



PLANNING COMMISSION AGENDA

July 12, 2016
7:00 PM
CITY HALL

- A. Roll Call
- B. Approval of April 12, 2016 Minutes
- C. Old Business: (None)
- D. New Business:
 - 1. **SUP2016-002 La Cosecha Church.** Request for a special use permit to allow church uses in an office building zoned M-1 and located on 2.03 acres at 6947 Peachtree Industrial Boulevard in Land Lot 277, 6th District, Peachtree Corners, Georgia.
 - 2. **SUP2016-003 CityGate Church.** Request for a special use permit to allow church uses in an office building zoned M-1 and located on 3.05 acres at 3100 Medlock Bridge Road, Suite 270, in Land Lot 271, 6th District, Peachtree Corners, Georgia.
- E. City Business Items:
 - 1. **Consideration of amendment to the sign ordinance to prohibit signage on bus benches, bus shelters, and other street furnishings.**
 - 2. **Consideration of amendment to the zoning code to regulate outdoor vending and storage lockers**
- F. Comments by Staff and Planning Commissioners.
- G. Adjournment.



CITY OF PEACHTREE CORNERS
PLANNING COMMISSION MINUTES
April 12, 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

Staff: Diana Wheeler, Community Development Director
Jennifer Davis, Deputy City Clerk

MINUTES:

MOTION TO APPROVE THE MINUTES FROM THE FEBRUARY 26, 2016 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. 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**

Mrs. Diana Wheeler, Community Development Director, presented the case to the Commission. Mrs. Wheeler provided background information regarding the applicant's request. The applicant is seeking to rezone 4.09 acres at 4684 South Berkeley Lake Road from M-1 (Light Industry District) to M-2 (Heavy
Page | 1

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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.

Approximately half of the property is wooded with old growth trees along the southwest and southeast edges. Three 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.

We have compared this application to the Zoning Code Standards in section 1702. We found this application complies with the standards. It should not have a deterrent impacts on surrounding properties just because there is so much development that is very similar in nature that already exists nearby. 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. In this case, truck storage is deemed appropriate as it is a light industrial use that is located within close proximity to Buford Highway.

After review of this application, staff recommends that the rezoning be approved subject to the following 17 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.

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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.

Representing the applicant MDS Holdings USA, LLC is Tracey Mason, attorney in Lawrenceville. One of principals of MDS Holdings USA, LLC Stuart Scruggs was present at the meeting. The applicant is in agreement with staff recommendations with the exception of condition 9 and 11. The proposed changes to the conditions are as follows:

9. An 8' tall chain-link fence shall be used along the property line which abuts the right of way of the Norfolk Southern Railroad. The remainder of the property may use an 8' tall slatted chain-link fence.
11. Vehicles shall be located on paved surfaces or asphalt millings.

Chairman Houser opened the floor for public comment. There was no public comment. A motion was made after discussion concerning traffic, employment of the business, and setting a precedent.

MOTION TO DENY PZ2016-003

By: Alan Kaplan

Seconded: Italia Metts

Vote: (3-2) (Kaplan, Metts, Willis)(Houser, Middleton opposed)

CITY BUSINESS ITEMS:

1. Update on Town Center, Town Green, Botanical Garden, and Peachtree Parkway Bridge

Diana Wheeler, Community Development Director, gave a brief update on the Town Center, Town Green, Botanical Garden, Multi-Use Trail, and Peachtree Parkway Bridge.

COMMENTS BY STAFF AND PLANNING COMMISSION:

Diana Wheeler, Community Development Director, informed the Commission that there would be no meeting for the month of May.

The Planning Commission meeting concluded at 8:26 PM.

Approved,

Attest:

Matt Houser, Chairman

Jennifer Davis, Deputy City Clerk

SUP2016-002
LaCosecha Church

**CITY OF PEACHTREE CORNERS
COMMUNITY DEVELOPMENT DEPARTMENT**

SPECIAL USE PERMIT ANALYSIS

PLANNING COMMISSION DATE: July 12, 2016
CITY COUNCIL DATE: August 16, 2016

CASE NUMBER: **SUP2016-002**
CURRENT ZONING: M-1
LOCATION: 6947 PEACHTREE INDUSTRIAL BOULEVARD
MAP NUMBERS: 6th DISTRICT, LAND LOT 277
ACREAGE: 2.03 ACRES
PROPOSED DEVELOPMENT: To allow a facility for religious services and ceremonies in an existing office building.
FUTURE DEVELOPMENT MAP: EMPLOYMENT CORRIDOR

APPLICANT CONTACT: MINISTERIO I. LA COSECHA 3
1568 CHRISTIANA DRIVE
LAWRENCEVILLE, GA 30043
770-374-0978

RECOMMENDATION: APPROVE WITH CONDITIONS

PROJECT DATA:

The applicant requests a Special Use Permit on a 2.03-acre parcel zoned M-1 (Light Industry District) to permit a facility for the conduct of religious services and ceremonies in an existing, vacant, office building. The applicant intends to purchase the entire site and do minor interior renovations for offices, classrooms, and a sanctuary. A community food pantry that will be open only during service hours is also proposed.

The site is located to the north of Peachtree Industrial Boulevard, within an area of diverse zoning districts. While the properties immediately to the west, south, and east are zoned M-1 (Light Industrial), there are several residential and commercial zoning districts located in the surrounding area. These include several O-1 (Office-Institutional) parcels to the west, an R75 (Single Family Residence) zoned neighborhood to the north, a few C2 (General Business) zoned properties to the east, and additional M-1 (Light Industrial) zoned properties to the south, across Peachtree Industrial Boulevard.

The applicant has provided a survey of the site, however, little detail is provided due to the quality of the survey. The parcel is a flag lot, located behind two smaller parcels that front Peachtree Industrial Boulevard. These buildings, as well as topography, make it impossible to view the building at 6947 Peachtree Industrial Boulevard from the street. The one-story, brick building is surrounded by parking on the east and south sides, a lake to the north, and a vacant

wooded lot to the west. The applicant has stated that they have first right of refusal on the parcel to the west and can expand the parking area onto this lot, if necessary. There are several loading bays located on the east elevations, many of which are in disrepair. Some doors appear to be missing and the landscaping is overgrown on the site. The applicant has stated that 60-parking spaces are available on site, which staff has calculated to mean that a maximum of 300-fixed seats would be permitted in the main sanctuary.

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 and thoroughfares.” Office, light industrial, and small-scale retail (where existing or at a major node) are considered appropriate uses, and sidewalks, architectural and design standards, creative adaptive reuse/redevelopment of existing underutilized structures, parking behind buildings, and natural buffers are encouraged. The residential areas to the north and west of the site are located within the Village Residential Suburban Neighborhood Character Area, which supports multi-family residential, single-family detached residential, open space, institutional (churches and schools), and neighborhood-serving retail at major nodes.

The City’s Zoning Resolution requires that a facility for the conduct of religious services and ceremonies obtain a Special Use Permit to operate in the M-I zoning district. The purpose of the Special Use Permit review is to ensure that any detrimental aspects of the proposed land use are mitigated through site-specific conditions.

ZONING HISTORY:

The property is currently zoned M-I (Light Industry District) and is occupied by a 23,760-square-foot brick office building constructed in 1983. In 1976, the Gwinnett County Board of Commissioners rezoned the property from OI to M-I for warehouse/office use (RZ1976-00076).

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. This property has been used as a church during the past 6 years.

Staff’s Comment: While the subject property is located within the Employment Corridor, which mainly supports office uses, the property is within close proximity of two neighborhoods. A

church would be suitable in view of the use and development of adjacent and nearby property as it will mainly operate outside normal business hours of the office uses that surround it and will serve the surrounding residential neighborhoods.

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. Same occupant neighbors over past years.

