



PLANNING COMMISSION AGENDA

JULY 14, 2015
7:00 PM
CITY HALL

- A. Roll Call
- B. Approval of June 9, 2015 Minutes
- C. Old Business: (None)
- D. New Business:
 - 1. SUP2015-002 / RZ2015-001/ V2015-004 Request Rezoning from M-1 to C-2, Special Use Approval for a liquor store, and associated variances to accommodate two retail stores on 8.47 acres of property located on the east side of Peachtree Parkway at Engineering Drive; 6th District ; Land Lot 284; Parcels 016, 018, 040, 056 in Peachtree Corners, GA
 - 2. RZ2015-002/ V2015-005 Request Rezoning from M-1 to C-2, and associated variances to accommodate two retail stores on 8.87 acres of property located on the west side of Peachtree Parkway at Engineering Drive; 6th District ; Land Lot 284; Parcel 015 in Peachtree Corners, GA
- E. City Business Items:
 - 1. PH2015-005 Amend Peachtree Corners Zoning Resolution to add 'Fireworks Sales' to the list of permitted uses within the C-2 zoning district.
- F. Comments by Staff and Planning Commissioners.
- G. Adjournment.

CITY OF PEACHTREE CORNERS
PLANNING COMMISSION
June 9, 2015

The City of Peachtree Corners held a Planning Commission meeting. The meeting was held at City Hall, 147 Technology Parkway, Suite 200, Peachtree Corners, GA, 30092. The following were in attendance:

Planning Commission: Matt Houser, Chairman, Post D
Alan Kaplan, Post A
Mark Middleton, Post B
Mark Willis, Post C
Italia Metts, Post E

Staff: Diana Wheeler, Community Development Director
Kym Chereck, City Clerk

MINUTES:

MOTION TO APPROVE THE MINUTES FROM THE APRIL 14, 2015 PLANNING COMMISSION MEETING.

By: Mark Willis

Seconded by: Italia Metts

Vote: Passed 5-0 (Willis, Metts, Houser, Kaplan, Middleton)

OLD BUSINESS: (None)

NEW BUSINESS:

1. SUP2015-003

Request Special Use Approval for a building elevations and restaurants associated with the Town Center project; and request amendments to certain Town Center regulations for property located in the 5100 block of Peachtree Parkway; 6th District ; Land Lot 301; Parcel 183.

Mrs. Diana Wheeler, Community Development Director, provided background information regarding subject property and the applicant's request. The applicant is requesting approval of the architecture (including materials and colors) of the commercial and residential buildings, approval of the submitted restaurant list, amending the Town Center Standards, Table 'B' to allow Townhouses to be 4 stories with a maximum height of 50 feet (instead of 3 stories and 40 feet), amending the Town Center Standards, Table 'B', to allow the width of Townhouses to be 22 feet instead of 24 feet, and amending the height standards for retail/office buildings to allow a minimum of 2 stories or 2 stories

in appearance. Mrs. Wheeler informed the Commission that after review of the applicant's proposal and other relevant information, it is recommended that SUP2015-003 be approved with conditions. The conditions are listed in the Staff report located in the Planning Commission packet.

Mr. Mike Lant of Fuqua Development represented the applicant. Mr. Lant explained to the Commission that for better negotiation purposes they would prefer to use the expanded restaurant list.

Chairman Houser opened the floor for public comment. There was no public comment.

A motion was made after discussion concerning the site plan for the development. It is noted that a few of the Commissioners felt that the buildings surrounding the park area did not give an inviting feel to the public.

MOTION TO DENY SUP2015-003.

By: Matt Houser

Seconded: Italia Metts

Vote: (4-1) (Houser, Metts, Kaplan, Willis) (Middleton opposed)

CITY BUSINESS ITEMS:

The Planning Commission meeting concluded at 8:20 PM.

Approved,

Attest:

Matt Houser, Chairman

Kym Chereck, City Clerk

SUP2015-002 /
RZ2015-001/
V2015-004

Tech Park, LLC /
Liquor Store

**CITY OF PEACHTREE CORNERS
COMMUNITY DEVELOPMENT DEPARTMENT**

REZONING, SPECIAL USE PERMIT, AND VARIANCE ANALYSIS

PLANNING COMMISSION DATE: July 14, 2015
CITY COUNCIL DATE: August 18, 2015

CASE NUMBER :**SUP2015-002 / RZ-2015-001 / V-2015-004**
ZONING :M-1
LOCATION :PEACHTREE PARKWAY AT ENGINEERING DRIVE (EAST SIDE)
MAP NUMBERS :6th DISTRICT, LAND LOT 284
ACREAGE :8.474 ACRES
PROPOSED DEVELOPMENT :REZONE FROM M-1 TO C-2
:SUBDIVIDE PROPERTY INTO TWO PARCELS
:SPECIAL USE PERMIT TO ALLOW A LIQUOR STORE
:STREAM BUFFER VARIANCE
FUTURE DEVELOPMENT MAP: :PREFERRED OFFICE

APPLICANT: TECH PARK, LLC
C/O MAHAFFEY PICKENS
1550 N. BROWN ROAD, STE. 125
LAWRENCEVILLE, GA 30043

CONTACT: GERALD DAVIDSON, JR.
770.232.0000

OWNER: TECH PARK, LLC
C/O TPAGROUP
3350 RIVERWOOD PARKWAY, SUITE 750
ATLANTA, GA 30339

**RECOMMENDATION: APPROVE ONE OF TWO OPTIONS WITH
CONDITIONS**

PROJECT DATA:

The applicant is seeking to rezone 8.471 acres on the east side of Peachtree Parkway across from its intersection with Engineering Drive from M-1 (Light Industry District) to C-2 (General Business District) in order to subdivide the property into two parcels and construct two retail buildings. Additionally, a stream running roughly east to west through the property would require a stream buffer variance in order to pipe the stream and construct the proposed development. And, finally, a special use approval would be required for one of the retail buildings to be developed as a liquor store.

The subject property and all adjacent properties are located within Technology Park and are zoned M-1. Small commercial centers zoned C-2 are located approximately one-half mile to the north and south on the opposite (west) side of Peachtree Parkway. The surrounding area is

largely characterized by office uses. The site plan shows two freestanding retail buildings on two parcels with inter-parcel access, one access point onto Peachtree Parkway, and the extension of

Engineering Drive through the site to Technology Parkway. The site plan shows buildings of 10,000 and 19,000 square feet. The northern building is intended to be developed as a liquor store. The southern building's retail type or tenant have not yet been identified.

The site is located within the Central Business District Character Area and is listed as "Preferred Office" on the Peachtree Corners Future Development Map. The Central Business District is intended to develop as "a mix of retail and commercial uses, offices, mixed use, government and institutional properties, and open space" that "will give Peachtree Corners residents a vibrant, dynamic, livable, and walkable town center." Preferred Office areas are encouraged to develop as office or mixed-use. Additionally, the subject property is within the Peachtree Corners Livable Centers Initiative (LCI) study area, within which it is shown to be a potential amenity or open space area.

With regard to the northern site, the City's Zoning Resolution requires that liquor stores obtain a Special Use Permit to operate in C-2 zoning districts. The proposed site meets all City regulations for liquor stores pertaining to distance from schools, churches, parks, and other liquor stores. There are currently no liquor stores within Peachtree Corners, which previously had a citywide liquor store ban that was ended with the passage of a 2014 referendum.

The applicant has been granted a stream buffer variance from the Georgia Department of Natural Resources Environmental Protection Division in order to pipe the stream running through the property. The proposed development also requires a variance to encroach into the City's 50-foot undisturbed stream buffer and additional 25-foot impervious surface setback.

The applicant has proposed extending Engineering Drive beyond its current endpoint at Peachtree Parkway southward and eastward to connect to Technology Parkway. This extension would require Georgia Department of Transportation approval for a traffic signal at Peachtree Parkway.

ZONING STANDARDS:

Zoning Code Section 1702 identifies specific criteria that should be evaluated when considering a zoning decision. These criteria are enumerated as 'A' through 'F', below. Following each item is the applicant's response followed by Staff's comment.

A. Will this proposed rezoning, special use permit, or change in conditions permit a use that is suitable in view of the use and development of adjacent and nearby property?

Applicant's Response: Yes, the proposed uses for commercial and retail development at what will become a key intersection along Peachtree Parkway are suitable in view of the use and development of adjacent and nearby property. The uses to be contained within the proposed developments will serve as amenities for not only the community as a whole, but more

specifically for the office workers of Technology Park. The proposed use under the SUP will allow the retail sales of malt beverages, wines and distilled spirits providing the community with an amenity that it presently does not have but which is desired as evidenced by the overwhelming support of the referendum held by the City in November 2014.

Staff's Comment: The subject property is located within the larger Technology Park area, which is largely characterized by office uses with some light industrial uses also permitted. The City's Comprehensive Plan and Future Development map call for office and commercial uses in this area, with industrial uses discouraged. Rezoning parcels along Peachtree Parkway from M-1 to commercial would be suitable in view of the current use of adjacent and nearby properties, and would be suitable in view of the future move from industrial to office, commercial, and mixed-use development.

A single liquor store within a commercial development would be suitable in use and development of adjacent and nearby property, provided that the site be developed in compliance with applicable Overlay District requirements, including landscaping and architectural standards.

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

Applicant's Response: No, the requested use of the properties 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.

Staff's Comment: C-2 zoning on the site would not adversely affect the existing use or usability of adjacent or nearby property. City policies call for a move away from industrial uses in the area as allowed under M-1 zoning, toward a mix of office and commercial uses. The proposed move to C-2 zoning would be suitable adjacent to current and future Technology Park uses.

The proposed liquor store is unlikely to have a significant adverse effect on the existing use or usability of adjacent or nearby property. City regulations would prevent a second liquor store from opening within 3,000 feet of the site, and a single liquor store in compliance with all C-2 and Overlay District regulations would be compatible with adjacent uses and appropriately screened from nearby lower-intensity office and residential areas.

C. Does the property to be affected by a proposed rezoning, special use permit, or change in conditions have reasonable economic use as currently zoned?

Applicant's Response: No, the properties which are the subject of the applications do not have reasonable economic use as currently zoned. In fact, the uses which are currently permitted in the M1, Light Industrial, Zoning Classification are uses that are discouraged by the City's Comprehensive land Use Plan. Moreover, the City's Comprehensive land Use Plan encourages light industrial development in other designated character areas of the City and not within the Central Business District.

Staff's Comment: The property has a reasonable economic use as currently zoned. Although intended for light industry, the MI zoning classification includes 'offices – professional and business' as a permitted use, and the subject property could be developed in that manner.

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?

Applicant's Response: No, the request does not result in uses which will or could cause an excessive or burdensome use of the existing streets, transportation facilities, utilities or schools. The proposed uses will be located on a major thoroughfare at what will become a lighted key intersection on Peachtree parkway and, as designed, will have adequate and appropriate access, ingress and egress to and from Peachtree Parkway and Engineering Drive. The proposed uses and the buildings as shown on the site plan will have inter-parcel access with one another and will provide appropriate and adequate vehicular and pedestrian access. Moreover, the proposed use will have no impact on school population but will generate additional tax revenues for the local schools and other City services. Because the subject property is zoned MI and has not been developed but instead sits vacant, the development of the property will enhance the tax digest of the City.

Staff's Comment: An increase in traffic and utility use can be expected from retail development on currently vacant parcels. However, with the Comprehensive Plan and Future Development Map calling for the development of a more mixed-use Technology Park, the impacts of the proposed development would not be excessive or burdensome. There would be no effect on schools.

The impacts on streets, transportation facilities, or schools would be no greater for the development of a liquor store than for other retail uses.

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

Applicant's Response: Yes, the requested uses are in conformity with the intent of the 2033 Comprehensive Plan and both tracts are adequately served by transportation thoroughfares providing appropriate ingress and egress to and from the property. The proposed developments are in keeping with the overlay district and the designated character area in which they are located. The proposed development meets and promotes the objectives and goals of the City's Comprehensive Land Use Plan as more fully set forth in the Letter of Intent filed with these applications.

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

F. Are there are other existing or changing conditions affecting the use and development of the property which give supporting grounds for either approval or disapproval of the proposed rezoning, special use permit, or change in conditions?

Applicant's Response: Yes, because, as set forth in the Letter of Intent, the proposed zoning and uses of the property promote and meet the objectives and goals of the City's Comprehensive land Use Plan, there are additional supporting grounds for the approval of Applicant's requests. Also, as additional supporting grounds for the approval of the Special Use Permit for the Tech Park, LLC tract is the fact that the vote allowing the Mayor and Council of the City to issue licenses for the sale distilled spirits was overwhelmingly approved by those casing ballots in the November 2014 referendum. The approval of the question on the ballot was seventy-four percent showing that a use such as contemplated by the Special Use Permit is desired in the community.

Staff's Comment: M-1 zoning in this location is less viable than when originally put in place, as the City has enacted policies to encourage the development of a mixed-use Technology Park with limited industrial uses. The long-term vision for the area has evolved since the enactment of M-1 zoning, and C-2 zoning would be more in line with these plans. This would give supporting grounds for the approval of the proposed rezoning and variance.

The fact that voters in Peachtree Corners approved a referendum in 2014 to allow liquor stores within the City gives supporting grounds to the proposed development. There are no changing conditions in the area that would give supporting grounds for denial.

COMPREHENSIVE PLAN:

The 2033 City of Peachtree Corners Character Area Map indicates that the property is located within the Central Business District Character Area. Policies for this area encourage "a mix of retail and commercial uses, offices, mixed-use, government and institutional properties", with a focus on pedestrian access and open space. The Comprehensive Plan calls for the revitalization of Technology Park into a "walkable, mixed-use environment". Rezoning areas along Peachtree Parkway from M-1 to C-2 meet these criteria, provided that adequate consideration is given to appropriate scale, design, and access.

A liquor store in this location would meet these policies of the Comprehensive Plan, provided that it is developed in such a way as to provide high-quality architecture, design, landscaping, and access.

DEPARTMENT ANALYSIS:

The proposed rezoning from M-1 to C-2 would be unlikely to have an adverse impact on adjacent and nearby properties, which are typically office uses. Although there are existing vacant retail stores in the City, retail uses at this location can be supported because the City has enacted policies to encourage the revitalization of Technology Park as a mixed-use Central Business District. Moving away from industrial uses toward retail and commercial uses would be in keeping with the Comprehensive Plan. There would be no excessive burden on infrastructure or schools.

The applicant has not indicated any proposed uses for one of the parcels beyond general retail. For this reason, Staff would recommend additional conditions to ensure the level of quality for

new commercial development called for by the Comprehensive Plan, including use restrictions based on the Town Center Standards. The uses adopted for the Town Center are generally more restrictive than C-2 zoning; however, they are intended to provide a safeguard from

the less desirable uses of unrestricted, speculative zoning. The Town Center list of uses would allow for only high-quality retail and service commercial uses.

Staff would also recommend additional conditions to ensure that the site's architecture, design, landscaping, and access meet the standards called for in the Comprehensive and LCI plans. The site plan as currently proposed does not meet these standards, and should be revised to meet Overlay District requirements for buildings exceeding 7,500 square feet to be "encouraged to be close to, and oriented toward, the public right-of-way with the majority of parking to the sides and rear, where possible." Staff would recommend that the applicant consider opportunities to reduce surface parking and preserve more of the natural features of the site.

Additionally, the site plan does not show sidewalks. City policies for Technology Park's development call for a focus on pedestrian accessibility, and the Department would recommend a condition that sidewalks be included along all public rights of way to the limits of the property and connecting to buildings entrances. Five-foot-wide sidewalks should be shown along all streets. Decorative, commercial-quality bicycle racks, benches, and trash receptacles should also be placed on site.

Because of the speculative nature of the proposed retail development, the Department would recommend that all architectural elevations and landscape plans be required to attain approval from the Planning Commission. Elevations and landscaping should also meet all Overlay District standards.

The subject property is located within the 2015 Peachtree Corners Livable Center Initiative plan. This plan stresses that the Peachtree Parkway corridor should develop under guidelines ensuring "appropriate architectural character, quality site planning, signage, material, building type, and other attributes that reflect well on the City".

Additionally, the LCI plan shows a "potential off-street trail" running through the subject property. The plan states that this location is preliminary in nature, and that further study may be required to determine the best location for future trails. Staff would recommend that the applicant provide open space and a dedicated easement for future trail construction, and provide adequate pedestrian and bicycle crossing infrastructure at any new traffic signal at the corner of Peachtree Parkway and Engineering Drive.

The proposed development would include extending Engineering Drive southward and eastward across Peachtree Parkway to Technology Parkway Northwest. This would require a new traffic signal, and the applicant has applied to GDOT for approval. If the roadway extension and traffic signal are approved, the entire cost of those improvements, including median landscaping on Peachtree Parkway and high-quality pedestrian and bicycle crossing facilities at all intersections, would be the owner / developer's responsibility.

The proposed development requires a City stream buffer variance. The applicant has already applied for and received a stream buffer variance from the Georgia Department of Natural Resources Environmental Protection Division.

The proposed Special Use Permit would be developed in accordance with all C-2 and Overlay District standards. The proposed development would not have any negative impact on the architectural and design standards called for in the Comprehensive Plan, and its use as a liquor store is in keeping with the Plan's vision of a mixed-use Technology with an increased focus on commercial and retail areas accessible to nearby residents and workers. There would be no excessive impact on local infrastructure, and existing regulations would preclude the possibility of an unwanted concentration of liquor stores or negative impacts on surrounding properties. When viewed in light of the voters of Peachtree Corners passing a resolution in 2014 to allow liquor stores within city limits, conditions have changed sufficiently to allow the proposed Special Use Permit.

ENVIRONMENTAL CONSIDERATIONS:

The Town Center LCI study identifies this site as an 'open space/amenity opportunity area' due to the existing natural features of the site. Currently, there are steep slopes on the property and the elevation drops nearly 30 ft. from Peachtree Parkway to the existing stream which traverses the northern portion of the property. In addition to steep terrain and the stream, there are also nine specimen trees identified throughout the property, including two- 36" hardwood trees. The applicant's plans to develop two retail sites, relocate a sanitary sewer line and add a connector street through the property would require filling and grading virtually the entire site, piping the creek and removing most of the vegetation, including the specimen trees.

The applicant's plan makes very intensive use of the site and virtually none of the existing character of the property could be preserved under the proposed plan. So, while reviewing the applicant's plans, Staff wondered whether it would be possible to develop the site under a less intensive plan in order to preserve some of the natural site features. Staff then investigated some of the design options that would preserve the creek and as many specimen trees as possible. The resulting analysis is shown on an attached document entitled 'Attachment IA'. The sketch shows that while grading and filling is necessary, it would be possible to effect some development on the property without piping the creek and removing most of the specimen trees. However, the resulting development that could be accommodated represents about half of what the applicant proposes. In addition, the connector road and traffic light could not be accommodated. While this is not what the applicant would like to develop, there are some benefits to the plan that make it worth considering. It is, however, a compromise, which means that some things would be gained (stream and trees) while other things would be lost (connector street and traffic light). In the final analysis, though, the compromise option may prove to be a suitable solution if the applicant's more intensive site development approach is considered unacceptable.

CONCLUSION:

After reviewing the applicant's proposal, Staff finds the following:

1. A rezoning of the property can be justified because commercial use is preferable to industrial use of property at this location and there are other commercial uses nearby.
2. A liquor store at this location meets all of the Special Use requirements and should not have any detrimental impacts on surrounding areas.
3. The natural features of the site are sufficiently significant to warrant consideration in determining the extent of development on the property.

Therefore, after review of the applicant's proposal and other relevant information, it is recommended that SUP2015-002, RZ2015-001 and V2015-004 be approved in one of two ways: Either (1) approve the applicant's plan as submitted subject to the conditions that follow; or (2) approve a reduced version of the applicant's plan that preserves the creek and most of the specimen trees subject to the same conditions that follow, but excluding underlined conditions numbered 1C, 2A, 2G, and 2J

1. To restrict the use of the property as follows:
 - A. All uses permitted within the C-2 zoning district, except for the following: animal hospitals or veterinary clinics; retail bank (ATM permitted); tattoo and piercing parlors; adult bookstores or entertainment (general bookstores selling adult books on an incidental basis permitted); fast food restaurants with or without drive-thru window (pick-up/to go windows at non-fast food restaurants permitted); automotive related uses such as car wash or automotive parts store; billboards; building, electrical or plumbing contractors; funeral homes or mausoleums; crematory; furniture rental establishments; convenience food stores with or without fuel pumps, emission inspection stations; equipment rental; extended stay and limited service hotels; laundry or dry cleaning establishments; plant nursery sales facility; recreation or fitness facilities which exceed 3500 square feet); industrial uses, automotive service stations with or without fuel pumps; building material sales with or without outdoor storage, taxi cab or limousine services; pest control businesses; pet shops or pet grooming establishments, (pet supplies store permitted); mattress store; nail salon; day care facility; driving school; discount stores (including dollar stores); grocery store (gourmet and specialty food store permitted); second run movie theater; lottery ticket sales; tobacco products store; phone stores; precious metals store (jewelry store permitted); and clothing resale stores.
 - B. A Liquor store shall be permitted and shall conform to all state and local alcohol regulations.
 - C. A variance to the stream buffer requirements shall be granted in order to accommodate piping of the stream on the property.
2. To satisfy the following site development considerations:
 - A. Project shall be developed in general conformity with the site plan submitted with the application package for SUP2015-002 / RZ-2015-001 / V-2015-004, with revisions to meet zoning conditions and development regulations.

