



PLANNING COMMISSION AGENDA
March 12, 2013
7:00 PM
CITY HALL

- A. Roll Call
- B. Approval of February 12, 2013 Minutes
- C. Old Business: (None)
- D. New Business:
 - I. **CIC2013-00002 – REQUEST FOR A CHANGE IN CONDITIONS OF ZONING TO ALLOW A VETERINARY CLINIC IN AN OFFICE BUILDING ZONED C-2 AND LOCATED AT 4989 PEACHTREE PARKWAY; DISTRICT6 , LAND LOT 318; 1.51 ACRES.**
- E. City Business Items: (None)
- F. Comments by Staff and Planning Commissioners.
- G. Adjournment.

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. 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 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 as 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 on the property.

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.**

- 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)

**CITY OF PEACHTREE CORNERS
COMMUNITY DEVELOPMENT DEPARTMENT**

CHANGE IN CONDITIONS ANALYSIS

CASE NUMBER	:CIC2013-00002
ZONING	:C-2
LOCATION	:4989 PEACHTREE PARKWAY
MAP NUMBER	:R6318 336
ACREAGE	:1.51 ACRES
REQUEST	:AMEND USE RESTRICTIONS TO ALLOW A VETERINARY CLINIC
SQUARE FEET	:15,000 SQUARE FEET

FUTURE DEVELOPMENT MAP: **PREFERRED OFFICE**

APPLICANT: ALBERTO L. BAZAN
4995 RIVERLAKE DRIVE
PEACHTREE CORNERS, GA 30097

CONTACT: RICHARD A. CAROTHERS PHONE: 678.730.0432

OWNER: WILLFORD CORPORATION
3850 PEACHTREE INDUSTRIAL BOULEVARD
DULUTH, GA 30096-4847

RECOMMENDATION: DENIAL

CHANGE IN CONDITIONS SUMMARY:

The applicant requests a Change in Conditions of zoning on a 1.51-acre parcel, to allow a veterinary clinic as an office building tenant. The property is located at 4989 Peachtree Parkway and is zoned C-2 (General Business District), subject to conditions of rezoning case RZ-96-134. The property is developed with a two-story brick office building totaling 15,000 square feet.

The applicant requests a change to condition 1.A. of RZ-96-134, which currently states:

1.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; automotive car wash; automotive parts stores; billboards; building, electrical or plumbing contractors; convenience stores with or without gas pumps; funeral homes or mausoleums; furniture rental establishments; equipment rental; hotels or motels; self-service or coin operated laundries; liquor stores; mobile buildings; parking lots and garages; pest control businesses; pet shops or grooming establishments; lounges; recovered materials processing facility; yard trimmings composting facility; any temporary uses; and, any special uses, including auto body repair shop; auto repair

shops or tire stores; automotive sales lots; automotive service stations; building material sales with outdoor storage; contractor's offices or the outside storage of equipment or materials; heavy equipment or farm equipment rental, sales or service; lawnmower repair shops; machine or welding shops; mini-warehouse storage facilities; mobile home or mobile home building, leasing or sales; recreational facilities (i.e., miniature golf courses, water slides, bowling facilities); residential or community shelters; and, taxi cab or limousine services.

The request is to strike the prohibition on "animal hospitals or veterinary clinics," to allow such a facility as a tenant in the office building. The letter of intent states that the interior of the veterinary clinic would be soundproofed, and that there would be no outdoor runs or structures.

The surrounding area is characterized by a mix of residential, commercial and office uses. The subject property represents the northern limit of the commercial district extending along the Peachtree Parkway corridor. To the south along the corridor are the Forum on Peachtree Parkway, numerous retail shopping centers that include grocery stores, restaurants and retail shops. Properties beyond the commercial corridor and extending north to the Chattahoochee River are developed with single-family subdivisions, including the Avala subdivision which directly abuts the subject property. The site, itself, is developed with a stand-alone, two-story office building. The building is vacant on the first floor and occupied with professional tenants, primarily attorneys, on the second floor. There is a small elevator lobby at the entrance. On the outside, the building is surrounded by a parking lot on two sides and a master detention facility on the remainder, which provides a substantial buffer for the residential subdivision to the rear. With the exception of the parking lot islands and a couple of small landscape strips, there is no accessible open space on site.

