

CITY OF PEACHTREE CORNERS
PLANNING COMMISSION
APRIL 9, 2013

The City of Peachtree Corners held a meeting on Tuesday, April 9, 2103 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

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

MINUTES:

**MOTION TO APPROVE THE MINUTES FROM THE MARCH 12,
2013 PLANNING COMMISSION MEETING.**

By: Alan Kaplan

Seconded by: Matt Houser

Vote: Passed 3-0 (Kaplan, Houser, Middleton)

NEW BUSINESS:

1. SUP2013-00004

Request for a Special Use Permit to allow the addition of a crematory at Crowell Brothers Funeral Home, located at 5051 Peachtree Industrial Boulevard; 6th District, Land Lot 270; Parcel 31.

Diana Wheeler presented the case to the Commission. Mrs. Wheeler provided background information regarding the applicant's request. The applicant is requesting a crematory as an accessory use to their funeral home. The property is developed with a 10,665 square foot one-story, brick and stucco funeral home. The proposed 106 square-foot accessory crematory would be installed within the north end of the existing building, with no significant changes proposed to the building's footprint or exterior. The property is surrounded by a mix of residential, commercial, office and industrial uses. Staff researched the issue of crematory emissions and discovered that the data is somewhat inconclusive. Several in-depth research reports from educational sources and testing facilities indicate that the cremation process releases low amounts of vaporized mercury, dioxins, and particulate matter into the atmosphere. The amount of chemicals released is below government regulatory standards, so the emissions are not monitored or regulated by the EPA. Therefore, it appears that there is

insufficient information to gauge the long-term effects on health and air quality that may be attributed to crematory emissions. After review, Staff recommended denial of the application. Although, Staff did state that if approval of this application is considered, they would recommend the following conditions:

1. Limited to a funeral home, that may include an accessory crematory as a special use within the existing building.
2. No additional building square footage shall be permitted to accommodate the crematory, and the crematory may occupy no more than 110 square feet of building space within the existing funeral home.
3. Shall be limited to 1 (one) retort.
4. Use of crematory shall be limited to on-site customers only. No cremation services shall be provided for off-site funeral homes.
5. Chimney associated with the crematory shall be enclosed.
6. Abide by all appropriate state and federal rules and regulations required for the crematory. The cremation system shall be a "destruction and capture of emissions" type unit, and shall include opacity controls, Intuitive Logic Control systems and oxygen controls. The cremation system that is installed shall be subject to review and approval of the Director of Community Development.
7. Separate exterior ground or wall signage for the crematory use shall be prohibited.
8. Crematory shall have the same hours of operation as the funeral home. No after-hours use of the crematory shall be permitted.

Mr. Gerald Davidson, Esquire, represented the applicant. The applicant stated that there has been an increase in requests for cremation over the past year from 35% to 50%. Therefore, the applicant is requesting an onsite crematory to accommodate his customers. Currently the bodies are being transported off-site for cremation, which is a huge inconvenience and stressful for the families they serve. The applicant presented an emissions comparison depicting that a cremator has lower emission rates in some instances than a residential fireplace, diesel truck and restaurant cooking 100 hamburgers. The applicant stated that they are in agreement with Staff's recommended conditions with the exception of condition number two (2). The applicant stated that the actual unit is 110 square feet, and that they would need additional space in order to move around the unit.

Chairman Houser asked for public comment concerning this application. There were five neighboring residents who spoke during the public comment portion of the public hearing. The public comments were in opposition to the application and expressed concern with, among other things, perception the crematory would have on the area which would affect the economic impact of the surrounding neighborhoods, lack of regulations for the crematory, health issues with the amount of mercury and other metals emitted into the air, pollution, and the precedent approval of this application would have on the community.

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 THE SPECIAL USE PERMIT SUBJECT TO STAFF'S CONDITIONS WITH AN AMENDMENT TO CONDITION NUMBER TWO, TO READ THAT NO ADDITIONAL BUILDING SQUARE FOOTAGE SHALL BE PERMITTED TO ACCOMMODATE THE CREMATORY, AND THE CREMATORY UNIT SHALL OCCUPY NO MORE THAN 110 SQUARE FEET OF BUILDING SPACE WITHIN THE EXISTING FUNERAL HOME.

