



www.peachtreecornersga.org

## COUNCIL MEETING AGENDA

Mike Mason, Mayor

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

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

---

---

February 19, 2013

**COUNCIL AGENDA**

**7:00 PM**

PEACHTREE CORNERS CITY HALL  
147 TECHNOLOGY PARKWAY, PEACHTREE CORNERS, GA 30092

---

---

**A) CALL TO ORDER**

**B) ROLL CALL**

**C) PLEDGE OF ALLEGIANCE**

**D) MAYOR'S OPENING REMARKS**

**E) CONSIDERATION OF MINUTES** – February 5, 2013 Council Meeting

**F) CONSIDERATION OF MEETING AGENDA**

**G) PUBLIC COMMENTS**

**H) CONSENT AGENDA - No Items**

**I) REPORTS AND PRESENTATIONS**

**D. Wheeler** Update on Community Development Planning Issues  
**J. Jackson** Discussion on Economic Development Ordinance

**J) OLD BUSINESS**

- 1. O2013-02-05**      **SECOND READ** and Consideration of Rezoning (RZC2013-13-00001) a 4.32-acre parcel from C-2 (General Business District) and RM-13 (Multi-Family Residence District) to C-2 along with any necessary variances including buffer reductions in order to allow for the construction of restaurants, office and retail buildings on property located in the 6th District, Land Lot 301, Parcel 165 within the 5100 Block of Peachtree Parkway and the 3700 block of Medlock Bridge Road. Applicant/Owner: Peachtree Parkway Holdings, LLC

2. **O2013-02-06**      **SECOND READ** and Consideration of a Request for a Special Use Permit (SUP2013-00001) on a 2.59 acre parcel, Zoned M-1 (Light Industrial District), to allow a truck fleet maintenance facility. The subject property is located in District 6, Land Lot 250, Parcel 068 at 2805 Amwiler Road. Applicant: TK Atlanta Property, LLC; Owner: Satling Investments, LLC (Public comment at second reading, 2/19/13)
  
3. **ACTION ITEM**      Consideration of Intergovernmental Agreement for the Allocation and Distribution of Proceeds from the Title Ad Valorem Tax.

**K) NEW BUSINESS**

1. **O2013-02-07**      **FIRST READ** and consideration of an Ordinance to attract, retain, and promote business development within the city limits by establishing an Economic Development Program; offering incentives for job growth; and for other purposes.
  
2. **O2013-02-08**      **FIRST READ** and consideration of an Ordinance to amend the Charter of the City of Peachtree Corners, Georgia for the purpose of amending the required readings to pass an ordinance in Section 2.21 of the City Charter.
  
3. **R2013-02-05**      Discussion and Consideration of a Resolution requesting State Representative Tom Rice to introduce local legislation allowing the City of Peachtree Corners to enter into Intergovernmental Agreements with other Governmental entities for police, fire and other services.

**L) EXECUTIVE SESSION**

**M) ADJOURNMENT**

**CITY OF PEACHTREE CORNERS**  
**COUNCIL MEETING**  
**February 5, 2013, @ 7:00PM**

The Mayor and Council of the City of Peachtree Corners held a Council Meeting on Tuesday, January 22, 2013 at 7:00 PM. The meeting was held at City Hall, 147 Technology Parkway, Suite 200, Peachtree Corners, GA, 30092. The following were in attendance:

Mayor	Mike Mason
Council Member	Phil Sadd – Post 1 - Absent
Council Member	James Lowe – Post 2
Council Member	Alex Wright – Post 3
Council Member	Jeanne Aulbach – Post 4
Council Member	Lorri Christopher – Post 5
Council Member	Weare Gratwick – Post 6
City Attorney	Bill Riley
City Manager	Julian Jackson
City Clerk	Kym Chereck

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

**MAYOR’S OPENING COMMENTS:** Mayor Mason introduced and welcomed Girl Scout Troop 1106 to the meeting.

**MINUTES:**

**MOTION TO APPROVE THE MINUTES FROM THE JANUARY 29, 2013 COUNCIL MEETING.**

**By: Council Member Aulbach**

**Seconded by: Council Member Gratwick**

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

**MOTION TO APPROVE THE MINUTES FROM THE JANUARY 31, 2013 COUNCIL MEETING.**

**By: Council Member Aulbach**

**Seconded by: Council Member Gratwick**

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

**PUBLIC COMMENT:** No Public Comments made.

**CONSENT AGENDA:** No Consent Agenda Items.

**REPORTS and PRESENTATIONS:** Community Development Director, Diana Wheeler, provided her report on staff activities that occurred during January 28, 2013 through February 1, 2013. These activities included, among other items, meetings with the Comprehensive Plan Advisory Committee and Pond and Company, finalizing applications, and preparing Ordinances for upcoming meetings.

City Manager, Julian Jackson, discussed the proposed Intergovernmental Agreement on the Title Ad Valorem Tax. Mr. Jackson stated that the Agreement should be on the agenda for the February 19, 2013 meeting.

**NEW BUSINESS:**

**02013-02-05**

**FIRST READ** and Consideration of Rezoning (RZC2013-13-00001) a 4.32-acre parcel from C-2 (General Business District) and RM-13 (Multi-Family Residence District) to C-2 along with any necessary variances including buffer reductions in order to allow for the construction of restaurants, office and retail buildings on property located in the 6th District, Land Lot 301, Parcel 165 within the 5100 Block of Peachtree Parkway and the 3700 block of Medlock Bridge Road. Applicant/Owner: Peachtree Parkway Holdings, LLC

No action was taken on this item. This item will be heard again at the February 19, 2013 Council meeting, where public comment will be heard.

**02013-02-06**

**FIRST READ** and Consideration of a Request for a Special Use Permit (SUP2013-00001) on a 2.59 acre parcel, Zoned M-1 (Light Industrial District), to allow a truck fleet maintenance facility. The subject property is located in District 6, Land Lot 250, Parcel 068 at 2805 Amwiler Road. Applicant: TK Atlanta Property, LLC; Owner: Satling Investments, LLC

No action was taken on this item. This item will be heard again at the February 19, 2013 Council meeting, where public comment will be heard.

**OTHER BUSINESS:**

Overview of the 2033 Comprehensive Plan project, process and timeline – presented by Pond and Company.

## DRAFT COPY

Ms. Michele Alexander of Pond and Company gave a brief overview of the process and timeline for the 2033 Comprehensive Plan. Ms. Alexander strongly encouraged the public to get involved in the process and provided the date and time for the first Community Meeting. The first Community Meeting will take place on Thursday, February 21, 2013 at 7:00 pm, at City Hall. Ms. Alexander encouraged everyone to check out the website dedicated to this Plan. The website is [peachtreecornersplan.blogspot.com](http://peachtreecornersplan.blogspot.com).

### **EXECUTIVE SESSION:**

#### **MOTION TO GO INTO EXECUTIVE SESSION FOR THE DISCUSSION OF ONE (1) REAL ESTATE MATTER.**

**By: Council Member Gratwick**

**Seconded by: Council Member Christopher**

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

#### **MOTION TO COME OUT OF EXECUTIVE SESSION.**

**By: Council Member Gratwick**

**Seconded by: Council Member Aulbach**

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

### **ADJOURNMENT:**

#### **MOTION TO ADJOURN.**

**By: Council Member Gratwick**

**Seconded by: Council Member Aulbach**

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

Approved,

---

Mike Mason, Mayor

Attest:

---

Kymberly Chereck, City Clerk

(Seal)



# Memo

---

TO: Mayor and Council

CC: Julian Jackson, City Manager

FROM: Diana Wheeler, Community Development Director

SUBJECT: Staff Activity Report

---

The following is a summary of Staff activity during the period of 2/4/13 – 2/15/13.

- A. Meetings with:
1. Comprehensive Plan Citizen Advisory Committee and Pond and Co. for the second meeting and discussion concerning demographics, trends, and citizen outreach strategies.
  2. Developers to discuss specific commercial projects (new construction and renovations.)
- B. Held Planning Commission meeting and reviewed one project application.
- C. Contacted ZBA members regarding first meeting on March 20<sup>th</sup>.
- D. Prepared Economic Development Ordinance for review.
- E. Prepared Ordinances for upcoming meetings.
- F. Responded to phone calls and e-mails from residents, business people, and others.

## **Gwinnett County Permit Activity Report**

- A. 2 permits were issued.

## **Peachtree Corners Permit Activity Report**

- B. 22 permit applications were received.
- C. 801 business license renewals processed.

**AN ORDINANCE TO AMEND THE CITY OF PEACHTREE CORNERS ZONING MAP PURSUANT TO RZC2013-00001 IN ORDER TO REZONE A 4.32-ACRE PARCEL FROM C-2 (GENERAL BUSINESS DISTRICT) AND RM-13 (MULTI-FAMILY RESIDENCE DISTRICT) TO C-2 ALONG WITH ANY NECESSARY VARIANCES INCLUDING BUFFER REDUCTIONS IN ORDER TO ALLOW FOR THE CONSTRUCTION OF RESTAURANTS, OFFICE, AND RETAIL BUILDINGS ON PROPERTY LOCATED IN THE 6th District, Land Lot 301, Parcel 165 WITHIN THE 5100 BLOCK OF PEACHTREE PARKWAY AND THE 3700 BLOCK OF MEDLOCK BRIDGE ROAD. APPLICANT/OWNER: PEACHTREE PARKWAY HOLDINGS, LLC**

**WHEREAS:** Notice to the public regarding said modification to conditions of zoning has been duly published in The Gwinnett Daily Post, the Official News Organ of Peachtree Corners; and

**WHEREAS:** Public Hearings were held by the Mayor and City Council of Peachtree Corners on February 5, 2013 and February 19, 2013;

**NOW THEREFORE,** The Mayor and City Council of the City of Peachtree Corners while in Regular Session on February 19, 2013 hereby ordain and approve the Zoning Case RZC2013-00001 for the above referenced property with the following enumerated conditions:

*1. To restrict the use of the property as follows:*

*A. All uses and special uses permitted within the C-1 zoning district. All uses permitted within the C-2 zoning district, except for the following: animal hospitals or veterinary clinics; tattoo and piercing parlors, adult bookstores or entertainment, fast food restaurants with or without drive-thru window (pick-up /to go windows at non-fast food restaurants permitted), automotive car wash, automotive parts store; billboards; building, electrical or plumbing contractors; funeral homes or mausoleums; furniture rental establishments; convenience food stores with or without fuel pumps, emission inspection stations, equipment rental, hotels and motels, on-site laundry or dry cleaning establishments, self-service or coin operated laundries; liquor stores, mobile buildings, parking lots and garages, plant nursery sales facility, recreation facilities which exceed 3,500 square feet, recovered materials processing facility, taxidermist, yard trimmings composting facility, clubs, lodges, fraternal institutions and meeting halls, caretaker or watchman quarters, auto body repair shops, auto repair shops or tire stores, automotive service stations with or without fuel pumps, building material sales with outdoor storage, contractors offices or the outside storage of equipment or materials, heavy equipment and farm equipment sales and service and truck rental, mini-warehouse storage facilities, mobile home or mobile building leasing or sales lots, taxi cab or limousine services and no outdoor storage of any type; pest control businesses; pet shops or grooming establishments; lounges; day care center; and any temporary uses.*

*B. Drive-thru businesses shall be prohibited, except for a coffee shop, (defined as a business that derives at least 80% of its revenues from the sale of coffee, tea, and similar beverages), and banks/financial institutions which may include a drive-through facility as an integrated part of the primary banking operation if such drive-through facility is structurally attached to the bank/financial institution building. To the extent that any allowed structure ceases to be used as a bank/financial institution, then the drive-through portion of the facility shall be demolished.*

*C. Abide by all requirements of Section 1315 (Activity Center/Corridor Overlay District).*

2. *To satisfy the following site development considerations:*
  - A. *Provide a 20-foot wide landscape strip to serve as a buffer adjacent to residential zoning. Any graded area of the buffer shall be replanted with American Elm and native Georgia trees such as Tulip Poplar, Maple, and Cryptomeria.*
  - B. *To the extent possible, coordinate with the adjoining residential property in order to accommodate at least three points of vehicular and pedestrian connection between the properties and to coordinate landscape treatments along common property lines.*
  - C. *Provide bike racks within the development in accordance with the overlay standards.*
  - D. *Billboards or oversized signs shall be prohibited.*
  - E. *Dumpsters shall be screened by an opaque decorative wall, at least six (6) feet in height, which will coordinate with the building architecture, and with a gated entry. Pick-up for dumpsters shall be limited to between the hours of 8:00 a.m. and 6:00 p.m.*
  - F. *Buildings shall be finished with architectural treatments containing a mixture of glass, brick, stone and/or stucco. All sides shall have a 32-inch or greater water table of brick or stone, except where full length glass or doors are located. The elevations of the buildings shall be in general conformity with buildings located within the Forum on Peachtree Parkway, and final plans shall be approved by the Planning Commission. All mechanical appurtenances and equipment and/or ductwork shall be screened from view. Screening shall coordinate with the building architecture.*
  - G. *Provide or relocate and reconstruct sidewalks, as required, a minimum of five feet in width adjacent to Peachtree Parkway (U.S. Hwy. 141) and Medlock Bridge Road. Sidewalks may meander along these roads where feasible and per DOT approval. Provide internal sidewalks connecting outparcel development. Submit pedestrian access plan for review and approval of the Director.*
  - H. *Outdoor lighting shall be contained in cut-off type luminaries and shall be directed in toward the property so as not to reflect into adjacent properties or create a hazard for passing automobile traffic. Any lights located on the rear of the building must be directed downward.*
  - I. *Ground signage shall be limited to monument type sign(s) with a minimum two-foot high brick or stacked stone base. Ground sign(s) shall not exceed six feet in height.*
  - J. *Any detention ponds shall be visibly screened with landscape plantings to be approved by the Director.*
  - K. *No outside speakers shall be allowed other than on a coffee shop or bank usage, if any, or a Muzak system may be allowed provided no shrill or excessive noise and vibrations, amplified live entertainers, outside paging systems, phone bells, or loudspeakers will be allowed. Any Muzak system shall have downward facing speakers and shall be inaudible ten feet from the speakers.*
  - L. *Business hours are to be limited to Monday through Thursday from 7:00 a.m. to 12:00 midnight and Friday through Sunday from 7:00 a.m. to 2 a.m. Business hours for a coffee/bagel shop and any specialty gourmet food store(s) shall be 6:00 a.m. to 2 a.m. seven days a week.*