Staff's Comment: The proposed use will not adversely affect the existing use or usability of adjacent or nearby property as it will be located within an existing building. A small buffer between the residential neighborhood is provided by the lake to the north of the site, which is located on a different parcel and owned by the Gwinnett County Water and Sewage Authority.

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: Currently zoned M-1. Partial use temporarily.

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: No. Major use will be Sabbath (Sunday) when other neighboring buildings are not occupied.

Staff's Comment: The impacts of a church on streets, transportation facilities, or utilities are unlikely to be excessive or burdensome. 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 is an older established area and all neighboring businesses have not had a problem with other church use in the area.

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 building has been vacant for some time with only partial use. A remodel of building will add value to the property and improve neighborhood appearance as well as a place of worship to carry out the lord's work.

Staff's Comment: The Comprehensive Plan's support for adaptive reuse of underutilized structures in the Employment Corridor combined with the fact that the building has been vacant for a long time, gives supporting grounds for approval of the Special Use Permit.

COMPREHENSIVE PLAN:

The 2033 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, and small-scale retail (where existing or at major nodes). While institutional uses are not explicitly stated, the Employment Corridor does encourage adaptive reuse of existing underutilized structures, which would specifically address the proposed site. In addition, the subject parcel is located near several properties in the Village Residential Character Area, which lists institutional uses such as schools and churches as appropriate.

A Special Use Permit for a church in this location would meet the goals and policies of the Comprehensive Plan and would serve the surrounding residential community.

DEPARTMENT ANALYSIS:

The subject property is a 2.03-acre site located at 6947 Peachtree Industrial Boulevard. It is located behind two office buildings on separate parcels and accessed from a common drive off of the access road of Peachtree Industrial Boulevard. The applicant has stated that the building has previously been used as a church, but no prior special use permits have been located.

The property is surrounded by M-I (Light Industry), OI (Office Institutional), C2 (General Business), and R75 (Single Family Residential) zoned properties.

The 2033 Comprehensive Plan indicates that the parcel lies within the Employment Corridor Character Area. This character area encourages the adaptive reuse of existing underutilized structures. The proposed use conforms to this development guideline. The Employment Corridor character area also seeks to apply high standards of architectural design and building materials. The current building exterior will need some general maintenance and repair in order to comply with this guideline. The request to permit church uses in this existing structure would be consistent with the policies of the Character area and would put a vacant building back into productive use.

Therefore, after review of the applicant's proposal and other relevant information, it is recommended that SUP2016-002 be approved with the following conditions:

- I. The special use permit for the Ministerio I. La Cosecha 3 Church shall be limited to the existing building at 6947 Peachtree Industrial Boulevard;

2. The number of fixed seats in the church shall be limited to 300 in order to meet the minimum parking requirements, provided there are 60 parking spaces available on the site;
3. General maintenance and repair of all building elevations and landscaping shall be completed prior to occupancy in order to meet property maintenance requirements. Alterations shall be subject to the review and approval of the Community Development Director;
4. Required inspections and permits shall be obtained before occupancy;
5. The community food pantry is operated as an accessory use to the church and conducted during church service hours. It shall not become a separate entity or the primary use on the site;
6. Any associated day care centers, private schools, recreational facilities, or parking lot expansions are not permitted under this Special Use Permit; (This restriction does not apply to individual programs such as after-school care or Mothers Morning Out.)
7. If the City determines that church activities sufficiently impact existing traffic, the City shall notify the church and the church shall provide an off-duty police officer during those times when church related traffic needs to be managed.

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>Ministerio I. La Cosecha 3</u> | NAME: <u>William C. Little</u> |
| ADDRESS: <u>1568 Christiana Dr.</u> | ADDRESS: <u>378 Red fox Run</u> |
| CITY: <u>Lawrenceville</u> | CITY: <u>Franklin</u> |
| STATE: <u>GA</u> ZIP: <u>30043</u> | STATE: <u>N.C</u> ZIP: <u>28734</u> |
| PHONE: <u>(770) 374-0978</u> | PHONE: <u>(828) 342-8277</u> |
| E-MAIL: <u>Henzacos@hotmail.com</u> | E-MAIL: _____ |
| CONTACT PERSON: <u>Henry Zamora</u> PHONE: <u>(770) 374-0978</u> | |
| CONTACT'S E-MAIL: <u>Henzacos@hotmail.com</u> | |

APPLICANT IS THE:

- OWNER'S AGENT PROPERTY OWNER CONTRACT PURCHASER

PRESENT ZONING DISTRICT(S): _____ REQUESTED ZONING DISTRICT: _____

LAND DISTRICT(S): 6th LAND LOT(S): 277 ACREAGE: 2.0367 + 1.2 = 3.2367

ADDRESS OF PROPERTY: 6947 Peachtree Ind. Blvd. Norcross GA 30092

PROPOSED DEVELOPMENT: Interior non bearing wall relocations for Offices Classrooms, and sanctuary for Ministerio I. La Cosecha 3

Staff Use Only This Section

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

Fees Paid: _____ By: _____

Related Cases & Applicable Conditions:

Description: _____

RESIDENTIAL DEVELOPMENT

NON-RESIDENTIAL DEVELOPMENT

No. of Lots/Dwelling Units _____

No. of Buildings/Lots: 2

Dwelling Unit Size (Sq. Ft.): _____

Total Bldg. Sq. Ft.: 24,500 ± sf

Gross Density: 3.2367 Acres

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).

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.

Ministerio la cosecha 3, Henry Zamora 5-23-16
Signature of Applicant Date

Ministerio LA Cosecha 3 Henry Zamora
Type or Print Name and Title

Dora Alvarado
Signature of Notary Public

5/23/16
Date



PROPERTY OWNER'S CERTIFICATION

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

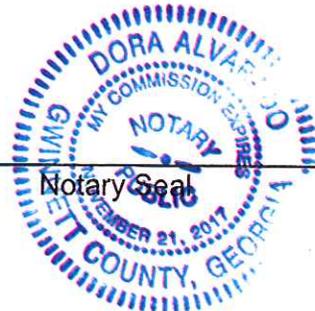
W.C. Little
Signature of Property Owner

May 23, 2016
Date

W. C. LITTLE
Type or Print Name and Title

Dora Alvarado
Signature of Notary Public

5/23/16
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?

Yes, this property has been used as a church during the past 6 years

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?

NO, some occupant neighbors over past years.

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?

Currently zoned M-1 Partial use temporarily

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?

NO, major use will be sabbath (Sunday) when other neighboring buildings are not occupied.

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?

This is an older established area and all neighboring businesses have not had a problem with other church use in the past.

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?

The bldg. has been vacant for some time with only partial use. A remodel of bldg. will add value to the property and improve neighborhood appearance as well as a place of worship to carry out the Lords work.

**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 Ministerio la Cosecha 3
(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.

Ministerio la Cosecha 3 5-23-16 HENRY ZAMORA POSTOR
 Signature of Applicant Date Type or Print Name and Title

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

Dora Alvarado 5/23/16 _____
 Signature of Notary Date Notary Seal



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 Peachtree Corners - 277 - R6277049
(Map Reference Number) District Land Lot Parcel

Ministerio La Cosecha 3 / Henry Zamora 5-23-16
Signature of Applicant Date

Ministerio La Cosecha 3 / Henry Zamora Pastor
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)

NAME TITLE

DATE

LETTER OF INTENT

Ministerio I. La Cosecha 3

May 13, 2016

The applicant submits this Special Use Permit Application for the purpose of obtaining a special use permit to permit a church on the property located on 6947 Peachtree Industrial Blvd. Norcross, GA 30092

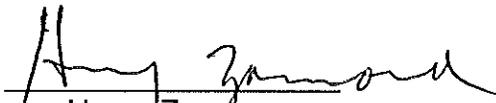
The property has approximately 60 parking spaces and 1.3 acres of land to build more if necessary. Access is proposed through entrance/exit onto access rd. south on Peachtree Industrial Blvd. The building will also host a community food pantry that will be open only during service hours. (SEE ATTACHMENT)

The property has access to a public water supply, public sanitary sewer, and convenient access to collector streets and thoroughfares. Due to nature of a church's less-intensive use, there will be no impact on traffic, schools, or local roads. The subject property is located on what can only be characterized as a low-density, neighborhood tract. Historically, churches have been a very good neighbor contributing to the community and creating a safe environment. The church will not house a school, or any other peak-hour activities.

