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## COUNCIL MEETING AGENDA

Mike Mason, Mayor

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

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

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**March 5, 2013**

**COUNCIL AGENDA**

**7:00 PM**

PEACHTREE CORNERS CITY HALL

147 TECHNOLOGY PARKWAY, PEACHTREE CORNERS, GA 30092

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**A) CALL TO ORDER**

**B) ROLL CALL**

**C) PLEDGE OF ALLEGIANCE**

**D) MAYOR'S OPENING REMARKS**

**E) CONSIDERATION OF MINUTES** –February 15, 18, 19, 22, 26 & 27, 2013.

**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 and Presentation by Crystal Jackson on the Atlanta Regional Commission's Green Community Program.

**J. Jackson** Update on 2014 SPLOST

**J) OLD BUSINESS**

- 1. O2013-02-07** **SECOND 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** **SECOND 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.

## **K) NEW BUSINESS**

- 1. O2013-03-09**      FIRST READ and consideration of an Ordinance to amend the City of Peachtree Corners zoning map for changes to zoning conditions and special use permits to allow the addition of metal recycling and auto salvage operations for Newell Recycling of Gwinnett located within district 6, land lot 250, parcel 072; 2700 block of Amwiler Road; 5.71 acres.
  
- 2. R2013-03-07**      A Resolution of the Mayor and Council of Peachtree Corners, Georgia requesting the local legislative delegation of Peachtree Corners, Georgia to introduce a local law authorizing Peachtree Corners, Georgia to have redevelopment powers pursuant to the redevelopment powers law; and for other purposes.

## **L) EXECUTIVE SESSION**

## **M) ADJOURNMENT**

**CITY OF PEACHTREE CORNERS**  
**SPECIAL CALLED COUNCIL MEETING**  
**February 15, 2013, @ 7:00 AM**

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

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

**PUBLIC COMMENT:** There was no public comment.

**EXECUTIVE SESSION:**

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

**By: Council Member Christopher**

**Seconded by: Council Member Gratwick**

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

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

**By: Council Member Christopher**

**Seconded by: Council Member Aulbach**

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

**ADJOURNMENT:**

**MOTION TO ADJOURN.**

**By: Council Member Gratwick**

**Seconded by: Council Member Lowe**

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

Approved,

Attest:

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Mike Mason, Mayor

Kymberly Chereck, City Clerk

(Seal)

**CITY OF PEACHTREE CORNERS**  
**SPECIAL CALLED COUNCIL MEETING**  
**February 18, 2013, @ 7:00 PM**

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

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

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

**PUBLIC COMMENT:** Mr. Brent Johnson stated that he felt it was a terrible idea to purchase the land in question.

**MAYOR'S OPENING COMMENTS:** Mayor Mason gave a brief history of the subject property which is located in the City of Peachtree.

**EXECUTIVE SESSION:**

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

**By: Council Member Lowe**

**Seconded by: Council Member Christopher**

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

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

**By: Council Member Lowe**

**Seconded by: Council Member Christopher**

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

**ACTION ITEM:**

Authorization of the Mayor, City Manager, and City Attorney to enter into a contract for the purchase of property as identified by the Mayor and Council.

**MOTION TO ONE, AUTHORIZE THE MAYOR, CITY MANAGER AND CITY ATTORNEY TO PROCEED TO CONTRACT BASED ON THE TERMS DISCUSSED FOR A PIECE OF PROPERTY AS IDENTIFIED IN EXECUTIVE SESSION AND, TWO, TO RELEASE THE MAYOR AND COUNCIL FROM THE LIMITATIONS OF DISCUSSION, THE PRIVILEGED DISCUSSION IN EXECUTIVE SESSION, EXCEPT FOR COMMENTS ABOUT PRICE OR CONTRACT TERMS WHICH THEY WILL STILL BE BOUND.**

**By: Council Member Christopher**

**Seconded by: Council Member Aulbach**

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

**ADJOURNMENT:**

**MOTION TO ADJOURN.**

**By: Council Member Christopher**

**Seconded by: Council Member Sadd**

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

Approved,

Attest:

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Mike Mason, Mayor

Kyemberly Chereck, City Clerk

(Seal)

**CITY OF PEACHTREE CORNERS**  
**COUNCIL MEETING**  
**February 19, 2013, @ 7:00PM**

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

Mayor	Mike Mason
Council Member	Phil Sadd – Post 1
Council Member	James Lowe – Post 2
Council Member	Alex Wright – Post 3
Council Member	Jeanne Aulbach – Post 4
Council Member	Lorri Christopher – Post 5
Council Member	Weare Gratwick – Post 6
City 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:** There were no opening remarks.

**MINUTES:**

**MOTION TO APPROVE THE MINUTES FROM THE FEBRUARY 5, 2013 COUNCIL MEETING.**

**By: Council Member Gratwick**

**Seconded by: Council Member Christopher**

**Vote: (6-0) (Gratwick, Christopher, Mason, Sadd, Lowe, Aulbach)  
(Council Member Wright not present at this time)**

**PUBLIC COMMENT:** Ms. Mary Jean Harrison introduced herself as the new Branch Manager of the Peachtree Corners Library. Ms. Harrison invited everyone to come to the Library to update their library card, and to see what the Library has to offer.

Ms. Mim Harris expressed her disappointment with the Council and the Mayor concerning, among other things, the lack of a referendum for the purchase of land.

**REPORTS and PRESENTATIONS:** Community Development Director, Diana Wheeler, provided her report on staff activities that occurred during February 4, 2013 through February 15, 2013. These activities included, among other items, meetings with the Comprehensive Plan Advisory Committee and Pond and Company, meeting with developers to discuss specific commercial projects, contacting ZBA members regarding their first meeting on March 20<sup>th</sup>, and preparing Ordinances for upcoming meetings.

City Manager, Julian Jackson, introduced Mr. Nick Masino, Vice President of Economic Development & Partnership Gwinnett. Mr. Masino gave a brief description of the Economic Development Ordinance and explained the benefits the Ordinance will have on the City.

### **OLD BUSINESS:**

#### **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

Ms. Diana Wheeler, Community Development Director, presented the case to the Mayor and Council and provided background information about the applicant's request and the proposed project. Ms. Wheeler stated that the applicant would like to reduce the buffer normally required between commercial and residential uses to a 20 ft. landscape strip. This would accommodate inter-parcel access between the two sites. Ms. Wheeler indicated that the development of commercial uses on this property which is located across the street from the Forum would be appropriate and, in fact, may be preferred over apartments facing directly onto Peachtree Parkway. Based on the analysis, Staff recommended approval of the application subject to conditions which are outlined in the staff report and, which Ms. Wheeler briefly outlined.

Mr. Mitch Peavy, representing the applicant, presented his rezoning and buffer reduction request to the Commission and noted that the developer also built Piedmont Bank, immediately adjacent to this site. Mr. Peavy stated that the developer wants to make sure that the site flows and fits into the area, and also stated that he will be working with Wakefield Beasley, the Architectural firm that designed the Forum. Mr. Peavy stated that he had no issues with Staff's conditions, with the exception of consideration of flexibility on condition 2a.