- B. The majority of surface parking spaces shall be located to the sides and rear of buildings.
- C. Building architecture and site landscaping plans shall require approval from the Planning Commission.
- D. The project shall meet the requirements of the City's Overlay District regulations.
- E. Minimum five-foot-wide sidewalks shall be included along all public rights of way to the limits of the property and shall connect to building entrances.
- F. Inter-parcel access shall be provided.
- G. Access points onto Peachtree Parkway and associated deceleration lanes, acceleration lanes, and road widening shall be permitted only with Georgia Department of Transportation approval.
- H. Any roadway and other infrastructure improvements associated with the project shall be the owner/developers responsibility to design, install and fund.
- I. Owner/developer shall provide high-quality bicycle and pedestrian crossing infrastructure at any new traffic signals developed with the project.
- J. Owner/developer shall dedicate a twenty-five foot wide easement for a multi-use trail on the property at a location consistent with the Town Center LCI recommendations.
- K. Owner/developer shall be responsible for median landscaping (installation and maintenance) in Peachtree Parkway for the length of the median contiguous to the application property. Landscaping plans shall be subject to Community Development Director's approval.
- L. Sanitary Sewer line relocation shall be accomplished in the manner that will have the least environmental impact to the site.
- M. Any detention ponds shall be visibly screened with landscape plantings to be approved by the Planning Commission.
- N. All food service facilities on the property, including outparcels, shall install odor scrubbers which remove 95% of cooking odors.

RESIDENTIAL DEVELOPMENT

No. of Lots/Dwelling Units _____

Dwelling Unit Size (Sq. Ft.): _____

NON-RESIDENTIAL DEVELOPMENT

No. of Buildings/Lots: 2

Total Bldg. Sq. Ft.: 25,000

Gross Density: 2,950.2 sf per acre

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 CSQ, and R-100 MODIFIED or CSQ.

- 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)

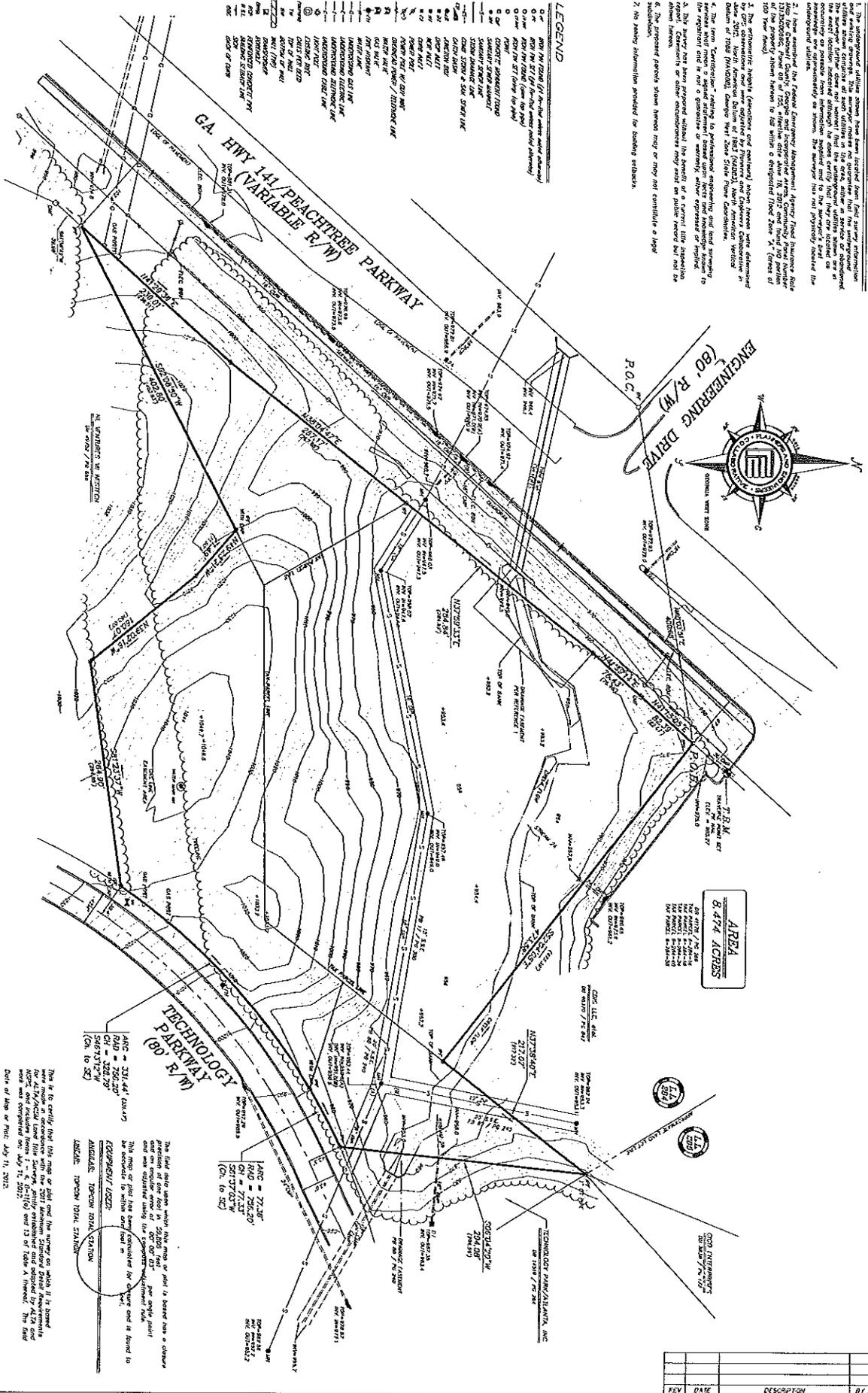
Application Fee – \$1,200 plus \$75 per acre (maximum fee - \$10,000)

- 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).

1. The underground utilities shown have been located from field survey, observation, utility records, and other available information. The utility owner is responsible for the accuracy of the information provided. The utility owner is also responsible for the accuracy of the information provided to the surveyor.
2. The surveyor has not been required to locate or identify any underground utilities that are not shown on the drawings. The surveyor is not responsible for the accuracy of the information provided by the utility owner.
3. The surveyor has not been required to locate or identify any underground utilities that are not shown on the drawings. The surveyor is not responsible for the accuracy of the information provided by the utility owner.
4. The term "underground utilities" includes all underground utilities, including but not limited to, electric, gas, water, sewer, and telecommunications.
5. The surveyor has not been required to locate or identify any underground utilities that are not shown on the drawings. The surveyor is not responsible for the accuracy of the information provided by the utility owner.
6. The surveyor has not been required to locate or identify any underground utilities that are not shown on the drawings. The surveyor is not responsible for the accuracy of the information provided by the utility owner.
7. No other information provided for building reference.

LEGEND

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- 99. 1/4" = 1' (Horizontal Scale)
- 100. 1/4" = 1' (Vertical Scale)



AREA
8.474 ACRES

TECHNOLOGY PARKWAY
(60' R/W)



This is to certify that this map of land and the survey on which it is based were made in accordance with the 2011 amendments to the Surveying and Mapping Act of 2001, as amended, and that the survey was completed on July 11, 2012.

ARC = 31.44' (C=14.5)
RAD = 326.27°
C/L = 326.27°
(C/L to S2)

ARC = 72.38'
RAD = 756.20°
C/L = 756.20°
(C/L to S2)

ARC = 72.38'
RAD = 756.20°
C/L = 756.20°
(C/L to S2)

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404.525.1100
www.pacoll.com

LAND 101(S) 224
DIST-17 254

FOR

CANNETT COUNTY GEORGIA

ALTA/ACSM LAND TITLE SURVEY
DRAWN BY: M.S.
CHECKED BY: M.S.
DATE: 11/24/12
SCALE: 1" = 50'
0 50 100

LEGAL DESCRIPTION - OVERALL

ALL THAT TRACT OR PARCEL OF LAND lying and being in Land Lot 284 of the 6th District, Gwinnett County, Georgia and being more particularly described as follows:

Commencing from a point located at the intersection of the Southwestern Right-of-Way line of Engineering Dr (80' Right-of-Way) and the Northwestern Right-of-Way line of Ga Hwy 141/Peachtree Pkwy (Right-of-Way Varies);

Thence leaving said intersection North 80 degrees 03 minutes 51 minutes East, a distance of 400.68 feet to an iron pin set on the Southeastern Right-of-Way line of Ga Hwy 141/Peachtree Pkwy (Right-of-Way Varies), said pin being the TRUE POINT OF BEGINNING;

Thence leaving said Right-of-Way line, South 52 degrees 04 minutes 05 seconds East, a distance of 473.58 feet to an iron pin found;

Thence North 37 degrees 38 minutes 40 seconds East, a distance of 217.07 feet to an iron pin found (1" otp);

Thence South 06 degrees 04 minutes 20 seconds West, a distance of 294.08 feet to an iron pin found on the Northwestern Right-of-Way line of Technology Pkwy (80' Right-of-Way);

Thence along said Right-of-Way line in a Southwesterly direction, 77.36 feet along an arc of a curve to the left, said curve having a radius of 756.20 feet and a chord bearing and distance of South 61 degrees 37 minutes 03 seconds West 77.33 feet to a point;

Thence along said Right-of-Way line, 331.44 feet along an arc of a curve to the left, said curve having a radius of 756.20 feet and a chord bearing and distance of South 46 degrees 13 minutes 12 seconds West 328.79 feet to an iron pin found;

Thence leaving the Northwestern Right-of-Way line of Technology Pkwy (80' Right-of-Way), South 81 degrees 23 minutes 37 seconds West, a distance of 264.90 feet to a point;

Thence North 39 degrees 02 minutes 16 seconds West, a distance of 160.07 feet to a point;

Thence North 49 degrees 23 minutes 21 seconds West, a distance of 71.49 feet to an iron pin found;

Thence South 62 degrees 08 minutes 50 seconds West, a distance of 402.80 feet to an iron pin found on the Southeastern Right-of-Way line of Ga Hwy 141/Peachtree Pkwy (Right-of-Way Varies);

Thence along said Right-of-Way in a Northeasterly direction, North 41 degrees 29 minutes 39 seconds East, a distance of 239.01 feet to a point;

Thence continuing along said Right-of-Way, North 38 degrees 04 minutes 47 seconds East, a distance of 267.17 feet to an iron pin found;

Thence continuing along said Right-of-Way, North 37 degrees 59 minutes 33 seconds East, a distance of 284.84 feet to a point;

Thence continuing along said Right-of-Way, North 41 degrees 39 minutes 14 seconds East, a distance of 76.43 feet to a concrete monument found;

Thence continuing along said Right-of-Way, North 41 degrees 13 minutes 05 seconds East, a distance of 82.39 feet to an iron pin set, said pin being the TRUE POINT OF BEGINNING.

Said tract containing 8.474 acres.

LEGAL DESCRIPTION

ALL THAT TRACT OR PARCEL OF LAND lying and being in Land Lot 284 of the 6th District, Gwinnett County, Georgia and being more particularly described as follows:

Commencing from a point located at the intersection of the Southwestern Right-of-Way line of Engineering Dr (80' Right-of-Way) and the Northwestern Right-of-Way line of Ga Hwy 141/Peachtree Pkwy (Right-of-Way Varies);

Thence leaving said intersection North 80 degrees 03 minutes 51 minutes East, a distance of 400.68 feet to an iron pin set on the Southeastern Right-of-Way line of Ga Hwy 141/Peachtree Pkwy (Right-of-Way Varies), said pin being the TRUE POINT OF BEGINNING;

Thence leaving said Right-of-Way line, South 52 degrees 04 minutes 05 seconds East, a distance of 473.58 feet to an iron pin found;

Thence North 37 degrees 38 minutes 40 seconds East, a distance of 217.07 feet to an iron pin found (1" otp);

Thence South 06 degrees 04 minutes 20 seconds West, a distance of 294.08 feet to an iron pin found on the Northwestern Right-of-Way line of Technology Pkwy (80' Right-of-Way);

Thence along said Right-of-Way line in a Southwesterly direction, 77.36 feet along an arc of a curve to the left, said curve having a radius of 756.20 feet and a chord bearing and distance of South 61 degrees 37 minutes 03 seconds West 77.33 feet to a point;

Thence along said Right-of-Way line, 25.69 feet along an arc of a curve to the left, said curve having a radius of 756.20 feet and a chord bearing and distance of South 57 degrees 48 minutes 10 seconds West 25.69 feet to a point;

Thence leaving the Northwestern Right-of-Way line of Technology Pkwy (80' Right-of-Way), North 36 degrees 26 minutes 30 seconds West, a distance of 20.63 feet to a point;

Thence 117.28 feet along an arc of a curve to the left, said arc having a radius of 100.00 feet and a chord bearing and distance of North 70 degrees 02 minutes 24 seconds West 110.67 feet to a point;

Thence South 76 degrees 21 minutes 41 seconds West, a distance of 100.06 feet to a point;

Thence 90.30 feet along an arc of a curve to the right, said arc having a radius of 100.00 feet and a chord bearing and distance of North 77 degrees 46 minutes 13 seconds West 87.26 feet to a point on the Southeastern Right-of-Way line of Ga Hwy 141/Peachtree Pkwy (Right-of-Way Varies);

Thence continuing along said Right-of-Way in a Northeasterly direction, North 37 degrees 59 minutes 33 seconds East, a distance of 113.02 feet to a point;

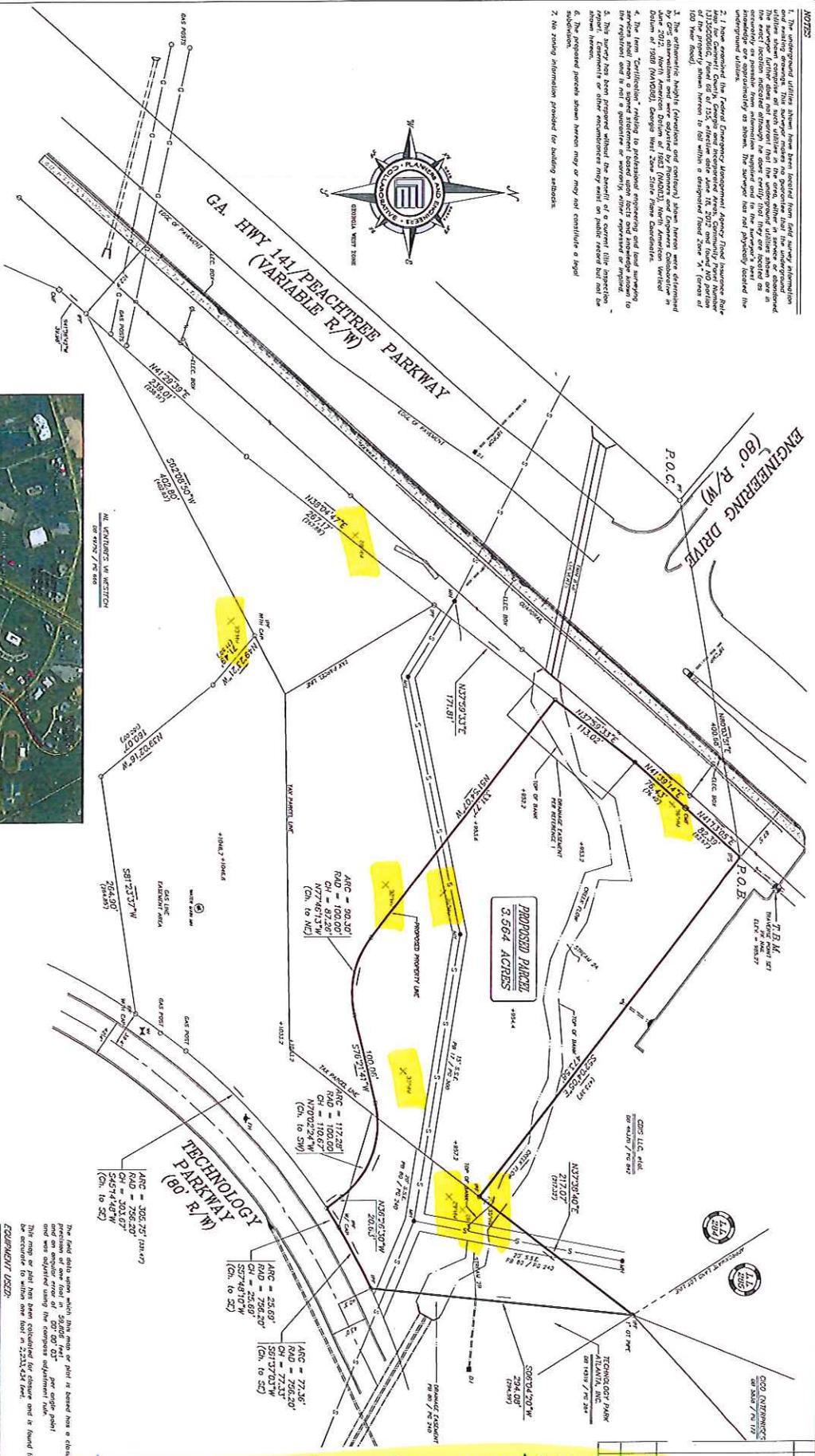
Thence continuing along said Right-of-Way, North 41 degrees 39 minutes 14 seconds East, a distance of 76.43 feet to a concrete monument found;

Thence North 41 degrees 13 minutes 05 seconds East, a distance of 82.39 feet to an iron pin set, said pin being the TRUE POINT OF BEGINNING.

Said tract containing 3.564 acres.

NOTES

1. The proposed utility shown has been located from field survey information and the utility owner. The utility owner has provided the utility location and depth information for such utilities in the area, which is shown as indicated on the sheet. The utility owner has provided the utility location and depth information as shown on the sheet. The utility owner has provided the utility location and depth information as shown on the sheet.
2. I have examined the Federal Emergency Management Agency Flood Insurance Rate Map (FIRM) for the area shown on this sheet. The FIRM shows that the area shown on this sheet is in Flood Zone "X" (Area of Moderate Flood Hazard).
3. The proposed height (elevation and position) shown herein was determined by the engineer based on the information provided by the utility owner.
4. The firm verification relating to professional engineering and land surveying is based on the information provided by the utility owner and the engineer's field inspection. Comments or other encumbrances may exist in public record but not the engineer's knowledge.
5. This survey has been prepared without the benefit of a current title inspection.
6. The proposed parcels shown herein may or may not constitute a legal subdivision.
7. No zoning information provided for building setbacks.



- A. THE DISTANCE ALONG THE RED PATH TO THE NEAREST SOURCE IS 4,400'.
- B. THE DISTANCE ALONG THE BLUE PATH TO THE NEAREST SOURCE IS 2,100'.
- C. THE DISTANCE ALONG THE GREEN PATH TO THE NEAREST SOURCE IS 1,000'.
- D. THE DISTANCE ALONG THE BLACK PATH TO THE NEAREST SOURCE IS 500'.

SURVEYOR'S ACKNOWLEDGMENT

I, **GOBGS**, a duly licensed Professional Engineer and Land Surveyor in the State of Georgia, do hereby certify that I have personally supervised and participated in the making of the above described survey and that the same is true and correct.

GOBGS
Professional Engineer and Land Surveyor
No. 12345
State of Georgia

The field data upon which this map or plan is based has been obtained from the following sources:

1. The field data was obtained from the field notes of the surveyor and the field notes of the surveyor's assistants.

2. The field data was obtained from the field notes of the surveyor and the field notes of the surveyor's assistants.

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5. The field data was obtained from the field notes of the surveyor and the field notes of the surveyor's assistants.

LOCATION OF SPECIMEN TREES

NO.	PROPOSED PROPERTY LINE, TREES, ETC.	DESCRIPTION
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 Phone: (404) 123-4567
 Fax: (404) 123-4568
 Email: info@pecol.com

FOR

TPA REALTY SERVICES, LLC

LAND LOT(S) 224
 DISTRICT 12

GANNETT COUNTY
 GEORGIA

BOUNDARY SURVEY

DRAWN BY: MCS
 CHECKED BY: JMS
 FILE NO.: 11554-00
 DATE: 11/11/2012
 SCALE: 1" = 50'

From: "Jonathan Howard" <Jonathan@pecatl.com>
To: "Chris Hayes" <chayes@tpa-grp.com>
Subject: RE: PEC Proposal for 11054.00 Technology Pkwy and 08093.00 Peachtree Pkwy

There are 9 specimen trees on east side of 141, and there were 2 on the west side site.

