining the duties and obligations of each party to this Agreement in the conduct of any 2015 Municipal Elections for the citizens of the City (hereinafter referred to as the "City Election") as hereinafter described; and

NOW, THEREFORE, in consideration of the premises contained herein, the sufficiency of which is hereby acknowledged, it is hereby agreed by the City and the County as follows:

I. Conduct of City Election

This Agreement shall govern the use of the Board's Election Equipment by the City for the specified City Election. It is the intent of the parties that the use of the Election Equipment in conduct of the City Election shall be in compliance with all applicable federal, state and local legal requirements.

2. Term of Agreement

The duties and obligations to be performed pursuant to this Agreement shall commence on February 1, 2015 and end on December 31, 2015.

3. Duties and Responsibilities

As used in this subsection the term "City" shall be construed to include the City's designee, agent, or authorized representative. The term "Board" shall be construed to include the Board's designee, agent, or authorized representative.

a) City

1. The City will be responsible for ordering any and all ballots from its vendor.
2. The City will be responsible for contracting with State approved vendors for programming election equipment and creating Absentee by mail ballots, Provisional voting, Challenge voting and Election Day voting and Advance in person voting.
3. The City will be responsible for obtaining all material forms for the conduct of the election from the Secretary of State's Election Division.
4. The City shall provide the Board with a written request indicating specifically the number of Direct Record Electronic Voting Units (hereinafter referred to as DRE Units) the City needs to borrow 60 days prior to election date.
5. The City shall be responsible for obtaining, if needed, Optical Scan Voting Units (hereinafter referred to as "OS Units") for use in scanning and tabulation of absentee, challenge, advance in person and provisionally voted ballots.
6. The City shall mark voters on the paper Electors List that is provided by the Board.
7. The City will use a DRE Unit for card creating purposes.
8. The City will be responsible for and will conduct its own Logic and Accuracy Testing on all equipment.
9. The City will be responsible for hiring and training its own poll officials.
10. The City will be responsible for any training of its staff through Kennesaw State University Center for Elections (hereinafter referred to as "KSU") and/or the Secretary of State's Office.
11. The City will be responsible for conducting all aspects of the City Election.

12. The City will be responsible for certifying its own election results using the tapes printed from the DRE Units and the OS Units.

b) Board and/or Elections Supervisor

1. The Board shall provide the City with a paper Electors List to be used for marking voters.
2. The Board shall provide the City with the specified number of units requested and peripherals (i.e., voters with disability kits, thermal tape used in the units for tabulation of results, etc.).

c) The Board and the City agree to mutually discuss and schedule dates and times for the City to pick-up the DRE Units. The Board and the City further agree to mutually set a date and time the City will return the DRE Units, to the Board.

(4) Costs

Any and all costs associated with the conduct of the City Election shall be the responsibility of the City.

(5) Legal Responsibilities

To the extent permitted under Georgia Law, the City shall be solely responsible for any liability resulting from any claims or litigation arising from or pertaining to the City Election.

(6) Miscellaneous

- a) The terms of this Agreement shall not be altered, amended, or modified except in writing signed by duly authorized officers or representatives of the parties.
- b) This Agreement shall be construed under the laws of the State of Georgia.
- c) If any paragraph, subparagraph, sentence, clause, phrase, or any portion of this Agreement shall be declared invalid or unconstitutional by any court of competent jurisdiction, such invalidity shall not be construed to affect the portions of this Agreement not held to be invalid.
- d) Any notice of communications hereunder shall be in writing, addressed as follows:

City:

Board: Katherine Ferm, Elections Coordinator
75 Langley Drive
Lawrenceville, GA 30046
katherine.ferm@gwinnettcountry.com

- e) This Agreement shall be exclusively for the benefit of the City and the Board and shall not provide any third parties with any remedy, claim, liability, reimbursement, cause of action, or other right.
- f) The performance of either party hereunder shall be excused if such party is reasonably precluded from performance by the occurrence of an Uncontrollable Circumstance, which shall be defined as follows: Any act, event, or condition, or any combination thereof, that is beyond the reasonable control of the party relying on the same and that materially interferes with the performance of the party's obligations, to include, but not be limited to, (a) acts of God; (b) fire, flood, hurricane, tornado, and earthquakes; (c) the failure of any utility provider to provide and maintain utility services through no fault of the party; and (d) the preemption, confiscation, diversion, destruction, or other interference in possession or performance or supply of materials or services, by or on behalf of, or with the authority of, a governmental body in connection with a declared or asserted public emergency by an entity other than one of the parties.
- g) Each of the individuals who execute this Agreement agrees and represents that he or she is authorized to execute this Agreement on behalf of the respective party.

IN WITNESS WHEREOF, the parties have hereunto set their hands and affixed their seals this _____ day of _____, 201__.
City of Peachtree Corners:

By: _____, Mayor
Mike Mason

Attest:

Kym Chereck, City Clerk, Seal

Gwinnett County Board of Registrations and Elections:

By: Alice O'Lenick, Chair

Attest:
Lynn Ledford, Elections Supervisor

PH2015-003

**4324 Ridgeway
Drive**

**CITY OF PEACHTREE CORNERS
COMMUNITY DEVELOPMENT DEPARTMENT**

**APPLICATION FOR METROPOLITAN RIVER PROTECTION ACT
CERTIFICATE**

CASE NUMBER : PH2015 003

LOCATION : 4324 RIDGEGATE DRIVE

PROPOSED DEVELOPMENT : CONSTRUCTION OF A NEW SINGLE FAMILY
DETACHED RESIDENCE

CONTACT : GREG DEAN
4195 SOUTH LEE STREET, SUITE I
BUFORD, GEORGIA 30518
770-271-4817

OWNER : TONY ROGERS
4110 WELLINGTON LAKE DRIVE
DULUTH, GEORGIA 30097

RECOMMENDATION : APPROVE WITH CONDITIONS

REQUEST SUMMARY

The property is located in the Riverview Estates subdivision and consists of one single family home on a 1.104 acre lot. The owner wishes to demolish the existing house in order to build a new single family detached residence.

The applicant requests certification of this property in accordance with the Metropolitan River Corridor Protection Act (MRPA).

HISTORY

In 1973, in response to growing concerns about the Chattahoochee River, the Georgia General Assembly enacted the Metropolitan River Protection Act (Georgia Code 12-5-440 et seq.). It established a 2000-foot Corridor along both banks of the Chattahoochee and its impoundments for the 48 miles between Buford Dam and Peachtree Creek.

The act requires the Atlanta Regional Commission to protect the Chattahoochee River Corridor and to review new development proposals. The act requires local governments along the corridor to implement the ARC plan by issuing permits based on ARC findings, monitoring

land-disturbing activity in the corridor and enforcing the act and the plan. Permit submittals for new homes and additions within the Chattahoochee River Corridor must show legal compliance with the plan.

The Riverview Estates Subdivision was under development at the time the Act took effect in 1973. Because the subdivision was platted before the Act or the Chattahoochee Corridor Plan took effect, the lot layout could not anticipate the requirements of the Plan, specifically the setback requirements along the River. The existing house was built around 1980 and was not reviewed, although the Act was in full effect at that time. Because the existing house was built without a required review, the existing structures and impervious surfaces are a violation of the Plan and the Act, and a review is required for the proposed house.

Because there are several areas in the Corridor where pre-Act lots are too shallow to allow for the full 150-foot setback, the Plan allows an applicant to extend the 50-foot buffer by a foot of intrusion into the 150-foot setback, with a maximum 100-foot extended buffer.

The existing house is within 100 feet of the riverbank. The applicant is proposing to remove all existing impervious surfaces from the property and to site all new impervious surfaces outside the 100-foot extended buffer.

The applicant submitted plans for the proposed new residence to The Atlanta Regional Commission (ARC). The ARC reviewed the plans for clearing limits and for the creation of impervious surfaces based on vulnerability categories and found that with the extended buffer, the proposal is consistent with the Plan and is compliant with MRPA. The City does not conduct a separate review, but only confirms the ARC's findings through approval of the certification.

FINDINGS

After review of the applicant's proposal, it is recommended that the Metropolitan River Protection Act Certificate for 4324 Ridgeway Drive be approved with the following conditions:

1. Applicant shall file the certificate in the real estate records of the Clerk of Superior Court of Gwinnett County.
2. Applicant shall stake limits of land disturbing activity for city approval prior to issuance of the building permit.
3. Applicant shall provide Affidavit confirming as/built conditions prior to issuance of certificate of occupancy.
4. All annotations to submitted application by the Atlanta Regional Commission reviewer shall govern.

METROPOLITAN RIVER PROTECTION ACT CERTIFICATE

**4324 RIDGEGATE DRIVE
RIVERVIEW ESTATES
LOT 32 BLOCK D; 6TH DISTRICT, LAND LOT 329**

The Mayor and City Council of the City of Peachtree Corners while in Regular Session on March 17, 2015 approved the Application for Metropolitan River Protection Act Certificate (PH2015 003) for the referenced property with the following conditions:

1. Applicant shall file the certificate in the real estate records of Clerk of Superior Court of Gwinnett County.
2. Applicant shall stake limits of land disturbing activity for city approval prior to issuance of the building permit.
3. Applicant shall provide Affidavit confirming as/built conditions prior to issuance of certificate of occupancy.

APPLICANT:	Tony Rogers
ARC REVIEW:	CONSISTENT
DATE OF CITY COUNCIL HEARING:	MARCH 17, 2015
ACTION TAKEN:	APPROVED WITH CONDITIONS
DATE OF CERTIFICATE:	MARCH 17, 2015

Approved:

Mike Mason, Mayor

ATTEST:

_____(SEAL)
Kym Chereck, City Clerk



City of Peachtree Corners
Attention: Lynn Pierson
147 Technology Parkway
Suite 200
Peachtree Corners, GA 30092

December 3, 2014

Re: Letter of Intent for Variance request related to 4324 Ridgeway Drive, Peachtree Corners GA

Dear Lynn,

Hope all is well and that you had a Happy Thanksgiving.

The owners, Mr. & Mrs. Tony Rogers, of 4324 Ridgeway Drive, Peachtree Corners GA, also designated as Lot 32, Block 'E', Unit 3 of the Riverview Estates Subdivision Land Lot 329, 6th District of Gwinnett County Georgia, are requesting a variance to the 75' front yard setback for their property. I have prepared the following explanation as to why a variance is necessary for the building of their new home on the subject property. In short, there is not enough buildable area available to the property to build a proper home due to site constraints, building setbacks and buffers. Although the current zoning regulations for the property allows for a setback to be located at 35' behind the right of way, the current plat only allows for the home to be located behind the 75' setback as shown on the final plat dated January 20th, 1972 and it is the final plat which supersedes the Zoning for the property in this case.

They are formally requesting that the front yard setback of 75', as shown on the final subdivision plat, dated January 20th, 1972, be reduced to 55' front yard setback for the following reason:

The current 75' front setback along with the 150' impervious setback, located along the Chattahoochee River, designated by the Metropolitan River Protection Act (MRPA) of 1973, adversely impacts the lot by significantly reducing the area designated as "Current Buildable Area" to a point where a home relative to the surrounding community standards cannot be constructed.

Attached to this letter are several Exhibits. The first is titled Exhibit 'A' Existing Conditions Survey prepared by Boundary Zone dated 10/6/14 showing the 75' front building setback and 20' side yard setback lines as depicted in the final plat dated January 20th, 1972. Also shown on this plan is the existing home, current driveway location, trees, topography, boundary information, 100 year flood line and the 150' impervious buffer setback from the Chattahoochee River as established in the Metropolitan River Protection Act of 1973. As shown, the current house lies well beyond the 150' impervious setback and slightly in front of the 75' building setback. When this plat was prepared, the Metropolitan River Protection Act had not yet been established and therefore did not adversely impact the proposed home slated for construction in 1972. In 1973 the Metropolitan River Protection Act was implemented and now has created a 150' Impervious Setback from the River which prohibits any type of structure to be built within this impervious buffer area. Their request is for a variance on the front setback of 75' to 55' to allow the Rogers to build a new home on the property without adversely affecting the 150' buffer located along the Chattahoochee River.

www.BoundaryZone.com

4195 South Lee Street, Suite I, Buford, GA 30518 - 770-271-5772
235 Peachtree Street NE, Suite 400, Atlanta, GA 30303 - 404-446-8180
2205 Candun Drive, Suite C, Apex, NC 27523 - 919-363-9226
General Fax - 770-271-5753 / Corporate Fax - 678-730-4395

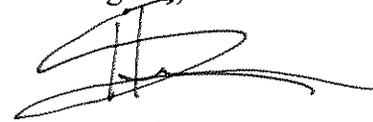
The second drawing is titled Exhibit 'B' Current Buildable Area. This plan shows the current area available for constructing a new home on the site. This lot was developed pre act of the Metropolitan River Protection Act of 1973 and was not subject to the current restrictions that the Act currently places upon the property. The home was permitted through Gwinnett County permit department, constructed and ultimately received a certificate of occupancy. The current hose is as close as 94' to the wrested vegetation along Chattahoochee River. With the 75' front setback and the 150' impervious setback from the river, the average depth of the buildable area available under the current conditions is approximately 24'. Although the width of the buildable area is adequate for our needs, it is the depth of the buildable area, ranging from 18.5' to 26', which causes an extreme hardship for the Rogers. This means that the total depth of the house itself can only be 18.5 to 26' depending upon its location in the buildable area and this impact renders the lot unbuildable as per the current building standards of the community.

The third drawing is titled Exhibit 'C' Proposed Variance Request. This plan shows Mr. & Mr. Rogers proposed home and amenities as they would like to have placed upon their property. Their proposed home requires a reduction in the front yard setback from 75' to 55' to allow them an opportunity to build a home without overly impacting the 150' Impervious Setback that runs along the Chattahoochee River, located in the rear yard.

There have been other homes within the neighborhood that have sought and received similar variances from either the City of Peachtree Corners or Gwinnett County and we feel that this request is not outside the parameters or guidelines of the existing community and its current zoning regulations. Even though current zoning regulations allows for the front yard setback to be 35', Mr. & Mrs. Rogers are only requesting a variance to relocate the building setback to 55' instead 75' as stated on the final plat. We are seeking this variance because the Metropolitan River Protection Act has placed, post development, a 150' impervious buffer along the Chattahoochee River and combining that encumbrance along with the current building setback for the front of 75' does not allow for a proper building site.

I would enjoy the opportunity to meet with you if you should have any questions please call me.

Best Regards,

A handwritten signature in black ink, appearing to read 'Gregory L. Dean', with a stylized flourish extending to the right.

Gregory L. Dean, RLA

PUBLIC HEARING

4324 RIDGEGATE DRIVE



CASE NUMBER: PH2015-003

HEARING DATES:	PLANNING COMMISSION	CITY COUNCIL 1ST READING	CITY COUNCIL 2ND READING
	NA	3-17-15 7 pm	NA

PROPERTY ADDRESS: 4324 RIDGEGATE DRIVE

Action Item
IGA with
Johns Creek

**INTERGOVERNMENTAL AGREEMENT
BY AND BETWEEN THE CITY OF JOHNS CREEK, GEORGIA
AND THE CITY OF PEACHTREE CORNERS, GEORGIA
FOR SR 141/MEDLOCK BRIDGE ROAD CORRIDOR STUDY**

THIS INTERGOVERNMENTAL AGREEMENT (“Agreement”) is entered into this ____ day of _____, 2015 by and between the City of Johns Creek, Georgia (“Johns Creek”) and the City of Peachtree Corners, Georgia (“Peachtree Corners”).

WHEREAS, Article IX, Section III, Paragraph 1(a) of the Georgia Constitution authorizes, among other things, any municipality to contract, for a period not exceeding fifty years, with another municipality for joint services, for the provision of services, or for the provision or separate use of facilities or equipment, provided that such contract deals with activities, services or facilities which the contracting parties are authorized by law to undertake or to provide;

WHEREAS, pursuant to the Johns Creek Charter Section 1.12(b)(7), Johns Creek is authorized “[t]o enter into contracts and agreements with other governments and entities and with private persons, firms, and corporations;”

WHEREAS, pursuant to the Peachtree Corners Charter Section 1.12(a)(4), Peachtree Corners is authorized “[t]o enter into contracts and agreements with other governments and entities and with private persons, firms, and corporations;”

WHEREAS, Johns Creek and Peachtree Corners are dutifully constituted Georgia municipal corporations;

WHEREAS, Johns Creek and Peachtree Corners are contiguous;

WHEREAS, SR 141/Medlock Bridge Road runs in a generally north-south direction through Johns Creek and Peachtree Corners;

WHEREAS, the growth and development of Johns Creek and Peachtree Corners have created a common interest in performing a corridor study related to SR 141/Medlock Bridge Road; and

WHEREAS, Johns Creek and Peachtree Corners agree that it is in their mutual best interest to share the cost of a corridor study regarding SR 141/Medlock Bridge Road beginning at SR120/Abbotts Bridge Road in Johns Creek and extending south to Peachtree Industrial Boulevard in Peachtree Corners.

NOW THEREFORE, in consideration of the foregoing recitals, the sums hereinafter set forth and for other good and valuable consideration, the receipt and legal sufficiency of which are hereby acknowledged, it is hereby agreed as follows:

ARTICLE I – CORRIDOR STUDY

Johns Creek shall enter into an agreement with Arcadis US, Inc. (“Arcadis”) for the provision of a SR 141/Medlock Bridge Road corridor study as described in said agreement, which is attached hereto as Exhibit A and incorporated by reference herein, (“Corridor Study Agreement”). Johns Creek will provide the data required to be provided to Arcadis by the Corridor Study Agreement. In order for Johns Creek to provide said data to Arcadis, Peachtree Corners agrees to provide data as may be requested from time to time by Johns Creek.

ARTICLE II - COST

Johns Creek and Peachtree Corners agree to equally share the responsibility for the cost of the Corridor Study Agreement. Upon completion of the work required by the Corridor Study Agreement, Johns Creek shall invoice Peachtree Corners for the amount required by this Article. Peachtree Corners will pay said amount due to Johns Creek within thirty (30) days of receipt of the invoice.

Johns Creek will make application to the Atlanta Regional Commission (“ARC”) on behalf of Johns Creek and Peachtree Corners for federal funds available through the Surface Transportation Program (“STP”) of the Moving Ahead for Progress Act for the 21st Century (“MAP-21”) to apply toward the cost responsibilities required by this Article. Peachtree Corners will cooperate with Johns Creek upon request by providing such information, signing such documents and performing such other reasonable acts as may be necessary to make such an application to the ARC.

ARTICLE III - TERM

The term of this Agreement is for a period commencing upon full execution of the Corridor Study Agreement and ending one (1) year thereafter.

ARTICLE IV – INDEPENDENT CONTRACTOR

Arcadis is an independent contractor, and both Parties agree that its employees, agents or representatives are not employees, agents or representatives of Johns Creek or Peachtree Corners.

ARTICLE V - NOTICE

All required notices shall be given by certified or registered mail, postage and fees prepaid, addressed to the party to whom such notice is to be given at the address set forth below or at such other addresses as has been previously furnished in writing, to the other party or parties. Such notice shall be deemed to have been given when deposited in the United States mail. Any notice of termination shall be mailed via U.S. Mail, return receipt requested. Notices shall be addressed to the parties at the following addresses:

If to Johns Creek:

City of Johns Creek
12000 Findley Road
Johns Creek, GA 30097
Office number: 678-512-3200
Facsimile number: 678-512-3244

If to Peachtree Corners:

City of Peachtree Corners
147 Technology Pkwy, Suite 200
Peachtree Corners, Georgia 30092
Office number: 678-691-1200
Facsimile number: 678-961-1201

ARTICLE VI - ASSIGNMENT

Neither party shall assign any of the obligations or benefits of this Agreement without prior written consent signed by both parties.