Mayor Mason opened the floor for public comment. There was no response.

**MOTION TO APPROVE O2013-02-05 THE CONSIDERATION OF REZONING, WITH THE PLANNING COMMISSION'S CONDITIONS.**

*(Conditions are listed below.)*

**By: Council Member Christopher**

**Seconded by: Council Member Sadd**

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

*(Conditions for 02013-02-05/RZC2013-13-00001)*

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 luminaires 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.*

**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

Ms. Wheeler, Community Development Director presented the case to the Mayor and Council and noted that the applicant would like to use an existing, vacant building for a refrigerated truck maintenance facility. The property is located in an industrial area across the street from Newell Recycling, an intense industrial use. Ms. Wheeler also stated that the property is surrounded by a fence and the prospective purchaser, Thermo-King, indicated that the applicant estimates 10-15 additional trips would be added to the road way if this request is approved. Based on the analysis, Staff recommended approval of the application subject to conditions which are outlined in the staff report and, which Ms. Wheeler briefly outlined.

Mr. Bill George represented the applicant. Mr. George stated that this location met the company's needs for a refrigerated truck maintenance facility, and that he had no objection to Staff's conditions.

Mayor Mason opened the floor for public comment. There was no response.

**MOTION TO APPROVE O2013-02-06, THE CONSIDERATION OF THE SPECIAL USE PERMIT, WITH THE PLANNING COMMISSION'S CONDITIONS.** *(Conditions are listed below.)*

**By: Council Member Christopher**

**Seconded by: Council Member Gratwick**

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

*(Conditions for O2013-02-06/SUP2013-00001)*

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.*

**ACTION ITEM**

Consideration of Intergovernmental Agreement for the Allocation and Distribution of Proceeds from the Title Ad Valorem Tax.

Mr. Julian Jackson, City Manager, informed the Mayor and Council that this agreement is still being worked on between the Attorney for the Gwinnett Municipal Association and the County Attorney, but that some Cities are voting to allow the City Attorney, City Manager and Mayor to go ahead and executing this agreement when it becomes agreed upon by everyone.

**MOTION TO APPROVE ACTION ITEM NUMBER THREE, CONSIDERATION OF AN INTERGOVERNMENTAL AGREEMENT FOR THE ALLOCATION AND DISTRIBUTION OF PROCEEDS FROM THE TITLE AD VALOREM TAX, SUBJECT TO THE CITY ATTORNEY AND CITY MANAGER WORKING WITH ALL THE OTHER CITIES TO GET A STANDARD CONTRACT AND GETTING THE POPULATION CORRECT.**

**By: Council Member Christopher**

**Seconded by: Council Member Gratwick**

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

**NEW BUSINESS:**

**O2013-02-07**

First Read and Consideration of a 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.

**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.

**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.

**MOTION TO APPROVE R2013-02-05.**

**By: Council Member Christopher**

**Seconded by: Council Member Gratwick**

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

**EXECUTIVE SESSION:**

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

**By: Council Member Sadd**

**Seconded by: Council Member Gratwick**

**Vote: (7-0) (Sadd, Gratwick, Mason, Lowe, )**

**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,

Attest:

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Mike Mason, Mayor

Kymberly Chereck, City Clerk

(Seal)

**CITY OF PEACHTREE CORNERS**  
**SPECIAL CALLED COUNCIL MEETING**  
**February 22, 2013, @ 7:00 PM**

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

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

**PUBLIC COMMENT:** There was no public comment.

**EXECUTIVE SESSION:**

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

**By: Council Member Christopher**

**Seconded by: Council Member Gratwick**

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

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

**By: Council Member Christopher**

**Seconded by: Council Member Sadd**

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

**ADJOURNMENT:**

**MOTION TO ADJOURN.**

**By: Council Member Christopher**

**Seconded by: Council Member Lowe**

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

Approved,

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Mike Mason, Mayor

Attest:

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Kymberly Chereck, City Clerk

(Seal)

**CITY OF PEACHTREE CORNERS**  
**SPECIAL CALLED COUNCIL MEETING**  
**February 26, 2013, @ 7:00 PM**

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

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

**PUBLIC COMMENT:** There was no public comment.

**EXECUTIVE SESSION:**

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

**By: Council Member Christopher**

**Seconded by: Council Member Wright**

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

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

**By: Council Member Gratwick**

**Seconded by: Council Member Lowe**

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

**ADJOURNMENT:**

**MOTION TO ADJOURN.**

**By: Council Member Christopher**

**Seconded by: Council Member Lowe**

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

Approved,

Attest:

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Mike Mason, Mayor

Kymberly Chereck, City Clerk

(Seal)

**CITY OF PEACHTREE CORNERS**  
**SPECIAL CALLED COUNCIL MEETING**  
**February 27, 2013, @ 6:00 PM**

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

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

**PUBLIC COMMENT:** There was no public comment.

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

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

**By: Council Member Christopher**

**Seconded by: Council Member Aulbach**

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

**ACTION ITEM:** Authorization of the Mayor, City Manager, and City Attorney to enter into a contract for the purchase of property as identified by the Mayor and Council.

**MOTION TO APPROVE AUTHORIZATION OF THE MAYOR, CITY MANAGER, AND CITY ATTORNEY TO ENTER INTO A CONTRACT FOR THE PURCHASE OF PROPERTY AS IDENTIFIED BY THE MAYOR AND COUNCIL.**

**By: Council Member Lowe**  
**Seconded by: Council Member Aulbach**  
**Vote: (7-0) (Lowe, Aulbach, Mason, Sadd, Wright, Christopher, Gratwick)**

**ADJOURNMENT:**

**MOTION TO ADJOURN.**  
**By: Council Member Gratwick**  
**Seconded by: Council Member Christopher**  
**Vote: (7-0) (Gratwick, Christopher, Mason, Sadd, Lowe, Wright, Aulbach)**

Approved,

Attest:

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Mike Mason, Mayor

Kymberly Chereck, City Clerk

(Seal)



# Memo

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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 2/18/13 – 3/1/13.

- A. Meetings with:
  - 1. Gwinnett Economic Development Advisory Committee to learn about projects in surrounding communities.
  - 2. Software provider to evaluate programs for maintaining Code Enforcement files.
  - 3. Property owners to discuss development plans.
- B. Held Comprehensive Plan Community meeting and received general public comments concerning process and vision for community.
- C. Prepared Planning Commission packets for distribution in advance of March 12<sup>th</sup> meeting.
- D. Prepared Downtown Development Authority Ordinance.
- E. Prepared zoning case 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. 24 permit applications were received.
- C. 8 permits were issued.