CONCLUSION

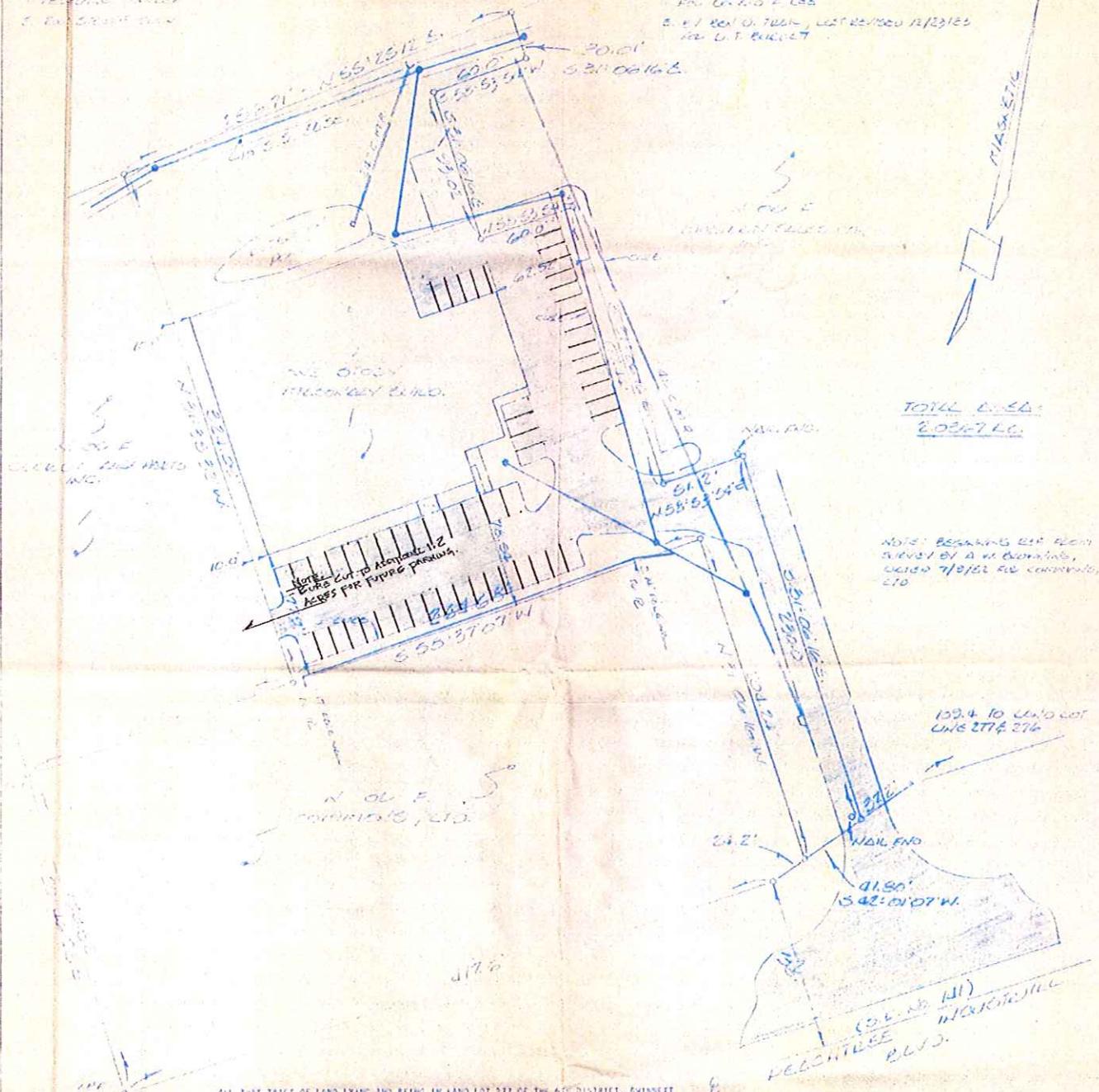
This proposed special use permit would result in a high-quality church to serve its members in the area and compliment the high standard of development already established in Norcross/ Peachtree corners. Applicant and its representatives welcome the opportunity to meet with the staff of the Peachtree corners Community Development Department to answer any questions or to address any concerns. Applicant respectfully request for approval of this application.

Respectfully submitted,


Henry Zamora
Pastor

1. EN L. B. BARNES, dated 7/21/62
 FOR CONVEYANCE TO
 2. J. B. BARNES, dated 7/21/62
 FOR CONVEYANCE TO
 3. J. B. BARNES, dated 7/21/62
 FOR CONVEYANCE TO

REFERENCE TO EN L. B. BARNES, dated 7/21/62
 FOR CONVEYANCE TO
 2. J. B. BARNES, dated 7/21/62
 FOR CONVEYANCE TO
 3. J. B. BARNES, dated 7/21/62
 FOR CONVEYANCE TO



TOTAL AREA:
 2.0367 AC.

NOTE: BEARING SET FROM
 SURVEY BY A. W. BARNES,
 dated 7/21/62 FOR CONVEYANCE
 TO

ALL THAT TRACT OF LAND LYING AND BEING IN LAND LOT 272 OF THE 40th DISTRICT, QUINSEET
 COUNTY, GEORGIA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

TO FIND THE TRUE POINT OF BEGINNING; COMMENCE AT A POINT FORMED BY THE INTERSECTION OF
 THE NORTHWESTERLY R/W LINE OF PEACHTREE INDUSTRIAL BLVD. (BEING A 325-FOOT R/W AT THIS
 POINT) AND THE LAND LOT LINE COMMON TO L.L. 276 AND L.L. 277, SAID DISTRICT AND COUNTY;
 RUN THENCE SOUTHWESTERLY ALONG THE NORTHWESTERLY R/W LINE OF PEACHTREE INDUSTRIAL BLVD.
 A DISTANCE OF 102.4 FEET TO A POINT; THENCE S. 52° 20' 17\"/>

ACCORDING TO H.U.D. FLOOD MAP
 THIS PROPERTY IS NOT IN A SPECIAL
 FLOOD HAZARD AREA



J. B. BARNES, JR.
 67 1/2 5th St. S.E.
 Atlanta, Ga. 30316
 Surveyor No. 12345

SURVEY FOR
 U. T. RUSSETT AND
 SOUTHERN NATIONAL BANK
 LAND LOT 272 - 60th DISTRICT
 QUINSEET COUNTY, GEORGIA
 APRIL 17, 1965 - SCALE 1" = 40'
 SURVEY # SITE PLAN

1.3 ACRE ADDITIONAL
PARKING AREA.

N. 55° 25' 12" E.
161.56'

L 10' S. S. E. E.