- M. All food service facilities on the property, including outparcels, shall install odor scrubbers which remove 95% of cooking odors as determined by the Director.*
- N. Truck delivery, parking lot cleaning machinery and any other equipment that emits noise shall be limited to the hours of 6:00 a.m. to 9:00 p.m.*
- O. No overnight parking or idling of delivery trucks shall be allowed.*
- P. Prior to any grading or clearing, all buffers shall be clearly marked with bright orange tree save fencing to insure that no improper or accidental buffer intrusions occur.*
- Q. No tents, canopies, streamers or roping decorated with flags, tinsel, or other similar material shall be displayed, hung, or strung on the site. No decorative balloons or hot-air balloons shall be displayed on the site. Yard signs, sign-walkers and sign-twirlers shall be prohibited.*
- R. Peddlers and/or parking lot sales shall be prohibited.*
- S. The main entrances into the buildings located along Peachtree Parkway shall be designed to face, or appear to face, Peachtree Parkway. The main entrance into the building located along Medlock Bridge Road shall be designed to face, or appear to face Medlock Bridge Road.*
- T. If the building located along Medlock Bridge Road is developed as a multi-tenant building, then tenant access shall be provided through an interior lobby.*
- U. The building located along Medlock Bridge Road shall have no exterior stairs, stairwells or 2nd floor balconies that connect building floors to the outside.*
- V. The building located along Medlock Bridge Road shall be developed with a first floor finish elevation that approximately matches the first floor elevation of Piedmont Bank.*

Effective this 19th day of February, 2013.

Approved by:

So signed and Witnessed

this \_\_\_\_\_ day of \_\_\_\_\_, 2013

Attest:

\_\_\_\_\_  
Mike Mason, Mayor

\_\_\_\_\_  
Kymberly Chereck, City Clerk

SEAL

**CITY OF PEACHTREE CORNERS  
COMMUNITY DEVELOPMENT DEPARTMENT**

**REZONING ANALYSIS**

CASE NUMBER	:RZC2013-00001
ZONING CHANGE	:C-2 & RM-13 TO C-2
LOCATION	:5100 BLOCK OF PEACHTREE PARKWAY :3700 BLOCK OF MEDLOCK BRIDGE ROAD
MAP NUMBER	:R6301 165
ACREAGE	:4.32 ACRES
PROPOSED DEVELOPMENT REQUEST	:COMMERCIAL/RETAIL USES : <b>REZONE A PORTION OF PROPERTY AND APPROVE VARIANCES NEEDED INCLUDING BUFFER REDUCTIONS IN ORDER TO ACCOMMODATE PROPOSED DEVELOPMENT</b>

FUTURE DEVELOPMENT MAP: PREFERRED OFFICE

APPLICANT: PEACHTREE PARKWAY HOLDINGS, LLC  
C/O MILL CREEK CONSULTING  
4480 COMMERCE DRIVE, SUITE A  
BUFORD, GA 30518

CONTACT: MITCH PEEVY                      PHONE: 770.614.6511

OWNER: PEACHTREE PARKWAY HOLDINGS, LLC  
5185 PEACHTREE PARKWAY  
PEACHTREE CORNERS, GA 30092

RECOMMENDATION: APPROVE WITH CONDITIONS

PROJECT DATA:

The applicant requests rezoning of a 4.32-acre parcel from C-2 (General Business District) and RM-13 (Multi-Family Residence District) to C-2 to allow for the construction of two restaurants, an office building and a retail building. The property is located on the east side of Peachtree Parkway, south of its intersection with Medlock Bridge Road. The property is partially developed with a driveway and parking spaces associated with the Piedmont Bank located at the intersection, while the balance of the site is wooded and undeveloped. The property is located within the Peachtree Corners Overlay District and is subject to those requirements.

A mix of uses characterizes the surrounding area. To the east is vacant property zoned RM-13 (Multi-Family Residence District). Directly across Peachtree Parkway is the Forum on Peachtree Parkway, zoned C-2. To the north are retail centers that include an Ingles grocery store,

restaurants and retail stores. To the south, at Peachtree Corners Circle and Peachtree Parkway is a mix of uses including offices, the Interlochen Village shopping center, restaurants, a convenience store and a daycare center.

The submitted site plan indicates that the property would be subdivided into four parcels. The existing C-2 zoning on a portion of the property would allow one of the parcels to be developed without any special approvals; however, the irregular configuration of the property necessitates that land be added to make the site developable for the remaining parcels. This added land has an RM-13 designation and, as currently zoned, would allow the development of 39 apartment units.

In lieu of those apartments, the applicant is proposing commercial parcels. One parcel is proposed with direct access onto Medlock Bridge Road where it intersects with Bush Road and would be developed with a 14,000 square foot, three-story, office building. Three parcels are proposed along Peachtree Parkway. Each of these three parcels would be developed with a single building to be utilized as retail space, a restaurant, or a bank. The proposed total floor area for these three sites is 23,800 square feet. An existing driveway that provides access to the existing Piedmont Bank at the corner would also provide access for the subject site. A shared driveway with the adjoining property to the south would also be constructed, aligning with an entrance to the Forum on Peachtree Parkway. Inter-parcel access would connect the four parcels.

Since the site adjoins residential property to the southeast, a 75-foot wide buffer would be required; however, the site plan proposes substitution of a 20-foot wide enhanced landscape strip adjacent to this property in lieu of the required buffer.

#### ZONING HISTORY:

The subject property was zoned M-1 and R-100 in 1970. In 1972 the property was rezoned to C-2 and RM, pursuant to an area wide map amendment. In 1984, a strip of the RM property fronting Peachtree Parkway was rezoned to O-1 pursuant to RZ-278-84. In September of 1986, the O-1 strip and the remaining RM portions of the site were rezoned to OBP (Office-Business Park District), pursuant to RZ-69-86 and RZ-123-86. In 1998, the OBP portion of the property was rezoned to RM-13, pursuant to RZ-98-174.

#### GROUNDWATER RECHARGE AREA:

The subject property is located within an identified Significant Groundwater Recharge Area. The Development would be served by sanitary sewer, resulting in minimal impact.

#### WETLANDS INVENTORY:

The subject property does not contain areas, streams, and/or bodies of water depicted as wetlands on the U.S. Department of Interior, Fish, and Wildlife Service – National Wetlands Inventory map on file with the Gwinnett Department of Planning and Development.

**DEVELOPMENT REVIEW SECTION COMMENTS:**

The Buffer, Landscape and Tree Ordinance requires a ten-foot wide landscape strip adjacent to all street rights-of-way for non-residential developments.

The Buffer, Landscape and Tree Ordinance requires submittal and approval of a Tree Preservation and Replacement Plan prepared by a professional landscape architect prior to securing a Land Disturbance permit.

Section 606.3 of the 1985 Zoning Resolution requires screening of dumpsters and loading/unloading facilities.

Parking lots and interior driveways shall be designed in accordance with the Zoning Resolution.

Project access and required improvements along State routes or U.S. Highways (i.e., number and design of driveways, deceleration lanes, median breaks, etc.) will be subject to review and approval of the Georgia Department of Transportation.

Section 6.13 of the Development Regulations requires construction of five-foot wide sidewalks along all exterior roadways adjoining the project, and four-foot wide sidewalks adjacent to both sides of all interior public streets (excluding cul-de-sac turnarounds).

Section 606.6 of the Zoning Resolution requires an additional five-foot setback for all structures (parking lots, driveways, detention ponds, retaining walls, etc.) adjacent to required buffers.

The developer must submit detailed site development plans, including a landscape and tree preservation/replacement plan, for review and approval of the Community Development Department prior to any construction.

The developer must obtain a Land Disturbance Permit from the Community Development Department prior to any construction.

Section 8.2.1 of the Development Regulations requires submittal of a Storm Water Management Report for the project prior to obtaining a Land Disturbance or Development Permit.

This project lies within an Activity Center/Corridor Overlay District, and is subject to all requirements set forth in Section 1315 of the Peachtree Corners Zoning Resolution.

**STORMWATER REVIEW SECTION COMMENTS:**

No comment.

**GWINNETT COUNTY DEPARTMENT OF TRANSPORTATION COMMENTS:**

Peachtree Parkway is a State Route and Georgia D.O.T. right-of-way requirements govern.

Medlock Bridge Road is a Major Arterial and 50 feet of right-of-way is required from the centerline, with 60 feet required within 500 feet of a major intersection.

Standard deceleration lanes with appropriate taper and adequate right-of-way will be required.

Prior to the issuance of a Development Permit, a sight distance certification shall be provided. The number and locations of driveways are subject to Gwinnett County D.O.T. approval.

Coordinate with the Georgia D.O.T. regarding access to Peachtree Parkway.

Project must comply with Gwinnett County D.O.T. Criteria and Guidelines for Left Turn Lanes.

Improvements of Signalized Intersections are to include full pedestrian facilities.

**GWINNETT COUNTY ENVIRONMENTAL HEALTH COMMENTS:**

Contact GCEHD regarding the food service establishment permitting process.

**GWINNETT COUNTY DEPARTMENT OF WATER RESOURCES COMMENTS:**

The available utility records show that the subject development is currently in the vicinity of a 16-inch water main located on the eastern right-of-way of Peachtree Parkway, and a 12-inch water main located on the western right-of-way of Medlock Bridge Road.

Due to the possibility of unforeseen circumstances, the Department of Water Resources makes no guarantees as to the minimum pressures or volumes available at a specific point within its system. Demands imposed by the proposed development may require reinforcements or extensions of existing water mains. Any cost associated with such required reinforcements or extensions will be the responsibility of the developer and will not be provided by this department.

The available utility records show that the subject development is currently in the vicinity of an 8-inch sanitary sewer main located approximately 65 feet north of the property.

The subject development is located within the Crooked Creek service area. There are currently no connection restrictions within this service area. Treatment capacity within this area is presently available on a first come - first serve basis.

Developer shall provide easements for future sewer connection to all locations designated by DWR during plan review.

As-built information for this department is dependent upon outside entities to provide record drawings for the utilities. Therefore this department does not guarantee the accuracy of the information provided.

Extensions of the water and/or sanitary sewer systems within the subject development must conform to this department's policies and Gwinnett County's ordinances. Proceeding design, construction, inspection, and final acceptance of the required utilities, service to these utilities would then become available under the applicable utility permit rate schedules.

#### BUILDING CONSTRUCTION SECTION COMMENTS:

Building Plan Review has no objections under the following conditions:

1. The applicant shall submit civil site drawings to the Community Development Department for review and approval.
2. The applicant shall submit architectural, structural, mechanical, electrical and plumbing drawings for each building for review and approval by the Community Development Department.
3. Each building shall comply with the height and area limitations of Table 503 and the fire resistive and horizontal separation requirements of Table 601 and 602 of the 2006 International Building Code with Georgia state amendments based on occupancy group classification, type of construction, and location of each building from property lines and other buildings.
4. Architectural design of the proposed building renovation shall incorporate the requirements of the Activity Center/Corridor Overlay District, Section 1315 of the Peachtree Corners Zoning Resolution.
5. Upon completion of plan review approvals, the applicant shall obtain a building permit for each building and achieve satisfactory field inspections for issuance of a Certificate of Occupancy.

#### GWINNETT COUNTY FIRE SERVICES COMMENTS:

Fire Plan Review has no objections to the rezoning request, under the following conditions:

1. Applicant submits civil drawings to Fire Plan Review for review and approval.
2. Applicant submits architectural drawings to Fire Plan Review for review and approval.
3. Upon completion of plan review approvals, applicant successfully achieves a satisfactory Fire field inspection, for issuance of a Certificate of Occupancy - Business Operation.

For assistance, contact this office at (678) 518-6000, Monday through Friday, from the hours of 8:00 a.m. to 5:00 p.m.

**DEPARTMENT ANALYSIS:**

The subject 4.32-acre property is located on east side of Peachtree Parkway, extending southward from Medlock Bridge Road. The property is partially developed with a driveway and parking spaces associated with the Piedmont Bank located at the corner, while the balance of the site is wooded and undeveloped.

The 2030 Unified Plan Future Development Map indicates that the property lies within a Preferred Office Character Area. Approximately one-third of the property has been zoned C-2 since 1972, and the property could be considered part of the commercial node at the intersection of Peachtree Parkway and Medlock Bridge Road. Over the past several years, properties along Peachtree Parkway at highly visible intersections have been rezoned for commercial uses including the Forum on Peachtree Parkway. Rezoning the site to C-2 with similar conditions to those established on other nearby commercial developments in the area would ensure consistency of use along an important commercial corridor. Without the requested rezoning, apartments could be built directly facing Peachtree Parkway. In this case, the requested zoning appears to be more compatible with the existing surrounding developments than the current zoning on the property.

