



PLANNING COMMISSION AGENDA

**April 12, 2016
7:00 PM
CITY HALL**

- A. Roll Call**
- B. Approval of February 26, 2016 Minutes**
- C. Old Business: (None)**
- D. New Business:**
 - 1. RZ2016-003 MDS Holdings. Request to rezone a 4.09 acre parcel from M-1 to M-2 to allow a truck storage facility at 4684 South Berkeley Lake Rd., in District 6, Land Lot 269 Peachtree Corners, GA**
- E. City Business Items:**
 - 1. Update on Town Center, Town Green, Botanical Garden, and Peachtree Parkway Bridge**
- F. Comments by Staff and Planning Commissioners.**
- G. Adjournment.**



CITY OF PEACHTREE CORNERS
PLANNING COMMISSION MINUTES
February 26, 2016

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 - Absent

Staff: Diana Wheeler, Community Development Director
Kym Chereck, City Clerk
Bill Riley, City Attorney
Joe Leonard, City Attorney

MINUTES:

**MOTION TO APPROVE THE MINUTES FROM THE FEBRUARY 9, 2016
PLANNING COMMISSION MEETING.**

By: Mark Middleton

Seconded by: Mark Willis

Vote: Passed 4-0 (Middleton, Willis, Houser, Kaplan)

OLD BUSINESS: (None)

NEW BUSINESS:

- 1. PH 2016-001 Zoning Code. Consideration of amending and adopting the City of Peachtree Corners zoning ordinance and ratifying all prior amendments to same; amending and adopting policies and procedures to be used by the Mayor and Council in calling and conducting hearings as required by O.C.G.A. Sect. 36-66-4; amending and adopting a zoning map for the City of Peachtree Corners, and ratifying all prior amendments to same.**

Mr. Bill Riley, City Attorney, presented the Public Hearing case to the Commission. Mr. Riley explained that there were no changes to the zoning code, only ratification.

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

MOTION TO APPROVE PH2016-001 ZONING CODE.

By: Mark Middleton

Seconded: Alan Kaplan

Vote: (4-0) (Middleton, Kaplan, Houser, Metts)

2. PH 2016-002 Sign Ordinance. Consideration of and amending and adopting the sign ordinance.

Mr. Bill Riley, City Attorney, presented the Public Hearing case to the Commission. Mr. Riley explained that there were no changes to the sign ordinance, only ratification.

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

MOTION TO APPROVE PH2016-002 SIGN ORDINANCE.

By: Alan Kaplan

Seconded: Mark Middleton

Vote: (4-0) (Kaplan, Middleton, Houser, Metts)

COMMENTS BY STAFF AND PLANNING COMMISSION:

Diana Wheeler, Community Development Director, informed the Commission that there would be no meeting for the month of March, and gave a brief update on the Town Center.

The Planning Commission meeting concluded at 12:15 PM.

Approved,

Attest:

Matt Houser, Chairman

Kym Chereck, City Clerk

**CITY OF PEACHTREE CORNERS
COMMUNITY DEVELOPMENT DEPARTMENT**

REZONING ANALYSIS

PLANNING COMMISSION DATE: April 12, 2016

CITY COUNCIL DATE: May 17, 2016

CASE NUMBER: **RZ2016-003**

CURRENT ZONING: M-1

PROPOSED ZONING: M-2

LOCATION: 4684 South Berkley Lake Road

MAP NUMBERS: 6th DISTRICT, LAND LOT 269

ACREAGE: 4.09 ACRES

PROPOSED DEVELOPMENT: REZONE FROM M-1 TO M-2 TO ALLOW TRUCK STORAGE FACILITY

FUTURE DEVELOPMENT MAP: EMPLOYMENT CORRIDOR

OWNER/APPLICANT/CONTACT: MDS HOLDINGS USA, LLC

4402 MCBRAYER ROAD

OAKWOOD, GA 30566

770-963-6909

RECOMMENDATION: APPROVE WITH CONDITIONS

PROJECT DATA:

The applicant is seeking to rezone 4.09 acres at 4684 South Berkley Lake Road from M-1 (Light Industry District) to M-2 (Heavy Industry District) in order to allow for a truck storage facility. The property is currently used as a single-family residence.

The site is located within an industrial area that is bounded by South Old Peachtree Road, South Berkeley Lake Road, and Buford Highway. The Norfolk Southern Railway abuts the property on the southeast side. The property to the southwest is zoned M-1 and is occupied by IMETCO, an innovative metal company that produces metal products that are used on building envelopes. The property to the northwest is zoned M-1 and is used by AT&T as an office building/warehouse. The property to the north/northeast, which is located in the City of Berkley Lake, is zoned M-1 and operated as a private residence/horse farm. While all of the surrounding properties are zoned M-1, there are several M-2 zoned properties in the surrounding area.

