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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

March 19, 2013

COUNCIL AGENDA

7:00 PM

PEACHTREE CORNERS CITY HALL

147 TECHNOLOGY PARKWAY, PEACHTREE CORNERS, GA 30092

A) CALL TO ORDER

B) ROLL CALL

C) PLEDGE OF ALLEGIANCE

D) MAYOR'S OPENING REMARKS

E) CONSIDERATION OF MINUTES – March 5, 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

J) OLD BUSINESS

- 1. O2013-03-09** **SECOND 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 within district 6, land lot 250, parcel 072; 2700 block of Amwiler Road; 5.71 acres.
- 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. (Deferred from 3/5/13)

CITY OF PEACHTREE CORNERS
COUNCIL MEETING
March 5, 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 15, 18, 19, 22, 26 & 27, 2013 COUNCIL MEETING.

By: Council Member Gratwick

Seconded by: Council Member Christopher

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

PUBLIC COMMENT: Ms. Mim Harris expressed her disappointment with the Council and the Mayor concerning Ordinance 2013-02-08.

Ms. Ali Stinson expressed her concern with the Mayor and Council approving Ordinance 2013-02-08.

REPORTS and PRESENTATIONS: Community Development Director, Diana Wheeler, provided her report on staff activities that occurred during February 18, 2013 through March 1, 2013. Ms. Wheeler introduced Ms. Crystal Jackson of

DRAFT COPY

the Atlanta Regional Commission. Ms. Jackson explained the benefits of the Commission's Green Community Program, and presented details on how to become a Certified Green Community.

Mr. Julian Jackson, City Manager, informed the Council that they will need to set aside some time at the end of March or beginning of April to discuss their intensions for the 2014 SPLOST.

OLD BUSINESS:

O2013-02-07

Second 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.

MOTION TO APPROVE O2013-02-07.

By: Council Member Lowe

Seconded by: Council Member Christopher

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

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.

MOTION TO TABLE O2013-02-08.

By: Council Member Wright

Seconded by: Council Member Christopher

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

NEW BUSINESS:

O213-03-09

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 205, Parcel 072; 2700 Block of Amwiler Road; 5.71 acres.
(No Action Taken)

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.

MOTION TO APPROVE R2013-03-07.

By: Council Member Lowe

Seconded by: Council Member Christopher

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

ADJOURNMENT:

MOTION TO ADJOURN.

By: Council Member Wright

Seconded by: Council Member Sadd

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

Approved,

Attest:

Mike Mason, Mayor

Kymberly Chereck, City Clerk

(Seal)



Memo

TO: Mayor and Council

CC: Julian Jackson, City Manager

FROM: Diana Wheeler, Community Development Director

SUBJECT: Staff Activity Report

The following is a summary of Staff activity during the period of 3/4/13 – 3/15/13.

- A. Meetings with:
1. Comprehensive Plan consultants to coordinate location for upcoming meetings and review presentations.
 2. Gwinnett's Redevelopment Task Force to learn about upcoming projects in other communities.
 3. Property owners to discuss development plans.

B. Reviewed Code Enforcement cases and assessed strategies for compliance.

C. Held Planning Commission meeting. One item was on the agenda for consideration, a request for a veterinary clinic at 4989 Peachtree Parkway. That item is scheduled to have its City Council public hearing on April 2nd.

D. Prepared zoning case Ordinances for upcoming meetings.

E. Responded to phone calls and e-mails from residents, business people, and others.

Processed the following permit applications:

1. 3/5/2013 ADEPT SIGN I & S / 5065 BUFORD HWY STE 200-600 / PERMANENT SIGN
2. 3/5/2013 KESGO AUTO RENTAL,LLC / 6961 PEACHTREE IND BLVD STE 102E / CERTIFICATE OF OCCUPANCY
3. 3/5/2013 NWS 6386 CORLEY RD / RACKING SYSTEM
4. 3/5/2013 PEACHTREE ENVIRONMENTAL / 3000 NORTHWOODS PKWY / INTERIOR FINISH
5. 3/5/2013 IDEALEASE / 4571 BUFORD HWY / ADDITION
6. 3/6/2013 DAN BARRETT / 5804 PRO DRIVE / SHED
7. 3/6/2013 VEVANDA ESTATES APTS / 6516 SPALDING DRIVE / TEMPORARY SIGN
8. 3/6/2013 VEVANDA KNOLLS APTS / 3605 HOLCOMB BRIDGE ROAD / TEMPORARY SIGN
9. 3/7/2013 ULTA / 5165 PEACHTREE PKWY STE 440 / PERMANENT SIGN
10. 3/7/2013 ULTA 5165 PEACHTREE PKWY STE 440 / PERMANENT SIGN

11. 3/7/2013 MICHAEL & KIM JANIS / 4005 KINGS PADDOCK CT / PORCH
12. 3/7/2013 IVIS / 30 TECHNOLOGY PKWY SOUTH / MECHANICAL
13. 3/7/2013 B.H. PAYNE / 3000 NORTHWOODS PKWY/ PARTIAL DEMO
14. 3/8/2013 5075 PEACHTREE PKWY #103 / ELECTRICAL UPGRADE
15. 3/11/2013 ARVEE INC, DBA TEAMLOGIC / 5664 PEACHTREE PKWY STE R-1 / CERTIFICATE OF OCCUPANCY
16. 3/11/2013 CHARLES & DIANNA MASSEY / 4251 GUNNIN RD / WATER HEATER ONLY
17. 3/12/2013 ADCOM / 3105 NORTHWOODS PLACE / CERTIFICATE OF OCCUPANCY
18. 3/12/2013 GAME STOP / 5161 PEACHTREE PKWY #4797 / INTERIOR FINISH

Received one Land Disturbance permit application:

1. Stockpile dirt on 1ac. at Peachtree Corners Circle near Medlock Bridge Road.

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.

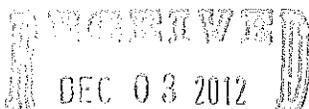
H. This approval shall sunset after 24 months at which time the applicant may reapply.

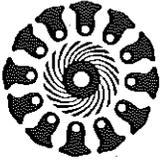
CHANGE IN CONDITIONS APPLICANT'S RESPONSE
STANDARDS GOVERNING THE EXERCISE OF THE ZONING POWER

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 Lasseeter, 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.

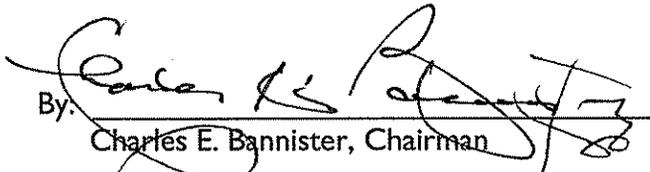
- H. This special use permit is conditioned to allow only one shredder to be operated at this facility. Any change in the buildings as shown on the site plan are subject to site plan review by the Director of Planning. This condition does not restrict the applicant from making changes to its production 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