ZONING HISTORY:

In 1970, the property was zoned R-100 (Single Family Residence District). The property was rezoned to O-1 (Office-Institutional District) through an area-wide zoning map revision in 1978. In 1993, the property was rezoned to C-2 as part of a larger shopping center project. The conditions of the C-2 district were modified in 1996, pursuant to rezoning case RZ-96-134.

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:

No comment.

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 6-inch water main located on the western right-of-way of Peachtree Parkway, approximately 35 feet south of the property.

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 COMMENT SECTION:

Building Plan Review has no objections under the following conditions:

1. The applicant shall submit architectural, structural, mechanical, electrical and plumbing drawings for any proposed interior tenant space modifications or exterior modifications for review and approval by Building Plan Review.
2. Upon completion of plan review approvals, the applicant shall obtain a building permit for any proposed modification/renovation work 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.

The 2030 Unified Plan Future Development Map indicates that the property is located within a Preferred Office Character Area. The current development of the site with a professional office building is consistent with this Character Area. However, there is a specific restriction against an animal clinic at this location. The reasons for this prohibition could have to do with aspects of the business which may be incompatible with office use and nearby residential uses. Oftentimes, incompatibility between uses can be mitigated through zoning conditions, buffers or other requirements that resolve case specific issues. In the case of a veterinary clinic, potentially offending noises and odors can be mitigated through modifications to the building and restrictions on use of the outdoor space. Those types of mitigating conditions would likely resolve any potential issues between the veterinary use and the adjacent residential subdivision.

However, the configuration of the existing office building does not lend itself well to accommodating differing uses. The fact that the second floor is fully occupied with professional tenants, (primarily attorneys), makes the areas of incompatibility between the office use and the veterinary clinic difficult to overcome. There is no doubt that the professional image of the second floor tenants would not be enhanced by the shared use of the office building's parking lot and lobby with pets. Moreover, even if sound were baffled, it would be difficult to make the veterinary space completely soundproof. Clientele and professional staff in attorney's offices would likely not welcome even the muffled sound of dogs barking as they conducted their business. People waiting in the elevator lobby may not want to share the small space with, or be greeted by, veterinary patients. Second floor office employees with pet allergies may be impacted by close association with animals traversing the lobby, as well as the circulation of air throughout the building. In addition, the limited open space between the parking lot and the building would likely result in the overuse of the front landscaping by customer's pets before and after entering the veterinary office. Without vigilant cleaning, this small area in front of the building would likely become an unwelcome display to visitors and a source of aggravation between tenants.

In summary, while the possibility exists for a veterinary clinic and professional office use to co-exist within proximity of each other, the configuration of the subject office building and its surroundings do not lend themselves to compatibility. In this case, there would likely be many opportunities for conflict between building occupants which could not be easily overcome. While the veterinary business would be enthusiastically welcomed to the City, another, more suitable Peachtree Corners location would be encouraged.

Therefore, after review the applicant's proposal, it is recommended that the request for a change in condition to allow a veterinary clinic on the first floor of 4989 Peachtree Parkway be denied.

If approval of this application is considered, several changes in conditions to the original zoning are suggested and noted in **Bold** on the follow page.

(Changes are noted in **BOLD**)