ARTICLE VII – INDEMNIFICATION

It is the intent of the parties to be covered under the auspices of any applicable immunity granted by law. To the extent permitted by law, and only to the extent permitted by law, each Party shall defend, indemnify and hold harmless the other Party and its officers, employees, or agents from any and all liability, losses or damages, including attorneys' fees and costs of defense, which the indemnified Party or its officers, employees, or agents may incur as a result of any claim, demand, suit, or cause of action or proceeding of any kind or nature arising out of, relating to, or resulting from the negligent performance of this Agreement by either Party, its employees, officers and agents. Each Party shall promptly notify the other Party of each claim, cooperate with each other in the defense and resolution of each claim and not settle or otherwise dispose of the claim without each other's participation.

ARTICLE VIII – GENERAL PROVISIONS

The parties acknowledge, one to the other, that the terms of this Agreement constitute the entire understanding and agreement of the parties regarding the subject matter of this Agreement. This Agreement supersedes all prior oral or written agreements or understandings. No representation oral or written not incorporated in this Agreement shall be binding upon Johns Creek or Peachtree Corners. Any modification of this Agreement shall be in writing signed by the parties.

If a court of competent jurisdiction renders any provision of this Agreement (or portion of a provision) to be invalid or otherwise unenforceable, that provision or portion of the provision will be severed and the remainder of this Agreement will continue in full force and effect as if the invalid provision or portion of the provision were not part of this Agreement. No action taken pursuant to this Agreement should be deemed to constitute a waiver of compliance with any

representation, warranty, covenant or agreement contained in this Agreement and will not operate or be construed as a waiver of any subsequent breach, whether of a similar or dissimilar nature. This Agreement is governed by the laws of the state of Georgia without regard to conflicts of law principles thereof. Should any provision of this Agreement require judicial interpretation, it is agreed that the court interpreting or construing the same shall not apply a presumption that the terms hereof shall be more strictly construed against one party by reason of the rule of construction that a document is to be construed more strictly against the party who itself or through its agent prepared the same, it being agreed that the agents of all parties have participated in the preparation hereof.

This Agreement shall inure to the benefit of, and be binding upon, the respective parties' successors and assigns.

The indemnification provisions of this Agreement shall survive termination of this Agreement for any claims that may be filed after the termination date of this Agreement provided the claims are based upon actions that occurred during the term of this Agreement.

This Agreement may be executed in several counterparts, each of which shall be an original, and all of which shall constitute but one and the same instrument.

IN WITNESS WHEREOF, the City of Johns Creek, Georgia, and the City of Peachtree Corners, Georgia, have executed this Agreement through their duly authorized officers on the day and year first above written.

CITY OF JOHNS CREEK, GEORGIA

Michael Bodker, Mayor

ATTEST:

Joan Jones
City Clerk
(SEAL)

Approved as to form:

City Attorney

CITY OF PEACHTREE CORNERS, GEORGIA

Mike Mason, Mayor

ATTEST:

Kym Chereck
City Clerk
(SEAL)

Approved as to form:

William F. Riley
City Attorney

Action Item
Business
Incubator Study

GEORGIA TECH RESEARCH CORPORATION
Fixed Price Specialized Services Agreement

Project No. _____

THIS AGREEMENT is made by and between GEORGIA TECH RESEARCH CORPORATION, a Georgia corporation, having principal offices at 505 Tenth Street NW, Atlanta, Georgia, 30318 ("GTRC") and the CITY OF PEACHTREE CORNERS, a governmental entity having an office and place of business at Suite 200, 147 Technology Parkway, Peachtree Corners, Georgia 30092 ("CPC").

In consideration of the mutual promises and covenants herein contained and intending to be legally bound, we agree as follows:

Section 1. Term.

1.1 GTRC will perform the Services, described in Exhibit A (which is incorporated in this Agreement by reference), beginning on 16 March 2015 ("Effective Date") and ending 11 May 2015. The Services will be performed by Staff Members (employees, independent Contractors, subcontracts, consultants and student assistants) of the Georgia Institute of Technology ("GIT"), a unit of the University System of Georgia.

Section 2. Payment; Fixed Price Amount.

2.1 GTRC will submit its invoices to CPC in accordance with the schedule in Paragraph 2.2. CPC will pay each invoice within thirty days of the invoice date. Any invoice not paid within thirty days of the invoice date will be considered delinquent and subject to one and one half percent (1.5%) per month fee for each month or fraction thereof, until payment is received.

2.2 CPC agree to pay GTRC \$33,686 ("Fixed Price Amount") for the Services. GTRC shall submit an invoice for \$16,843 upon execution of this Agreement and an invoice for \$16,843 on 11 May 2015. CPC will make payments to:

Georgia Tech Research Corporation
P. O. Box 100117
Atlanta, Georgia 30384

2.3 GTRC may choose to discontinue performance of the Services if CPC fail to pay any GTRC invoice within the time specified in Paragraph 2.1.

Section 3. Reports.

3.1 GTRC will provide CPC a final report summarizing the results of the Services.

Section 4. Publicity.

4.1 CPC agree not to authorize or commission the publication of any promotional materials containing any reference to GTRC or GIT without prior written approval from them. GTRC and GIT may, however, include CPC's name in listings of research sponsors. The provisions of this Section 4 will survive any termination of this Agreement.

Section 5. Intellectual Property.

5.1 CPC will receive title to any data or test results generated. Title to all other intellectual property including, without limitation, any inventions and discoveries conceived or first reduced to practice, all computer software, works, and material developed in the course of performance of the Services, whether or not protectable by patent, trade secret or copyright will reside in GTRC.

5.2 Notwithstanding any other provision of this Agreement to the contrary, GTRC reserves an irrevocable, nonexclusive, royalty-free, nontransferable license to make and use the intellectual property licensed or assigned hereunder for educational and research and development activities practiced by GTRC and GIT.

Section 6. Publication.

6.1 GTRC and GIT may catalog and place reports of the Services in the GIT Library, and they may issue publications based on the Services and use any results not proprietary to CPC in their research and education programs. GTRC will give CPC an opportunity to review any report or publication, will not include any of CPC's proprietary information in the report, and will upon CPC's request withhold publication for up to four (4) months.

Section 7. Disclaimer.

7.1 GTRC AND GIT DISCLAIM ANY AND ALL WARRANTIES BOTH EXPRESS AND IMPLIED WITH RESPECT TO THE SERVICES TO BE PERFORMED HEREUNDER AND ANY DELIVERABLES RESULTING THEREFROM, INCLUDING THEIR CONDITION, CONFORMITY TO ANY REPRESENTATION OR DESCRIPTION, THE EXISTENCE OF ANY LATENT OR PATENT DEFECTS THEREIN, AND THEIR MERCHANTABILITY OR FITNESS FOR A PARTICULAR USE OR PURPOSE, VALIDITY OF ANY INTELLECTUAL PROPERTY RIGHTS

OR CLAIMS, OR NONINFRINGEMENT OF ANY THIRD PARTY INTELLECTUAL PROPERTY RIGHTS.

Section 8. Limitation of Liability.

8.1 The cumulative liability of GTRC to CPC for all claims, demands or actions arising out of or relating to this Agreement, the services to be performed hereunder and any deliverables resulting therefrom, will not exceed the total amount paid to GTRC hereunder during the twelve (12) months immediately preceding such claim, demand or action. Without limiting the foregoing, in no event shall GTRC be liable for any business expense, machine down time, loss of profits, any incidental, special, exemplary or consequential damages, or any claims or demands brought against CPC, even if GTRC has been advised of the possibility of such claims or demands. The foregoing limitation of liability will survive any termination of this Agreement and will apply without regard to any other provision of this Agreement which may have been breached or have been proven ineffective.

Section 9. Termination.

9.1 Either Party may terminate this Agreement for any reason upon fifteen (15) days written notice to the other.

9.2 CPC will pay GTRC any costs which have accrued or been encumbered up to the actual date of termination under this Section and CPC will not be relieved of the obligation to pay those costs because of a termination under this Section.

Section 10 Miscellaneous.

10.1 All notices and other communication given under this Agreement will be effective five (5) days following deposit in the United States mail, postage prepaid and addressed to the parties at their respective addresses set forth below unless by a previous notice a different person or address has been designated.

To GTRC for administrative matters:
Georgia Tech Research Corporation
Office of Sponsored Programs
Georgia Institute of Technology
Atlanta, Georgia 30332-0420
Attn: Christopher D'Urbano
(404) 385-6797
Fax (404) 385-0864
ced@gatech.edu

To CPC for administrative matters:

To GTRC for technical matters:
Georgia Tech Research Corporation
Georgia Institute of Technology
Atlanta, Georgia 30332-0640
Attn: Lynne Henkiel
(404) 385-7476
Fax (404) 410-6910
Lynne.henkiel@innovate.gatech.edu

To CPC for technical matters:

10.2 GTRC and CPC are and will remain independent contractors and nothing herein will be construed to create a partnership, agency or joint venture between us. Each of us will be responsible for wages, hours and conditions of employment of our respective personnel during the term of, and under, this Agreement.

10.3 This Agreement will be governed by the laws of the State of Georgia.

10.4 No waiver by either Party of any breach of any provision hereof will constitute a waiver of any other breach of that provision or of any other provision hereof.

10.5 This Agreement sets forth the entire agreement and understanding between GTRC and CPC as to the Services and merges all prior discussions between the Parties; and neither of the Parties will be bound by any conditions, definitions, warranties, understandings or representations with respect to the Services other than as expressly provided herein. This Agreement may not be modified or altered except by a written document executed by authorized officers of both Parties. No provision contained in any standard form document issued by CPC, including but not limited to any purchase order or confirmation order, will be applicable, even if signed by both Parties, unless the Parties also execute a separate document expressly modifying this agreement to include such provisions as set for the above.

IN WITNESS WHEREOF, this Agreement has been duly executed by our duly authorized officers on the day and year set forth below.

GEORGIA TECH RESEARCH CORPORATION

By: _____
Typed Name: _____
Title: _____
Date: _____

By: _____
Typed Name: _____
Title: _____
Date: _____

CITY OF PEACHTREE CORNERS

By: _____
Typed Name: _____
Title: _____
Date: _____

EXHIBIT A

Services to be performed:

See attached

Peachtree Corners, GA Community Readiness Assessment (Phase 1) Proposal & Scope of Work

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EI²'s Incubation & Strategy Development Tools

The Enterprise Innovation Institute of Georgia Tech (EI²) offers numerous services related to incubation program development. We are proposing to guide your community through a community readiness assessment that helps prepare the community, the development team, and stakeholders for a successful business incubation program. This is Phase 1 of our proposed two-phased approach on working with communities to research and identify a business incubation program that will meet their overarching and multi-faceted requirements for economic growth.

- **Community Readiness Assessment (Phase 1):** This tool engages leadership, entrepreneurs, and other stakeholders to determine whether the community at large desires and can support a business incubation program. The process results in a basic assessment of demand, service needs, supporting infrastructure, and outlines steps necessary for moving forward to development.

Scope of Services

This proposal is focused on first completing a Community Readiness Assessment for **Peachtree Corners, GA**. The project's objectives will be achieved through a comprehensive process of data collection, economic analysis, and community engagement. Goals and objectives of the project include:

- Identifying key community stakeholders.
- Assessing levels of leadership within the community.
- Identifying and educating the community's incubation champions.
- Preparing an Asset Map for the community.
- Capturing and quantifying the demand for incubation services from existing business owners and community participants.
- Listening to, and discovering the priority needs of, entrepreneurs and small businesses in the community.
- Studying facets of the existing entrepreneurial ecosystem and identifying additional necessary core components.
- Determining whether an identified need exists for an incubation program, and highlighting potential focal points.
- Pinpointing gaps in essential components that will require attention for further pursuit of an incubation program.

For the sake of continuity in this proposal, the **Peachtree Corners, GA** team spearheading this initiative will be referred to as the "incubation task force." The EI² team recommends that the incubation task force designate a "process leader" who will be the team's primary point of contact for an efficient exchange of information, scheduling of meetings, coordination of interviews, and other necessary logistical support.

Peachtree Corners, GA Community Readiness Assessment (Phase 1) Proposal & Scope of Work

As part of this process, the EI² team will also review any strategic work plans of the stakeholder group applicable to this effort to understand the context in which the community is considering an incubation program.

Work Plan

The Phase 1 Community Readiness Assessment Study will be completed in a contiguous approach over the course of approximately **eight weeks**, as outlined below. Tasks to be conducted are explained in detail.

Phase 1 Community Assessment Study (Months 1-3)

1.1 Project Commencement

The EI² team's work with **Peachtree Corners, GA** will begin by meeting with the **Peachtree Corners, GA** incubation task force. The purpose will be to clarify and align expectations, priorities, and goals of the project and solidify the plan of work moving forward.

1.2 Stakeholder Identification

Working with **Peachtree Corners, GA**, the EI² team will build a list of key community stakeholders, from industry leaders and entrepreneurs, to thought leaders and representatives from academia where appropriate.

1.3 Pre-Interview Education

EI²'s work with the local community will begin with an option of a facilitated educational meeting with the **Peachtree Corners, GA** incubation task force, selected stakeholders, and entrepreneurs where appropriate. This educational meeting is intended to explain to the stakeholders their roles and responsibilities as well as an overview of the investigative process. Many of these participants will be subsequently interviewed, so having face-to-face interaction with the EI² team at a kickoff meeting will aid in building trust and validation and will yield greater participation and richer results.

1.4 Entrepreneur Interviews

Integral to this process will be the interviews the EI² team conducts with local entrepreneurs. The team will ask specific questions about the primary needs of these individuals and the business challenges and opportunities that exist for them in the community in order to determine whether entrepreneurial needs can be met by existing resources, or whether an expanded service offering would benefit the local entrepreneurial community.

The EI² team will collaborate with the incubation task force to develop a targeted list of entrepreneurs to interview. These interviews will be conducted in person, and, in some cases, via phone.

Peachtree Corners, GA Community Readiness Assessment (Phase 1) Proposal & Scope of Work

1.5 Stakeholder Interviews

To begin the process of consensus-building necessary to pursue an incubation program, the EI² team will interview **Peachtree Corners, GA** local stakeholders. This activity will ascertain local stakeholders' perspectives on the goals and purpose of a potential incubation program, as well as gauge level of support for it. These participants are expected to include, but not limited to, stakeholders of the following local partners:

- Cities and towns identified by the incubation task force team
- Local Chambers of Commerce
- Professional Associations
- Local Economic Development Authorities
- Community Improvement Districts
- Workforce Development Organizations
- Local universities, colleges
- Private sector business partners, other industry leaders, and business assistance organizations as appropriate

These interviews will be conducted in person, and, in some cases, via phone. The incubation task force may be asked to assist in scheduling some of these interviews to ensure the work schedule is maintained.

1.6 Economic Analysis

To build upon the qualitative information gathered during the interviews, the EI² team will also conduct a basic economic analysis focused on leading indicators of entrepreneurial success. The analysis will include a basic data review to discern which area industries appear to have the most strength for entrepreneurial development, an assessment of the community's human capital, and trends in business activity. This analysis will include a review of recent patterns of growth or decline using available metrics.

1.7 Asset Inventory & Asset Map

The EI² team will also conduct a general review of resources and services supporting entrepreneurs to build/ update an Asset Inventory & Asset Map for **Peachtree Corners, GA**. These assets include programs at nearby colleges, universities, and technical schools; networks, associations, professional bodies or other groups targeted to entrepreneurs and their needs; financial assets such as impact investments, angel investment networks, venture capital, etc.; and other assets which may contribute to successful entrepreneurial development.

The purpose of this activity is predominantly to identify the strength level of the community assets as well as gaps in support that may need to be addressed before venturing further into the incubator creation process.

1.8 Analysis of Primary and Secondary Data

Peachtree Corners, GA Community Readiness Assessment (Phase 1) Proposal & Scope of Work

EI² will evaluate the results of the interviews, surveys, and economic analysis to inform the analysis of demand for incubation services as well as the current ability of the community to support such a program. Results of the stakeholder interviews will reveal the level of community support, and ensure the program will align with the county's economic development goals. Results of the entrepreneur interviews and online survey will highlight gaps in local services and resources for entrepreneurs, current challenges to doing business in **Peachtree Corners, GA**, and demand for incubator space and services. The surveys, interviews, and EI²'s research will reveal if local entrepreneurs' needs are being completely met by other local incubators or entrepreneurial development programs.

The overarching method of analysis focuses on three core areas:

- Entrepreneurship & Innovation
- Community Support & Leadership
- Resources & Capabilities

Each of these areas comprises an integral piece of incubation strategy development. Analyzing all of the data collected from primary and secondary sources, the EI² team will extract strengths and weaknesses that fall within each of these core consideration areas. The overall assessment of those identified strengths and weaknesses will be itemized in the report. And finally, a Recommendation Plan will be developed, which outlines short-, mid-, and long-term actions that will guide the development of a sustainable incubation program.

1.9 Assessing Location Factors

Compiling information from our economic research as well as solicited from the entrepreneur and stakeholder interviews, the report will address physical location influences for the incubator.

Factors for locating a sustainable business incubator may include:

- proximity to university, college or vocational education programs
- skills inventory of the current workforce
- accessibility to public transportation
- specialized equipment
- physical proximity to essential inventory assets (these locations will be identified from the Asset Inventory and Mapping task)
- linkages to strategic partners (i.e., larger corporations that will purchase products for incorporation into their products)

In addition to the logistical factors noted above, other socio-economic factors will need to be considered. For example, is one of the goals to increase employment in the immediate surrounding locale, or increase the number of startup companies, or encourage minority/women entrepreneurship fostering an aura of entrepreneurship, or maybe generating net income for local investments? These factors will need to be incorporated into the analyses for determining the suggested locales for the physical building, if recommended.

Peachtree Corners, GA Community Readiness Assessment (Phase 1) Proposal & Scope of Work

The results of the study and final recommendations will be compiled into a report, and the EI² team will meet with the **Peachtree Corners, GA** team to present the results and discuss feedback from the study. This meeting, at which the **Peachtree Corners, GA** incubation task force will provide feedback on the findings, will launch consensus-building around the feasibility of pursuing an incubation program, what services are most needed by local entrepreneurs, and what industries should be the focus of entrepreneurial development efforts.

The EI² team will incorporate any salient feedback into a final report that it will present and submit to **Peachtree Corners, GA** for distribution at its discretion. The conclusions of the report will focus on what type of incubation model(s) may make the most sense for the community based on the market information collected to date.

Peachtree Corners, GA Community Readiness Assessment (Phase 1) Proposal & Scope of Work

Project Team

Lynne Henkiel will serve as project director for the EI² project team. Following, in alphabetical order, are brief biographies for each principal EI² team member. Other team members may be used in addition to the ones listed, based on the need for their particular expertise.

Lynne Henkiel

Lynne Henkiel is the director of entrepreneurial partnerships in the Startup Ecosystems group at EI². She has been involved in developing EI²'s innovative incubation practices, which includes being the primary investigator on most of the incubation health assessments and assisting in the community readiness programs. Her career at Georgia Tech has focused on commercializing innovations from NASA Kennedy Space Center (KSC), Stennis Space Center (SSC), and Marshall Space Flight Center (MSFC). While at KSC, she worked closely with the NASA incubator and SSC's MSET incubator. Her most recent role with NASA entailed managing the dual-use industry partnerships for MSFC involving both large and startup businesses.

In addition, Ms. Henkiel is involved with Georgia Tech's ATDC to identify best practices in economic development and business incubation. Her prior experience included working in the finance organization of IBM for 15 years. She received her bachelor's degree from Nova Southeastern and her master's degree in management of technology from the University of Miami and the University of Texas-Austin. She also is an active member of the National Business Incubation Association (NBIA) and the European Business Network (EBN), has been a guest speaker on incubation at the European Union's Business Incubation Association's Annual Congress, and has written articles for "The Business Incubator" magazine, sponsored by EBN. Lynne has worked with many communities large and small in several countries, customizing sustainable incubation programs to suit the personalities and demographics of each particular community.

Juli Golemi

Juli Golemi is a senior project manager with Georgia Tech's Enterprise Innovation Institute (EI²). Prior to joining EI², Juli was the director and economist of Economic Strategy Center, an economic development research and analysis firm where she managed a variety of projects including economic and fiscal analysis, benchmarking analysis, and program performance evaluations. She also prepared socio-economic indicator reports, and target industry studies.