WGL O/S

**RIGHT OF
FIRST REFUSAL
PROPERTY**

4
0

N. 23° 46' 25" W.

315.20'

324.09'

S. 31° 35' 32" E.

171.34'

S. 58° 37' 07" W.

1.25

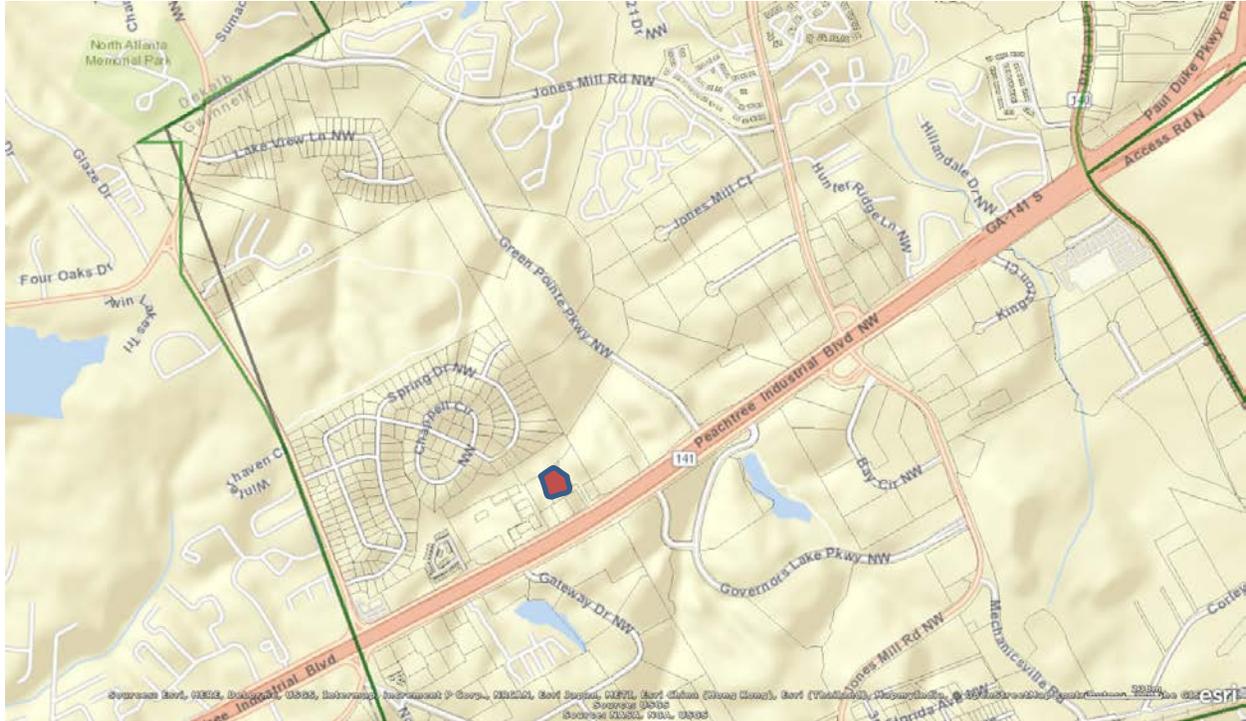
1.25





PROPERTY LOCATION MAP

LaCosecha Church



CASE NUMBER: SUP2016-002

| | | | |
|-----------------------|--------------------------------|--|--|
| | PLANNING COMMISSION | CITY COUNCIL 1ST READING | CITY COUNCIL 2ND READING |
| HEARING DATES: | JULY 12, 2016 | JULY 19, 2016 | AUGUST 16, 2016 |

PROPERTY ADDRESS: 6947 Peachtree Industrial Boulevard

SUP2016-003
CityGate Church

**CITY OF PEACHTREE CORNERS
COMMUNITY DEVELOPMENT DEPARTMENT**

SPECIAL USE PERMIT ANALYSIS

PLANNING COMMISSION DATE: July 12, 2016
CITY COUNCIL DATE: August 16, 2016

CASE NUMBER: **SUP2016-003**
CURRENT ZONING: M-1
LOCATION: 3100 Medlock Bridge Road, Suite 270
MAP NUMBERS: 6th DISTRICT, LAND LOT 271
ACREAGE: 3.05 ACRES
PROPOSED DEVELOPMENT: To allow a facility for religious services and ceremonies in an existing office building.
FUTURE DEVELOPMENT MAP: EMPLOYMENT CORRIDOR

APPLICANT CONTACT: CITYGATE ATLANTA CHURCH, INC.
C/O THE GALLOWAY LAW GROUP, LLC
3500 LENOX ROAD NE, SUITE 760
ATLANTA, GA 30326
404-965-3680

RECOMMENDATION: APPROVE WITH CONDITIONS

PROJECT DATA:

The applicant requests a Special Use Permit on a 3.05-acre parcel zoned M-1 (Light Industry District) to permit a facility for the conduct of religious services and ceremonies in an existing, office building. The office building is part of the Medlock Oaks Business Park, which includes a total of five buildings on five parcels. The applicant's letter of intent states that CityGate Atlanta Church intends to lease 15,000-square-feet so that they may conduct religious services outside normal business hours. They have stated that the largest assembly area will seat approximately 175-people. No additions or alterations to the exterior of the buildings or site are being requested.

The site is predominately located within an industrial area that is bounded by Medlock Bridge Road, Peachtree Industrial Boulevard, South Old Peachtree Road, the Norfolk Southern Railway, and Langford Road. However, two residential neighborhoods abut the office park to the north and south. The neighborhood to the north, Wyntree, is zoned R-ZT and the neighborhood to the south, Corner Oak, is zoned R-TH. The property to the east is zoned M-1. The west side of the property forms a boundary with the City of Norcross.

The applicant has provided a survey of the site, as well as the interior floor plan of the suite they intend to lease. Suite 270 is located on the western side of building 200, which is the northern most building on the site. It is a one-story, brick building with a large parking lot located to the south of the building. A smaller, separate parking lot, which is accessed from a different driveway, is located to the west of the building and mainly serves the suite to the left

of the one in question. The applicant has stated that they will need at least 35 parking spaces based on their largest assembly area and that the office park has a total of 455 on-site parking spaces. The applicant's lease does not restrict the number of parking spaces that the church is allotted. All five buildings on the site can be accessed from a common access point that is centrally located off of Medlock Bridge Road. The subject parcel is separated from the Wytrees Neighborhood to the north by the access road for the Medlock Commons Business Park.

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 and thoroughfares." Office, light industrial, and small-scale retail (where existing or at a major node) are considered appropriate uses, and sidewalks, architectural and design standards, creative adaptive reuse/redevelopment of existing underutilized structures, parking behind buildings, and natural buffers are encouraged. The site is surrounded by the Suburban Neighborhood Character Area, which supports single-family detached residential, open space, institutional (churches and schools), minimal neighborhood-serving retail, and office (where existing).

The City's Zoning Resolution requires that a facility for the conduct of religious services and ceremonies obtain a Special Use Permit to operate in the M-I zoning district. The purpose of the Special Use Permit review is to ensure that any detrimental aspects of the proposed land use are mitigated through site-specific conditions.

ZONING HISTORY:

The property is currently zoned M-I (Light Industry District) and is occupied by a 43,545-square-foot brick office building constructed in 1986. In 1985, the Gwinnett County Board of Commissioners rezoned the property from R-75 and RTH to M-I for office/business park (RZ-85-013). In 1989, the Gwinnett County Board of Commissioners approved a Special Use Permit (SUP-89-064) to allow a church in the M-I zoning district. A second special use permit was granted in 1991 (SUP-91-025). Both of those approvals have since expired.

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 proposed Special Use Permit will permit a use that is suitable in view of the use and development of adjacent and nearby property. Various business uses are located in the Medlock Oaks Business Park and at the parcels to the west, across Medlock Bridge Road.

Residential uses are located near the business park to the north, east, and south. The envisioned church is a suitable addition to the area as a complementary use.

Staff's Comment: While the subject property is located within the Employment Corridor, which mainly supports office uses, the property is surrounded by two neighborhoods. A church would be suitable in view of the use and development of adjacent and nearby property as it will mainly operate outside normal business hours of the office park and will serve the surrounding residential neighborhoods.

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 proposed special use will not adversely affect the existing use or usability of adjacent or nearby property. The applicant seeks the Special Use Permit to operate a church in one unit of a business park with multiple buildings. The business park's owner has expressed great interest in leasing the space to the Applicant, which is a clear indication that the Applicant's proposal will not adversely affect the business park. Additionally, the Applicant does not expect its proposal to affect nearby residential uses, as the church will be located within an existing building that does not share access with those residential uses.