Approval of a Change in Conditions (RZ-96-134/C-2) to allow a veterinary clinic, subject to the following enumerated 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**; automotive car wash; automotive parts stores; billboards; building, electrical or plumbing contractors; convenience stores with or without gas pumps; funeral homes or mausoleums; furniture rental establishments; equipment rental; hotels or motels; self-service or coin operated laundries; liquor stores; mobile buildings; parking lots and garages; pest control businesses; pet shops or grooming establishments; lounges; recovered materials processing facility; yard trimmings composting facility; any temporary uses; and, any special uses, including auto body repair shop; auto repair shops or tire stores; automotive sales lots; automotive service stations; building material sales with outdoor storage; contractor's offices or the outside storage of equipment or materials; heavy equipment or farm equipment rental, sales or service; lawnmower repair shops; machine or welding shops; mini-warehouse storage facilities; mobile home or mobile home building, leasing or sales; recreational facilities (i.e., miniature golf courses, water slides, bowling facilities); residential or community shelters; and, taxi cab or limousine services.
 - B. Outparcel developments shall be limited to no more than five parcels for the shopping center including the McDonald's site and the existing CVS pharmacy site. The northern most outparcel on Peachtree Parkway is restricted to uses authorized under the office/institutional (O-1) district.
 - C. **Outdoor animal pens, runs or exercise areas associated with a veterinary clinic shall be prohibited.**
 - D. **The portions of the veterinary clinic tenant space in which animals are housed shall be adequately soundproofed. The installation and performance of acoustic insulation shall be subject to review and approval of the Community Development Director and Building Official.**
2. To satisfy the following site development considerations:
 - A. Provide a ten-foot wide landscaped strip outside the new dedicated right-of-way of Peachtree Parkway and adjacent to the shopping center entrance drive.
 - B. Provide a five-foot wide landscaped strip adjacent to internal property lines of any outparcel development.

- C. Provide internal access to any outparcel development. No direct access to Peachtree Parkway other than the shopping center entrance.
- D. No billboards are permitted.
- E. Dumpsters shall be screened by a fence or wall.
- F. Buildings shall be finished with architectural treatments of glass and/or brick, stone, or stucco; or submit alternate architectural plans for approval of the Planning Commission prior to issuance of a building permit.
- G. Provide landscaped islands throughout the parking area, including a minimum ten-foot wide landscaped island at the end of each parking bay and a minimum six-foot wide landscaped island for each 225-feet of continuous bay length, or alternate plan as may be approved by the Director of Planning and Development.
- H. Provide sidewalks adjacent to Peachtree Parkway.
- I. Maintain existing berm along westerly boundary and on or before December 31, 1997, landscaping shall be installed according to the Buffer/Landscape Plan and Buffer Sections dated January 28, 1997, prepared by Hughes, Good, O'Leary & Ryan, with the following modifications: Replant the existing double row of trees to a single-row with the addition of forty-seven (47) matching trees.
- J. For the northern most outparcel on Peachtree Parkway:
 - (1) The landscape buffer on the northern boundary shall be undisturbed, except for approved utility crossings and shall be increased from 40-feet to a minimum of 50-feet; and,
 - (2) The landscape buffer on the western boundary shall be 40-feet, and if disturbed, replanted and enhanced with the addition of a planting of Leyland Cypress, planted in a double row on six-foot staggered centers at a minimum height of six feet.
- K. Only outparcel B, containing 1.20 acres, more or less, per site plan for Jones Bridge Square by Travis Pruitt & Associates, P.C., may be developed as a drive-thru, fast-foot restaurant, provided the following conditions are met:
 - (1) Site to be developed as a McDonald's restaurant according to the architectural finish, elevations and signage, substantially identical to that McDonald's restaurant located in the John's Creek development on Georgia Highway 141 in Forsyth County, Georgia;
 - (2) There shall be no mechanical noise makers of any kind regarding the operation of the drive-thru component, including, but not limited to, bells, alarms, buzzers, outside speakers, microphones, and the like;

- (3) The drive-thru window will be located and oriented on the southern side of the building;
 - (4) All drive-thru windows shall be served by individual restaurant employees, providing order placement and deliver by way of face-to-face service;
 - (5) Access shall be provided by a way of a reciprocal inter-parcel access agreement which shall be served by the access points to Georgia Highway 141 (Peachtree Parkway), as shown on the above-referenced site plan;
 - (6) If construction for the McDonald's restaurant is not commenced within twelve (12) months from the date of the final approval of this rezoning request, then this approval shall expire;
 - (7) There shall be no outside playground area;
 - (8) An electrostatic precipitator air pollution control system for restaurants shall be installed to accomplish an elimination of a minimum of 95% of all cooking and food preparation aroma to the exterior environment;
 - (9) Hours of operation shall be limited to the hours of six (6) a.m. to twelve (12) midnight.
- L. The main shopping center may contain no more than one additional drive-thru/pick-up window for a food service establishment. Such establishment shall be confined to a bagel/coffee shop or bakery and shall also be subject to conditions 2.K.(2) and 2.K.(4) stated above.
 - M. All roof top equipment shall be screened from view on all sides of all buildings.
 - N. All ground signs shall be monument type signs.
 - O. Natural vegetation shall remain on the property until the issuance of a development permit. Any clearing prior to the issuance of a development permit shall be limited to small trees (less than two inches in caliper dbh) and underbrush.
3. To abide by the following requirements, dedications and improvements:
- A. The development shall be limited to a total of two driveways adjacent to East Jones Bridge Road.
 - B. The driveways to East Jones Bridge Road shall be no closer than 300 feet to the extended right-of-way line of Peachtree Parkway.

