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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

May 7, 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 – April 16, 2013.

F) CONSIDERATION OF MEETING AGENDA

G) PUBLIC COMMENTS

H) CONSENT AGENDA - No Items

I) REPORTS AND PRESENTATIONS

1. **D. Wheeler** Update on Community Development Planning Issues

J) OLD BUSINESS

1. **O2013-04-11** SECOND READ and consideration of a 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 (case #SUP2013-00004).
2. **O2013-04-12** SECOND READ and consideration of a 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 (case# CIC 2013-00003).

3. **O2013-04-13** SECOND READ and consideration of an Ordinance of the City of Peachtree Corners, Georgia, adopting by reference, and amending certain portions of, the City of Peachtree Corners Code of Ordinances in order to establish a document entitled ‘The City of Peachtree Corners Chapter 42, Article V, Soil Erosion, Sedimentation and Pollution Control.’

4. **O2103-04-14** SECOND READ and consideration of an Ordinance to amend Chapter 6 (“alcoholic beverages”) of the Code of the City of Peachtree Corners, Georgia, to amend and provide certain definitions; to authorize certain types of establishments to sell beer and/or wine; to authorize wine tastings and malt beverage tastings; to authorize use of growlers for certain package malt beverage licensees; and for other purposes.

K) NEW BUSINESS

1. **O2013-05-15** FIRST READ and consideration of an Ordinance to adopt and approve Chapter 106, taxes, providing for inclusion and identification in the Code of Ordinances for the City of Peachtree Corners, Georgia to be referenced in the future as Chapter 106 (taxes) as attached hereto and incorporated herein.

2. **ACTION ITEM** RFP Audit Services: Selection of Audit Firm

L) EXECUTIVE SESSION

M) ADJOURNMENT

CITY OF PEACHTREE CORNERS
COUNCIL MEETING
April 16, 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	Leonid Felgin
City Attorney	Scott Robichaux
City Manager	Julian Jackson
City Clerk	Kym Chereck
Director, Com. Dev.	Diana Wheeler

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 APRIL 2, 2013 COUNCIL MEETING.

By: Council Member Aulbach

Seconded by: Council Member Christopher

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

CONSIDERATION OF THE MEETING AGENDA:

MOTION TO AMEND THE AGENDA TO DISCUSS A DOWNTOWN DEVELOPMENT RESOLUTION.

By: Council Member Lowe

Seconded by: Council Member Sadd

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

PUBLIC COMMENT: Mr. Al Karnitz of 4930 Buford Highway, President of Ace Truck Body and Trailer Repair, informed the Council that his business is located in the City of Norcross, but that he received a letter from Republic Garbage Collection which stated he is located in the City of Peachtree Corners and, that his garbage removal rate had increased. Mr. Karnitz requested that the City notify the adjacent business to him to let them know that they are not located in the City of Peachtree Corners, and that they do not need to pay the increased rate. Mayor Mason requested that Mr. Karnitz notify the City Manager, Mr. Julian Jackson, and that he would take care of the situation.

REPORTS and PRESENTATIONS:

P2013-04-01

A Proclamation of the City of Peachtree Corners, Georgia recognizing the Peachtree Corners Festival Committee and thanking them for their volunteer efforts on behalf of the Community.

Mayor Mason presented a Proclamation of the City of Peachtree Corners, Georgia recognizing the Peachtree Corners Festival Committee and thanking them for their volunteer efforts on behalf of the Community.

P2013-04-02

A Proclamation of the City of Peachtree Corners, Georgia recognizing the contributions of the United Peachtree Corners Civic Association (UPCCA) to the City of Peachtree Corners and its residents.

Mayor Mason presented a Proclamation of the City of Peachtree Corners, Georgia recognizing the contributions of the United Peachtree Corners Civic Association (UPCCA) to the City of Peachtree Corners and its residents.

P2103-04-03

A Proclamation of the City of Peachtree Corners, Georgia recognizing the city's Logo Committee and thanking them for their work in developing a nationally acclaimed logo for the City.

Mayor Mason presented a Proclamation of the City of Peachtree Corners, Georgia recognizing the city's Logo Committee and thanking them for their work in developing a nationally acclaimed logo for the City.

P2013-04-05

A Proclamation of the City of Peachtree Corners, Georgia recognizing the efforts of *Clean up Peachtree Corners* and declaring April as the *Great American Cleanup Month*.

Mayor Mason presented a Proclamation of the City of Peachtree Corners, Georgia recognizing the effort of Clean up Peachtree Corners and declaring April as the Great American Cleanup Month.

P2013-04-06

A Proclamation of the City of Peachtree Corners, Georgia supporting Earth Day, April 22, 2013, and encouraging all Citizens to celebrate and protect the environment and contribute to a sustainable Community.

Mayor Mason presented a Proclamation of the City of Peachtree Corners, Georgia supporting Earth Day, April 22, 2013, and encouraging all Citizens to celebrate and protect the environment and contribute to a sustainable Community.

Lisa Anders, Gwinnett Convention & Visitors Bureau

Ms. Lisa Anders of the Gwinnett Convention & Visitors Bureau gave a presentation on the Mission of the Gwinnett Convention & Visitors Bureau. Ms. Anders stated, that among other things, without tourism, each resident of Gwinnett County would have to pay an additional \$209 in taxes to make up for lost tax revenue.

Michele Alexander of Pond & Company

Community Development Director, Diana Wheeler introduced Ms. Michele Alexander of Pond & Company. Ms. Alexander gave a brief update concerning the 2033 Comprehensive Plan and presented the Mayor and Council with a Preliminary Draft of the Comprehensive Plan. Ms. Alexander stated that the next community meeting will be held on April 4, 2013 (7pm) at Norcross High School.

OLD BUSINESS: There were no items.

NEW BUSINESS:

ACTION ITEM

Consideration to approve the agreement with Gwinnett County for Ad Valorem Tax Billing and Collection.

MOTION TO APPROVE ACTION ITEM ONE.

By: Council Member Christopher

Seconded by: Council Member Aulbach

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

R2013-04-10

A Resolution of the City of Peachtree Corners recognizing Georgia Cities Week, April 20-27, 2013, and encouraging all Citizens to support the celebration and corresponding activities.

MOTION TO APPROVE THE RESOLUTION CONCERNING THE GEORGIA CITIES WEEK.

By: Council Member Sadd

Seconded by: Council Member Gratwick

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

O2013-04-11

FIRST READ and consideration of a 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 (case #SUP2013-00004 - Public hearing at 2nd READ on 5/7/13)

O2013-04-12

FIRST READ and consideration of a 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 (case# CIC 2013-00003 – Public hearing at 2nd READ on 5/7/13).

O2013-04-13

FIRST READ and consideration of an Ordinance of the city of Peachtree Corners, Georgia, adopting by reference, and amending certain portions of, the City of Peachtree Corners Code of Ordinances in order to establish a document entitled 'The City of Peachtree Corners Chapter 42, Article V, Soil Erosion, Sedimentation and Pollution Control.'

O2103-04-14

FIRST READ and consideration of an Ordinance to amend Chapter 6 ("alcoholic beverages") of the Code of the City of Peachtree Corners, Georgia, to amend and provide certain definitions; to authorize certain types of establishments to sell beer and/or wine; to authorize wine tastings and malt beverage tastings; to authorize use of growlers for certain package malt beverage licensees; and for other purposes.

EXECUTIVE SESSION:

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

By: Council Member Lowe

Seconded by: Council Member Christopher

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

MOTION TO COME OUT OF EXECUTIVE SESSION.

By: Council Member Christopher

Seconded by: Council Member Sadd

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

NEW BUSINESS:

R2013-04-09

A Resolution of the City of Peachtree Corners, Georgia to declare the need for a Downtown Development Authority to function in the City of Peachtree Corners, Georgia, pursuant to the provision of the Downtown Development Authorities Law O.C.G.A. 36-42-1, et seq.; to appoint a Board of Directors for the Downtown Development Authority; to designate a Downtown Development Area; to provide for a filing with the Secretary of State of the State of Georgia a copy of this Resolution; to repeal conflicting resolutions' to provide for an effective date and of date and for other purposes.

MOTION TO APPROVE THE RESOLUTION OF THE CITY OF PEACHTREE CORNERS DOWNTOWN DEVELOPMENT AUTHORITY AS DISCUSSED.

By: Council Member Christopher

Seconded by: Council Member Wright

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

ACTION ITEM

Consideration to pay Lennar Inc. in fulfillment of City contract to take first position to purchase property located across from the Forum.

MOTION TO PAY LENNAR \$190,000 BEFORE THE CLOSE OF BUSINESS TOMORROW IN FULFILLMENT OF OUR CONTRACT WITH THEM TO TAKE FIRST POSITION TO PURCHASE THE PROPERTY ACROSS FROM THE FORUM.