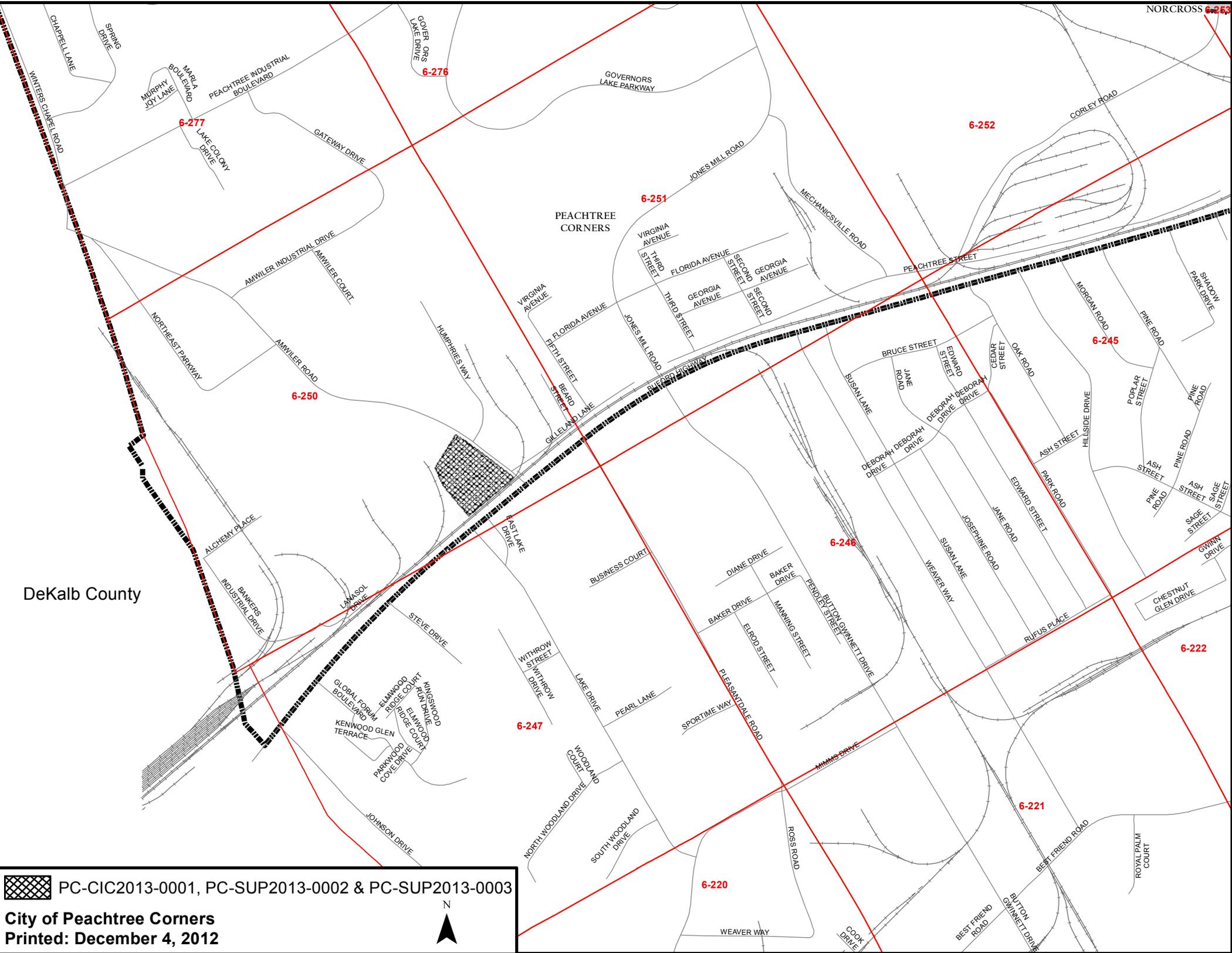
By: 
Charles E. Bannister, Chairman

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





HUMPHREES WAY

AMMLER ROAD

CILELAND LANE

BUFORD HWY

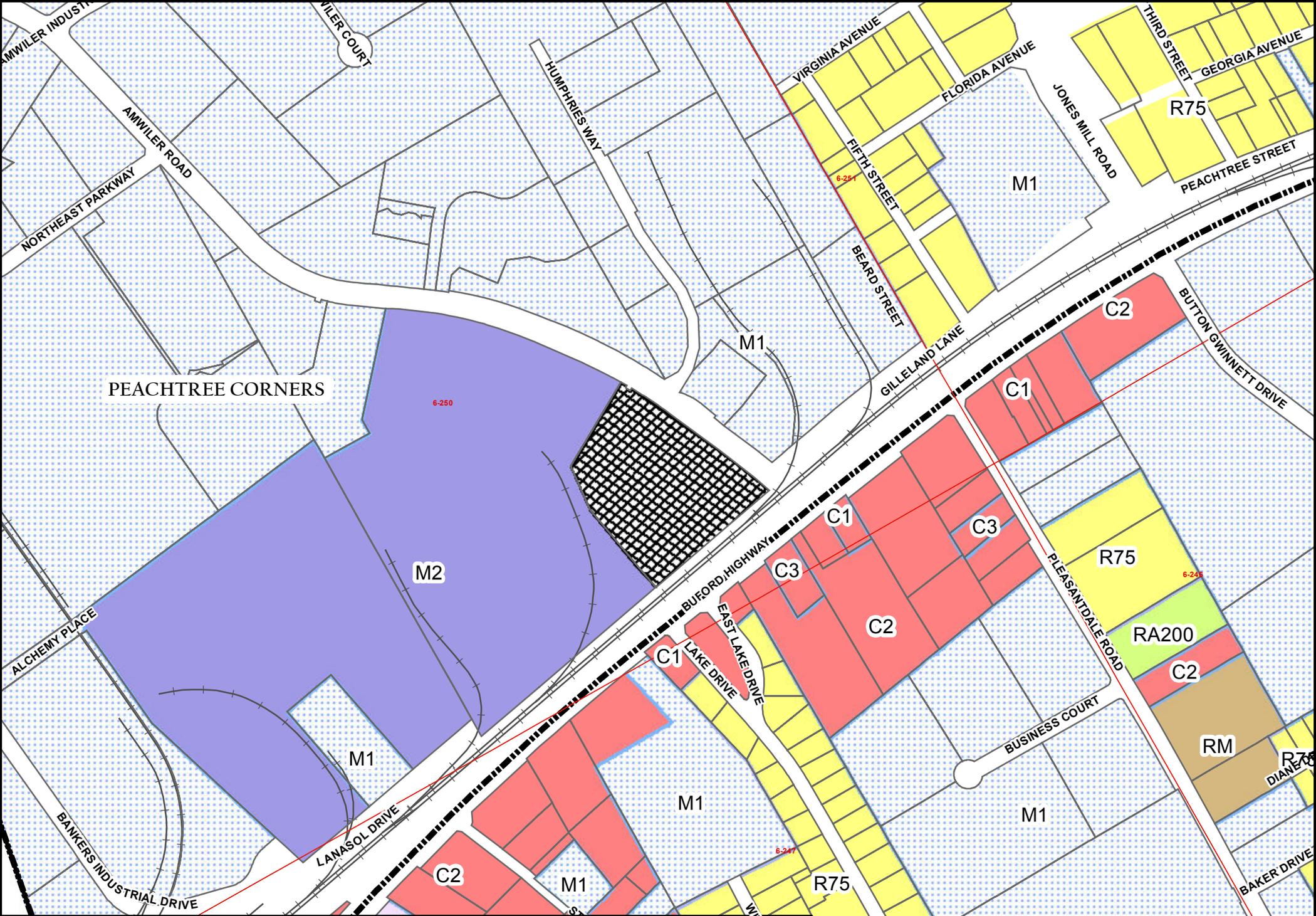
EAST LAKE DRIVE

 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

MUR



ALCHEMY PLACE
 BANKERS INDUSTRIAL DRIVE
 LANASOL DRIVE
 STEVEN DRIVE
 WITHROW DRIVE
 WITHROW STREET
 BUSINESS COURT
 PLEASANTDALE ROAD
 BUTTON GWINNETT DRIVE
 PEACHTREE STREET
 GEORGIA AVENUE
 THIRD STREET
 JONES MILL ROAD
 FLORIDA AVENUE
 VIRGINIA AVENUE
 BEARD STREET
 GILLELAND LANE
 HUNPHRIES WAY
 AWWILER ROAD
 NORTHEAST PARKWAY
 AWWILER INDUSTRIAL DRIVE
 WILER COURT
 DIANE DRIVE
 BAKER DRIVE
 KINGWOOD SUN DRIVE
 GLOBE FORUM

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)

**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)



Mike Mason, Mayor

Phil Sadd - Post 1, Council Member
Alex Wright - Post 3, Council Member
Lorri Christopher - Post 5, Council Member

James Lowe - Post 2, Council Member
Jeanne Aulbach - Post 4, Council Member
Weare Gratwick - Post 6, Council Member

To: Mayor and City Council
Cc: Julian Jackson, City Manager
From: Diana Wheeler, Community Development Director
Date: March 19, 2013 City Council Meeting

Agenda Item: APH 2013-03-001- Approval of Alcoholic Beverage License Application Peachtree Growler Co, LLC at 5450 Peachtree Pkwy Ste 2D Peachtree Corners, GA 30092. Applicant is Steven Hamlet for a Retail/Package Malt Beverage License.