CHANGE IN CONDITIONS APPLICATION

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

APPLICANT INFORMATION	OWNER INFORMATION*
NAME: <u>Alberto L. Bazan</u>	NAME: <u>Willford Corporation</u>
ADDRESS: <u>4995 Riverlake Drive</u>	ADDRESS: <u>3850 Peachtree Ind. Blvd.</u>
CITY: <u>Duluth (Peachtree Corners)</u>	CITY: <u>Duluth</u>
STATE: <u>GA</u> ZIP: <u>30097</u>	STATE: <u>GA</u> ZIP: <u>30096-4847</u>
PHONE: <u>770/448-0583</u>	PHONE: <u>404/406-7628</u>
CONTACT PERSON: <u>Richard A. Carothers</u> PHONE: <u>678/730-0432</u>	
CONTACT'S E-MAIL: <u>richard.carothers@carmitch.com</u>	

APPLICANT IS THE:

OWNER'S AGENT PROPERTY OWNER CONTRACT PURCHASER

ZONING DISTRICTS(S): C-2 PRIOR ZONING CASE: RZ-93-079/RZ-96-134*

LAND DISTRICT(S): 6 LAND LOT(S): 318 ACREAGE: 1.51

ADDRESS OF PROPERTY: 4989 Peachtree Parkway

PROPOSED CHANGE IN CONDITIONS: To allow for a veterinary clinic

RESIDENTIAL DEVELOPMENT:	NON-RESIDENTIAL DEVELOPMENT:
NO. OF LOTS/DWELLING UNITS: <u>N/A</u>	NO. OF BUILDINGS/LOTS: <u>1</u>
DWELLING UNIT SIZE (Sq. Ft.): _____	TOTAL GROSS SQUARE FEET: <u>15,000+/-</u>
GROSS DENSITY: _____	DENSITY: <u>Existing 2-story office bldg. Change of conditions requested to allow for veterinary clinic.</u>
NET DENSITY: _____	

PLEASE ATTACH A LETTER OF INTENT EXPLAINING WHAT IS PROPOSED

*The '93 zoning was for the entire strip center tract of which this parcel is a part. The '96 zoning was for a change in condition to allow for a 2 McDonald's.

