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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

April 2, 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 19, 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. O-2013-03-10** Second Read and consideration of CIC2013-0002 for a change in condition to allow a veterinary clinic to be located within an office building at 4989 Peachtree Parkway.

K) NEW BUSINESS

- 1. R2013-04-08** A Resolution to partner with the Georgia Department of Revenue in an effort to ensure proper payment of sales tax.

L) EXECUTIVE SESSION

M) ADJOURNMENT

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

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

Mayor	Mike Mason
Council Member	Phil Sadd – Post 1
Council Member	James Lowe – Post 2 - absent
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: The Mayor reminded everyone about the Great American Cleanup, which will be held on April 20, 2013.

MINUTES:

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

By: Council Member Gratwick

Seconded by: Council Member Christopher

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

CONSIDERATION OF THE MEETING AGENDA:

MOTION TO AMEND THE AGENDA TO REMOVE 02013-02-08 FROM THE AGENDA.

By: Council Member Christopher

Seconded by: Council Member Aulbach

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

REPORTS and PRESENTATIONS: In the interest of time, the update from Diana Wheeler, Community Development Director, was available for review in the Council Packet.

OLD BUSINESS:

O213-03-09

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 for Newell Recycling of Gwinnett located within District 6, Land Lot 205, Parcel 072; 2700 Block of Amwiler Road; 5.71 acres.

Mrs. Diana Wheeler provided background information concerning the applicant's request and 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. A site plan was provided to the Council. There is only one access into the property. The auto salvage area is not visible from the road. Approval of this application would not set a precedent in this area. The Planning Commission reviewed this application at their February 12, 2013 meeting and recommended approval with conditions. The proposed conditions are provided in the Council packet and were briefly outlined by Mrs. Wheeler. Mrs. Wheeler informed Council that a condition added by the Planning Commission (H) stated that *this approval shall sunset after 24 months at which time the applicant may reapply.*

Mr. Bobby Triesch represented the applicant. Mr. Triesch gave a brief overview of Newell Recycling and the steps for decommissioning cars. Mr. Triesch stated that he is in agreement with all of the conditions with the exception of condition (H) stating that *this approval shall sunset after 24 months at which time the applicant may reapply.* Mr. Triesch stated that they are planning on starting construction immediately after this is approved.

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

After discussion it was determined that the application would be approved with the removal of condition (H).

MOTION TO APPROVE THE ORDINANCE WITH ALL THE CONDITIONS EXCEPT THE FINAL CONDITION (H), WHICH IS THE SUNSET CONDITION.

By: Council Member Sadd
Seconded by: Council Member Christopher
Vote: (6-0) (Sadd, Christopher, Mason, Wright, Aulbach, Gratwick)

NEW BUSINESS:

APH2013-03-001

Consideration of Alcoholic Beverage License Application for Peachtree Growler Co, LLC, located at 5450 Peachtree Pkwy , Suite 2D, Peachtree Corners, GA 30092. Applicant, Steven Hamlet, is requesting approval for a Retail/Package Malt Beverage License.

Mrs. Wheeler informed the Council that the applicant is proposing a Growler Store to be located within an existing shopping center. Mrs. Wheeler stated that the applicant has met all of the necessary requirements, and therefore, recommended approval of this application.

The applicant, Mr. Steven Hamlet, informed the Council that at this time he is only requesting a license for beer sales, and that he may return at a later date for a license for wine sales.

MOTION TO APPROVE APH2013-03-001.

By: Council Member Wright
Seconded by: Council Member Aulbach
Vote: (6-0) (Wright, Aulbach, Mason, Sadd, Christopher, Gratwick)

W2013-03-001

Consideration of a WAIVER from Development Regulations Article 5, Sec. 5.4.1 and Article 6, Sec. 6.2.1 to allow a gated subdivision and private streets for Peachtree Reserve, a new subdivision, located at 4885 Bush Road.