1329,1441268.030144,2278637.057001,964.574670,36"HW
1330,1440913.826105,2278337.646814,977.775790,28"HW
1331,1440774.146904,2278431.554055,996.641521,33"HW
1332,1441035.181225,2279083.180195,957.369292,28"HW
1333,1441067.504795,2279072.480450,958.105182,35"HW
1334,1441020.575541,2279068.823443,958.010785,29"HW
1335,1440968.441404,2278929.373078,964.852128,33"HW
1336,1440948.577479,2278723.982601,988.450136,32"HW
1337,1441012.598603,2278733.102870,964.249207,36"HW

West side.

1155,1441185.321793,2277733.008839,946.380483,29"HW
1156,1440857.323907,2277642.668194,952.275642,28"HW

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**REVISED LETTER OF INTENT FOR REZONING APPLICATION OF TECH PARK, LLC
(RZ2015-002) WITH SPECIAL USE PERMIT FOR A LIQUOR STORE (SUP2015-002)**

This Letter of Intent is submitted on behalf of Tech Park, LLC for property owned by it which is located on the east side of Peachtree Parkway and consists of 8.474 acres. The subject tract is directly across Peachtree Parkway from the intersection of Engineering Drive and Peachtree Parkway within the City of Peachtree Corners. The Application of Tech Park, LLC contains a request for a Special Use Permit for a liquor store to be located on a 3.564 acres parcel that is contained within the 8.474 acre tract. The site plan submitted shows on the east side of Peachtree Parkway, that is the Tech Park, LLC site, a proposed building of 10,000 square feet which is to be located on the subject 3.564 acre parcel. That proposed 10,000 square feet building is the proposed site of the liquor store. In conjunction with Tech Park, LLC's application, a separate survey and legal description are submitted to designate the property to which the Special Use Permit would apply. On that survey, a map is shown to show that the distance requirements necessary for the location of a liquor store pursuant to Ordinance 2015-01-38 are satisfied. As depicted in red on the subject map, the nearest school is approximately 4,600 feet away and, as shown in blue on said map, the nearest church is approximately 2,100 feet away. The proposed liquor store will be operated by Peachtree Corners Fine Wine & Spirits, LLC and the 3.564 acres will be purchased from applicant Tech Park, LLC by one of its affiliates who will then in turn lease the building to Peachtree Corners Fine Wine & Spirits, LLC.

The proposed Fine Wine & Spirits store as well as the other retail building shown on the subject site plan will be designed to insure that all architectural and landscape features are consistent with and comply with the Overlay District requirements as well as all criteria for the Central Business District Character Area in which the subject property is located.

On the East side for the Tech Park, LLC tract, applicant proposes to construct two buildings totaling 25,000 square feet resulting in a density of 2,950.2 square feet per acre.

In conjunction with the submission of the application of Tech Park, LLC, a sister company, Jettison, LLC, is submitting an application for rezoning for a 8.871 acre tract on the west side of Peachtree Parkway at its intersection with Engineering Drive. Shown on the various plans that have been submitted to the City previously, there is a stream/creek that runs through both of the subject tracts. As part of its plan to develop the tracts, Applicant and/or its affiliates have submitted an application for and received a permit from the Army Corps of Engineers to pipe 961.7 feet of the stream. That breaks down to 935.7 feet of piping on the perennial stream and 26 feet on the intermitten portion of the stream. Such permit was granted July 11, 2013 and is valid through June 30, 2018. A copy of the subject application and permit relative to the piping of the stream were previously submitted to the City's Department of Community Development on May 6, 2015.

Applicant and/or its affiliate also previously submitted to the Environmental Protection Division of the Georgia Department of Natural Resources an application for a Stream Buffer Variance and on August 1, 2013 received a permit granting such request. The EPD Stream Buffer Variance Permit allows applicant to perform land disturbance within the 25 foot buffers on either side of the stream channels slated to be piped. As Applicant understands it, as long as the project types are consistent with what was permitted, small differences in site layouts should not trigger the necessity of any re-permitting by EPD or, as discussed above, the Corps of Engineers. Copies of the EPD Application and Permit also were furnished to the City on May 6, 2015.

Additionally, on May 6, 2015, Tech Park, LLC provided to the City a copy of a boundary survey of its tract which contained topographical information relative to it.

Applicant also has submitted with its application a tree survey for the subject property which shows the number and location of specimen trees. As shown on said survey, there are nine (9) specimen trees located on the east side tract of Tech Park, LLC.

Applicant Tech Park LLC submits that the proposed retail uses are in conformity with the policy and intent of the City's Comprehensive Land Use Plan (the "Plan") and will further the goals and objectives of the Plan in numerous ways. As shown on the site plan, Engineering Drive will be extended

across Peachtree Parkway in an Easterly direction into the Tech Park, LLC parcel creating a key intersection within the Central Business District Character Area which will be controlled by a traffic signal. Applicant has submitted to the Georgia Department of Transportation a request for the approval of a permit for the installation and operation of a traffic signal at the subject intersection. Based on Applicant's dealing with GDOT, it is confident the permit for signalization at the intersection will be granted. Applicant has received from GDOT its latest comments regarding Applicant's permit application in which GDOT has suggested minor changes to accommodate the issuance of the signal permit. Copies of the most recent drawings and an email with comments from GDOT's District Traffic Operations Manager were provided to the City on May 6, 2015.

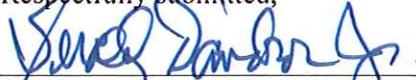
This being the case, the objective of the Plan to identify and prioritize retail development opportunities at key intersections to create walkable, livable centers at varying scales will be met. Additionally, the proposed retail uses will be located within walking distance of office buildings and employment centers within Technology Park and will be in a position to serve those office workers. In addition to these points, because the property is currently zoned M-1, Light Industrial, such permitted use will be removed from this parcel meeting one of the Plan's objectives to discourage such a use within the Central Business District Character Area. Lastly, as a vacant parcel along Peachtree Parkway, this tract is ideal for commercial infill development fulfilling needs and opportunities as expressed within the Plan.

The Applicant and its representatives welcome the opportunity to meet with the staff of the Department of Community Development of the City to answer any questions or to address any concerns relating to the matters set forth in this Letter of Intent or the Public Hearing Application filed herewith.

The Applicant respectfully requests your approval of this application.

This 1st day of June, 2015.

Respectfully submitted,



Gerald Davidson, Jr.,
Attorney for Tech Park, LLC

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.

Gerald Davidson Jr. 4-29-15
Signature of Applicant Date
Gerald Davidson Jr., Attorney for Applicant
Type or Print Name and Title

Gwen L. Criswell 4-29-15
Signature of Notary Public Date
Notary Seal


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.

Chris Huxer 4/29/15
Signature of Property Owner Date
Christopher J. Huxer, Principal
Type or Print Name and Title

Gwen L. Criswell 4-29-15
Signature of Notary Public Date
Notary Seal


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.

APPLICANTS' RESPONSE
STANDARDS GOVERNING THE EXERCISE OF THE ZONING POWER

- A. Yes, the proposed uses for commercial and retail development at what will become a key intersection along Peachtree Parkway are suitable in view of the use and development of adjacent and nearby property. The uses to be contained within the proposed developments will serve as amenities for not only the community as a whole, but more specifically for the office workers of Technology Park. The proposed use under the SUP will allow the retail sales of malt beverages, wines and distilled spirits providing the community with an amenity that it presently does not have but which is desired as evidenced by the overwhelming support of the referendum held by the City in November 2014.
- B. No, the requested use of the properties 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. No, the properties which are the subject of the Applications do not have reasonable economic use as currently zoned. In fact, the uses which are currently permitted under the M1, Light Industrial, Zoning Classification are uses that are discouraged by the City's Comprehensive Land Use Plan. Moreover, the City's Comprehensive Land Use Plan encourages light industrial development in other designated character areas of the City and not within the Central Business District.
- D. No, the requested uses will not result in uses which will or could cause an excessive or burdensome use of the existing streets, transportation facilities, utilities or schools. The proposed uses will be located on a major thoroughfare at what will become a lighted key intersection on Peachtree Parkway and, as designed, will have adequate and appropriate access, ingress and egress to and from Peachtree Parkway and Engineering Drive. The proposed uses and the buildings as shown on the site plan will have interparcel access with one another and will provide appropriate and adequate vehicular and pedestrian access. Moreover, the proposed use will have no impact on school population but will generate additional tax revenues for the local schools and other City services. Because the subject property is zoned M-1 and has not been developed but instead sits vacant, the development of the property will enhance the tax digest of the City.
- E. Yes, the requested uses are in conformity with the intent of the 2033 Comprehensive Plan and both tracts are adequately served by transportation thoroughfares providing appropriate ingress and egress to and from the property. The proposed developments are in keeping with the overlay district and the designated character area in which they are located. The proposed development meets and promotes the objectives and goals of the City's Comprehensive Land Use Plan as more fully set forth in the Letter of Intent filed with these Applications.

- F. Yes, because, as set forth in the Letter for Intent, the proposed zoning and uses of the property promote and meet the objectives and goals of the City's Comprehensive Land Use Plan, there are additional supporting grounds for the approval of Applicants' requests. Also, as additional supporting grounds for the approval of the Special Use Permit for the Tech Park, LLC tract is the fact that the vote allowing the Mayor and Council of the City to issue licenses for the sale of distilled spirits was overwhelmingly approved by those casting ballots in the November 2014 referendum. The approval of the question on the ballot was seventy-four percent showing that a use such as contemplated by the Special Use Permit is desired in the community.

DISCLOSURE REPORT FORM
CONFLICT OF INTEREST CERTIFICATION/CAMPAIGN CONTRIBUTIONS

WITHIN THE (2) YEARS IMMEDIATELY PRECEDING THE FILING OF THIS ZONING PETITION HAVE YOU, AS THE APPLICANT FOR THE REZONING, SPECIAL USE PERMIT, OR CHANGE IN CONDITIONS PETITION, OR AN ATTORNEY OR AGENT OF THE APPLICANT FOR THE REZONING, SPECIAL USE PERMIT, OR CHANGE IN CONDITIONS PETITION, MADE ANY CAMPAIGN CONTRIBUTIONS AGGREGATING \$250.00 OR MORE OR MADE GIFTS HAVING AN AGGREGATE VALUE OF \$250.00 TO THE MAYOR OR ANY MEMBER OF THE CITY COUNCIL?

CHECK ONE: YES NO Christopher J. Hayes / Gerald Davidson Jr.
(If yes, please complete the "Campaign Contributions" section below) Print Name

1. CAMPAIGN CONTRIBUTIONS

Name of Government Official	Total Dollar Amount	Date of Contribution	Enumeration and Description of Gift Valued at \$250.00 or more

2. THE UNDERSIGNED ACKNOWLEDGES THAT THIS DISCLOSURE IS MADE IN ACCORDANCE WITH THE OFFICIAL CODE OF GEORGIA, SECTION 36-67A-1 ET. SEQ. CONFLICT OF INTEREST IN ZONING ACTIONS, AND THAT THE INFORMATION SET FORTH HEREIN IS TRUE TO THE UNDERSIGNED'S BEST KNOWLEDGE, INFORMATION AND BELIEF.

Christopher J. Hayes 4/29/15 Christopher J. Hayes, Principal
 Signature of Applicant Date Type or Print Name and Title

Gerald Davidson Jr. 4-29-15 Gerald Davidson Jr., Attorney
 Signature of Applicant's Attorney or Representative Date Type or Print Name and Title

Gwen L. Criswell 4-29-15 Notary Seal
 Signature of Notary Date



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 - 284 - 016
(Map Reference Number) District Land Lot Parcel

Gerald Davidson Jr.
Signature of Applicant Date
Gerald Davidson Jr., 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)

Diane Fox TSA II
NAME TITLE
4/28/2015
DATE



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 - 284 - 018
(Map Reference Number) District Land Lot Parcel

[Signature]
Signature of Applicant Date

Gerard Davidson Jr., 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)

Aime Diane Fox TSA II
NAME TITLE
4/28/2015
DATE



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 - 284 - 040
(Map Reference Number) District Land Lot Parcel

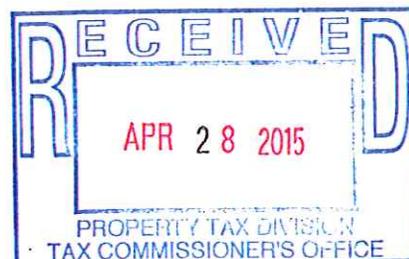
Gerald Davidson Jr.
Signature of Applicant Date

Gerald Davidson Jr., 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)

Diane Fox TSA II
NAME TITLE
4/28/2015
DATE



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 - 284 - 056
(Map Reference Number) District Land Lot Parcel

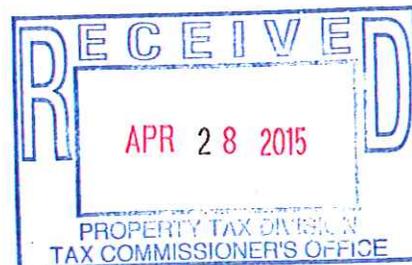
Gerald Davidson Jr.
Signature of Applicant Date

Gerald Davidson Jr., 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)

Alfre Diane Foy TSA II
NAME TITLE
4/28/2015
DATE



**REVISED LETTER OF INTENT FOR REZONING APPLICATION OF TECH PARK, LLC
(RZ2015-002) WITH SPECIAL USE PERMIT FOR A LIQUOR STORE (SUP2015-002)**

This Letter of Intent is submitted on behalf of Tech Park, LLC for property owned by it which is located on the east side of Peachtree Parkway and consists of 8.474 acres. The subject tract is directly across Peachtree Parkway from the intersection of Engineering Drive and Peachtree Parkway within the City of Peachtree Corners. The Application of Tech Park, LLC contains a request for a Special Use Permit for a liquor store to be located on a 3.564 acres parcel that is contained within the 8.474 acre tract. The site plan submitted shows on the east side of Peachtree Parkway, that is the Tech Park, LLC site, a proposed building of 10,000 square feet which is to be located on the subject 3.564 acre parcel. That proposed 10,000 square feet building is the proposed site of the liquor store. In conjunction with Tech Park, LLC's application, a separate survey and legal description are submitted to designate the property to which the Special Use Permit would apply. On that survey, a map is shown to show that the distance requirements necessary for the location of a liquor store pursuant to Ordinance 2015-01-38 are satisfied. As depicted in red on the subject map, the nearest school is approximately 4,600 feet away and, as shown in blue on said map, the nearest church is approximately 2,100 feet away. The proposed liquor store will be operated by Peachtree Corners Fine Wine & Spirits, LLC and the 3.564 acres will be purchased from applicant Tech Park, LLC by one of its affiliates who will then in turn lease the building to Peachtree Corners Fine Wine & Spirits, LLC.

The proposed Fine Wine & Spirits store as well as the other retail building shown on the subject site plan will be designed to insure that all architectural and landscape features are consistent with and comply with the Overlay District requirements as well as all criteria for the Central Business District Character Area in which the subject property is located.

On the East side for the Tech Park, LLC tract, applicant proposes to construct two buildings totaling 25,000 square feet resulting in a density of 2,950.2 square feet per acre.

In conjunction with the submission of the application of Tech Park, LLC, a sister company, Jettison, LLC, is submitting an application for rezoning for a 8.871 acre tract on the west side of Peachtree Parkway at its intersection with Engineering Drive. Shown on the various plans that have been submitted to the City previously, there is a stream/creek that runs through both of the subject tracts. As part of its plan to develop the tracts, Applicant and/or its affiliates have submitted an application for and received a permit from the Army Corps of Engineers to pipe 961.7 feet of the stream. That breaks down to 935.7 feet of piping on the perennial stream and 26 feet on the intermitten portion of the stream. Such permit was granted July 11, 2013 and is valid through June 30, 2018. A copy of the subject application and permit relative to the piping of the stream were previously submitted to the City's Department of Community Development on May 6, 2015.

Applicant and/or its affiliate also previously submitted to the Environmental Protection Division of the Georgia Department of Natural Resources an application for a Stream Buffer Variance and on August 1, 2013 received a permit granting such request. The EPD Stream Buffer Variance Permit allows applicant to perform land disturbance within the 25 foot buffers on either side of the stream channels slated to be piped. As Applicant understands it, as long as the project types are consistent with what was permitted, small differences in site layouts should not trigger the necessity of any re-permitting by EPD or, as discussed above, the Corps of Engineers. Copies of the EPD Application and Permit also were furnished to the City on May 6, 2015.

Additionally, on May 6, 2015, Tech Park, LLC provided to the City a copy of a boundary survey of its tract which contained topographical information relative to it.

Applicant also has submitted with its application a tree survey for the subject property which shows the number and location of specimen trees. As shown on said survey, there are nine (9) specimen trees located on the east side tract of Tech Park, LLC.

Applicant Tech Park LLC submits that the proposed retail uses are in conformity with the policy and intent of the City's Comprehensive Land Use Plan (the "Plan") and will further the goals and objectives of the Plan in numerous ways. As shown on the site plan, Engineering Drive will be extended

across Peachtree Parkway in an Easterly direction into the Tech Park, LLC parcel creating a key intersection within the Central Business District Character Area which will be controlled by a traffic signal. Applicant has submitted to the Georgia Department of Transportation a request for the approval of a permit for the installation and operation of a traffic signal at the subject intersection. Based on Applicant's dealing with GDOT, it is confident the permit for signalization at the intersection will be granted. Applicant has received from GDOT its latest comments regarding Applicant's permit application in which GDOT has suggested minor changes to accommodate the issuance of the signal permit. Copies of the most recent drawings and an email with comments from GDOT's District Traffic Operations Manager were provided to the City on May 6, 2015.

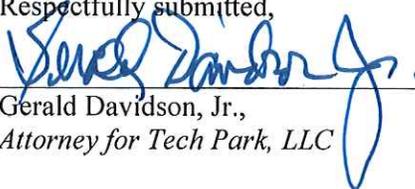
This being the case, the objective of the Plan to identify and prioritize retail development opportunities at key intersections to create walkable, livable centers at varying scales will be met. Additionally, the proposed retail uses will be located within walking distance of office buildings and employment centers within Technology Park and will be in a position to serve those office workers. In addition to these points, because the property is currently zoned M-1, Light Industrial, such permitted use will be removed from this parcel meeting one of the Plan's objectives to discourage such a use within the Central Business District Character Area. Lastly, as a vacant parcel along Peachtree Parkway, this tract is ideal for commercial infill development fulfilling needs and opportunities as expressed within the Plan.

The Applicant and its representatives welcome the opportunity to meet with the staff of the Department of Community Development of the City to answer any questions or to address any concerns relating to the matters set forth in this Letter of Intent or the Public Hearing Application filed herewith.

The Applicant respectfully requests your approval of this application.

This 1st day of June, 2015.