In conclusion, the proposed rezoning would be consistent with previous Gwinnett County Board actions establishing C-2 uses at this intersection, and with appropriate conditions, would be compatible with the surrounding commercial developments.

## RECOMMENDED CONDITIONS

Approve rezoning of property from RM-13 to C-2 for commercial/retail use along with necessary variances including buffer reduction adjacent to residential property, subject to the following conditions:

- I. To restrict the use of the property as follows:
  - A. All uses and special uses permitted within the C-1 zoning district. All uses permitted within the C-2 zoning district, except for the following: animal hospitals or veterinary clinics; tattoo and piercing parlors, adult bookstores or entertainment, fast food restaurants with or without drive-thru window (pick-up /to go windows at non-fast food restaurants permitted), automotive car wash, automotive parts store; billboards; building, electrical or plumbing contractors; funeral homes or mausoleums; furniture rental establishments; convenience food stores with or without fuel pumps, emission inspection stations, equipment rental, hotels and motels, on-site laundry or dry cleaning establishments, self-service or coin operated laundries; liquor stores, mobile buildings, parking lots and garages, plant nursery sales facility, recreation facilities which exceed 3,500 square feet, recovered materials processing facility, taxidermist, yard trimmings composting facility, clubs, lodges, fraternal institutions and meeting halls, caretaker or watchman quarters, auto body repair shops, auto repair shops or tire stores, automotive service stations with or without fuel pumps, building material sales with outdoor storage, contractors offices or the outside storage of equipment or materials, heavy equipment and farm equipment sales and service and truck rental, mini-warehouse storage facilities, mobile home or mobile building leasing or sales lots, taxi cab or limousine services and no outdoor storage of any type; pest control businesses; pet shops or grooming establishments; lounges; day care center; and any temporary uses.
  - B. Drive-thru businesses shall be prohibited, except for banks/financial institutions which may include a drive-through facility as an integrated part of the primary banking operation if such drive-through facility is structurally attached to the bank/financial institution building. To the extent that any allowed structure ceases to be used as a bank/financial institution, then the drive-through portion of the facility shall be demolished.
  - C. Abide by all requirements of Section 1315 (Activity Center/Corridor Overlay District).
2. To satisfy the following site development considerations:
  - A. Provide a 20-foot wide landscape strip to serve as a buffer adjacent to residential zoning. Any graded area of the buffer shall be replanted with native Georgia trees such as Tulip Poplar, Maple, and Cryptomeria in equal distribution to provide a decorative visual screen.
  - B. To the extent possible, coordinate with the adjoining residential property in order to accommodate at least three points of vehicular and pedestrian connection between the properties and to coordinate landscape treatments along common property lines.

- C. Provide bike racks within the development in accordance with the overlay standards.
- D. Billboards or oversized signs shall be prohibited.
- E. Dumpsters shall be screened by an opaque decorative wall, at least six (6) feet in height, which will coordinate with the building architecture, and with a gated entry. Pick-up for dumpsters shall be limited to between the hours of 8:00 a.m. and 6:00 p.m.
- F. Buildings shall be finished with architectural treatments containing a mixture of glass, brick, stone and/or stucco. All sides shall have a 32-inch or greater water table of brick or stone, except where full length glass or doors are located. The elevations of the buildings shall be in general conformity with buildings located within the Forum on Peachtree Parkway, and final plans shall be approved by the Planning Commission. All mechanical appurtenances and equipment and/or ductwork shall be screened from view. Screening shall coordinate with the building architecture.
- G. Provide or relocate and reconstruct sidewalks, as required, a minimum of five feet in width adjacent to Peachtree Parkway (U.S. Hwy. 141) and Medlock Bridge Road. Sidewalks may meander along these roads where feasible and per DOT approval. Provide internal sidewalks connecting outparcel development. Submit pedestrian access plan for review and approval of the Director.
- H. Outdoor lighting shall be contained in cut-off type luminaries and shall be directed in toward the property so as not to reflect into adjacent properties or create a hazard for passing automobile traffic. Any lights located on the rear of the building must be directed downward.
- I. Ground signage shall be limited to monument type sign(s) with a minimum two-foot high brick or stacked stone base. Ground sign(s) shall not exceed six feet in height.
- J. Any detention ponds shall be visibly screened with landscape plantings to be approved by the Director.
- K. No outside speakers shall be allowed other than on a bank usage, if any, or a Muzak system may be allowed provided no shrill or excessive noise and vibrations, amplified live entertainers, outside paging systems, phone bells, or loudspeakers will be allowed. Any Muzak system shall have downward facing speakers and shall be inaudible ten feet from the speakers.
- L. Business hours are to be limited to Monday through Thursday from 7:00 a.m. to 12:00 midnight and Friday through Sunday from 7:00 a.m. to 2 a.m. Business hours for a coffee/bagel shop and any specialty gourmet food store(s) shall be 6:00 a.m. to 2 a.m. seven days a week.

- M. All food service facilities on the property, including outparcels, shall install odor scrubbers which remove 95% of cooking odors as determined by the Director.
- N. Truck delivery, parking lot cleaning machinery and any other equipment that emits noise shall be limited to the hours of 8:00 a.m. to 9:00 p.m.
- O. No overnight parking or idling of delivery trucks shall be allowed.
- P. Prior to any grading or clearing, all buffers shall be clearly marked with bright orange tree save fencing to insure that no improper or accidental buffer intrusions occur.
- Q. No tents, canopies, streamers or roping decorated with flags, tinsel, or other similar material shall be displayed, hung, or strung on the site. No decorative balloons or hot-air balloons shall be displayed on the site. Yard signs, sign-walkers and sign-twirlers shall be prohibited.
- R. Peddlers and/or parking lot sales shall be prohibited.

PLANNING AND DEVELOPMENT DEPARTMENT RECOMMENDATIONS  
STANDARDS GOVERNING EXERCISE OF ZONING

SUITABILITY OF USE

The proposed commercial development could be considered an extension of the established commercial node at the corner of Peachtree Parkway and Medlock Bridge Road and could be suitable in light of nearby commercial uses.

ADVERSE IMPACTS

With the recommended conditions, potential adverse impacts could be minimized.

REASONABLE ECONOMIC USE AS ZONED

The property has a reasonable economic use as currently zoned.

IMPACT ON PUBLIC FACILITIES

An increase in traffic, storm water runoff and utility demand could be anticipated from this request.

CONFORMITY WITH POLICIES

The proposed C-2 commercial development could be considered consistent with past rezoning actions establishing the highly visible intersections of Peachtree Parkway with Peachtree Corners Circle and Medlock Bridge Road as commercial nodes.

CONDITIONS AFFECTING ZONING

The Department recommends conditioning the property similarly to the nearby Forum on Peachtree Parkway and nearby commercial properties on Peachtree Parkway and inclusion of prohibitions of use to allow for compatibility with neighboring properties. The Peachtree Corners Overlay will further ensure the quality of development.

**REZONING APPLICATION**

AN APPLICATION TO AMEND THE OFFICIAL ZONING MAP OF GWINNETT COUNTY, GEORGIA

APPLICANT INFORMATION	OWNER INFORMATION
NAME: <u>Peachtree Parkway Holdings LLC</u> c/o Mill Creek Consulting	NAME: <u>Peachtree Parkway Holdings LLC</u>
ADDRESS: <u>4480 Commerce Drive, Suite A</u>	ADDRESS: <u>5185 Peachtree Parkway</u>
CITY: <u>Buford</u>	CITY: <u>Peachtree Corners</u>
STATE: <u>GA</u> ZIP: <u>30518</u>	STATE: <u>Ga</u> ZIP: <u>30092</u>
PHONE: <u>770-614-6511</u>	PHONE: <u>770-814-7001</u>
CONTACT PERSON: <u>MITCH PEEVY</u> PHONE: <u>(770) 614-6511</u> Email: <u>Millcreekconsulting@gmail.com</u>	

\*Include any person having a property interest and any person having a financial interest in any business entity having property interest (use additional sheets if necessary).

APPLICANT IS THE:	
<u>      </u> OWNERS AGENT	<u>  <b>X</b>  </u> PROPERTY OWNER
<u>      </u> CONTRACT PURCHASER	
PRESENT ZONING DISTRICT (S): <u>C-2 &amp; RM-13</u>	REQUESTED ZONING DISTRICT: <u>C-2 w\buffer reduction</u>
LAND DISTRICT (S): <u>6</u>	LAND LOT: <u>301</u>
ACREAGE: <u>4.318</u>	
ADDRESS OF PROPERTY: <u>Peachtree Parkway</u>	
PROPOSED DEVELOPMENT: <u>Restaurants, Office and Retail</u>	
RESIDENTIAL DEVELOPMENT:	NON-RESIDENTIAL DEVELOPMENT:
NO. OF LOTS/DWELLING UNITS: <u>      </u>	NO. OF BUILDINGS/UNITS: <u>4</u>
DWELLING UNIT SIZE (SQ. FT.): <u>      </u>	TOTAL GROSS SQUARE FEET: <u>37,800</u>
GROSS DENSITY: <u>      </u>	DENSITY: <u>8,754 sq ft\acre</u>
NET DENSITY: <u>      </u>	

RZC 13001

**LETTER OF INTENT**

PLEASE ATTACH A LETTER OF INTENT EXPLAINING WHAT IS PROPOSED

RECEIVED  
 NOV 01 2012

BY: .....

**LEGAL DESCRIPTION  
PARCELS 1-4**

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

TO FIND THE POINT OF COMMENCEMENT, begin at the intersection of the Northerly Right-of-Way of Peachtree Corners Circle (Right-of-Way Varies) and the Easterly Right-of-Way of Peachtree Parkway a.k.a. State Route 141 (Right-of-Way varies) if extended to form a Point; THENCE following along said Right-of-Way of Peachtree Parkway a.k.a. State Route 141, along a curve to the left having a radius of 11459.16 feet and an arc length of 12.26 feet and being subtended by a chord of North 28 degrees 40 minutes 36 seconds East for a distance of 12.26 feet to a Point; THENCE along a curve to the left having a radius of 11459.16 feet and an arc length of 227.46 feet and being subtended by a chord of North 29 degrees 16 minutes 33 seconds East for a distance of 227.46 feet to a Point; THENCE North 29 degrees 50 minutes 43 seconds East for a distance of 197.39 feet to a Point; THENCE North 43 degrees 52 minutes 53 seconds East for a distance of 103.08 feet to a Concrete Monument Found; THENCE North 29 degrees 50 minutes 43 seconds East for a distance of 98.83 feet to a Concrete Monument Found; THENCE North 16 degrees 30 minutes 43 seconds East for a distance of 102.54 feet to a Concrete Monument Found; THENCE North 29 degrees 23 minutes 40 seconds East for a distance of 400.40 feet to a Concrete Monument Found; THENCE North 36 degrees 42 minutes 59 seconds West for a distance of 44.14 feet to a Point, said point being THE POINT OF BEGINNING.

THENCE from said point as thus established and continuing along said Right-of-Way of Peachtree Parkway a.k.a. State Route 141, North 36 degrees 42 minutes 59 seconds East for a distance of 120.50 feet to a ¾" Open Top Pipe Found; THENCE North 36 degrees 42 minutes 35 seconds East for a distance of 237.18 feet to a Point; THENCE North 29 degrees 45 minutes 46 seconds East for a distance of 252.39 feet to a Point; THENCE leaving said Right-of-Way, South 60 degrees 14 minutes 14 seconds East for a distance of 117.65 feet to a Point; THENCE South 60 degrees 14 minutes 14 seconds East for a distance of 117.65 feet to a Point; THENCE North 59 degrees 32 minutes 53 seconds East for a distance of 203.17 feet to a Point on the Westerly Right-of-Way of Medlock Bridge Road (Right-of-Way Varies); THENCE continuing along said Right-of-Way the following two (2) courses and distances, THENCE South 29 degrees 27 minutes 07 seconds East for a distance of 67.12 feet to a Point; THENCE South 30 degrees 19 minutes 01 seconds East for a distance of 135.00 feet to a Point; THENCE leaving said Right-of-Way, South 66 degrees 51 minutes 51 seconds West for a distance of 215.52 feet to a Point; THENCE South 34 degrees 57 minutes 42 seconds West for a distance of 513.41 feet to a Point; THENCE North 59 degrees 59 minutes 32 seconds West for a distance of 260.00 feet to a Point, said point being THE POINT OF BEGINNING.

Said property contains 4.318 acres.

RZC'13001

RECEIVED  
NOV 01 2012

BY: .....



STANDARDS GOVERNING EXERCISE OF THE ZONING POWER

PURSUANT TO SECTION 1702 OF THE 1985 ZONING RESOLUTION, THE BOARD OF COMMISSIONERS 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) WHETHER A PROPOSED REZONING WILL PERMIT A USE THAT IS SUITABLE IN VIEW OF THE USE AND DEVELOPMENT OF ADJACENT AND NEARBY PROPERTY:

THE APPLICANT BELIEVES THE PROPOSED USE IS SUITABLE.

(B) WHETHER A PROPOSED REZONING WILL ADVERSELY AFFECT THE EXISTING USE OR USABILITY OF ADJACENT OR NEARBY PROPERTY:

THE PROPOSED USE WILL NOT ADVERSELY AFFECT THE USE OF THE SURROUNDING PROPERTIES.

(C) WHETHER THE PROPERTY TO BE AFFECTED BY A PROPOSED REZONING HAS A REASONABLE ECONOMIC USE AS CURRENTLY ZONED:

THE APPLICANT BELIEVES THAT THE SUBJECT PROPERTY DOES NOT HAVE A REASONABLE ECONOMIC USE.