Mrs. Wheeler informed the Council that this request is for a 16 lot subdivision to have a gated entry located at the front of their neighborhood. This gate would be considered an amenity. Approval of this application would mean that all 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. As a result, 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. After review of the application, Staff recommended approval of this application with seven conditions. These conditions were listed in the Council packet. Council inquired if there would be a deceleration lane.

The applicant, Mr. Persinger, presented the Council with a conceptual site plan depicting a 200 foot deceleration lane with a 50 foot taper.

MOTION TO APPROVE W2013-03-001.

By: Council Member Christopher

Seconded by: Council Member Gratwick

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

O-2013-03-10

First Read and consideration of CIC2013-0002 for a change in condition to allow a veterinary clinic to be located within an office building at 4989 Peachtree Parkway. (No action was taken.)

ADJOURNMENT:

MOTION TO ADJOURN AT 7:40 PM.

By: Council Member Sadd

Seconded by: Council Member Gratwick

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

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 3/18/13 – 3/29/13.

- A. Meetings with:
1. Gwinnett Village CID to discuss SPLOST projects.
 2. Developer to discuss redevelopment opportunities in underperforming areas.
 3. Property owners to discuss development plans.
- B. Prepared preliminary work for Founders' Day Parade logistics committee.
- C. Prepared Proclamations for upcoming Council meeting.
- D. Prepared reports and documentation for April 9th Planning Commission meeting.
- E. Coordinated with Pond and Co. on upcoming stakeholder interviews and Comprehensive Plan Community Meetings: April 23rd, 7PM at Winters Chapel United Methodist Church and April 24th, 7PM at Norcross High School.
- E. Responded to phone calls and e-mails from residents, business people, and others.

Processed the following permit applications:

1. 3/18/2013 110-13 MAYFIELD AND POOLE HVAC; 3264 SPRING DRIVE; HVAC/REPLACEMENT
2. 3/18/2013 111-13 TPA REALTY SERVICES,LLC ;6025 THE CORNERS PKWY STE 207; INTERIOR FINISH
3. 3/18/2013 112-13 TPA REALTY SERVICES,LLC; 155 TECH PKWY SOUTH 400; INTERIOR FINISH
4. 3/18/2013 113-13 NWS/STRUCTURAL; 6386 CORLEY RD; RACKING SYSTEM
5. 3/18/2013 114-13 SPECTRUM GAS SOL.,LLC; 2800 AMWILER; GAS LINE METER
6. 3/19/2013 122-13 BRUNSWICK; 6345 SPALDING DRIVE; INTERIOR FINISH
7. 3/19/2013 115-13 ALLSTATE INSURANCE INC; 5672 PEACHTREE PKWY STE G; INTERIOR FINISH
8. 3/19/2013 116-13 FASTSIGN OF NORCROSS; 6275 CROOKED CREEK RD; SIGN
9. 3/19/2013 117-13 LA PETITE; 6275 CROOKED CREEK RD; GROUND POST FOR SIGN
10. 3/19/2013 118-13 ADEPT SIGN I & S; 5065 BUFORD HWY STE 200-600; PERMANENT SIGN
11. 3/20/2013 119-13 CONSULTANTS & BUILDERS,INC; 3100 MEDLOCK BRIDGE RD STE 420; CO
12. 3/21/2013 121-13 DECKSOUTH,INC; 5950 RACHEL RIDGE; DECK
13. 3/21/2013 123-13 EXTENDED STAY AMERICA; 7065 JIMMY CARTER BLVD; CO
14. 3/21/2013 124-13 R.S. ANDREWS; 4550 KINGS ABBOT WAY; HVAC/REPLACEMENT