Staff Recommendation:

Approve the application for Retail/Package of Malt Beverage for Peachtree Growler Co, LLC at 5450 Peachtree Pkwy Ste 2D Peachtree Corners, GA 30092, Peachtree Corners, GA 30092.

Background:

Applicant submitted a completed application on January 24, 2013. Required advertising for the application will be accomplished in the legal organ of the City on March 8th and March 15th, applicant has passed the background investigation and meets all requirements.

Discussion:

New Business
Staff has reviewed this application and recommends approval.

Alternatives:

None

**CITY OF PEACHTREE CORNERS
COMMUNITY DEVELOPMENT DEPARTMENT**

WAIVER

CASE NUMBER(S) : **W2013-0001**
WAIVER REQUEST : ALLOW RESIDENTIAL SUBDIVISION
DEVELOPMENT TO BE GATED WITH
PRIVATE STREETS AND PRIVATE
DRAINAGE SYSTEM
ORDINANCE : DEVELOPMENT REGULATIONS
PROPOSED DEVELOPMENT : SINGLE-FAMILY SUBDIVISION
PROJECT NAME : PEACHTHREE RESERVE
MAP NUMBER : R6300 007A, R6300 009 & R6300 449
ZONING : R-100MOD
LOCATION : 4885 BUSH ROAD

APPLICANT: HOLT PERSINGER
533 ROSEWOOD CIRCLE
WINDER, GA 30680

CONTACT: HOLT PERSINGER
EMAIL: holt@ridgelineplanning.com
PHONE: 678.618.2037

OWNER: RELIANCE DEVELOPMENT COMPANY, LLC
355 BROGDON ROAD, STE. 211
SUWANEE, GA 30024

I. SUMMARY

This application concerns a request to allow a 16 lot subdivision at 4885 Bush Road to be gated. Gating a subdivision requires a waiver from the following provisions of Peachtree Corners Development Regulations:

Article 5, Sec. 5.4.1 stipulates that, "...improvements and associated lands shall be provided at no cost to Peachtree Corners, and shall be dedicated or otherwise transferred, as required, to the public in perpetuity..."

Article 6, Sec. 6.2.1 states that, "Right-of-Way for all Project Public streets, existing and proposed, shall be dedicated in accordance with the street classifications as shown on the Long-Range Road Classification Map of the Comprehensive Plan."

If the installation of a gate is approved at the entrance to a subdivision, then all the improvements within the right-of-way of that subdivision, (streets, street lights,

landscaping, and drainage), would not be dedicated to the public and would remain private. This means that the property owners of that subdivision (through their Homeowners' Association) would be responsible for the maintenance and financial obligations of the private streets, drainage and all the other improvements in the subdivision's right-of-ways. Homeowners would be advised of this obligation through their HOA documents.

This is not an unprecedented request as evidenced by the number of gated subdivisions that are currently in existence. In fact, a subdivision gate is often considered more of a neighborhood amenity, (like a swimming pool or tennis court), than a security device. Gated entries often suggest neighborhood exclusivity, not a concern about crime. As long as the subdivision HOA budgets properly to accrue reserves for facility maintenance, there should be no long-term liability on the City's part.

II. ACTION

If a waiver to allow a gated subdivision is considered, the following conditions are recommended:

- 1. ALL INTERIOR STREETS SHALL BE CONSTRUCTED TO PUBLIC STREET STANDARDS OR AS APPROVED BY MODIFICATIONS. ALL INTERIOR STREETS SHALL BE IDENTIFIED AS 50-FT WIDE EASEMENTS OWNED AND MAINTAINED BY THE PROPERTY OWNERS' ASSOCIATION. STREETS SHALL BE INSPECTED AS PUBLIC STREETS. FINAL PLAT SHALL NOT BE RECORDED PRIOR TO THE APPROVAL OF THIS WAIVER.**
- 2. FOR SETBACK PURPOSES, FRONT SETBACKS SHALL BE MEASURED AS IF THE STREETS WERE PUBLIC STREETS, OR AS APPROVED BY INDIVIDUAL VARIANCES.**
- 3. THE DEVELOPER SHALL ESTABLISH A MANDATORY PROPERTY OWNERS ASSOCIATION, WITH BY-LAWS WHICH SHALL INCLUDE THE FOLLOWING:**
 - a. AUTOMATIC (MANDATORY) MEMBERSHIP OF ALL PURCHASERS OF LOTS THEREIN AND THEIR SUCCESSORS.**
 - b. RESPONSIBILITY FOR MAINTENANCE, INSURANCE AND TAXES.**
 - c. EQUITABLE SHARING OF THE COST OF MAINTENANCE WITH SHARES DEFINED BY THE ASSOCIATION BY-LAWS.**
 - d. AUTHORITY TO PLACE LIENS ON THE REAL PROPERTY OF MEMBERS WHO FAIL TO PAY THEIR DUES OR ASSESSMENTS.**
- 4. DEVELOPER SHALL COMPLY WITH THE DEPARTMENT OF WATER RESOURCES STANDARD PROPOSAL FOR THE INSTALLATION OF WATER AND SANITARY SEWER MAINS WITHIN PRIVATE DEVELOPMENTS AND SUBDIVISIONS.**

5. DEVELOPER SHALL COMPLY WITH THE DEPARTMENT OF EMERGENCY SERVICES GENERAL ORDER FOR SECURITY GATE ACCESS.
6. ANY GUARDHOUSE/GATEHOUSE SHALL MEET REQUIREMENTS AS ESTABLISHED IN THE DEVELOPMENT REGULATIONS. THE GATED ENTRANCE MUST BE INSTALLED AND OPERATIONAL PRIOR TO THE RECORDING OF THE FINAL PLAT.
7. THE DRAINAGE SYSTEM SHALL BE DESIGNED TO THE FINAL APPROVAL OF THE DIRECTOR OF COMMUNITY DEVELOPMENT AND CONSTRUCTED IN ACCORDANCE WITH THE DEVELOPMENT REGULATIONS. THE BY-LAWS OF THE PROPERTY OWNERS ASSOCIATION SHALL SPECIFY THAT THE MAINTENANCE OF THE DRAINAGE SYSTEM, INCLUDING DETENTION FACILITIES, IS THE RESPONSIBILITY OF THE PROPERTY OWNERS ASSOCIATION, WHICH SHALL INCLUDE, BUT NOT BE LIMITED TO, INVESTIGATION OF COMPLAINTS ABOUT THE SYSTEM AND REPAIR AND CONSTRUCTION OF THE DRAINAGE SYSTEM.

**AN ORDINANCE TO AMEND THE CITY OF PEACHTREE CORNERS ZONING MAP
BY MODIFYING ZONING CONDITIONS IN ORDER TO ACCOMMODATE A
VETERINARY CLINIC AT 4989 PEACHTREE PARKWAY IN LAND LOT 256,
PARCEL 124 OF DISTRICT 6 (1.89 ACRES) PURSUANT TO CASE CIC 2013-0002.**

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

WHEREAS: A Public Hearing was held by the Mayor and City Council of Peachtree Corners on April 2, 2013;

NOW THEREFORE, The Mayor and City Council of the City of Peachtree Corners while in Regular Session on April 2, 2013 hereby ordains and approves the Zoning Case CIC 2013-0002 of this said property to modify the requirements and conditions with the following enumerated conditions:

Approval of a C-2 change in conditions, subject to the following enumerated conditions:

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

A. All uses and special uses permitted within the C-1 zoning district. All uses permitted within the C-2 zoning district, except for the following: 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-I) 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.

So effective this _____ day of April, 2013.

Approved by:

Attest:

Mike Mason, Mayor

Kym Chereck, City Clerk

**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 I.A. of RZ-96-134, which currently states:

I.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 offices 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, itself, and restrictions on use of the outdoor space. Those types of conditions would likely resolve any potential issues between the veterinary use and the adjacent residential subdivision.