(D) WHETHER THE PROPOSED REZONING WILL RESULT IN A USE WHICH WILL OR COULD CAUSE AN EXCESSIVE OR BURDENSOME USE OF EXISTING STREET, TRANSPORTATION FACILITIES, UTILITIES OR SCHOOLS:

THE PROPOSED USE WILL NOT PRODUCE AN ADVERSE AFFECT ON THE EXISTING INFRASTRUCTURE.

(E) WHETHER THE PROPOSED REZONING IS IN CONFORMITY WITH THE POLICY AND INTENT OF THE LAND USE PLAN:

THE SUBJECT PROPERTY IS DESIGNATED AS PREFERED OFFICE

(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 REZONING:

SEE LETTER OF INTENT.

RZC 13001

RECEIVED  
NOV 01 2012

BY: .....

Based upon the above reasons, the applicant feels that this is a reasonable request and that action contradictory to the zoning request will constitute a taking of property in violation of the Just Compensation Clause of the Fifth Amendment and the Due Process Clause of the Fourteenth Amendment to the Constitution of the United States, and Article P, Section 1, Paragraph 1, and Article 1, Section 3, Paragraph 1 of the Constitution of Georgia, denying the owner viable use of its land.

.....  
PLANNING DIVISION USE ONLY

CASE NUMBER \_\_\_\_\_

RECEIVED BY: \_\_\_\_\_

RZC'13 001

RECEIVED  
NOV 01 2012

BY: .....

## REZONING APPLICANT'S LETTER OF INTENT

The Applicant and Owner, Peachtree Parkway Holdings, LLC, requests a rezoning for 4.318 acres for the purpose of developing office, restaurants and retail commercial buildings on the property. The subject property is located on Peachtree Parkway\State Route 141 and is found in the 6th district land lot 301 in The City of Peachtree Corners.

The enclosed site plan indicates that there will be 4 new buildings surrounding the existing Piedmont Bank. Parcel 1 is proposed to be a 2 story retail/office building with a total square footage of 14,000 feet. Parcels 2 and 4 are each proposed to be restaurants at 8,000 square feet each or parcel 4 could be a bank site since it is located on the corner with access to the intersection with a traffic light. Finally, parcel 3 is proposed to be a retail building of 7,800 square feet that could be all retail or a restaurant/coffee shop with a drive thru. The property is currently C-2 and RM-13 with a little more than half zoned multi-family and the site plan shows that we are proposing a buffer reduction along the rear of the property from the required 75 feet to a graded and enhanced buffer of 20 feet. That buffer is further reduced to allow proper alignment of our access across from Bush Road at Medlock Bridge Road. While the future development map for the city shows this property as preferred office we believe that the location across from The Forum and the fact we are removing almost 3 acres from the RM-13 zoned property meets the intent of the plan. The buildings are in the overlay district and the applicant intends to meet all of the additional requirements with the architectural design planned to match the style of the existing Piedmont Bank and the Forum.

RZC 73001

RECEIVED  
NOV 01 2012

BY: .....

REZONING APPLICANT'S CERTIFICATION

THE UNDERSIGNED BELOW IS 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 BOARD OF COMMISSIONERS UNLESS  
WAIVED BY THE BOARD OF COMMISSIONERS. 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 BOARD OF  
COMMISSIONERS.

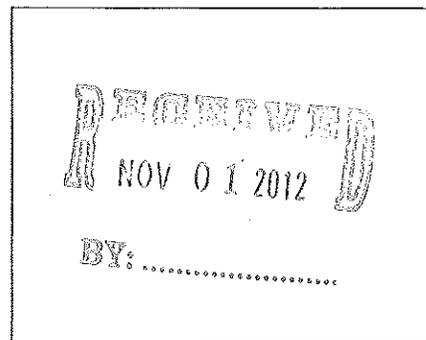
Peachtree Parkway Holdings, LLC  
X Arthur D. Cury 10/12/12  
SIGNATURE OF APPLICANT DATE

Robert D. Cheeley, President  
TYPE OR PRINT NAME AND TITLE

Jeri Ann Peavy 10/22/12  
SIGNATURE OF NOTARY PUBLIC DATE



CASE NUMBER \_\_\_\_\_



RZC 71300 1



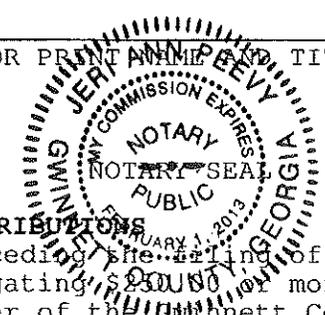
CONFLICT OF INTEREST CERTIFICATION FOR REZONINGS

The undersigned below, making application for rezoning, has complied with the Official Code of Georgia Section 36-67A-1, et. seq, Conflict of Interest in Zoning Actions, and has submitted or attached the required information on the forms provided.

x John D. Cheeley 10/12/12 Peachtree Parkway Holdings, LLC  
 SIGNATURE OF APPLICANT DATE TYPE OR PRINT NAME AND TITLE  
Robert D. Cheeley, President

\_\_\_\_\_  
 SIGNATURE OF APPLICANT'S ATTORNEY OR REPRESENTATIVE DATE TYPE OR PRINT NAME AND TITLE

Jeri Ann Peavy 10/22/12  
 SIGNATURE OF NOTARY PUBLIC DATE



**DISCLOSURE OF CAMPAIGN CONTRIBUTIONS**

Have you, within the two years immediately preceding the filing of this application, made campaign contributions aggregating \$250.00 or more to a member of the Board of Commissioners or a member of the Winnett County Planning Commission?

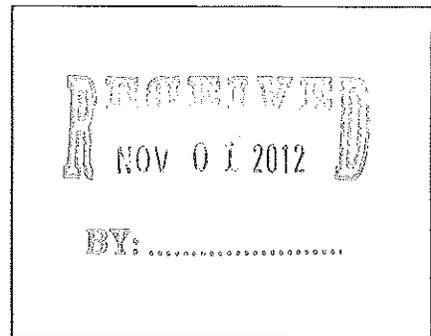
No (yes/no)  
John D. Cheeley  
 YOUR NAME

If the answer is yes, please complete the following section:

NAME AND OFFICIAL POSITION OF GOVERNMENT OFFICIAL	CONTRIBUTIONS (List all Which Aggregate to \$250 or More)	DATE CONTRIBUTION WAS MADE (Within Last Two Years)

Attach additional sheets if necessary to disclose or describe all contributions.

CASE NUMBER \_\_\_\_\_



RZC 18001

VERIFICATION OF CURRENT AND PROPERTY TAXES FOR REZONING

THE UNDERSIGNED BELOW IS AUTHORIZED TO MAKE THIS APPLICATION. THE UNDERSIGNED CERTIFIES THAT ALL GWINNETT COUNTY 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 AN APPLICATION OR REAPPLICATION FOR REZONING BE PROCESSED WITHOUT SUCH PROPERTY VERIFICATION.

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

PARCEL I.D. NUMBER: 6 - 301 - 165

(Map Reference Number) District Land Lot Parcel

SIGNATURE OF APPLICANT Robert D. Cheeley DATE 10/22/12  
*Robert D. Cheeley, Pres.*

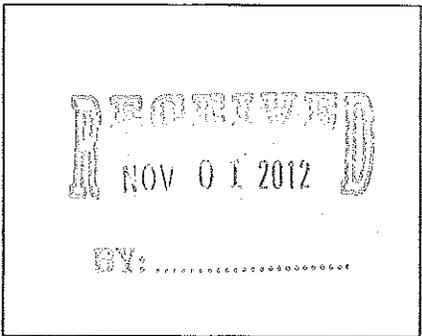
TYPE OR PRINT NAME AND TITLE Robert D. Cheeley, Pres.

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 Nick Cole TITLE TSA II  
DATE 11/1/2012

CASE NUMBER RZC 13001



**AN ORDINANCE TO AMEND THE CITY OF PEACHTREE CORNERS ZONING MAP PURSUANT TO SUP2013-00001 REQUEST FOR A SPECIAL USE PERMIT ON A 2.59 ACRE PARCEL ZONED M-1(LIGHT INDUSTRIAL DISTRICT) TO ALLOW A TRUCK FLEET MAINTENANCE FACILITY. THE SUBJECT PROPERTY IS LOCATED IN DISTRICT 6, LAND LOT 250, PARCEL 068 AT 2805 AMWILER ROAD. APPLICANT: TK ATLANTA PROPERTY, LLC; OWNER: SATLING INVESTMENTS, LLC**

**WHEREAS:** Notice to the public regarding said modification to conditions of zoning has been duly published in The Gwinnett Daily Post, the Official News Organ of Peachtree Corners; and

**WHEREAS:** Public Hearings were held by the Mayor and City Council of Peachtree Corners on February 5, 2013 and February 19, 2013;

**NOW THEREFORE,** The Mayor and City Council of the City of Peachtree Corners while in Regular Session on February 19, 2013 hereby ordain and approve the Zoning Case SUP2013-00001 for the above referenced property with the following enumerated conditions:

1. *Maintain the existing eight-foot high, opaque security fence around the perimeter of the subject property.*
2. *All truck and trailer repairs shall occur within the enclosed building.*
3. *Outdoor loudspeakers shall be prohibited.*
4. *The property owner shall repaint or repair any graffiti or vandalism that occurs on the property within 72 hours.*

Effective this 19th day of February, 2013.

Approved by:

So signed and Witnessed

this \_\_\_\_\_ day of \_\_\_\_\_, 2013

Attest:

\_\_\_\_\_  
Mike Mason, Mayor

\_\_\_\_\_  
Kymberly Chereck, City Clerk

SEAL

**CITY OF PEACHTREE CORNERS  
COMMUNITY DEVELOPMENT DEPARTMENT**

**SPECIAL USE PERMIT ANALYSIS**

CASE NUMBER :**SUP2013-00001**  
ZONING :M-1  
LOCATION :2800 BLOCK OF AMWILER ROAD  
MAP NUMBER :R6250 068  
ACREAGE :2.59 ACRES  
PROPOSED DEVELOPMENT :TRUCK FLEET MAINTENANCE  
SQUARE FEET :18,760 SQUARE FEET  
REQUEST : **A SPECIAL USE APPROVAL FOR A TRUCK  
MAINTENANCE FACILITY.**

FUTURE DEVELOPMENT MAP: PREFERRED OFFICE

APPLICANT :TK ATLANTA PROPERTY, LLC  
4490 THURMAN ROAD  
CONLEY, GA 30288

CONTACT: BILL GEORGE PHONE: 404.361.4019

OWNER :SATLING INVESTMENTS, LLC  
3476 LAWRENCEVILLE HIGHWAY  
TUCKER, GA 30084

RECOMMENDATION: APPROVE WITH CONDITIONS

**PROJECT DATA:**

The applicant requests a Special Use Permit on a 2.59 acre parcel, zoned M-1 (Light Industrial District), to allow a truck fleet maintenance facility. The subject property is located on the northeast side of Amwiler Road at its intersection with Humphries Way, just northwest of Buford Highway. The surrounding area is developed with a mix of light and heavy industrial, office and warehousing uses. Properties to the northwest on Amwiler Road mostly contain office and warehouse buildings located within light industrial office parks. To the south of the subject property, across Amwiler Road, is Newell Recycling: an intense industrial use of auto/metal salvage and shredding zoned M-2. The area to the east of the subject property is zoned M-1, and is a collection of parcels and businesses associated with Humphries Construction Supply Company, in the concrete mixing and construction supply business.

The subject site is currently unoccupied, surrounded by security fencing, and developed with one building, consisting of approximately 18,760 square feet, associated parking and driveways. Access would be provided through the existing driveways onto Amwiler Road.

The applicant intends to use the existing building and parking lot for maintenance of refrigerated tractor trailers. The site would be occupied by Thermo King, which is in the business of selling, repairing and installing transportation refrigeration units for semi-trailers and other types of vehicles.

**ZONING HISTORY:**

The subject property has been zoned M-1 since 1970.

**GROUNDWATER RECHARGE AREA:**

The subject property is not located within an identified Significant Groundwater Recharge Area.

**WETLANDS INVENTORY:**

The subject property does not contain areas, streams, and/or bodies of water depicted as wetlands on the U.S. Department of Interior, Fish, and Wildlife Service – National Wetlands Inventory map on file with the Gwinnett Department of Planning and Development.

**STORMWATER REVIEW SECTION COMMENTS:**

No comment.

**GWINNETT COUNTY DEPARTMENT OF TRANSPORTATION COMMENTS:**

No Comment.

**GWINNETT COUNTY ENVIRONMENTAL HEALTH COMMENTS:**

No comment.

**GWINNETT COUNTY DEPARTMENT OF WATER RESOURCES COMMENTS:**

The available utility records show that the subject development is currently in the vicinity of a 16-inch water main located on the northern right-of-way of Amwiler Road.

The available utility records show that the subject development is currently in the vicinity of an 8-inch sanitary sewer main located on the property.

**BUILDING CONSTRUCTION SECTION COMMENTS:**

Building Plan Review has no objections under the following conditions:

- I. The applicant shall submit architectural, structural, mechanical, electrical and plumbing drawings for any proposed interior or exterior modification. Upon completion of plan review approvals, the applicant shall obtain a building permit for any required renovation

work and achieve satisfactory field inspections for issuance of a Certificate of Occupancy.

2. Architectural design of any proposed exterior modification shall incorporate the requirements of the Activity Center/Corridor Overlay District, Section 1315 of the Zoning Resolution.
3. Upon completion of plan review approvals, the applicant shall obtain a building permit and achieve satisfactory field inspections for issuance of a Certificate of Occupancy.