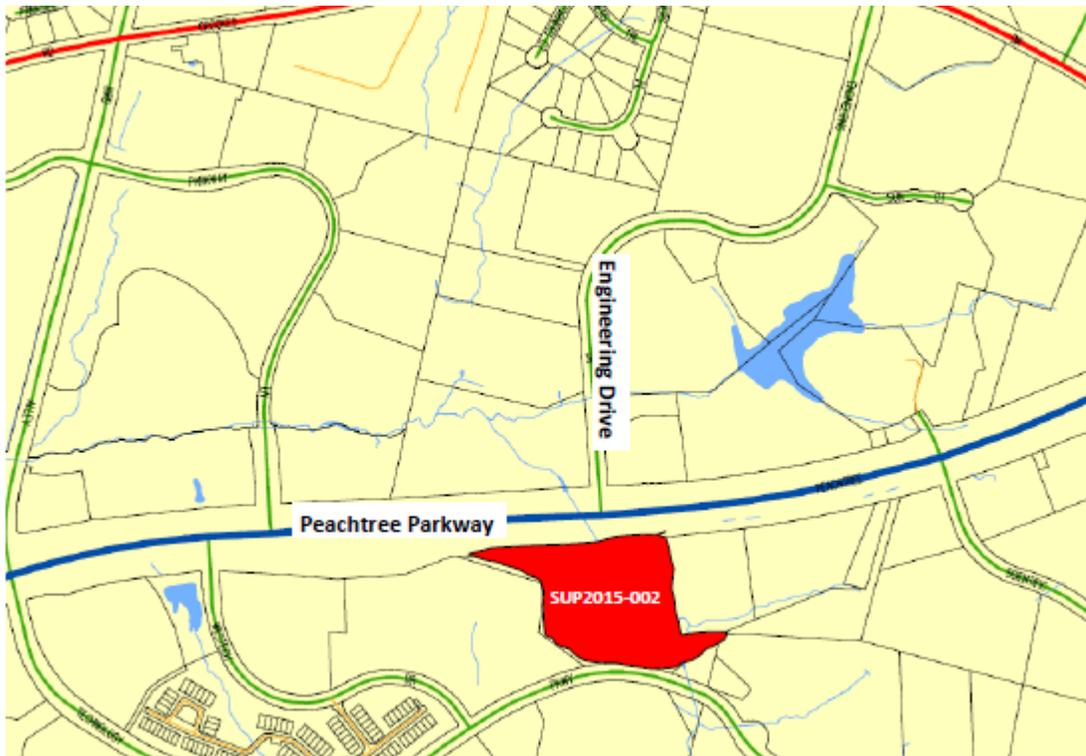
Respectfully submitted,



Gerald Davidson, Jr.,
Attorney for Tech Park, LLC

PROPERTY LOCATION MAP

Tech Park, LLC (TPA Group)



CASE NUMBER:

SUP2015-002 / RZ2015-001 /
V2015-004

**PLANNING
COMMISSION**

**CITY COUNCIL
1ST READING**

**CITY COUNCIL
2ND READING**

HEARING DATES:

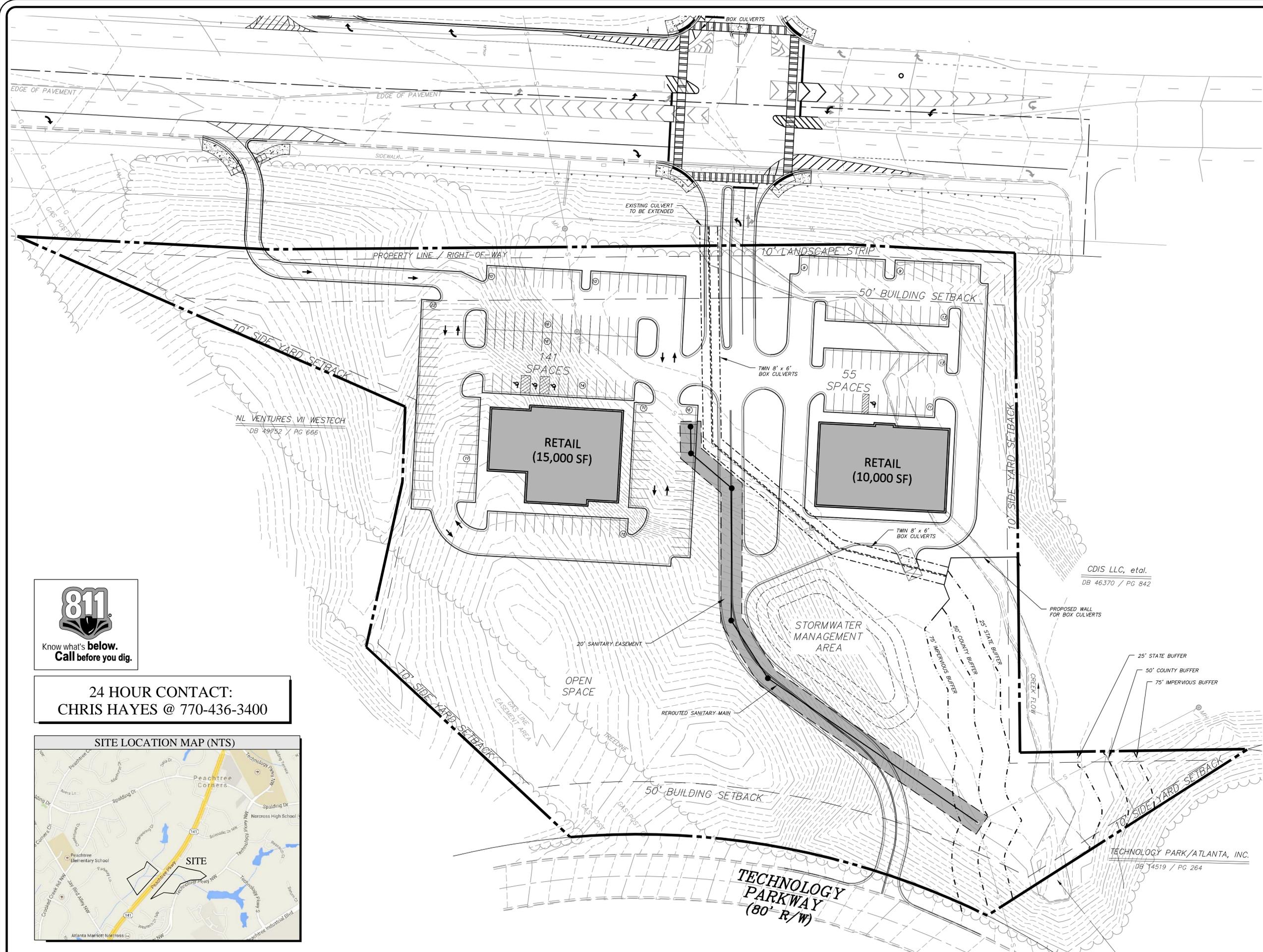
JULY 14, 2015

JULY 21, 2015

AUGUST 18, 2015

PROPERTY ADDRESS:

PEACHTREE PARKWAY AT ENGINEERING DRIVE



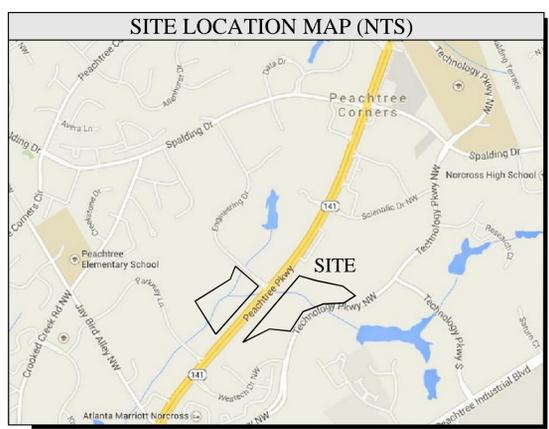
NL VENTURES VII WESTECH
DB 49752 / PG 666

CDIS LLC, et al.
DB 46370 / PG 842

TECHNOLOGY PARK/ATLANTA, INC.
DB 74519 / PG 264



24 HOUR CONTACT:
CHRIS HAYES @ 770-436-3400



PEACHTREE PARKWAY (141) AT TECHNOLOGY PARKWAY
A MASTER PLANNED COMMERCIAL DEVELOPMENT

FOR
TPA REALTY SERVICES, LLC
3550 ENGINEERING DRIVE
SUITE 250
NORCROSS, GEORGIA 30092
PHONE: 770-232-6005

LAND LOTS: 749 & 784
DISTRICT 17th, 2nd SECTION
GWINNETT COUNTY
GEORGIA

"WE PROVIDE SOLUTIONS"
PLANNERS AND ENGINEERS COLLABORATIVE
SITE PLANNING & LANDSCAPE ARCHITECTURE & CIVIL ENGINEERING & LAND SURVEYING
350 RESEARCH COURT, NORCROSS, GEORGIA 30092 | (770)451-2241 | FAX: (770)451-3915 | WWW.PE.CATL.COM

REVISIONS:

NO.	DATE	BY	DESCRIPTION

This drawing is the property of Planners and Engineers Collaborative and is not to be copied in whole or in part. It is not to be used on any other project and is to be returned upon request. © Planners and Engineers Collaborative

SHEET TITLE
**TRACT 2
SITE PLAN**

SCALE: 1" = 40'
DATE: APRIL 16, 2015
PROJECT: 11054.00

THIS SEAL IS ONLY VALID IF COUNTER SIGNED AND DATED WITH AN ORIGINAL SIGNATURE.

GEORGIA REGISTERED PROFESSIONAL ENGINEER
No. 34393
KENNETH J. WOOD

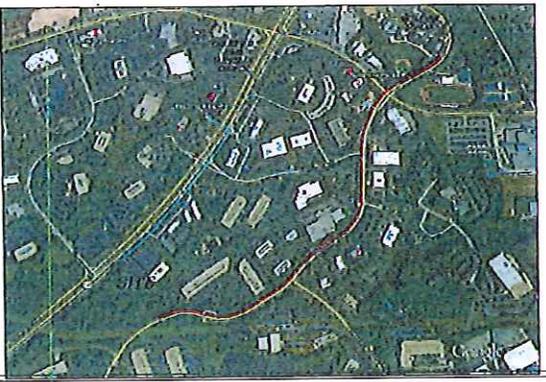
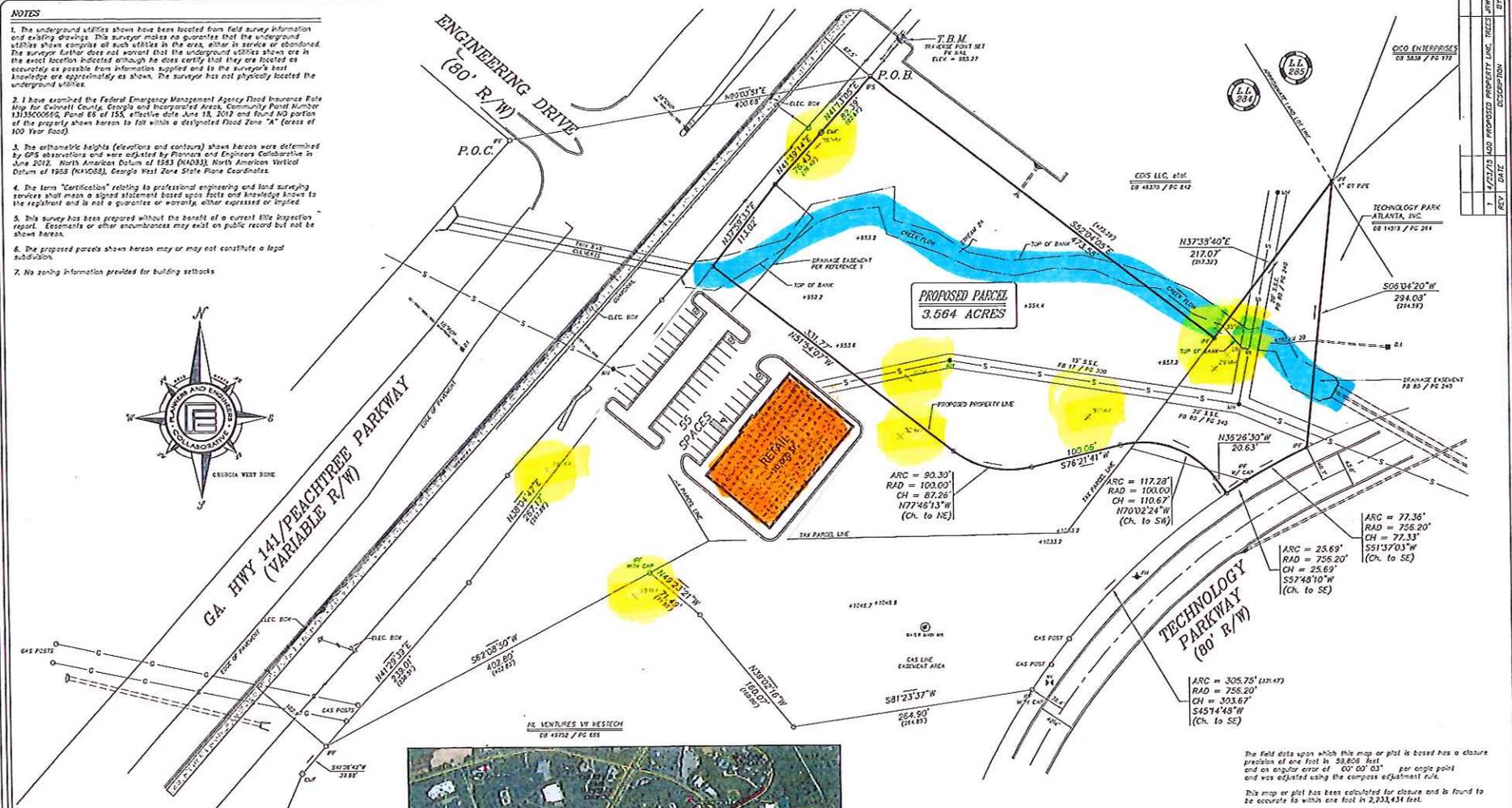
GSWCC LEVEL II DESIGN PROFESSIONAL
CERTIFICATION # 0000059389 EXP. 10/27/2015

Z-3
SHEET

ATTACHMENT 1A

STAFF GENERATED CONCEPT SHOWING DEVELOPMENT W/ STREAM + SPECIMEN TREES

- NOTES**
- The underground utilities shown have been located from field survey information and existing drawings. This surveyor makes no guarantee that the underground utilities shown comprise all such utilities in the area, either in service or abandoned. The surveyor further does not warrant that the underground utilities shown are in the exact location indicated although he does certify that they are located as accurately as possible from information supplied and to the surveyor's best knowledge are approximately as shown. The surveyor has not physically located the underground utilities.
 - I have examined the Federal Emergency Management Agency Flood Insurance Rate Map for DeKalb County, Georgia and Incorporated Areas, Community Panel Number 13135000666, Flood 05 of 155, effective date June 18, 2012 and found NO portion of the property shown hereon to fall within a designated Flood Zone "A" (areas of 100 Year Flood).
 - The arithmetic heights (elevations and contours) shown hereon were determined by GPS observations and were adjusted by Planners and Engineers Collaborative in June 2012, North American Datum of 1983 (NAD83), North American Vertical Datum of 1953 (NAVD53), Georgia West Zone State Plane Coordinates.
 - The term "certification" relating to professional engineering and land surveying services shall mean a signed statement based upon facts and knowledge known to the respondent and is not a guarantee or warranty, either expressed or implied.
 - This survey has been prepared without the benefit of a current title inspection report. Easements or other encumbrances may exist on public record but not be shown hereon.
 - The proposed parcels shown hereon may or may not constitute a legal subdivision.
 - No zoning information provided for building setbacks.



SPECIMEN TREE
STREAM
BUILDING

REFERENCES
 1. POINT-OF-WAY MAP for State D.O.T., Project Number F104-(1) dated October 11, 1955.

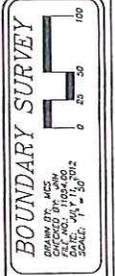
- SURVEYOR'S ACKNOWLEDGEMENT**
- A. THE DISTANCE ALONG THE FED PATH TO THE NEAREST SCHOOL IS 4,600'± (BESLEYAN SCHOOL)
 B. THE DISTANCE ALONG THE BLUE PATH TO THE NEAREST CHURCH IS 2,100'± CHRIST THE KING LUTHERAN CHURCH
 (AS MEASURED FOR CITY OF PEACHTREE CORNERS ORDINANCE 2015-01-37)
 C. THE CLOSEST PARK IS OVER 11,000'± AWAY (PICKENVILLE PARK)
 D. THE CLOSEST LAJOUR STORE IS OVER 18,000'± AWAY (SHEETWATER PACKAGE)

The field data upon which this map or plot is based has a closure precision of one foot in 28,608 feet and an angular error of 00'00"03" per angle point and was adjusted using the compass adjustment rule.
 This map or plot has been calculated for closure and is found to be accurate to within one foot in 2,233,434 feet.

EQUIPMENT USED:
 ANGLE: TOPCON TOTAL STATION
 LEGS: TOPCON TOTAL STATION



REV.	DATE	DESCRIPTION	BY
1	06/20/15	ADD PROPOSED PROPERTY LINE, TRACED	AWP



FOR
TPA REALTY SERVICES, LLC
 CHANNETT GEORGIA

PLANNERS AND ENGINEERS COLLABORATIVE
 "THE PROVIDER SOLUTIONS"
 200 Peachtree Avenue, Suite 2000, Atlanta, GA 30309
 www.pandec.com

02-101011

Georgia Department of Natural Resources
Environmental Protection Division

2 Martin Luther King Jr., Dr., Suite 1152 Atlanta, Georgia 30334
Judson H. Turner, Director
(404) 656-4713

August 1, 2013

RECEIVED

AUG 07 2013

BY: _____

Mr. Rees Waite
TPA Realty Services, LLC
3550 Engineering Drive
Suite 250
Norcross, Georgia 30092

Re: Request for Variance under
Provisions of O.C.G.A. 12-7-6(b)(15)
Technology Park Commercial Development
City of Peachtree Corners

Dear Mr. Waite:

Your stream buffer variance request for the above referenced project has been reviewed by the Georgia Environmental Protection Division's Watershed Protection Branch. The review was conducted to consider the potential impact of the proposed project's encroachment on State waters within the context of the Georgia Erosion and Sedimentation Act. Pursuant to DNR Rule 391-3-7.05(2)(h), authorization is hereby granted to encroach within the 25-foot buffer adjacent to State waters for the above referenced project subject to the following conditions:

1. As per your application dated September 27, 2012;
2. All graded slopes 3:1 or greater must be hydroseeded and covered with Georgia DOT approved wood fiber matting or coconut fiber matting. If not hydroseeded, Georgia DOT approved matting that has been incorporated with seed and fertilizer must be used. All slopes must be properly protected until a permanent vegetative stand is established;
3. The amount of land cleared during construction must be kept to a minimum;
4. All disturbed areas must be seeded, fertilized and mulched as soon as the final grade is achieved. Also, these disturbed areas must be protected until permanent vegetation is established;
5. Georgia DOT type "C" silt fence or an approved high performance silt fence must be installed on the site perimeter wherever the stormwater may be discharged, and a double row must be installed between the land disturbing activities and State waters;

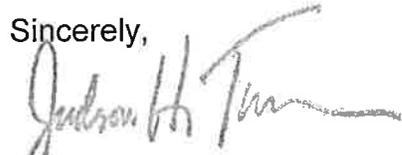
Mr. Rees Waite
Page 2
August 1, 2013

6. Buffer variance conditions must be incorporated into any Land Disturbing Activity Permit which may be issued by the City of Peachtree Corners for this project;
7. This project must be conducted in strict adherence to the approved erosion and sedimentation control plan and any Land Disturbing Activity Permit which may be issued by the City of Peachtree Corners for this project; and
8. Post-construction stormwater management systems must be maintained to insure pollutant removal efficiencies for water quality protection.

The granting of this approval does not relieve you of any obligation or responsibility for complying with the provisions of any other law or regulations of any federal, local or additional State authority, nor does it obligate any of the aforementioned to permit this project if they do not concur with its concept of development/control. As a delegated "Issuing Authority," the City of Peachtree Corners is expected to ensure that the stream buffer variance requirements are met for this project and is empowered to be more restrictive in this regard.

If you have any questions concerning this letter, please contact Peggy Chambers, Erosion and Sedimentation Control Unit, NonPoint Source Program, at (404) 675-6240.

Sincerely,



Judson H. Turner
Director

JHT:pc

cc: Honorable Mike Mason
Micah Whiteside
Kenneth Wood
Jeff Durniak
Jenny Searle
Bert Langley

File: BV-067-12-13

RZ2015-002/
V2015-005

Jettison, LLC /
Retail Stores

**CITY OF PEACHTREE CORNERS
COMMUNITY DEVELOPMENT DEPARTMENT**

CHANGE OF CONDITIONS AND SPECIAL USE PERMIT ANALYSIS

PLANNING COMMISSION DATE: July 14, 2015
CITY COUNCIL DATE: July 21, 2015

CASE NUMBER :**RZ-2015-002 / V-2015-005**
ZONING :M-I
LOCATION :PEACHTREE PARKWAY AT ENGINEERING DRIVE (WEST SIDE)
MAP NUMBERS :6th DISTRICT, LAND LOT 284
ACREAGE :8.871 ACRES
PROPOSED DEVELOPMENT :REZONE FROM M-I TO C-2 TO ALLOW FOR A RETAIL CENTER
:SUBDIVIDE PROPERTY INTO TWO PARCELS
:STREAM BUFFER VARIANCE
FUTURE DEVELOPMENT MAP: :PREFERRED OFFICE

APPLICANT: JETTISON, LLC
C/O MAHAFFEY PICKENS TUCKER, LLP
1550 N. BROWN ROAD, SUITE 125
LAWRENCEVILLE, GA 30043

CONTACT: GERALD DAVIDSON, JR.
770.232.0000

OWNER: JETTISON, LLC
C/O TPAGROUP
3350 RIVERWOOD PARKWAY, SUITE 750
ATLANTA, GA 30339

**RECOMMENDATION: APPROVE ONE OF TWO OPTIONS WITH
CONDITIONS**

PROJECT DATA:

The applicant is seeking to rezone 8.871 acres on the southwest corner of Peachtree Parkway and Engineering Drive from M-I (Light Industry District) to C-2 (General Business District) in order to subdivide the property into two parcels with two retail buildings. Additionally, a stream running roughly east to west through the property would require a stream buffer variance in order to construct the proposed development.

The subject property and all adjacent properties are located within Technology Park and are zoned M-I. Small commercial centers zoned C-2 are located approximately one-half mile to the north and south on the west side of Peachtree Parkway. The surrounding area is largely characterized by office uses. The site plan shows two freestanding retail buildings on two parcels with inter-parcel access, two access points onto Engineering Drive, and two right-in, right-out access points onto Peachtree Parkway.