**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

**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 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:

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

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

(Seal)

**AN ORDINANCE TO AMEND THE CITY OF PEACHTREE CORNERS ZONING MAP FOR CHANGES TO ZONING CONDITIONS AND SPECIAL USE PERMITS TO ALLOW THE ADDITION OF METAL RECYCLING AND AUTO SALVAGE OPERATIONS WITHIN DISTRICT 6, LAND LOT 250, PARCEL 072; 2700 BLOCK OF AMWILER ROAD; 5.71 Acres.**

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

**WHEREAS:** A Public Hearing was held by the Mayor and City Council of Peachtree Corners on March 5, 2013 and March 19, 2013;

**NOW THEREFORE,** The Mayor and City Council of the City of Peachtree Corners while in Regular Session on March 19, 2013 hereby ordains and approves the Zoning Case CIC2013 – 00001, SUP2013-00002, and SUP2013-00002 on this said property to modify the requirements and conditions with the following enumerated conditions:

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

*A. A metal recycling facility, and an automobile salvage yard with accessory parts sales. No material shall be visible from the street.*

*B. The processing of materials will comply with applicable environmental state and federal laws and the applicant shall notify the City of any noncompliance.*

*C. In an effort to decrease noise to surrounding properties and the likelihood of “pops”, a program will be utilized and maintained that penalizes material suppliers that bring in materials that can cause explosions inside the shredder.*

*2. To satisfy the following site development considerations:*

*A. A landscape buffer consisting of evergreen and deciduous plantings (minimum 6-8 feet tall at time of planting) and an opaque fence shall be maintained along Amwiler Road to provide an adequate visual screen at a height and of similar design as installed on the adjacent Newell Recycling property. Final buffer/landscape design, tree/shrub varieties, and fence plans shall be submitted for review and approval of the Director.*

*B. Maintain opaque fencing along Buford Highway to screen the development. Evergreen trees shall be planted along the exterior of the barrier to provide screening. The fence shall provide an adequate visual screen at a height and of similar design as installed on the adjacent Newell Recycling property. The final site plan and landscaping shall be approved by the Director.*

*C. To ensure the long-term viability of planted vegetation required by these conditions, as required by the Director, any dead, dying, or diseased materials shall be replaced at the applicant’s expense.*

*D. Limited to no more than one entrance/exit onto Amwiler Road.*

*E. No billboards shall be permitted.*

*F. No tents, canopies, temporary banners, 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 and/or bandit signs shall be prohibited.*

*G. The property owner shall repaint or repair any graffiti or vandalism that occurs on the property within 72 hours.*

*H. This approval shall sunset after 24 months at which time the applicant may reapply.*

So effective this 19th day of March, 2013.

Approved by:

Signed and Witnessed this \_\_\_\_\_ day of \_\_\_\_\_, 2013

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

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

Seal

**CITY OF PEACHTREE CORNERS  
COMMUNITY DEVELOPMENT DEPARTMENT**

**CHANGE IN CONDITIONS AND SPECIAL USE PERMIT ANALYSIS**

CASE NUMBER :**CIC2013-00001**  
ZONING :M-2  
LOCATION :2700 BLOCK OF AMWILER ROAD  
MAP NUMBER :R6250 072  
ACREAGE :5.71 ACRES  
REQUEST :AMEND USE RESTRICTIONS  
SQUARE FEET :33,544 SQUARE FEET

CASE NUMBER :**SUP2013-00002**  
ZONING :M-2  
LOCATION :2700 BLOCK OF AMWILER ROAD  
MAP NUMBERS :R6250 072  
ACREAGE :5.71 ACRES  
PROPOSED DEVELOPMENT :METAL RECYCLING

CASE NUMBER :**SUP2013-00003**  
ZONING :M-2  
LOCATION :2700 BLOCK OF AMWILER ROAD  
MAP NUMBERS :R6250 072  
ACREAGE :5.71 ACRES  
PROPOSED DEVELOPMENT :AUTOMOBILE PARTS SALVAGE AND SALES

FUTURE DEVELOPMENT MAP: **PREFERRED OFFICE**

APPLICANT: NEWELL RECYCLING OF GWINNETT  
1359 CENTRAL AVENUE  
EAST POINT, GA 30344

CONTACT: BOBBY TRIESCH PHONE: 404.766.1621

OWNER: NEWELL RECYCLING OF GWINNETT  
1359 CENTRAL AVENUE  
EAST POINT, GA 30344

RECOMMENDATION: APPROVE WITH CONDITIONS

PROJECT DATA:

The applicant, Newell Recycling, requests a change in conditions of a prior M-2 (Heavy Industry District) rezoning approval, along with two Special Use Permits for metal recycling and automobile parts salvage. The property is a 5.71-acre parcel located on the west side of

Amwiler Road, at its intersection with Buford Highway. The site is developed with a metal building.

The property was rezoned to M-2 in 2010 (RZC2010-00015) for the use of a community recycling center, for collection of consumer recyclables such as bottles, cans, plastics and paper. It is planned for the community recycling center to be relocated onto the main Newell site; and the applicant now proposes to utilize the subject property for full scale metal recycling and processing, as well as automobile parts salvage and sales. In order to allow these more intense uses, the applicant has requested to modify condition I.A. of RZC2010-00015, which reads as follows:

“Limited to a recycling center/recovered materials processing facility. The materials collected shall be limited to metals such as aluminum, brass, copper, lead, nickel, stainless, zinc and similar non-ferrous metals, as well as typical post-consumer recyclables such as paper, plastic/glass bottles or containers, and metal/aluminum cans, The specific types and varieties of materials allowed for collection shall be subject to review and approval by the Director of Planning and Development. No material shall remain unprocessed on the property for more than two weeks.”

The applicant requests this condition be modified, and two Special Use Permits be granted to allow general metal salvage and processing similar to their operation on the neighboring property to the west, plus automobile salvage and sales of salvaged parts.

The subject property is developed with a single building containing a total floor area of 33,544-square feet, and the site is largely paved. The applicant proposes to utilize the existing building for the new uses, including disassembly of automobiles and sales of the salvaged auto parts. Paved areas comprising the balance of the property would be utilized in the same fashion as the main Newell facility, and would be fully incorporated into that operation.

The site is enclosed with a landscape strip and a 12-20 foot high painted metal fence adjacent to the railroad right-of-way and Amwiler Road. Access is provided by a single driveway located off Amwiler Road into the main facility.

#### ZONING HISTORY:

In 1970, the property was zoned M-1 (Light Industry District). In 1988, a special use permit for a billboard was granted, pursuant to SUP-021-88. In 1996, an application to rezone to property to C-2 was denied, pursuant to RZ-96-085. The subject property was rezoned to C-2 in 2001, pursuant to RZ-99-155. In 2010, the property was rezoned to M-2, pursuant to RZC210-00015.

#### 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.

#### DEVELOPMENT REVIEW SECTION COMMENTS:

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 or Development 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 Section 1001 of the 1985 Zoning Resolution.

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 or Development Permit 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.

Section 1.5.1.c of the Floodplain Management Ordinance requires that the lowest floor including the basement, of all non-residential building be constructed at an elevation of at least one foot above the 100-year floodplain.

#### STORMWATER REVIEW SECTION COMMENTS:

No comment.

#### GWINNETT COUNTY DEPARTMENT OF TRANSPORTATION COMMENTS:

No comment.