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

ADJOURNMENT:

MOTION TO ADJOURN AT 9:07 PM.
By: Council Member Wright
Seconded by: Council Member Gratwick
Vote: (7-0) (Wright, Gratwick, Mason, Sadd, 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 4/22/13 – 5/3/13.

- A. Meetings with:
1. Public Hearing applicants
 2. Website consultant regarding updating website
 3. Property owners to discuss development plans
 4. Pond and Co. to develop Festival Booth activities and materials
- B. Attended Comprehensive Plan community meeting at Winters Chapel United Methodist Church
- C. Prepared materials for DDA meeting
- D. Prepared preliminary budget for Founders Day Parade event
- E. Began work on RFP for property across from the Forum
- F. Made progress on code enforcement cases in several residential subdivisions including Peachtree Forest and Chattahoochee Station.
- G. Researched antenna tower requirements at request of service provider and found that towers placed on government property are exempt from public hearing requirements
- H. Responded to phone calls and e-mails from residents, business people, and others

Processed the following permit applications:

1. 4/24/2013 EPIC RESPONSE; 6448 APPLETREE WAY; FIRE DAMAGE REPAIR
2. 4/24/2013 BILL GRANT MGT,INC; 4299 RIVERVIEW DRIVE; ADDITION
3. 4/24/2013 DEW PLUMBING,INC; 5268 FOX HILL CT; PLBG
4. 4/24/2013 W.M. COLLINS ENTER.INC; 6684 JIMMY CARTER BLVD; INTERIOR FINISH
5. 4/24/2013 MARATHON ELECTRIC; 5228 BROADWOOD AVENUE; TEMPORARY POLE
6. 4/24/2013 MARATHON ELECTRIC; 5298 BROADWOOD AVENUE; TEMPORARY POLE
7. 4/25/2013 RED ROOF RENOV; 5052 BRIDGEPORT LN; SCREENED PORCH
8. 4/25/2013 PARKER YOUNG CO.,INC; 3760 PENTEL; PLUMBING
9. 4/25/2013 APOLLO SIGN & LIGHT; 7049 JIMMY CARTER BLVD; EXTENDED STAY AMERICA
10. 4/25/2013 APOLLO SIGN & LIGHT; 7049 JIMMY CARTER BLVD; EXTENDED STAY AMERICA
11. 4/25/2014 APOLLO SIGN & LIGHT; 7049 JIMMY CARTER BLVD; EXTENDED STAY AMERICA
12. 4/25/2013 RUFUS JOHNS; 4610 CLIVEDON TERRACE; BASEMENT FINISH

13. 4/25/2013 M & P SHOPPING CENTER; 5025 WINTERS CHAPEL RD STE M; FAÇADE
14. 4/26/2013 A & W SIGN COMPANY; 6345 SPALDING DRIVE; PERMANENT SIGN
15. 4/26/2013 ELECTRICAL SERVICES; 6328 BAKER COURT; ELECTRICAL PERMIT
16. 4/26/2013 HENRY GRAPHICS; 6684 JIMMY CARTER BLVD; PERMANENT SIGN
17. 4/29/2013 INTUITIVE SURGICAL,INC; 5655 SPALDING DRIVE; DEMO
18. 4/29/2013 INTUITIVE SURGICAL,INC; 5655 SPALDING DRIVE; SHED
19. 4/29/2013 CANAM SIGNS & IMAGING; 6350 COURTSIDE DRIVE; SIGN/29
20. 4/29/2013 CANAM SIGNS & IMAGING; 6350 COURTSIDE DRIVE; SIGN/44
21. 4/29/2013 CANAM SIGNS & IMAGING; 6350 COURTSIDE DRIVE; SIGN/45
22. 4/29/2013 CANAM SIGNS & IMAGING; 6350 COURTSIDE DRIVE; SIGN/54
23. 4/29/2013 CANAM SIGNS & IMAGING; 6350 COURTSIDE DRIVE; SIGN/74
24. 4/29/2013 BETTY J. CARPENTER; 5774 MERSHON TRAIL; DECK ADDITION
25. 4/29/2013 INNOVATIVE CONST.,INC; 4299 RIDGEGATE DRIVE; INTERIOR REMODEL
26. 4/29/2013 MARRIOTT COURTYARD; 3209 HOLCOMB BRIDGE RD; ELEVATOR ADDITION
27. 4/30/2013 SOUTHERN LIGHTS ELEC.; 3866 WESTCHASE VILLAGE LN UNIT I; ELECTRICAL PERMIT
28. 4/30/2013 SOUTHERN LIGHTS ELEC.; 3765 WESTCHASE VILLAGE LN UNIT J; ELECTRICAL PERMIT
29. 4/30/2013 KELLY THOMPSON CONS.; 6448 APPLETREE WAY; T-POLE
30. 4/30/2013 J.K. ELECTRICAL CON.,INC; 5155 PEACHTREE PKWY STE 104B; ELECTRICAL PERMIT
31. 5/1/2013 AIM HIGH ACADEMY; 4350 PEACHTREE IND BLVD STE 400; TEMPORARY SIGN PERMIT
32. 5/2/2013 LA FORUM MGMT; 5161 PEACHTREE PKWY 626; INTERIOR FINISH
33. 5/2/2013 MR ORTWIN; 4376 STILSON CIRCLE; PLBG/ FINISH BASEMENT
34. 5/2/2013 BARE WAXING STUDIO; 5165 PEACHTREE PKWY STE #625; INTERIOR FINISH
35. 5/2/2013 RELIABLE HEATING&AIR; 4610 CLIVEDON TERRACE; HVAC/BASMENT FINISH

AN ORDINANCE TO AMEND THE CITY OF PEACHTREE CORNERS ZONING MAP FOR A SPECIAL USE PERMIT IN ORDER TO ACCOMMODATE A CREMATORY IN THE 5000 BLOCK OF PEACHTREE INDUSTRIAL BOULEVARD IN LAND LOT 270, PARCEL 31 OF DISTRICT 6; PURSUANT TO CASE SUP 2013-0004.

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 May 7, 2013;

NOW THEREFORE, The Mayor and City Council of the City of Peachtree Corners while in Regular Session on May 7, 2013 hereby ordains and approves the Zoning Case SUP 2013-0004 of this said property to modify the requirements and conditions with the following enumerated conditions:

1. Use shall be 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.

So effective this 7th day of May, 2013.

Approved by:

Attest:

Mike Mason, Mayor

Kym Chereck, City Clerk

**CITY OF PEACHTREE CORNERS
COMMUNITY DEVELOPMENT DEPARTMENT**

SPECIAL USE PERMIT ANALYSIS

CASE NUMBER :SUP2013-00004
ZONING :C-2
LOCATION :5000 BLOCK OF PEACHTREE
INDUSTRIAL BOULEVARD
MAP NUMBER :R6270 031
ACREAGE :3.0 ACRES
PROPOSED DEVELOPMENT :ACCESSORY CREMATORY

FUTURE DEVELOPMENT MAP :PREFERRED OFFICE

APPLICANT :CROWELL BROTHERS FUNERAL HOME,
INC.
5051 PEACHTREE INDUSTRIAL
BOULEVARD
NORCROSS, GA 30091

CONTACT: GERALD DAVIDSON, JR., ESQ.
PHONE: 770.232.0000

OWNER: PEACHTREE MEMORIAL PARK, INC.
POST OFFICE BOX 225
NORCROSS, GA 30091

RECOMMENDATION: DENIAL

PROJECT DATA:

The applicant requests a Special Use Permit on a 3.0-acre parcel, zoned C-2 (General Business District), to allow a crematory as an accessory use to their existing funeral home. The property is the Crowell Brothers Funeral Home, located on the northwest side of Peachtree Industrial Boulevard, south of its intersection with South Old Peachtree Road. The property is developed with a 10,665 square foot one-story, brick and stucco funeral home. The letter of intent indicates 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 surrounding area is characterized by a mix of residential, commercial, office and industrial uses. The subject property is located near the established commercial node shared with the City of Berkeley Lake at the intersection of Peachtree Industrial Boulevard and South Old

Peachtree Road. Directly abutting the subject property to the north and west is the Peachtree Memorial Park cemetery, and on the east is a 120-foot wide cemetery buffer in between the funeral home and Berkeley Terrace subdivision, developed with attached single-family residential dwellings.

In an effort to obtain additional information and technical data related to the proposed request for an accessory crematory, the applicant was emailed the following five questions on March 21, 2013.

1. Does your client intend to provide crematory service for their on-site customer use only, or will they provide this service to off-site customers and facilities as well?
2. What is the frequency of use / hours of operation of the crematory?
3. What particles are exhausted to the outside air? How are they measured?
4. What filtration systems will be utilized?
5. Are you aware of examples of other crematories that abut residential developments?