Juli also was the director of research at Target Market Development, a Nashville-based management consulting firm, where she identified business trends and issues affecting a wide range of business and economic sectors. This research helped companies better position themselves and succeed in competitive environments. Juli also was an adjunct professor at Columbia State Community College where she taught Principles of Macroeconomics. Juli earned her master's degree in economics from Middle Tennessee State University and her bachelor's degree in English from the University of Tirana. She also completed studies at Vanderbilt University. She is an accredited member of the Georgia Economic Developers Association, National Association for Business Economics, American Economic Association, C2ER (Council for Community and Economic Research), and Atlanta Economics Club.

Peachtree Corners, GA Community Readiness Assessment (Phase 1) Proposal & Scope of Work

Charles Ross

Charles Ross is the assistant director of technology partnerships at EI². In this role, he is responsible for executing growth opportunities that expand the scope and reach of EI²'s programs and offerings to entrepreneurs and entrepreneur-support organizations. This initiative leverages several EI²-resident, nationally recognized entrepreneurial support programs to include the Advanced Technology Development Center (ATDC) and VentureLab, a faculty assistance program to commercialize promising technologies from Georgia Tech. Charles joined EI² through the ATDC, where he served in positions of Venture Catalyst, general manager, and then, assistant director. He has provided leadership for assistance programs focused on technology, rural, and minority entrepreneurs. He also previously managed the Georgia Seed Capital Fund and is a current board member of the National Association of Business Incubators and National Association of Seed and Venture Fund. Mr. Ross holds an undergraduate degree in electrical engineering from Marquette University, and a MBA from Indiana University.

Christina Spann

Christina Spann is a research assistant for the Innovation Strategy and Impact team of the Enterprise Innovation Institute. Christina specializes in economic development and demographic research, geographic information systems, as well as data collection, management, analysis, and visualization. Recently, her work has focused on researching manufacturing opportunities and workforce skills needs for communities in Georgia. Her work has also included conducting an innovation ecosystem analysis, assessing the physical, social, human, and financial assets of the community, as well as a network analysis used to support the development of a university subsidiary. Christina has also been involved in the strategic planning process for local communities, assisting the Georgia Tech team in the facilitation of steering committee meetings.

Prior to joining Georgia Tech, Christina worked as an intern architect in metropolitan Detroit, specializing in sustainable architecture. Christina holds a bachelor's degree in sociology from Wayne State University, a bachelor's degree in architecture from Lawrence Technological University, and holds a dual-master's degree in City Planning and Public Policy from Georgia Tech.

Peachtree Corners, GA Community Readiness Assessment (Phase 1) Proposal & Scope of Work

Project Timeline & Budget

This project is scheduled to commence on March 16, 2015 and is anticipated to be completed by May 11, 2015. The following table outlines the Phase 1 program’s projected timeline:

	Month 1				Month 2				Month 3			
	1	2	3	4	5	6	7	8	9	10	11	12
Initial meetings & Kickoff												
Interviews												
Data Collection												
Analysis												
Report												
Presentation												
Follow-up & Wrap-up												

The budget for this project is planned for **\$33,686.00** and includes any travel expenses related to commuting from GA Tech to Peachtree Corners, GA to conduct activities. This budget contains all labor, materials and services associated with the execution of the above outlined scope of work. This quote is guaranteed for the next sixty days.

Contact Information

For additional information or questions about this proposal or what additional services EI² can provide for your community, please contact:

Lynne Henkiel
 Director, Entrepreneurial Partnerships
 Georgia Institute of Technology, EI²
 404-385-7476
Lynne.Henkiel@innovate.gatech.edu

Peachtree Corners, GA Community Readiness Assessment (Phase 1) Proposal & Scope of Work

Background on Georgia Tech

The Georgia Institute of Technology is an innovative intellectual environment with more than 1,100 full-time instructional faculty and more than 20,000 undergraduate and graduate students in six major colleges. The university is a national and international leader in scientific and technological research and education, receiving more than \$600 million annually in research awards. The institution now ranks in the top five in research expenditures among universities without a medical school. Year after year, Georgia Tech is consistently the only technological university ranked in U.S. News & World Report's listing of America's top 12 public universities (ranked seventh at the present time). Furthermore, Georgia Tech's College of Engineering is consistently ranked in the nation's top five by U.S. News and World Report. In addition, our university faculty incubator was named number 2 in the world by the University Business Incubation organization from Stockholm Sweden.

Georgia Tech's Enterprise Innovation Institute (EI²) helps enterprises of all types and sizes – companies, health care providers, entrepreneurs, economic developers and communities – improve their competitiveness through the application of science, technology, and innovation. The Enterprise Innovation Institute is the nation's largest and most comprehensive university-based program of business and industry assistance, technology commercialization, and economic development.

EI² Programs include: The Advanced Technology Development Center (ATDC), The Alternative Media Center (AMAC), Community Innovation Services (CIS), The Georgia Entrepreneur and Small Business Outreach Program, The Georgia Manufacturing Extension Partnership (GaMEP), The Minority Business Development Agency (MBDA) Business Center, The Georgia Tech Lean Consortium, The Georgia Tech Procurement Assistance Center (GTPACC), Health@ei2, The Program in Science, Technology and Innovation Policy (STIP), The Southeastern Trade Adjustment Assistance Center (SETAAC), The Strategic Partners Office, The Technology Innovation Partners and the Contracting Education Academy at Georgia Tech.

02015-03-41

Roberts Properties

AN ORDINANCE TO AMEND THE CITY OF PEACHTREE CORNERS ZONING MAP PURSUANT TO SUP2015-001, ROBERTS PROPERTIES, REQUEST FOR BUILDING ELEVATION APPROVAL AND VARIANCES ASSOCIATED WITH THE DEVELOPMENT OF A 6.47 ACRE PARCEL ZONED C-2 (COMMERCIAL BUSINESS) AT 5242 PEACHTREE PARKWAY IN DISTRICT 6, LAND LOT 301, PEACHTREE CORNERS, GEORGIA

WHEREAS: Notice to the public regarding said requests and public hearing have 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 March 17, 2015 and April 21, 2015;

NOW THEREFORE, The Mayor and City Council of the City of Peachtree Corners while in Regular Session on April 21, 2015 hereby ordain and approve SUP2015-001, Roberts Properties, for the above referenced property with the following enumerated conditions:

Gwinnett County Original Conditions (as modified):

- I. To restrict the use of the property as follows:
 - A. All uses and special use permitted within the C-1 zoning district. All uses permitted within the C-2 zoning district, except for the following: animal hospitals or veterinary clinics; tattoo and piercing parlors; adult bookstores or entertainment; drive-thru fast food service; automotive car wash, automotive parts store; billboards (as provided in Section 1113.1); building, electrical or plumbing contractors; funeral homes or mausoleums; furniture rental establishments; convenience food stores with or without fuel pumps, emission inspection stations; equipment rental; hotels and motels; on-site laundry or dry cleaning establishments, self-service or coin operated laundries; liquor stores; mobile buildings, parking lots and garages; plant nursery sales facility; recreation facilities which exceeds 3500 square feet (but may be up to 4000 square feet for Spa Sydell type use); recovered materials processing facility, taxidermist, yard trimmings composting facility; clubs, lodges, fraternal institutions and meeting halls; caretaker or watchman quarters; auto body repair shops, auto repair shops or tire stores, automotive service stations with or without fuel pumps; building material sales with outdoor storage, contractors offices or the outside storage of equipment or materials, heavy equipment and farm equipment sales and service and truck rental; mini-warehouse storage facilities; mobile home or mobile building leasing or sales lots, taxi cab or limousine services and no outdoor storage of any type; pest control businesses; pet shops or grooming establishments; lounges; and any temporary uses.

- B. This is a concept specific zoning. Project is to be generally developed as a forum/avenues style development and should include office elements similar in “look and feel” to the existing development immediately across Peachtree Parkway from this property and currently known as “The Forum”, or as set forth in the elevations presented to the Board of Commissioners as prepared by Wakefield, Beasley & Associates and the site plan prepared by LAI Engineering Wood & Partners, Inc. dated October 5, 2007 **January 20, 2015**. A forum/avenues type of development shall be defined as a retail development of small shops similar in design and concept to “The Forum”. The landscape plan and architectural plans shall be submitted to the Gwinnett County Planning Commission and approved by the Community Development Director prior to any permits being issued.
- C. Drive-through businesses shall be prohibited, except for banks/financial institutions which may include a drive-through facility as an integrated part of the primary banking operation if the following provisions are met. Any such drive-through facility shall be structurally attached to the bank/financial institution building. Any person-to-person communication shall be conducted only through a sealed (non-operable) window (which may include an associated bank deposit tray and/or tube) and speaker system. The volume control for the speaker system shall be set so that sound shall not be audible more than 10-feet from any such speaker. Any in-person “reach-through” opening and/or the passing of food through such opening shall be prohibited. To the extent that any allowed structure ceases to be used as a bank/financial institution, then the drive-through facility associated therewith shall be demolished.
- D. Abide by all requirements of Section 1315 (Activity Center/Corridor Overlay District).
- E. The dimensions of any bank/financial institution drive-through facility shall be constructed in general conformity with the site plan prepared by Wakefield, Beasley and Associates, dated October 17, 2008, and submitted for the record at the Planning Commission’s October 21, 2008 meeting. Specifically, the drive aisle width at the drive-through entrance and exit shall be a maximum width of 24 feet and shall taper in accordance with the configuration depicted in the aforementioned site plan.
2. To satisfy the following site development considerations:
- A. Provide a 50-foot wide natural buffer adjacent to residential zoning. The developer shall be allowed to grade 20-feet into the buffer in order to reduce/eliminate retaining walls in accordance with the three buffer plan drawings

prepared by Bilson and Associates, dated September 9, 2008, and submitted for the record at the Planning Commission's October 21, 2008 meeting. The graded area of the buffer shall be replanted in accordance with the buffer plan drawings with native Georgia trees including Tulip Poplar, Maple, Cryptomeria and Pine Trees in equal distribution to provide an effective visual screen. In no event will there be less than a 75-foot setback adjacent to the stream depicted on the site plan. The developer shall place the portion of the subject property within the stream buffer in a conservation easement.

- B. Provide bike racks within the development in accordance with the overlay standards.
- C. Provide internal access to any outparcel development. No direct access to Peachtree Parkway other than the shopping center entrance per Department of Transportation approval.
- D. Entrance/exits shall be allowed onto Peachtree Corners Circle per Department of Transportation approval.
- 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 glass, brick, stone and/or stucco **comparable in design and appearance to 'The Forum'**. All sides shall have a 32-inch or greater water table of brick or stone, except where full length glass or doors are located. The elevations of the buildings shall be in general conformity with the materials **plans presented to and approved by the City Council at its April 21, 2015 meeting.** ~~October 16, 2007 meeting, and final plans will be submitted to the Planning Commission and approved by the Director of Planning and Development.~~ All mechanical appurtenances and equipment and/or ductwork shall be screened from view. Screening shall coordinate with the building architecture.
- H. **All buildings shall provide a variation in roof line similar to that of 'The Forum', which consists of a mixture of flat, pitched, pyramidal, conical, or mansard roof design. Corner/end unit towers shall incorporate a pyramidal or conical roof design consistent with a Forum-style development.**

- ~~I. Architectural design elements such as dormer windows shall be incorporated into the building roof line for structures larger than 4,000 square feet.~~
- J. All street or walkway pavers internal to the development shall be of brick, stone, or paving material comparable in appearance and be limited to grey or natural-tone colors, which will coordinate with building architecture.
- K. Provide landscaped islands through the parking area, including a minimum ten-foot wide landscaped island at the end of each parking bay and a minimum six-foot wide landscaped island for each 225-feet of continuous bay length, or alternate plan as may be approved by the Community Development Director.
- L. Provide or relocate and reconstruct sidewalks, as required, a minimum of five feet in width adjacent to Peachtree Parkway (U.S. Hwy. 141) and Peachtree Corners Circle. Sidewalks may meander along these roads where feasible and per DOT approval. Provide internal sidewalks connecting office, retail, and outparcel development. Submit pedestrian access plan for review and approval of the Community Development Director.
- M. 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.
- N. Multi-tenant buildings shall be limited to wall signage only. Project signage shall be limited to one monument sign per road frontage except for one subdivision entrance sign and one primary ground sign adjacent to Peachtree Parkway. Monument signs shall coordinate with building architecture.
- O. Any detention ponds shall be visibly screened with landscape plantings to be approved by the Community Development Director.
- P. No outside speakers shall be allowed other than on a bank usage, if any, or a Muzak system may be allowed provided no shrill or excessive noise and vibrations, amplified live entertainers, outside paging systems, phone bells, or loudspeakers will be allowed. Any Muzak system shall have downward facing speakers and shall be inaudible ten feet from the speakers.
- Q. 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 2:00 a.m., **(unless further restricted by other regulations)**. Business hours for a coffee/bagel

shop and any specialty gourmet food store(s) shall be 6:00 a.m. to 2:00 a.m. seven days a week.

- R. All food service facilities on the property, including outparcels, shall install odor scrubbers which remove 95% of cooking odors as determined by the Community Development Director.
- S. ~~Development shall provide a temporary 20-foot natural buffer, except for utility crossings, along the right-of-way of Peachtree Parkway and Peachtree Corners Circle. Temporary buffer may be removed upon issuance of a building permit.~~
- I. Truck delivery shall be limited to the hours of 8:00 a.m. to 6:00 p.m.
- II. No overnight parking or idling of delivery trucks shall be allowed.
- T. 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.
- U. Prior to any grading or clearing, all buffers shall be clearly marked with bright orange tree save fencing to insure that no improper or accidental buffer intrusions occur.

Peachtree Corners Additional Conditions:

- V. A tree survey showing the location of specimen trees on the property shall be submitted prior to Land Disturbance Permit application.
- W. An encroachment into the 50 ft. undisturbed buffer and 75 ft. impervious stream setback line shall be permitted for the installation of a reinforced pervious slope along a portion of the northern property line as shown on LAI Engineering drawings dated 1-30-15.
- X. All Variances requested shall be approved subject to the following:
 - 1. Landscaping along the property frontage shall, at a minimum, match and be a continuation of the landscaping at Chase Bank. In addition, the developer shall sod and maintain the right-of-way in front of his property in the same fashion as his own property so as to maintain the same appearance. At such time as a property owners association exists, they shall assume that landscape maintenance responsibility.
 - 2. The landscape strip for the entire frontage of Peachtree Parkway shall include a staggered double row of evergreens at least three

feet in height at time of installation with spacing to be determined by Staff to screen the parking lot from vehicle view on Peachtree Parkway. Landscaping to be approved by Staff to insure this condition is met.

3. Temporary disturbance area shown on the Peachtree Retail Master Plan dated 2/27/15 shall be replanted as approved by the City Arborist.
 4. Internal landscape strips and parking areas shall be developed substantially as shown on the Peachtree Retail Master Plan dated 2/27/15. In addition, the internal landscape strip between the two buildings fronting Peachtree Parkway shall be heavily planted with hardwood trees which are 12ft. – 15 ft. in height at time of installation. The tree planting shall have a boulevard type effect and the tree spacing shall be approved by Staff.
 5. Pervious pavers shall be installed as shown on the Peachtree Retail Master Plan dated 2/27/15.
- Y. Building Elevations shall be approved subject to the following:
1. Exterior building materials shall be primarily brick or stone on all building sides.
 2. Appearance of the buildings shall substantially conform to the drawings prepared by HOK and Wakefield Beasley and Associates dated 2/27/15.
 3. Planters with vegetation approved by the City Arborist shall be placed along the building exterior or, as an alternate, climbing plant material shall be installed at the base of the buildings or next to trellises or arbors.
 4. All mechanical equipment (roof top and on the ground) shall be screened from ground view.
- Z. A minimum of .9 acres of land located at the northeast corner of the property shall be dedicated to the DDA toward the development of a pedestrian trail system along the stream. However, this area shall be counted towards the applicant's open space and tree density requirements.
- AA. A property owners association shall be established in order to assume responsibility for common area maintenance and other property related issues.
- BB. At least one pedestrian access location shall be identified on the plan. This location shall serve as the place where pedestrians can cross the stream and traverse from the subject property to the Town Center property.

- CC. The developer shall be responsible for his proportionate share of the cost of design and construction of the pedestrian bridge that spans from the parking lot of the developer's property to the parking lot of the Town Center property at specific locations determined by Staff. If all of the developer's property has been sold at the time that the bridge is built, the Property Owners Association shall be required to assume the developer's responsibility.
- DD. Grading may be done internal throughout the site; however, where no plans have been permitted for specific building development, a 75 ft. undisturbed tree buffer shall remain along the adjacent roadway frontage in order to minimize the view of disturbed land.
- EE. Graded land that becomes inactive (no building permits pending) for more than 6 months shall be stabilized, seeded and shall meet all other ordinance requirements for graded property. Additional landscaping may also be required to be added in order to mitigate the appearance of the land disturbance.
- FF. Cross access and parking easements will be established between all of the individually owned parcels.

Effective this 21st day of April, 2015.

So signed and Witnessed

Approved :

this _____ day of _____, 2015

Attest:

Kymerly Chereck, City Clerk

Mike Mason, Mayor

REZONING, SPECIAL USE PERMIT, OR CHANGE IN CONDITIONS APPLICATION

AN APPLICATION TO AMEND THE OFFICIAL ZONING MAP OF THE CITY OF PEACHTREE CORNERS, GEORGIA

APPLICANT INFORMATION	OWNER INFORMATION
<small>Roberts Properties Peachtree Retail, LLC</small> NAME: <u>c/o Mahaffey Pickens Tucker, LLP</u>	NAME: <u>Roberts Properties Peachtree Retail, LLC</u>
ADDRESS: <u>1550 North Brown Rd, Ste 125</u>	ADDRESS: <u>375 Northridge Rd, Suite 330</u>
CITY: <u>Lawrenceville</u>	CITY: <u>Atlanta</u>
STATE: <u>Georgia</u> ZIP: <u>30043</u>	STATE: <u>Georgia</u> ZIP: <u>30350</u>
PHONE: <u>770-232-0000</u>	PHONE: <u>770-232-0000</u>
E-MAIL: <u>ltucker@mptlawfirm.com</u>	E-MAIL: <u>cr@robertsproperties.com</u>
CONTACT PERSON: <u>Lee Tucker / Wes Turner</u> PHONE: <u>770-232-0000</u>	
CONTACT'S E-MAIL: <u>ltucker@mptlawfirm.com or wturner@mptlawfirm.com</u>	

APPLICANT IS THE:

OWNER'S AGENT
 PROPERTY OWNER
 CONTRACT PURCHASER

PRESENT ZONING DISTRICTS(S): C-2 REQUESTED ZONING DISTRICT: C-2

LAND DISTRICT(S): 6 LAND LOT(S): 301 ACREAGE: 6.470

ADDRESS OF PROPERTY: 5242 Peachtree Pkwy, Peachtree Corners 30092

PROPOSED DEVELOPMENT: Site Plan Approval for a Commercial/Retail Development

Staff Use Only This Section

Case Number: SUP 2015-001 -
 Hearing Date: P/C 3/10/15 C/C 3/17/15
 Received Date: 4/2/15
 Fees Paid: \$11600
 By: WES TURNER

Related Cases & Applicable Conditions:

 Description: _____

RESIDENTIAL DEVELOPMENT

NON-RESIDENTIAL DEVELOPMENT

No. of Lots/Dwelling Units _____

No. of Buildings/Lots: 2

Dwelling Unit Size (Sq. Ft.): _____

Total Bldg. Sq. Ft.: 13,733

Gross Density: _____

FEE SCHEDULE

1. Rezoning, Change-in-Conditions and Special Use Permit Fees – Residential Zoning Districts

(note: a Special Use Permit related to a rezoning case shall not incur an additional fee)

A. For the following single-family residential zoning districts: RA-200, R-140, R-LL, R-100, R-75, RL, MHS.

- 0 - 5 Acres = \$ 500
- > 5 - 10 Acres = \$ 1,000
- > 10 - 20 Acres = \$ 1,500
- > 20 - 100 Acres = \$ 2,000
- > 100 - Acres = \$ 2,500 plus \$40 for each additional acre over 100
- Maximum Fee: \$10,000

B. For the following single and multifamily residential zoning districts: R-TH, RMD, RM-6, RM-8, RM-10, RM-13, R-SR, MH, R-60, R-ZT, R-75 MODIFIED or CSO, and R-100 MODIFIED or CSO.