15. 3/22/2013 125-13 GILCRAFT CONST.,CO.,INC; 4731 OUTER BANK DRIVE; ADDITION
16. 3/22/2013 126-13 SBA ATLANTA; 3100 MEDLOCK BRIDGE RD STE 350; INTERIOR FINISH
17. 3/22/2013 127-13 SBA ATLANTA; 3953 GLEN MEADOW DRIVE; INTERIOR FINISH
18. 3/25/2013 129-13 HOMEWOOD SUITES; 7049 JIMMY CARTER BLVD; CO
19. 3/25/2013 130-13 IVEY LANDSCAPE; 6978 LAKEVIEW LN; CO
20. 3/26/2013 131-13 FASTSIGN OF NORCROSS; 5250 TRIANGLE PKWY STE 100; PERMANENT SIGN
21. 3/12/2013 ADCOM / 3105 NORTHWOODS PLACE / CERTIFICATE OF OCCUPANCY
22. 3/12/2013 GAME STOP / 5161 PEACHTREE PKWY #4797 / INTERIOR FINISH
23. 3/11/2013 CHARLES&DIANNA MASSEY / 4251 GUNNIN RD / WATER HEATER ONLY

**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> ADDRESS: <u>4995 Riverlake Drive</u> CITY: <u>Duluth (Peachtree Corners)</u> STATE: <u>GA</u> ZIP: <u>30097</u> PHONE: <u>770/448-0583</u>	NAME: <u>Willford Corporation</u> ADDRESS: <u>3850 Peachtree Ind. Blvd.</u> CITY: <u>Duluth</u> STATE: <u>GA</u> ZIP: <u>30096-4847</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

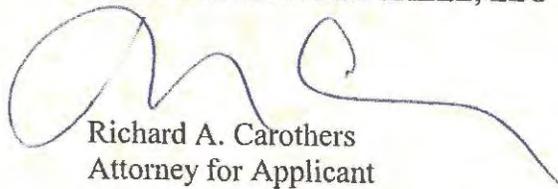
or to provide overnight boarding for family pets. Mr. Bazan is familiar with the "Loving Hands" veterinary clinic in Alpharetta, and intends to model his establishment similar to that facility. It is important to note that there will be no outdoor runs or structures connected with the clinic. All exercise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

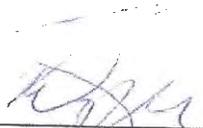
A handwritten signature in black ink, appearing to read "Richard A. Carothers", with a long, sweeping horizontal line extending to the right.

Richard A. Carothers
Attorney for Applicant
Alberto L. Bazan

RAC:jkc

CHANGE IN CONDITIONS APPLICANT'S CERTIFICATION

THE UNDERSIGNED BELOW IS AUTHORIZED TO MAKE THIS APPLICATION. THE UNDERSIGNED IS AWARE THAT NO APPLICATION OR REAPPLICATION AFFECTING THE SAME LAND SHALL BE ACTED UPON WITHIN 12 MONTHS FROM THE DATE OF LAST ACTION BY THE BOARD OF COMMISSIONERS UNLESS WAIVED BY THE BOARD OF COMMISSIONERS. IN NO CASE SHALL AN APPLICATION OR REAPPLICATION BE ACTED UPON IN LESS THAN SIX (6) MONTHS FROM THE DATE OF LAST ACTION BY THE BOARD OF COMMISSIONERS.