**By: Mark Middleton
Motion dies for lack of second.**

MOTION TO ACCEPT STAFF'S RECOMMENDATION TO DENY THE REQUEST.

**BY: ALAN KAPLAN
Seconded: Matt Houser
Vote: (2-1) (Kaplan, Houser) (Middleton opposed)**

2. SUP2013-00004

Request to remove the requirement for 24 ft. wide drive-thru lanes for a Chase Bank to be located in the 5200 Block of Peachtree Parkway (Corner of Peachtree Parkway and Peachtree Corners Circle); 6th District; Land Lot 301; Parcel 31.

Mr. Lee Tucker, Esquire, represented the applicant. The applicant stated that he is requesting the removal of the requirement for the 24 ft. wide drive-thru lane for Chase Bank. The applicant presented a site plan depicting the proposed change, and the conditions as prepared by Staff. The change to the condition as prepared by Staff, which the applicant has reviewed and is in approval of, is listed below.

Staff's recommendation: (Additions in **bold** / Deletions in ~~strikethrough~~)

Approval as C-2 (Change-in-Conditions), subject to the following enumerated conditions (copied and / or modified from CIC-08-021):

1. To restrict the use of the property as follows:
 - A. All uses and special uses permitted within the C-1 zoning district. All uses permitted within the C-2 zoning district, except for the following: animal hospitals or veterinary clinics; tattoo and piercing parlors, adult bookstores or entertainment, drive-thru fast food service, automotive car wash, automotive parts store; billboards (as provided in Section 1113.1); building, electrical or plumbing contractors; funeral homes or mausoleums; furniture rental establishments; convenience food stores with or without fuel pumps, emission inspection stations, equipment rental, hotels and motels, on-site laundry or dry cleaning establishments, self-service or coin operated laundries; liquor stores, mobile buildings, parking lots and garages, plant nursery sales facility, recreation facilities which exceed 3500 square feet (but may be up to 4000 square feet for a Spa Sydell type use), recovered materials processing facility, taxidermist, yard trimmings composting facility, clubs, lodges, fraternal institutions and meeting halls, caretaker or watchman quarters, auto body repair shops, auto repair shops or tire stores, automotive service stations with or without fuel pumps, building material sales with outdoor storage, contractors offices or the outside storage of equipment or materials, heavy equipment and farm equipment sales and service and truck rental, mini-warehouse storage facilities, mobile home or mobile building leasing or sales lots, taxi cab or limousine services and no outdoor storage of any type; pest control businesses; pet shops or grooming establishments; lounges; and any temporary uses.
 - B. This is a concept specific zoning. Project is to be generally developed as a forum/avenues style development and should include office elements similar in "look and feel" to the existing development immediately across Peachtree Parkway from this property and currently known as "The Forum", or as set forth in the elevations presented to the Board of Commissioners as prepared by Wakefield, Beasley & Associates and the site plan prepared by Wood & Partners, Inc. dated October 5, 2007. A forum/avenues type of development shall be defined as a retail development of small shops similar in design and concept to "The Forum". The landscape plan and architectural plans shall be submitted to the Gwinnett County Planning Commission and approved by the Director of Planning and Development prior to any permits being issued.
 - C. Drive-through businesses shall be prohibited, except for banks/financial institutions which may include a drive-through facility as an integrated part of the primary banking operation if the following provisions are met. Any such drive-through facility shall be structurally attached to the

bank/financial institution building. Any person-to-person communication shall be conducted only through a sealed (non-operable) window (which may include an associated bank deposit tray and/or tube) and speaker system. The volume control for the speaker system shall be set so that sound shall not be audible more than 10-feet from any such speaker. Any in-person “reach-through” opening and/or the passing of food through such opening shall be prohibited. To the extent that any allowed structure ceases to be used as a bank/financial institution, then the drive-through facility associated therewith shall be demolished.