The property currently contains a one-story frame house, a wooden barn, and a small shed. Approximately half of the property is wooded with old growth trees along the southwest and southeast edges. The northwest and northeast portions of the lot are cleared, but five large trees surround the house and the entrance to the property. Three of these trees are located in front of the house, near or within the 50-foot front building setback.

The applicant proposes to demolish all of the existing structures on the site, lay asphalt millings across the majority of the property in order to park 117 trucks. A small guard house and dumpster enclosure are proposed. The applicant is also proposing to construct a wood fence

with brick and stone accent along the front property line and a chain-link fence with slats along the side and rear property lines. Six street trees are shown on the proposed site plan.

The site is located within the Employment Corridor Character Area on the Future Development Map. The Employment Corridor is intended to “provide an ideal location for diverse employment – and revenue-generating businesses, both professional and industrial, along attractive gateway thoroughfares.” Office, light industrial, and small-scale retail (where existing or at major nodes) are considered appropriate. Sidewalks, aesthetic improvements, architectural and design standards, parking behind buildings, and natural buffers are encouraged.

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: The subject property is located within the Industrial Corridor Character Area which is largely characterized by automotive, industrial, and warehouse-type uses. The proposed use of a truck storage lot would be suitable in this location in view of the use and development of nearby properties, especially located along the Norfolk Southern Railway.

Staff’s Comment: The subject property is actually located within the Employment Corridor Character Area, which is largely characterized by office, industrial, automotive, and warehouse-type uses. The proposed use of a truck storage facility would be suitable in this location in view of the use and development of adjacent and nearby properties. While no adjacent properties are zoned M-2, there are several located nearby.

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: The City’s Comprehensive Plan calls for the preservation of industrial and commercial uses in the Industrial Corridor Character Area. M-2 zoning is currently found in several parcels along the Norfolk Southern Railway and along Buford Highway. A truck storage lot is an M-2 use that would be likely to have no more negative impacts on surrounding properties than uses allowed under the current zoning.

Staff’s Comment: The City’s Comprehensive Plan that the Employment Corridor Character Area is ideally suited to office and light industrial uses due to “its close proximity to heavier industrial uses and the railroad on Buford Highway, and existing development patterns.” While M-1 zoning is predominate in the Employment Corridor, there are several M-2 zoned parcels as well. A light industrial use, such as truck storage, will help to serve the heavy industrial uses nearby.

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

Applicant's Response: The property has a reasonable economic use as zoned.

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

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

Applicant's Response: There would be no impact on schools. The impacts of a truck storage lot would create no additional impacts on public facilities compared with the current zoning.

Staff's Comment: The impacts of truck storage on streets, transportation facilities, or utilities are unlikely to be excessive or burdensome as it is a light industrial use. There will be no impact on schools.

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

Applicant's Response: This property is located within the Industrial Corridor Character Area. The Zoning Ordinance indicates that policies for this area encourage light industrial, heavy industrial, and commercial/retail uses, which would include an M-2 zoning to provide for a truck storage lot.

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: The fact that several M-2 properties exist within the Industrial Corridor Character Area along the Norfolk Southern Railway would give supporting grounds for approval of the rezoning. The applicant is agreeable to conditions excluding junk or wrecked vehicles and conditions concerning screening.

Staff's Comment: The light industrial use of truck storage will service the heavy industrial uses in the surrounding area.

COMPREHENSIVE PLAN:

The 2030 City of Peachtree Corners Character Area Map indicates that the property is located within the Employment Corridor Character Area. Policies for this area encourage office, light industrial, which would include the light industrial use of truck storage under the M-2 zoning.

The Comprehensive Plan also calls for “improved aesthetics and transportation management” to be a part of corridor redevelopment. A sidewalk along South Berkley Lake Road shall be installed, as well a landscaped buffer and an aesthetically pleasing fence. The proposed guard house shall be of constructed using high quality materials and design.

M-2 zoning for a truck storage lot in this location would meet the goals and policies of the Comprehensive Plan, provided that conditions are put in place to ensure proper screening and protection for adjacent properties.

DEPARTMENT ANALYSIS:

The proposed rezoning for a truck storage lot would be unlikely to have adverse effects on adjacent and nearby properties so long as the property is properly screened.