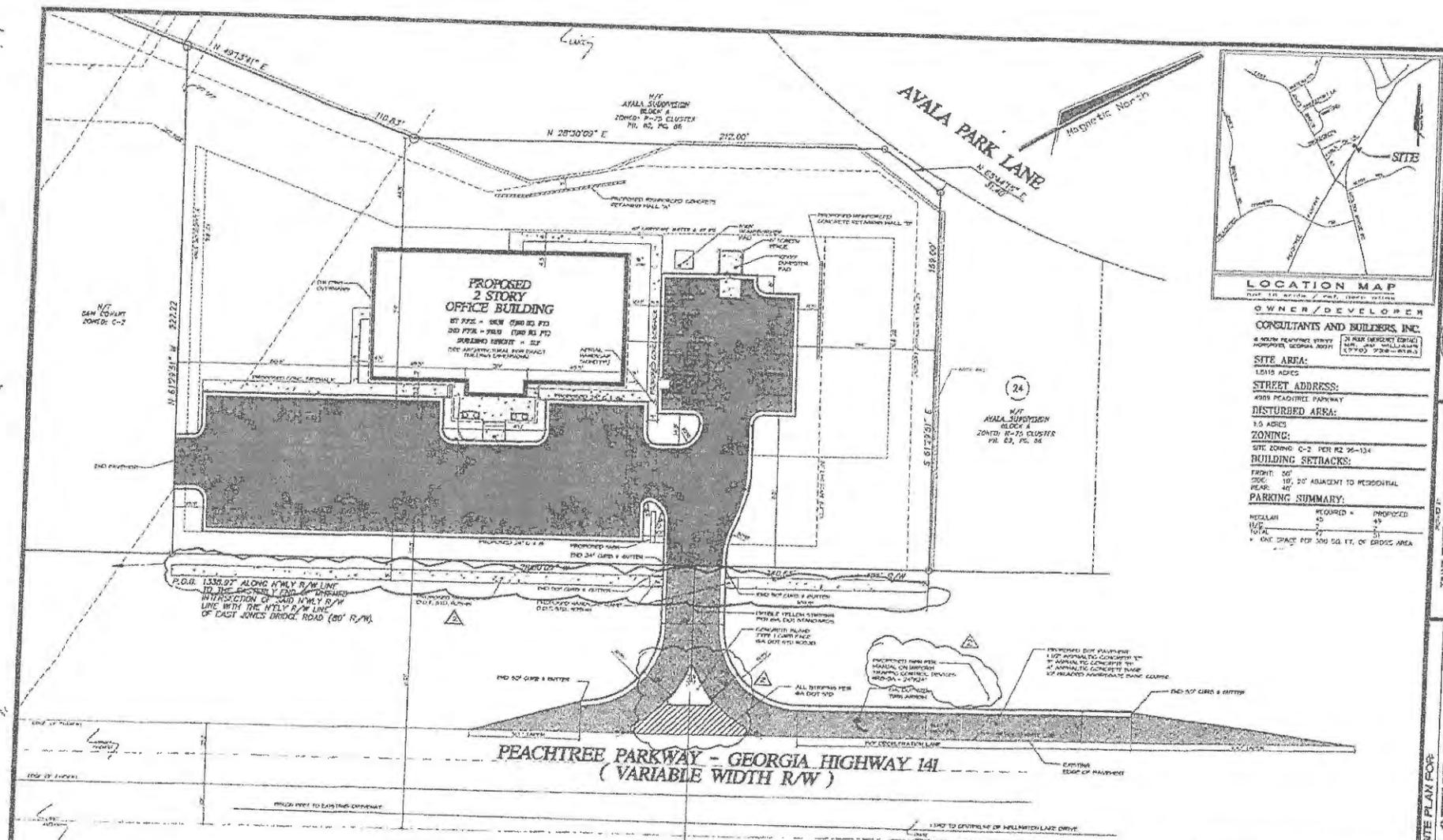
LEGAL DESCRIPTION

All that tract or parcel of land lying and being in Land Lot 310 of the 6th District, Gwinnett County, Georgia, and being more particularly described as follows:

COMMENCING at a point located on the northwesterly right-of-way line of Peachtree Parkway (n/s/k/a Georgia Highway 141) (right-of-way width varies) on the northeast end of the mitered intersection of said northwesterly right-of-way line with the northeasterly right-of-way line on East Jones Bridge Road (80-foot right-of-way); proceeding thence northeasterly along said northwesterly right-of-way line, a distance of 1,338.07 feet to a point, said point being the True Point of Beginning. Leaving said northwesterly right-of-way line and proceeding thence north 61 degrees 28 minutes 51 seconds west, a distance of 227.22 feet to a point; proceeding thence north 48 degrees 13 minutes 41 seconds east, a distance of 110.83 feet to a point; proceeding thence north 28 degrees 30 minutes 08 seconds east, a distance of 212.00 feet to a point; proceeding thence north 65 degrees 44 minutes 15 seconds east, a distance of 31.40 feet to a point; proceeding thence south 61 degrees 28 minutes 51 seconds east, a distance of 188.00 feet to a point on said northwesterly right-of-way line of Peachtree Parkway; proceeding thence along said northwesterly right-of-way line south 28 degrees 30 minutes 08 seconds west, a distance of 340.65 feet to the True Point of Beginning.