The site is located within the Central Business District Character Area and is listed as “Preferred Office” on the Gwinnett County Future Development Map. The Central Business District is intended to develop as “a mix of retail and commercial uses, offices, mixed use, government and institutional properties, and open space” that “will give Peachtree Corners residents a vibrant, dynamic, livable, and walkable town center.” Preferred Office areas are encouraged to develop as office or mixed-use, with large, free-standing commercial/retail areas to be discouraged. Additionally, the subject property is within the Peachtree Corners Livable Centers Initiative (LCI) study area, within which it is shown to be a potential amenity or open space area.

The applicant has been granted a stream buffer variance from the Georgia Department of Natural Resources Environmental Protection Division in order to pipe the stream running through the property. The proposed development also requires a variance to encroach into the City’s 50-foot undisturbed stream buffer and additional 25-foot impervious surface setback.

The applicant has proposed extending Engineering Drive beyond its current endpoint at Peachtree Parkway southward and eastward to connect to Technology Parkway Northwest. This extension would require Georgia Department of Transportation approval for a traffic signal at Peachtree Parkway.

ZONING STANDARDS:

Zoning Code Section 1702 identifies specific criteria that should be evaluated when considering a zoning decision. These criteria are enumerated as ‘A’ through ‘F’, below. Following each item is the applicant’s response followed by Staff’s comment.

A. Will this proposed rezoning, special use permit, or change in conditions permit a use that is suitable in view of the use and development of adjacent and nearby property?

Applicant’s Response: Yes, the proposed uses for commercial and retail development at what will become a key intersection along Peachtree Parkway are suitable in view of the use and development of adjacent and nearby property. The uses to be contained within the proposed developments will serve as amenities for not only the community as a whole, but more specifically for the office workers of Technology Park. The proposed use under the SUP will allow the retail sales of malt beverages, wines and distilled spirits providing the community with an amenity that it presently does not have but which is desired as evidenced by the overwhelming support of the referendum held by the City in November 2014.

Staff’s Comment: The subject property is located within the larger Technology Park area, which is largely characterized by office uses, with some light industrial uses also permitted. The City’s Comprehensive Plan and Future Development map call for office and commercial uses in this area, with industrial uses discouraged. Rezoning parcels along Peachtree Parkway from M-I to commercial would be suitable in view of the current use of adjacent and nearby properties, and would be suitable in view of the future move from industrial to office, commercial, and mixed-use development.

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

Applicant's Response: No, the requested use of the properties 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.

Staff's Comment: C-2 zoning on the site would not adversely affect the existing use or usability of adjacent or nearby property. City policies call for a move away from industrial uses in the area as allowed under M-I zoning, toward a mix of office and commercial uses. The proposed move to C-2 zoning would be suitable adjacent to current and future Technology Park uses.

C. Does the property to be affected by a proposed rezoning, special use permit, or change in conditions have reasonable economic use as currently zoned?

Applicant's Response: No, the properties which are the subject of the applications do not have reasonable economic use as currently zoned. In fact, the uses which are currently permitted in the M-I, Light Industrial, Zoning Classification are uses that are discouraged by the City's Comprehensive land Use Plan. Moreover, the City's Comprehensive land Use Plan encourages light industrial development in other designated character areas of the City and not within the Central Business District.

Staff's Comment: The property has a reasonable economic use as currently zoned.

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

Applicant's Response: No, the requested uses not result in uses which will or could cause an excessive or burdensome use of the existing streets, transportation facilities, utilities or schools. The proposed uses will be located on a major thoroughfare at what will become a lighted key intersection on Peachtree parkway and, as designed, will have adequate and appropriate access, ingress and egress to and from Peachtree Parkway and Engineering Drive. The proposed uses and the buildings as shown on the site plan will have inter-parcel access with one another and will provide appropriate and adequate vehicular and pedestrian access. Moreover, the proposed use will have no impact on school population but will generate additional tax revenues for the local schools and other City services. Because the subject property is zoned M-I and has not been developed but instead sits vacant, the development of the property will enhance the tax digest of the City.

Staff's Comment: An increase in traffic and utility use can be expected from retail development on currently vacant parcels. However, with the Comprehensive Plan and Future Development Map calling for the development of a more mixed-use Technology Park, the impacts of the proposed development would not be excessive or burdensome. There would be no effect on schools.

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

Applicant's Response: Yes, the requested uses are in conformity with the intent of the 2033 Comprehensive Plan and both tracts are adequately served by transportation thoroughfares providing appropriate ingress and egress to and from the property. The proposed developments are in keeping with the overlay district and the designated character area in which they are located. The proposed development meets and promotes the objectives and goals of the City's Comprehensive land Use Plan as more fully set forth in the Letter of Intent filed with these applications.

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

F. Are there are other existing or changing conditions affecting the use and development of the property which give supporting grounds for either approval or disapproval of the proposed rezoning, special use permit, or change in conditions?

Applicant's Response: Yes, because, as set forth in the Letter of Intent, the proposed zoning and uses of the property promote and meet the objectives and goals of the City's Comprehensive land Use Plan, there are additional supporting grounds for the approval of Applicant's requests. Also, as additional supporting grounds for the approval of the Special Use Permit for the Tech Park, LLC tract is the fact that the vote allowing the Mayor and Council of the City to issue licenses for the sale distilled spirits was overwhelmingly approved by those casing ballots in the November 2014 referendum. The approval of the question on the ballot was seventy-four percent showing that a use such as contemplated by the Special Use Permit is desired in the community.

Staff's Comment: M-I zoning in this location is less viable than when originally put in place, as the City has enacted policies to encourage the development of a mixed-use Technology Park with limited industrial uses. The long-term vision for the area has evolved since the enactment of M-I zoning, and C-2 zoning would be more in line with these plans. This would give supporting grounds for the approval of the proposed rezoning and variance.

COMPREHENSIVE PLAN:

The 2030 City of Peachtree Corners Character Area Map indicates that the property is located within the Central Business District Character Area. Policies for this area encourage "a mix of retail and commercial uses, offices, mixed-use, government and institutional properties", with a focus on pedestrian access and open space. The Comprehensive Plan calls for the revitalization of Technology Park into a "walkable, mixed-use environment". Rezoning areas along Peachtree Parkway from M-I to C-2 meet these criteria, provided that adequate consideration is given to appropriate scale, design, and access.

DEPARTMENT ANALYSIS:

The proposed rezoning from M-1 to C-2 would be unlikely to have an adverse impact on adjacent and nearby properties, which are typically office uses. Retail uses are appropriate in this site, as the City has enacted policies to encourage the revitalization of Technology Park as a mixed-use Central Business District. Moving from allowing industrial uses toward retail and commercial uses would be in keeping with the Comprehensive Plan. There would be no excessive burden on infrastructure or schools.

The applicant has not indicated any proposed uses for the site beyond general retail. For this reason, the Community Development Department would recommend additional conditions to ensure the level of quality for new commercial development called for by the Comprehensive Plan, including use restrictions based on the City's Overlay District requirements. This would allow for only high-quality retail and service commercial uses.

The Department would also recommend additional conditions to ensure that the site's architecture, design, landscaping, and access meet the standards called for in the Comprehensive and LCI plans. The site plan as currently proposed does not meet these standards, and should be revised to meet Overlay District requirements for buildings exceeding 7,500 square feet to be "encouraged to be close to, and oriented toward, the public right-of-way with the majority of parking to the sides and rear, where possible." The Department would recommend that the applicant consider opportunities to reduce surface parking between the two buildings and public rights-of-way.

Additionally, the site plan does not show sidewalks. City policies for Technology Park's development call for a focus on pedestrian accessibility, and the Department would recommend a condition that sidewalks be included along all public rights of way to the limits of the property and connecting to buildings entrances. A 10-foot-wide multi-use trail should be shown along the road frontage of Peachtree Parkway, and five-foot-wide sidewalks should be shown along all other streets. Decorative, commercial-quality bicycle racks, benches, and trash receptacles should also be placed on site.

Because of the speculative nature of the proposed retail development, the Department would recommend that all architectural elevations and landscape plans be required to attain approval from the Planning Commission. Elevations and landscaping should meet all Overlay District standards.

The subject property is located within the 2015 Peachtree Corners Livable Center Initiative plan. This plan stresses that the Peachtree Parkway corridor should develop under guidelines ensuring "appropriate architectural character, quality site planning, signage, material, building type, and other attributes that reflect well on the City". The plan also lists the subject property as an open space/amenity opportunity area. The Department would recommend the preservation of as much open space as possible on the site through site planning that reduces unnecessary surface parking and impervious surfaces, and to consider the preservation of specimen trees indicated on current surveys. There are currently two such trees shown on the site, and if they are removed, the Department would recommend compensation as required by the tree ordinance and Overlay District standards.

Additionally, the LCI plan shows a "potential off-street trail" running through the subject property. The plan states that this location is preliminary in nature, and that further study may

be required to determine the best location for future trails. The Department would recommend that the applicant provide open space and a dedicated easement for future trail construction, and provide adequate pedestrian and bicycle crossing infrastructure at any new traffic signal at the corner of Peachtree Parkway and Engineering Drive.

The proposed development would include extending Engineering Drive southward and eastward across Peachtree Parkway to Technology Parkway Northwest. This would require a new traffic signal, and the applicant has applied to GDOT for approval. The City of Peachtree Corners does not oppose extending this road and adding new signalization, provided that new roads are public rights-of-way, and the applicant shoulders the entire cost of improvements, including median landscaping on Peachtree Parkway and high-quality pedestrian and bicycle crossing facilities at all intersections.

The proposed development requires a City stream buffer variance. The applicant has applied for and received a stream buffer variance from the Georgia Department of Natural Resources Environmental Protection Division. The City would support approval of this variance, provided that adequate protections and mitigation actions are in put in place.

ENVIRONMENTAL CONSIDERATIONS:

The Town Center LCI study identifies this site as an 'open space/amenity opportunity area' due to the existing natural features of the site. Currently, there are steep slopes on the property and the elevation drops over 30 ft. from Peachtree Parkway to the existing stream which traverses diagonally through the property. In addition, to steep terrain and the stream, there are also two specimen trees identified on the property, 28" and 29" hardwood trees. The applicant's plans to develop two retail sites and relocate a sanity sewer line would require filling and grading most of the site, piping the creek and removing most of the vegetation, including both specimen trees. In reviewing the proposed plans, Staff investigated the possibility of developing the site while preserving the creek and as many specimen trees as possible. The resulting analysis is shown on an attached document entitled 'Attachment IB'. The sketch shows that while grading and filling is necessary, it would be possible to develop without piping the creek and removing the specimen trees. However, the development that could be accommodated is half of what the applicant proposes. While this is not what the applicant would like to develop, there are some benefits to the plan that make it worth considering and, in the final analysis, may prove to be a compromise option if the applicant's more intensive site development approach is considered unacceptable.

CONCLUSION:

After reviewing the applicant's proposal, Staff finds the following:

1. A rezoning of the property can be justified because commercial use is preferable to industrial use of property at this location and there are other commercial uses nearby.
2. The natural features of the site are sufficiently significant to warrant consideration in determining the extent of development on the property.

Therefore, after review of the applicant's proposal and other relevant information, it is recommended that RZ2015-002 and V2015-005 be approved in one of two ways: Either (1) approve the applicant's plan as submitted subject to the conditions that follow; or (2) approve a reduced version of the applicant's plan that preserves the creek and most of the specimen trees subject to the same conditions that follow, but excluding underlined conditions numbered 1C, 2A, 2G, 2J

- I. To restrict the use of the property as follows:
 - A. All uses permitted within the C-2 zoning district, except for the following: animal hospitals or veterinary clinics; retail bank (ATM permitted); tattoo and piercing parlors; adult bookstores or entertainment (general bookstores selling adult books on an incidental basis permitted); fast food restaurants with or without drive-thru window (pick-up/to go windows at non-fast food restaurants permitted); automotive related uses such as car wash or automotive parts store; billboards; building, electrical or plumbing contractors; funeral homes or mausoleums; crematory; furniture rental establishments; convenience food stores with or without fuel pumps, emission inspection stations; equipment rental; extended stay and limited service hotels; laundry or dry cleaning establishments; plant nursery sales facility; recreation or fitness facilities which exceed 3500 square feet); industrial uses, automotive service stations with or without fuel pumps; building material sales with or without outdoor storage, taxi cab or limousine services; pest control businesses; pet shops or pet grooming establishments, (pet supplies store permitted); mattress store; nail salon; day care facility; driving school; discount stores (including dollar stores); grocery store (gourmet and specialty food store permitted); second run movie theater; lottery ticket sales; tobacco products store; phone stores; precious metals store (jewelry store permitted); and clothing resale stores.
 - B. A Liquor store shall be permitted and shall conform to all state and local alcohol regulations.
 - C. A variance to the stream buffer requirements shall be granted in order to accommodate piping of the stream on the property.
2. To satisfy the following site development considerations:
 - A. Project shall be developed in general conformity with the site plan submitted with the application package for RZ2015-002 V-2015-005, with revisions to meet zoning conditions and development regulations.
 - B. The majority of surface parking spaces shall be located to the sides and rear of buildings.
 - C. Architectural and landscaping plans shall require approval from the Planning Commission.
 - D. Any public infrastructure upgrades that will be necessary to construct this project will the responsibility of, and at the sole cost of, the property owner/developer.

- E. The project shall meet the requirements of the City's Overlay District regulations.
- F. Minimum five-foot-wide sidewalks shall be included along all public rights of way to the limits of the property and shall connect to building entrances.
- G. Inter-parcel access shall be provided.
- H. Access points onto Peachtree Parkway and associated deceleration lanes, acceleration lanes, and road widening shall be permitted only with Georgia Department of Transportation approval.
- I. Any roadway improvements associated with the project shall be the owner/developers responsibility to design, install and fund.
- J. Owner/developer shall provide high-quality bicycle and pedestrian crossing infrastructure at any new traffic signals developed with the project.
- K. Owner/developer shall dedicate a twenty-five foot wide easement for a multi-use trail on the property at a location consistent with the Town Center LCI recommendations.
- L. Owner/developer shall be responsible for median landscaping (installation and maintenance) in Peachtree Parkway for the length of the median contiguous to the application property. Landscaping plans shall be subject to approval of the Planning Commission.
- M. Sanitary Sewer line relocation shall be accomplished with as little environmental impact to the site as possible.
- N. Any detention ponds shall be visibly screened with landscape plantings to be approved by the Planning Commission.
- O. All food service facilities on the property, including outparcels, shall install odor scrubbers which remove 95% of cooking odors.
- P. No overnight parking or idling of delivery trucks shall be allowed.

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
NAME: <u>Jettison, LLC</u> <u>c/o Mahaffey Pickens</u>	NAME: <u>Jettison, LLC</u> <u>c/o TPAGROUP</u>
ADDRESS: <u>Tucker, LLP</u> <u>1550 N. Brown Road, Ste. 125</u>	ADDRESS: <u>3350 Riverwood Parkway</u> <u>Suite 750</u>
CITY: <u>Lawrenceville</u>	CITY: <u>Atlanta</u>
STATE: <u>GA</u> ZIP: <u>30043</u>	STATE: <u>GA</u> ZIP: <u>30339</u>
PHONE: <u>(770) 232-0000</u>	PHONE: <u>(770) 436-3400</u>
E-MAIL: <u>gdavidson@mptlawfirm.com</u>	E-MAIL: <u>chayes@tpa-grp.com</u>
CONTACT PERSON: <u>Gerald Davidson, Jr.</u> PHONE: <u>(770) 232-0000</u>	
CONTACT'S E-MAIL: <u>gdavidson@mptlawfirm.com</u>	

APPLICANT IS THE:

OWNER'S AGENT PROPERTY OWNER CONTRACT PURCHASER

PRESENT ZONING DISTRICT(S): M-1 REQUESTED ZONING DISTRICT: C-2

LAND DISTRICT(S): 6th LAND LOT(S): 284 ACREAGE: 8.871

ADDRESS OF PROPERTY: Intersection of Peachtree Parkway & Engineering Drive

PROPOSED DEVELOPMENT: Retail

Staff Use Only This Section

Case Number: RZ 2015-002 ✓ 2015-005 Hearing Date: P/C 7/14/15 C/C 7/21/15 Received Date: 5/28/15
Fees Paid: \$1600 By: CHRIS HAYES /TPA GROUP

Related Cases & Applicable Conditions:

Description: _____

RESIDENTIAL DEVELOPMENT

No. of Lots/Dwelling Units _____

Dwelling Unit Size (Sq. Ft.): _____

NON-RESIDENTIAL DEVELOPMENT

No. of Buildings/Lots: 2

Total Bldg. Sq. Ft.: 43,670

Gross Density: 4,922.8 sq.ft./acre

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).

LEGAL DESCRIPTION

ALL THAT TRACT OR PARCEL OF LAND lying and being in Land Lot 284 of the 6th District, Gwinnett County, Georgia and being more particularly described as follows:

BEGINNING at a iron pin found at the intersection of the southwesterly right-of-way line of Engineering Drive (80' R/W) with the northwesterly right-of-way line of Georgia Highway 141m also known as Peachtree Parkway (Variable R/W); thence along said right-of-way line of Peachtree Parkway South 41 degrees 35 minutes 17 seconds West a distance of 932.95 feet to an iron pin set; thence leaving said right-of-way line North 32 degrees 00 minutes 17 seconds West a distance of 565.22 feet to an iron pin with cap found; thence North 57 degrees 58 minutes 17 seconds East a distance of 602.13 feet to a point; thence North 21 degrees 31 minutes 45 seconds East a distance of 173.70 feet to a point; thence North 31 degrees 45 minutes 13 seconds East a distance of 29.38 feet to an iron pin with cap found on said right-of-way line of Engineering Drive; thence along said right-of-way line South 48 degrees 52 minutes 16 seconds East a distance of 436.97 feet to an iron pin set and the TRUE POINT OF BEGINNING.

Said tract containing 8.871 acres.

From: "Jonathan Howard" <Jonathan@pecatl.com>
To: "Chris Hayes" <chayes@tpa-grp.com>
Subject: RE: PEC Proposal for 11054.00 Technology Pkwy and 08093.00 Peachtree Pkwy

There are 9 specimen trees on east side of 141, and there were 2 on the west side site.

1329,1441268.030144,2278637.057001,964.574670,36"HW
1330,1440913.826105,2278337.646814,977.775790,28"HW
1331,1440774.146904,2278431.554055,996.641521,33"HW
1332,1441035.181225,2279083.180195,957.369292,28"HW
1333,1441067.504795,2279072.480450,958.105182,35"HW
1334,1441020.575541,2279068.823443,958.010785,29"HW
1335,1440968.441404,2278929.373078,964.852128,33"HW
1336,1440948.577479,2278723.982601,988.450136,32"HW
1337,1441012.598603,2278733.102870,964.249207,36"HW

West side.

1155,1441185.321793,2277733.008839,946.380483,29"HW
1156,1440857.323907,2277642.668194,952.275642,28"HW

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5/20/2015

**REVISED LETTER OF INTENT FOR REZONING APPLICATION OF
JETTISON, LLC (RZ2015-001)**

This Letter of Intent is submitted on behalf of Jettison, LLC for property owned by it which is located on the west side of Peachtree Parkway and consists of 8.871 acres. The subject tract is located at the southwest corner of the intersection of Engineering Drive and Peachtree Parkway within the City of Peachtree Corners.

The proposed retail buildings shown on the subject site plan will be designed to insure that all architectural and landscape features are consistent with and comply with the Overlay District requirements as well as all criteria for the Central Business District Character Area in which the subject property is located.

On the West side for the Jettison, LLC tract, applicant proposes to construct two buildings totaling 43,670 square feet resulting in a density of 4,922.8 square feet per acre.

In conjunction with the submission of the application of Jettison, LLC, a sister company, Tech Park, LLC, is submitting an application for rezoning for a 8.474 acre tract on the east side of Peachtree Parkway at its intersection with Engineering Drive. Shown on the various plans that have been submitted to the City previously, there is a stream/creek that runs through both of the subject tracts. As part of its plan to develop the tracts, Applicant and/or its affiliates have submitted an application for and received a permit from the Army Corps of Engineers to pipe 961.7 feet of the stream. That breaks down to 935.7 feet of piping on the perennial stream and 26 feet on the intermitten portion of the stream. Such permit was granted July 11, 2013 and is valid through June 30, 2018. A copy of the subject application and permit relative to the piping of the stream were previously submitted to the City's Department of Community Development on May 6, 2015.

Applicant and/or its affiliate also previously submitted to the Environmental Protection Division of the Georgia Department of Natural Resources an application for a Stream Buffer Variance and on August 1, 2013 received a permit granting such request. The EPD Stream Buffer Variance Permit allows

applicant to perform land disturbance within the 25 foot buffers on either side of the stream channels slated to be piped. As Applicant understands it, as long as the project types are consistent with what was permitted, small differences in site layouts should not trigger the necessity of any re-permitting by EPD or, as discussed above, the Corps of Engineers. Copies of the EPD Application and Permit also were furnished to the City on May 6, 2015.