The proposed rezoning would also be in keeping with the goals and policies of the City’s Comprehensive Plan, provided that certain conditions of rezoning are put in place. The subject property is located within the Employment Corridor Character Area, which is intended to provide an ideal location for both professional and industrial businesses given its regional accessibility. While the Employment Corridor supports the more light industrial uses of the M-1 zoning district, there are times where M-2 zoning and uses can be deemed appropriate. In this case, truck storage is deemed appropriate as it is a light industrial use that is located within close proximity to Buford Highway.

Automobile or truck storage is permitted under the M-2 zoning district, but is subject to the screening requirements for outdoor storage. Section 1311 of the Zoning Ordinance lists the following three screening requirements: “shall not be located within a required front yard; it shall be screened by a solid wood fence, masonry wall, or slatted chain-link fence at least eight (8) feet high; and materials stored outdoors shall not be placed or stacked at a height exceeding that of the screening fence.” It should be noted that if truck storage were found to be an acceptable use, there are other M-2 uses that might not be. Therefore, a condition limiting uses is also included.

The submitted site plan shows truck parking within the 50-foot front setback line. Staff conditions that the first 50-feet shall be a landscaped buffer. This expands the required landscape strip in order to protect the residential use that is located across South Berkley Lake Road as well as preserve the three large trees that are located within the front setback.

The submitted plans call for a slatted chain-link fence on three sides of the property; however, this type of fence is only appropriate where it will not be noticeable from the front of the property.

Therefore, after review of the applicant’s proposal and other relevant information, it is recommended that RZ2016-003 be approved with the following conditions:

- 1) The property shall be rezoned M-2; however, only truck storage shall be permitted.

- 2) Truck storage shall not be located within the front yard, (the 50 feet between the front property line and the front building setback line).
- 3) The three large trees located between the existing house and the front property line shall be preserved. If encroachment into the critical root zone of these trees is necessary, a maximum of 20% encroachment shall be permitted and such encroachment may only be with permeable or pervious pavers.
- 4) The vegetation within the north side setback area shall remain undisturbed except for the minimum clearing necessary to install the stormwater system and to accommodate the 10 parking spaces closest to the northern property line.
- 5) The fence along the northeast corner of the property shall be relocated from where it's shown on the plans prepared by Day Design Group dated 2/26/15 and placed immediately behind the dumpster instead of running all the way to the corner of the property. The placement of the fence in this manner is for the purpose of preserving all the existing vegetation on the northeast corner of the property.
- 6) The existing vegetation within the 15 ft. rear setback shall remain undisturbed.
- 7) The property shall be screened along the front and the first 100 ft. along the north and south sides by an 8' tall solid wood fence, with brick and stone accent posts placed a minimum of 25 feet on center. The exact placement of the fence along the front of the property shall be determined by Staff after a survey showing the location of the trees and CRZs is submitted. Every effort shall be made to minimize the impact on the trees when locating and installing the fence.
- 8) Landscape strip along the front of the property shall meet overlay standards except that existing mature vegetation at the front may also be utilized to meet the requirements.
- 9) The remainder of the property may use an 8' tall slatted chain-link fence.
- 10) No inoperable (junk/salvage) vehicles shall be stored on site.
- 11) No vehicles shall be located on unpaved surfaces.
- 12) The materials used for the guard house shall match the materials used for the front fence.
- 13) A 5 ft. wide sidewalk shall be installed along South Berkley Lake Road.
- 14) No billboards shall be permitted on the property.
- 15) Outdoor lighting shall be contained in cutoff-type luminaries and shall be directed inward toward the property so as not to reflect into adjacent properties or to create a hazard for passing automobile traffic.
- 16) Permanent freestanding project signage shall be limited to one monument sign to be located at the front of the property.
- 17) All conditions must be met before a business license can be issued.

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>MDS Holdings USA, LLC</u>	NAME: <u>Please see attached.</u>
ADDRESS: <u>4402 McBrayer Rd</u>	ADDRESS: _____
CITY: <u>Oakwood</u>	CITY: _____
STATE: <u>GA</u> ZIP: <u>30566</u>	STATE: _____ ZIP: _____
PHONE: <u>770/963.6909</u>	PHONE: _____
E-MAIL: <u>tracey@tdmasonlaw.com</u>	E-MAIL: _____
CONTACT PERSON: <u>Tracey Mason</u> PHONE: <u>770/963.6909</u>	
CONTACT'S E-MAIL: <u>Tracey@tdmasonlaw.com</u>	

APPLICANT IS THE:

OWNER'S AGENT PROPERTY OWNER CONTRACT PURCHASER

PRESENT ZONING DISTRICT(S): M1 REQUESTED ZONING DISTRICT: MZ

LAND DISTRICT(S): 6th LAND LOT(S): 269 ACREAGE: 4.09±

ADDRESS OF PROPERTY: 4684 South Berkeley Lake Road

PROPOSED DEVELOPMENT: Truck storage

Staff Use Only This Section

Case Number: _____ Hearing Date: P/C _____ C/C _____ Received Date: _____

Fees Paid: _____ By: _____

Related Cases & Applicable Conditions:

Description: _____

REZONING APPLICATION OF MDS HOLDINGS USA, LLC

OWNER INFORMATION

GLORIA EVANS

c/o Jeremy Dupree

King Industrial Realty, Inc.