#### GWINNETT COUNTY ENVIRONMENTAL HEALTH COMMENTS:

Must connect to sanitary sewer if available to property (within 200 feet of property line). If sewer is not available, contact GCEHD concerning septic involvement. Must submit level 3 soil report and detailed site plan with 2 foot topo and soils transposed onto plat.

## 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, and a 12-inch water main located on the eastern right-of-way of Buford Highway.

Due to unknown variables, 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 development 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 275 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.

Demands imposed by the proposed development may require reinforcements or extensions of existing sewer mains. Any cost associated with such required reinforcements or extensions will be the responsibility of the development and will not be provided by this department. Developer shall provide easements for future sewer connection to all locations designated by DWR during plan review.

Extensions of the water and/or sanitary sewer systems within the subject development must conform to Gwinnett County's ordinances. After 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 COMMENT SECTION:

Building Plan Review has no objections under the following conditions:

1. The applicant shall submit civil site drawings for review and approval.
2. The applicant shall submit architectural, structural, mechanical, electrical and plumbing drawings for each building for review and approval.
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. Maintain the opaque, sound barrier wall along the border of Amwiler Road and Buford

Highway.

5. Buildings with shredding and/or grinding equipment shall have exterior wall construction that shall achieve an acoustical performance of STC (sound transmission class) of 70 or higher as defined by ASTM E90 and ASTM E413. Mechanical/HVAC openings and other penetrations through the exterior wall shall be designed to diminish the transmission of interior flanking noise and equipment noise.
6. 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 above rezoning requests, 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 (678) 518-6000, Monday through Friday, from the hours of 8:00 a.m. to 5:00 p.m.

#### DEPARTMENT ANALYSIS:

The subject site is a 5.71-acre property located on Amwiler Road, at the intersection of Buford Highway. The property is currently developed with a single 33,544-square foot metal building, parking and driveways.

The 2030 Unified Plan Future Development Map indicates the property lies within a Preferred Office Character Area. Although not strictly consistent with the Unified Plan, the proposed use of the site in the same fashion as the main Newell Recycling facility could be compatible with nearby industrial uses and consistent with previous Board action for the adjacent facility.

The surrounding area is characterized by a mixture of industrial, office and commercial uses. Adjacent and nearby uses include: the Newell metal salvage and recycling business immediately adjacent, a concrete plant, and a steel supply company, Steel Mart, Inc. Also in the area are auto salvage yards with parts sales, similar to that proposed by the applicant. Based on prior Gwinnett County Board precedent along the Buford Highway corridor and the adjacent heavy industrially-zoned property, the proposed condition change and Special Use Permits appear to be compatible with adjacent and nearby land uses and approval of the applicant's request would not appear to create any precedents.

## RECOMMENDED CONDITIONS

Additions in **Bold**

Deletions in ~~strikethrough~~

Approval as M-2 (Change in Conditions) with Special Use Permits for metal recycling and automobile parts salvage, subject to the following enumerated conditions:

I. To restrict the use of the property as follows:

~~A. Limited to a recycling center/recovered materials processing facility. The materials collected shall be limited to metals such as aluminum, brass, copper, lead, nickel, stainless, zinc and similar non-ferrous metals, as well as typical post-consumer recyclables such as paper, plastic/glass bottles or containers, and metal/aluminum cans. The specific types and varieties of materials allowed for collection shall be subject to review and approval by the Director of Planning and Development. No material shall remain unprocessed on the property for more than two weeks.~~

**A. A metal recycling facility, and an automobile salvage yard with accessory parts sales. No material shall be visible from the street.**

**B. The processing of materials will comply with applicable environmental state and federal laws and the applicant shall notify the City of any noncompliance.**

**C. In an effort to decrease noise to surrounding properties and the likelihood of “pops”, a program will be utilized and maintained that penalizes material suppliers that bring in materials that can cause explosions inside the shredder.**

2. To satisfy the following site development considerations:

A. A landscape buffer consisting of evergreen and deciduous plantings (minimum 6-8 feet tall at time of planting) and an opaque fence shall be maintained along Amwiler Road to provide an adequate visual screen at a height and of similar design as installed on the adjacent Newell Recycling property. Final buffer/landscape design, tree/shrub varieties, and fence plans shall be submitted for review and approval of the Director.

B. Maintain opaque fencing along Buford Highway to screen the development. Evergreen trees shall be planted along the exterior of the barrier to provide screening. The fence shall provide an adequate visual screen at a height and of similar design as installed on the adjacent Newell Recycling property. The final site plan and landscaping shall be approved by the Director.

C. To ensure the long-term viability of planted vegetation required by these conditions, as required by the Director, any dead, dying, or diseased materials shall be replaced at the applicant's expense.

D. Limited to no more than one entrance/exit onto Amwiler Road.

E. No billboards shall be permitted.

F. No tents, canopies, temporary banners, 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 and/or bandit signs shall be prohibited.

G. The property owner shall repaint or repair any graffiti or vandalism that occurs on the property within 72 hours.

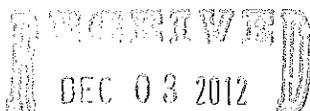
**H. This approval shall sunset after 24 months at which time the applicant may reapply.**

**CHANGE IN CONDITIONS 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 CHANGE IN CONDITIONS WILL PERMIT A USE THAT IS SUITABLE IN VIEW OF THE USE AND DEVELOPMENT OF ADJACENT AND NEARBY PROPERTY:  
A Change in Conditions will permit a use that is suitable in view and use of adjacent and nearby property. The surrounding area is primarily industrial.
- (B) WHETHER A PROPOSED CHANGE IN CONDITIONS WILL ADVERSELY AFFECT THE EXISTING USE OR USABILITY OF ADJACENT OR NEARBY PROPERTY:  
The proposed CIC will not adversely affect the existing use or usability of adjacent or nearby property.
- (C) WHETHER THE PROPERTY TO BE AFFECTED BY A PROPOSED CHANGE IN CONDITIONS HAS REASONABLE ECONOMIC USE AS CURRENTLY ZONED:  
While the existing business has a reasonable economic use the CIC will better enable Newell to serve the needs of the surrounding area.
- (D) WHETHER THE PROPOSED CHANGE IN CONDITIONS WILL RESULT IN A USE WHICH WILL OR COULD CAUSE AN EXCESSIVE OR BURDENSOME USE OF EXISTING STREETS, TRANSPORTATION FACILITIES, UTILITIES, OR SCHOOLS:  
The proposed CIC will not result in a use that would be burdensome to existing streets, utilities or schools.
- (E) WHETHER THE PROPOSED CHANGE IN CONDITIONS IS IN CONFORMITY WITH THE POLICY AND INTENT OF THE LAND USE PLAN:  
The proposed CIC is in conformity with 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 CHANGE IN CONDITIONS:  
The CIC will enable Newell to expand their business and fill a need for the surrounding areas. The site is contained within a substantial wall and is well screened from adjacent properties and streets.