- D. Abide by all requirements of Section 1315 (Activity Center/Corridor Overlay District).
- E. The dimensions of any bank/financial institution drive-through facility shall be constructed in general conformity with the site plan prepared by **LAI Engineering, dated January 9, 2012 for Chase Bank**. ~~Wakefield Beasley and Associates, dated October 17, 2008, and submitted for the record at the Planning Commission’s October 21, 2008 meeting. Specifically, the drive aisle width at the drive-through entrance and exit shall be a maximum width of 24 feet and shall taper in accordance with the configuration depicted in the aforementioned site plan.~~

2. To satisfy the following site development considerations:

- A. Provide a 50-foot wide natural buffer adjacent to residential zoning. The developer shall be allowed to grade 20-feet into the buffer in order to reduce/eliminate retaining walls in accordance with the three buffer plan drawings prepared by Bilson and Associates, dated September 9, 2008, and submitted for the record at the Planning Commission’s October 21, 2008 meeting. The graded area of the buffer shall be replanted in accordance with the buffer plan drawings with native Georgia trees including Tulip Poplar, Maple, Cryptomeria and Pine Trees in equal distribution to provide an effective visual screen. In no event will there be less than a 75-foot setback adjacent to the stream depicted on the site plan. The developer shall place the portion of the subject property within the stream buffer in a conservation easement.
- B. Provide bike racks within the development in accordance with the overlay standards.
- C. Provide internal access to any outparcel development. No direct access to Peachtree Parkway other than the shopping center entrance per Department of Transportation approval.
- D. Entrance/exits shall be allowed onto Peachtree Corners Circle per Department of Transportation approval.

- E. No billboards are permitted.
- F. Dumpsters shall be screened by an opaque decorative wall, at least six (6) feet in height, which will coordinate with the building architecture, and with a gated entry. Pick-up for dumpsters shall be limited to between the hours of 8:00 a.m. and 6:00 p.m.
- G. Buildings shall be finished with architectural treatments containing a mixture of glass, brick, stone and/or stucco. All sides shall have a 32-inch or greater water table of brick or stone, except where full length glass or doors are located. The elevations of the buildings shall be in general conformity with the materials presented to the Planning Commission at its October 16, 2007 meeting, and final plans will be submitted to the Planning Commission and approved by the Director of Planning and Development. All mechanical appurtenances and equipment and/or ductwork shall be screened from view. Screening shall coordinate with the building architecture.
- H. 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.
- I. Provide or relocate and reconstruct sidewalks, as required, a minimum of five feet in width adjacent to Peachtree Parkway (U.S. Hwy. 141) and Peachtree Corners Circle. Sidewalks may meander along these roads where feasible and per DOT approval. Provide internal sidewalks connecting office, retail, and outparcel development. Submit pedestrian access plan for review and approval of the Director of Planning and Development.
- J. Outdoor lighting shall be contained in cut-off type luminaries and shall be directed in toward the property so as not to reflect into adjacent properties nor to create a hazard for passing automobile traffic. Any lights located on the rear of the building must be directed downward.
- K. Multi-tenant buildings shall be limited to wall signage only. Project signage shall be limited to one monument sign per road frontage except for one subdivision entrance sign and one primary ground sign adjacent to Peachtree Parkway. Monument signs shall coordinate with building architecture.
- L. Any detention ponds shall be visibly screened with landscape plantings to be approved by the Director of Planning and Development.

- M. No outside speakers shall be allowed other than on a bank usage, if any, or a Muzak system may be allowed provided no shrill or excessive noise and vibrations, amplified live entertainers, outside paging systems, phone bells, or loudspeakers will be allowed. Any Muzak system shall have downward facing speakers and shall be inaudible ten feet from the speakers.
- N. Business hours are to be limited to Monday through Thursday from 7:00 a.m. to 12:00 midnight and Friday through Sunday from 7:00 a.m. to 2 a.m. Business hours for a coffee/bagel shop and any specialty gourmet food store(s) shall be 6:00 a.m. to 2 a.m. seven days a week.
- O. All food service facilities on the property, including outparcels, shall install odor scrubbers which remove 95% of cooking odors as determined by the Director of Planning and Development.
- P. Developer shall provide a temporary 20-foot natural buffer, except for utility crossings, along the right-of-way of Peachtree Parkway and Peachtree Corners Circle. Temporary buffer may be removed upon issuance of a building permit.
 - i.) Truck delivery shall be limited to the hours of 8:00 a.m. to 6:00 p.m.
 - ii.) No overnight parking or idling of delivery trucks shall be allowed.
- Q. Operation of parking lot cleaning machinery or other maintenance equipment that emits noise shall be limited to the hours of 8:00 a.m. to 9:30 p.m.
- R. Prior to any grading or clearing, all buffers shall be clearly marked with bright orange tree save fencing to insure that no improper or accidental buffer intrusions occur.