4154 Silver Peak Parkway

Suite D

Suwanee, GA 30024

770/633-5312

jdupree@kingindustrial.com

BRENDA SMITH

c/o Jeremy Dupree

King Industrial Realty, Inc.

4154 Silver Peak Parkway

Suite D

Suwanee, GA 30024

770/633-5312

jdupree@kingindustrial.com

BETTY SUE HEARIN

c/o Jeremy Dupree

King Industrial Realty, Inc.

4154 Silver Peak Parkway

Suite D

Suwanee, GA 30024

770/633-5312

jdupree@kingindustrial.com

REZONING APPLICATION OF MDS HOLDINGS USA, LLC

LEGAL DESCRIPTION

All that tract or parcel of land lying and being in Land Lot 269 of the 6th Land District of Gwinnett County, Georgia, being more particularly described as follows:

Beginning at a ½ inch rebar found at the intersection of the northwesterly right-of-way of the Norfolk Southern Railroad (having a 200 foot right-of-way) and the southwesterly right-of-way of South Berkeley Lake Road (having a variable right-of-way), said point being the POINT OF BEGINNING;

THENCE along said right-of-way of Norfolk Southern Railroad South 50 degrees 00 minutes 28 seconds West for a distance of 175.11 feet to an iron scrape blade found at the intersection of said right-of-way and the Land Lot Line dividing Land Lots 258 and 269, aforesaid District and County; THENCE leaving said right-of-way and along said Land Lot Line South 59 degrees 54 minutes 24 seconds West for a distance of 550.63 feet to a ½ inch rebar found;

THENCE leaving said Land Lot Line North 30 degrees 42 minutes 15 seconds West for a distance of 255.99 feet to a ½ inch rebar found;

THENCE North 55 degrees 02 minutes 22 seconds East for a distance of 540.55 feet to a 60 'D' nail found on the southwesterly right-of-way of South Berkeley Lake Road;

THENCE along said right-of-way the following (3) three courses and distances: South 62 degrees 55 minutes 45 seconds East for a distance of 153.86 feet to an iron pin set;

THENCE North 27 degrees 04 minutes 15 seconds East for a distance of 10.00 feet to an iron pin set;

THENCE South 62 degrees 55 minutes 45 seconds East for a distance of 176.00 feet to a ½ inch rebar found at the intersection of said right-of-way and the northwesterly right-of-way of the Norfolk Southern Railroad, said point being the POINT OF BEGINNING.

Together with and subject to easements, covenants and restrictions of record. Said property has an area of 4.097 acres as shown on the Boundary Survey for Norcross Truck Storage, LLC, prepared by Apalachee Land Surveying, Inc., dated 02/25/16.