Additionally, on May 6, 2015, Jettison, LLC provided to the City a copy of a boundary survey of its tract which contained topographical information relative to it.

Applicant also has submitted with its application a tree survey for the subject property which shows the number and location of specimen trees. As shown on said survey, there are two (2) specimen trees located on the west side tract of Jettison, LLC.

Applicant Jettison, LLC submits that the proposed retail uses are in conformity with the policy and intent of the City's Comprehensive Land Use Plan (the "Plan") and will further the goals and objectives of the Plan in numerous ways. As shown on the site plan of Tech Park, LLC, Engineering Drive will be extended across Peachtree Parkway in an Easterly direction into the Tech Park, LLC parcel creating a key intersection within the Central Business District Character Area which will be controlled by a traffic signal. Applicant or its affiliate has submitted to the Georgia Department of Transportation a request for the approval of a permit for the installation and operation of a traffic signal at the subject intersection. Based on Applicant's dealing with GDOT, it is confident the permit for signalization at the intersection will be granted. Applicant has received from GDOT its latest comments regarding Applicant's permit application in which GDOT has suggested minor changes to accommodate the issuance of the signal permit. Copies of the most recent drawings and an email with comments from GDOT's District Traffic Operations Manager were provided to the City on May 6, 2015.

This being the case, the objective of the Plan to identify and prioritize retail development opportunities at key intersections to create walkable, livable centers at varying scales will be met. Additionally, the proposed retail uses will be located within walking distance of office buildings and employment centers within Technology Park and will be in a position to serve those office workers. In

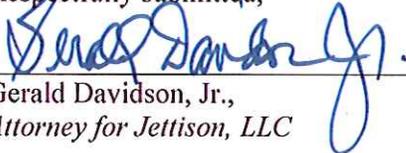
addition to these points, because the property is currently zoned M-1, Light Industrial, such permitted use will be removed from this parcel meeting one of the Plan's objectives to discourage such a use within the Central Business District Character Area. Lastly, as a vacant parcel along Peachtree Parkway, this tract is ideal for commercial infill development fulfilling needs and opportunities as expressed within the Plan.

The Applicant and its representatives welcome the opportunity to meet with the staff of the Department of Community Development of the City to answer any questions or to address any concerns relating to the matters set forth in this Letter of Intent or the Public Hearing Application filed herewith.

The Applicant respectfully requests your approval of this application.

This 1st day of June, 2015.

Respectfully submitted,



Gerald Davidson, Jr.,
Attorney for Jettison, LLC

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.

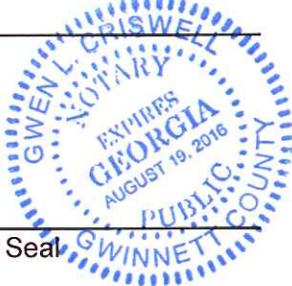
Gerald Davidson Jr. 4-29-15
Signature of Applicant Date
Gerald Davidson Jr, Attorney for Applicant
Type or Print Name and Title

Gwen L Criswell 4-29-15 4-29-15
Signature of Notary Public Date Notary Seal


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.

Chris Hayes 4/29/15
Signature of Property Owner Date
Christopher J. Hayes Principal
Type or Print Name and Title

Gwen L Criswell 4-29-15 4-29-15
Signature of Notary Public Date Notary Seal


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.

APPLICANTS' RESPONSE
STANDARDS GOVERNING THE EXERCISE OF THE ZONING POWER

- A. Yes, the proposed uses for commercial and retail development at what will become a key intersection along Peachtree Parkway are suitable in view of the use and development of adjacent and nearby property. The uses to be contained within the proposed developments will serve as amenities for not only the community as a whole, but more specifically for the office workers of Technology Park. The proposed use under the SUP will allow the retail sales of malt beverages, wines and distilled spirits providing the community with an amenity that it presently does not have but which is desired as evidenced by the overwhelming support of the referendum held by the City in November 2014.
- B. No, the requested use of the properties 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. No, the properties which are the subject of the Applications do not have reasonable economic use as currently zoned. In fact, the uses which are currently permitted under the M1, Light Industrial, Zoning Classification are uses that are discouraged by the City's Comprehensive Land Use Plan. Moreover, the City's Comprehensive Land Use Plan encourages light industrial development in other designated character areas of the City and not within the Central Business District.
- D. No, the requested uses will not result in uses which will or could cause an excessive or burdensome use of the existing streets, transportation facilities, utilities or schools. The proposed uses will be located on a major thoroughfare at what will become a lighted key intersection on Peachtree Parkway and, as designed, will have adequate and appropriate access, ingress and egress to and from Peachtree Parkway and Engineering Drive. The proposed uses and the buildings as shown on the site plan will have interparcel access with one another and will provide appropriate and adequate vehicular and pedestrian access. Moreover, the proposed use will have no impact on school population but will generate additional tax revenues for the local schools and other City services. Because the subject property is zoned M-1 and has not been developed but instead sits vacant, the development of the property will enhance the tax digest of the City.
- E. Yes, the requested uses are in conformity with the intent of the 2033 Comprehensive Plan and both tracts are adequately served by transportation thoroughfares providing appropriate ingress and egress to and from the property. The proposed developments are in keeping with the overlay district and the designated character area in which they are located. The proposed development meets and promotes the objectives and goals of the City's Comprehensive Land Use Plan as more fully set forth in the Letter of Intent filed with these Applications.

F. Yes, because, as set forth in the Letter for Intent, the proposed zoning and uses of the property promote and meet the objectives and goals of the City's Comprehensive Land Use Plan, there are additional supporting grounds for the approval of Applicants' requests. Also, as additional supporting grounds for the approval of the Special Use Permit for the Tech Park, LLC tract is the fact that the vote allowing the Mayor and Council of the City to issue licenses for the sale of distilled spirits was overwhelmingly approved by those casting ballots in the November 2014 referendum. The approval of the question on the ballot was seventy-four percent showing that a use such as contemplated by the Special Use Permit is desired in the community.

**DISCLOSURE REPORT FORM
CONFLICT OF INTEREST CERTIFICATION/CAMPAIGN CONTRIBUTIONS**

WITHIN THE (2) YEARS IMMEDIATELY PRECEDING THE FILING OF THIS ZONING PETITION HAVE YOU, AS THE APPLICANT FOR THE REZONING, SPECIAL USE PERMIT, OR CHANGE IN CONDITIONS PETITION, OR AN ATTORNEY OR AGENT OF THE APPLICANT FOR THE REZONING, SPECIAL USE PERMIT, OR CHANGE IN CONDITIONS PETITION, MADE ANY CAMPAIGN CONTRIBUTIONS AGGREGATING \$250.00 OR MORE OR MADE GIFTS HAVING AN AGGREGATE VALUE OF \$250.00 TO THE MAYOR OR ANY MEMBER OF THE CITY COUNCIL?

CHECK ONE: YES NO
(If yes, please complete the "Campaign Contributions" section below)

Christopher J. Hayes / Gerald Davidson Jr.
Print Name

1. CAMPAIGN CONTRIBUTIONS

Name of Government Official	Total Dollar Amount	Date of Contribution	Enumeration and Description of Gift Valued at \$250.00 or more

2. THE UNDERSIGNED ACKNOWLEDGES THAT THIS DISCLOSURE IS MADE IN ACCORDANCE WITH THE OFFICIAL CODE OF GEORGIA, SECTION 36-67A-1 ET. SEQ. CONFLICT OF INTEREST IN ZONING ACTIONS, AND THAT THE INFORMATION SET FORTH HEREIN IS TRUE TO THE UNDERSIGNED'S BEST KNOWLEDGE, INFORMATION AND BELIEF.

Christopher J. Hayes 4/29/15 Christopher J. Hayes, Principal
Signature of Applicant Date Type or Print Name and Title

Gerald Davidson Jr. 4-29-15 Gerald Davidson Jr., Attorney
Signature of Applicant's Date Type or Print Name and Title
Attorney or Representative

Gwen L. Criswell 4-29-15 Notary Seal
Signature of Notary Date



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 - 284 - 015
(Map Reference Number) District Land Lot Parcel

Gerald Davidson Jr.
Signature of Applicant Date

Gerald Davidson Jr., 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)

Diane Fox
NAME
4/28/2015
DATE

TSA II
TITLE



**REVISED LETTER OF INTENT FOR REZONING APPLICATION OF
JETTISON, LLC (RZ2015-001)**

This Letter of Intent is submitted on behalf of Jettison, LLC for property owned by it which is located on the west side of Peachtree Parkway and consists of 8.871 acres. The subject tract is located at the southwest corner of the intersection of Engineering Drive and Peachtree Parkway within the City of Peachtree Corners.

The proposed retail buildings shown on the subject site plan will be designed to insure that all architectural and landscape features are consistent with and comply with the Overlay District requirements as well as all criteria for the Central Business District Character Area in which the subject property is located.

On the West side for the Jettison, LLC tract, applicant proposes to construct two buildings totaling 43,670 square feet resulting in a density of 4,922.8 square feet per acre.

In conjunction with the submission of the application of Jettison, LLC, a sister company, Tech Park, LLC, is submitting an application for rezoning for a 8.474 acre tract on the east side of Peachtree Parkway at its intersection with Engineering Drive. Shown on the various plans that have been submitted to the City previously, there is a stream/creek that runs through both of the subject tracts. As part of its plan to develop the tracts, Applicant and/or its affiliates have submitted an application for and received a permit from the Army Corps of Engineers to pipe 961.7 feet of the stream. That breaks down to 935.7 feet of piping on the perennial stream and 26 feet on the intermitten portion of the stream. Such permit was granted July 11, 2013 and is valid through June 30, 2018. A copy of the subject application and permit relative to the piping of the stream were previously submitted to the City's Department of Community Development on May 6, 2015.

Applicant and/or its affiliate also previously submitted to the Environmental Protection Division of the Georgia Department of Natural Resources an application for a Stream Buffer Variance and on August 1, 2013 received a permit granting such request. The EPD Stream Buffer Variance Permit allows

applicant to perform land disturbance within the 25 foot buffers on either side of the stream channels slated to be piped. As Applicant understands it, as long as the project types are consistent with what was permitted, small differences in site layouts should not trigger the necessity of any re-permitting by EPD or, as discussed above, the Corps of Engineers. Copies of the EPD Application and Permit also were furnished to the City on May 6, 2015.

Additionally, on May 6, 2015, Jettison, LLC provided to the City a copy of a boundary survey of its tract which contained topographical information relative to it.

Applicant also has submitted with its application a tree survey for the subject property which shows the number and location of specimen trees. As shown on said survey, there are two (2) specimen trees located on the west side tract of Jettison, LLC.

Applicant Jettison, LLC submits that the proposed retail uses are in conformity with the policy and intent of the City's Comprehensive Land Use Plan (the "Plan") and will further the goals and objectives of the Plan in numerous ways. As shown on the site plan of Tech Park, LLC, Engineering Drive will be extended across Peachtree Parkway in an Easterly direction into the Tech Park, LLC parcel creating a key intersection within the Central Business District Character Area which will be controlled by a traffic signal. Applicant or its affiliate has submitted to the Georgia Department of Transportation a request for the approval of a permit for the installation and operation of a traffic signal at the subject intersection. Based on Applicant's dealing with GDOT, it is confident the permit for signalization at the intersection will be granted. Applicant has received from GDOT its latest comments regarding Applicant's permit application in which GDOT has suggested minor changes to accommodate the issuance of the signal permit. Copies of the most recent drawings and an email with comments from GDOT's District Traffic Operations Manager were provided to the City on May 6, 2015.

This being the case, the objective of the Plan to identify and prioritize retail development opportunities at key intersections to create walkable, livable centers at varying scales will be met. Additionally, the proposed retail uses will be located within walking distance of office buildings and employment centers within Technology Park and will be in a position to serve those office workers. In

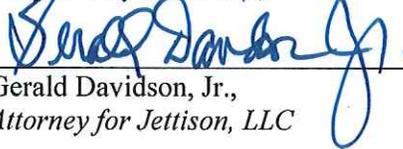
addition to these points, because the property is currently zoned M-1, Light Industrial, such permitted use will be removed from this parcel meeting one of the Plan's objectives to discourage such a use within the Central Business District Character Area. Lastly, as a vacant parcel along Peachtree Parkway, this tract is ideal for commercial infill development fulfilling needs and opportunities as expressed within the Plan.

The Applicant and its representatives welcome the opportunity to meet with the staff of the Department of Community Development of the City to answer any questions or to address any concerns relating to the matters set forth in this Letter of Intent or the Public Hearing Application filed herewith.

The Applicant respectfully requests your approval of this application.

This 1st day of June, 2015.

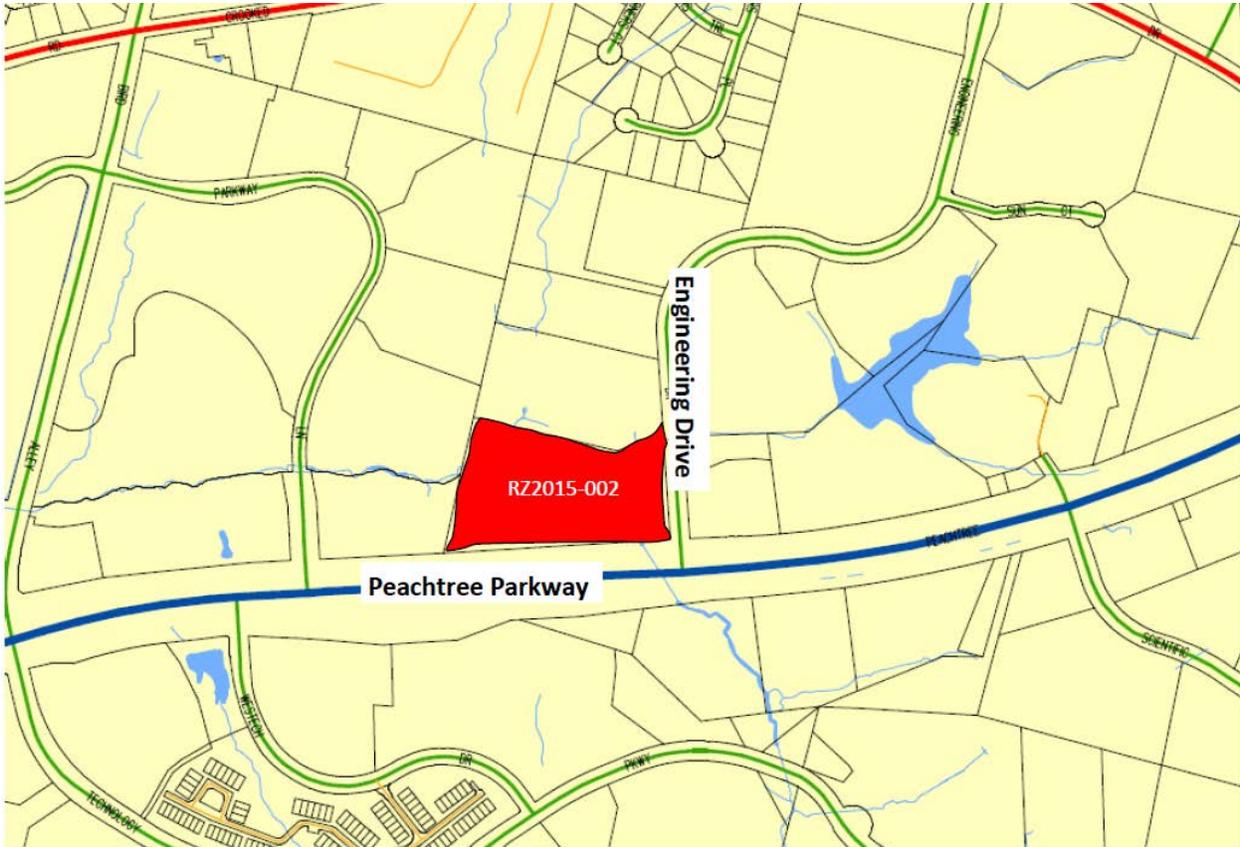
Respectfully submitted,

A handwritten signature in blue ink, appearing to read "Gerald Davidson, Jr.", is written over a horizontal line. The signature is stylized and cursive.

Gerald Davidson, Jr.,
Attorney for Jettison, LLC

PROPERTY LOCATION MAP

JETTISON, LLC (TPA Group)



CASE NUMBER:

RZ2015-002/V2015-005

**PLANNING
COMMISSION**

**CITY COUNCIL
1ST READING**

**CITY COUNCIL
2ND READING**

HEARING DATES:

JULY 14, 2015

JULY 21, 2015

AUGUST 18, 2015

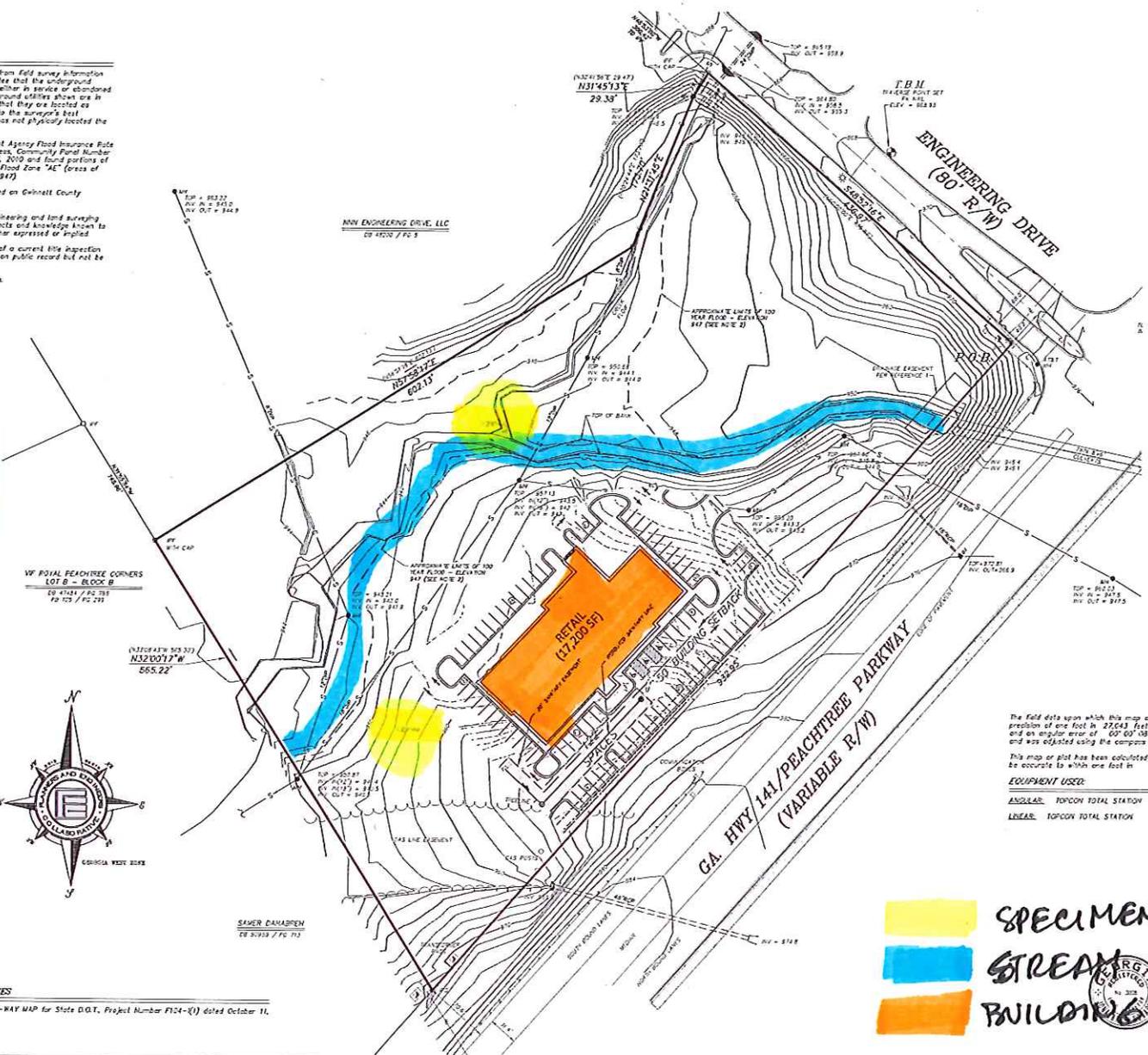
PROPERTY ADDRESS:

PEACHTREE PARKWAY AT ENGINEERING DRIVE

ATTACHMENT 1B

STAFF GENERATED CONCEPT SHOWING DEVELOPMENT W/STREAM + SPECIMEN TREES

- NOTES**
- The underground utilities shown have been located from field survey information and existing drawings. This survey makes no guarantee that the underground utilities shown comprise all such utilities in the area, either in service or abandoned. The surveyor further does not warrant that the underground utilities shown are in the exact location indicated although he does certify that they are located as accurately as possible from information supplied and to the surveyor's best knowledge and approximately as shown. The surveyor has not physically located the underground utilities.
 - I have examined the Federal Emergency Management Agency Flood Insurance Rate Map for Gwinnett County, Georgia and Incorporated Areas, Community Flood Number 1310000000, Panel #6 of 156, effective date June 16, 2010 and found portions of the property shown herein to fall within a designated Flood Zone "AE" (Areas of 100 Year flood with base flood elevations - Elevation 947).
 - The elevations and contours shown herein are based on Gwinnett County Monument "584", Elevation = 2941.85 MANGLES.
 - The term "Certification" relating to professional engineering and land surveying services shall mean a signed statement based upon facts and knowledge known to the registrant and is not a guarantee or warranty, either expressed or implied.
 - This survey has been prepared without the benefit of a current title inspection report. Easements or other encumbrances may exist on public record but not be shown herein.
 - No zoning information provided for building setbacks.