**GWINNETT COUNTY FIRE SERVICES COMMENTS:**

Fire Plan Review has no objections to the rezoning request, under the following conditions:

1. Applicant submits civil drawings to Fire Plan Review for review and approval.
2. Applicant submits architectural drawings to Fire Plan Review for review and approval.
3. Upon completion of plan review approvals, applicant successfully achieves a satisfactory Fire field inspection, for issuance of a Certificate of Occupancy - Business Operation.

For assistance, you may contact this office at (678) 518-6000, Monday through Friday, from the hours of 8:00 a.m. to 5:00 p.m.

**DEPARTMENT ANALYSIS:**

The subject property is located on the northeast side of Amwiler Road, at its intersection with Humphries Way, just north of Buford Highway. The site is currently unoccupied and is developed with one building, consisting of approximately 18,760 square feet, associated parking and driveways.

The 2030 Unified Plan Future Development Map indicates the property lies within a Preferred Office Character Area. Although not consistent with the Unified Plan, a truck fleet maintenance facility is consistent with the existing zoning and surrounding uses. In addition, the proposed use is compatible with nearby industrial businesses and would be considered consistent with Gwinnett County Board of Commissioners approval of similar businesses along the Buford Highway corridor.

Given the intensity of zoning and industrial development pattern along this segment of the Buford Highway corridor, a truck fleet maintenance facility could be considered consistent with the area and suitable at this location.

In conclusion, the requested Special Use Permit would be consistent with the industrial nature of Amwiler Road, and consistent with prior Gwinnett County Board of Commissioners precedent regarding similar types of businesses in the immediate area and along the Buford Highway corridor.

## RECOMMENDED CONDITIONS

Approve a Special Use Permit for the addition of a truck fleet maintenance facility on the property, subject to the following conditions:

1. Maintain the existing eight-foot high, opaque security fence, around the perimeter of the subject property.
2. All truck and trailer repairs shall occur within the enclosed building.
3. Outdoor loudspeakers shall be prohibited.
4. The property owner shall repaint or repair any graffiti or vandalism that occurs on the property within 72 hours.

COMMUNITY DEVELOPMENT DEPARTMENT RECOMMENDATIONS  
STANDARDS GOVERNING THE EXERCISE OF ZONING

SUITABILITY OF USE

The requested Special Use Permit for a truck fleet maintenance facility could be suitable in light of the mix and intensity of industrial uses in this area.

ADVERSE IMPACTS

With the recommended conditions, potential impacts on adjacent and nearby properties could be reduced.

REASONABLE ECONOMIC USE AS ZONED

The subject property has a reasonable economic use as currently zoned.

IMPACT ON PUBLIC FACILITIES

As the site is already developed, it is anticipated that there would be few additional impacts on public facilities from the request.

CONFORMITY WITH POLICIES

Although not strictly consistent with policies of the Unified Plan, the proposal is considered compatible with the established industrial corridor. The proposed truck fleet maintenance facility could be suitable in light of the intensity of surrounding developments.

CONDITIONS AFFECTING ZONING

The proposed truck fleet maintenance facility similarity with surrounding businesses and intensity of use and zoning in the immediate area could support the approval of the Special Use Permit request.

**SPECIAL USE PERMIT APPLICANT'S RESPONSE**  
**STANDARDS GOVERNING THE EXERCISE OF THE ZONING POWER**

PURSUANT TO SECTION 1702 OF THE 1985 ZONING RESOLUTION, THE BOARD OF COMMISSIONERS 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) 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:

Yes- Proposed use is suitable considering adjacent uses are recycling, steel fabrication, and cement mixing.

- (B) WHETHER A PROPOSED SPECIAL USE PERMIT WILL ADVERSELY AFFECT THE EXISTING USE OR USABILITY OF ADJACENT OR NEARBY PROPERTY:

No. Adjacent are nearby properties are a higher intensity industrial use than the proposed use.

- (C) WHETHER THE PROPERTY TO BE AFFECTED BY A PROPOSED SPECIAL USE PERMIT HAS REASONABLE ECONOMIC USE AS CURRENTLY ZONED:

Somewhat. However, it limits the number of potential tenants who would not need to apply for a special use permit.

- (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 existing transportation infrastructure is adequate and currently servicing other similar uses in this area. Utilities currently servicing the property are adequate. No affect on schools.

- (E) WHETHER THE PROPOSED SPECIAL USE PERMIT IS IN CONFORMITY WITH THE POLICY AND INTENT OF THE LAND USE PLAN:

Yes. The proposed use conforms to both the existing property and the land use 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:

The proposed use is actually less intense than existing surrounding uses and should be approved based on the property's suitability for this use.



# THERMO KING

of Doraville

2490 Weaver Way  
Doraville, Ga 30340. 1-770-368-4108

October 29, 2012

City of Peachtree Corners  
Planning and Development

**RE: Letter of Intent for Special Use Permit Application: 2805 Amwiler Road Peachtree Corners, GA.**

To Whom it May Concern,

This Letter of Intent is hereby respectfully submitted requesting a Special Use Permit ("SUP") for 2805 Amwiler Road located in Peachtree Corners, GA 30360 by the Contract Purchaser, Mid State Thermo King. 2805 Amwiler Road is an 18,760SF building situated on 2.59 acres of land built in 2004.

Mid State Thermo King ([midstatetk.com](http://midstatetk.com)) is requesting a SUP to operate our normal course of business of selling, installing, maintaining, and repairing transport refrigeration units for semi trailers and other commercial vehicles. We also engage in the light repair of semi trailers. We do not work on the cabs or engines of semi trucks. The property is currently zoned M-1, but we are requesting a Special Use Permit to operate as a "Truck Fleet Maintenance Facility".

Mid State Thermo King has been in business for over 59+ years and operates 7 locations in the states of Georgia, Alabama, and South Carolina. We desire to relocate our business to 2805 Amwiler Road from 2490 Weaver Way (a mere 1.2 miles away) where we can gain an additional acre of land and over twice the square footage. As business continues to grow, we require a facility that can grow with us.

Other than the requested SUP, we intend to use the facility as it exists today with no changes in configuration or building footprint.

Thank you in advance for your consideration.

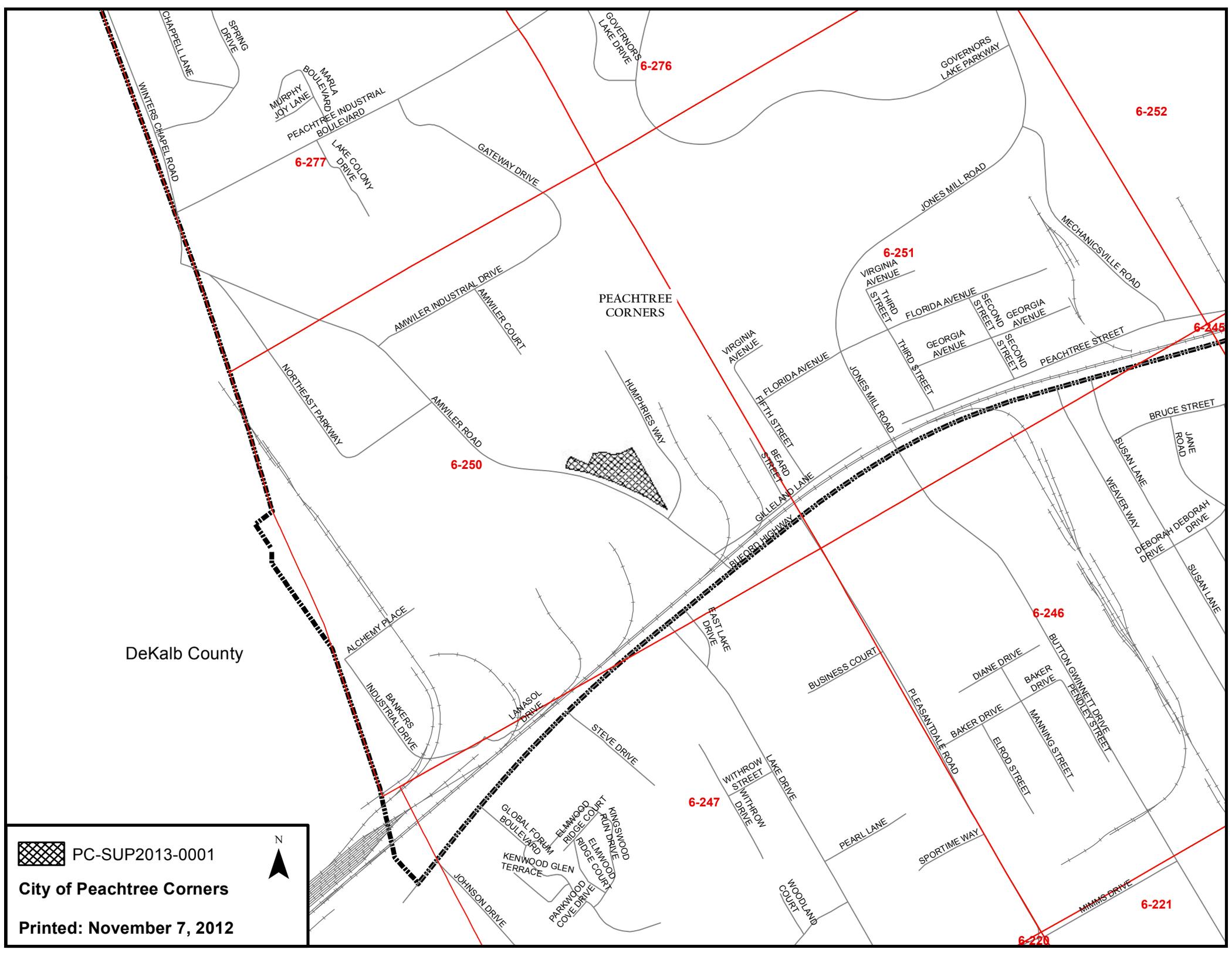
Regards,

Bill George  
Vice President/ General Manager  
Mid State Thermo King

RECEIVED  
OCT 29 2012

BY: .....