NOTES

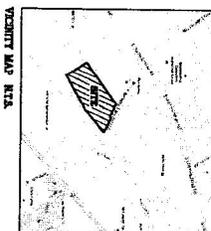
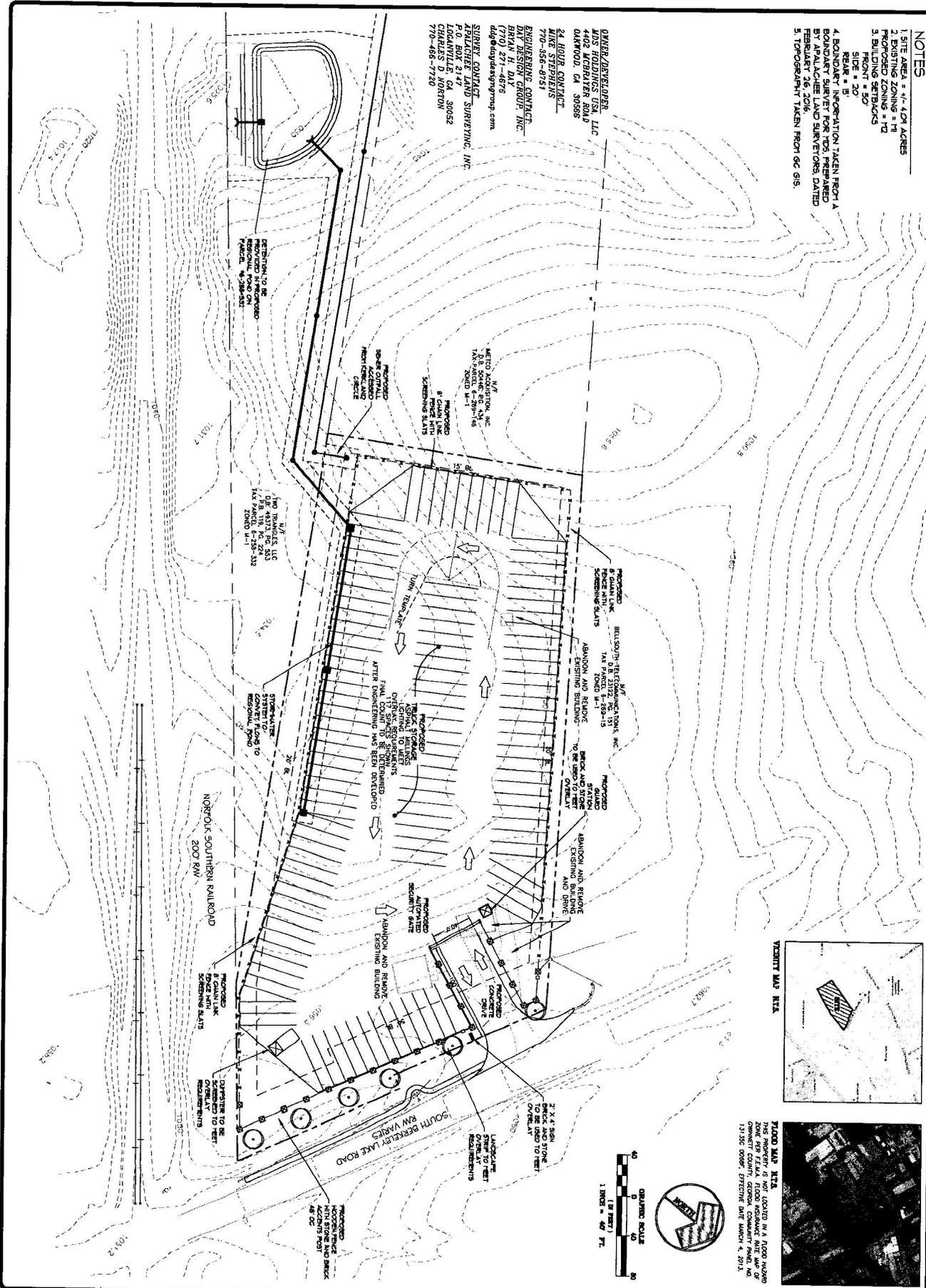
1. SITE AREA = 11.101 ACRES
2. PROPOSED BUILDINGS = 11
3. BUILDING SETBACKS
- FRONT = 20'
- SIDE = 20'
- REAR = 15'
4. SOUNDART INFORMATION TAKEN FROM A
5. BY APPLICANT AND HAS BEEN PREPARED
6. FEBRUARY 26, 2016.
7. TOPOGRAPHY TAKEN FROM GC 915.

OWNER/DEVELOPER:
M/S HOLDINGS USA, LLC
 4402 MOBILWATER ROAD
 OAKWOOD, GA 30058

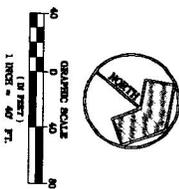
24 HOUR CONTACT:
MIKE STEPHENS
 770-556-0191

ENGINEERING CONTRACTOR:
BRUNN H. HALL
 (770) 271-4676
 ddg@daydesigngroup.com

SUBJECT CONTRACT:
APPLANTHREE LAND SURVEYING, INC.
 P.O. BOX 2147
 LORAINVILLE, GA 30052
 770-466-7720



FLOOD MAP N/A
 THIS PROPERTY IS NOT LOCATED IN A 1000 YEAR FLOOD ZONE. THE FLOOD MAP IS A 1000 YEAR FLOOD ZONE MAP FOR CHERRY CREEK, GEORGIA. SOURCE: FEMA MAP OF 1/31/2008. EFFECTIVE DATE: MARCH 4, 2013.