The applicant submitted their response in a letter dated March 28, 2013 (attached)

ZONING HISTORY:

The property was zoned R-75 (Single Family Residence District) in 1970. The property was rezoned to C-2 for the funeral home in 1984, pursuant to RZ-67-84.

GROUNDWATER RECHARGE AREA:

The subject property is located within an identified Significant Groundwater Recharge Area. The Development would be served by sanitary sewer, resulting in minimal impact.

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 16-inch water main located on the southern right-of-way of Peachtree Industrial Boulevard.

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 SECTION COMMENTS:

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 or exterior modification. Upon completion of plan review approvals, the applicant shall obtain a building permit for any required renovation work and achieve satisfactory field inspections for issuance of a Certificate of Occupancy.
2. Architectural design of any proposed exterior modification shall incorporate the requirements of the Activity Center/Corridor Overlay District, Section 1315 of the 1985 Zoning Resolution of Gwinnett County.
3. Upon completion of plan review approvals, the applicant shall obtain a building permit and achieve satisfactory field inspections for issuance of a Certificate of Occupancy.

For assistance contact 678.518.6040 Monday - Friday from the hours of 8:00 a.m. to 5:00 p.m.

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 - Friday, from the hours of 8:00 a.m. to 5:00 p.m.

DEPARTMENT ANALYSIS:

The subject property is a 3.0-acre site located at 5051 Peachtree Industrial Boulevard, which is south of its intersection with South Old Peachtree Road. The property is developed with the Crowell Brothers Funeral Home, which occupies a 10,665 square-foot one-story, brick and stucco building, associated parking and driveways.

The 2030 Unified Plan Future Development Map indicates that the property is located within a Preferred Office Character Area. Policies for the area state that buffers are to be imposed to protect areas of lower intensity or those that are predominantly residential. In the case of a crematory, however, there are additional considerations. Although proposed to be physically located within the existing funeral home building, crematories generate emissions which are not necessarily mitigated by landscape buffers.

Staff has 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. While there are certainly more intense pollutant sources, the crematory is not pollution-free and should be evaluated accordingly.

A study completed in 2009 indicates that there are at least eleven funeral homes with crematories in Georgia that are located near residential areas: four in Marietta, two in Roswell, and one each in Woodstock, Jasper, Decatur, Lawrenceville, and Lilburn. While two of these are in Gwinnett, it is interesting to note that the most recent requests for crematory additions to funeral homes (SUP2010-00038 and SUP2012-00007) were both denied by Gwinnett, primarily based on their proximity to existing residential development.

In this case, the funeral home shares its eastern property line with the Berkeley Terrace townhomes, zoned RM-8. Further north and northeast are four subdivisions on South Old Peachtree Road, including Berkeley Chase townhomes, zoned R-TH; Avocet subdivision, zoned R-60; Apremont subdivision, zoned R-75; and Highcroft subdivision, zoned R-75 Modified. The nearest residence is within 200 feet of the funeral home facility. If uses such as a cemetery and funeral home that have no emissions warranted implementation of a 120-foot wide vegetated buffer adjacent to residential zoning, then it seems reasonable that a significantly larger buffer and separation of uses from what currently exists may be required to accommodate a use that generates emissions. In summary, although the existing funeral home is suitable for the site, the proximity to single-family residential uses, the inconclusive data concerning the effects of crematory emissions, and the need for greater distance separation suggest that this property may not be an appropriate location for an accessory crematory.

Therefore, after review of the applicant's proposal, it is recommended that the request, SUP2013-00004, to allow a crematory as an accessory to an existing funeral home be denied.

If approval of this application is considered, staff recommends the following:

Approval of a Special Use Permit, SUP2013-00004, for an accessory crematory, subject to the following enumerated 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.

SPECIAL USE PERMIT 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 SPECIAL USE PERMIT WILL PERMIT A USE THAT IS SUITABLE IN VIEW OF THE USE AND DEVELOPMENT OF ADJACENT AND NEARBY PROPERTY:

See attached.

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

See attached.

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

See attached.

- (D) WHETHER THE PROPOSED SPECIAL USE PERMIT WILL RESULT IN A USE WHICH WILL OR COULD CAUSE AN EXCESSIVE OR BURDENSOME USE OF EXISTING STREETS, TRANSPORTATION FACILITIES, UTILITIES, OR SCHOOLS:

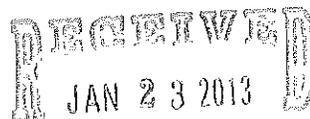
See attached.

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

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 SPECIAL USE PERMIT:

See attached.



ATTACHMENT "A" TO

SPECIAL USE PERMIT APPLICANT'S RESPONSE

STANDARDS GOVERNING THE EXERCISE OF THE ZONING POWER

- (A) Yes, the Proposed Special Use Permit to allow a crematory as an accessory use is suitable in view of the fact that the contemplated crematory will be constructed inside the existing funeral home, consistent with the Gwinnett County Zoning Resolution. The existing funeral home establishment is located on a 3 acre tract and is surrounded on three sides by a cemetery known as Peachtree Memorial Park, an affiliate of Applicant. The subject tract is bordered by Peachtree Industrial Boulevard.
- (B) No, the Proposed Special Use will not adversely affect the existing use or usability of adjacent or nearby property. As stated in response to item "A" above, the funeral home property where the crematory will be constructed and operated is surrounded on three sides by an existing cemetery and abuts Peachtree Industrial Boulevard.
- (C) Yes, the subject property has reasonable economic use as currently zoned, but its utility as a funeral home is detrimentally impacted by the lack of a crematory which many of the customers/clients of the existing funeral home request. To add the crematory as a part of the existing building is consistent with House Bill 68 which went into effect July 1, 2009 for the purpose of encouraging the construction and operation of crematories at funeral home establishments. The addition of a crematory will enhance the economic use of the property as currently zoned and operated.
- (D) The Proposed Special Use Permit will have no impact on the use of existing streets, transportation facilities, utilities or schools.
- (E) Yes, the Proposed Special Use Permit to allow a crematory as part of an existing funeral home establishment is consistent with the policy and intent of the land use plan as fostered by the passage of Resolution A-2010-00002, effective May 20, 2010.
- (F) Yes, the fact that an existing funeral home establishment already is operated on the subject property and the request for the Special Use Permit is to allow a crematory as an accessory use provides supporting grounds for the approval of the application. As stated above, effective July 1, 2009, House Bill 68 went into effect in the State of Georgia with the specific intent to allow existing funeral home establishments the right to carry on their usual business and specifically to add crematories wherever funeral establishments already existed. Said legislation was passed to encourage the construction and operation of crematories at funeral home establishments. After the passage of House Bill 68, Gwinnett County, Georgia amended its Zoning Resolution in April 2010 to accommodate and promote the intent of House Bill 68. The specific use as requested by this application is in keeping with the policies and intentions of such legislation and enactments.

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E. Michelle Rothmeier
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Alissa L. Cummo
Justin A. Abernathy
Austen T. Mabe
J. David Gussio
Jill H. Harris,
of Counsel

**LETTER OF INTENT FOR SPECIAL USE PERMIT APPLICATION OF
CROWELL BROTHERS FUNERAL HOME, INC.**

The Applicant, Crowell Brothers Funeral Home, Inc., submits this Special Use Permit Application for the purpose of allowing it to construct and operate, in the incorporated City of Peachtree Corners, on its existing funeral home property, a crematory as an accessory use to the funeral home. The proposed crematory will be 15 feet 8 inches by 6 feet 9 inches and will be constructed within an area of the existing building. The introduction of the crematory will not enlarge the size of the building nor will it change the existing density of the subject property. Applicant currently maintains on its approximate 3 acre tract of land a 10,665 square foot building which is used for the operation of Crowell Brothers Peachtree Chapel Funeral Home. The density in terms of gross square footage per acre will remain at 3,555. The number of parking spaces currently maintained on the property, 131 regular spaces and 6 handicap spaces, will not change as a result of the use of the property as requested. The existing building is a one-story building and the addition of the crematory within it will not change the height of the building in any way. There are no requested changes in buffers with respect to this Application.

As stated elsewhere in this Application, to allow Applicant's request is in keeping with recent amendments to both State and County laws and ordinances dealing with the operation of

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JAN 23 2013

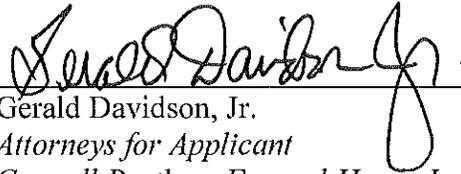
DR:
SUP '13 0'0 4

funeral homes and crematories and this Application furthers and promotes the intent of such legislation.