TOGETHER WITH ANY AND ALL of the following: (i) all buildings, structures and improvements now or hereafter located on the real property or on any part or parcel thereof and all fixtures affixed or attached, actually or constructively, thereto; (ii) all and singular the tenements, hereditaments, easements and appurtenances belonging therunto or in any wise appertaining thereto and the reversion and reversions, remainder or remainders thereof; (iii) all Rents accruing therefrom, whether now or hereafter due; (iv) all accounts and contract rights now or hereafter arising in connection with any part or parcel thereof or any buildings, structures or improvements now or hereafter located thereon, including without limitation all accounts and contract rights in and to all leases or undertakings to lease now or hereafter affecting the land or any buildings, structures, or improvements thereon; (v) all minerals, flowers, crops, trees, timber, shrubbery and other emblements now or hereafter located thereon or thereunder or on or under any part or parcel thereof; (vi) all estates, rights, title and interest therein, or in any part or parcel thereof; (vii) all equipment, machinery, apparatus, fittings, fixtures, furniture, furnishings, mobile homes, modular homes and all personal property of every kind or description whatsoever now or hereafter located thereon, or in or on the buildings, structures and improvements thereon, and used in connection with the operation and maintenance thereof, and all additions thereto and replacements thereof; and (viii) all building materials, supplies, goods and equipment delivered thereto and placed thereon for the purpose of being affixed to or installed or incorporated or otherwise used in the buildings, structures or other improvements now or hereafter located thereon or any part or parcel thereof.

The Real Property or its address is commonly known as 4889 PEACHTREE PARKWAY, NORCROSS, GA 30092.



OWNER/DEVELOPER
CONSULTANTS AND BUILDERS, INC.
 6 NORTH PEACHTREE STREET
 NORCROSS, GEORGIA 30071

SITE AREA:
 1.015 ACRES

STREET ADDRESS:
 4009 PEACHTREE PARKWAY

DISTURBED AREA:
 1.0 ACRES

ZONING:
 SITE ZONING: C-2 PER RZ 26-134

BUILDING SETBACKS:
 FRONT: 50'
 SIDE: 10', 20' ADJACENT TO RESIDENTIAL
 REAR: 40'

PARKING SUMMARY:

RETAILER	REQUIRED =	PROPOSED =
1/2	25	25
TOTAL		
* ONE SPACE FOR 500 SQ. FT. OF GROSS AREA		

1	OWNER	CONSULTANTS AND BUILDERS, INC.
2	ARCHITECT	CONSULTANTS AND BUILDERS, INC.
3	ENGINEER	CONSULTANTS AND BUILDERS, INC.
4	LANDSCAPE ARCHITECT	CONSULTANTS AND BUILDERS, INC.
5	PLANNING	CONSULTANTS AND BUILDERS, INC.
6	CONTRACTOR	CONSULTANTS AND BUILDERS, INC.
7	INSPECTOR	CONSULTANTS AND BUILDERS, INC.



TRAVIS PRUITT & ASSOCIATES, P.C.
 CONSULTANTS AND BUILDERS, INC.
 1000 PEACHTREE PARKWAY
 NORCROSS, GEORGIA 30071
 PHONE: (770) 228-1111
 FAX: (770) 228-1112

LEGEND

- | | | | |
|-----|---|-----|---------------------------|
| —○— | POWER POLE | —○— | CAS LINE |
| —●— | POWER POLE W/ CUT WIRE | —○— | WATER LINE |
| —□— | ELECTRIC METER | —○— | SANITARY SEWER LINE |
| —△— | FIRE HYDRANT | —○— | STORM SEWER LINE |
| —▽— | WATER VALVE | —○— | TOP OF WALL |
| —◇— | HEADGULL | —○— | BOTTOM OF WALL |
| —◇— | WATER METER | —○— | REINFORCED CONCRETE PIPE |
| —◇— | SANITARY SEWER MANHOLE | —○— | CORRUGATED METAL PIPE |
| —◇— | CLEAN OUT | —○— | EXISTING CONTOUR |
| —◇— | EXIST. JUNCTION BOX/STORM SEWER MANHOLE | —○— | PROPOSED CONTOUR |
| —◇— | PROP. JUNCTION BOX/STORM SEWER MANHOLE | —○— | EXISTING SPOT ELEVATION |
| —◇— | EXISTING HEADWALL | —○— | PROPOSED SPOT ELEVATION |
| —◇— | PROPOSED HEADWALL | —○— | STORM SEWER STRUCTURE |
| —◇— | EXISTING DRAIN INLETS | —○— | LOCAL CATCH BASIN |
| —◇— | PROPOSED DRAIN INLETS | —○— | SANITARY SEWER STRUCTURE |
| —◇— | OVERHEAD POWER LINE | —○— | LOCAL CATCH BASIN |
| —◇— | OVERHEAD TELEPHONE LINE | —○— | PROPOSED ASPHALT PAVEMENT |
| —◇— | OVERHEAD CABLE TELEVISION LINE | —○— | PROPOSED D.O.T. PAVEMENT |