# NEWELL RECYCLING, LLC

*"Conserving Natural Resources Since 1935"*

November 29, 2012

The City of Peachtree Corners c/o  
Gwinnett County Department of Planning  
& Development  
446 West Crogan Street  
Suite 275  
Lawrenceville, Georgia 30046

To Whom It May Concern:

Please let this serve as the Letter of Intent to request a Change in Conditions and two Special Use Permits for the Newell Recycling Facility located at 2750 Amwiler Road in Doraville. Newell Recycling rezoned the property from M-1 to M-2 pursuant to case number RZC 2010-0001S. This site is located adjacent to the main Newell Recycling Facility that has been in operation since 1998.

The property was purchased and zoned in order to operate a community recycling center in 2010. The community recycling center is currently operating on this site, but we feel that the adjacent main parcel for Newell will be a more suitable location for the recycling center and associated operations. The main Newell site was granted a Special Use Permit in 2009 pursuant to case number SUP-09-030. We are proposing to construct a new building to house the community recycling center. The area we have identified on the Newell main site is located in close proximity to the driveway that is utilized for all Newell traffic coming into and out of the site. We feel that by having the recycling center at the front of the site near the driveway is a safer and more convenient for the customers.

We are seeking a Special Use permit to allow for an auto salvage yard. We will be acquiring vehicles and disassembling them. The parts that are removed from these vehicles will be recycled and/or sold at this location. This will occur in the existing building we are now utilizing for the community recycling center. We are requesting the Change in Conditions because the previous zoning case restricted the use of the property to a community recycling center. We are also requesting an additional Special Use Permit for the site to allow for a recycling facility. We would like to use some of the area on this property for storage of various recycling materials.

All landscaping and fencing that was required as a part of the rezoning in 2010 has been completed. The entire site is enclosed within a 12 to 20 foot wall and the operations that occur on the site are not visible from the roadways.

Newell Recycling is committed to being a good neighbor and an asset to the City of Peachtree Corners and surrounding community. We appreciate your consideration of this Change in Conditions and Special Use Permit request. If you have any questions, please do not hesitate to give me a call at 404.557.9157.

Sincerely,

Bobby Triesch  
Newell Recycling



RECEIVED  
DEC 03 2012

1359 Central Avenue • East Point, Georgia 30344  
(404) 766-1621 • Fax (404) 766-1123

Printed on Recycled Paper

CIC '13 001



BY: .....

CASE NUMBER CIC-09-012  
GCID 2009-0586

BOARD OF COMMISSIONERS  
GWINNETT COUNTY  
LAWRENCEVILLE, GEORGIA  
RESOLUTION

READING AND ADOPTION:

At the regular meeting of the Gwinnett County Board of Commissioners, held in the Justice and Administration Center Auditorium, 75 Langley Drive, Lawrenceville, Georgia.

---

<u>Present</u>	<u>VOTE</u>
Charles Bannister, Chairman	<u>ABSENT</u>
Shirley Lasseter, District 1	<u>AYE</u>
Albert Nasuti, District 2	<u>ABSENT</u>
Michael Beaudreau, District 3	<u>AYE</u>
Kevin Kenerly, District 4	<u>AYE</u>

---

On motion of COMM. KENERLY, which carried 3-0, the following resolution was adopted:

A RESOLUTION TO AMEND THE OFFICIAL ZONING MAP

WHEREAS, the Municipal-Gwinnett County Planning Commission has held a duly advertised public hearing and has filed a formal recommendation with the Gwinnett County Board of Commissioners upon an Application to Amend the Official Zoning Map from M-2 to M-2 by ANTHONY POWELL for a CHANGE IN CONDITIONS TO ALLOW EXPANDED HOURS OF OPERATION AND AN EXPANSION OF FACILITIES on a tract of land described by the attached legal description, which is incorporated herein and made a part hereof by reference; and

WHEREAS, notice to the public regarding said Amendment to the Official Zoning Map has been duly published in THE GWINNETT DAILY POST, the Official News Organ of Gwinnett County; and

WHEREAS, a public hearing was held by the Gwinnett County Board of Commissioners on JUNE 23, 2009 and objections were not filed.

NOW, THEREFORE, BE IT RESOLVED by the Gwinnett County Board of Commissioners this the 23RD day of JUNE 2009, that the aforesaid application to amend the Official Zoning Map from M-2 to M-2 (CHANGE IN CONDITIONS) is hereby **APPROVED** subject to the following enumerated conditions:

- I. To restrict the use of the property as follows:
  - A. A metal recycling facility, but not a salvage yard or a junkyard. No material shall remain unprocessed on the property for more than two weeks.
  - B. From November through April, the shredder shall be limited to operation between the hours of 7:00 a.m. and 7:00 p.m. Monday through Friday, and 9:00 a.m. to 5:00 p.m. on Saturday. To limit the use of electricity at peak demand periods from May 1 through October 31, the shredder may be operated from 5:00 a.m. to 9:00 p.m. Monday through Friday, and 9:00 a.m. to 5:00 p.m. on Saturday. Sunday operations of the shredder or community recycling center shall be prohibited. The Director of Planning shall have the right to impose additional reasonable restriction on the loading and unloading of vehicles at the site between the hours from midnight until 6:00 a.m. if necessary to reduce the impact of loading and unloading on the surrounding residential property owners.

C. None of the following shall be processed on site, although they may be collected for shipping & processing elsewhere:

- Batteries or pieces of batteries
- Gas tanks, propane cylinders and any item having contained flammables
- Oil & oil filters
- Catalytic converters
- Unspent airbag canisters & other explosive materials
- Any sealed or closed containers
- Steel or cast iron borings or turnings
- Fluorescent lighting fixtures with ballast
- Any material with asbestos insulation

In an effort to decrease the likelihood of “pops”, a program will be utilized that penalizes material suppliers that bring in materials that can cause explosions inside the shredder.

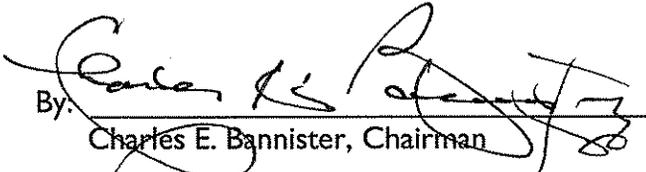
2. To satisfy the following site development considerations:

- A. A landscape buffer consisting of evergreen and deciduous plantings (minimum 6-8 feet tall at time of planting) and an opaque fence shall be installed along Amwiler Road to provide an adequate visual screen at a height and of similar design as shown in artist renderings submitted to the Planning Commission on March 20, 2007. Final buffer/landscape design, tree/shrub varieties and fence plans shall be submitted for review and approval of the Director of Planning and Development.
- B. Provide opaque, sound barrier fencing along the border of the adjacent property at the corner of Buford Highway and Amwiler Road and along the eastern and northern borders of the property as needed to screen metal storage and processing areas from Amwiler Road and Buford Highway. Evergreen trees shall be planted along the exterior of the barrier to provide screening. Final fence location and height, and evergreen tree varieties shall be subject to review and approval of the Director of the Department of Planning and Development. The final site plan and landscaping shall be approved by the Director of Planning. The screen shall be constructed along the southeastern property line (with Sam’s Enterprises) consisting of evergreen and deciduous plantings as shown in the artist renderings and landscape plan submitted to the Planning Commission on March 20, 2007.