SUP '13 00 1



 PC-SUP2013-0001

City of Peachtree Corners

Printed: November 7, 2012





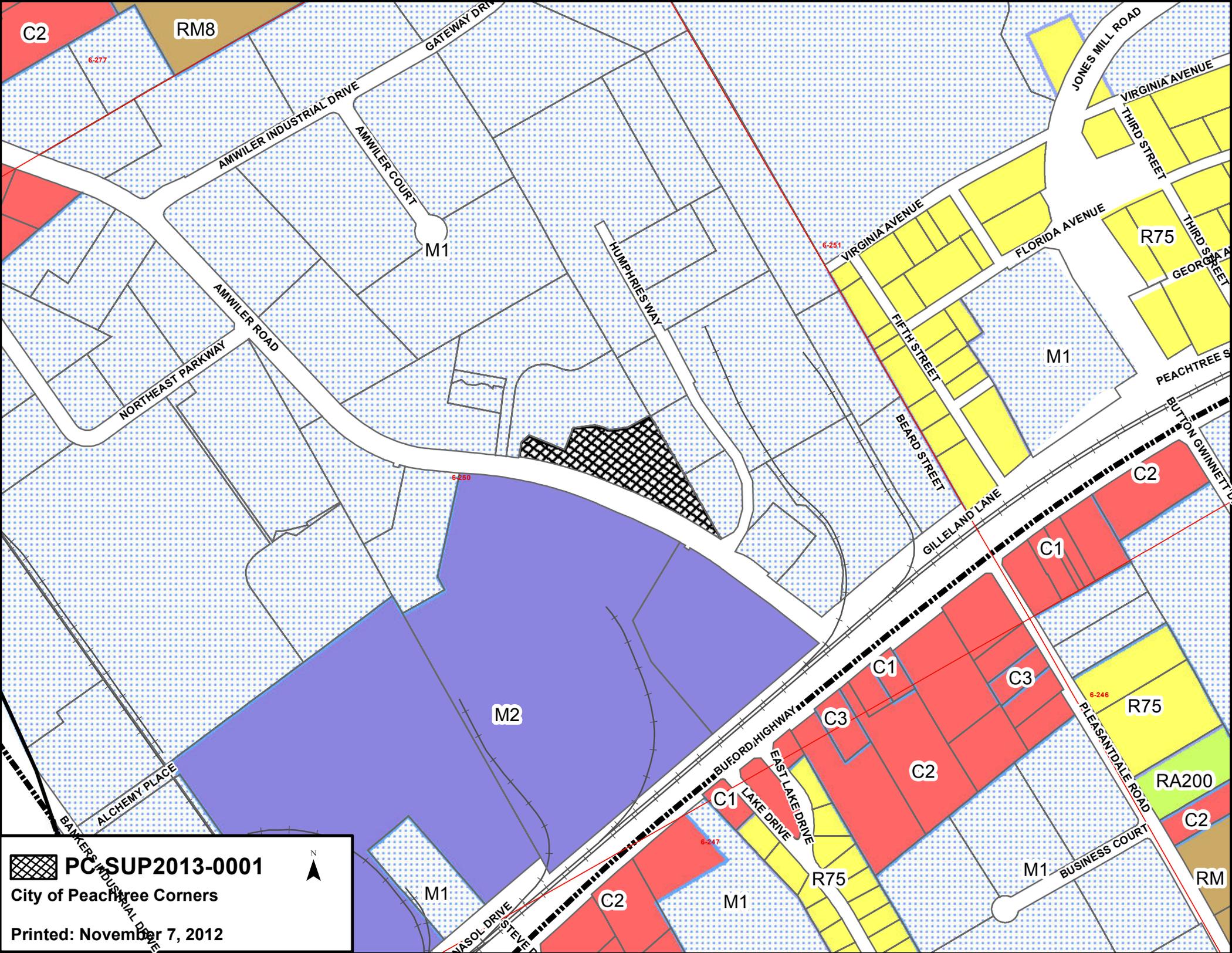


HUMPHRIES WAY

AMWILER ROAD

 PC-SUP2013-0001  
City of Peachtree Corners  
Printed: November 7, 2012





C2

RM8

6-277

M1

R75

M1

6-250

6-251

C2

C1

M2

C1

C3

R75

6-246

RA200

6-247

C1

C3

C2

C2

M1

C2

M1

R75

M1

RM

 **PC SUP2013-0001**  
 City of Peachtree Corners  
 Printed: November 7, 2012



**GWINNETT COUNTY, GEORGIA  
TITLE AD VALOREM TAX  
INTERGOVERNMENTAL AGREEMENT**

STATE OF GEORGIA  
GWINNETT COUNTY

**INTERGOVERNMENTAL AGREEMENT FOR THE ALLOCATION AND DISTRIBUTION  
OF PROCEEDS FROM THE TITLE AD VALOREM TAX**

THIS INTERGOVERNMENTAL AGREEMENT, made and entered into as of the \_\_\_\_ day of \_\_\_\_\_, 2013, by and between the **GWINNETT COUNTY TAX COMMISSIONER, GWINNETT COUNTY, GEORGIA**, a political subdivision of the State of Georgia, (the "County"), and the **CITY OF AUBURN**, the **CITY OF BERKELEY LAKE**, the **TOWN OF BRASELTON**, the **CITY OF BUFORD**, the **CITY OF DACULA**, the **CITY OF DULUTH**, the **CITY OF GRAYSON**, the **CITY OF LAWRENCEVILLE**, the **CITY OF LILBURN**, the **CITY OF LOGANVILLE**, the **CITY OF NORCROSS**, the **CITY OF PEACHTREE CORNERS**, the **CITY OF REST HAVEN**, the **CITY OF SNELLVILLE**, the **CITY OF SUGAR HILL**, and the **CITY OF SUWANEE**, municipal corporations of the State of Georgia, (the "Participating Municipalities", individually and collectively) and the **GWINNETT COUNTY BOARD OF EDUCATION** and the **BUFORD CITY SCHOOLS** (the "Participating School Districts").

**WITNESSETH:**

**WHEREAS**, Article IX, Section III, Paragraph I(a) of the Constitution of Georgia (the "Intergovernmental Contracts Clause") authorizes the County,

Gwinnett County Tax Commissioner, Participating Municipalities and the Participating School Districts to contract, for a period not exceeding 50 years; and

**WHEREAS**, the Gwinnett County Tax Commissioner is required pursuant to O.C.G.A. §48-5C-1 *et seq.*, (the “Act”) to levy and collect a Title Ad Valorem Tax Fee (“Title Ad Valorem Tax”) when a vehicle sale would have constituted a taxable event for purposes of O.C.G.A. § 48-5C-1 *et seq.*; and

**WHEREAS**, pursuant to the Act, the Gwinnett County Tax Commissioner, the County, the Participating Municipalities, and the Participating School District have met together and conferred to determine how the Title Ad Valorem Tax should be distributed; and

**WHEREAS**, the Gwinnett County Tax Commissioner, the County, the Participating Municipalities, and the Participating School Districts within the County shall execute this Intergovernmental Agreement which provides for the distribution of proceeds in accordance with O.C.G.A. § 48-5C-1(c).

**NOW, THEREFORE**, in consideration of the mutual promises and undertakings made in this Agreement, the benefits flowing to the parties hereto and to the citizens of each under this Agreement, and for good and valuable consideration, the Gwinnett County Tax Commissioner, the County, the Participating Municipalities, and the Participating School Districts consent and agree as follows:

## SECTION 1

### REPRESENTATIONS & MUTUAL COVENANTS

(A) The Gwinnett County Tax Commissioner makes the following representations and warranties which may be specifically relied upon by all parties as a basis for entering into this Agreement:

- (i) The Gwinnett County Tax Commissioner is a Constitutional Officer duly created pursuant to the Constitution of Georgia;
- (ii) The Gwinnett County Tax Commissioner is duly authorized to execute, deliver, and perform this Agreement; and
- (iii) This Agreement is a valid, binding, and enforceable obligation of the Gwinnett County Tax Commissioner.

(B) The County makes the following representations and warranties which may be specifically relied upon by all parties as a basis for entering into this Agreement:

- (i) The County is a political subdivision duly created and organized under the Constitution of Georgia;
- (ii) The governing authority of the County is duly authorized to execute, deliver, and perform this Agreement; and
- (iii) This Agreement is a valid, binding, and enforceable obligation of the County.

(C) Each Participating Municipality makes the following representations and warranties which may be specifically relied upon by all parties as a basis for entering into this Agreement:

- (i) Each Participating Municipality is a municipal corporation duly created and organized under the Laws of the State of Georgia;

(ii) The governing authority of each Participating Municipality is duly authorized to execute, deliver, and perform this Agreement;

(iii) This Agreement is a valid, binding, and enforceable obligation of each Participating Municipality; and

(iv) Each Participating Municipality is located wholly or partially within the geographic boundaries of the County.

(D) Each Participating School District makes the following representations and warranties which may be specifically relied upon by all parties as a basis for entering into this Agreement:

(i) Each Participating School District is duly created and organized under the Laws of the State of Georgia;

(ii) The governing authority of each Participating School District is duly authorized to execute, deliver, and perform this Agreement;

(iii) This Agreement is a valid, binding, and enforceable obligation of each Participating School District; and

(iv) Each Participating School District is located wholly or partially within the geographic boundaries of the County.

(E) It is the intention of the Gwinnett County Tax Commissioner, the County, each Participating Municipality, and each Participating School District to comply in all respects with the provisions of the Title Ad Valorem Tax Act, and all provisions of this Agreement shall be construed in light of the provisions of the Title Ad Valorem Tax Act.

(D) The Gwinnett County Tax Commissioner, the County, each Participating Municipality, and each Participating School District agree to maintain thorough and accurate records concerning the receipt of proceeds under this Agreement.

## **SECTION 2**

### **CONDITIONS PRECEDENT**

(A) The obligations of the Gwinnett County Tax Commissioner, the County, each Participating Municipality and each Participating School District pursuant to this Agreement are conditioned upon the collection of the Title Ad Valorem Tax revenues by the Tax Commissioner and the transfer of those revenues pursuant to the terms set forth in O.C.G.A. § 48-5C-1 *et seq.*

## **SECTION 3**

### **ADMINISTRATION AND COLLECTION COSTS**

In accordance with O.C.G.A. § 48-5C-1 *et seq.*, the proceeds of the Ad Valorem Title Tax shall be allocated and distributed by the Gwinnett County Tax Commissioner pursuant to the terms of this Agreement.

## **SECTION 4**

### **ALLOCATION AND DISTRIBUTION OF REMAINDER PROCEEDS**

(A) The Gwinnett County Tax Commissioner, the County, each Participating Municipality, and each Participating School District agree that the provisions of O.C.G.A. §48-5C-1 *et. seq.* govern the collection and distribution of Ad Valorem Taxation of Motor Vehicles. The relevant provisions at the time of the execution of this Agreement, and effective as of March 1, 2013, are set forth below:

(c)(1) The amount of proceeds collected by tag agents each month as state and local title ad valorem tax fees, state salvage title ad valorem tax fees, administrative fees, penalties, and interest pursuant to subsection (b) of this

Code section shall be allocated and disbursed as provided in this subsection.

(2) For the 2013 tax year and in each subsequent tax year, the amount of such funds shall be disbursed within 30 days following the end of each calendar month as follows:

(A) State title ad valorem tax fees, state salvage title ad valorem tax fees, administrative fees, penalties, and interest shall be remitted to the state revenue commissioner who shall deposit such proceeds in the general fund of the state less an amount to be retained by the tag agent not to exceed 1 percent of the total amount otherwise required to be remitted under this subparagraph to defray the cost of administration. Such retained amount shall be remitted to the collecting county's general fund. Failure by the tag agent to disburse within such 30 day period shall result in a forfeiture of such administrative fee plus interest on such amount at the rate specified in [Code Section 48-2-40](#); and

(B) Local title ad valorem tax fees, administrative fees, penalties, and interest shall be designated as local government ad valorem tax funds. The tag agent shall then distribute the proceeds as specified in paragraph (3) of this subsection.

(3) The local title ad valorem tax fee proceeds required under this subsection shall be distributed as follows:

(A) The tag agent of the county shall within 30 days following the end of each calendar month allocate and distribute to the county governing authority and to municipal governing authorities, the board of education of the county school district, and the board of education of any independent school district located in such county an amount of those proceeds necessary to offset any reduction in ad valorem tax on motor vehicles collected under Chapter 5 of Title 48 in the taxing jurisdiction of each governing authority and school district from the amount of ad valorem taxes on motor vehicles collected under Chapter 5 of Title 48 in each such governing authority and school

district during the same calendar month of 2012. This reduction shall be calculated by subtracting the amount of ad valorem tax on motor vehicles collected under Chapter 5 of Title 48 in each such taxing jurisdiction from the amount of ad valorem tax on motor vehicles collected under Chapter 5 of Title 48 in that taxing jurisdiction in the same calendar month of 2012. In the event that the local title ad valorem tax fee proceeds are insufficient to fully offset such reduction in ad valorem taxes on motor vehicles, the tag agent shall allocate a proportionate amount of the proceeds to each governing authority and to the board of education of each such school district, and any remaining shortfall shall be paid from the following month's local title ad valorem tax fee proceeds. In the event that a shortfall remains, the tag agent shall continue to first allocate local title ad valorem tax fee proceeds to offset such shortfalls until the shortfall has been fully repaid; and

(B) Of the proceeds remaining following the allocation and distribution under subparagraph (A) of this paragraph, the tag agent shall allocate and distribute to the county governing authority and to municipal governing authorities, the board of education of the county school district, and the board of education of any independent school district located in such county the remaining amount of those proceeds in the manner provided in this subparagraph. Such proceeds shall be deposited in the general fund of such governing authority or board of education and shall not be subject to any use or expenditure requirements provided for under any of the following described local sales and use taxes but shall be authorized to be expended in the same manner as authorized for the ad valorem tax revenues on motor vehicles under Chapter 5 of Title 48 which would otherwise have been collected for such governing authority or board of education. Of such remaining proceeds:

(i) An amount equal to one-third of such proceeds shall be distributed to the board of education of the county school district and the board of education of each independent school district located in such county in the same manner as required for any local sales and use tax for educational purposes levied pursuant to Part 2 of Article 3 of Chapter 8 of Title 48 currently in effect. If such tax is not currently in effect, such proceeds shall be distributed to such board or boards of education in the same manner as if such tax were in effect;

(ii)(I) Except as otherwise provided in this division, an amount equal to one-third of such proceeds shall be distributed to the governing authority of the county and the governing authority of each qualified municipality located in such county in the same manner as specified under the distribution certificate for the joint county and municipal sales and use tax under Article 2 of Chapter 8 of Title 48 currently in effect.

(II) If such tax were never in effect, such proceeds shall be distributed to the governing authority of the county and the governing authority of each qualified municipality located in such county on a pro rata basis according to the ratio of the population that each such municipality bears to the population of the entire county.

(III) If such tax is currently in effect as well as a local option sales and use tax for educational purposes levied pursuant to a local constitutional amendment, an amount equal to one-third of such proceeds shall be distributed in the same manner as required under subdivision (I) of this division and an amount equal to one-third of such proceeds shall be distributed to the board of education of the county school district.

(IV) If such tax is not currently in effect and a local option sales and use tax for educational purposes levied pursuant to a local constitutional amendment is currently in effect, such proceeds shall be distributed to the board of education of the county school district and the board of education of any independent school district in the same manner as required under that local constitutional amendment.

(V) If such tax is not currently in effect and a homestead option sales and use tax under Article 2A of Chapter 8 of Title 48 is in effect, such proceeds shall be distributed to the governing authority of the county, each qualified municipality, and each existing municipality in the same proportion as otherwise required under [Code Section 48-8-104](#); and

(iii)(I) An amount equal to one-third of such proceeds shall be distributed to the governing authority of the county and the governing authority of each qualified municipality located in such county in the same manner as specified under an intergovernmental agreement or as otherwise required under the county special purpose local option sales and use tax under Part 1 of Article 3 of Chapter 8 of Title 48 currently in effect; provided, however, that this subdivision shall not apply if subdivision (III) of division (ii) of this subparagraph is applicable.

(II) If such tax were in effect but expired and is not currently in effect, such proceeds shall be distributed to the governing authority of the county and the governing authority of each qualified municipality located in such county in the same manner as if such tax were still in effect according to the intergovernmental agreement or as otherwise required under the county special purpose local sales and use tax under Part 1 of Article 3 of Chapter 8 of Title 48 for the 12 month period commencing at the expiration of such tax. If such tax is not renewed prior to the expiration of such 12 month period, such amount shall be distributed in accordance with subdivision (I) of division (ii) of this subparagraph; provided, however, that if a tax under Article 2 of Chapter 8 of Title 48 is not in effect, such amount shall be distributed in accordance with subdivision (II) of division (ii) of this subparagraph.

(III) If such tax is not currently in effect in a county in which a tax is levied for purposes of a metropolitan area system of public transportation, as authorized by the amendment to the Constitution set out at Ga. L. 1964, p. 1008; the continuation of such amendment under Article XI, Section I, Paragraph IV(d) of the Constitution; and the laws enacted pursuant to such constitutional amendment, such proceeds shall be distributed to the governing body of the authority created by local Act to operate such metropolitan area system of public transportation.