NOTES: ALL PERMITS AND APPROVALS ARE THE RESPONSIBILITY OF THE APPLICANT. THE CONTRACTOR SHALL VERIFY THE EXISTENCE AND DEPTH OF ALL UTILITIES PRIOR TO CONSTRUCTION. THE APPLICANT SHALL MAINTAIN ACCESS TO ALL ADJACENT PROPERTIES AT ALL TIMES. ALL UTILITIES SHALL BE PROTECTED AND DEEPLY REPAIRED OR REPLACED AS NECESSARY. THE CONTRACTOR SHALL MAINTAIN ACCESS TO ALL ADJACENT PROPERTIES AT ALL TIMES. ALL UTILITIES SHALL BE PROTECTED AND DEEPLY REPAIRED OR REPLACED AS NECESSARY.

MORTY GANNETT COUNTY INSPECTOR 24 HOURS BEFORE BEGINNING OF EACH PHASE OF CONSTRUCTION (800-776-0000)

THE APPLICANT SHALL MAINTAIN ACCESS TO ALL ADJACENT PROPERTIES AT ALL TIMES. ALL UTILITIES SHALL BE PROTECTED AND DEEPLY REPAIRED OR REPLACED AS NECESSARY.

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SITE PLAN FOR:
WILLFORD OFFICE BUILDING
 LAND LOT 316 6TH DISTRICT
 GANNETT COUNTY, GEORGIA

DATE: 1/21/08
 SHEET: 1 OF 1
 DRAWN BY: J.P.
 CHECKED BY: J.P.
 SCALE: 1" = 20'
 APRIL 4, 1997
 SHEET NO. 2 OF 8

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:

Please see attached.

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

Please see attached.

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

Please see attached.

- (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:

Please see attached.

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

Please see attached.

- (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:

Please see attached.

Attachment to

**CHANGE IN CONDITIONS APPLICANT'S RESPONSE
STANDARDS GOVERNING THE EXERCISE OF THE ZONING POWER**

- (A) The proposed change in conditions to allow a veterinary clinic would be consistent with the mixed office and commercial uses that occupy the northwest corner of East Jones Bridge and Peachtree Parkway.
- (B) There will be no adverse effects to adjacent or nearby property by the use of the lower level of this building as a veterinary clinic.
- (C) The property has reasonable economic use as currently zoned though vacancy rates for office property remain high.
- (D) The requested change in conditions will not create any burden whatsoever on streets, transportation facilities, utilities or schools.
- (E) The proposed change is consistent with the land use plan for both Gwinnett County and Peachtree Corners and will provide employment opportunities and services to the community.
- (F) We believe that the existing commercial and office uses at this commercial node support the approval of a veterinary clinic at this location.

CAROTHERS & MITCHELL, LLC
ATTORNEYS AT LAW

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E-MAIL CARMITCH@CARMITCH.COM

OF COUNSEL:
MICHAEL E. HOBBS

LETTER OF INTENT

**FOR THE PURPOSE OF SEEKING A CHANGE IN
CONDITIONS TO A PARCEL OF PROPERTY LOCATED AT
4989 PEACHTREE PARKWAY**

This property, Parcel R6318 336, is adjacent to and part of a large and fully developed strip center which lies at the northwest corner of Peachtree Parkway and East Jones Bridge Road. The strip center contains a number of office and commercial uses, including an Ingles grocery store, a McDonald's, and a number of neighborhood shops and restaurants. Across East Jones Bridge from this center is The Forum, a large commercial center. The property across Peachtree Parkway from The Forum is zoned multifamily and is apparently about to begin development. The subject parcel is a two-story office building which fronts directly on Peachtree Parkway. It is zoned C-2.