- C. Provide opaque acoustic fencing along the southwestern property line nearest Buford Highway and the railroad right-of-way to the southwestern property corner of Sam's Enterprises. The acoustic fence shall be designed, constructed and maintained as shown in the attached artist renderings submitted to the Planning Commission on March 20, 2007. This acoustic fence shall be constructed of steel beams interlaced with treated cross-tie landscape timbers to provide a natural weathered appearance. Along Buford Highway, a screen shall be constructed consisting of any combination of acoustic fences, and evergreen and deciduous plantings creating a shielding and aesthetic effect the same as or better than the combination shown in the artist renderings submitted to the Planning Commission on March 20, 2007, at a height necessary to completely shield the view of scrap metal (as shown in photos before changes on file with the Planning Division) and facility equipment (excluding the shredder) from Buford Highway, running the entire length between the entrance of the railroad tracks into the subject property and Sam's Enterprise's property line. Fence shall not exceed a height of 23 feet. Provide evergreens such as Thuga Green Giant trees planted in amended soil spaced in such a way as to create a dense screen when the trees mature or provide multiple lines of evergreen landscaping planted in amended soil along Buford Highway between the railroad tracks and the highway, consistent with the Landscape Plan presented to the Planning Commission on March 20, 2007. Final buffer/landscape design, tree/shrub varieties and fence plans shall be submitted for review and approval of the Director of Planning and Development.
- D. The community recycling center shall be constructed in general conformance with the concept plan submitted to the Planning Commission on March 20, 2007. Final building elevations shall be submitted for review and approval of the Director of Planning and Development.
- E. Provide no more than one entrance/exit onto Amwiler Road.
- F. No billboards shall be permitted.
- G. Development is limited to a recycling facility with state of the art water based metal shredding technology. The design of the facility shall include measures to ensure that water which has been used in the shredding process cannot escape into nearby streams or groundwater even in the event of heavy rains.

- H. This special use permit is conditioned to allow only one shredder to be operated at this facility. Any change in the buildings as shown on the site plan are subject to site plan review by the Director of Planning. This condition does not restrict the applicant from making changes to its production line equipment that enhances its recovery of recycled materials provided, and the enhancement does not raise the level of noise or air pollution. Any new buildings shall remain subject to Planning Department review under the Gwinnett County Building Codes.
  
- I. Provide a visual screen of evergreen trees along the north/northwest property line adjacent to the neighboring property on Amwiler Road. Placement, density and size of trees shall be approved by the Planning Director.
  
- J. To ensure the long-term viability of planted vegetation required by these conditions, in 12 months from the date of zoning approval for CIC-06-035, the applicant shall have all landscaping and buffer plant materials field inspected by a certified arborist. An inspection report shall be forwarded to the Director of Planning and Development for review. As required by the Director, any dead, dying or diseased materials shall be replaced at the applicant's expense.
  
- K. There will be a water spray system to wet the fluff materials during dry and windy conditions such that materials are less likely to be blown up and over the rail-tie wall.

GWINNETT COUNTY BOARD OF COMMISSIONERS

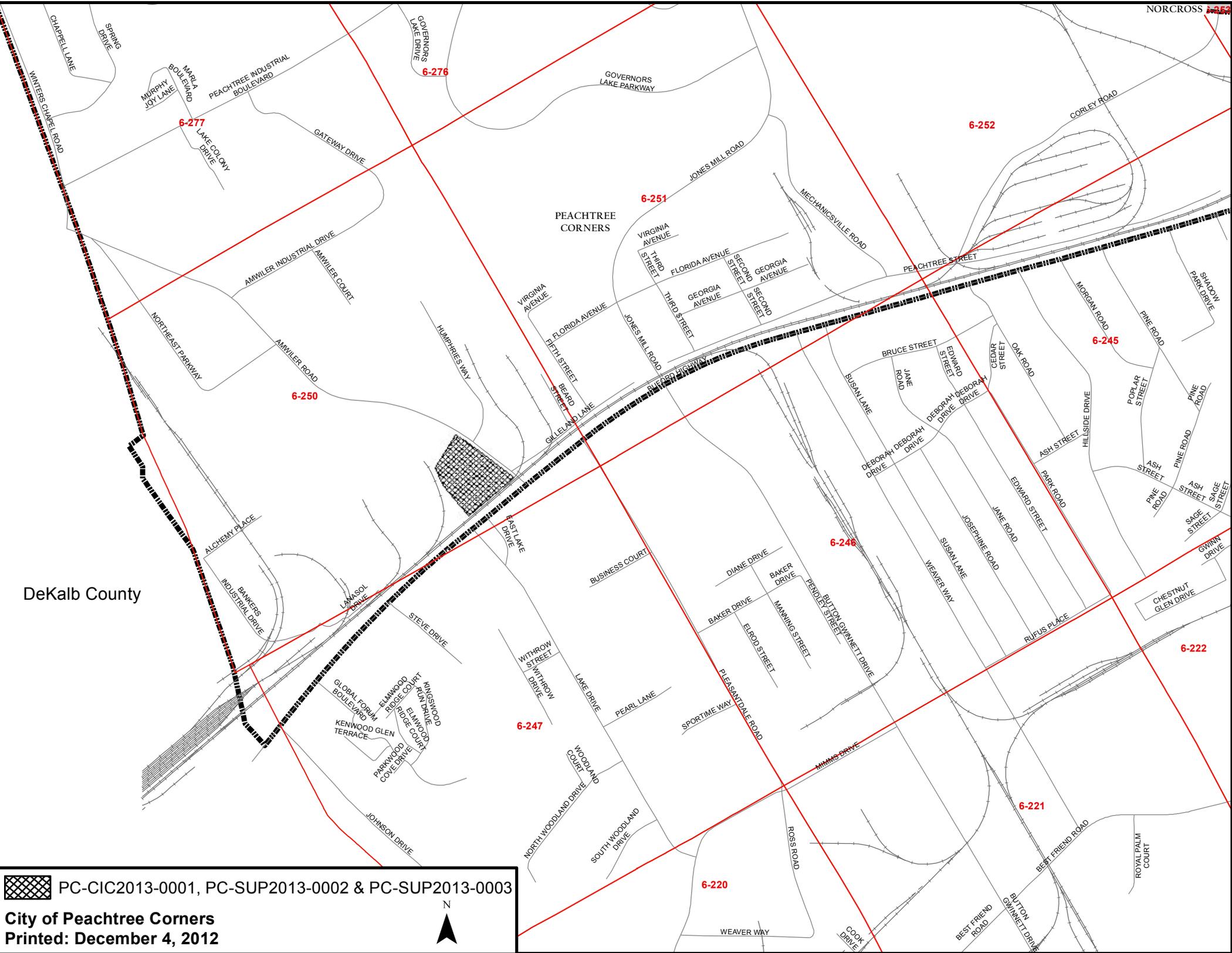
By:   
Charles E. Bannister, Chairman

Date Signed: July 8, 2009

ATTEST:

  
County Clerk/Deputy County Clerk





DeKalb County

 PC-CIC2013-0001, PC-SUP2013-0002 & PC-SUP2013-0003

City of Peachtree Corners  
Printed: December 4, 2012







HUMPHRIES WAY

AMMLER ROAD

CILELAND LANE

BUFORD HIGHWAY

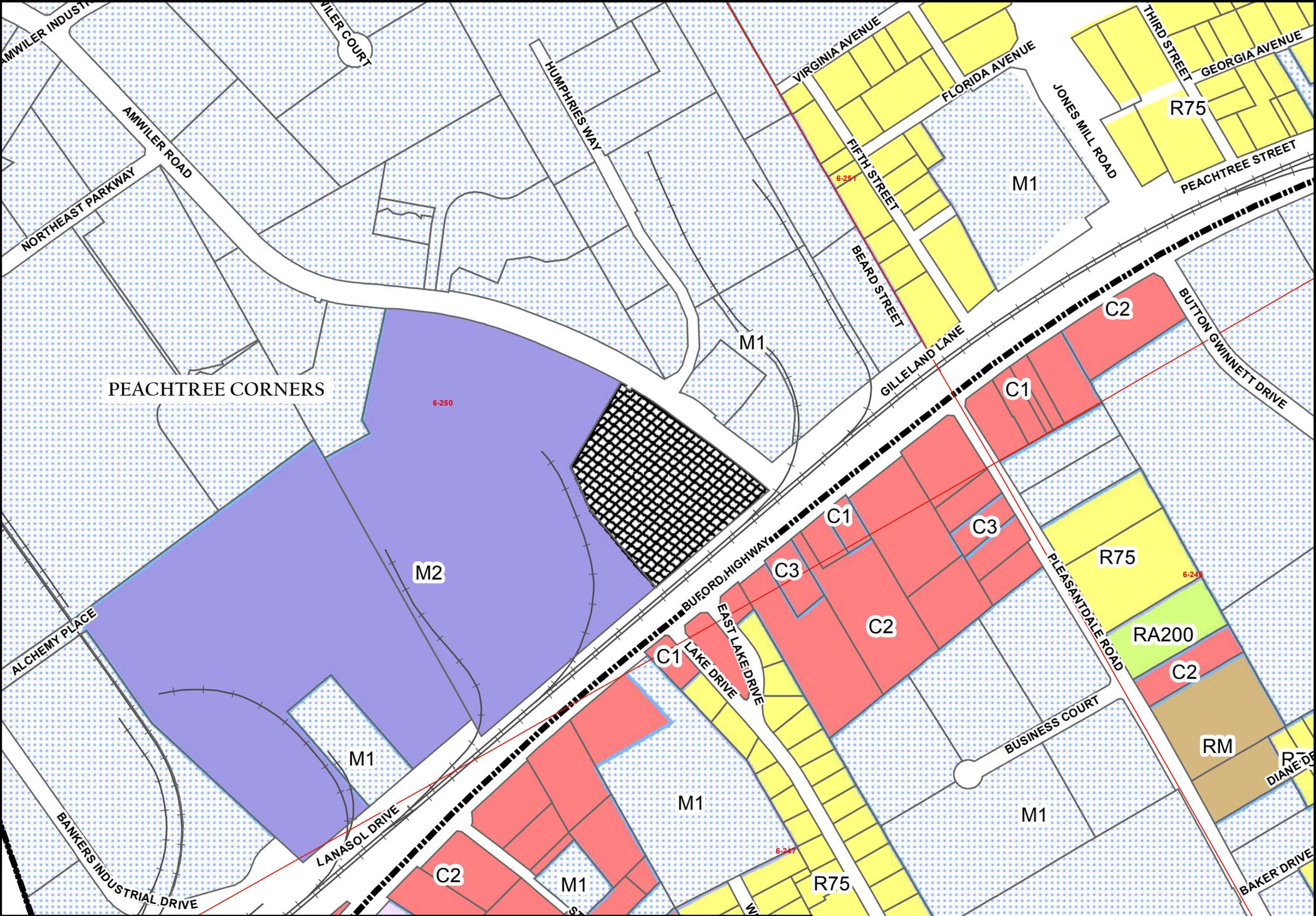
EAST LAKE DRIVE

 PC-CIC2013-0001, PC-SUP2013-0002 & PC-SUP2013-0003

City of Peachtree Corners  
Printed: December 4, 2012







 **PC-CIC2013-0001, PC-SUP2013-0002 & PC-SUP2013-0003**

City of Peachtree Corners  
 Printed: December 4, 2012



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**CITY OF PEACHTREE CORNERS**  
**PLANNING COMMISSION**  
**February 12, 2013 at 7:00pm**

The City of Peachtree Corners held a meeting on Tuesday, February 12, 2013 at 7:00pm. The meeting was held at City Hall, 147 Technology Parkway, Suite 200, Peachtree Corners, GA, 30092. The following were in attendance:

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

Staff: Diana Wheeler, Community Development Director  
Kym Chereck, City Clerk  
Lynn Pierson, Zoning Administrator

**PLEDGE OF ALLEGIANCE:** Commissioner Kaplan led the Pledge of Allegiance.

**MINUTES:**

**MOTION TO APPROVE THE MINUTES FROM THE DECEMBER 11, 2012 AND JANUARY 8, 2013 PLANNING COMMISSION MEETINGS.**

**By: Mark Middleton**

**Seconded by: Alan Kaplan**

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

**NEW BUSINESS:**

- 1. CIC2013 - 00001 - APPLICANT: NEWELL RECYCLING OF GWINNETT; OWNER: NEWELL RECYCLING OF GWINNETT.**

Request for a change in conditions of zoning on property zoned M-2 to amend use restrictions; District 6, Land Lot 250, Parcel 072; 2700 Block of Amwiler Road; 5.71 acres.

- 2. SUP2013-00002 - APPLICANT: NEWELL RECYCLING OF GWINNETT; OWNER: NEWELL RECYCLING OF GWINNETT.**

Request for a Special Use Permit in an M-2 Zoning District for metal recycling; District 6, Land Lot 250 Parcel 072; 2700 Block of Amwiler Road; 5.71 Acres.

- 3. SUP2013-00003 - APPLICANT: NEWELL RECYCLING OF GWINNETT;**

**OWNER: NEWELL RECYCLING OF GWINNETT.**

Request for a Special Use Permit in an M-2 Zoning District for auto salvage; District 6, Land Lot 250 Parcel 072; 2700 Block of Amwiler Road; 5.71 Acres.