Applicant looks forward to working with the Gwinnett County Planning Division as well as the Planning Commission, and the Mayor and Council of the City of Peachtree Corners, Georgia. Should there be questions or concerns, please feel free to contact the undersigned at (770) 232-0000.

This 23rd day of January, 2013.

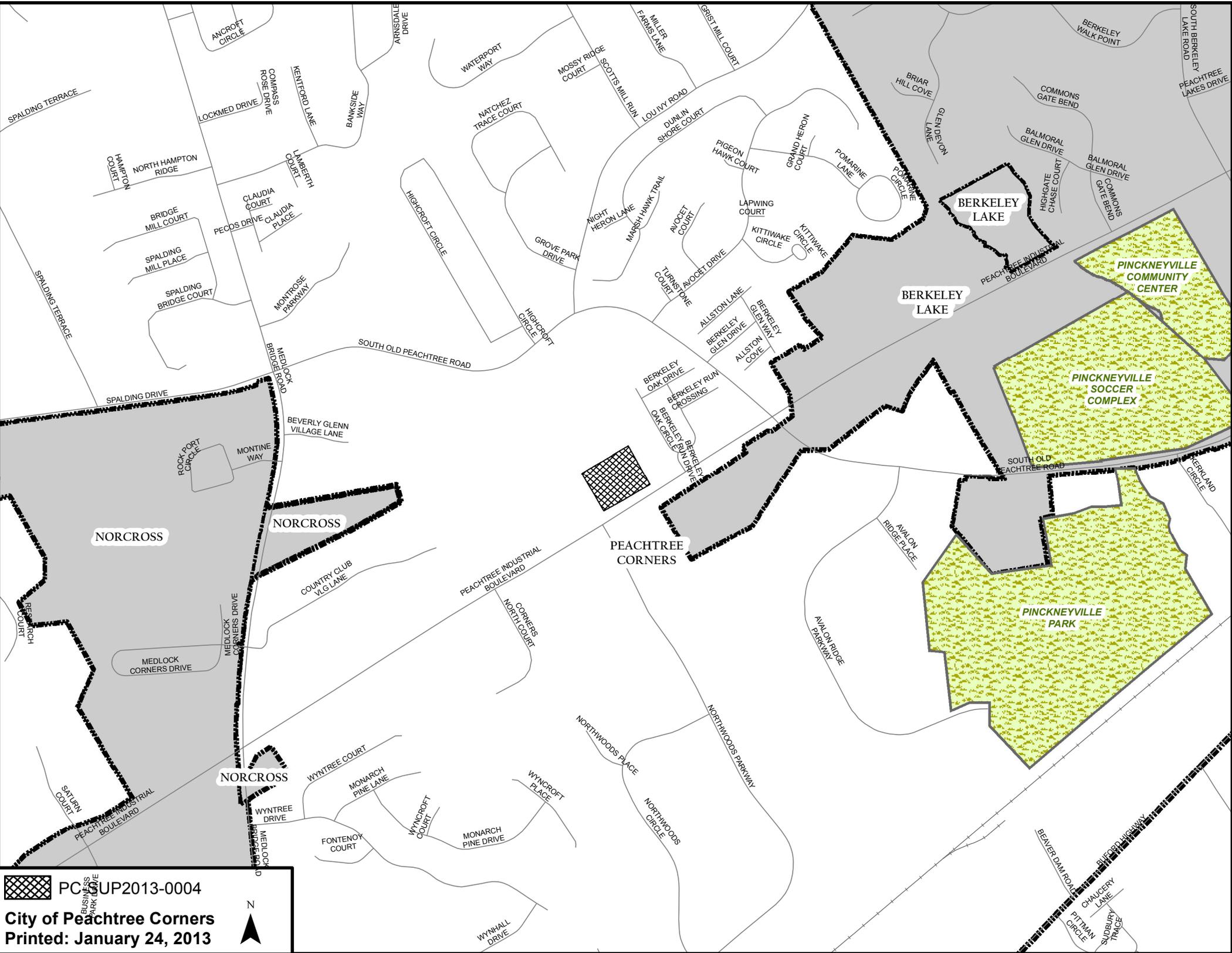
MAHAFFEY PICKENS TUCKER, LLP



Gerald Davidson, Jr.
Attorneys for Applicant
Crowell Brothers Funeral Home, Inc.

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JAN 23 2013

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BERKELEY LAKE

BERKELEY LAKE

NORCROSS

NORCROSS

PEACHTREE CORNERS

PINCKNEYVILLE COMMUNITY CENTER

PINCKNEYVILLE SOCCER COMPLEX

PINCKNEYVILLE PARK

PC-UP2013-004

City of Peachtree Corners
Printed: January 24, 2013



PEACHTREE CORNERS

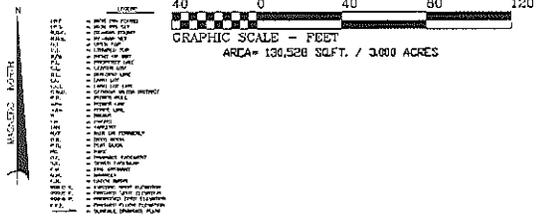
BERKELEY OAK CIRCLE

PEACHTREE INDUSTRIAL BOULEVARD

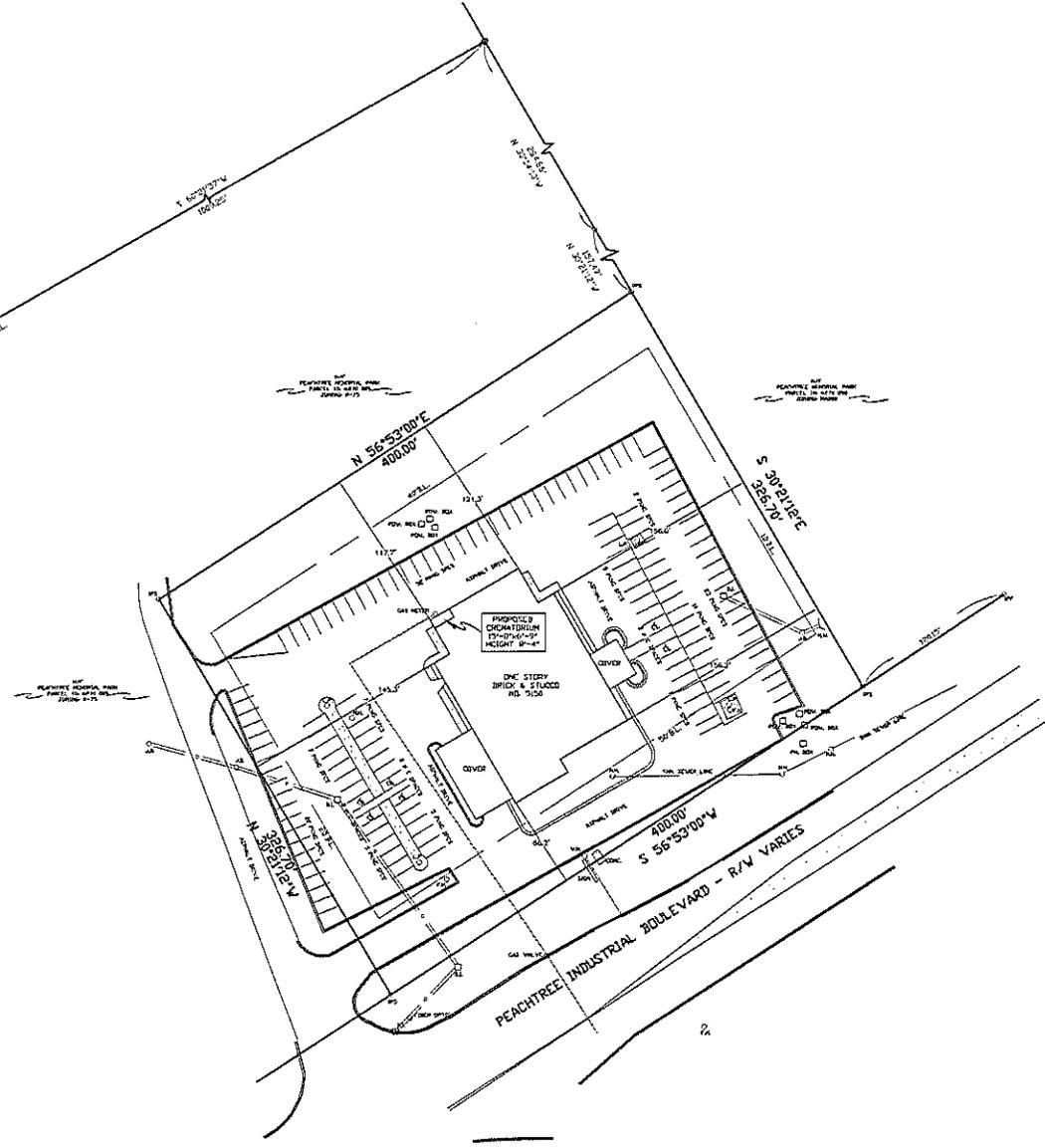
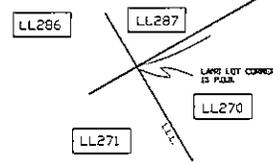
BERKELEY LAKE