- LEGEND**
- P/N IN PLANO (N in field unless noted otherwise)
 - P/N IN SET (N in field unless noted otherwise)
 - P/N IN PLANO (from top of post)
 - P/N IN SET (from top of post)
 - POINT
 - CONCRETE MONUMENT FOUND
 - SURVEY SINKER ANGLE
 - SURVEY SINKER LINE
 - SLOW DRAINAGE LINE
 - CONC. SLOW & SINK SINKER LINE
 - CIVIL WORK
 - JACKSON BOX
 - DSP ALIT
 - HP ALIT
 - OLS MIT
 - POWER PILE
 - POWER PILE BY GUY WIRE
 - POWER PILE / ELEVATION LINE
 - MET LINE
 - GAS LINE
 - TELEPHONE
 - WATER LINE
 - UNDERGROUND GAS LINE
 - UNDERGROUND ELECTRIC LINE
 - UNDERGROUND TELEPHONE LINE
 - UNDERGROUND CABLE LINE
 - ELEV. PALE
 - EXISTING POE
 - CILLS FOR ESD
 - TOP OF WALL
 - BOTTOM OF WALL
 - WALL (TYP)
 - ROOSTER
 - ROOSTER
 - REINFORCED CONCRETE PILE
 - EXISTING SETBACK LINE
 - DOW
 - BACK OF CURB
- REFERENCES**
- RIGHT-OF-WAY MAP for State D.O.T., Project Number F124-(1) dated October 11, 1955.

SPECIMEN TREE
STREAM
BUILDING

The field data upon which this map or plot is based has a closure precision of one foot in 27,643 feet and an angular error of 60" 00' 00" per angle point and was adjusted using the compass adjustment rule.

This map or plot has been calculated for closure and is found to be accurate to within one foot in _____ feet.

EQUIPMENT USED:

ANGULAR: TOPCON TOTAL STATION
LINEAR: TOPCON TOTAL STATION

NO.	DATE	REVISION	DESCRIPTION

BOUNDARY SURVEY

DRAWN BY: [Signature]
CHECKED BY: [Signature]
DATE: 11/11/2011
SCALE: 1" = 20' ±

FOR
TPA REALTY SERVICES, LLC

GWINNETT COUNTY
GEORGIA

LAND LOT 10, 264
DISTRICT 818

PLANNERS AND ENGINEERS COLLABORATIVE

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300 Peachtree Street, Suite 2000, Atlanta, GA 30303
www.plannersandengineers.com

PH2015-005

**Zoning Code Amendment
Fireworks**

CITY OF PEACHTREE CORNERS COMMUNITY DEVELOPMENT DEPARTMENT

ZONING CODE AMENDMENT

PLANNING COMMISSION DATE: JULY 14, 2015
CITY COUNCIL DATE: AUGUST 18, 2015

CASE NUMBER :PH 2015-005

PROPOSAL :AMEND ZONING CODE TO ADD THE RETAIL SALE OF
CONSUMER FIREWORKS AS A PERMITTED USE IN C-2

RECOMMENDATION: APPROVE ZONING CODE AMENDMENT

BACKGROUND:

Georgia House Bill 110 legalized the sale of consumer fireworks effective July 1, 2015. Previously these types of fireworks were banned in Georgia. Consumer fireworks are described as the larger type of fireworks that for years have been sold to the general public in neighboring states.

The new law specifically forbids local governments from prohibiting the sale of consumer fireworks in permanent locations (as opposed to temporary tent sales of sparklers and similar devices which have been and are still permitted). HB 110 also limits the extent to which permanent fireworks stores can be regulated by including this provision: *the governing authority of a county or municipal corporation shall not enact additional regulation of the sale or use or explosion of such product or service, unless such additional regulation is expressly authorized by general law.*

At their June 16th meeting, the Peachtree Corners City Council adopted a moratorium resolution on Fireworks sales in order to allow time to determine appropriate locations and regulations for the retail sale of fireworks in permanent facilities.

Staff has researched this issue to see what regulations are in place in other jurisdictions. In addition, staff researched other sources on this topic including a paper prepared by the Georgia Municipal Association that helps explain HB110 (see attached). While some other communities have also enacted moratoriums and have not concluded their work, many other communities in Georgia have chosen to treat fireworks as a retail sales product and allow the sale of fireworks in any commercial zoning district that permits retail stores.

Since the fireworks law was recently enacted, there are no available model ordinances in Georgia. Staff research regulations in Washington, Texas, and Kansas where fireworks regulations are fairly strict to see what issues and concerns were addressed in their regulations. Although it's helpful to know this information, much of it can't be applied because of the limitations included in HB 110. For example, several States set distance requirements between

fireworks stores and schools, churches, and residences. HB 110 only allows distance to be measured from facilities with gasoline and from nuclear power plants.

RECOMMENDATION:

Amend Zoning Code Article XIII, Sec. 1308 to add Fireworks sales as a permitted use in C-2, as follows:

Fireworks – retail sales of consumer fireworks within a permanent building shall meet the following requirements:

- 1. Building must meet overlay design standards, be free-standing, and be at least 2500 sq. ft. in size , but no greater than 10,000 sq. ft. in size***
- 2. Must meet Gwinnett County Fire Dept. regulations, be built to ICC H3 building code requirements, and have two functioning fire extinguishers within proximity of where fireworks are stored.***
- 3. Must be located at least 300 feet from a facility that sells, stores, or processes gasoline.***
- 4. No Smoking signs shall be displayed at building entrance***
- 5. All product storage shall be contained within the building***



HB 110 – Fireworks

HB 110 by Rep. Jay Robert (Ocilla) passed during the 2015 Legislative Session. It has been signed by Gov. Nathan Deal. HB 110 allows for the sale of fireworks in Georgia. Below are listed the key points of this legislation.

Permit to Sell Fireworks

- Georgia's Safety Fire Commissioner (which is also the State Insurance Commissioner) will issue a state license to sell fireworks after an applicant meets specific insurance and criminal background requirements and pays the state license fee.

Where Fireworks Can Be Sold

- Fireworks can be sold statewide. Local governments cannot ban or restrict firework sales within their jurisdictions.
- Local governments are allowed to regulate where fireworks can be sold through local zoning regulations.
- Fireworks may be sold from a permanent consumer fireworks retail sales facility, store or temporary structure if it complies with the requirements as described by the National Fire Protection Association.
- Temporary structures for the sale of fireworks must be set-up within 1,000 feet of a fire hydrant or a fire department connection of a building unless the chief administrative officer of a fire department gives permission in writing stating otherwise.

Usage of Fireworks

- Fireworks can be used between the hours of 10:00 a.m. and midnight. On January 1, July 3, July 4 and December 31, fireworks can be used from 10:00 a.m. through 2:00 a.m.
- Fireworks cannot be exploded within 100 yards of a nuclear power facility or a gas station, or a facility that refines, processes, or blends gasoline.

Fees Payable to Local Governments

- Local governments may assess a fee up to \$100 for the issuance of a special use permit.
- The license fee for a distributor selling consumer fireworks from a temporary consumer fireworks retail sales stand is set at \$500 and expires 90 days after it has been issued.
- Local government must dedicate fees collected from the issuance of a special use permit for the sale of fireworks for public safety purposes.

Excise Tax on the Sale of Fireworks

- The sale of fireworks is subject to a 5 percent excise tax. The funds from the excise tax go to the State of Georgia.

Additional Local Government Regulations

- Local governments are not allowed to enact additional regulations related to the sale or use or explosion of fireworks, except as provided by state law.

FAQ

Q: What was the purpose and reasoning behind HB 110?

A: This legislation has been enacted as a competitive, economically driven piece of legislation. The Georgia General Assembly determined that many of our neighboring states allow the sales of larger, consumer fireworks, and that many residents of Georgia would purchase such fireworks out of state, proving a loss of sales tax in the state, as a result.

Q: What is a consumer firework? What is a consumer fireworks retail sales facility? What is a consumer fireworks retail sales stand?

A: The term “consumer fireworks” is a new term to Georgia law and it covers fireworks that comply with certain construction and composition requirements set out by federal regulations. The types of fireworks include the larger fireworks sold in some of our neighboring states to the general public which are currently not sold in the State of Georgia. A “consumer fireworks retail sales facility” uses the same definition for such term issued by the National Fire Protection Association, which means a “permanent or temporary building or structure, CFRS stand, tent, canopy, or membrane structure that is used primarily for the retail display of consumer fireworks to the public.” Similarly, “consumer fireworks retail sales stand” means a “temporary or permanent building or structure that has a floor area not greater than 800 ft. sq., other than tents, canopies, or membrane structure, that is used primarily for the retail display and sale of consumer fireworks to the public.”

Q: Are there any restrictions on where fireworks can be used in Georgia?

A: Yes. It is illegal to use any fireworks indoors and it is illegal to use consumer fireworks between midnight and 10am on any day of the year except January 1, July 3, July 4, and December 31. On those dates it will be illegal to use consumer fireworks between 2am and 10am. It will also be illegal to use consumer fireworks within 100 yards of a nuclear power facility or any facility engaged in the retail sale of gasoline or the production, refining, processing, or blending of gasoline for retail purposes.

Q: Can the city place further restrictions upon the places fireworks or consumer fireworks are used?

A: No. Cities cannot establish more stringent use restrictions than those specified in the state law. This means the city cannot prohibit the use of fireworks or consumer fireworks in many locations including, but not limited to, around city buildings, in city parks, on school property, on nursing home property, around hospitals and other medical facilities, around establishments holding large quantities of flammable liquids other than gasoline, and many other locations. The city, however, may grant special use permits to persons and parties which wish to use consumer fireworks at times outside of the scope of the time permitted by state law and may charge a permit fee of up to \$100 for such special use permit.

Q: Where can consumer fireworks be sold?

A: Consumer fireworks can be sold from permanent consumer fireworks retail sales facilities so long as such facilities meet the state licensing, safety, and insurance requirements set out by law. Cities have no regulatory authority over such permanent consumer fireworks retail sales facilities other than the ability to zone locations within the city which they may and may not be located. A city cannot ban the sales of consumer fireworks within its jurisdiction. In regards to temporary consumer fireworks retail sales stands, such facilities must be in compliance with the NFPA 1124 and must be within 1000 feet of a fire hydrant or fire department connection in a building affiliated with such stand, unless specifically granted a waiver in writing by the chief administrative officer of the city fire department.

Q: Does the city get any licensing fee from establishments selling fireworks? On what things can the city spend such funds?

A: The licenses granted to permanent consumer fireworks retail facilities initially cost \$5000 per location and then \$1000 per year for renewals. These funds, however, go directly to the state. The licenses granted to temporary consumer fireworks retail stands are \$500 per location and these funds are payable to the local government in which the stand will be located. Licenses for these temporary stands cannot be issued before January 1, 2016, and the sales from such stands must accrue to the benefit of a nonprofit group. The local government cannot set fees or regulations above those required by the state law, except as specifically authorized, as described in a question below. The fire department must make a determination of whether such temporary stand meets the requirements of the law within 15 days. If it has not been reviewed then the judge of the probate court will be able to determine whether the temporary stand can be located within the city. Any funds the city receives from this license fee has to be spent for public safety purposes.

Q: Does this mean that the city has no regulatory authority over the permanent structures? Can we not pass an ordinance?

A: The city may regulate the permanent structures via zoning, as it might any other type of business located within the city, but the regulatory authority over the permanent structures selling consumer fireworks rests with the state and the Safety Fire Commissioner. This means the city cannot pass an ordinance more stringent than the state rules and regulations as the state has occupied the field of fireworks regulation.

HB 110 – Fireworks

Q: Can we prohibit the sale or use of fireworks in our city?

A: No, the legislation specifically prohibits local governments from prohibiting “the sale or use or explosion of consumer fireworks or products or services which are lawful” under the remainder of the legislation. This means the city cannot prohibit the sales or use of consumer fireworks.

Q: Can the city regulate temporary consumer fireworks retail stands beyond the scope of the state law?

A: Yes, the legislation specifically states that local governments “may further regulate the sale of consumer fireworks from temporary consumer fireworks retail stands.” This does not mean the city can directly contradict the regulations set out in law on such temporary stands, but it does mean that the city can enact further regulations above those set out in the law on such stands.

Q: When does this law go into effect?

A: The majority of the law goes into effect on July 1, 2015. However, sales from temporary consumer fireworks retail stands cannot begin until January 1, 2016. These stands are the only part of this law which local governments have control over.

House Bill 110 (AS PASSED HOUSE AND SENATE)

By: Representatives Roberts of the 155th, Turner of the 21st, McCall of the 33rd, Fleming of the 121st, and LaRiccia of the 169th

A BILL TO BE ENTITLED
AN ACT

1 To amend Part 3 of Article 4 of Chapter 11 of Title 16 of the Official Code of Georgia
2 Annotated, relating to carrying and possession of firearms, so as to provide for the possession
3 of consumer fireworks within a school safety zone; to amend Chapter 10 of Title 25 of the
4 Official Code of Georgia Annotated, relating to regulation of fireworks, so as to provide for
5 the sale of consumer fireworks; to provide for definitions; to provide for the use or explosion
6 of consumer fireworks during certain times and dates and for exceptions; to provide for
7 licensing; to revise penalties; to provide for enforcement of said chapter; to render certain
8 devices unlawful that require a flame for propulsion or lighting; to amend Chapter 60 of Title
9 36 of the Official Code of Georgia Annotated, relating to provisions applicable to counties
10 and municipal corporations, so as to clarify local governments' role in regulating or
11 prohibiting the sale and use of consumer fireworks; to amend Chapter 13 of Title 48 of the
12 Official Code of Georgia Annotated, relating to specific, business, and occupation taxes, so
13 as to provide for an excise tax on the sale of consumer fireworks; to provide for criminal
14 penalties; to provide for related matters; to provide for an effective date; to repeal conflicting
15 laws; and for other purposes.

16 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

17 style="text-align:center">SECTION 1.

18 Part 3 of Article 4 of Chapter 11 of Title 16 of the Official Code of Georgia Annotated,
19 relating to carrying and possession of firearms, is amended in Code Section 16-11-127.1,
20 relating to carrying weapons within school safety zones, at school functions, or on a bus or
21 other transportation furnished by a school, by revising paragraph (1) of subsection (b) as
22 follows:

23 *(b)(1) Except as otherwise provided in subsection (c) of this Code section, it shall be
24 unlawful for any person to carry to or to possess or have under such person's control
25 while within a school safety zone, or at a school function, or on a bus or other
26 transportation furnished by a school any weapon or explosive compound, other than

27 fireworks or consumer fireworks the possession of which is regulated by Chapter 10 of
 28 Title 25."

29 **SECTION 2.**

30 Chapter 10 of Title 25 of the Official Code of Georgia Annotated, relating to regulation of
 31 fireworks, is amended by revising Code Section 25-10-1, relating to definitions, as follows:
 32 "25-10-1.

33 (a) As used in this chapter, the term:

34 (1) 'Consumer fireworks' means any small fireworks devices containing restricted
 35 amounts of pyrotechnic composition, designed primarily to produce visible or audible
 36 effects by combustion, that comply with the construction, chemical composition, and
 37 labeling regulations of the United States Consumer Product Safety Commission as
 38 provided for in Parts 1500 and 1507 of Title 16 of the Code of Federal Regulations, the
 39 United States Department of Transportation as provided for in Part 172 of Title 49 of the
 40 Code of Federal Regulations, and the American Pyrotechnics Association as provided for
 41 in the 2001 American Pyrotechnics Association Standard 87-1, and additionally shall
 42 mean Roman candles.

43 (2) 'Consumer fireworks retail sales facility' shall have the same meaning as provided for
 44 by NFPA 1124.

45 (3) 'Consumer fireworks retail sales stand' shall have the same meaning as provided for
 46 by NFPA 1124.

47 (4) 'Distributor' means any person, firm, corporation, association, or partnership which
 48 sells consumer fireworks.

49 ~~(1)~~(5) 'Fireworks' means any combustible or explosive composition or any substance or
 50 combination of substances or article prepared for the purpose of producing a visible or
 51 audible effect by combustion, explosion, deflagration, or detonation, including blank
 52 cartridges, balloons requiring fire underneath to propel them; firecrackers, torpedos,
 53 skyrockets, Roman candles; bombs, sparklers, and other combustibles and explosives of
 54 like construction, as well as articles containing any explosive or flammable compound
 55 and tablets and other devices containing an explosive substance.

56 (6) 'NFPA 1124' means the National Fire Protection Association Standard 1124, Code
 57 for the Manufacture, Transportation, Storage, and Retail Sales of Fireworks and
 58 Pyrotechnic Articles, 2006 Edition.

59 (7) 'Nonprofit group' means any entity exempt from taxation under Section 501(c)(3) of
 60 the Internal Revenue Code of 1986.

61 ~~(2)~~(8) 'Proximate audience' means an audience closer to pyrotechnic devices than
 62 permitted by the National Fire Protection Association Standard 1123, Code for Fireworks
 63 Display, as adopted by the Safety Fire Commissioner.

64 ~~(9)~~(9) 'Pyrotechnics' means fireworks.

65 (11) 'Retail chain' means a person, firm, corporation, association, or partnership with
 66 more than one store, where all such stores are collectively known to the public by the
 67 same name or share central management.

68 (12) 'Store' shall have the same meaning as provided for by NFPA 1124.

69 (b) As used in this chapter, the term 'consumer fireworks' or 'fireworks' shall not include:

70 (1) Model rockets and model rocket engines designed, sold, and used for the purpose of
 71 propelling recoverable aero models, toy pistol paper caps in which the explosive content
 72 averages 0.25 grains or less of explosive mixture per paper cap or toy pistols, toy
 73 cannons, toy canes, toy guns, or other devices using such paper caps; nor shall the term
 74 'consumer fireworks' or 'fireworks' include ammunition consumed by weapons used for
 75 sporting and hunting purposes; and

76 (2) Wire or wood sparklers of 100 grams or less of mixture per item; other sparkling
 77 items which are nonexplosive and nonaerial and contain 75 grams or less of chemical
 78 compound per tube or a total of ~~200~~ 500 grams or less for multiple tubes; snake and glow
 79 worms; smoke devices; or trick noise makers which include paper streamers, party
 80 peppers, string peppers, snappers, and drop pops each consisting of 0.25 grains or less of
 81 explosive mixture."

82 SECTION 3.

83 Said chapter is further amended by revising Code Section 25-10-2, relating to prohibited
 84 fireworks activities, as follows:

85 "25-10-2.

86 (a) It shall be unlawful for any person, firm, corporation, association, or partnership to
 87 offer for sale at retail or wholesale, to use or explode or cause to be exploded, or to possess,
 88 manufacture, transport, or store any consumer fireworks or fireworks, except as otherwise
 89 provided in this chapter.

90 (b)(1) Notwithstanding any provision of this chapter to the contrary, it shall be unlawful
 91 for any person, firm, corporation, association, or partnership to sell ~~to any person under~~
 92 ~~18 years of age~~ consumer fireworks or any items defined in paragraph (2) of
 93 subsection (b) of Code Section 25-10-1 to any person under 18 years of age.

94 (2) It shall be unlawful to sell consumer fireworks or any items defined in paragraph (2)
 95 of subsection (b) of Code Section 25-10-1 to any person by any means other than an
 96 in-person, face-to-face sale. Such person shall provide proper identification to the seller
 97 at the time of such purchase. For purposes of this paragraph, the term 'proper
 98 identification' means any document issued by a governmental agency containing a
 99 description of the person; or such person's photograph, or both, and giving such person's

100 date of birth and includes without being limited to; a passport, military identification card,
101 driver's license, or an identification card authorized under Code Sections 40-5-100
102 through 40-5-104.

103 (3)(A) It shall be unlawful to use fireworks, consumer fireworks, or any items defined
104 in paragraph (2) of subsection (b) of Code Section 25-10-1 indoors.