(IV) If such tax were never in effect, such proceeds shall be distributed in the same manner as specified under the distribution certificate for the joint county and municipal sales and use tax under Article 2 of Chapter 8 of Title 48 currently in effect; provided, however, that if such tax under such

article is not in effect, such proceeds shall be distributed to the governing authority of the county and the governing authority of each qualified municipality located in such county on a pro rata basis according to the ratio of the population that each such municipality bears to the population of the entire county.

(B) This Agreement among the Gwinnett County Tax Commissioner, the County, each Participating Municipality, and each Participating School District governs the distribution of an amount equal to one-third of such proceeds which shall be distributed to the governing authority of the County and the governing authority of each Participating Municipality on a pro rata basis according to the ratio of the population that each Participating Municipality bears to the population of the entire County. For purposes of this distribution, the 2010 United States Decennial Census shall be used. The population statistics for this distribution are as follows:

	<u>Population</u>	<u>Percentage</u>
Gwinnett County:	805,321	-----
Unincorporated Gwinnett County:	620,210	77.01%
City of Auburn:	304	0.03%
City of Berkeley Lake:	1,574	0.19%
Town of Braselton:	1,595	0.15%
City of Buford:	12,225	1.51%
City of Dacula:	4,442	0.55%
City of Duluth:	26,600	3.30%
City of Grayson:	2,666	0.33%
City of Lawrenceville:	28,546	3.54%
City of Lilburn:	11,596	1.43%

City of Loganville:	2,865	0.03%
City of Norcross:	9,116	1.13%
City of Peachtree Corners:	31,704	3.93%
City of Rest Haven:	63	0.007%
City of Snellville:	18,242	2.26%
City of Sugar Hill:	18,522	2.29%
City of Suwanee:	15,355	1.90%

The Parties agree that these figures will continue to apply for the purposes of this Agreement until the next Decennial Census population figures are published unless a city is created and reaches qualified local government status or is abolished in the County.

(C) The Gwinnett County Tax Commissioner, the County, each Participating Municipality, and each Participating School District agree that copies of the applicable Special Purpose Local Option Sales Tax Agreement and Education Special Purpose Local Option Sales Tax Agreement currently in effect are attached hereto as Exhibits “A” and “B” respectively.

**SECTION 5**

**ENTIRE AGREEMENT**

This Agreement, including any attachments or exhibits, constitutes all of the understandings and agreements between the Gwinnett County Tax Commissioner, the County, the Participating Municipalities, and each Participating School District with respect to all matters relating to the imposition, levy, collection, administration, allocation, and distribution of proceeds of the Title Ad Valorem Tax. Furthermore, this Agreement supersedes all prior agreements, negotiations, and communications of whatever type, whether written or oral,

between the parties hereto with respect to the collection, administration, allocation, and distribution of proceeds of the Title Ad Valorem Tax. This Agreement does not supersede, supplant, or otherwise replace any existing Special Purpose Local Option Sales Tax Agreement or Education Special Purpose Local Option Sales Tax Agreement which is currently in place or may be put in place during the existence of this Agreement.

**SECTION 7**

**AMENDMENT OR MODIFICATION OF AGREEMENT**

This Agreement shall not be amended or modified except by agreement in writing executed by the Gwinnett County Tax Commissioner and the governing authorities of the County and the Participating Municipalities and the Participating School District.

**SECTION 8**

**GOVERNING LAW**

This Agreement shall be deemed to have been made and shall be construed and enforced in accordance with the Constitution and laws of the State of Georgia.

**SECTION 9**

**SEVERABILITY**

Should any phrase, clause, sentence, or paragraph of this Agreement be held invalid or unconstitutional, the remainder of the Agreement shall remain in full force and effect as if such invalid or unconstitutional provision were not

contained in the Agreement unless the elimination of such provision detrimentally reduces the consideration that any party is to receive under this Agreement or materially affects the operation of this Agreement.

## **SECTION 10**

### **COMPLIANCE WITH LAW**

The Gwinnett County Tax Commissioner, the County each Participating Municipality, and each Participating School District shall comply with all applicable local, state, and federal statutes, ordinances, rules, and regulations.

## **SECTION 11**

### **NO CONSENT TO BREACH**

No consent or waiver, express or implied, by any party to this Agreement, to any breach of any covenant, condition, or duty of another party shall be construed as a consent to or waiver of any future breach of the same.

## **SECTION 12**

### **COUNTERPARTS**

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

## **SECTION 13**

### **EFFECTIVE DATE**

The Gwinnett County Tax Commissioner, the County each Participating Municipality, and each Participating School District agree that this Agreement shall become effective on March 1, 2013. This Agreement shall continue in full

force and effect through December 31, 2022. The percentages contained in Section 4 of this Agreement shall be the basis for distribution throughout the term of this Agreement.

**SECTION 14**

**MEDIATION**

The Gwinnett County Tax Commissioner, the County, each Participating Municipality and each Participating School District agree to submit any controversy arising under this Agreement to mediation for a resolution. The parties to the mediation shall mutually select a neutral party to serve as mediator. Costs of mediation shall be shared equally among the parties to the mediation.

**IN WITNESS WHEREOF**, the Gwinnett County Tax Commissioner, the County, the Participating Municipalities, and the Participating School Districts acting by and through their duly authorized agents, have caused this Agreement to be executed in multiple counterparts under seals on the date indicated herein.

**EXHIBIT A**

DRAFT

**EXHIBIT B**

DRAFT

**GWINNETT COUNTY TAX COMMISSIONER**

BY: \_\_\_\_\_

Richard Steele, Gwinnett County Tax Commissioner

(SEAL)

ATTEST: \_\_\_\_\_

(CLERK)

DRAFT

**GWINNETT COUNTY, GEORGIA**

BY: \_\_\_\_\_

Charlotte J. Nash, Chairman, Gwinnett County Board of Commissioners

(SEAL)

ATTEST: \_\_\_\_\_

Clerk

DRAFT

**CITY OF AUBURN, GEORGIA**

BY: \_\_\_\_\_

Linda Blechinger, Mayor

(SEAL)

ATTEST: \_\_\_\_\_

Clerk

DRAFT

**CITY OF BERKELEY LAKE, GEORGIA**

BY: \_\_\_\_\_

Lois Salter, Mayor

(SEAL)

ATTEST: \_\_\_\_\_

Clerk

DRAFT

**TOWN OF BRASELTON , GEORGIA**

BY: \_\_\_\_\_  
Bill Orr, Mayor

(SEAL)

ATTEST: \_\_\_\_\_  
Clerk

DRAFT

**CITY OF BUFORD, GEORGIA**

BY: \_\_\_\_\_  
Phillip Beard, Commission Chairman

(SEAL)

ATTEST: \_\_\_\_\_  
Clerk

DRAFT

**CITY OF DACULA, GEORGIA**

BY: \_\_\_\_\_

Jimmy Wilbanks, Mayor

(SEAL)

ATTEST: \_\_\_\_\_

Clerk

DRAFT

**CITY OF DULUTH, GEORGIA**

BY: \_\_\_\_\_

Nancy Harris, Mayor

(SEAL)

ATTEST: \_\_\_\_\_

Clerk

DRAFT

**CITY OF GRAYSON, GEORGIA**

BY: \_\_\_\_\_

Jim Hinkle, Mayor

(SEAL)

ATTEST: \_\_\_\_\_

Clerk

DRAFT

**CITY OF LAWRENCEVILLE, GEORGIA**

BY: \_\_\_\_\_

Judy Jordan Johnson, Mayor

(SEAL)

ATTEST: \_\_\_\_\_

Clerk

DRAFT

**CITY OF LILBURN, GEORGIA**

BY: \_\_\_\_\_

Johnny Crist, Mayor

(SEAL)

ATTEST: \_\_\_\_\_

Clerk

DRAFT

**CITY OF LOGANVILLE, GEORGIA**

BY: \_\_\_\_\_

Ray Nunley, Mayor

(SEAL)

ATTEST: \_\_\_\_\_

Clerk

DRAFT

**CITY OF NORCROSS, GEORGIA**

BY: \_\_\_\_\_

Bucky Johnson, Mayor

(SEAL)

ATTEST: \_\_\_\_\_

Clerk

DRAFT

**CITY OF PEACHTREE CORNERS, GEORGIA**

BY: \_\_\_\_\_

Mike Mason, Mayor

(SEAL)

ATTEST: \_\_\_\_\_

Clerk

DRAFT

**CITY OF REST HAVEN, GEORGIA**

BY: \_\_\_\_\_

Kenneth Waycaster, Mayor

(SEAL)

ATTEST: \_\_\_\_\_

Clerk

DRAFT

**CITY OF SNELLVILLE, GEORGIA**

BY: \_\_\_\_\_  
Kelly Kautz, Mayor

(SEAL)

ATTEST: \_\_\_\_\_  
Clerk

DRAFT

**CITY OF SUGAR HILL, GEORGIA**

BY: \_\_\_\_\_  
Gary Pirkle, Mayor

(SEAL)

ATTEST: \_\_\_\_\_  
Clerk

DRAFT

**CITY OF SUWANEE, GEORGIA**

BY: \_\_\_\_\_

Jimmy Burnette, Mayor

(SEAL)

ATTEST: \_\_\_\_\_

Clerk

DRAFT

**CITY SCHOOLS OF BUFORD, GEORGIA**

BY: \_\_\_\_\_  
Dr. Geye Hambry, Superintendent  
(SEAL)

ATTEST: \_\_\_\_\_  
Clerk

DRAFT

**GWINNETT COUNTY BOARD OF EDUCATION**

BY: \_\_\_\_\_  
J. Alvin Wilbanks, CEO/Superintendent

(SEAL)

ATTEST: \_\_\_\_\_  
Clerk

DRAFT



# Memo

---

TO: Mayor and Council

CC: Julian Jackson, City Manager

FROM: Diana Wheeler, Community Development Director

SUBJECT: Economic Development Ordinance

The City was recently contacted by Gwinnett's Economic Development Staff (Partnership Gwinnett) regarding the impending loss of an existing, long-standing Peachtree Corners business to another city. Gwinnett's staff was concerned that this existing business' expansion and organizational consolidation could easily take place in Peachtree Corners and bring all the associated jobs and economic benefits to our community, except that the lack of a competitive effort on this City's part means that the business will most likely relocate.

Other communities offer inducements that, while often times do not include a large financial commitment, are sufficient to attract or retain businesses that would otherwise choose an alternate location. Gwinnett's Economic Development Staff, in its efforts to be as diligent as possible in promoting economic development and job growth, asked the City to develop an Economic Development Ordinance based on the Gwinnett model (both Ordinances are attached.) They believe that the adoption of such an Ordinance would provide a very important tool to assist with our mutual efforts and interests. Since the Gwinnett Staff does much of the City's economic development work, City Staff has attempted to develop a draft Ordinance for the Council's consideration.

The City's draft Ordinance is a simplified version of the Gwinnett model and is intended to allow the City Manager the flexibility to offer some inducements to attract and retain businesses. The extent of the inducements would depend on the number of jobs brought to the community and the overall benefit to the city.

**AN ORDINANCE OF THE CITY OF PEACHTREE CORNERS, GEORGIA, TO ATTRACT, RETAIN, AND PROMOTE BUSINESS DEVELOPMENT WITHIN THE CITY LIMITS BY ESTABLISHING AN ECONOMIC DEVELOPMENT PROGRAM; OFFERING INCENTIVES FOR JOB GROWTH; AND FOR OTHER PURPOSES.**

**WHEREAS**, the City of Peachtree Corners supports job growth and values the benefits that new and expanded businesses bring to the community; and

**WHEREAS**, in order to compete with other communities in a challenging environment where sought after businesses and industries are routinely recruited, it is necessary to be proactive and strategically offer inducements to attract and retain businesses; and

**WHEREAS**, Partnership Gwinnett, the State of Georgia and other economic development agencies can enhance their initiatives and promote the City's objectives through the use of an established economic development program;

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

**Section 1.** That the City recognizes that certain 'Targeted Businesses' in fields such as technology and life sciences bring high level jobs to the City and are especially beneficial to the Community.

**Section 2.** That in order to compete for 'Targeted Businesses' it is in the City's best interest to have the availability of offering strategic inducements.

**Section 3.** That the City shall define 'Targeted Business' as any preferred business or industry type as identified by the City, Partnership Gwinnett or a special impact project of such magnitude as may be determined by the City Manager.

**Section 4.** That Targeted Businesses meeting defined threshold levels, (as outlined in Section 6 below), may be eligible for inducements as determined by the City Manager.

**Section 5.** That the City Manager shall be authorized to offer inducements to Targeted Businesses meeting threshold requirements and those inducements may include the following:

- a. Reduction of development permit fees
- b. Reduction of building permit fees
- c. Reduction of inspection and re-inspection fees
- d. Reduction of application fees for public hearings
- e. Reduction of business occupation taxes
- f. Reduction of any current or future impact fees
- g. Acceleration of the plan review and permitting process

**Section 6.** That inducements may be offered to Targeted Businesses which meet the following threshold levels:

- a. Tier 1: Targeted Business adds at least 25 new jobs and the jobs pay an average salary at least 1.25 times the County average for that industry.
- b. Tier 2: Targeted Business adds at least 100 new jobs and the jobs pay an average annual salary of at least 1.25 times the County average for that industry or \$60,000 plus health benefits, whichever is greater.

**Section 7.** That in determining whether to offer inducements, the City Manager may consider whether the Targeted Business has received a funding commitment from the State of Georgia contingent upon the business' relocation or expansion within the State of Georgia.

**Section 8.** That the Targeted Business builds a new building or makes a lease commitment of at least three years for space within the City.