As shown by the attached GIS plat, the property has commercial and office uses on its southern boundary and its eastern boundary is Peachtree Parkway. The area directly behind the building is a large detention pond serving a residential street. To the north of the building but at some distance from the building is a residence. This property is well buffered from the residential uses.

The applicant, Alberto L. Bazan, desires to purchase the building and use the lower floor for a veterinary clinic. While the Gwinnett County C-2 zoning district, as well as the newly adopted Peachtree Corners Zoning Resolution, allows for veterinary clinics in the C-2 zoning. However, in both the original zoning in 1993, and in the approval of a change in conditions for the McDonald's in 1996, Condition 1 (A) excludes "animal hospital and veterinary clinics" from the permitted uses in the development. It is believed, and the 1993 and 1996 resolutions reflect, that many C-2 uses were excluded in order to make more specific what would be placed on the property as it was first being developed.

Mr. Bazan simply wants to change the condition to permit an animal hospital and veterinary clinic to be constructed within the existing office building on the first floor. It would take up the entire first floor. Essentially, he wishes to create a "doctor's office" for pets. It would have upscale facilities including a waiting area, examination rooms, a surgical room, an intensive care facility, and would allow overnight boarding for animals recovering from surgery

January 7, 2013

Page 2

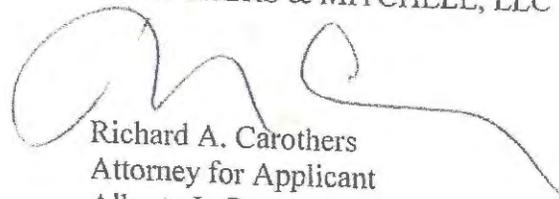
or to provide overnight boarding for family pets. Mr. Bazan is familiar with the "Loving Hands" veterinary clinic in Alpharetta, and intends to model his establishment similar to that facility. It is important to note that there will be no outdoor runs or structures connected with the clinic. All exercise areas will be located within the existing building. Moreover, Mr. Bazan intends to add soundproofing insulation to the building.

Additionally, it is important to note that Mr. Bazan and his family have longstanding vested interests in the City of Peachtree Corners. He and his father operate two manufacturing facilities in Norcross and Peachtree Corners. Mr. Bazan's sister, Paola Steyling, Doctor of Veterinary Medicine, will operate the proposed facility and be one of the primary veterinarians. Mr. Bazan is a longstanding resident of Peachtree Corners and both he and his sister live in Wellington Lakes. He attended Norcross High School. For all of these reasons, he wanted to purchase this particular building and locate the veterinary clinic there. A review of the area also shows that there is a need for a veterinary clinic to serve this area.

If there is any further information that is needed in support of this requested change in condition, we would be pleased to provide it.

Very truly yours,

CAROTHERS & MITCHELL, LLC



Richard A. Carothers
Attorney for Applicant
Alberto L. Bazan

RAC:jkc

CHANGE IN CONDITIONS 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.

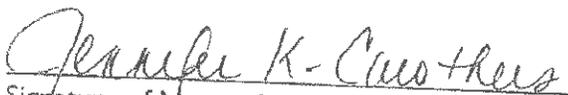


Signature of Applicant 1-6-13

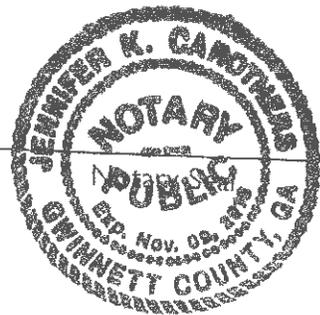
Date

Albert Bazan, Applicant

Type or Print Name and Title

 1-6-13

Signature of Notary Public Date



CHANGE IN CONDITIONS PROPERTY OWNER'S CERTIFICATION

THE UNDERSIGNED BELOW, OR AS ATTACHED, IS THE OWNER OF THE PROPERTY CONSIDERED IN 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.

WILLFORD CORPORATION

BY: *Robert L. Stedeford* 1-4-13
Signature of Property Owner Date

Robert L. Stedeford, Owner and CFO
Type or Print Name and Title

Jennifer Cawthra 1-4-13
Signature of Notary Public Date