Staff's Comment: The proposed use will not adversely affect the existing use or usability of adjacent or nearby property as it will be located within an existing office park with sufficient parking. A small separation is provided between the proposed church and the Wyntree Neighborhood by the access drive for the Medlock Commons Business Park.

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 currently zoned, and the requested Special Use Permit will allow the continued realization of this value. By including the conduct of religious services and ceremonies in its list of special uses in the M-I Light Industry district, the City recognizes the use as economically reasonable within the district. Carrying out this use at the Property, as proposed by the Applicant, would be similarly reasonable.

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: The proposed Special Use Permit will not result in a use which will or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities, or schools. Participants in church services will use existing streets to access the property, which are sufficient to accept church-related traffic. The Applicant proposes to house the church in one unit of an existing commercial building, and the current provision of utilities to this building is sufficient for the proposed use. As the Applicant does not propose any residential use, the church will not result in a burdensome impact on area schools.

Staff's Comment: The impacts of a church on streets, transportation facilities, or utilities are unlikely to be excessive or burdensome. 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: The proposed Special Use Permit is in conformity with the policy and intent of the Land Use Plan. Peachtree Corners has designated the Property to the Preferred Office Character Area. See Peachtree Corners 2033 Comprehensive Plan, Community Needs and Opportunities, at 51. Encouraged uses in this Character Area include “office professional uses” and “mixed-use development.” Id. At 50. Accordingly, approval of a Special Use Permit allowing the proposed church will add to the mix of uses already present at the Medlock Oaks Business Park in a way that is compatible with the Zoning Ordinance, thereby advancing the goals of the 2033 Comprehensive Plan.

Staff's Comment: The property is located within the Employment Corridor, which can be found on pages 52 and 53 (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: Conditions affecting the use and development of the Property support approval of the proposed Special Use Permit. The property owner's desire to lease the Property to the Applicant indicates the owner's behalf in the soundness of proposed use of the premises as a church. Further, the area around the Property features commercial as well as residential uses, and the location of a church at the Property would enrich the mix of uses that communities rely on.

Because this Special Use Permit proposal is consistent with all the Standards set forth in Sections 1702 and 1705 of the Code of Ordinances of the City of Peachtree Corners, the Applicant respectfully asks that the City Council of the City of Peachtree Corners grant the Special Use Permit as requested by the Applicant above.

Staff's Comment: The Comprehensive Plan's support for adaptive reuse of underutilized structures in the Employment Corridor combined with the fact that there are several vacancies in the Medlock Oaks Business Park, gives supporting grounds for approval of the Special Use Permit.

COMPREHENSIVE PLAN:

The 2033 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, and small-scale retail (where existing or at major nodes). While institutional uses are not explicitly stated, the Employment Corridor does encourage adaptive reuse of existing

underutilized structures, which would include the Medlock Oaks Business Park which has several vacancies. In addition, the subject parcel is encased by properties located in the Suburban Neighborhood Character Area, which lists institutional uses such as schools and churches as appropriate.

A Special Use Permit for a church in this location would meet the goals and policies of the Comprehensive Plan and would serve the surrounding residential community.

DEPARTMENT ANALYSIS:

The subject property is a 3.05-acre site located at 3100 Medlock Bridge Road. It is the northern most building of a five-building office park that is accessed by a central entrance at Medlock Bridge Road. The parking and driveways for the five buildings are inter-connected and shared by all tenants. Portions of the building have previously been used as a church, per special use permits granted by Gwinnett County.

The property is surrounded by M-I (Light Industry), R-ZT (Single Family Residence), and R-TH (Single Family Residence Townhouse) zoning districts. Across Medlock Bridge Road is the City of Norcross.

The 2033 Comprehensive Plan indicates that the parcel lies within the Employment Corridor Character Area. This character area encourages the adaptive reuse of existing underutilized structures. The proposed use conforms to this development guideline. The Employment Corridor character area also seeks to apply high standards of architectural design and building materials such as the existing brick exterior on this structure. The request to permit church uses in this existing structure would be consistent with the policies of the Character area and would put a vacant building suite back into productive use.

Therefore, after review of the applicant's proposal and other relevant information, it is recommended that SUP2016-003 be approved with the following conditions:

1. The special use permit for CityGate Atlanta Church shall be limited to the 15,409-square-feet in Building 200, as shown on the submitted survey and floor plan;
2. The number of fixed seats in the church shall be limited to 175;
3. Required inspections and interior finish permits shall be obtained before occupancy;
4. Any associated day care centers, private schools, or recreational facilities are not permitted under this Special Use Permit. (This restriction does not apply to individual programs such as after-school care or Mothers Morning Out.)
5. If the City determines that church activities sufficiently impact existing traffic, the City shall notify the church and the church shall provide an off-duty police officer during those times when church related traffic needs to be managed.

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>CityGate Atlanta Church, Inc. c/o The Galloway Law Group, LLC</u> | NAME: <u>BRE ABP Owner, LLC</u> |
| ADDRESS: <u>3500 Lenox Road NE, Suite 760</u> | ADDRESS: <u>222 S. Riverside Plaza, Suite 2000</u> |
| CITY: <u>Atlanta</u> | CITY: <u>Chicago</u> |
| STATE: <u>GA</u> ZIP: <u>30326</u> | STATE: <u>IL</u> ZIP: <u>60606</u> |
| PHONE: <u>(404) 965-3680</u> | PHONE: <u>(617) 425-7555</u> |
| E-MAIL: <u>lauren@glawgp.com, jordan@glawgp.com</u> | E-MAIL: <u>michelle_boyle@equityoffice.com</u> |
| CONTACT PERSON: <u>Lauren Hansford, Jordan Edwards</u> PHONE: <u>(404) 965-3680</u> | |
| CONTACT'S E-MAIL: <u>lauren@glawgp.com, jordan@glawgp.com</u> | |

APPLICANT IS THE:

- OWNER'S AGENT
 PROPERTY OWNER
 ~~CONTRACT PURCHASER~~
 Contract Lessee

PRESENT ZONING DISTRICT(S): M-1 REQUESTED ZONING DISTRICT: M-1 (Special Use Permit)
 Approx. 15,000 SF

LAND DISTRICT(S): 6 LAND LOT(S): 271 ACREAGE: (Tax Parcel is approx. 3.05 acres)

ADDRESS OF PROPERTY: 3100 Medlock Bridge Road, Suite 270, Peachtree Corners, GA 30071

PROPOSED DEVELOPMENT: Facility for the conduct of religious services and ceremonies

Staff Use Only This Section

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

Fees Paid: _____ By: _____

Related Cases & Applicable Conditions:

Description: _____

RESIDENTIAL DEVELOPMENT

No. of Lots/Dwelling Units N/A

Dwelling Unit Size (Sq. Ft.): N/A

NON-RESIDENTIAL DEVELOPMENT

No. of Buildings/Lots: 1

Total Bldg. Sq. Ft.: Approx. 15,000 SF for Use, Part of a 42,894-SF building

Gross Density: No increase in density

FEE SCHEDULE

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

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

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

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

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

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

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

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

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

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

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

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

4. Chattahoochee Corridor Review (involving a public hearing) - \$150.

5. Buffer Reduction (Greater than 50%) Application Fee - \$500.

6. Zoning Certification Letter - \$100 (per non-contiguous parcel).

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

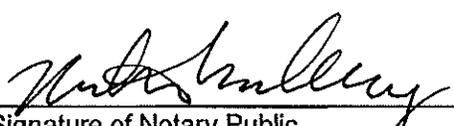
The undersigned below states under oath that they are authorized to make this application. The undersigned is aware that no application or reapplication affecting the same land shall be acted upon within 12 months from the date of last action by the city council unless waived by the city council. In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



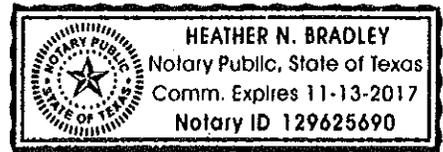
Signature of Property Owner 5/25/2016
Date

Rob Shults VP-Asset Management

Type or Print Name and Title



Signature of Notary Public 5/25/2016
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?
Please see attached Letter of Intent.