- 0 - 5 Acres = \$ 850
- > 5 - 10 Acres = \$1,600
- > 10 - 20 Acres = \$2,100
- > 20 - 100 Acres = \$2,600
- > 100 - Acres = \$3,200 plus \$40 for each additional acre over 100

2. Rezoning, Change-in-Conditions and Special Use Permit Fees - Non-Residential Zoning Districts

(note: a Special Use Permit related to a rezoning case shall not incur an additional fee)

For the following office, commercial and industrial zoning districts: C-1, C-2, C-3, O-1, OBP, M-1, M-2, HS, NS.

- 0 - 5 Acres = \$ 850
- > 5 - 10 Acres = \$1,600
- > 10 - 20 Acres = \$2,100
- > 20 - 100 Acres = \$2,600
- > 100 - Acres = \$3,200 plus \$50 for each additional acre over 100

3. Mixed-Use (MUD and MUO) or High Rise Residential (HRR)

Application Fee – \$1,200 plus \$75 per acre (maximum fee - \$10,000)

- 4. Chattahoochee Corridor Review (involving a public hearing) - \$150.
- 5. Buffer Reduction (Greater than 50%) Application Fee - \$500.
- 6. Zoning Certification Letter - \$100 (per non-contiguous parcel).



Matthew P. Benson
Alissa L. Cummo
Kelly O. Faber
Amanda F. Henningsen
Christopher D. Holbrook
Gerald Davidson, Jr.*
Jill H. Harris*

Joshua P. Johnson
Jeffrey R. Mahaffey
Steven A. Pickens
Andrew D. Stancil
Kenneth W. Stroud
R. Lee Tucker, Jr.
Wesley C. Turner
*of Counsel

**ROBERTS PROPERTIES PEACHTREE RETAIL, LLC'S
REQUEST FOR SITE PLAN APPROVAL AND RELATED VARIANCES**

Mahaffey Pickens Tucker, LLP submits this Public Hearing Application on behalf Roberts Properties Peachtree Retail, LLC (the "Owner") in order to pursue approval of (i) the enclosed site plan (the "Site Plan") which will govern the Owner's proposed development of the subject property (the "Property"), (ii) the enclosed building elevations for the initial components of the development (the "Building Elevations") and (iii) approvals associated with the Site Plan which are necessitated by the Owner's anticipated subdivision of the Property (collectively, the "Approvals").

The Property is zoned C-2 and its use and development is governed by CIC-08-021 (the "Zoning Conditions") which was approved by the Gwinnett County Board of Commissioners prior to the incorporation of the City of Peachtree Corners (it is important to note that the Owner does not seek any zoning map amendment in connection with this Public Hearing Application). The Zoning Conditions provide, among other matters, that the Owner must submit its Site Plan and building elevations to the appropriate governing body for review and approval. Due to the requests set forth herein and in an effort to clarify the conditions pursuant to which the Owner may develop the Property, the Owner is requesting a public hearing before the City's Planning Commission and City Council in its pursuit of the Approvals.

Site Plan and Building Elevations

The Owner submits the Site Plan which presents the initial phase of the development of the Property's frontage along Peachtree Parkway, is consistent with the Zoning Conditions and is economically feasible based on current market conditions. Similarly, the Owner submits the Building Elevations for proposed buildings 1 and 2 which are compliant with the City's overlay standards as set forth in Section 1315 of the zoning ordinance (together with the City's other development-related ordinances such as the Buffer, Landscape and Tree Ordinance, the "Ordinance") and are compatible with the existing buildings in the immediate vicinity of the Property. In conjunction with its development of the Property, the Owner is excited to bring "Black Walnut" restaurant to the City of Peachtree Corners.

Site Specific Approvals Associated with the Site Plan

Considering the nature of the development of the Property and the fact that the Owner anticipates attracting national restaurant and retail tenants for the Property who will desire to own their respective building pads within the project (such as Black Walnut), the Owner needs to subdivide the Property. The Ordinance contains several provisions which inhibit the Owner's ability to subdivide the Property but which would not otherwise apply to the Property if it were to continue to be owned as a single tract and be developed in accord with the Site Plan.

When considered in the context of the development of the entire Property, the Site Plan adheres to the provisions of Section 1315.2(3)(3.D) of the Ordinance which encourage that parking be focused to the sides and rear of projects consisting of buildings which exceed 7,500 square feet of space. Buildings 1 and 2 consist of 13,733 square feet of restaurant and retail space (building 1 contains 7,033 square feet and building 2 contains 6,700 square feet). The proposed number of parking spaces provided for buildings 1 and 2 are consistent with the allowances provided in the Ordinance for these types of uses. The Site Plan reflects 93 impervious parking spaces and 19 pervious parking spaces.

The anticipated subdivision of the Property will create internal property lines (and related setbacks/buffers) that would not otherwise exist within the development. The Zoning Conditions and the Ordinance require inter-parcel access and the Site Plan complies with these requirements. Additionally, it is customary for commercial property lines to be situated within driveway infrastructure. That being the case, the Site Plan reflects building configurations which are based upon a unified development of the Property rather than individual lots.

The Property is adjacent to a stream (as depicted in the Site Plan) which requires the imposition of a 50 foot undisturbed stream buffer and 75 foot impervious surface setback (inclusive of the 50 foot buffer). In order to develop the Property and provide the green space reflected in the Site Plan, the Owner seeks approval to install a reinforced pervious slope (and, a limited amount of curb and gutter infrastructure) along the Property's northern property line (an example of the proposed slope is enclosed with this letter). Due to the Property's steep topography along the stream, the reinforced pervious slope is a means by which the Owner can stabilize the development in the subject area while maintaining environmentally friendly best management practices. Similarly, the internal sidewalks within the development will be adjacent to the curb structure in order to facilitate pedestrian accessibility.

In light of the foregoing, the Owner requests approval of the following items which are reflected in the Site Plan, would be applicable to the development of the Property as a single tract and shall apply in the event of a subdivision of the Property:

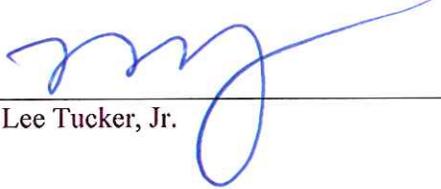
- Allowance that the parking orientation for the individual buildings reflected in the Site Plan may be configured as set forth in the Site Plan;

- Allowance that outdoor seating and dining shall be allowed for the individual buildings within the Property;
- Allowance that internal building and/or structure setbacks shall not be required in connection with the subdivision of the Property;
- Allowance that landscape strips/buffers along internal property lines shall not be required in connection with the subdivision of the Property;
- Requirement that the external landscape strip along Peachtree Parkway shall be a minimum of 5 feet in width;
- Allowance of the reinforced pervious slope as depicted in the Site Plan;
- Allowance of a temporary encroachment into the 50 foot stream buffer as depicted in the Site Plan with any such disturbed area to be returned to its natural state immediately after development;
- Allowance of a permanent encroachment into the 75 foot impervious surface setback along the stream as depicted in the Site Plan;
- Requirement that any encroachment into the impervious surface setback along the stream be offset by the incorporation of twice as much pervious area within the balance of the Property as is subject to said encroachment;
- Requirement that structures internal to the development, such as dumpsters and mechanical equipment, must be screened as required by the Ordinance but may be located as depicted in the Site Plan;
- Allowance that internal sidewalks may adjoin the curbing for the Property's internal driveway and parking infrastructure, as applicable; and
- Allowance for a medium bronze colored metal standing seam roof (mansard roof) as depicted in the Black Walnut elevations attached hereto.

This ^{2ND} day of February, 2015.

Respectfully submitted,

MAHAFFEY PICKENS TUCKER, LLP



R. Lee Tucker, Jr.

APPLICANT'S RESPONSE
STANDARDS GOVERNING THE EXERCISE OF THE ZONING POWER

Pursuant to section 1702 of the 2012 zoning resolution, the city council finds that the following standards are relevant in balancing the interest in promoting the public health, safety, morality or general welfare against the right to the unrestricted use of property and shall govern the exercise of the zoning power.

PLEASE RESPOND TO THE FOLLOWING STANDARDS IN THE SPACE PROVIDED OR USE AN ATTACHMENT AS NECESSARY:

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?

See Attached

B. Will this proposed rezoning, special use permit, or change in conditions will adversely affect the existing use or usability of adjacent or nearby property?

See Attached

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?

See Attached

D. Will the proposed rezoning, special use permit, or change in conditions will result in a use which will or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities, or schools?

See Attached

E. Will the proposed rezoning, special use permit, or change in conditions is in conformity with the policy and intent of the land use plan?

See Attached

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?

See Attached

Applicant's Response
Standards Governing the Exercise of the Zoning Power

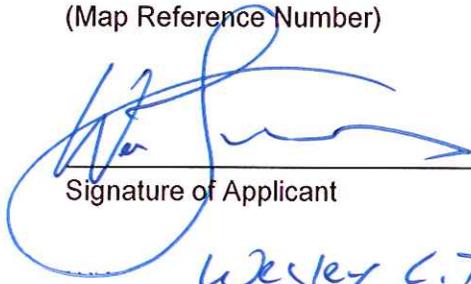
- (A) Yes, the proposed Site Plan Approval Request will permit a use that is suitable in view of the use and development of adjacent and nearby property.
- (B) No, the requested Site Plan Approval Request will not adversely affect the existing use or usability of adjacent or nearby property but, to the contrary, will be compatible and consistent with such uses as currently exist or as are contemplated in the future.
- (C) The property which is the subject of the requested Site Plan Approval Request does have reasonable economic use as currently zoned; however, such economic use is enhanced with the approval of the requested Site Plan. Applicant therefore submits the highest and best use of the subject tract is for C-2 with the associated land use entitlements.
- (D) No, the requested Site Plan Approval will not result in a use which will or could cause an excessive or burdensome use of the existing streets, transportation facilities, utilities or schools.
- (E) Yes. The requested Site Plan Approval is in conformity with the intent of the 2033 Comprehensive Plan and the subject tract is adequately served by transportation thoroughfares providing appropriate ingress and egress to and from the property.
- (F) Yes, the existing zonings of adjacent and nearby properties give additional supporting grounds for the approval of the Site Plan.

VERIFICATION OF CURRENT PAID PROPERTY TAXES FOR REZONING

THE UNDERSIGNED BELOW IS AUTHORIZED TO MAKE THIS APPLICATION. THE UNDERSIGNED CERTIFIES THAT ALL CITY OF PEACHTREE CORNERS PROPERTY TAXES BILLED TO DATE FOR THE PARCEL LISTED BELOW HAVE BEEN PAID IN FULL TO THE TAX COMMISSIONER OF GWINNETT COUNTY, GEORGIA. IN NO CASE SHALL A PUBLIC HEARING APPLICATION BE PROCESSED WITHOUT SUCH PROPERTY VERIFICATION.

A SEPARATE VERIFICATION FORM MUST BE COMPLETED FOR EACH TAX PARCEL INCLUDED IN THE REZONING REQUEST.

PARCEL I.D. NUMBER: 6 - 301 - 031
(Map Reference Number) District Land Lot Parcel



Signature of Applicant

2/2/15
Date

Wesley C. Turner, Attorney for Applicant
Type or Print Name and Title

Tax Commissioners Use Only

(PAYMENT OF ALL PROPERTY TAXES BILLED TO DATE FOR THE ABOVE REFERENCED PARCEL HAVE BEEN VERIFIED AS PAID CURRENT AND CONFIRMED BY THE SIGNATURE BELOW)

[Signature]
NAME

Tax Service Associate
TITLE

2/2/2015
DATE

APPLICANT'S CERTIFICATION

The undersigned below states under oath that they are authorized to make this application. The undersigned is aware that no application or reapplication affecting the same land shall be acted upon within 12 months from the date of last action by the city council unless waived by the city council. In no case shall an application or reapplication be acted upon in less than six (6) months from the date of last action by the city council.

David M Phillips 1/30/15
Signature of Applicant Date

DAVID M PHILLIPS - VP of DEVELOPMENT
Type or Print Name and Title

Sarah Roberts 1-30-15
Signature of Notary Public Date



PROPERTY OWNER'S CERTIFICATION

The undersigned below states under oath that they are authorized to make this application. The undersigned is aware that no application or reapplication affecting the same land shall be acted upon within 12 months from the date of last action by the city council unless waived by the city council. In no case shall an application or reapplication be acted upon in less than six (6) months from the date of last action by the city council. As the property owner, I authorize the above noted applicant to act on my behalf with regard to this application.

Roberts Properties Peachtree Retail, LLC

David M Phillips 1/30/15
Signature of Property Owner Date

DAVID M PHILLIPS - VP of DEVELOPMENT
Type or Print Name and Title

Sarah Roberts 1-30-15
Signature of Notary Public Date

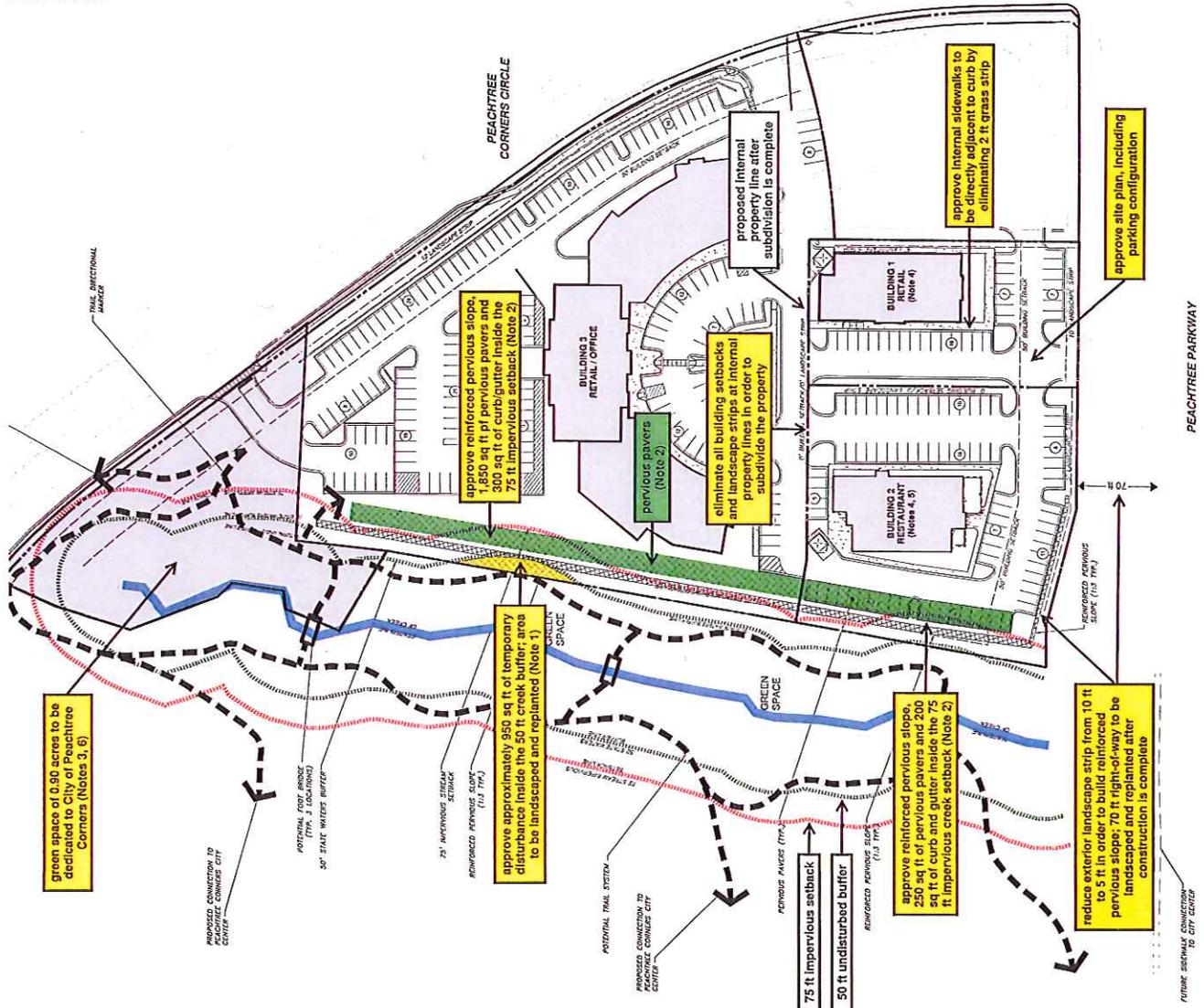
Notary Seal



PEACHTREE RETAIL MASTER PLAN

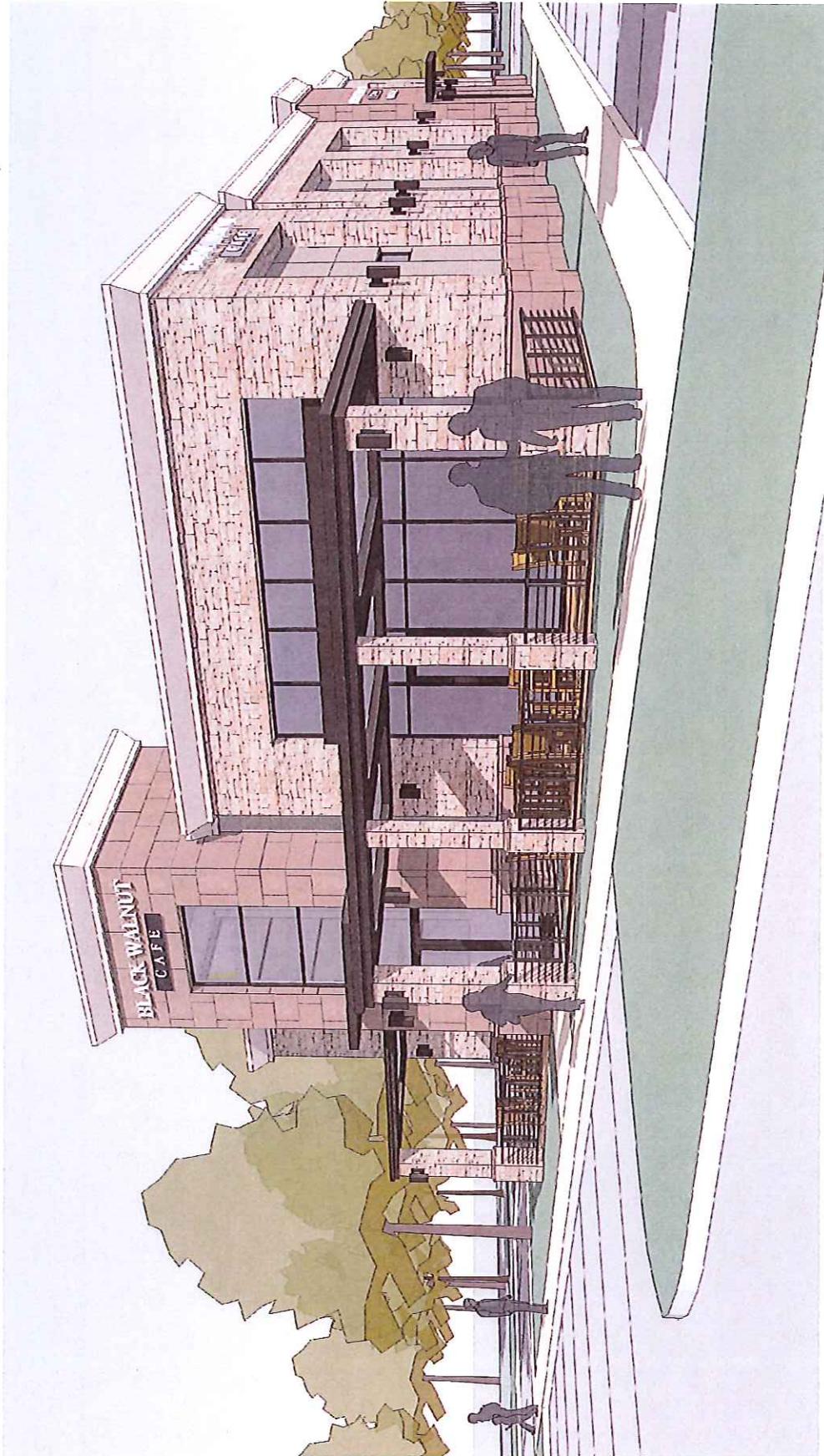
NOTES:

- 1) In order to construct the reinforced pervious slope along the north property line, it will be necessary to temporarily disturb approximately 950 sq ft of land within the 50 ft creek buffer located at Building 3. The limits of disturbance will be an average of 100 ft in length and 9.5 ft in width. All disturbed areas within the 50 ft creek buffer will be landscaped and replanted after construction of the reinforced pervious slope is complete. There will be no permanent encroachments inside the 50 ft creek buffer.
- 2) The site plan proposes approximately 500 sq ft of impervious curb/gutter encroachments within the 75 ft impervious creek setback. The site plan also proposes approximately 2,100 sq ft of parking spaces within the 75 ft impervious creek setback. Therefore, there will be a total of 2,600 sq ft of encroachments inside the impervious setback. To offset these encroachments and to maximize the green footprint along the creek, 10,500 sq ft of pervious pavers will be installed at all parking spaces along the north property line (2,100 sq ft inside the impervious setback and 8,400 sq ft outside the impervious setback). Therefore, in addition to entirely offsetting the proposed encroachments of 2,600 sq ft, an additional 8,400 sq ft of pervious area will be provided outside the impervious setback.
- 3) Green space of 0.90 acres (or 39,200 sq ft) will be dedicated to the City of Peachtree Corners. Of this acreage, 0.34 acres (or 14,900 sq ft) of land is located outside of the 75 ft impervious creek setback. As outlined in Notes 1 and 2 above, there will be a total of 3,550 sq ft of temporary and permanent encroachments into the creek buffer and creek setback. Therefore, the 14,900 sq ft of buildable land located within the green space dedication area is 4 times greater than the requested encroachments of 3,550 sq ft. Additionally, there will be no driveways or parking on the land being dedicated as green space.
- 4) Approve exterior architecture for Building 1 (Retail Building) and Building 2 (Black Walnut Restaurant).
- 5) Approve outdoor seating and dining at Building 2 (Black Walnut Restaurant).
- 6) Land value of 0.90 acre green space being dedicated is \$500,000.