Chairman Houser opened the floor for public comment concerning this application. There was no public comment.

MOTION TO ACCEPT THE STAFF'S RECOMMENDATION IN REGARDS TO THIS MATTER.

By: Mark Middleton

Seconded: Matt Houser

Vote: (3-0) (Middleton, Houser, Kaplan)

3. SUP2013-00005

Request approval of building elevations pursuant to condition 2G of CIC-08-021 for a 6.37 acre retail center development located at 5242 Peachtree Parkway (Corner of Peachtree Parkway and Peachtree Corners Circle); 6th District; Land Lot 301; Parcel 31.

Diana Wheeler presented the case to the Commission. Mrs. Wheeler provided background information regarding the applicant's request. The subject property was approved pursuant to CIC-08-021 for commercial uses and to be developed in general conformity to the original approved concept plan or similar to a 'Forum/Avenue style' development. The approved conditions of zoning required implementation of a specific design concept for the proposed development. The applicant was required to submit final building elevations/plans for review and approval of the Planning Commission. The original approved concept elevations for the development consisted of Mediterranean architectural elements, and currently the applicant is submitting elevations that provide a different layout and building style. Proposed style elevations were presented to the Commission which depict characteristics similar to the 'Forum/Avenue style', but in a smaller scale. After review of the proposal, Staff recommended approval with the following conditions:

(Additions in **Bold**/Deletions in ~~strikethrough~~)

Approval of Special Use Permit(s) SUP2013-0005, subject to the following enumerated conditions (which are copied and / or modified as shown from CIC-08-021) :

1. To restrict the use of the property as follows:
 - A. All uses and special use permitted within the C-1 zoning district. All uses permitted within the C-2 zoning district, except for the following: animal hospitals or veterinary clinics; tattoo and piercing parlors; adult bookstores or entertainment; drive-thru fast food service; automotive car wash, automotive parts store; billboards (as provided in Section 1113.1); building, electrical or plumbing contractors; funeral homes or mausoleums; furniture rental establishments; convenience food stores with or without fuel pumps, emission inspection stations; equipment rental; hotels and motels; on-site laundry or dry cleaning establishments, self-service or coin operated laundries; liquor stores; mobile buildings, parking lots and garages; plant nursery sales facility; recreation facilities which exceeds 3500 square feet (but may be up to 4000 square feet for Spa Sydell type use); recovered materials processing facility, taxidermist, yard trimmings composting facility; clubs, lodges, fraternal institutions and meeting halls; caretaker or watchman

quarters; auto body repair shops, auto repair shops or tire stores, automotive service stations with or without fuel pumps; building material sales with outdoor storage, contractors offices or the outside storage of equipment or materials, heavy equipment and farm equipment sales and service and truck rental; mini-warehouse storage facilities; mobile home or mobile building leasing or sales lots, taxi cab or limousine services and no outdoor storage of any type; pest control businesses; pet shops or grooming establishments; lounges; and any temporary uses.