CONCEPTUAL SITE PLAN
FOR
NORCROSS TRUCK STORAGE, LLC
 4684 SOUTH BERKELEY LAKE ROAD
 LORAINVILLE, GEORGIA 30052
 LANDLOT 269, 6TH DISTRICT, PARCEL #0664
 CITY OF PEACHTREE CORNERS, GWINNETT COUNTY, GEORGIA

DAY DESIGN GROUP, INC.
 CIVIL ENGINEERING
 LANDSCAPE ARCHITECTURE
 SITE PLANNING
 P.O. BOX 848 (770) 271-4676 ph.
 SUFORD, GA 30015 (678) 714-8477 fax
 4371 WATLEY PLACE daydesigngroup.com
 HOUSTON, GA 30546 www.daydesigngroup.com

DATE: 2/26/15	NO.	DATE	DESCRIPTION
JOB NO.: 15-100	1		
	1		
	1		

LETTER OF INTENT
FOR THE REZONING APPLICATION OF
MDS HOLDINGS USA, LLC

February 29, 2016

City of Peachtree Corners
Planning and Zoning Department
147 Technology Parkway, Suite 200
Peachtree Corners, GA 30092

RE: Rezoning Application of MDS Holdings USA, LLC, concerning property located
at 4684 South Berkeley Lake Road, Peachtree Corners, GA

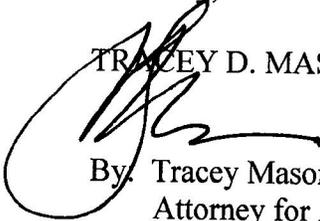
Dear Sir or Madame:

I am writing to you on behalf of the Applicant in the above-referenced case. We are respectfully requesting your approval to rezone this property from the current M1 (Light Industry District) zoning classification to M2 (Heavy Industry District) to allow for the development and operation of a truck storage facility. The Applicant plans to abandon and remove the current buildings on the property and proposes to construct a concrete drive where a guard station would be located. An 8' chain link fence with screening slats would be added to the perimeter of the property with semi-tractor storage on asphalt millings as shown on the site plan attached herewith. Detention will be provided in a regional pond offsite. All necessary easements and agreements will be in place prior to proceeding with construction drawings.

The site is located within an industrial area that is bounded by Buford Highway, South Old Peachtree Road, and North Berkeley Lake Road. The Norfolk Southern Railway abuts the property on the southeast side. The properties in this area are characterized by a range of industrial uses with heavy industrial uses concentrated along the Norfolk Southern Railway. We submit that a truck storage facility would be a suitable use of this property in light of its location abutting the Railway and in light of the industrial activity in the area. Again, we respectfully request your approval of this M2 rezoning request.

We are happy to answer any questions or meet with any of you at your convenience. Thank you again for your time and attention to this matter.

Sincerely,


TRACEY D. MASON, LLC

By: Tracey Mason
Attorney for Applicant

cc: MDS Holdings USA, 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.

Mike Stephens, Manager 2/25/16
Signature of Applicant Date
MDS Holdings USA, LLC
By: Mike Stephens, Manager
Type or Print Name and Title

Cynthia H. Anderson 2-29-2016
Signature of Notary Public Date Notary



Expires 2-29-17

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.

Signature of Property Owner Date

Type or Print Name and Title

Signature of Notary Public Date Notary Seal

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.

Signature of Applicant Date

Type or Print Name and Title

Signature of Notary Public Date Notary Seal

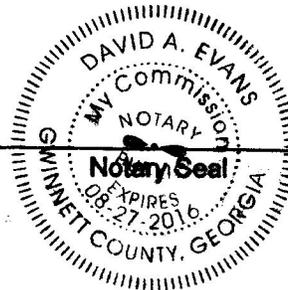
PROPERTY OWNER'S CERTIFICATION

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.

Gloria Evans 2/24/16
Signature of Property Owner Date

Gloria Evans
Type or Print Name and Title

David A. Evans 2/24/16
Signature of Notary Public Date



APPLICANT'S CERTIFICATION

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

Signature of Applicant Date

Type or Print Name and Title

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.

Brenda S. Smith *2/25/16*

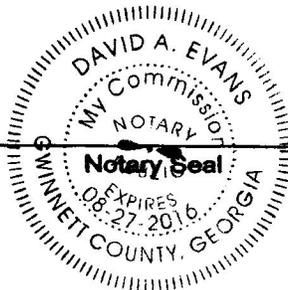
Signature of Property Owner Date

Brenda Smith

Type or Print Name and Title

David A. Evans *2/25/16*

Signature of Notary Public Date



APPLICANT'S CERTIFICATION

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

Signature of Applicant Date

Type or Print Name and Title

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.

Betty Sue Hearin 2/24/16

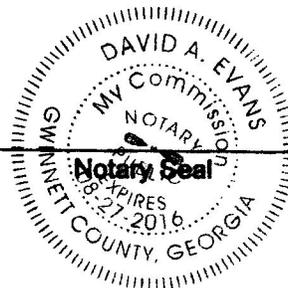
Signature of Property Owner Date

Betty Sue Hearin

Type or Print Name and Title

David A. Evans 2/24/16

Signature of Notary Public Date



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?