 PC-SUP2013-0004





LET MAP:
 ABERNATHY ROAD INDUSTRIAL ADJACENT
 QUINCY, GEORGIA DISTRICT
 PARCEL ID: A279 211
 ZONING: C-1 (INDUSTRIAL)
 PARKING: 127 REGULAR SPACES
 & 127 MANEUVERING SPACES
 127 TOTAL PARKING SPACES



LEGAL DESCRIPTION
 All that tract or parcel of land lying and being in Land Lot 270 of the 6th District of Gwinnett County, Georgia, as recorded in Deed Book 46240, Page 227, Gwinnett County records, and being more particularly described as follows:

Commencing at the intersection of Land Lots 270, 271, 286, and 287, thence following the Land Lot line between Land Lots 270 and 287 running North 60 degrees 21 minutes 27 seconds East a distance of 399.25 feet to a point thence leaving the Land Lot running South 20 degrees 06 minutes 16 seconds East a distance of 184.00 feet to a point thence running South 30 degrees 21 minutes 12 seconds East a distance of 157.49 feet to an one-half inch iron pin set, this point being the True Point of Beginning, thence running South 20 degrees 06 minutes 16 seconds East a distance of 262.75 feet to a one-half inch iron pin set on the northerly right-of-way of Peachtree Industrial Boulevard (right-of-way varies), thence following the northerly right-of-way of Peachtree Industrial Boulevard running South 50 degrees 53 minutes 08 seconds West a distance of 480.00 feet to a one-half inch iron pin set, thence leaving the northerly right-of-way of Peachtree Industrial Boulevard running North 30 degrees 21 minutes 12 seconds West a distance of 262.75 feet to a one-half inch iron pin set, thence running North 50 degrees 53 minutes 08 seconds East a distance of 480.00 feet to a one-half inch iron pin set, this point being the True Point of Beginning, this tract or parcel having an area of 130,530 square feet or 3.000 acres.

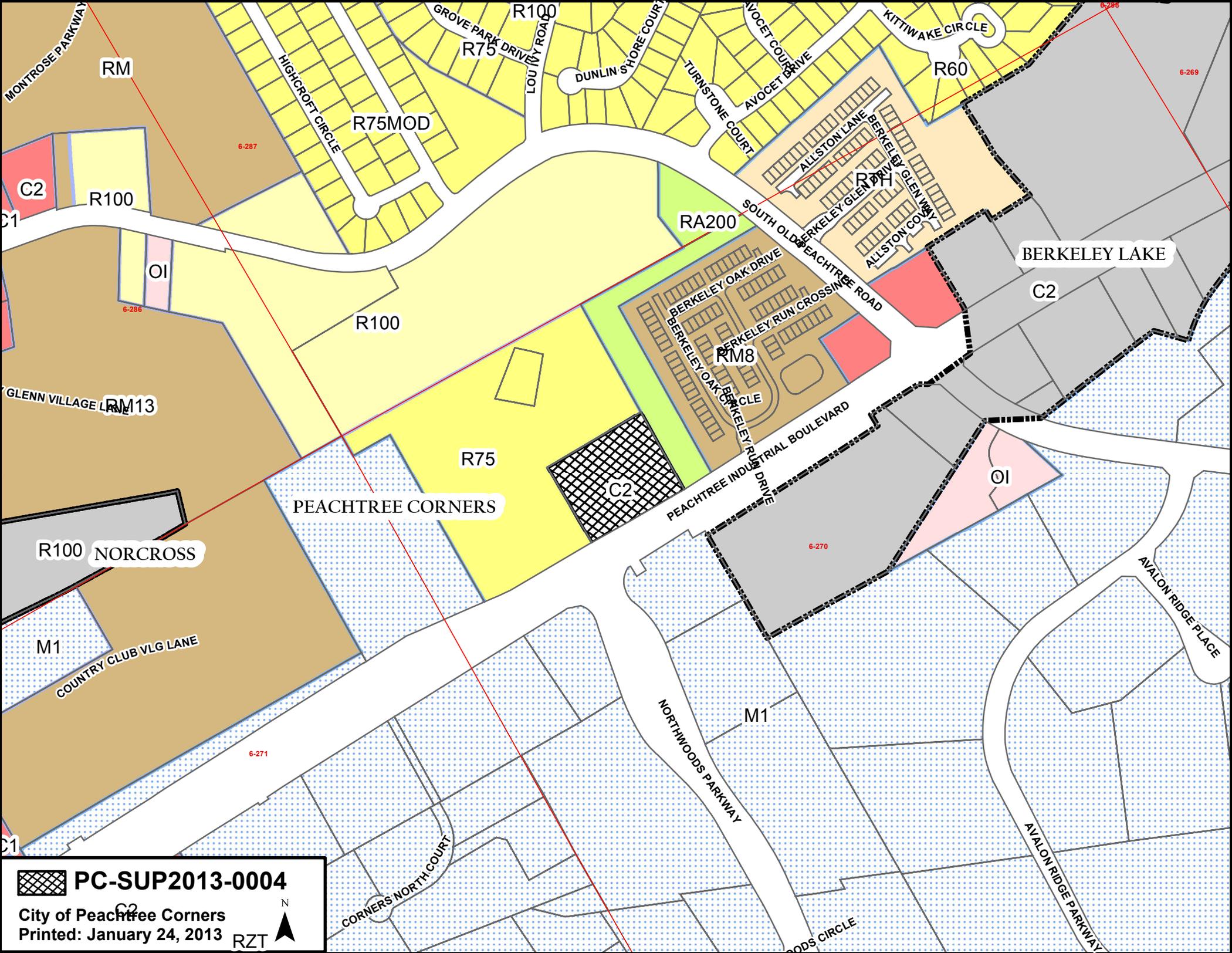


SUBJECT TO:
 PEACHTREE MEMORIAL PARK, INC.
 MEMORANDUM OF UNDERSTANDING, INC.
 2400 HAVILL STREET, SUITE A
 BUCKLEHEAD, GEORGIA 30611
 PHONE: (770) 444-1212
 FAX: (770) 444-1212

THIS PROPERTY IS NOT IN AN AREA HAVING SPECIAL FLOOD HAZARD AS INDICATED BY FEMA NO. 130250007 F, UNLESS OTHERWISE SHOWN ON THE MAP.
 DISTRICT & PROFESSIONAL SURVEYING COMPANY
 2400 HAVILL STREET, SUITE A
 BUCKLEHEAD, GEORGIA 30611
 PHONE: (770) 444-1212
 FAX: (770) 444-1212

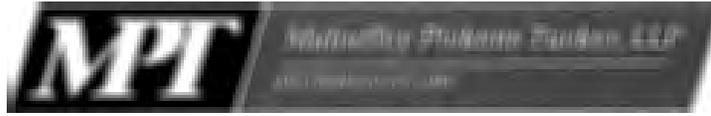
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 **PC-SUP2013-0004**
 City of Peachtree Corners
 Printed: January 24, 2013 RZT





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Jill H. Harris,
of Counsel

Writer's e-mail: [gdavidson@mptlawfirm.com](mailto:g davidson@mptlawfirm.com)

March 28, 2013

VIA EMAIL: bsong@peachtreecornersga.org

Ben Song
Planner
City of Peachtree Corners, Georgia

RE: Case # SUP 2013-00004, Crematory at Crowell Brothers Funeral Home,
Peachtree Corners, Georgia

Dear Ben:

I am writing to respond to the questions posed in your earlier email to me. I will respond to each one in the order as posed to me.

Your first question was "Does your client intend to provide crematory service for their on-site customer use only, or will they provide this service to off-site customers and facilities as well?"

Answer: At this time, it will be on-site customers only.

Question number two was "What is the frequency of use/hours of operation of the crematory?"

Answer: Based on current demand my client believes that it will conduct between 80 and 140 cremations per year with each procedure taking 1 ½ to 2 hours to complete. As for the hours of operation, Crowell Brothers believes that most of the cremations will be done during normal business hours and that is their goal; however, there may be occasions when a family's needs call for the service at a different time. They certainly need the flexibility to meet the needs of the family.

Your third question was "What particles are exhausted to the outside air? How are they measured?"