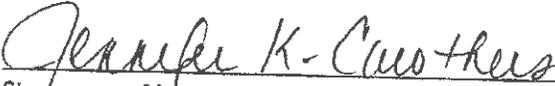


Signature of Applicant 1-6-13

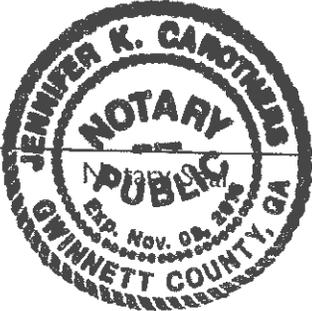
Date

Albert Bazan, Applicant

Type or Print Name and Title

 1-6-13

Signature of Notary Public Date



CHANGE IN CONDITIONS PROPERTY OWNER'S CERTIFICATION

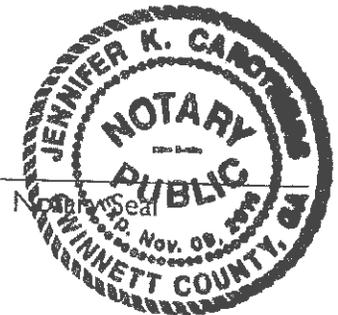
THE UNDERSIGNED BELOW, OR AS ATTACHED, IS THE OWNER OF THE PROPERTY CONSIDERED IN THIS APPLICATION. THE UNDERSIGNED IS AWARE THAT NO APPLICATION OR REAPPLICATION AFFECTING THE SAME LAND SHALL BE ACTED UPON WITHIN 12 MONTHS FROM THE DATE OF LAST ACTION BY THE BOARD OF COMMISSIONERS UNLESS WAIVED BY THE BOARD OF COMMISSIONERS. IN NO CASE SHALL AN APPLICATION OR REAPPLICATION BE ACTED UPON IN LESS THAN SIX (6) MONTHS FROM THE DATE OF LAST ACTION BY THE BOARD OF COMMISSIONERS.

WILLFORD CORPORATION

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

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

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



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

**RESOLUTION TO PARTNER WITH THE GEORGIA DEPARTMENT OF REVENUE
IN AN EFFORT TO ENSURE PROPER PAYMENT OF SALES TAX.**

WHEREAS, O.C.G.A § 48-13-20.1 provides for cities and counties that levy an occupational tax or regulatory fee under Title 48, Chapter 13, Article 1 of the Code of Georgia to collect and submit certain information to enable the Georgia Department of Revenue to ensure that businesses are properly compliant with state and local state tax laws; and

WHEREAS, in order to participate in this voluntary program, the governing authority of the city or county must adopt a resolution consenting to the applicability of O.C.G.A § 48-13-20.1; and

WHEREAS, the City of Peachtree Corners levies an occupation tax and/or regulatory fee under Title 48, Chapter 13, Article 1 of the Code of Georgia; and

WHEREAS, the Mayor and Council of the City of Peachtree Corners desire to have the City of Peachtree Corners participate in this voluntary program;

NOW, THEREFORE BE IT RESOLVED by the Mayor and Council that they hereby consent to the applicability of O.C.G.A § 48-13-20.1 and pursuant thereto the City of Peachtree Corners shall participate in the Georgia Department of Revenue's program to verify that businesses paying occupation taxes and regulatory fees are also paying their state and local sales tax.

BE IT FURTHER RESOLVED that, upon adoption of this Resolution, any person who performs and business, occupation or profession subject to an occupation tax or regulatory fee under Title 48, Chapter 13, Article 1 of the Code of Georgia is required to provide the City the following information when paying such occupation tax or regulatory fee:

- (a) The legal name of the business;
- (b) Any associated trade names for the business;
- (c) The mailing address for the business;
- (d) The actual physical address of each location of the business, if it is different than the mailing address;
- (e) The North American Industry Classification System Code (NAICS) applicable to such business; and
- (f) The sales and use tax identification number assigned to the business by the Georgia Department of Revenue, if the business is required by law to have such a number pursuant to Title 48, Chapter 8, Article 1, of the Code of Georgia.

BE IT FURTHER RESOLVED that the City shall provide written notice to all persons subject to the City occupation taxes or regulatory fees and that:

- (a) This information shall be provided to the Georgia Department of Revenue; and
- (b) If the person refuses or fails to provide the required information, the City shall notify the Georgia Department of Revenue of this fact.

BE IT FURTHER RESOLVED that, within thirty (30) days after receiving the payment of occupation taxes or regulatory fees, the City shall electronically submit the information received from each business to the Georgia Department of Revenue.

BE IT FURTHER RESOLVED that a copy of this executed Resolution shall be immediately transmitted to the Commissioner of the Georgia Department of Revenue.

RESOLVED, this the _____ day of _____, _____.

Attest:

Approved:

Kymberly Chereck, City Clerk

Mike Mason, Mayor