Please 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?

Please 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?

Please 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?

Please 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?

Please 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?

Please see attached.

REZONING APPLICATION OF
MDS HOLDINGS USA, LLC
STANDARDS GOVERNING EXERCISE OF ZONING

A. SUITABILITY OF USE

The subject property is located within the Industrial Corridor Character Area which is largely characterized by automotive, industrial, and warehouse-type uses. The proposed use of a truck storage lot would be suitable in this location in view of the use and development of nearby properties, especially located along the Norfolk Southern Railway.

B. ADVERSE IMPACTS

The City's Comprehensive Plan calls for the preservation of industrial and commercial uses in the Industrial Corridor Character Area. M-2 zoning is currently found in several parcels along the Norfolk Southern Railway and along Buford Highway. A truck storage lot is an M-2 use that would be likely to have no more negative impacts on surrounding properties than uses allowed under the current zoning.

C. REASONABLE ECONOMIC USE AS ZONED

The property has a reasonable economic use as zoned.

D. IMPACTS ON PUBLIC FACILITIES

There would be no impact on schools. The impacts of a truck storage lot would create no additional impacts on public facilities compared with the current zoning.

E. CONFORMITY WITH POLICIES

This property is located within the Industrial Corridor Character Area. The Zoning Ordinance indicates that policies for this area encourage light industrial, heavy industrial, and commercial/retail uses, which would include an M-2 zoning to provide for a truck storage lot.

F. CONDITIONS AFFECTING ZONING

The fact that several M-2 properties exist within the Industrial Corridor Character Area along the Norfolk Southern Railway would give supporting grounds for approval of the rezoning. The Applicant is agreeable to conditions excluding junk or wrecked vehicles and conditions concerning screening.

**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)

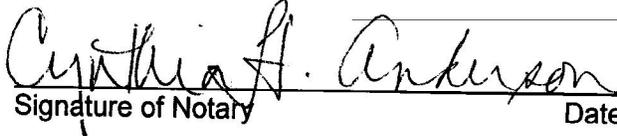
Tracey D. Mason, LLC
Print Name

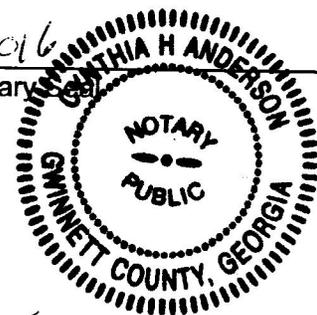
1. CAMPAIGN CONTRIBUTIONS

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.

Signature of Applicant	Date	Type or Print Name and Title
	2.29.16	Tracey D. Mason, LLC
Signature of Applicant's Attorney or Representative	Date	Type or Print Name and Title
		By: Tracey D. Mason, Managing Member

Signature of Notary	Date	Notary
	2-29-2016	CYNTHIA H ANDERSON



Expires: 9-27-2017

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)

MDS Holdings USA, LLC
 By: Mike Stephens, Manager
 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.

Mike Stephens MDS Holdings USA, LLC
 Signature of Applicant Date: 2/25/16 By: Mike Stephens, Manager
 Type or Print Name and Title

 Signature of Applicant's Attorney or Representative Date Type or Print Name and Title

Gynthia H. Anderson 2-29-2016
 Signature of Notary Date Notary Seal



Expires: 9-29-19

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 - 269 - 006A
(Map Reference Number) District Land Lot Parcel