105 (B) Except as provided for in subparagraph (D) of this paragraph and subject to
106 paragraph (4) of this subsection, it shall be lawful for any person, firm, corporation,
107 association, or partnership to use or explode or cause to be exploded any consumer
108 fireworks on any day between the hours of 10:00 A.M. and 12:00 Midnight only;
109 provided, however, that it shall be lawful for any person, firm, corporation, association,
110 or partnership to use or explode or cause to be exploded any consumer fireworks on
111 January 1, July 3, July 4, and December 31 of each year between the hours of 12:00
112 Midnight and 2:00 A.M.

113 (C) Subject to paragraph (4) of this subsection, it shall be lawful for any person, firm,
114 corporation, association, or partnership to use or explode or cause to be exploded any
115 consumer fireworks anywhere in this state except:

116 (i) As provided for under subparagraph (A) of this paragraph;

117 (ii) In any location where such person, firm, corporation, association, or partnership
118 is not lawfully present or is not otherwise lawfully permitted to use or explode or
119 cause to be exploded any consumer fireworks; or

120 (iii) Within 100 yards of a nuclear power facility or a facility engaged in the retail
121 sale of gasoline or the production, refining, processing, or blending of gasoline for
122 such retail purposes.

123 (D) Any person, firm, corporation, association, or partnership may use or explode or
124 cause to be exploded any consumer fireworks on any day at a time not provided for
125 under subparagraph (B) of this paragraph if such person, firm, corporation, association,
126 or partnership is issued a special use permit pursuant to the law of a governing authority
127 of a county or municipal corporation for the use or explosion of consumer fireworks in
128 a location within such county or municipality at a time not provided for under
129 subparagraph (B) of this paragraph. Such special use permit shall designate the time
130 or times and location that such person, firm, corporation, association, or partnership
131 may use or explode or cause to be exploded such consumer fireworks. A fee assessed
132 by a county or municipal corporation for the issuance of a special use permit pursuant
133 to this subparagraph shall not exceed \$100.00. No governing authority or official of a
134 county, municipality, or other political subdivision shall bear liability for any decisions
135 made pursuant to this Code section.

136 (4)(A) It shall be lawful for any person 18 years of age or older to use or explode or
137 cause to be exploded or to possess, manufacture, transport, or store consumer fireworks.
138 (B) To the extent otherwise permitted by law, it shall be lawful for any person who is
139 16 or 17 years of age to possess or transport consumer fireworks, provided that such
140 person is serving as an assistant to a distributor licensed under subsection (c) of Code
141 Section 25-10-5.1 or the nonprofit group benefiting from such distributor's application
142 pursuant to subsection (c) of Code Section 25-10-5.1 and is not transporting such
143 consumer fireworks on a highway which constitutes a part of The Dwight D.
144 Eisenhower System of Interstate and Defense Highways.
145 (5)(A) It shall be lawful for any person 18 years of age or older to sell or to offer for
146 sale at retail or wholesale any consumer fireworks pursuant to the requirements of this
147 chapter.
148 (B) It shall be lawful for any person who is 16 or 17 years of age to sell or to offer for
149 sale at retail or wholesale any consumer fireworks, provided that such person is serving
150 as an assistant to a distributor licensed under subsection (c) of Code Section 25-10-5.1
151 or the nonprofit group benefiting from such distributor's application pursuant to
152 subsection (c) of Code Section 25-10-5.1.
153 (6)(A) It shall be lawful to sell consumer fireworks from a permanent consumer
154 fireworks retail sales facility or store only if such permanent consumer fireworks retail
155 sales facility or store is:
156 (i) In compliance with the requirements for such a permanent consumer fireworks
157 retail sales facility or store in the selling of consumer fireworks as provided for in
158 NFPA 1124; and
159 (ii) Selling consumer fireworks of a distributor licensed pursuant to subsection (b)
160 or (d) of Code Section 25-10-5.1.
161 (B) It shall be lawful to sell consumer fireworks from a temporary consumer fireworks
162 retail sales stand only if such temporary consumer fireworks retail sales stand is:
163 (i) In compliance with the requirements for such a temporary consumer fireworks
164 retail sales stand in the selling of consumer fireworks as provided for in NFPA 1124;
165 (ii) Within 1,000 feet of a fire hydrant of a county, municipality, or other political
166 subdivision or a fire department connection of a building affiliated with such
167 consumer fireworks retail sales stand, unless the chief administrative officer of the
168 fire department of a county, municipality, or other political subdivision or chartered
169 fire department legally organized to operate in this state pursuant to Chapter 3 of this
170 title and having operational authority over such location of the temporary consumer
171 fireworks retail sales stand provides in writing that such temporary consumer

172 fireworks retail sales stand may operate in excess of 1,000 feet from such fire hydrant
 173 or fire department connection; and
 174 (iii) Selling consumer fireworks of a distributor licensed pursuant to subsection (c)
 175 of Code Section 25-10-5.1.
 176 No distributor licensed pursuant to subsection (c) of Code Section 25-10-5.1 shall at
 177 any one time operate more than two temporary consumer fireworks retail sales stands
 178 for each license issued to such distributor under subsection (b) or (d) of Code Section
 179 25-10-5.1, except that a distributor which is a retail chain and which is licensed
 180 pursuant to subsection (d) of Code Section 25-10-5.1 shall not at any one time operate
 181 more than two temporary consumer fireworks retail sales stands for each store of such
 182 retail chain. Such temporary consumer fireworks retail sales stands shall be located
 183 within the same county as the location of such permanent consumer fireworks retail
 184 sales facility or store provided for under subsection (b) or (d) of Code Section
 185 25-10-5.1; provided, however, that if a county does not have a distributor licensed
 186 pursuant to subsection (b) or (d) of Code Section 25-10-5.1 offering consumer
 187 fireworks for sale from a permanent consumer fireworks retail sales facility or store
 188 within its boundaries, then a distributor licensed pursuant to subsection (b) or (d) of
 189 Code Section 25-10-5.1 offering consumer fireworks for sale from a permanent
 190 consumer fireworks retail sales facility or store within 75 miles of the perimeter of the
 191 boundaries of such county may locate one of the two temporary consumer fireworks
 192 retail sales stands in the unserved county.
 193 (C) It shall be unlawful to sell consumer fireworks from any motor vehicle or from a
 194 trailer towed by a motor vehicle."

195 **SECTION 4.**

196 Said chapter is further amended by adding a new Code section to read as follows:

197 "25-10-5.1.

198 (a)(1) A license pursuant to this Code section shall only be issued to a distributor that:
 199 (A) Complies with all the requirements of this chapter; and
 200 (B) Maintains at all times public liability and product liability insurance with minimum
 201 coverage limits of \$2 million to cover the losses, damages, or injuries that might ensue
 202 to persons or property as a result of selling consumer fireworks.
 203 (2) Any person who knowingly and willfully makes a false, fictitious, or fraudulent
 204 statement of representation in an application executed pursuant to this Code section shall
 205 be guilty of a violation of Code Section 16-10-20.
 206 (b)(1) The initial license fee for a distributor selling consumer fireworks from a
 207 permanent consumer fireworks retail sales facility shall be \$5,000.00 per location,

208 payable to the Safety Fire Commissioner. Upon a finding that a distributor has met the
209 requirements of paragraph (1) of subsection (a) of this Code section and upon payment
210 of such license fee, such initial license shall be issued by the Safety Fire Commissioner
211 and shall identify the permanent consumer fireworks retail sales facility applicable to
212 such license. Such initial license shall expire on January 31 of the year after such initial
213 license was issued. After such initial license, such distributor may annually renew such
214 initial license for \$1,000.00 per year, payable to the Safety Fire Commissioner. Upon
215 finding that a distributor has met the requirements of paragraph (1) of subsection (a) of
216 this Code section and upon payment of such license fee, such annual license shall be
217 issued by the Safety Fire Commissioner and shall identify the permanent consumer
218 fireworks retail sales facility applicable to such license. Such annual license shall expire
219 on January 31 of each year; provided, however, that a distributor shall not apply for an
220 annual license earlier than 30 days prior to the expiration of an initial license or annual
221 license.

222 (2) The determination by the Safety Fire Commissioner of whether a distributor has met
223 requirements for the issuance of a license required by this subsection shall be made
224 within 15 days of the submission of an application for any such license. Such application
225 shall be in writing and, if the Safety Fire Commissioner provides for a written form for
226 the application for a license pursuant to this Code section, upon such form as may be
227 provided by the Safety Fire Commissioner. If a determination has not been made within
228 the time provided for by this paragraph, or for an appeal of a determination by the Safety
229 Fire Commissioner, a distributor may seek review from the judge of the probate court of
230 the county of the location or proposed location of the permanent consumer fireworks
231 retail sales facility. Such judge may provide for the issuance or nonissuance of a license
232 and for the payment of license fees in such manner as is consistent with the provisions
233 of this subsection.

234 (c)(1) The license fee for a distributor selling consumer fireworks from a temporary
235 consumer fireworks retail sales stand shall be \$500.00 per location, payable to the
236 governing authority of the county, municipality, or other political subdivision of this state
237 in whose boundaries such temporary consumer fireworks retail sales stand shall be
238 located or is proposed to be located. Upon finding that a distributor has met the
239 requirements of paragraph (1) of subsection (a) of this Code section, has a license
240 pursuant to subsection (b) or (d) of this Code section for a location applicable to the
241 location of such temporary consumer fireworks retail sales stand as provided for in
242 subparagraph (b)(6)(B) of Code Section 25-10-2, has no more than the allowable
243 temporary consumer fireworks retail sales stands pursuant to subparagraph (b)(6)(B) of
244 Code Section 25-10-2, that the sales of consumer fireworks from such temporary

245 consumer fireworks retail sales stand shall accrue to the benefit of a nonprofit group, and
246 upon payment of such license fee, such license shall be issued by the fire department of
247 the county, municipality, or other political subdivision or the chartered fire department
248 legally organized to operate in this state pursuant to Chapter 3 of this title and having
249 operational authority of the area in which such temporary consumer fireworks retail sales
250 stand shall be located or is proposed to be located; provided, however, that no such
251 license shall be issued prior to January 1, 2016. Such license shall identify the temporary
252 consumer fireworks retail sales stand applicable to such license and shall expire 90 days
253 after the issuance of such license.

254 (2) A determination by a fire department as provided for under paragraph (1) of this
255 subsection of whether a distributor has met requirements for the issuance of a license
256 pursuant to this subsection shall be made within 15 days of the submission of an
257 application for any such license. Such application shall be in writing and, if such fire
258 department provides for a written form for the application for a license pursuant to this
259 Code section, upon such form as may be provided by such fire department. If a
260 determination has not been made within the time provided for by this paragraph, or for
261 an appeal of a determination by such fire department, a distributor may seek review from
262 the judge of the probate court of the county of the location or proposed location of the
263 temporary consumer fireworks retail sales stand. Such judge may provide for the
264 issuance or nonissuance of a license and for the payment of license fees in such manner
265 as is consistent with the provisions of this subsection.

266 (3) A nonprofit group benefiting from the sale of consumer fireworks pursuant to this
267 Code section shall directly participate in operating the temporary consumer fireworks
268 retail sales stand. It shall be unlawful for a nonprofit group or any agent or bona fide
269 representative of a nonprofit group to knowingly lend the name of the nonprofit group or
270 allow the identity of the nonprofit group to be used for the license under this subsection
271 if such nonprofit group is not directly participating in operating such temporary consumer
272 fireworks retail sales stand.

273 (4) The governing authority of a county, municipality, or other political subdivision
274 receiving fees pursuant to this Code section shall expend such fees for public safety
275 purposes.

276 (5) A distributor licensed pursuant to this subsection shall submit a list of the names and
277 addresses, including the counties, of each temporary consumer fireworks retail sales stand
278 at which such distributor has consumer fireworks offered for sale pursuant to this Code
279 section to the Safety Fire Commissioner. Such list shall be submitted by January 31 of
280 each year and such distributor shall amend such list, or file an initial list if such
281 distributor first becomes licensed after January 31 of a particular year, within 45 days of

282 having such distributor's consumer fireworks offered for sale at a location not previously
283 included on such list. The Safety Fire Commissioner shall make such list publicly
284 available for inspection. In making determinations as provided for under this subsection,
285 fire departments shall reference the list provided for by this paragraph.
286 (d)(1) The initial license fee for a distributor selling consumer fireworks from a store
287 shall be \$5,000.00, payable to the Safety Fire Commissioner, provided that, if a store is
288 a retail chain, one payment of \$5,000.00 shall satisfy such license fee for each store of
289 the retail chain. Upon finding that a distributor has met the requirements of paragraph
290 (1) of subsection (a) of this Code section, such initial license shall be issued by the Safety
291 Fire Commissioner and, if issued to a store which is a retail chain, shall be a license for
292 each current or future store of the retail chain. Such initial license shall expire on January
293 31 of the year after such initial license was issued. After such initial license, such
294 distributor may annually renew such initial license for \$1,000.00 per year, payable to the
295 Safety Fire Commissioner, provided that, if a store is a retail chain, one payment of
296 \$1,000.00 shall satisfy such license fee for each store of the retail chain. Upon finding
297 that a distributor has met the requirements of paragraph (1) of subsection (a) of this Code
298 section, such annual license shall be issued by the Safety Fire Commissioner and, if
299 issued to a store which is a retail chain, shall be a license for each current or future store
300 of the retail chain. Such annual license shall expire on January 31 of each year; provided,
301 however, that a distributor shall not apply for an annual license earlier than 30 days prior
302 to the expiration of an initial license or annual license.
303 (2) The determination by the Safety Fire Commissioner of whether a distributor has met
304 requirements for the issuance of a license required by this subsection shall be made
305 within 15 days of the submission of an application for any such license. Such application
306 shall be in writing and, if the Safety Fire Commissioner provides for a written form for
307 the application for a license pursuant to this Code section, upon such form as may be
308 provided by the Safety Fire Commissioner. If a determination has not been made within
309 the time provided for by this paragraph, or for an appeal of a determination by the Safety
310 Fire Commissioner, a distributor may seek review from the judge of the probate court of
311 the county of the location or proposed location of the store from which consumer
312 fireworks will be sold. Such judge may provide for the issuance or nonissuance of a
313 license and for the payment of license fees in such manner as is consistent with the
314 provisions of this subsection."

315

SECTION 5.

316 Said chapter is further amended by revising Code Section 25-10-6, relating to fireworks
317 manufactured, sold, or stored in violation of this chapter declared contraband and seizure and
318 disposition, as follows:

319 *25-10-6.

320 The state fire marshal shall enforce the provisions of this chapter. Applicable fire
321 departments of a county, municipality, or other political subdivision or a chartered fire
322 department shall refer cases for enforcement under subsection (c) of Code Section
323 25-10-5.1 to the state fire marshal. All fireworks manufactured, offered for sale, exposed
324 for sale, or stored in violation of this chapter are declared to be contraband and may be
325 seized, taken, and removed, or caused to be removed and destroyed at the expense of the
326 owner thereof by the state fire marshal, the Georgia State Patrol, or any sheriff or local
327 police official."

328

SECTION 6.

329 Said chapter is further amended by revising Code Section 25-10-9, relating to penalty for
330 illegal sale of sparklers or other devices, as follows:

331 *25-10-9.

332 Notwithstanding any provision of this chapter to the contrary, any person, firm,
333 corporation, association, or partnership ~~who or which~~ that knowingly violates subsection
334 ~~(b) of Code Section 25-10-2~~ this chapter may be punished by a fine not to exceed \$100.00
335 \$2,500.00. Each sales transaction in violation of subsection (b) of Code Section 25-10-2
336 this chapter shall be a separate offense."

337

SECTION 7.

338 Said chapter is further amended by adding a new Code section to read as follows:

339 *25-10-10.

340 It shall be unlawful for any person, firm, corporation, association, or partnership to release
341 or cause to be released any balloon, bag, parachute, or other similar device which requires
342 fire underneath for propulsion or to release or cause to be released any floating water
343 lantern or wish lantern which uses a flame to create a lighting effect in any public
344 waterway, lake, pond, stream, or river."

345

SECTION 8.

346 Chapter 60 of Title 36 of the Official Code of Georgia Annotated, relating to provisions
347 applicable to counties and municipal corporations, is amended by revising Code Section
348 36-60-24, relating to the sale of products or services, as follows:

349 *36-60-24.

350 (a) The governing authority of a county or municipal corporation shall not prohibit the sale
 351 or use or explosion of consumer fireworks or products or services which ~~products or~~
 352 ~~services~~ are lawful under subsection (b) of Code Section 25-10-1, unless such prohibition
 353 is expressly authorized by the general law of the state.

354 (b) If the sale of a product or service is regulated by ~~subsection (b) of Code Section~~
 355 ~~25-10-1~~ Chapter 10 of Title 25, the governing authority of a county or municipal
 356 corporation shall not enact additional regulation of the sale or use or explosion of such
 357 product or service, unless such additional regulation is expressly authorized by general law.

358 (c) Notwithstanding subsections (a) and (b) of this Code section, the governing authority
 359 of a county or municipal corporation may provide for permits or licenses for the sale or use
 360 of consumer fireworks as provided for under subsection (c) of Code Section 25-10-5.1.

361 (d) Notwithstanding subsections (a) and (b) of this Code section, the governing authority
 362 of a county may further regulate the sale of consumer fireworks from temporary consumer
 363 fireworks retail sales stands.

364 (e) The governing authority of a county shall not unreasonably delay or deny an
 365 application for a temporary consumer fireworks retail sales stand.

366 (f) For purposes of this subsection, the terms 'consumer fireworks' and 'consumer
 367 fireworks retail sales stand' shall have the same meanings as provided in Code Section
 368 25-10-1.

369 (c)(g) Any ordinance enacted before, on, or after July 1, 2006, by a county or municipal
 370 corporation in violation of this Code section is void."

371 **SECTION 9.**

372 Chapter 13 of Title 48 of the Official Code of Georgia Annotated, relating to specific,
 373 business, and occupation taxes, is amended by adding a new article to read as follows:

374 ***ARTICLE 7**

375 48-13-130.

376 As used in this article, the term:

377 (1) 'Consumer fireworks' shall have the same meaning as provided for in Code Section
 378 25-10-1.

379 (2) 'Seller' means the person who is issued a license pursuant to Code Section 25-10-5.1.

380 48-13-131.

381 (a) An excise tax, in addition to all other taxes of every kind imposed by law, is imposed
382 upon the sale of consumer fireworks and any items provided for in paragraph (2) of
383 subsection (b) of Code Section 25-10-1 in this state at a rate of 5 percent per item sold.

384 (b) The excise tax imposed by this article shall be paid by the seller and due and payable
385 in the same manner as would be otherwise required under Article 1 of Chapter 8 of this
386 title.

387 48-13-132.

388 A seller who knowingly and willfully violates the requirements of this article shall be
389 assessed a civil penalty of not more than \$10,000.00 in addition to the amount of tax due.

390 48-13-133.

391 The department is authorized to adopt rules and regulations necessary for the enforcement
392 and implementation of the provisions of this Code section."

393 **SECTION 10.**

394 This Act shall become effective on July 1, 2015.

395 **SECTION 11.**

396 All laws and parts of laws in conflict with this Act are repealed.

Diana Wheeler

Subject: FW: fireworks regulations

From: Donna Geisinger [<mailto:dgeisinger@rileymclendon.com>]
Sent: Thursday, June 25, 2015 1:30 PM
To: Diana Wheeler
Subject: RE: fireworks regulations

Diana,

Lenny was the attorney who poured over the HB and here is his response after reviewing your language for addition:

The law does not authorize us to regulate permanent locations – just temporary locations, so adding them as permitted uses doesn't really do anything, so I don't mind that. The other stuff is fine, though I would think it would be better placed in building regulations rather than in the zoning ordinance.

Please let me know if you have any other questions. D

Donna Geisinger
Assistant to William Riley
RILEY McLENDON, LLC

From: Diana Wheeler [<mailto:dwheeler@peachtreecornersga.gov>]
Sent: Thursday, June 25, 2015 10:44 AM
To: Donna Geisinger (dgeisinger@rileymclendon.com)
Subject: fireworks regulations

Donna,
I'm working on a fireworks ordinance resulting from HB 110 and I know several other communities are too. Please ask the attorney in your office working on this issue to review the language I have developed, below, and let me know if any changes need to be made.

Thanks,
Diana Wheeler
Community Development Director
City of Peachtree Corners

Amend Zoning Code Art. XIII, Sec. 1308 by adding 'Fireworks – retail sales' to the list of permitted uses within the C-2 district regulations, as follows:

27. Fireworks – retail sales of consumer fireworks within a permanent building shall meet the following requirements:

- 1. Building must meet overlay design standards, be free-standing, and be at least 2500 sq. ft. in size but no greater than 10,000 sq. ft. in size.**
- 2. Must meet Gwinnett County Fire Dept. regulations, built to ICC H3 building code requirements, and have two functioning fire extinguishers within proximity of where fireworks are stored.**
- 3. Must be located at least 300 feet from a facility that sells, stores, or processes gasoline.**
- 4. No Smoking signs shall be displayed at building entrance.**
- 5. All product storage shall be contained within the building.**