**Section 9.** That any Targeted Business which receives any inducement under the provisions of this Ordinance shall agree to not relocate out of the City for the entire period during which the inducement is granted. Should the Targeted Business relocate outside the City or fall below 80% of any threshold requirement, the Targeted Business shall immediately reimburse the City for the full value of all inducements it received.

**Section 10.** That the City Manager or his designee are authorized to sign confidentiality agreements with prospective businesses pursuant to this Ordinance provided that those confidentiality agreements are made subject to the provisions of the Georgia Open Records Act.

SO ORDAINED AND EFFECTIVE, this \_\_\_\_ day of \_\_\_\_\_, 2013.

Approved:

\_\_\_\_\_  
Mike Mason, Mayor

ATTEST:

\_\_\_\_\_(SEAL)  
Kym Chereck, City Clerk

**GWINNETT COUNTY**  
**BOARD OF COMMISSIONERS**

**THE GWINNETT COUNTY ECONOMIC DEVELOPMENT ORDINANCE**

**Chapter 2, Article IV of the Code of Ordinances of Gwinnett County, Georgia.**

**Section 2-151.**

There is hereby created an Office of Economic Development of Gwinnett County, which shall be organized and staffed as may be determined by the County Administrator.

**Section 2-152.**

The Office of Economic Development shall have the following responsibilities:

1. Develop for the Board of Commissioners' consideration and adoption, an Economic Development District Element of the Gwinnett County 202 Comprehensive Plan.
2. Establish an Economic Vitality Plan for the implementation of development or redevelopment initiatives to provide for quality, controlled growth, as well as retention, redevelopment, and rehabilitation of Targeted Businesses.
3. Coordinate with the Development Authority of Gwinnett County and any Redevelopment Agency of Gwinnett County as well as other local, state, and federal agencies and businesses, so as to encourage new business development, redevelopment, and retention of existing businesses.
4. Coordinate with the Gwinnett County Chamber of Commerce so as to encourage new business development, redevelopment, and retention of existing businesses.
5. Offer inducements to Targeted Businesses in accordance with the Economic Vitality Plan, subject to approval by the County Administrator.
6. Undertake any other lawful actions approved by the County Administrator for purposes of improvement of economic vitality, economic development, redevelopment, or revitalization.

**Section 2-153.**

Inducements which may be offered to Targeted Businesses are as follows:

1. Reduction of development impact fees.
2. Reduction of fees for development permits.
3. Reduction of application fees for rezoning requests, special use permits, variance requests and requests for changes in zoning conditions.
4. Reduction of business occupation taxes.
5. Reduction of water/sewer charges including reduction of system development charges for water and sewer services.
6. Acceleration of all aspects of the development review process.
7. Acceleration of public hearing dates for rezoning requests, special use permits, variance requests, and requests for changes in zoning conditions.
8. Inducements authorized by the Redevelopment Powers Act (Official Code of Georgia Annotated § 36-44-1, et. seq.)
9. Inducements authorized by the Development Authorities Act (Official Code of Georgia Annotated §§ 36-62-1, et. seq.)
10. In no event shall any inducement result in a payment of County funds to a Targeted Business.

**Section 2-154.**

In order to be eligible for inducements, a Targeted Business shall meet the following criteria:

- I. No inducement shall be offered to any Targeted Business outside Designated Redevelopment Areas which does not satisfy at least two of the following conditions: add at least 25 new jobs, pay an average salary at least 1.25 times the County average for that industry, or have an estimated fiscal impact with a net present value to the County of at least \$250,000.00, as determined by Gwinnett County's analysis.

2. A Targeted Business shall be required to contract with the County to meet the fiscal impact requirements of this Section. The County Administrator is hereby authorized to execute the Contract referenced herein. Any such Contract may be placed upon an Agenda of the Board of Commissioners for ratification.
3. In determining whether Gwinnett County should offer inducements to a Targeted Business, the County Administrator may consider whether the Targeted Business has received a funding commitment from the State of Georgia contingent upon the business' relocation or expansion within the State of Georgia.
4. In determining whether Gwinnett County should offer inducements to a Targeted Business, the County Administrator may consider factors including, but not limited to, the impact of the Targeted Business upon infrastructure, traffic generation, water usage, sewer generation, and storm water generation. The final determination whether to offer inducements to a Targeted Business will be made by the County Administrator after considering whether such an offer of inducements is in the best interest of Gwinnett County.

In order to be eligible for inducements, a business in a Designated Redevelopment Area shall meet the following criteria:

1. No inducement shall be offered to any Targeted Business inside a Designated Redevelopment Area which does not satisfy at least two of the following conditions: add at least 10 new jobs, pay at least the nationwide average salary for that industry, or have an estimated fiscal impact with a net present value to the County of at least \$100,000.00, as determined by Gwinnett County's analysis.
2. A Targeted Business shall be required to contract with the County to meet the inducement requirements of this Section. The County Administrator is hereby authorized to execute the Contract referenced herein. Any such Contract may be

placed upon the next available Agenda of the Board of Commissioners for ratification.

3. In determining whether Gwinnett County should offer inducements to a business, the County Administrator may consider whether the business has received a funding commitment from the State of Georgia or other entity contingent upon the business' relocation or expansion within the Designated Redevelopment Area.
4. In determining whether Gwinnett County should offer inducements to a business, the County Administrator may consider factors including, but not limited to, the impact of the business upon infrastructure, traffic generation, water usage, sewer generation, and storm water generation. The final determination whether to offer inducements to a business will be made by the County Administrator after considering whether such an offer of inducements is in the best interest of Gwinnett County.

Any Targeted Business which receives any inducement under the provisions of this Ordinance shall agree not to relocate outside Gwinnett County for the entire period during which the inducement is granted. Should the Targeted Business relocate outside Gwinnett County during the inducement period, the Targeted Business shall immediately reimburse Gwinnett County or the issuing Authority for the full value of any and all inducements received pursuant to this Ordinance. In the event that the Targeted Business petitions for annexation into a municipality located wholly or partially within Gwinnett County during the period in which inducements are granted or fails to vigorously oppose an annexation request which includes the land upon which the Targeted Business is located, the Targeted Business shall immediately reimburse Gwinnett County or the issuing Authority for the full value of any and all inducements received pursuant to this Ordinance. Should the Targeted Business fail to meet its fiscal impact requirement, income requirement, or employment requirement, any economic inducement offered to the Targeted Business by Gwinnett County or any Authority of Gwinnett County shall be reduced by 20% for the first such year. In the event that the Targeted Business fails to meet its requirements pursuant to this Agreement for more than one year, any economic inducement offered to the Targeted Business shall be reduced by 50% for the second such year. The third year of non-

attainment of its requirements pursuant to this Agreement shall result in termination of all inducements pursuant to this Ordinance.

**Section 2-155.**

As used in this Ordinance, the following terms shall be defined as follows:

**“Designated Redevelopment Area”** means any area within the boundaries of a County community improvement district (CID) or tax allocation district (TAD).

**“Development Permits”** means any and all land disturbance permits, including clearing, grubbing, and grading permits, building permits, sign permits, and water and sewer development permits.

**“Economic Development District”** means a targeted area defined in the 2020 Comprehensive Plan of Gwinnett County, or any subsequent Comprehensive Plan, for economic development inducements.

**“Rehabilitation”** shall mean projects where the existing structure and the value of the proposed improvement exceed the value of the land by a ratio of at least five to one.

**“Targeted Business”** means a preferred business or industry type, as identified by Partnership Gwinnett or a special impact project of such magnitude as may be identified by the County Administrator.

**Section 2-156.**

The Economic Development Director and/or the Economic Development Manager are hereby authorized to sign confidentiality agreements with prospective businesses in the furtherance of their official duties so long as such confidentiality agreements are made subject to the provisions of the Georgia Open Records Act.

**AN ORDINANCE TO AMEND THE CHARTER OF THE CITY OF  
PEACHTREE CORNERS, GEORGIA FOR THE PURPOSE OF  
AMENDING THE REQUIRED READINGS TO PASS AN ORDINANCE  
IN SECTION 2.21 OF THE CITY CHARTER**

**WHEREAS**, Section 2.21(b) of the City Charter requires that each no ordinance, except emergency ordinance, shall be adopted on the same day it is introduced at a regular or special meeting of the City Council; and

**WHEREAS**, the City Council of the City of Peachtree Corners desires that this restriction on the passage of ordinances be removed and have determined that the Charter of the City of Peachtree Corners, Georgia should be amended by Home Rule to make the necessary change; and

**WHEREAS**, Article IX, Section II, Paragraph II of the Constitution of the State of Georgia, titled Home Rule for Municipalities, allows the General Assembly of the State of Georgia to provide by law for the self-government of municipalities, which the General Assembly has done with The Municipal Home Rule Act of 1965, O.C.G.A. §36-35-1 et seq.; and

**WHEREAS**, O.C.G.A. §36-35-3 allows municipal charters to be amended by ordinances duly adopted at two regular consecutive meetings of the municipal governing authority, not less than seven nor more than 60 days apart; and

**WHEREAS**, pursuant to O.C.G.A. §36-35-3, the required notice has been published in the Gwinnett Daily Post once a week for three weeks prior to its final adoption, and a copy of the proposed amendment has been placed on file in the Office of the Clerk of the City of Peachtree Corners and in the Office of the Clerk of the Superior Court of Gwinnett County, Georgia, all as required by law; and

**WHEREAS,** the required notice will have been published within the statutory period of 60 days immediately preceding the final adoption of this Ordinance amending the Charter; and

**WHEREAS,** the title of these Ordinances shall have been read and the Ordinance duly adopted at two consecutive City Council meetings not less than seven (7) nor more than 60 days apart as required by Georgia law.

**NOW, THEREFORE, BE IT RESOLVED,** THE MAYOR AND COUNCIL OF THE CITY OF PEACHTREE CORNERS, GEORGIA HEREBY ORDAIN, in accordance with O.C.G.A. §36-35-3, as follows:

**Section 1**

That the Charter of the City of Peachtree Corners, Georgia shall be amended in accordance with the above so that upon proper passage, Section 2.21(b) of the City Charter, “Ordinance form; procedures” shall be revised to read as follows:

***Sec. 2-21. Ordinance form; procedures***

...

*(b) An ordinance may be introduced by any councilmember and be read at a regular or special meeting of the city council. Ordinances shall be considered and adopted or rejected by the city council in accordance with the rules which it shall establish. Upon introduction of any ordinance, the clerk shall as soon as possible distribute a copy to the mayor and to each councilmember and shall file a reasonable number of copies in the office of the clerk and at such other public places as the city council may designate.*

**Section 2**

All ordinances or parts of ordinances in conflict herewith are hereby expressly repealed.

**Section 4**

That the changes to the City Charter as enacted in this Ordinance shall be codified in accordance with state law and the Code of the City of Peachtree Corners, Georgia.

**SO RESOLVED AND EFFECTIVE**, this the \_\_\_ day of \_\_\_\_\_, 2013.

Approved:

\_\_\_\_\_  
Mike Mason, Mayor

Attest:

Approved as to Form:

\_\_\_\_\_  
Kim Chereck, City Clerk  
(Seal)

\_\_\_\_\_  
William F. Riley, City Attorney

**CITY OF PEACHTREE CORNERS  
GWINNETT COUNTY, STATE OF GEORGIA**

**RESOLUTION R-2013-02-05**

**A RESOLUTION REQUESTING REPRESENTATIVE TOM RICE INTRODUCE  
LEGISLATION IN THE GENERAL ASSEMBLY TO AMEND THE CHARTER FOR  
THE CITY OF PEACHTREE CORNERS, GEORGIA TO ALLOW THE CITY TO  
ENTER INTO AGREEMENTS WITH OTHER GOVERNMENTAL PARTIES,  
INCLUDING FEDERAL AND STATE AGENCIES AND OTHER LOCAL  
GOVERNMENTS**

**WHEREAS,** Representative Tom Rice is the representative for Georgia House District 95, which includes the City of Peachtree Corners, in the Georgia General Assembly;

**WHEREAS,** the Georgia General Assembly passed House Bill 396 which incorporated the City of Peachtree Corners, Georgia, and contained the City Charter;

**WHEREAS,** Section 1.12 of the City Charter enumerates the powers granted to the City of Peachtree Corners;

**WHEREAS,** The current City Charter does not grant the City the power to enter into agreements with other governmental parties, including federal and state agencies and other local governments for any powers not currently bestowed upon the City; and

**WHEREAS,** the City Council and Mayor desire to amend the Charter to allow the City to enter into agreements with other governmental parties, including federal and state agencies and other local governments for any powers not currently bestowed upon the City.

**NOW, THEREFORE, BE IT RESOLVED,** by the Mayor and Council of the City of Peachtree Corners that an official request be submitted to Representative Tom Rice to introduce legislation in the Georgia General Assembly to amend the Charter for the City of Peachtree Corners, Georgia to allow the City to enter into agreements with other governmental parties, including federal and state agencies and other local governments, as set forth below:

**Ability To Contract For Powers Not Currently Bestowed**

The City Council and Mayor request that Charter Section 1.12 be amended to grant the City the ability to enter into agreements with other governmental parties, including federal and state agencies and other local governments to provide for any powers not currently bestowed upon the City.

**RESOLVED AND ADOPTED** by the City Council of the City of Peachtree Corners, Georgia, this \_\_\_\_\_ day of \_\_\_\_\_, 2013.

APPROVED:

\_\_\_\_\_  
Mike Mason, Mayor

ATTEST:

APPROVED AS TO FORM:

\_\_\_\_\_  
Kym Chereck, City Clerk

\_\_\_\_\_  
William F. Riley, City Attorney

(Seal)