[Signature] 2.29.2016
Signature of Applicant Date

Attorney for Applicant
Type or Print Name and Title

Tax Commissioners Use Only

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

[Signature]
NAME

TSA
TITLE

2-29-16
DATE

TRACEY D MASON LLC
295 SOUTH CULVER STREET STE D
LAWRENCEVILLE, GA 30046

BrandBank
BrandBank is the trade name for
The Brand Banking Company

1449

64-327/611

2.29.16

PAY TO THE
ORDER OF

City of Peachtree Corners

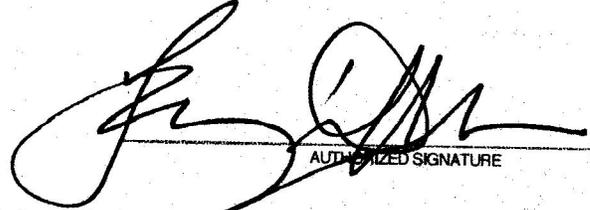
\$ 850.00

Eight Hundred Fifty & 00/100

DOLLARS

MEMO

MDS Holdings USA, LLC
Rezoning Application



AUTHORIZED SIGNATURE

⑈001449⑈ ⑆061103276⑆ 11 74 258⑈

TRACEY D MASON LLC

1449

TRACEY D MASON LLC

1449

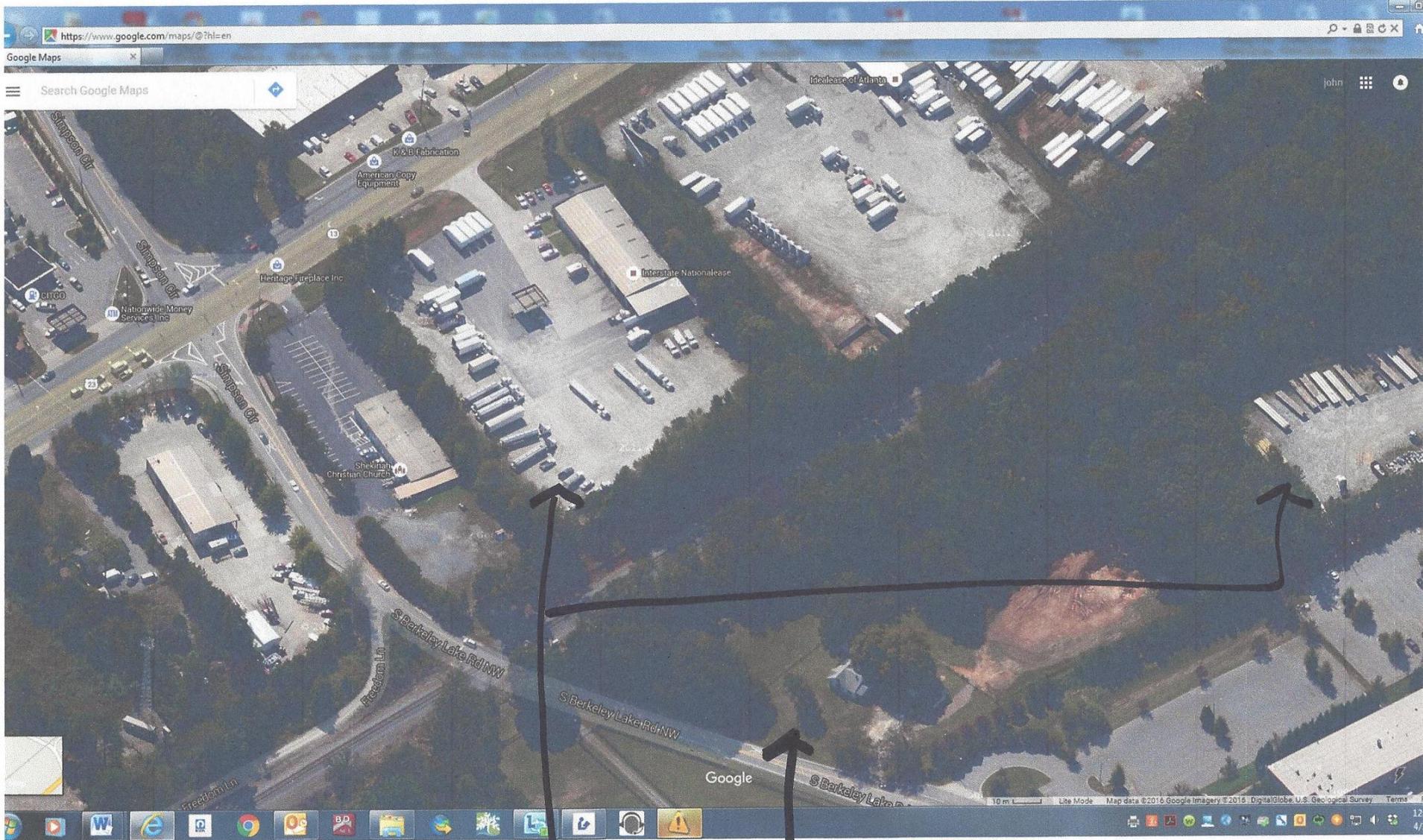
Details on Back
Security Features Included



For Sale ^{10 - 1} 2014
4.82 Acres
SIMPSON
COMPANY
770-817-9880
David A. Evans
404-717-1001



4684



NEARBY
PROPERTY

SUBJECT
PROPERTY

PROPERTY LOCATION MAP

MDS Holdings – Truck Storage



CASE NUMBER: RZ2016-003

**PLANNING
COMMISSION**

**CITY COUNCIL
1ST READING**

**CITY COUNCIL
2ND READING**

HEARING DATES:

APRIL 12, 2016

APRIL 19, 2016

MAY 17, 2016

PROPERTY ADDRESS: 4684 South Berkeley Lake Rd