However, the configuration of the office building and the fact the second floor is fully occupied with tenants makes the incompatibility between uses, in this case, 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 the sound of dogs barking, for example, as they conducted their business. 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.

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 the uses which could not be easily overcome.

Therefore, 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 is considered, the following changes in conditions are suggested:
(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-I) 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 PRIORITY 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 ²McDonald's.

LEGAL DESCRIPTION

All that tract or parcel of land lying and being in Land Lot 318 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 (a/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 (60-foot right-of-way); proceeding thence northeasterly along said northwesterly right-of-way line, a distance of 1,338.97 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 09 seconds east, a distance of 212.00 feet to a point; proceeding thence north 55 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 169.00 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 09 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 thereto 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.

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

RICHARD A. CAROTHERS (GA & OH)
THOMAS M. MITCHELL
REGINA BENTON REID
E. RONALD BENNETT, JR.
PETER C. BROWN
AMY B. COWAN
ANGELA COUCH NGUYEN

1809 BUFORD HIGHWAY
BUFORD, GEORGIA 30518

TELEPHONE (770) 932-3552
FACSIMILE (770) 932-6348
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

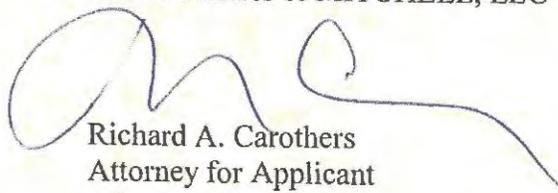
or to provide overnight boarding for family pets. Mr. Bazan is familiar with the "Loving Hands" veterinary clinic in Alpharetta, and intends to model his establishment similar to that facility. It is important to note that there will be no outdoor runs or structures connected with the clinic. All exercise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

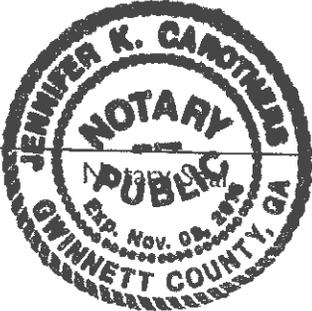
CHANGE IN CONDITIONS APPLICANT'S CERTIFICATION

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.

[Handwritten Signature] _____ *1-6-13* _____
Signature of Applicant Date

Alberto Bazan, Applicant _____
Type or Print Name and Title

Jennifer K. Cawthra _____ *1-6-13* _____
Signature of Notary Public Date



CHANGE IN CONDITIONS PROPERTY OWNER'S CERTIFICATION

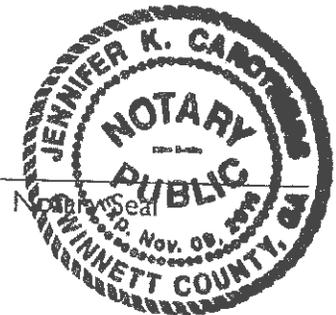
THE UNDERSIGNED BELOW, OR AS ATTACHED, IS THE OWNER OF THE PROPERTY CONSIDERED IN THIS APPLICATION. THE UNDERSIGNED IS AWARE THAT NO APPLICATION OR REAPPLICATION AFFECTING THE SAME LAND SHALL BE ACTED UPON WITHIN 12 MONTHS FROM THE DATE OF LAST ACTION BY THE BOARD OF COMMISSIONERS UNLESS WAIVED BY THE 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



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 Willis, Post C
Italia Metts, Post E

Staff: Diana Wheeler, Community Development Director
Kym Chereck, City Clerk

PLEDGE OF ALLEGIANCE: Commissioner Metts led the Pledge of Allegiance.

MINUTES:

MOTION TO APPROVE THE MINUTES FROM THE FEBRUARY 12, 2013 PLANNING COMMISSION MEETINGS.

By: Alan Kaplan

Seconded by: Italia Metts

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

NEW BUSINESS:

1. CIC2013 - 00002 - APPLICANT: ALBERTO L. BAZAN; OWNER: WILLFORD CORPORATION.

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; District 6, Land Lot 318; 1.51 acres.