Diana Wheeler presented the three cases to the Commission as one project. Mrs. Wheeler provided background information about the applicant's request and the proposed project. The subject property was rezoned to M-2 in 2010 for the use of a community recycling center and now the applicant proposes to utilize it for full scale metal recycling and processing, as well as automobile parts salvage and sales. The site is enclosed with a landscape strip and a 12-20 foot high painted metal fence adjacent to the railroad right-of-way and Amwiler Road. Access is provided by a single driveway located off Amwiler Road into the main facility. A site plan was provided to the Board. Mrs. Wheeler stated that, based on the analysis, Staff recommended approval of the application subject to conditions which are included in the staff report and which she briefly outlined.

Mr. Bobby Triesch, presented his cases to the Commission and noted that they plan on recycling up to 1000 cars a day. Mr. Triesch explained the steps for decommissioning the cars and also how the parts are inventoried. Mr. Triesch noted that the Environmental Protection Agency is frequently on site. Mr. Triesch stated that he is in agreement with all of the proposed conditions with the exception of condition numbers 1A and 1B. Mr. Triesch requested that condition number one read that *no material shall remain unprocessed on the property for more than 60 days instead of the proposed two weeks*; and that condition number two read that *the company will comply with laws regarding environmental compliance*.

Chairman Houser asked for public comments concerning this application.

Judi Quigley of 4858 Greenert Drive, Duluth, expressed concern for parking.

There being no other public comments, Chairman Houser closed the public comment portion of the meeting and asked the Commission for a motion.

After further discussion, the Commission took the following action:

**MOTION TO APPROVE CIC2013 - 00001, SUP2013-00002 AND SUP2013-00003 WITH STAFF CONDITIONS; WITH THE FOLLOWING CHANGES, FOR CONDITION NUMBER 1A, CHANGE THE SECOND SENTENCE TO READ *NO MATERIAL SHALL BE VISIBLE FROM THE STREET*; CHANGE CONDITION NUMBER 1B TO READ *THE PROCESSING OF MATERIALS WILL COMPLY WITH APPLICABLE ENVIRONMENTAL STATE AND FEDERAL LAWS AND THE APPLICANT SHALL NOTIFY THE CITY OF ANY NONCOMPLIANCE*; ADD A CONDITION "H" TO READ *THIS APPROVAL SHALL SUNSET AFTER 24 MONTHS AT WHICH TIME THE APPLICANT MAY REAPPLY*.**

(Final conditions are outlined below)

**By: Mark Houser**

**Seconded by: Mark Middleton**

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

**RECOMMENDED CONDITIONS**

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

- A. A metal recycling facility, and an automobile salvage yard with accessory parts sales. No material shall be visible from the street.**
- B. The processing of materials will comply with applicable environmental state and federal laws and the applicant shall notify the City of any noncompliance.**
- C. In an effort to decrease noise to surrounding properties and the likelihood of “pops”, a program will be utilized and maintained that penalizes material suppliers that bring in materials that can cause explosions inside the shredder.**

**2. To satisfy the following site development considerations:**

- A. A landscape buffer consisting of evergreen and deciduous plantings (minimum 6-8 feet tall at time of planting) and an opaque fence shall be maintained along Amwiler Road to provide an adequate visual screen at a height and of similar design as installed on the adjacent Newell Recycling property. Final buffer/landscape design, tree/shrub varieties, and fence plans shall be submitted for review and approval of the Director.**
- B. Maintain opaque fencing along Buford Highway to screen the development. Evergreen trees shall be planted along the exterior of the barrier to provide screening. The fence shall provide an adequate visual screen at a height and of similar design as installed on the adjacent Newell Recycling property. The final site plan and landscaping shall be approved by the Director.**
- C. To ensure the long-term viability of planted vegetation required by these conditions, as required by the Director, any dead, dying, or diseased materials shall be replaced at the applicant’s expense.**
- D. Limited to no more than one entrance/exit onto Amwiler Road.**
- E. No billboards shall be permitted.**

**DRAFT COPY**

**F. No tents, canopies, temporary banners, 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 and/or bandit signs shall be prohibited.**

**G. The property owner shall repaint or repair any graffiti or vandalism that occurs on the property within 72 hours.**

**H. This approval shall sunset after 24 months at which time the applicant may reapply.**

**CITY BUSINESS:**

Overview of the 2033 City of Peachtree Corners Comprehensive Plan: Process, Community Involvement, and Calendar.

Community Development Director Diana Wheeler introduced Joel Reed with Pond & Company who will facilitate the Comprehensive Plan overview. Mr. Reed gave an overview of the Comprehensive Plan process along with the Community Involvement Plan, Data Collection, Citizen Advisory Committee and the future calendar of events. Mr. Reed stated that he will be before the Planning Commission again on April 16, 2013.

**ADJOURNMENT:**

**MOTION TO ADJOURN.**

**By: Mike Middleton**

**Seconded by: Alan Kaplan**

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

The Planning Commission meeting concluded at 8:35 PM.

Approved,

Attest:

\_\_\_\_\_

\_\_\_\_\_

Matt Houser, Chairman

Kym Chereck, City Clerk

(Seal)

**A RESOLUTION OF THE MAYOR AND COUNCIL OF PEACHTREE CORNERS, GEORGIA REQUESTING THE LOCAL LEGISLATIVE DELEGATION OF PEACHTREE CORNERS, GEORGIA TO INTRODUCE A LOCAL LAW AUTHORIZING PEACHTREE CORNERS, GEORGIA TO HAVE REDEVELOPMENT POWERS PURSUANT TO THE REDEVELOPMENT POWERS LAW; AND FOR OTHER PURPOSES.**

**WHEREAS**, the Redevelopment Powers Law (O.C.G.A. 36-44-1 *et seq.*), as amended, provides for the exercise of redevelopment powers by political subdivisions of the State of Georgia upon authorization by local law and approval by a majority of the qualified voters of each political subdivision directly affected; and

**WHEREAS**, the Mayor and Council is desirous of obtaining redevelopment powers, and in that pursuit hereby requests the local legislative delegation for Peachtree Corners to introduce a local law authorizing Peachtree Corners to exercise all redevelopment powers under Article IX, Section II, Paragraph VII(b) of the Constitution of the State of Georgia and Redevelopment Powers Law, upon approval of the qualified voters of Peachtree Corners, Georgia voting in an election for that purpose;

**NOW, THEREFORE, BE IT RESOLVED**, by the Mayor and Council for the City of Peachtree Corners, Georgia as follows:

**Section 1.** The Mayor and Council of Peachtree Corners, Georgia hereby requests that the local legislative delegation for Peachtree Corners, Georgia introduce a local law authorizing Peachtree Corners, Georgia to exercise all redevelopment powers under Article IX, Section 11, Paragraph VII(b) of the Constitution of the State of Georgia and Redevelopment Powers Law (O.C.G.A. 36-44-1 *et seq.*), as amended, upon approval of the qualified voters of Peachtree Corners, Georgia voting in an election for that purpose.

**Section 2.** Conflict; Repealer. Any and all resolutions in conflict with this Resolution shall be, and they are hereby, repealed. This Resolution supersedes any and all resolutions or parts of resolutions in conflict with this Resolution.

**Section 3.** Effective Date. This Resolution shall be effective immediately upon its adoption.

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

Attest:

Approved:

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

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