2/27/15

FUTURE SIGNAL CONNECTION TO CITY CENTER



BLACK WALNUT CAFÉ

2/27/15



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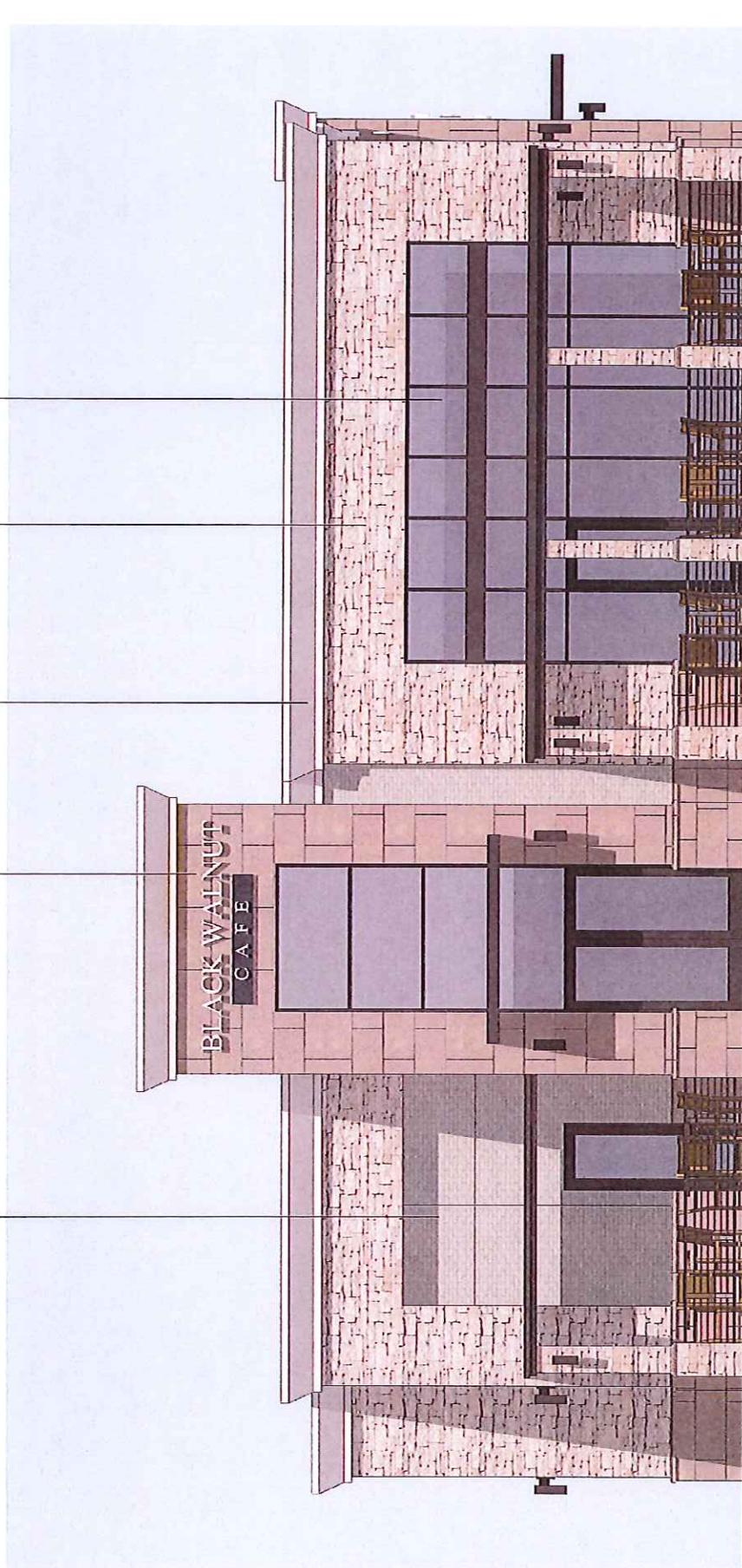
PEACHTREE PARKWAY RETAIL

PEACHTREE CORNERS · GEORGIA

creating communities for tomorrow's lifestyle



BRICK
CAST STONE
EIFS CORNICE
STONE
GLASS



BLACK WALNUT CAFÉ

FRONT ELEVATION 2/27/15



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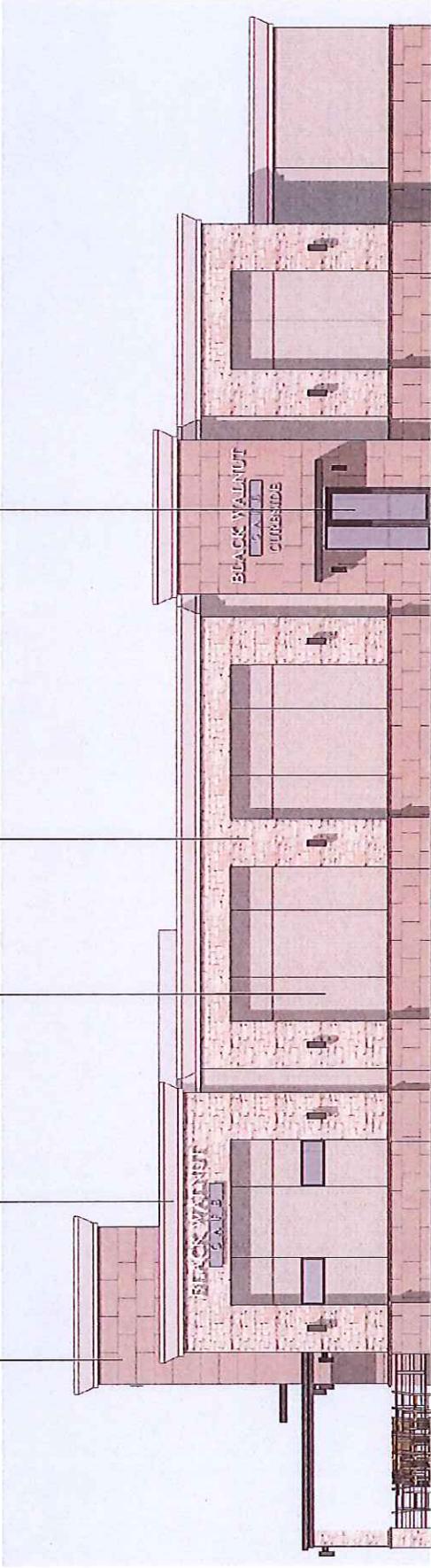
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CAST STONE
EIFS CORNICE
BRICK
STONE
GLASS



BLACK WALNUT CAFÉ

SIDE ELEVATION SOUTH

2/27/15



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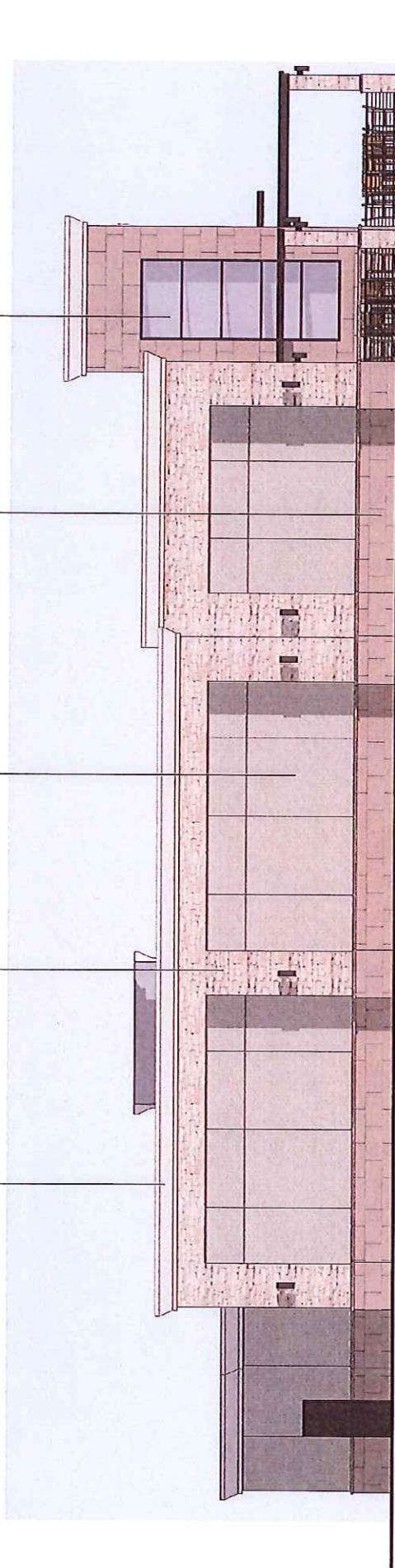
EIFS
CORNICE

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BLACK WALNUT CAFÉ

SIDE ELEVATION NORTH

2/27/15



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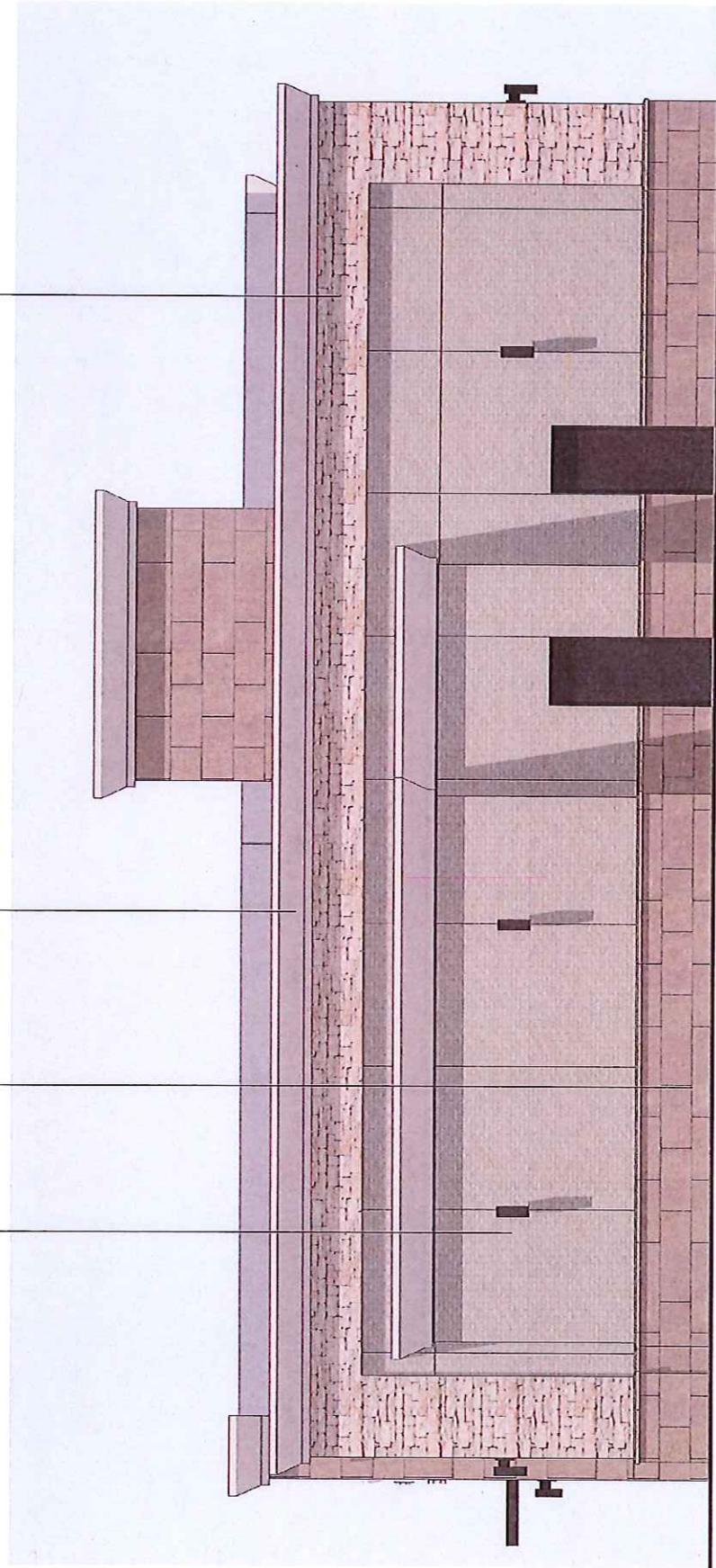


STONE

EIFS
CORNICE

CAST
STONE

BRICK



BLACK WALNUT CAFÉ

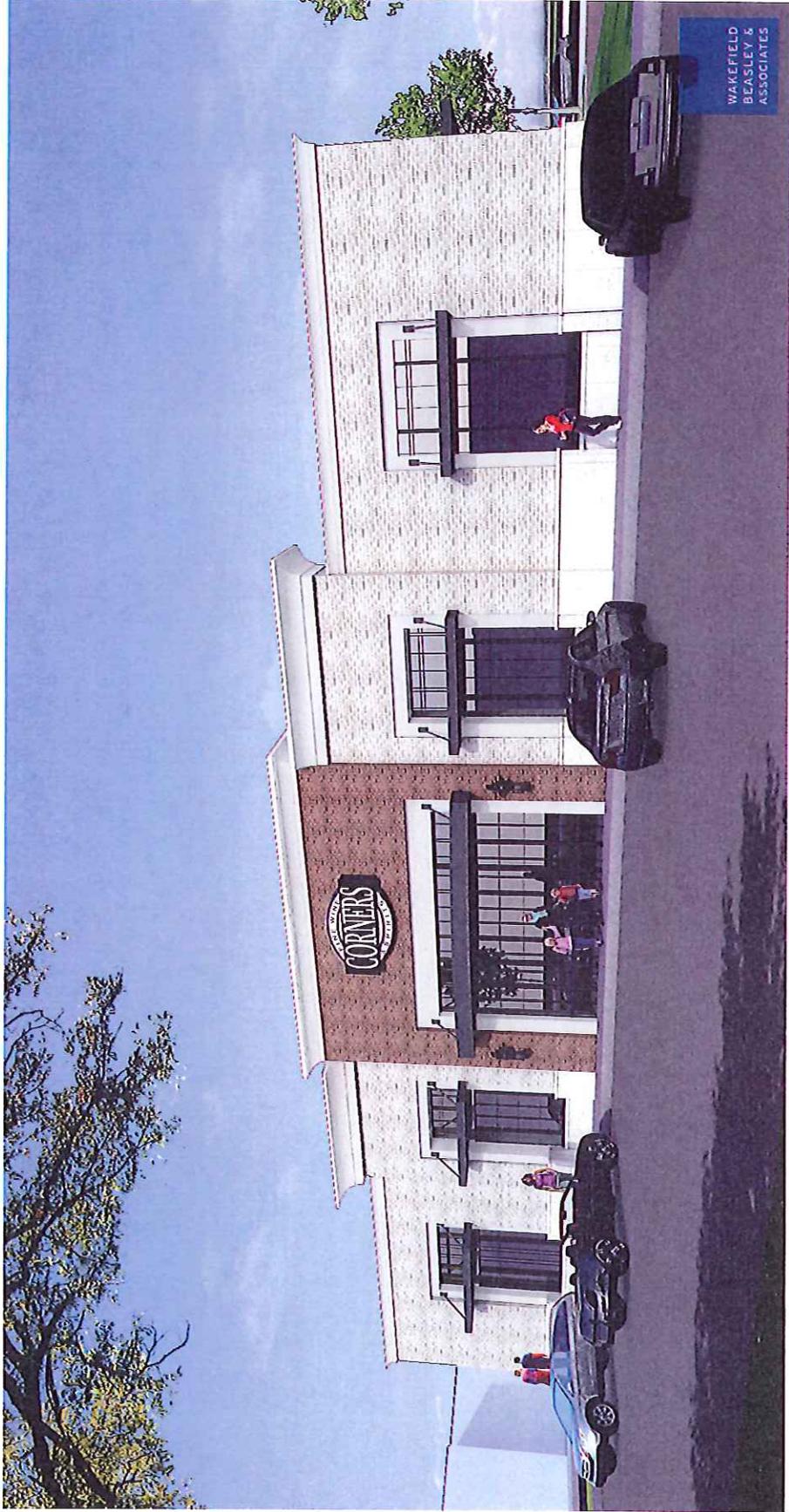
REAR ELEVATION 2/27/19



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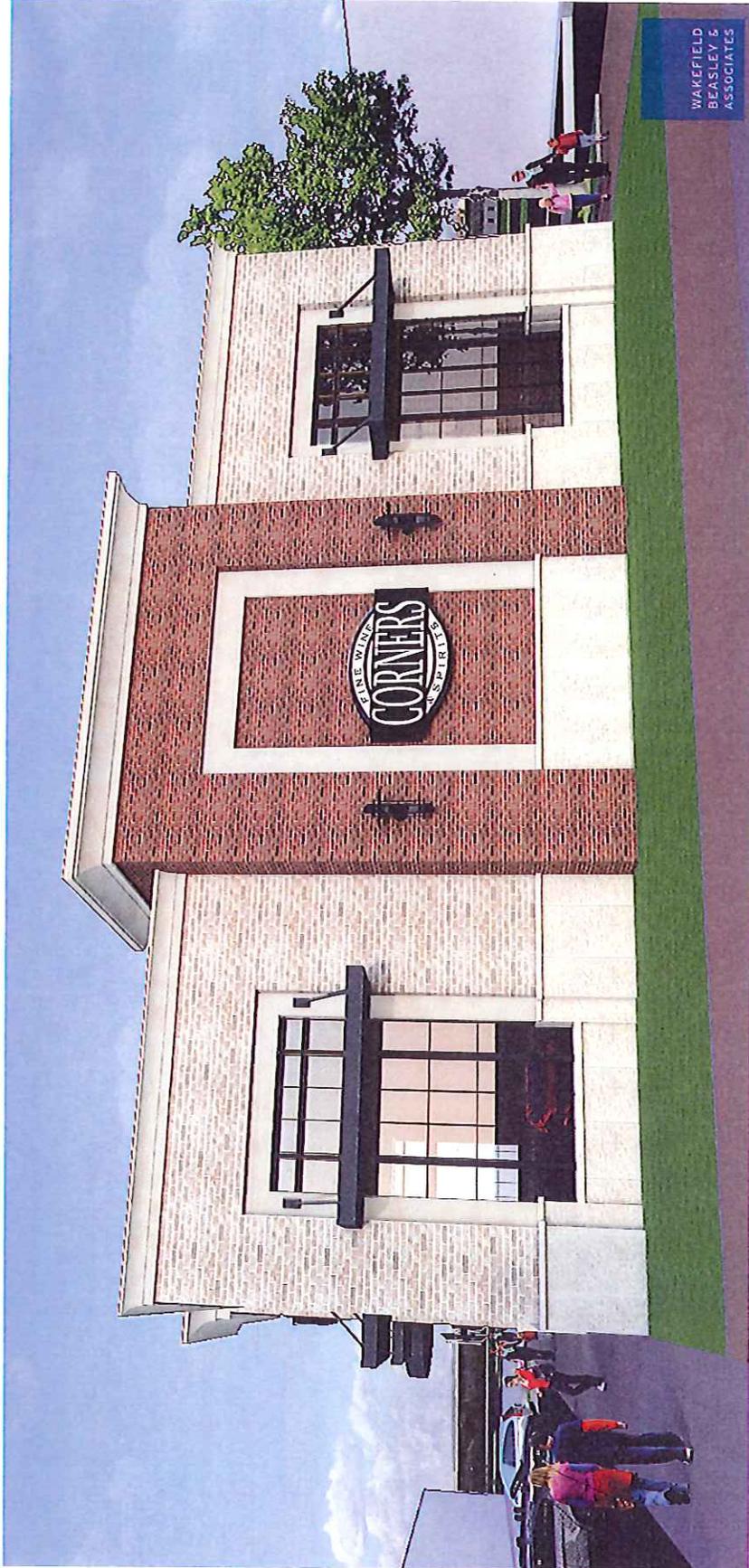