- B. This is a concept specific zoning. Project is to be generally developed as a forum/avenues style development and should include office elements similar in “look and feel” to the existing development immediately across Peachtree Parkway from this property and currently known as “The Forum”, or as set forth in the elevations ~~presented to the Board of Commissioners as prepared by Wakefield, Beasley & Associates and the site plan prepared by Haines Gipson & Associates Wood & Partners, Inc. dated October 5, 2007~~ **March 7, 2013**. A forum/avenues type of development shall be defined as a retail development of small shops similar in design and concept to “The Forum”. The landscape plan and architectural plans shall be submitted to the ~~Gwinnett County~~ Planning Commission and approved by the Director of Planning and Development prior to any permits being issued.
- C. Drive-through businesses shall be prohibited, except for banks/financial institutions which may include a drive-through facility as an integrated part of the primary banking operation if the following provisions are met. Any such drive-through facility shall be structurally attached to the bank/financial institution building. Any person-to-person communication shall be conducted only through a sealed (non-operable) window (which may include an associated bank deposit tray and/or tube) and speaker system. The volume control for the speaker system shall be set so that sound shall not be audible more than 10-feet from any such speaker. Any in-person “reach-through” opening and/or the passing of food through such opening shall be prohibited. To the extent that any allowed structure ceases to be used as a bank/financial institution, then the drive-through facility associated therewith shall be demolished.
- D. Abide by all requirements of Section 1315 (Activity Center/Corridor Overlay District).
- E. The dimensions of any bank/financial institution drive-through facility shall be constructed in general conformity with the site plan prepared by Wakefield, Beasley and Associates, dated October 17, 2008, and submitted for the record at the Planning Commission’s October 21, 2008 meeting. Specifically, the drive aisle width at the

drive-through entrance and exit shall be a maximum width of 24 feet and shall taper in accordance with the configuration depicted in the aforementioned site plan.

2. To satisfy the following site development considerations:
 - A. Provide a 50-foot wide natural buffer adjacent to residential zoning. The developer shall be allowed to grade 20-feet into the buffer in order to reduce/eliminate retaining walls in accordance with the three buffer plan drawings prepared by Bilson and Associates, dated September 9, 2008, and submitted for the record at the Planning Commission's October 21, 2008 meeting. The graded area of the buffer shall be replanted in accordance with the buffer plan drawings with native Georgia trees including Tulip Poplar, Maple, Cryptomeria and Pine Trees in equal distribution to provide an effective visual screen. In no event will there be less than a 75-foot setback adjacent to the stream depicted on the site plan. The developer shall place the portion of the subject property within the stream buffer in a conversation easement.
 - B. Provide bike racks within the development in accordance with the overlay standards.
 - C. Provide internal access to any outparcel development. No direct access to Peachtree Parkway other than the shopping center entrance per Department of Transportation approval.
 - D. Entrance/exits shall be allowed onto Peachtree Corners Circle per Department of Transportation approval.
 - E. No billboards are permitted.
 - F. Dumpsters shall be screened by an opaque decorative wall, at least six (6) feet in height, which will coordinate with the building architecture, and with a gated entry. Pick-up for dumpsters shall be limited to between the hours of 8:00 a.m. and 6:00 p.m.
 - G. Buildings shall be finished with architectural treatments containing a mixture of glass, brick, stone and/or stucco **comparable in design and appearance to 'The Forum'**. All sides shall have a 32-inch or greater water table of brick or stone, except where full length glass or doors are located. The elevations of the buildings shall be in general conformity with the ~~materials plans~~ **presented to and approved by** the Planning Commission at its **April 9, 2013 meeting**. ~~October 16, 2007 meeting, and final plans will be submitted to the Planning Commission and approved by the Director of Planning and Development.~~ All mechanical

appurtenances and equipment and/or ductwork shall be screened from view. Screening shall coordinate with the building architecture.