- 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 Letter of Intent.

- 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 Letter of Intent.

- 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 Letter of Intent.

- 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 Letter of Intent.

- 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 Letter of Intent.

TAX ACCOUNT DETAIL

R6271 444



[Home](#) [Motor Vehicle](#) [Property Tax](#) [Contact](#) [Locations](#) [About Us](#) [Careers](#) [Q](#)

ACCOUNT DETAIL

Tax Account

Mailing Address:
BRE ABP OWNER LLC
PO BOX A3879
CHICAGO, IL 60690-3879
[Change Mailing Address](#)

SITUS:
3100 MEDLOCK BRIDGE RD 200

Tax District:
PEACHTREE CORNERS

| Parcel ID | Property Type | Last Update |
|-----------|---------------|----------------------|
| R6271 444 | Real Property | 5/31/2016 2:14:17 PM |

Legal Description
LOT 2 BUSINESS PARK INVESTORS LLC

Tax Bills

Note: Four years of tax information is available online. Email tax@gwinnettcounty.com to request other years.

| Tax Year | Net Tax | Total Paid | Penalty/Fees | Interest | Due Date | Amount Due |
|--------------|-------------|-------------|--------------|----------|------------|------------|
| 2015 | \$29,936.46 | \$29,936.46 | \$0.00 | \$0.00 | 10/15/2015 | \$0.00 |
| 2014 | \$30,108.84 | \$30,409.93 | \$0.00 | \$0.00 | 10/1/2014 | \$0.00 |
| 2013 | \$30,152.76 | \$30,454.29 | \$0.00 | \$0.00 | 11/1/2013 | \$0.00 |
| 2012 | \$30,232.26 | \$30,232.26 | \$0.00 | \$0.00 | 10/15/2012 | \$0.00 |
| Total | | | | | | \$0.00 |

Pay Online

No payment due for this account.







Click here for map

LETTER OF INTENT
APPLICATION FOR LAND USE PERMIT
PEACHTREE CORNERS, GEORGIA

CityGate Atlanta Church, Inc. (the “Applicant”) requests a Special Use Permit that will allow the operation of a facility for the conduct of religious services and ceremonies at the property located at 3100 Medlock Bridge Road, Suite 270, Peachtree Corners, Georgia (Tax Parcel Identification Number R6271 444) (the “Property”). The Property is zoned to the M-1 Light Industry District, is situated within the Medlock Oaks Business Park, and is improved with a one-story building. The Applicant seeks to lease approximately 15,000 square feet of the building to conduct religious services outside normal business hours. The largest assembly area at the facility will seat approximately 175 people, which would require the provision of at least thirty-five (35) parking spaces. See Code of Ordinances of the City of Peachtree Corners Sec. 1002. The Applicant’s lease does not restrict in the number of parking spaces at the Medlock Oaks Business Park the Applicant uses outside of normal business hours, when religious services would be held. The business park has a total of 455 on-site parking spaces.

The proposed Special Use Permit is consistent with the Special Use Permit Standards of Review set forth in Section 1705 of the Code of Ordinances of the City of Peachtree Corners. Notably, the proposed use as a facility for the conduct of religious services and ceremonies, which is listed as a special use in the M-1 zoning district, is desired for development and a more intensive zoning district containing this use by right would not be appropriate for the Property. Code of Ordinances of the City of Peachtree Corners Sec. 1705.A. The Property is one unit within a commercial building, which is itself part of a business park. Consequently, although the proposed special use as a church is appropriate for the Property, a rezoning would not be.

The proposed Special Use would also be consistent with the needs of the neighborhood or the community as a whole, would be compatible with the neighborhood, and would not be in conflict with the overall objective of the Gwinnett County Comprehensive Plan or the City of Peachtree Corners Comprehensive Plan. Code of Ordinances of the City of Peachtree Corners Sec. 1705.F. This compatibility is demonstrated by the proposal’s consistency with the following Standards governing the exercise of the zoning power set forth in Section 1702 of the Code of Ordinances of the City of Peachtree Corners:

A. Whether a proposed [Special Use Permit] will permit a use that is suitable in view of the use and development of adjacent and nearby property;

The proposed Special Use Permit will permit a use that is suitable in view of the use and development of adjacent and nearby property. Various business uses are located in the Medlock Oaks Business Park and at the parcels to the west, across Medlock Bridge Road. Residential uses are located near the business park to the north, east, and south. The envisioned church is a suitable addition to the area as a complementary use.

B. Whether a proposed [Special Use Permit] will adversely affect the existing use or usability of adjacent or nearby property;

The proposed special use will not adversely affect the existing use or usability of adjacent or nearby property. The Applicant seeks the Special Use Permit to operate a church in one unit of a business park with multiple buildings. The business park's owner has expressed great interest in leasing the space to the Applicant, which is a clear indication that the Applicant's proposal will not adversely affect the business park. Additionally, the Applicant does not expect its proposal to affect nearby residential uses, as the church will be located within an existing building that does not share access with those residential uses.

C. Whether the property to be affected by a proposed [Special Use Permit] has a reasonable economic use as currently zoned;

The Property has a reasonable economic use as currently zoned, and the requested Special Use Permit will allow the continued realization of this value. By including the conduct of religious services and ceremonies in its list of special uses in the M-1 Light Industry district, the City recognizes the use as economically reasonable within the district. Carrying out this use at the Property, as proposed by the Applicant, would be similarly reasonable.

D. Whether the proposed [Special Use Permit] will result in a use which will or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities, or schools;

The proposed Special Use Permit will not result in a use which will or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities, or schools. Participants in church services will use existing streets to access the Property, which are sufficient to accept church-related traffic. The Applicant proposes to house the church in one

unit of an existing commercial building, and the current provision of utilities to this building is sufficient for the proposed use. As the Applicant does not propose any residential use, the church will not result in a burdensome impact on area schools.

E. Whether the proposed [Special Use Permit] is in conformity with the policy and intent of the Land Use Plan; and

The proposed Special Use Permit is in conformity with the policy and intent of the Land Use Plan. Peachtree Corners has designated the Property to the Preferred Office Character Area. See Peachtree Corners 2033 Comprehensive Plan, Community Needs and Opportunities, at 51. Encouraged uses in this Character Area include “office professional uses” and “mixed-use development.” Id. at 50. Accordingly, approval of a Special Use Permit allowing the proposed church will add to the mix of uses already present at the Medlock Oaks Business Park in a way that is compatible with the Zoning Ordinance, thereby advancing the goals of the 2033 Comprehensive Plan.

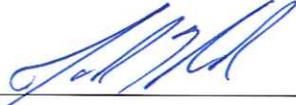
F. Whether there are other existing or changing conditions affecting the use and development of the property which give supporting grounds for either approval or disapproval of the proposed [Special Use Permit].

Conditions affecting the use and development of the Property support approval of the proposed Special Use Permit. The property owner’s desire to lease the Property to the Applicant indicates the owner’s belief in the soundness of proposed use of the premises as a church. Further, the area around the Property features commercial as well as residential uses, and the location of a church at the Property would enrich the mix of uses that communities rely on.

Because this Special Use Permit proposal is consistent with all the Standards set forth in Sections 1702 and 1705 of the Code of Ordinances of the City of Peachtree Corners, the Applicant respectfully asks that the City Council of the City of Peachtree Corners grant the Special Use Permit as requested by the Applicant above.