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NorthPoint Office || 11175 Cicero Drive, Suite 100, Alpharetta, Georgia 30022
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Answer: The cremation equipment will not emit any visible emissions or odors when properly operated and maintained. A large secondary chamber and afterburner insures proper combustion of the exhaust gases prior to discharge. The cremator is equipped with an automatic emission monitoring system that takes corrective action automatically should an operator make an error. Emissions from crematory operations may include a very small amount of several chemicals. The source of many of the chemicals is the body burden from lifetime exposures stored in fat and tissue. Chemicals emitted by crematories may include Dioxin, Hydrochloric Acid, Nitrogen Oxide, Sulfur Dioxide, Carbon Monoxide and Mercury. These chemicals are emitted at extremely low levels and when released into the air, breakdown quickly by sunlight. One of these chemicals, mercury, is sometimes a concern for nearby residents. The levels of mercury emitted from a crematory are considered extremely low and do not pose a health risk according to the Department of Public Health, State of Georgia. Further according to the Department of Public Health, regulated industrial emissions of mercury are measured in tons per year. For example, a coal-fired power plant will emit up to 48 tons of mercury per year. Studies performed on existing crematories that average 100 cremations per year have measured mercury emission in grams per cremation. Using that average, studies show a crematory may emit approximately 2 pounds of mercury (0.2% of 1 ton) per year. In addition to the temperatures generated by the 2 chambers in the crematory designed to dissipate any chemicals, emission control devices that reduce mercury levels are located on crematory stacks adding additional protection.

To further illustrate the lack of emissions emitted by crematories, I am attaching hereto two charts resulting from studies comparing emissions from different sources. First, is a chart comparing emissions released from a residential fireplace, a diesel truck and a restaurant cooking 100 hamburgers per hour to that of a crematory. As the color-coded chart shows, emissions from a crematory are negligible compared to those released by the other sources.

The second chart compares emissions from a diesel truck, a car and a crematory. As with the other chart, this one shows that the emissions from a crematory are well below those of a diesel truck and consistently below those of an automobile.

For your further information, I am enclosing herewith a copy of the spec sheet on the crematory equipment Crowell Brothers intends to purchase and use. You will note that it has at least two features that address any concerns regarding emissions. The Smoke Buster 140 is designed to "effectively consume and destroy smoke and odor from the cremation process." Additionally, the "pollution monitoring and control system – automatically checks and regulates stack emissions."

To further substantiate the assertion regarding the lack of impact on the environment and surrounding properties generated by a crematory, another client of mine, Bill Head Funeral Home, in Tucker, Georgia commissioned a study of soil samples around its crematory that had

operated for more than 15 years directly adjacent to residentially occupied properties. Should you like, I will be happy to provide to you a copy of the soil sample test report. The report shows that soil samples were taken from 6 locations surrounding the building in which the crematory is housed. Those samples were tested for Arsenic, Selenium, Silver, Barium, Chromium, Lead, Mercury and Cadmium. The test results show that in 5 out of the 6 surface soil samples, the Mercury concentration was below detection limits or otherwise only slightly above the laboratory detection limit. The sixth sample contained mercury at 0.1951 mg/kg which is well below the Hazardous Sites Response Act Type 1 Soil Criteria for residential sites - 0.500 mg/kg. The results of this test abundantly show that after 15 years of operation the subject crematory had in no way subjected anyone to any purported dangerous level of mercury or any other chemical.

I have other reports showing environmental testing of emissions from crematories to further substantiate the position stated above and will be happy to share them with you should you desire.

Your question number four was "What filtration systems will be utilized?"

Answer: I believe the response to question number three covers this question adequately. I also think it is important for you to note that crematories are not subject to the Clean Air Act pursuant to a decision of the Environmental Protection Agency after careful study and analysis.

Your question number five was "Are you aware of examples of other crematories that abut residential developments?"

Answer: Yes. As stated above, the Bill Head Funeral Home crematory for 15 years has been surrounded by residentially occupied properties. Additionally, the crematory of Wages and Sons Funeral Home located on Highway 29, Lawrenceville, Georgia is located adjacent to and immediately in front of a residential subdivision. In another matter, I secured from the real estate broker handling that neighboring subdivision a letter confirming that the location of the crematory has had no impact on sales or values in the neighborhood. If you desire, I will send you a copy of that letter, assuming I can locate it. Also, please note that crematories throughout Gwinnett County are located next to public libraries, restaurants, churches, catering and banquet facilities and schools. Flanigan Funeral Home in Buford, Georgia is located immediately adjacent to Puckett's Restaurant and they share some parking areas. R.T. Patterson Funeral Home in Lilburn, Georgia has two crematories, and it is located immediately across the highway from a school. I have also been informed that the crematories at Tom Wages Funeral Home and Tim Stewart Funeral Home in Lawrenceville, Georgia are located within approximately 250 feet of residential properties and that Tapp Funeral Home and its crematory are located less than 200 feet from residential property.

Ben Song
March 28, 2013
Page 2

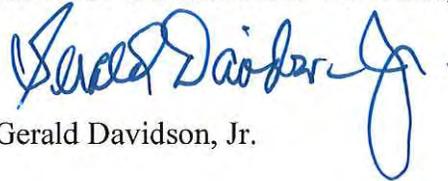
I hope the above answers your questions sufficiently and provides you with helpful information. If you would like copies of any of the reports I referenced, please let me know and I will provide them to you promptly.

Lastly, if you have any additional questions, please feel free to contact me.

I look forward to working with you, the Planning Commission and the Mayor and Council with respect to this matter.

Sincerely yours,

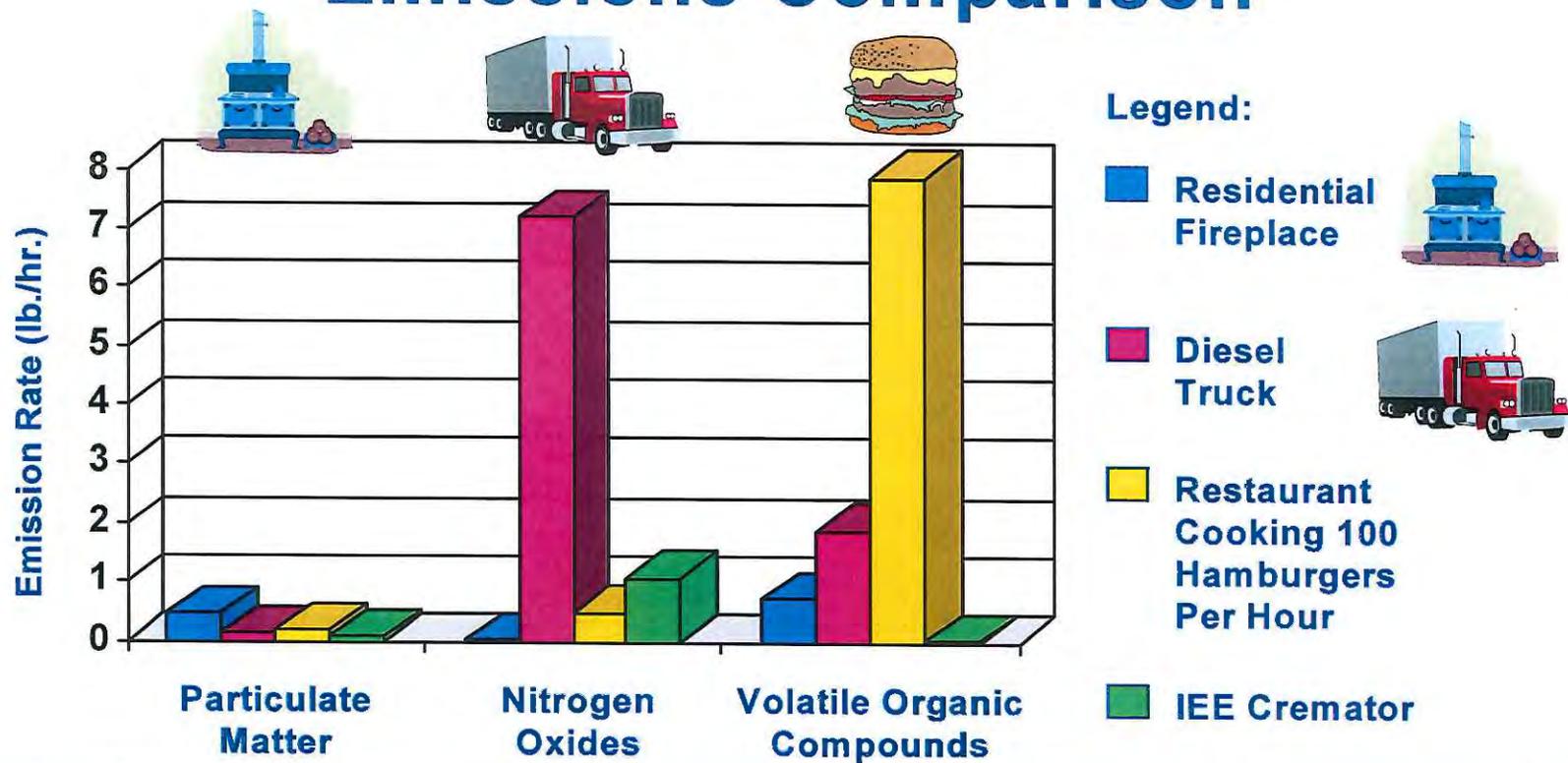
MAHAFFEY PICKENS TUCKER, LLP

A handwritten signature in blue ink, appearing to read "Gerald Davidson, Jr.", with a large, stylized flourish at the end.