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WAKEFIELD
BEASLEY &
ASSOCIATES

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LEGAL DESCRIPTION

All that tract or parcel of land lying and being in Land Lot 301 of the 6th Land District, Gwinnett County, Georgia and being more particularly described as follows:

TO FIND THE POINT OF COMMENCEMENT, begin at the Intersection of the Northerly Right-of-Way of Peachtree Corners Circle (Right-of-Way Varies) and the Easterly Right-of-Way of Peachtree Parkway a.k.a. State Route 141 (Right-of-Way varies) if extended to form a Point; THENCE leaving said Intersection along a curve to the right having a radius of 11459.16 feet and an arc length of 12.26 feet and being subtended by a chord of North 28 degrees 40 minutes 36 seconds East for a distance of 12.26 feet to a Point on the aforesaid Right-of-Way of Peachtree Parkway; THENCE along a curve to the right having a radius of 11459.16 feet and an arc length of 193.28 feet, being subtended by a chord of North 29 degrees 11 minutes 25 seconds East for a distance of 193.28 feet to an Iron Pin Set, said point being THE POINT OF BEGINNING.

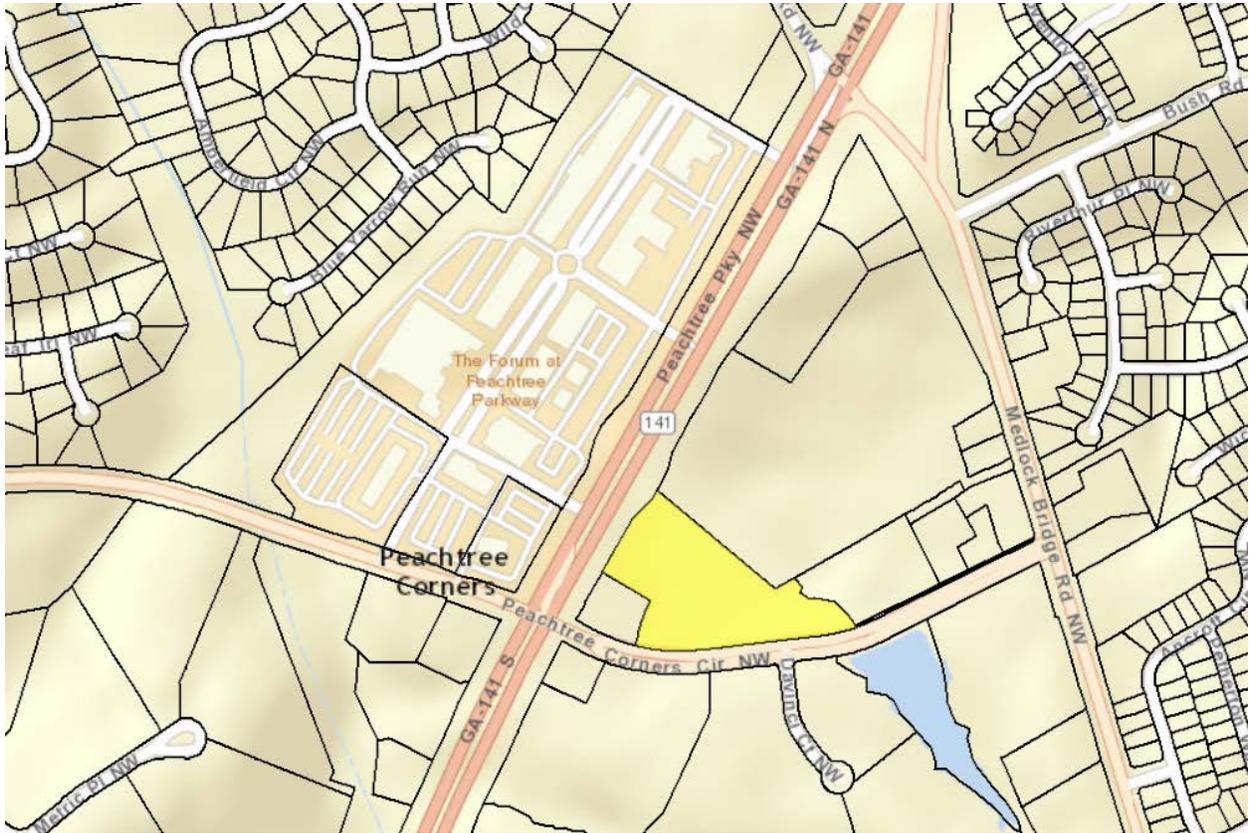
THENCE from said point as thus established and continuing along said Right-of-Way of Peachtree Parkway a.k.a. State Route 141, along a curve to the right having a radius of 11459.16 feet and an arc length of 34.18 feet, being subtended by a chord of North 29 degrees 45 minutes 33 seconds East for a distance of 34.18 feet to a Point; THENCE North 29 degrees 50 minutes 43 seconds East for a distance of 197.39 feet to a Point; THENCE North 43 degrees 52 minutes 53 seconds East for a distance of 103.08 feet to a Concrete Monument Found; THENCE North 29 degrees 50 minutes 43 seconds East for a distance of 36.23 feet to an Iron Pin Set; THENCE Leaving said Right-of-Way, South 50 degrees 38 minutes 31 seconds East for a distance of 579.74 feet to an Iron Pin Set; THENCE North 60 degrees 17 minutes 25 seconds East for a distance of 79.92 feet to a Point; THENCE South 43 degrees 20 minutes 32 seconds East for a distance of 4.57 feet to a Point; THENCE South 39 degrees 18 minutes 20 seconds East for a distance of 45.68 feet to a Point; THENCE South 24 degrees 20 minutes 32 seconds West for a distance of 16.31 feet to a Point; THENCE South 52 degrees 04 minutes 36 seconds East for a distance of 45.03 feet to a Point; THENCE North 76 degrees 10 minutes 24 seconds East for a distance of 17.53 feet to a Point; THENCE South 78 degrees 56 minutes 48 seconds East for a distance of 28.11 feet to a Point; THENCE South 82 degrees 06 minutes 50 seconds East for a distance of 52.83 feet to a Point; THENCE South 42 degrees 59 minutes 22 seconds East for a distance of 67.80 feet to a Point; THENCE South 36 degrees 25 minutes 57 seconds East for a distance of 59.65 feet to an Iron Pin Set, said Point being along the Northerly Right-of-Way of Peachtree Corners Circle (Right-of-Way Varies); THENCE continuing along said Right-of-Way along a curve to the right having a radius of 612.50 feet and an arc length of 136.89 feet, being subtended by a chord of South 76 degrees 58 minutes 13 seconds West for a distance of 136.61 feet to a point; THENCE South 83 degrees 22 minutes 24 seconds West for a distance of 133.45 feet to a point; THENCE South 83 degrees 22 minutes 24 seconds West for a distance of 329.56 feet to a point; THENCE along a curve to the right having a radius of 678.00 feet and an arc length of 245.66 feet, being subtended by a chord of North 86 degrees 14 minutes 47 seconds West for a distance of 244.32 feet to an Iron Pin Set; THENCE leaving said Right-of-Way, North 13 degrees 56 minutes 08 seconds East for a distance of 44.57 feet to an Iron Pin Set; THENCE along a curve to the right having a radius of 599.00 feet and an arc length of 137.27 feet, being subtended by a

chord of North 20 degrees 30 minutes 02 seconds East for a distance of 136.97 feet to an Iron Pin Set;
THENCE North 60 degrees 09 minutes 53 seconds West for a distance of 211.78 feet to an Iron Pin Set,
said point being THE POINT OF BEGINNING.

Said property contains 6.476 acres.

PUBLIC HEARING

Roberts Properties



CASE NUMBER: SUP2015-001

HEARING DATES:	PLANNING COMMISSION	CITY COUNCIL 1ST READING	CITY COUNCIL 2ND READING
	3/10/2015	3/17/2015	4/21/15

PROPERTY ADDRESS: 5242 Peachtree Parkway

02015-03-42

Green Community

AN ORDINANCE OF THE CITY OF PEACHTREE CORNERS, GEORGIA, ADOPTING A DOCUMENT ENTITLED 'THE CITY OF PEACHTREE CORNERS GREEN REGULATIONS AND POLICIES' IN ORDER TO CODIFY EXISTING GREEN PRACTICES AND TO IDENTIFY THE CITY OF PEACHTREE CORNERS AS A GREEN COMMUNITY PURSUANT TO THE CRITERIA ESTABLISHED BY THE ATLANTA REGIONAL COMMISSION.

WHEREAS, The City of Peachtree Corners values the harmonious balance between the natural and built environment as evidenced by years of thoughtful development throughout the community; and

WHEREAS, The City of Peachtree Corners wishes to encourage and promote sustainable practices throughout the community; and

WHEREAS, The City of Peachtree Corners has taken a leadership role with green initiatives such as offering recycling through its trash collection service and establishing an electric car recharge station at City Hall; and

WHEREAS, The City of Peachtree Corners would like to demonstrate its continued commitment to sustainable practices by participating in the Atlanta Regional Commission's Green Communities Program;

NOW THEREFORE, THE MAYOR AND COUNCIL OF THE CITY OF PEACHTREE CORNERS HEREBY ORDAIN AS FOLLOWS:

Section 1. That the attached document entitled *The City of Peachtree Corners Green Regulations and Policies* is hereby adopted.

Section 2. That the regulations and policies contained within *The City of Peachtree Corners Green Regulations and Policies* shall become effective immediately upon adoption.

Section 3. That *The City of Peachtree Corners Green Regulations and Policies* document may be modified from time to time, if needed, without requiring an amendment to this ordinance.

Section 4. That any ordinance or parts of ordinances in conflict herewith are hereby repealed.

SO ORDAINED AND EFFECTIVE, this ___ day of _____, 2015.

STATE OF GEORGIA
COUNTY OF GWINNETT
CITY OF PEACHTREE CORNERS

ORDINANCE 2015- 03 -42

Approved:

ATTEST:

Mike Mason, Mayor

Kymberly Chereck, City Clerk

(SEAL)

VOTE: Y N A Sadd /

Lowe N A

Wright N A

Mason N A

Ayala N A Christopher / Y N A Gratwick

*The City of Peachtree Corners
Green Regulations and Policies*

1. Green Building

1. All new buildings constructed and owned by the City of Peachtree Corners which have 5000 square feet or greater of occupied space shall be LEED certified (Leadership in Energy and Environmental Design for New Construction (LEED-NC)).
2. All new buildings constructed and owned by the City of Peachtree Corners which are not LEED certified shall be certified for New EnergyStar or EarthCraft Light Commercial construction.
3. All new buildings renovated by the City of Peachtree Corners shall be EnergyStar certified or follow LEED guidelines.
4. All new projects owned or developed by the City of Peachtree Corners shall provide space and resources for a public community garden. The community garden shall be a minimum of 500 square feet for commercial projects. Residential and multifamily projects shall be provided with a minimum of 10 square feet per dwelling unit.
5. The City of Peachtree Corners shall offer expedited plan review, plans processing and permitting for LEED, EarthCraft, and EnergyStar certified projects.
6. The City of Peachtree Corners shall offer expedited building and site inspections for LEED, EarthCraft, and EnergyStar certified projects.
7. Peachtree Corners shall offer expedited building and site inspections to affordable and workforce housing entities for EarthCraft House, EarthCraft Multifamily, EnergyStar or LEED for Homes certified projects.

2. Energy Efficiency

1. Power down / Lights out. It is the policy of the City of Peachtree Corners to turn non-emergency lights out and power down electronic equipment at the end of each work day. Therefore, all employees and building maintenance staff shall be required to turn off lights and all other non-essential electronic equipment when space within any city building is expected to be out of use for four or more hours.
2. Consolidated Meetings. In order to conserve resources, whenever there are four or fewer non-emergency or non- time sensitive items for consideration on a regularly scheduled meeting agenda, those items shall be incorporated into the next regularly

scheduled meeting agenda and the first meeting shall be canceled.

3. **Lighting.** New light fixtures shall be installed with energy efficient bulbs and existing light fixtures shall utilize energy efficient bulbs when bulbs are replaced. LED lamps, or higher efficiency, shall be utilized in traffic signals.

1. **Night Sky requirements.** It is the City's intent to permit reasonable uses of outdoor lighting for nighttime safety, productivity, enjoyment and commerce while limiting the use of excess lighting which unnecessarily wastes energy and degrades the nighttime visual environment.

- A. **Applicability.** For all new commercial developments and buildings that require a permit, all outdoor lighting fixtures shall meet the requirements of this policy. All building additions or modifications of twenty-five (25) percent or more in terms of additional dwelling units or gross floor area shall also comply with these requirements.

- B. **Exempt Lighting.** The following luminaries and lighting systems are exempt from these requirements:

- a) Lighting for pools used at night.
- b) Underwater lighting used for the illumination of swimming pools and fountains;
- c) Temporary holiday lighting;
- d) Lighting required and regulated by the Federal Aviation Administration, or other federal, state or local agency;
- e) Emergency lighting used by police, fire, or medical personnel, or at their direction;
- f) All outdoor light fixtures producing light directly from the combustion of fossil fuels, such as kerosene and gasoline;
- g) Security lighting controlled and activated by a motion sensor device for duration of 10 minutes or less.
- h) Special event lighting
- i) Outdoor performance lighting

- C. **Prohibited Lighting.** The following lighting systems are prohibited:

- a) Aerial lasers;
- b) Searchlight style lights;
- c) Other very intense lighting, defined as having a light source exceeding 200,000 lumens or intensity in any direction of 2 million candelas or more;

- D. **Minimum Requirements: Outdoor Lighting Standards.** All nonexempt outdoor lighting fixtures shall meet the following criteria:

- a. Fixtures shall have a BUG rating (per IESNA TM-15) where the U value = 0 and the G value = 3 or less, placed so as to allow no light

above the horizontal as measured at the luminaire, except for period fixtures or as otherwise noted herein.

- b. Fixtures shall be located, aimed or shielded so as to minimize stray light spilling over property boundaries and into the public right-of-way, and the lighting layout shall be designed so as not to exceed the standards in Tables 'A' and 'B'.

TABLE 'A'

Spill Light at Property Lines, Including Rights-of-Way:	Initial Maximum Footcandles (fc) (see Sec. 4.f.)
Abutting a residential, green space, or agricultural use	0.5
Abutting an office or institutional use	1.0
Abutting a commercial or industrial use	1.0

TABLE 'B'

Maintained* Illuminance Values at Grade					
Off-Street Parking Lot Types:	Minimum Footcandles (fc)	Average Footcandles (fc)	Maximum Footcandles (fc)	Avg to Min Ratio	Max to Min Ratio
Residential areas	0.2	0.8	3.0	4:1	15:1
Office areas	0.25	1.0	3.75	4:1	15:1
Commercial & Light industrial	0.5	2.0	7.5	4:1	15:1
* Use the source-specific LLD provided by lamp or luminaire manufacturer. To compare multiple source types, use the LLD factor for each source that corresponds to the number of rated life hours of the source with the shortest life. Use appropriate LDD, LATF, and BF values for the specific product and application.					

- a) Flood or spot lamps must be positioned no higher than 45 degrees above straight down (half-way between the vertical and the horizontal) when the source is visible from any off-site residential property or public roadway.
- b) All light fixtures that are required to be shielded shall be installed and maintained in such a manner that the shielding is effective as described herein for fully shielded fixtures.
- c) Multi use development lighting must conform to the standards of its respective

uses.

- d) Illumination levels are measured from any height and orientation of the measuring device at any location along the property line, except the lighting of parking lots shall be measured at grade with the meter sensor held horizontally on the surface.
- e) Special Uses. All lighting not directly associated with the special use areas designated below shall conform to the lighting requirements described above.
- f) Outdoor Sports or Recreation Fields. Lighting of outdoor recreational facilities (public or private), such as, but not limited to, outdoor athletic fields, courts, and tracks shall meet the following requirements:

Facilities designed for municipal leagues, elementary to high school levels of play and training fields for recreational or social levels of play, college play, semi-professional, professional or national levels of play shall utilize luminaries with minimal uplight consistent with the illumination constraints of the design. Where fully shielded fixtures are not utilized, acceptable luminaires shall include those which:

- a. Are provided with internal and/or external glare control louvers or lenses, and are installed so as to minimize uplight and offsite light spillover and glare; and
 - b. Are installed and maintained so as to avoid aiming no more than 2.5 times the mounting height.
 - c. Illumination levels shall not exceed 1.0 foot-candles at any location along any non-residential property line, and 0.5 foot-candles at any location along any residential property line.
 - d. Curfew. All events shall be scheduled so as to complete all activity no later than 11:00 p.m. Illumination of the playing field, court or track shall be permitted after the curfew only to conclude a scheduled event that was unable to conclude before the curfew due to unusual circumstances. Field lighting for these facilities shall be turned off within 30 minutes after the last event of the night.
 - e. Setback. All light poles shall be set back the greater of fifty feet or one foot for every foot in height from any residential property line or right-of-way.
- b) Service Station Canopies.
- a. All luminaries mounted on or recessed into the lower surface of service station canopies shall be fully shielded and utilize flat lenses.
 - b. The total light output of luminaries mounted on the lower surface, or recessed into the lower surface of the canopy, and any lighting within signage or illuminated panels over the pumps, shall not exceed 15 foot-candles.
 - c. The total light output of illuminated areas of a service station other than as detailed in b. above shall not exceed 10 foot-candles.
 - d. Lights shall not be mounted on the top or sides of a canopy and the sides of a canopy shall not be illuminated.
- c) Parking Garages/Structures
- 1. All luminaries mounted on or recessed into the ceiling of parking structures shall be fully shielded and utilize flat lenses.
 - 2. Illuminance levels for the interior of all parking structures shall conform to the IESNA recommendation (RP-20). Luminance levels for the interior of parking structures, where interior lighting is visible from outside

the structure, shall also conform to the IESNA recommendation (RP-20).