Diana Wheeler presented the case to the Commission. Mrs. Wheeler provided background information regarding the applicant's request and the proposed project. The applicant is requesting a change in conditions in order to allow a veterinary clinic as an office building tenant. This property was subject to conditions of a rezoning case in 1996. One of the conditions states that a veterinary clinic is not permitted at this location. A list of the existing conditions was available in the Planning Commission packet. A site plan was provided to the Board. This site is immediately adjacent to a residential

subdivision. Mrs. Wheeler stated that the applicant informed Staff that they would sound proof the first floor of the building to ensure that there would be no issue with noise from the clinic. Mrs. Wheeler stated that when reviewing this application she tried to determine a reason why the veterinary clinic was specifically excluded in the previous zoning case and, determined that it is possible that there was a concern due to incompatibility of a veterinary use and an office use. Mrs. Wheeler stated that the professionals on the second floor would be sharing an elevator lobby with the veterinary clinic located on the first floor. After review, Staff recommended denial of the application.

Mr. Richard Carothers, presented his cases to the Commission and noted that the applicant, Mr. Alberto Bazan, will be purchasing the building, but will not purchase it without this condition (veterinary clinic) being added. Mr. Bazan stated that he and his sister will be opening the veterinary clinic and ensured that all dog runs will be placed inside the building. Mr. Carothers stated that Mr. Bazan is willing to add a condition stating that *the second floor of the building shall not be used for office space except those connected with the veterinary clinic and office uses related to the Bazan family businesses which are not otherwise prohibited by the conditions.* Mr. Carothers stated that the applicant would like to eventually have a 24/7 veterinary use with all levels of care being offer to pets.

Chairman Houser asked for public comments concerning this application.

Mr. Gray Terry representing the United Peachtree Corners Civic Association, expressed concern for the residents of Wellington Lakes regarding the negative impact to their business and residential investment should this application be approved. (A written statement was read into the minutes and is available in the public hearing file.)

Mr. Wayne Goring of 4960 Avala Park Lane, stated that he is opposed to the application and expressed concern with, among other things, the noise from the veterinary clinic and also the runoff from the site into the neighboring retention pond.

A gentleman stating that his house is located closest to the site stated that he is opposed to the application and expressed concerned with, among other things, the medical waste coming from this site.

Mr. Kevin Hallam of 4974 Young Arthur Terrace, stated that he is opposed to the application and expressed concern with the noise and smell from the proposed veterinary clinic. Mr. Hallam stated that he is a resident of Wellington Lakes and also has an office located within the proposed site.

Ms. Erin Rhatigan of 4970 Avala Park Lane, stated that she is opposed to the application and explained the close proximity of the proposed veterinary clinic to her neighborhood.

Mr. Wayne Woodring of 4114 Nobleman Point, stated that he is opposed the

application and expressed concern with the noise this veterinary clinic would produce.

Ms. Lisa Proctor of 4355 River Stream Circle, stated that she is a business owner who is located at the subject property. Ms. Proctor stated that she is opposed to the application due to the noise the proposed veterinary clinic would produce.

Mr. Robert Hilburn of 4527 Ridgeway Drive, stated that he is opposed to the application and expressed concern with depreciation of property values due to this application being approved.

Ms. Allison Reinert of 110 Colridge Court, stated that she is opposed to the application and expressed concern with the displacement of the existing business owners located at the subject property, and also the traffic this proposed business would create.

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 ON CIC2013-00002 TO DENY THE APPLICATION IN ACCORDANCE WITH STAFF RECOMMENDATION.

By: Matt Houser

Seconded by: Alan Kaplan

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

CITY BUSINESS:

Community Development Director Diana Wheeler stated that there will be an update on the Comprehensive Plan at the April 16, 2013 City Council Meeting. Mrs. Wheeler invited the Planning Commission and the Public to attend that meeting.

The Planning Commission meeting concluded at 8:12 PM.

Approved,

Attest:

Matt Houser, Chairman

Kym Chereck, City Clerk