Gerald Davidson, Jr.

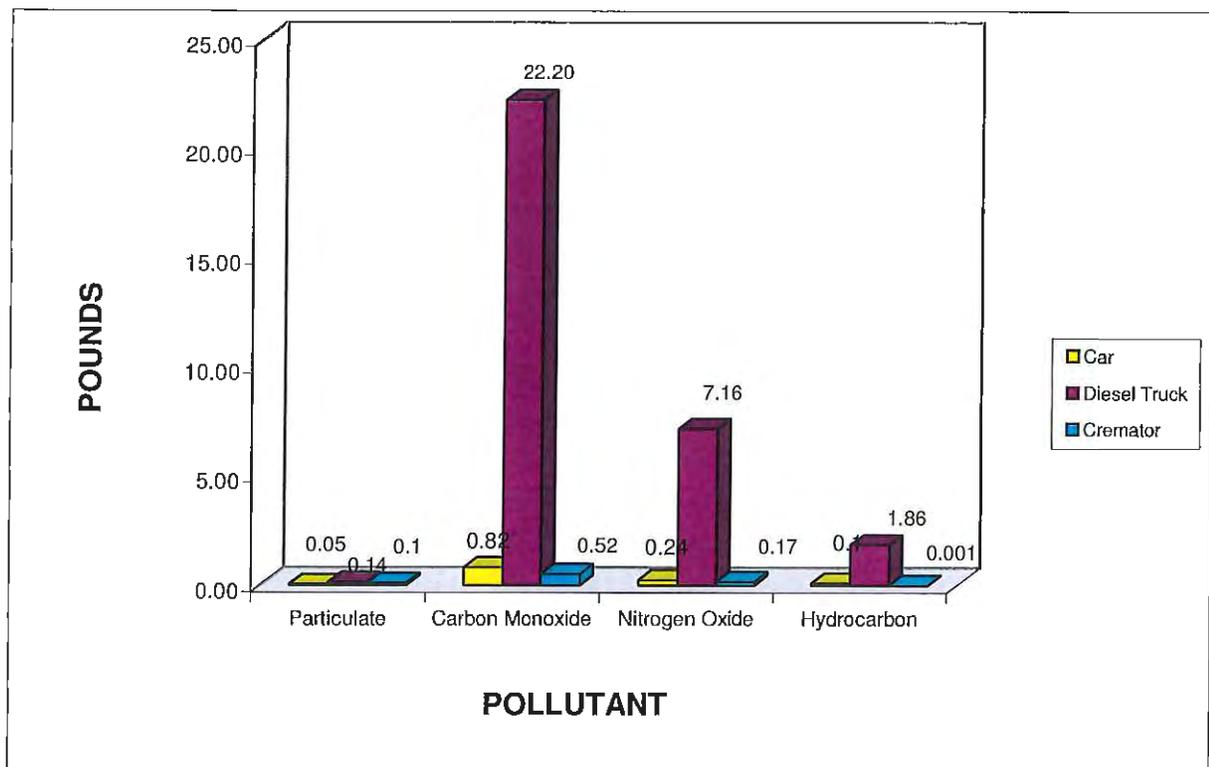
GDJR/glc
Enclosures
cc: Jeff Crowell

Emissions Comparison



SUMMARY

From the attached emissions evaluation of a diesel truck, a car and a cremator, we created a graphical presentation that visually enhances a comparative overview of the emissions output.



The Standard of Excellence in Cremation Solutions.

Matthews Cremation Division (MCD) represents over 100 years of experience in cremator technology and our equipment has set the standard of excellence for quality and performance. With over 3,000 installations in 50 countries, we are the oldest and largest manufacturer in the cremation industry.

From design through startup, our goal is to protect your interest and make certain that your investment in cremation equipment is supported with the foundation for long-term success. We'll determine your equipment needs, evaluate your facility, design floor plans, guarantee environmental acceptance, assist your contractors in the installation and provide on-site operator training.

Our Matthews commitment is to go the extra mile...



- Customized Return on Investment Analysis (ROI)
- Zoning Board Assistance
- Operator Certification
- 24/7 Customer Service
- Custom Engineering & Design
- Industry & Trade Support
- Widest array of cremation accessories
- Lease & Finance options.

Quiet Operation—
Exclusive "Whisper Shield" allows operation without disturbing other services.



M-pyre™2.0 ILC System -
18.5-inch Hi-Definition color monitor with sliding drawer, keyboard and mouse. PC Interface, Web Based System with Live Operating graphics.

Insulation Thickness—
12" of multi-component materials for longest lasting refractory and highest thermal efficiency.

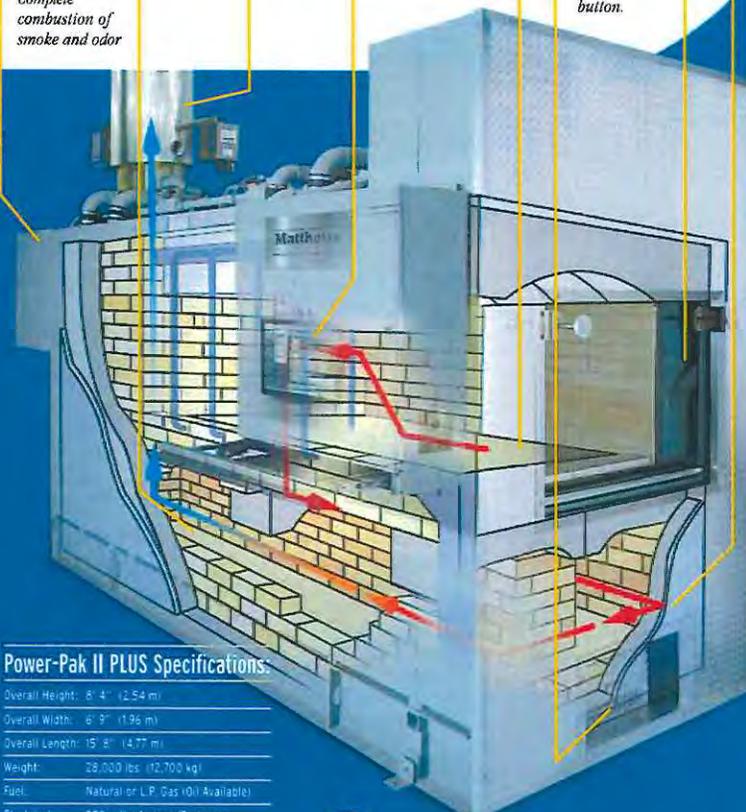
Retrieval System—
Retrieval of cremated remains is safe and quick with the convenient external collection hopper.

Stainless Steel Stack—
Non-Corrosive, with 4 1/2" refractory lining for strength, durability and safety.

SMOKE BUSTER™ System—
Complete combustion of smoke and odor

Cremation Chamber Floor—
Unique "Hot Hearth" design eliminates fluid runoff and minimizes fuel consumption.

Oversize Loading Door—
43-inch wide self-locking, self-sealing door opens and closes at the push of a button.



Power-Pak II PLUS Specifications.

Overall Height:	8' 4" (2.54 m)
Overall Width:	6' 3" (1.96 m)
Overall Length:	15' 8" (4.77 m)
Weight:	28,000 lbs. (12,700 kg)
Fuel:	Natural or L.P. Gas (Oil Available)
Electrical:	220 volts, 1-phase/3-phase
Control panel can be located right, left or remote.	
Dimensions include control panel	



Highly advanced engineering. Highly efficient operation. Highly profitable results.

The Power-Pak II Cremation System represents the very latest in cremation industry technology. Designed to provide fully automated operation, the Power-Pak II is the fastest, most fuel efficient cremator in its class.

Automatic Operation -
The self-monitoring control system simplifies the cremation process, shutting itself off upon completion of the cycle

Operator Safety -
Underwriter's Laboratories (UL) listed represents the most widely recognized measure of safety and compliance, ensuring the safety of personnel and facilities

SMOKE-BUSTER™ 140 -
This feature effectively consumes and destroys smoke and odor from the cremation process

Hydraulic Loading Table -
Conveniently allows one person to safely and easily load the case into the chamber, coolers, coaches and vans

Pollution Monitoring and Control System -
Automatically checks and regulates stack emissions.