3. RECOMMENDED CRITERIA (Optional; projects with lighting designs proven to meet the Recommended Criteria will receive expedited permits and inspections):

a. Lighting fixtures shall have:

1. A nominal CCT between 3000 and 4000 K, with actual CCT verified to be within Lighting Facts tolerances.
2. A nominal CRI of 70 or greater.
3. Delivered efficacy of 85 lumens per watt (lpw) or greater, based on actual input wattage (not nominal wattage).
4. Less than 125W input wattage (not nominal wattage).
5. Lumen maintenance of 80% or greater at 100,000 operating hours in a 25°C ambient (L80+/100,000 hours, 25°C), as tested per IESNA LM-80-08 and projected per IESNA TM-21-11.
6. Electronic driver(s) with a power factor >90%, THD <20%, and an expected life of 100,000 hours.
7. An option for an integral motion/daylight sensor, with luminaire dimming capabilities, to maximize performance and energy efficiency in the parking structure. (Selection or usage of the option is at the discretion of the project manager, but option must be available.)
8. A 5-year product warranty.

b. Submittals shall include:

1. Specification sheets for all luminaire types used in the parking structure application, to include substantiating details on all criteria in the preceding section (5.c.3.a.).
2. Point-by-point calculations (with measurements on a 5' x 5' grid) for both initial and maintained performance ($L_x/100,000$ hrs, 25°C, where $x \geq 80$), both showing adherence to the criteria in IESNA RP-20 using the specified fixtures.

j) Security Lighting.

- a. Security lighting shall be directed toward the targeted area.
- b. Sensor activated lighting must be located in such a manner as to prevent direct glare and lighting into properties of others or into a public right-of-way, and the light shall not be triggered by activity off the property.

k) Pedestrian Path Lighting.

- a. Lighting post shall not exceed 16 feet in height from the finished grade. Illuminance levels (horizontal and vertical) shall conform to the IESNA recommendation (RP-33) for the respective type of walkway and application (commercial, residential, etc.).

l) Architectural Accent Lighting.

- a. Fixtures used to accent architectural features, materials, colors, style of

buildings, landscaping, or art shall be located, aimed and shielded so that light is directed only on those features. Such fixtures shall be aimed or shielded to minimize light spill into the dark night sky in conformance with the luminaire standards.

- b. Lighting fixtures shall not generate glare, or direct light beyond the facade onto a neighboring property, streets or into the night sky.
- m) Commercial Parking Areas.
 - a. All lighting fixtures servicing parking lots, except floodlights, shall be cutoff fixtures, directed downward and not toward buildings or other areas. The ratio of the average illumination to the minimum illumination shall not exceed 4:1.
 - b. Floodlights should be aimed or shielded to minimize uplight.
 - c. Light poles used in parking lots shall not exceed 35 feet in height.
- n) Street lights
 - a. The minimum level for new street lighting is 1 foot-candle, or as approved by an engineer on behalf of the city.
- o) Commercial Signage. Each lighted sign shall be eligible for a 10% square footage increase subject to meeting the following requirement:
 - a. The sign shall have a timer installed such that it will turn off the sign's illumination no later than two hours after close of business or midnight, whichever is latest. In the case of a business open past midnight, the timer shall turn off the sign's illumination at the close of business. The timer shall also activate the sign's illumination no earlier than one hour before sunset. LED lamps, or higher efficiency, shall be utilized.
- p) Special Security Locations
 - 1. Special consideration may be given to applications requiring deviation from the Minimum Requirements for enhanced security purposes. Such applications must be included in IESNA G-1, "Guideline on Security Lighting for People, Property, and Public Spaces" and shall conform to the respective illuminance and uniformity criteria detailed there, after review and approval from the City.
 - 2. Point-by-point calculations (with measurements on a 5' x 5' grid) for both initial and maintained performance, both showing adherence to the criteria in IESNA G-1 using the specified fixtures, must be submitted to the City for review and consideration.

3. Green Power

The City of Peachtree Corners shall offer expedited development and building plan review and site inspections for projects utilizing solar energy. The city Overlay requirements shall not apply to solar panels, except that materials and colors shall comply to the extent possible.

4. Water Use Reduction and Efficiency

a. **High Efficiency Fixtures** such as WaterSense certified toilets, urinals and faucets shall be used in all new public building installations.

— b. The City of Peachtree Corners shall offer expedited development and building plan review and site inspections to developers and homeowners for WaterSense certified projects.

5. Trees and Greenspace

a. **Benchmarks.** Peachtree Corners shall continue to provide balanced growth by preserving greenspace and adding trees and landscaping wherever possible in every development.

b. **Special Places and Events.** Peachtree Corners shall continue to support the development of community gardens, community trails, and other special places that promote environmentally friendly resources to the community.

6. Transportation and Air Quality

a. **Commute Options.** It is Peachtree Corners' policy to support commute options for both municipal employees and private business employees.

Therefore, Peachtree Corners shall continue to do the following:

1. work with commercial land owners such as Technology Park to identify available land to set aside for public transportation alternatives and private vehicle transportation alternatives.
2. explore the viability of an internal shuttle system that connects the business and shopping areas of City of Peachtree Corners to the Doraville Marta Station.
3. develop a trail way and path plan in order to offer greater opportunity for alternative commutes.
4. ensure that each development is built with sidewalks so that in cases where distance is not a deterrent, walking is a viable and safe option.
5. support flex time and varied work schedules so that employees can take advantage of the most favorable commuting options.
6. encourage ride sharing and car-pooling by working with the business community to develop incentives for employees.

b. **Green Fleet policy.** The City shall give preference to the purchase and use of fuel efficient and lowest emission vehicles and equipment (collectively the "Fleet") that both meet the intended use of the Fleet and are reasonably cost competitive over its useful life (e.g. life cycle cost). Additionally, the

City will implement strategic fleet management practices to further reduce both the emissions and environmental impact of the Fleet. Through implementation of this policy, the City shall seek to decrease total emissions and the environmental impact of the Fleet.

Section I: Green Fleet Procurement:

A. Decrease Fleet Emissions

a. The City shall procure the lowest-emission and/or Hybrid/Alternative-fuel Fleet when it is in alignment with the intended use of the Fleet and is reasonably cost competitive over its useful life (e.g. life cycle cost).

b. "Clean" fuels (such as compressed natural gas, ethanol, electricity and biodiesel) shall be used when feasible. Feasibility assessment will include considerations of vehicles or equipment able to utilize the "clean" fuel, vehicle costs, fuel availability, and the ability to utilize existing fueling infrastructure.

c. The life-cycle cost analysis, which will include fuel, maintenance, and operational costs over the projected life of the vehicle, will be performed prior to procurement and will be communicated in the corresponding bid process as appropriate.

Section II: Green Strategic Fleet Management:

A. Optimize Fleet Size

a. The City shall seek to optimize its Fleet and consider the following for removal or reassignment:

b. Light duty vehicles (passenger cars, light duty pick-up trucks and vans) that are driven less than 4,800 miles annually; and

c. Equipment that is used less than 240 hours annually. The availability of rental equipment to be used in place of such equipment will be taken into consideration.

B. Fleet reduction or reassignment will be performed according to the on-going operational needs of the user departments. The determination of which Fleet are to be reassigned shall be at the discretion of the Procurement

Official working in cooperation with user departments.

C. Decrease Vehicle Size

1. The City shall encourage the selection of vehicles of a smaller class-size whenever possible to achieve greater fuel efficiency and lower emissions. User departments shall select the smallest possible vehicle that will achieve its intended use.
2. Focus on Minimizing Vehicle Miles Travelled
3. Route optimization shall be employed, when applicable, to reduce travel time, distance, and fuel usage.
4. Encourage meetings at centralized locations to reduce necessary travel.
5. Encourage and enable alternate meeting methods, such as conference calls, to reduce the number of necessary trips.

c. No Idling policy. When using City vehicles, employees should strive to conserve fuel and reduce emissions by avoiding unnecessary idling. Therefore, except in traffic or on routine stops, employees should make every effort to prevent city vehicles from idling in excess of three minutes.

d. Complete Streets policy. The City of Peachtree Corners shall expand new street requirements to create complete streets where appropriate. Complete street standards include shared use paths or bike lanes in addition to the current pedestrian sidewalk requirements. Pedestrian signals, signs, street furniture, and lighting may also be included. The city's consulting traffic engineer has identified streets shown as "Collector" as the most appropriate category for utilization of complete street design standards.

e. Bike and Pedestrian Friendly Design policy. Peachtree Corners shall continue to encourage bicycle and pedestrian options citywide by ensuring the following:

1. the interconnectivity of developments for safer bicycle and pedestrian access.
2. the placement of bicycle racks at locations throughout the city.
3. the requirement of bicycle racks at all new community facilities including ball fields, parks and city hall.
4. the construction of sidewalks throughout the City of Peachtree Corners
6. the coordination of these efforts with adjoining jurisdictions.

7. Recycling and Waste Reduction

- a. **Green Purchasing policies.** It is the policy of the City of Peachtree Corners to purchase products which are recyclable or reusable or contain recycled materials if the quality and fitness of such products are equal to un-recycled products, including a price preference not to exceed 10% over the lowest price quoted by suppliers of comparable un-recycled products as determined by the user department. The product price comparison shall include life cycle cost considerations, when applicable. Each user department shall make every reasonable effort to purchase and use recycled products or those with recycled content whenever feasible to the extent such use does not adversely affect health, safety, or operational efficiency and effectiveness as determined by each user department, including but not limited to the items indicated on Attachment 1, next page. The term "recycled products" shall be construed to mean products which contain recycled materials or are reusable or recyclable, provided however, that recycled paper products must contain recycled materials.
1. Each user department shall ensure that all purchases of copy, computer, and fax paper will contain a minimum of 30% recycled content (10% cap on price preference is not applicable). Furthermore, each user department shall strive to purchase paper products containing a minimum of 30% recycled content whenever feasible.
 2. Each user department shall consider, where feasible, the ability of products and/or their packaging to be reused, reconditioned, or recycled.
 3. Each user department shall purchase, where feasible, products which minimize waste and toxic by-products in their manufacture, use, recycling, and disposal.
 4. Included in this policy is a preference for EnergyStar rated appliances and equipment.
 5. The 10% price preference shall be granted only if the fitness and quality of recycled products are at least equal to un-recycled products as determined solely by the user department. Product price comparison shall include life cycle cost considerations, when applicable.

Attachment 1: Recycled Product Listing

Plastic	Paper	Rubber
Carpet	Business cards	Dock bumpers
Construction wall coverings	Computer paper	Floor tiles
Corrugated drain pipe	Corrugated boxes	Retread tires
Culverts	Copier paper	Rubberized asphalt
Curbside recycling containers	Cover stock	Trailer bumpers
Dollies	Envelopes	Wheel chocks
Fence posts	Facial tissue	
Fire engine cab mats	Fax paper	
Garbage can liners	Legal pads	
Ice scrapers	Letterhead	
Indoor/outdoor furniture	Linerboard	
Landfill caps & liners	Loose-fill packaging	
Benches	Mailing tubes	
Lumber	Napkins	
Pallets	Newsprint	
Parking bumpers	Padded mail bags	
Plastic bags	Paper towels	
Playground equipment	Poster board	
Refuse carts	Toilet tissue	
Shower dividers	Typing paper	
Speed bumps		
Traction mats		
Truck bed mats		
Urinal screens		

Other Materials
Acoustic ceiling tiles
Cellulose fiber insulation
Compost
Fly ash/concrete mixtures
Glassphalt
Reflective road striping
Re-refined lubricating oil
Road signs
Roofing shingles

b. Community Involvement policy. In order to be effective, recycling must be a community wide effort and not just a government initiative. However, in its leadership role, government should not only set the recycling example, but should also institute programs that will provide the community with maximum recycling participation opportunities. Therefore, the City of Peachtree Corners shall continue the following:

1. to offer curbside recycling to all residents.
2. to coordinate with the GCCB to offer regularly scheduled events at the Recycling center for items such as large household appliance, scrap lumber and technology products.
3. to offer opportunities to recycle paper products such as telephone books and newspapers.
4. to offer opportunities to recycle seasonal products such as Christmas trees.

5. to encourage waste reduction through the use of rewards for recycling.

8. Land Use

- a. **Incentives.** In order to create efficiency and facilitate the most sustainable use of land, the City of Peachtree Corners shall encourage mixed-use development and redevelopment where appropriate. The City shall continue to identify opportunities to provide incentives, as well as institute specific zoning conditions, when warranted, that recognize the benefit of environmentally advantageous development projects.

9. Education

a. **Information Sharing policy.**

1. The City shall educate its employees about the green policy measures contained herein so that the employees will become active participants in the Green City Program, thereby, ensuring its maximum effectiveness.
2. The City shall work with Gwinnett Clean and Beautiful to extend environmental education to school children in order to encourage recycling and conservation and to bring awareness to the Green City Program.



Memo

TO: Mayor and Council

CC: Julian Jackson, City Manager

FROM: Diana Wheeler, Community Development Director

DATE: March 17, 2015

SUBJECT: Tree City USA

The Arbor Day Foundation established a national Tree City USA program to promote the protection of trees and community forestry. There are 3,400 Tree City USA communities and those that qualify are entitled to display and market the Tree City USA logo. Since Peachtree Corners is working to become a certified Green Community, it may be timely to also consider becoming a designated Tree City USA.

There are four eligibility requirements:

1. Adopt a Tree Ordinance
2. Adopt a Community Forestry Program with an annual budget of at least \$2 per capita
3. Establish a Tree Board or Committee
4. Establish an annual Arbor Day Observance and Proclamation

Peachtree Corners has already adopted a tree ordinance, so the first requirement has been met. The City also established a Green Committee whose initial assignment of submitting an application to the ARC for Green certification is now complete.

Recommendation: Consider expanding the role of the Green Committee to work on a community forestry program and an Arbor Day observance with the goal of achieving Tree City USA recognition by Arbor Day, 2016.

**Award
Recommendation
for an RFP**



MEMO

TO: Mayor & Council
CC: Julian Jackson, City Manager
FROM: Greg Ramsey, P.E., Public Works Director
DATE: March 17, 2015
SUBJECT: LMIG Sidewalk Survey & Design – Award Recommendation

Peachtree Corners received Award Authorization in January from the Georgia Department of Transportation (GDOT) for a grant of \$242,023.85 from their Local Maintenance Improvement Grant (LMIG) Program. As discussed previously, the City submitted an application for several sidewalk projects, including Technology Parkway from State Route 141 to Westech Drive. The award authorization letter is attached.

In order to move forward with this project, Public Works advertised a Request for Proposals (RFP) from qualified firms to perform survey, design & construction bid document services. The RFP is attached.

Staff performed a review of the six proposals that were received according to the guidelines provided in the RFP. The highest ranking firm from that review is Keck & Wood. The scoring table for the submittals is attached. Public Works staff recommends entering into negotiations for a contract with Keck & Wood, and providing that contract and fee to the Mayor & City Council at the regular April meeting for consideration of contract execution.

**DEPARTMENT OF TRANSPORTATION
STATE OF GEORGIA**

INTERDEPARTMENT CORRESPONDENCE

FILE **PI S014443**
FY 2015 LMIG PROGRAM
GWINNETT CO / PEACHTREE CORNERS

OFFICE Atlanta

DATE January 8, 2015

FROM Terry L. Gable, Local Grants Administrator

TO Greg Newton, Transportation Accounts Administrator
 Attn.: Accounts Payable

SUBJECT **CHECK DISBURSEMENT AUTHORIZATION**

This letter is your authority to process payment made payable to the City of Peachtree Corners in the amount of **\$242,023.85** for their FY 2015 LMIG Program formula amount. The approved application and project list dated December 17, 2014 is attached.

The accounting codes are as follows:

Department ID: 4848040000
 Program: 4181801
 Account no.: 707001
 Class: 315

TLG:DH:gyd
 Attachments

cc: Brent Cook; Mr. Greg Ramsey; LMIG files

OFFICE OF THE COMPTROLLER	
The goods are listed on the attached invoice	
was received on	1/9/15
Signature	<i>[Handwritten Signature]</i>
Signature	<i>[Handwritten Signature]</i>



RFP ST15.05: TECHNOLOGY PARKWAY SIDEWALKS

Consultant Proposals will be received at the City of Peachtree Corners, Public Works Department, 147 Technology Parkway, Suite 200, Peachtree Corners, Georgia 30092, no later than 4 P.M. EDT, Monday, February 23, 2015. **RFP ST15.05 Technology Parkway Sidewalks** will be sent to six (6) engineering consulting firms via email. All interested parties must comply with and provide proof of all local, county and state licensing requirements.

Submittals are being solicited for Surveying, Planning, Engineering and Bid Document Preparation for a GDOT LMIG funded project that will involve adding sidewalks on both of the shoulders of Technology Parkway from the intersection of State Route 141 North to Westech Drive in the areas where no sidewalks currently exist. The existing sidewalks in this section of Technology Parkway will remain, and the new construction will connect to these existing sections. The City intends to engage in a single contract for this project.

The City of Peachtree Corners reserves the right to accept, or reject any or all Submittals and award in the best interest of the City.

All submittals will be reviewed by a committee made up of City staff and a recommendation of Consultant Selection will be made to the City Council. The guidelines for your submittal are included in the following pages.

I. GENERAL INSTRUCTIONS

1. All Submittals must be delivered to the City of Peachtree Corners, Public Works Department, 147 Technology Parkway, Suite 200, Peachtree Corners, GA 30092, no later than **4:00 P.M. EST, Monday, February 23, 2015**. Any Submittals received after that time will not be considered for award.
2. The City of Peachtree Corners reserves the right to waive any and all technicalities, formalities or irregularities. The City may reject the Submittals of any Consultants that have previously failed to perform properly, or complete on time contracts of a similar nature. Submittals by a Consultant that, in the sole opinion, and discretion of the City of Peachtree Corners, is not in the position to fulfill the contract may also be rejected.
3. All Consultants shall provide appropriate proof of a current and valid occupational license issued by an agency from within the State of Georgia or one of the contiguous United States.
4. The City anticipates the Agreements will be in force for a period of up to 9 months. The City intends to immediately engage the successful firm for discussion of services.

II. SPECIAL INSTRUCTIONS

1. Scope Reduction Clause

The City of Peachtree Corners (the "City") reserves the right to reduce, or increase the scope of the project during negotiations on scope and fee with the selected Consultant. The City of Peachtree Corners, at its sole discretion, reserves the right to increase or decrease the scope of work to facilitate an award. This scope reduction clause will be enacted only if it is in the best interest of the City and constitutes no guarantee of scope.

2. Additional Work

The City of Peachtree Corners reserves the right to add to the contract any future work, with the agreement of the CONSULTANT, at prices to be negotiated between the parties. This option will be enacted during the contract or within twelve months of the end of the contract, if in the best interest of the City, and with agreement of the CONSULTANT ("CONSULTANT").

3. Indemnification

CONSULTANT shall assume the obligation to indemnify and hold harmless the City, its officers, employees, engineers, associates, agents, Sub CONSULTANTS and representatives from and against any and all claims, damages, suits, fees, judgments, costs, expenses (including attorneys' fees), liability or payment arising out of, or through, injury to any person or persons including death and loss of services, or damage to property, suffered through any cause whatsoever in the work involved in the contract and to defend on their behalf any suit brought against them arising from such cause. Any and all damages and costs associated with pedestrians, vehicles, buildings, etc. are the sole responsibility of CONSULTANT. The City may review any disputes and the City's decision shall be final.

4. Georgia Security and Immigration Compliance

In compliance with the Georgia Security and Immigration Compliance Act of 2006 (Act 457), Section 2 of Senate Bill 529, Chapter 300-10-1 (O.C.G.A. 13-10-91), all CONSULTANTS must comply with the above mentioned State of Georgia regulations by completing the provided affidavits relative to CONSULTANT and Sub CONSULTANT stating affirmatively that the CONSULTANT and any Sub CONSULTANTS are registered and participating in a federal work authorization program. All applicable affidavits have been included with this RFP and must be signed and provided with the submittal (will not count against 15 page limit).