Sincerely,

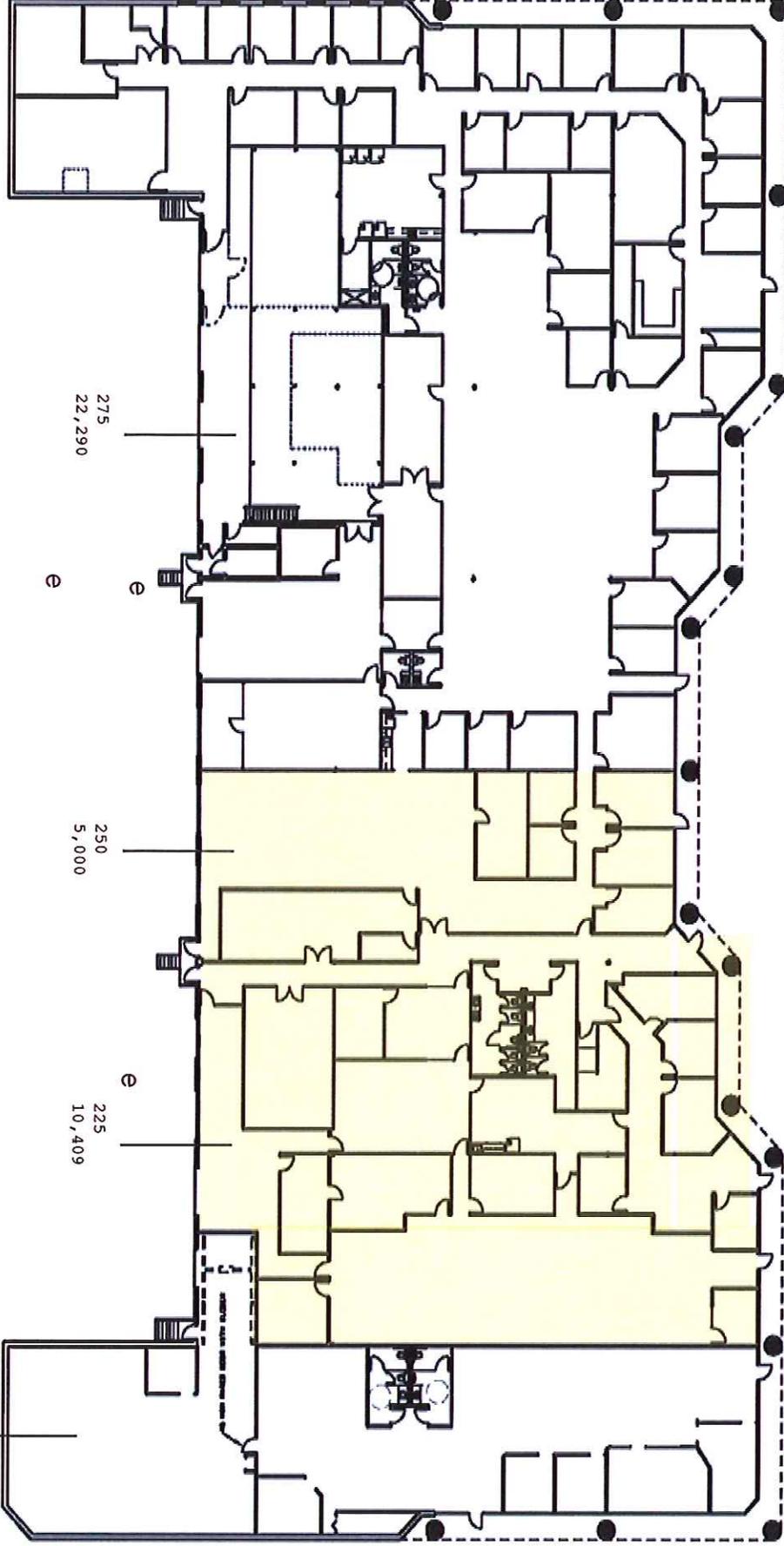
THE GALLOWAY LAW GROUP, LLC

By:  _____

Lauren Hansford
Jordan Edwards
Attorneys for the Applicant

3500 Lenox Road, NE
Suite 760
Atlanta, Georgia 30326
(404) 965-3680

200
7,707



e

275
22,290

e

250
5,000

e

225
10,409

e

45,406 sf

Medlock Oaks – Bldg 200, Suite 200

3100 Medlock Bridge Road
Norcross, Georgia 30071

JACKSON
CORPORATE REAL ESTATE
(404) 751 - 3200
www.jacksoncorporaterealestate.com



200



PROPERTY LOCATION MAP

CityGate Church



CASE NUMBER:

SUP2016-003

**PLANNING
COMMISSION**

**CITY COUNCIL
1ST READING**

**CITY COUNCIL
2ND READING**

HEARING DATES:

JULY 12, 2016

JULY 19, 2016

AUGUST 16, 2016

PROPERTY ADDRESS:

3100 Medlock Bridge Road

**Sign Ordinance
Amendment:
Bus Bench Signs**



Memo

TO: Planning Commission Members
FROM: Diana Wheeler, Community Development Director
DATE: July 12, 2016
SUBJECT: Advertising Signs on Benches

Concerns have been expressed about the benches installed recently along some roadways because of the advertising placed along the backs of those benches. The appearance of the bus bench signs is an issue, as well as the precedent for having signage in the right-of-way. In order to address this issue, Staff researched existing sign ordinance regulations and found the following two sections that apply:

Sec. 54-13. - Signs exempt from specified provisions of this chapter (permitting)

(9) Signage on courtesy benches, trash receptacles, newspaper boxes, automated teller kiosks and phone booths not exceeding eight square feet of sign area and not located within the required front yard setback for the zoning district. Limited to one bench sign and one trash receptacle sign per lot.

Sec. 54-10. - Prohibited signs.

The following types of signs or advertising devices are prohibited in all zoning districts of the city:

(6) Signs placed within public rights-of-way, except publicly owned, authorized or maintained signs which serve an official public purpose.

While the sign ordinance allows advertising on benches placed on private property and prohibits signs in the right-of-way, the ordinance language is not as clear as it could be. Wording could be added to the existing language to specifically address the issue of signage on bus benches along roadways. In fact, the added language could be expanded to specifically prohibit signage on all other street furnishings as well, including trash cans, bike racks, and utility poles.

Recommendation

Consider adding the underlined text to the existing regulations as proposed on the following page.

Sec. 54-13. - Signs exempt from specified provisions of this chapter (permitting)

(9) Signage on courtesy benches, trash receptacles, newspaper boxes, automated teller kiosks and phone booths **located on private property** and not exceeding eight square feet of sign area and not located within the required front yard setback for the zoning district. Limited to one bench sign and one trash receptacle sign per lot.

Sec. 54-10. - Prohibited signs.

The following types of signs or advertising devices are prohibited in all zoning districts of the city:

(6) Signs placed within public rights-of-way (**including signs placed on utility poles, street benches, bus benches, bus shelters, trash cans, bike racks, and other street furnishings**), except publicly owned, authorized or maintained signs which serve an official public purpose.

**Overlay Ordinance
Amendment:
Outdoor vending**



Memo

TO: Planning Commission Members

FROM: Diana Wheeler, Community Development Director

DATE: July 12, 2016

SUBJECT: Outdoor vending

Amazon would like to install a new product, 'Amazon Locker', at various locations throughout the city. The Amazon Locker, (see attached drawing), is an orange colored storage unit that measures 7.3 ft. high, 9 ft. long, and 1.9 ft deep. It functions like a grouping of post office boxes by allowing people to pick-up or return their Amazon purchases to a locked unit at the customer's convenience. The Locker helps to address the security issue sometimes involved with the home delivery of packages.