- H. **All buildings shall provide a variation in roof line similar to that of 'The Forum', which consists of a mixture of flat, pitched, pyramidal, conical, or mansard roof design. Corner/end unit towers shall incorporate a pyramidal or conical roof design consistent with a Forum style development.**
- I. **Architectural design elements such as dormer windows shall be incorporated into the building roof line for structures larger than 4,000 square feet.**
- J. **All street or walkway pavers internal to the development shall be of brick, stone, or paving material comparable in appearance and be limited to grey or natural-tone colors, which will coordinate with building architecture.**
- K. Provide landscaped islands through 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-foot of continuous bay length, or alternate plan as may be approved by the Community Development Director.
- L. Provide or relocate and reconstruct sidewalks, as required, a minimum of five feet in width adjacent to Peachtree Parkway (U.S. Hwy. 141) and Peachtree Corners Circle. Sidewalks may meander along these roads where feasible and per DOT approval. Provide internal sidewalks connecting office, retail, and outparcel development. Submit pedestrian access plan for review and approval of the Community Development Director.
- M. Outdoor lighting shall be contained in cut-off type luminaries and shall be directed in toward the property so as not to reflect into adjacent properties nor to create a hazard for passing automobile traffic. Any lights located on the rear of the building must be directed downward.
- N. Multi-tenant buildings shall be limited to wall signage only. Project signage shall be limited to one monument sign per road frontage except for one subdivision entrance sign and one primary ground sign adjacent to Peachtree Parkway. Monument signs shall coordinate with building architecture.
- O. Any detention ponds shall be visibly screened with landscape plantings to be approved by the Community Development Director.

- P. No outside speakers shall be allowed other than on a bank usage, if any, or a Muzak system may be allowed provided no shrill or excessive noise and vibrations, amplified live entertainers, outside paging systems, phone bells, or loudspeakers will be allowed. Any Muzak system shall have downward facing speakers and shall be inaudible ten feet from the speakers.
- Q. Business hours are to be limited to Monday through Thursday from 7:00 a.m. to 12:00 midnight and Friday through Sunday from 7:00 a.m. to 2:00 a.m. Business hours for a coffee/bagel shop and any specialty gourmet food store(s) shall be 6:00 a.m. to 2:00 a.m. seven days a week.
- R. All food service facilities on the property, including outparcels, shall install odor scrubbers which remove 95% of cooking odors as determined by the Community Development Director.
- S. Development shall provide a temporary 20-foot natural buffer, except for utility crossings, along the right-of-way of Peachtree Parkway and Peachtree Corners Circle. Temporary buffer may be removed upon issuance of a building permit.
 - I. Truck delivery shall be limited to the hours of 8:00 a.m. to 6:00 p.m.
 - II. No overnight parking or idling of delivery trucks shall be allowed.
- T. Operation of parking lot cleaning machinery or other maintenance equipment that emits noise shall be limited to the hours of 8:00 a.m. to 9:30 p.m.
- U. Prior to any grading or clearing, all buffers shall be clearly marked with bright orange tree save fencing to insure that no improper or accidental buffer intrusions occur.

Mr. Lee Tucker, Esquire, represented the applicant. The applicant informed the Commission that they are proposing the architecture to be compatible with "The Forum" but with its own distinction. The applicant stated that he is in agreement with Staff's conditions with the exception to conditions 2H & 2I. The applicant would like for condition 2H to read "*All buildings shall provide a variation in roof line similar to that of 'The Forum', which consists of a mixture of flat, pitched, pyramidal, conical or mansard roof design;* and for condition 2I to read "*Architectural design elements/architectural features shall be incorporated into the building roof line at least every 100 linear feet for structures larger than 4,000 square feet*".

Chairman Houser opened the floor for public comment concerning this application. There was no public comment.

MOTION TO RECOMMEND APPROVAL OF THE APPLICATION WITH STAFF RECOMMENDED CONDITIONS WITH THE FOLLOWING AMENDMENTS; TO STAFF RECOMMENDED CONDITION H, TO LEAVE THE LAST SENTENCE; TO MODIFY STAFF RECOMMENDED CONDITION I TO READ ARCHITECTURAL DESIGN ELEMENTS/ ARCHITECTURAL FEATURES SHALL BE INCORPORATED IN THE BUILDING ROOFLINE AT LEAST EVERY 100 LINEAR FEET FOR STRUCTURES LARGER THAN 4000 SQUARE FEET.

BY: Matt Houser

Seconded: Mark Middleton

Vote: (2-0-1) (Houser, Middleton) (Kaplan abstained)

CITY BUSINESS:

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 9:05 PM.

Approved,



Matt Houser, Chairman

Attest:



Kym Chereck, City Clerk