5. Default and Termination

- a. Default - The City may on thirty (30) days notice to the CONSULTANT terminate the service contract, and without prejudice to any other remedy it may have, when the CONSULTANT materially defaults in the performance of any provision of this contract for services, or materially fails to carry out the work in accordance with the provisions of the service contract. Default by the CONSULTANT will include, but is not limited to, the following:
 - i. Failure by the Consultant to provide service in accordance with the contract.
 - ii. Failure to continually perform the service for three (3) consecutive business days during the term hereof for reasons other than a force majeure event.

- iii. Insolvency or filing of a voluntary or involuntary petition in bankruptcy court by the CONSULTANT.
 - iv. Commencement of a foreclosure proceeding of a lien against the facility or its conveyance in lieu of foreclosure.
 - v. Failure to cure any other breach of default in the performance of its duties or obligations set forth in the contract within five (5) days of receipt by CONSULTANT of written notice of such breach or default.
- b. Termination - The City may terminate the contract, for convenience purposes, upon sixty (60) days written notice. Upon any termination of the contract, the CONSULTANT shall, unless notified in writing otherwise, take all reasonable precautions to complete the work in progress and to minimize the expenses of the City incident to such termination and the completion of the work. Thereafter, the CONSULTANT shall promptly discontinue the work. The City will pay the CONSULTANT all monies owed for work completed.

6. Ownership - All work performed under the contract is owned by the City and shall be submitted to the City in electronic format and hard copy prior to release of final payment.

III. SELECTION METHOD

A. Technical Proposals - Proposals will be primarily evaluated using a technical scoring analysis based on the response to the scope. The technical proposal should be sufficiently detailed, and complete to demonstrate your firm's understanding of the requirements, and should provide information pertinent to the evaluation criteria indicated below. A uniform organizational structure has been established that must be followed, consisting of the sections indicated in the following table. Do not exceed the page limitation indicated. *Please use a simple, letter format; elaborate proposals are not intended.*

Mandatory Technical Proposal Outline

Section No.	Description / Evaluation Criteria	Max. Total Pages (20)
1.0	Solutions / Approach for Successful Performance 30%	Max 5 pages
2.0 2.1 2.2 2.3	Experience and Past Performance <ul style="list-style-type: none"> • Representative Project No. 1 (Attachment A) • Representative Project No. 2 (Attachment A) • Representative Project No. 3 (Attachment A) 40%	Max 4 pages total
3.0 3.1 3.2 3.3 3.4	Company and Personnel Information <ul style="list-style-type: none"> • Financial Strength • Corporate Resources • Key Personnel Organizational Chart • Resumes 20%	Max 8 pages
4.0	Consultant Fee 10%	
Required Forms	<ul style="list-style-type: none"> • E-Verify Form • Consultant Questionnaire • Reference Sheet • Consultant Affidavits • Cover Sheets & Section Dividers • Proposal Letter included in this RFP 	Not counted against total

B. Evaluation Criteria

Section 1.0 - Solutions / Approach for Successful Performance (30%)

Firms shall demonstrate an understanding of the project objectives. The firm must also demonstrate an understanding of the City’s goals, the project issues and challenges and how they may affect project delivery.

Section 2.0 – Experience and Past Performance (40%)

Please provide a description of three (3) projects completed in the past five (5) years that involved requirements similar to the requirements specified in the Scope of Work for this project. For each of the representative projects, provide the client contact. Offerors failing to provide a contact for each project will be deemed nonresponsive.

Section 3.0 – Company and Personnel Information (20%)

Section 3.1 – Financial Strength

Please provide a brief company history, including the financial strength of your company. Indicate if you are registered to do business in the State of Georgia with the Secretary of State and any area municipalities.

Section 3.2 – Corporate Resources

Please indicate specific resources owned by your firm that would contribute to the success of this project.

Section 3.3 – Key Personnel Organizational Chart

Identify key personnel and their experience in developing a sidewalk master plan.

Section 3.4 – Resumes

Please provide a resume for each key personnel identified in the proposal.

C. Fee Proposal

D. Selection of Finalist

Based on the proposals submitted in response to this RFP, the Selection Committee will identify the most qualified firm. The Committee will evaluate all submittals deemed responsive and each evaluator will assign points using the criteria identified above. The points assigned to each criterion will be totaled for each evaluator and a rank will be determined. The rankings of all evaluators will be totaled for each submittal evaluated in order to determine the sum of the individual rankings. The firm with the highest rankings determined by using the sum of scores will be determined to be the most qualified firm and a selection of a Consultant will be recommended based on those rankings to the city council. Should a tie exist for the highest ranking firm and qualifications appear to be equal, the Selection Committee shall schedule Consultant interviews with the top two ranking firms. The scores from those interviews with the Selection Committee will comprise the tie-breaker and would then be the basis of award recommendation to the City Council. The Selection Committee reserves the right to determine

that interviews with the top two or three Consultants, based on the range of scoring of the proposals, would be in the best interest of the City.

IV. INSTRUCTIONS FOR PREPARING PROPOSALS

The proposal must be submitted in accordance with the instructions below, must be categorized and numbered as outlined below, and must be responsive to all requested information. Prospective bidders should remember the nature of the City and its charter when responding.

A. Technical Proposal

The Technical Proposal shall be produced on 8 1/2" by 11" paper. It should be no more than 20 pages, single-sided, NOT including covers and section dividers and NOT including mandatory exhibits noted previously, GDOT Prequalification Certificates (if applicable) and Attachments, and any addendum acknowledgement forms.

Section 1.0 - Solutions / Approach for Successful Performance

1. Technical Approach

Consultants are required to describe the procedures and methods that will achieve the required outcome of this project.

2. Project Management

Describe how the project will be organized and managed and identify the main point of contact. Please indicate the number of years of experience in areas that are project specific. Include the anticipated use of sub-Consultants. Describe the resources necessary to accomplish the purpose of the project. Describe internal quality control and quality assurance practices and how those will apply to these services. Demonstrate familiarity with state and local regulations, if any, required criteria, standards and procedures with respect to development of a Sidewalk Master Plan.

3. Project Schedule

Include a schedule of the work associated with the scope, assuming a start date of April 1, 2015.

Section 2.0 – Experience and Past Performance

1. Experience of Consultant

Include project sheets showing experience on at least three (3) projects completed in the past five (5) years that involved requirements similar to the requirements specified in the Scope of Work for this project. The proposal will include necessary information of any other professional firm to be involved through subcontract. The proposal is to include the qualifications of the Consultant and the staff who will perform the services. The Consultant shall demonstrate its experience in similar projects and for similar clients. Describe the past experience of the firm and of the staff on similar projects, as well as other relevant experience.

The successful Offeror will have experience with and knowledge of the various technical aspects of the following:

- Sidewalk design and related concepts to include design for adequate drainage;
- Use of appropriate City of Peachtree Corners and/or Gwinnett County Design & Development Standards, Guidelines, or Policies; Georgia Department of Transportation standards and Plan Presentation Guide, ADA and other applicable design standards to design sidewalk for future construction;
- Topographic surveying and identifying land ownership;
- Cost estimating and analysis;
- Identifying and coordinating with impacted utility agencies to include identification of sub-surface utilities;
- Developing construction plans and specifications to permit the City to secure qualified contractors to perform the work.

Section 3.0 – Company and Personnel Information

1. Financial Strength

Please provide a brief company history, including the financial strength of your firm. Indicate if you are registered to do business in the State of Georgia with the Secretary of State and any area municipalities. Include as an attachment a copy of the business license for the Prime Consultant and each sub-Consultant, along with copies of the GDOT Prequalification Certificate for the Prime Consultant and any sub-Consultants.

2. Corporate Resources

Describe the experience and qualifications of the project manager and document the onsite time commitment on comparable projects. Proposals should include a description of the qualifications and experience of the specific staff members of the project team to be involved in the project. Proposals should demonstrate the ability to retain project managers and key project personnel throughout the project. The Project Manager shall not be changed without the approval of City staff. In addition, the Consultant shall include current workload and commitments of proposed key personnel, as related to their capacity to perform work satisfactorily.

3. Key Personnel

For this project, the following positions have been identified as key personnel:

Project Manager

Lead Engineer

Organizational Chart

Include an organizational chart of all personnel, including any sub-Consultants of the project team. The Consultant shall identify which sub-Consultant team members are performing specific services.

4. Resumes

Include names and brief resumes of key personnel on the project team, citing their past and recent work on similar projects.

V. CONTRACT ADMINISTRATION

A. Submittals

Four (4) copies & one (1) digital copy in PDF format of the Technical Proposal must be submitted to the following address no later than 4:00 pm eastern on February 23, 2015.

**City of Peachtree Corners - Public Works Department
Attention: Greg Ramsey, P.E., Director
147 Technology Parkway, Suite 200
Peachtree Corners, Georgia 30092**

The submittal must be clearly marked with the name of the company and contact information.

B. Questions:

There will be no Pre-Proposal Conference. All questions or request for additional information must reference RFP ST15.05 Technology Parkway Sidewalks and must be submitted by email before 12 noon, Wednesday, February 18, 2015 to: gramsey@peachtreecornersga.gov

All questions and answers will be posted as Addenda to the RFP and emailed to all recipients of the original RFP.

C. Addenda

Addenda may be issued in response to changes in the RFP. Addenda must be acknowledged by signing and returning the Addendum Form to be included in the Technical Proposal. Failure to properly acknowledge any Addendum may result in a declaration of non-responsiveness by the City. All Addenda will be emailed to the original RFP recipients.

D. Right to Cancel or Change RFP

The City reserves the right to cancel any and all RFPs where it is determined to be in the best interest of the City to do so. The City reserves the right to increase, reduce, add or delete any item in this RFP as deemed necessary.

E. Expenses of Preparing Responses to this RFP

The City accepts no responsibility for any expenses incurred by the responders to this RFP. Such expenses are to be borne exclusively by the responders.

F. Debriefings

Unsuccessful proposers may request a debriefing. If a respondent is notified of non-selection at any time during the procurement process, a Pre-Award Debriefing may be requested. Post-Award debriefings may be requested by a principal of the respondent, but will not be conducted until after the contract has been awarded.

G. Award of Contract

A Selection Committee will review all proposals submitted pursuant to this RFP. The Proposals will be evaluated on the qualifications and information provided in Section III,

Selection Method, and Section IV, Instructions for Preparing Proposals. The Selection Committee will score all firms on the information submitted and will compile a ranking of those firms. After all ratings are completed, the Committee will provide the rankings with its Recommendation for Award to the City Council, which will make the final decision as to contract award.

VI. SCOPE OF WORK

Project Scope of Work:

The work to be accomplished within the scope of this Request for Proposal (RFP) and subsequent contract is:

1. Limits of Work
 - a. The project study area for the Scope of Work shall include both sides of Technology Parkway, connecting to existing sidewalks/pathway at State Route 141 north to the intersection/connection to existing sidewalks at Westech Drive.
2. Scope of work included in this proposal includes the following tasks:
 - a. Survey services, including right-of-way, individual owner information, utilities (to include all coordination) and certification of no conflict or conflict resolution, and SUE services as required), specimen trees, drainage analysis and profile of existing road right-of-way for the identified target areas.
 - b. Design services from initial design development through final detailed design with erosion control to include a complete bidding package for future use by the City to construct the project. Design services shall reflect all Overlay District and ADA compliance design standards. Consultant shall draft NOI (Notice of Intent) and NOT (Notice of Termination) for projects (s), if applicable
 - c. Every effort shall be made to avoid requiring the purchase of easement and additional right-of-way. Right- of-way, construction easement and utility coordination (to include identification and location of sub- surface utilities) support as required for future construction of the sidewalk project. The consultant is to provide record of correspondence indicating no conflict or resolution from impacted utilities. Sub-surface utilities will be required to be located to Level A confidence where the potential for conflict with sub- surface utilities exists.

- d. Prepare Landscape Architecture Design to include special provisions/specifications as needed.
- e. All work will be done in accordance with applicable Peachtree Corners, Gwinnett County and the Georgia Department of Transportation's (GDOT) Standard Drawings. An estimate of probable construction costs with unit prices based on GDOT current estimates and pay items will be required at concept phase and updated as design progresses to bidding.

**CITY OF PEACHTREE CORNERS, GEORGIA
CONSULTANT AFFIDAVIT AND AGREEMENT**

By executing this affidavit, the undersigned CONSULTANT verifies its compliance with O.C.G.A. 13-10-91, stating affirmatively that the individual, firm, or corporation contracting with the City of Peachtree Corners has registered with and is participating in a federal work authorization program. As of the effective date of 13-10-91, the applicable federal work authorization programs (any of the electronic verification information of newly hired employees, pursuant to the Immigration Reform & Control Act of 1986 (IRCA) P.L.99-603); in accordance with the applicability provisions and deadlines established in O.C.G.A. 13-10-91. "EEV/Basic Rule Pilot Program" is operated by the U.S. Citizenship and Immigration Services Bureau of the U.S. Department of Homeland Security, in conjunction with the Social Security Administration.

The undersigned further agrees that, should it employ or contract with any Sub CONSULTANT(s) in connection with the physical performance of services pursuant to this contract with the City of Peachtree Corners, CONSULTANT will secure from such CONSULTANT(s) similar verification of compliance with O.C.G.A. 13-10-91 on the Sub CONSULTANT Affidavit provided in Rule 300-10-01-08 or a substantially similar form. CONSULTANT further agrees to maintain records of such compliance and provide a copy of each such verification to the City of Peachtree Corners at the time the Sub CONSULTANT(s) is retained to provide the service.

EEV/Basic Pilot Program User Identification Number

By: Authorized Officer or Agent

Date

Title of Authorized Office or Agent

Subscribed and sworn before me on this, the _____
day of _____, 2015

Notary Public: _____

My commission expires: _____

**CITY OF PEACHTREE CORNERS, GEORGIA
RFP ST15.05**

CONSULTANT QUESTIONNAIRE

Questionnaire must be completed by ALL vendors and returned with Qualifications responses. Any additional pages provided should be clearly labeled.

1. How long have you been in business?

2. Give us background information on your company, including the number of employees available to service the City of Peachtree Corners, the closest office location, as well as any financial ratings and reports available. Separate attachments are acceptable, but please label them clearly.

- a. How many employees are available to service the City?

- b. Please provide the name and address of your local office:

3. Have you prepared similar plans or done similar business with other municipal agencies in the past three (3) years?

Yes _____ No _____

If yes, please list agency and volume of business:

PROPOSAL LETTER

We propose to furnish and deliver any and all of the deliverables and services named in this RFP. It is understood and agreed that his proposal constitutes an offer, which when accepted in writing by the Public Works Department of the City of Peachtree Corners, and subject to the terms and conditions of such acceptance, will constitute a valid and binding contract between the undersigned and the City of Peachtree Corners. It is understood and agreed that we have read the City's specifications shown or referenced in the RFP and that his proposal is made in accordance with the provisions of such specifications. By our written signature on this proposal, we guarantee and certify that all items included in this proposal met or exceed any and all such City specifications.

We further agree, if awarded a contract, to deliver goods and services which met or exceed the specifications. The City of Peachtree Corners reserves the right to reject any or all proposals, waive technicalities, and informalities, and to make an award in the best interest of the city. The City of Peachtree Corners reserves the right to extend the contract based upon the terms of the Invitation to Bid. The City reserves the right in its sole discretion to determine the method to be considered regarding the evaluation of submitted bids in order to determine the most qualified and responsive bidder.

It is understood and agreed that his proposal shall be valid and held open for a period of one hundred twenty (120) days from proposal opening date.

PROPOSAL SIGNATURE AND CERTIFICATION

(Bidder to sign and return with proposal)

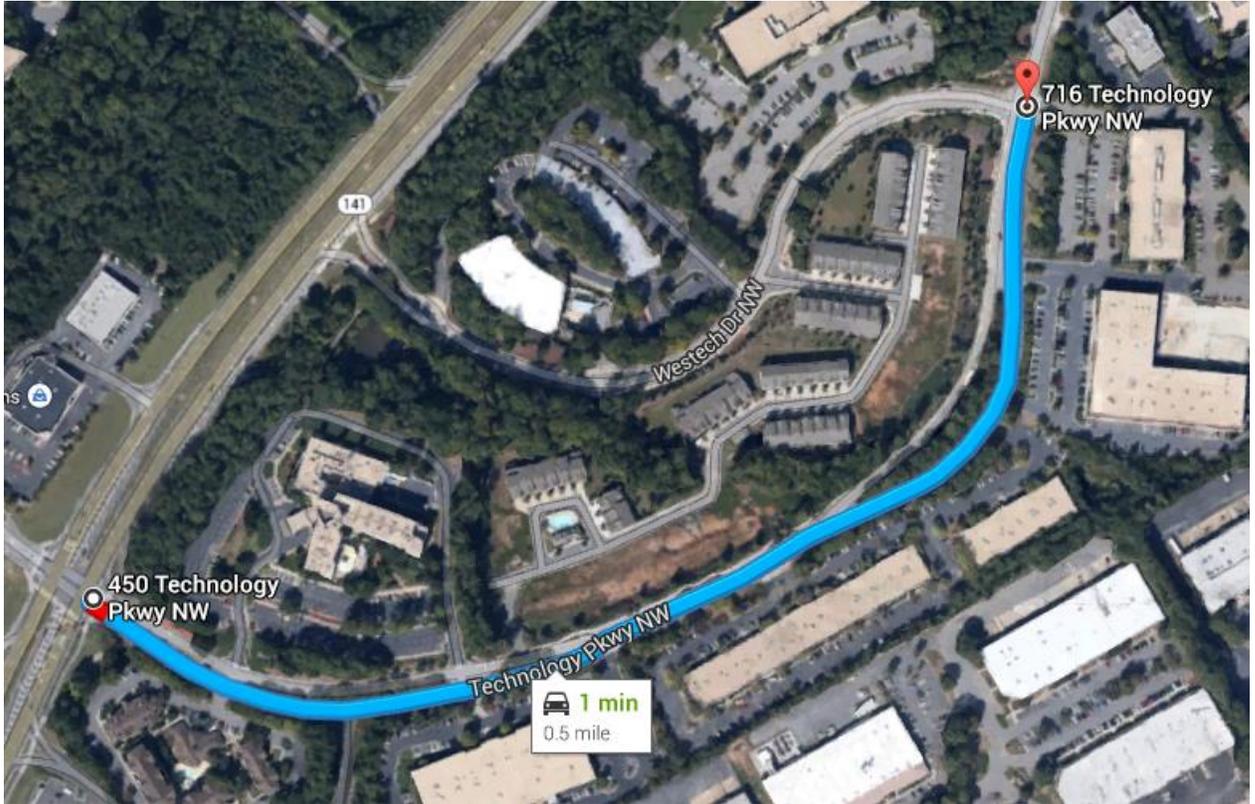
I certify that his proposal is made without prior understanding, agreement, or connection with any corporation, firm, or person submitting a proposal for the same materials, supplies, equipment, or services and is in all respects fair and without collusion or fraud. I understand collusive bidding is a violation of State and Federal Law and can result in fines, prison sentences, and civil damage awards. I agree to abide by all conditions of the proposal and certify that I am authorized to sign this proposal for the proposer. I further certify that the provisions of the Official Code of Georgia Annotated, Sections 45-10-20 et. seq. have not been violated and will not be violated in any respect.

Authorized Signature: _____

Print/Type Name: _____

Print/Type Company Name: _____

Date: _____





STP 15.05 Technology Parkway Sidewalks LMIG
 FY16
 Monday, February 23, 2015

Company Name	Total Score	Solutions & Approach for Successful Performance 0-30	Experience & Past Performance 0-40	Company & Personnel Information 0-20	Consultant Fee 0-10	Required Forms Y/N
Wolverton & Associates	81.50	25.50	34.00	15.50	6.50	Y
Clark Patterson Lee	47.75	12.50	24.00	10.75	0.50	Y
Lowe Engineers	69.00	23.75	31.25	11.50	2.50	Y
Michael Baker International	78.50	24.75	35.25	14.25	4.25	Y
Keck & Wood	85.50	26.75	35.00	13.75	10.00	Y
Pond & Company	82.88	26.50	33.63	14.50	8.25	Y