The unit is waterproof and has lighting and air conditioning. There are Lockers currently located in major cities throughout the country including Boston, Chicago, Los Angeles, San Francisco, New York, and Seattle; however, there are no current locations in Georgia. While some of the units have been placed indoors at locations such as shopping malls, others are located outside of convenience stores and gas stations.

In some ways, these units are similar to outdoor vending machines such as soda and snack dispensing machines, and Redbox. Some communities (i.e. Sandy Springs, Brookhaven, Johns Creek) classify all of these as 'out of store marketing devices' and regulate them. Other communities (i.e. Lawrenceville, Duluth) don't regulate them. It appears that there are no problems either way and the decision of whether to regulate is simply a matter of community preference.

Amazon has contacted Staff to determine if there are any requirements for their Lockers because they would like to partner with QuikTrip to place their units along the outside of the convenience store buildings at the gas stations.

Research

Inquiries were made of surrounding jurisdictions as to how they intend to handle Amazon Lockers when they are proposed to be located outside of buildings. (The lockers located inside of buildings are not an issue.) Sandy Springs, Brookhaven, Dunwoody, Suwanee, and Gwinnett County have all identified a specific approach as outlined on the following page.

City of Sandy Springs and City of Brookhaven:

Both added provisions for “Out of store marketing devices” (used for ATMs, Redbox, etc.).

Out of store marketing device is defined as any facility or equipment which is located outside of a primary building on a site zoned for nonresidential uses, which is used for the primary purpose of providing a product or service without the owner's or agent's immediate presence, and which is manufactured to include a color, form, graphic, illumination, symbol, and/or writing thereon to communicate information regarding the product or service provided thereby to the public. Examples of out-of-store marketing devices include: bank ATM units, vending machines, newspaper racks, drink machines, ice boxes, and phone booths.

Sec. 21-83. - Out-of-store marketing device.

- (a) Out-of-store marketing devices shall be allowed in nonresidential zoning districts.
- (b) The marketing device shall not exceed ten feet in height and shall not be illuminated except for illumination intrinsic to the device.

(Ord. No. 2015-06-02, § 1(21-32), 6-9-2015)

The City of Johns Creek has similar regulations, but restricts any one location to two devices:

Sec. 12E.5. - Miscellaneous Provisions.

1. Front and side yards, parking lots, areas immediately adjacent to buildings or any area outside the interior permanent and sheltered portions of a building shall not be used for storage, display or sale of goods except for out of store marketing devices, restaurant/cafe; seating, seasonal holiday trees, pumpkins, open air fairs (provided an Administrative Permit is obtained pursuant to Article 19 of the Zoning Ordinance).
2. Outside storage is prohibited except LP tanks, garden centers and plant nurseries. A maximum of two out of store marketing devices (ie. drink machines, video drop-boxes) may be permitted, provided they are located adjacent to the building.

Gwinnett County and the City of Suwanee:

Outside vending requires a Special Use Permit as it is considered an outdoor display.

Additionally, Gwinnett County will only allow the lockers in C-2 zoning.

City of Dunwoody:

Sec. 27-175. - Retail sales kiosks, vending machines and donation drop boxes.

Retail sales kiosks, vending machines and donation drop boxes are allowed only if located entirely within an enclosed building or within the exterior perimeter footprint of an allowed building.

Recommendation

Consider the following underlined zoning code amendments :

Add the following definition:

ARTICLE III. – DEFINITIONS

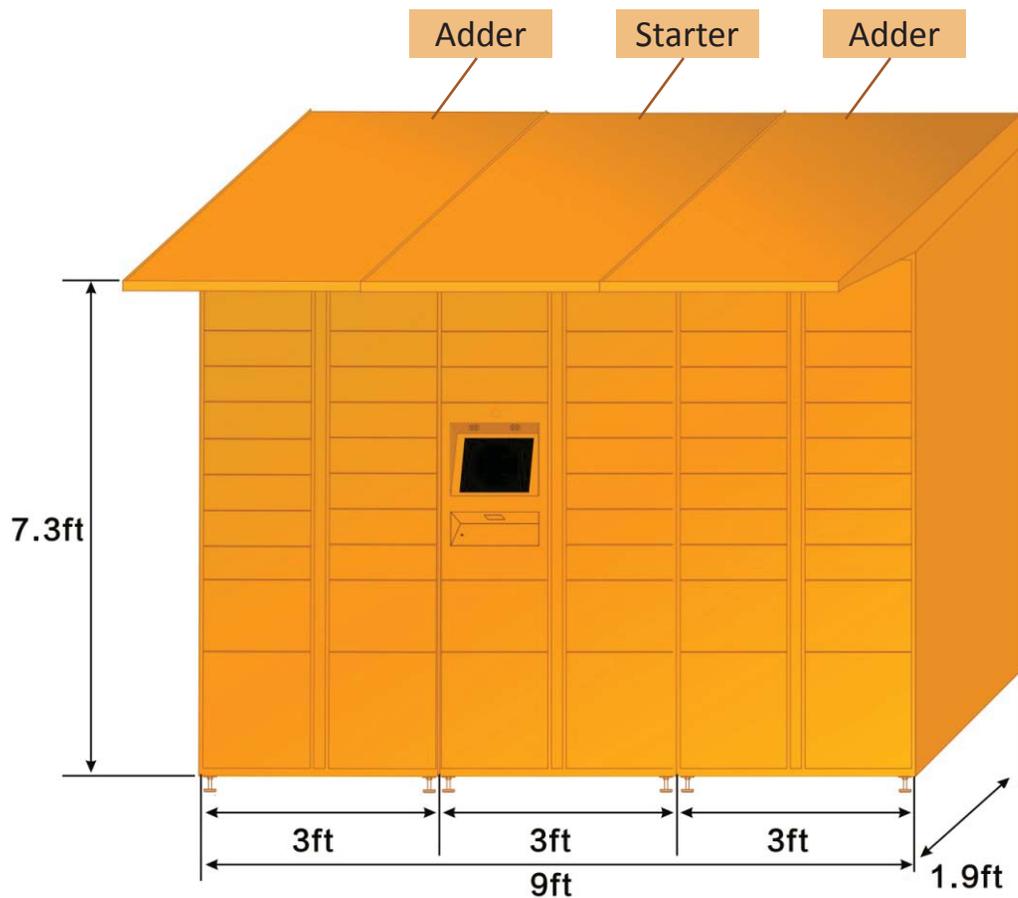
Out of store marketing device is any facility or equipment which is located outside of a primary building on a site zoned for nonresidential uses, which is used for the primary purpose of providing a product or service without the owner's or agent's immediate presence, and which is manufactured to include a color, form, graphic, illumination, symbol, and/or writing thereon to communicate information regarding the product or service provided to the public. Examples of out-of-store marketing devices include: bank ATM units, movie and other vending machines, newspaper racks, drink machines, ice boxes, and storage lockers.

Add the following regulation:

Section 600 A - Out-of-store marketing device.

- (a) Out-of-store marketing devices shall be allowed in nonresidential zoning districts.*
- (b) The marketing device shall not exceed ten feet in height and shall not be illuminated except for illumination intrinsic to the device.*
- (c) A maximum of two outside storage devices that are visible from the street shall be allowed.*
- (d) Out-of-store marketing devices shall be located adjacent to the primary building on the property unless an alternate location is approved by the Community Development Director.*

Amazon new generation Locker - Outdoor



Weather proof design

- The outdoor Locker is water proof with shelter equipped with embedded lights
- The computing equipment compartment include a built-in air conditioner
- Operating temperature ranges from -20c to 50c

Electrical (US Market)

| | |
|-------------------------------------|---------------------------------------|
| Power consumption | 840 Watt (max), 125 Watt (regular) |
| Input Voltage | 120 AC @ 50/60Hz 8.0A |
| Estimated annual energy consumption | ~ 14789 KWh |