The Power-Pak II is pre-wired, pre-piped, and pre-tested before shipment, requiring only off-loading, one connection each for gas and electricity and placement of the stack we provide.



Who is Matthews Cremation Division?

Matthews Cremation Division is the total solution for cremation products and services with a passion for the environment and the success of our clients. We are a premier manufacturer of (4) brands of cremation equipment; Industrial Equipment & Engineering (IEE), ALL Crematory (ALL), GEM Environmental systems and Furnace Construction Company. We are the global leader in cremator sales, emission filtration, service and supplies. Meeting world standards such as Underwriters Laboratory (UL), Canadian Standards Association (CSA) and European Conformity (CE), we manufacture a wide range of both human and animal cremation systems. As the most comprehensive full-service provider, we offer a wide array of cremation products and memorial solutions to meet all your business requirements.

Discover why Matthews Cremation is the most trusted name in cremation products and services.





COMMON HEALTH CONCERNS ABOUT CREMATORY OPERATIONS

Some people have public health concerns about chemicals released to the air and soil,
and about noise and odors during crematory operations.

There is no evidence that chemicals released to the environment near a crematory
are at levels of health concern.

What is cremation?

Cremation is the process of transforming human or animal remains to basic chemical compounds of gas and bone. A crematory is a funeral facility designed specifically for cremation. According to the National Funeral Directors' Association, approximately 15% of death care services conducted each year in Georgia include cremation.

Proper cremation procedures require the removal of medical devices and implants during body preparation. Medical devices are often powered by lithium-ion batteries. If left intact, heating lithium powered devices may cause violent combustion or explosions that will damage cremation equipment, brickwork, electronic sensors and door seals. Devices and implants are identified using various methods including interviews with the guardian, mortuary and medical staff, medical records review, body and scar inspection, and metal detectors.

Following final preparations, the body is placed in a casket and incinerated. Because cremation temperatures are so high, (1400 to 1800 degrees Fahrenheit), the only remains are ash and bone, known as "cremains".

Who regulates crematories in Georgia?

Crematories are licensed and inspected by the Secretary of State under the "Official Code of Georgia Annotated; Title 43, Professions and Businesses; Chapter 18, Georgia State Board of Funeral Service Rules: Funeral Directors and Establishments, Embalmers, and Crematories" (<http://rules.sos.state.ga.us>).

There are no federal or state environmental regulations for crematories. Studies conducted by the U.S. Environmental Protection Agency (EPA) show that crematory emissions (substances discharged into the air) are at levels well below regulatory and health guidelines. The capacity, location, odors, noise, and hours of operation of a crematory are governed by local zoning ordinances.

What is released into the air during crematory operations?

Emissions from crematory operations may include a very small amount of several chemicals. The source of many of the chemicals is the body burden from lifetime exposures that is stored in fat and tissue. Chemicals emitted by crematories may include mercury, dioxin, hydrochloric acid, nitrogen oxide, sulfur dioxide, carbon monoxide, and dioxins. These chemicals are emitted at extremely low levels and when released into the air, they break down quickly by sunlight, or are diluted and carried by the wind.

One chemical, mercury, is sometimes a concern for nearby residents. The levels of mercury emitted from a crematory are considered extremely low and do not pose a health risk.

Mercury is a silver colored metal found in nature and used in manufactured consumer products such as thermometers. People can be exposed to mercury by touching it, breathing it, eating contaminated fish or other food, or drinking contaminated water. Mercury emissions from crematories are often from dental fillings; however, its use as dental amalgam is declining because inexpensive substitute materials are now available.

Mercury becomes a gas (commonly called vapor) when burned at low temperatures (80 degrees Fahrenheit). The vapors are colorless and odorless, and can travel in outdoor air long distances. It eventually falls to the ground attached to dust and rain. Repeated exposure to low levels of mercury over a long period of time can be harmful to the brain and kidneys.

Regulated industrial emissions of mercury are measured in tons per year. For example, a coal-fired power plant will emit up to 48 tons of mercury per year. Studies performed on existing crematories have measured mercury emissions in grams per cremation given an average of 100 cremations per year. Using this average, studies show a crematory may emit approximately two pounds of mercury (0.2% of one ton) per year. In addition, emission control devices that reduce mercury levels released to air are located on crematory stacks.

Can other chemicals from crematories affect my health?

Dioxins are emitted into outdoor air from cremation in very small amounts. The term “dioxin” refers to a group of chemicals, however the most toxic is 2,3,7,8-tetrachlorodibenzo-p-dioxin, or TCDD. Because TCDD is the most toxic, health risk associated with dioxin is discussed in terms of TCDD. In a study conducted with the California Air Resources Board, the EPA determined that TCDD emitted from *all* crematories throughout the United States was approximately 0.0000002 pounds per year, which is far less than is released from motor vehicles.

In addition, extremely small amounts of lead, cadmium, hydrochloric acid, nitrogen oxide, sulfur dioxide, and carbon monoxide are released to air, and are diluted and carried by the wind. The trace amounts of these chemicals emitted during operations will not affect outdoor or indoor air quality. Crematory emissions are far below levels of environmental and health concern and, therefore, will not affect your health.

What about noise or odors from crematories?

Unpleasant odors and loud noises are nuisance issues, and may affect an individual’s comfort and quality of life. They can have social and behavioral affects, such as diminishing one’s sense of well being, enjoyment of daily activities, and ability to perform various tasks. However, odor and noise perception is subjective, meaning different individuals may react differently to the same type and intensity of odor and noise.

Residents concerned about noise, odor, or other nuisances in their neighborhoods should refer to local nuisance ordinances, or contact their local code enforcement offices.

Sources: U.S. Environmental Protection Agency, *Mercury*; www.epa.gov/mercury. Leopold, Barry R. Science Applications International Corporation, *Use and Release of Mercury in the United States*; EPA/600/R-02/104. December 2002.

FOR MORE INFORMATION

Georgia Department of Public Health
Environmental Health Branch
Chemical Hazards Program
(404) 657-6534
www.health.state.ga.us/programs/hazards

AN ORDINANCE TO AMEND THE CITY OF PEACHTREE CORNERS ZONING MAP BY MODIFYING ZONING CONDITIONS IN ORDER TO ACCOMMODATE A CHASE BANK IN THE 4900 BLOCK OF PEACHTREE CORNERS CIRCLE IN LAND LOT 301, PARCEL 31 OF DISTRICT 6; PURSUANT TO CASE CIC 2013-0003.

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 May 7, 2013;

NOW THEREFORE, The Mayor and City Council of the City of Peachtree Corners while in Regular Session on May 7, 2013 hereby ordains and approves the Zoning Case CIC 2013-0003 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: 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.

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.

So effective this 7th day of May, 2013.

Approved by:

Attest:

Mike Mason, Mayor

Kym Chereck, City Clerk

**CITY OF PEACHTREE CORNERS
COMMUNITY DEVELOPMENT DEPARTMENT**

CHANGE IN CONDITIONS ANALYSIS

CASE NUMBER :CIC2013-00003
ZONING :C-2
LOCATION :4900-5000 BLOCK OF PEACHTREE CORNERS CIRCLE
:5200 BLOCK OF PEACHTREE PARKWAY
MAP NUMBER :R6301 031
ACREAGE :1.10 ACRES
REQUEST :REMOVE 24-FOOT DRIVEWAY WIDTH FOR DRIVE-THRU

FUTURE DEVELOPMENT MAP: **PREFERRED OFFICE**

APPLICANT: CHASE BANK
240 E. PALMETTO PARK ROAD
BOCA RATON, FL 33432

CONTACT: BRIAN PELHAM PHONE: 770.423.0807 EXT. 110

OWNER: ROBERTS PROPERTIES PEACHTREE RETAIL, LLC
450 NORTHSIDE PARKWAY, SUITE 300
ATLANTA, GA 30350

RECOMMENDATION: **APPROVE WITH CONDITIONS**

CHANGE IN CONDITIONS SUMMARY:

The applicant requests a Change-In-Conditions of zoning for a 1.10-acre parcel located on the northeast corner of Peachtree Parkway and Peachtree Corners Circle, zoned C-2 (General Business District). The property is located within the Peachtree Corners Overlay District and is subject to those requirements.

The subject site was rezoned to C-2 in September 2007 (RZC-08-016). A Change-In-Conditions request was approved in 2008 (CIC-08-021) to modify three conditions. Currently, the applicant requests to modify one condition imposed through CIC-08-021. The applicant requests to amend condition I.E., which reads as follows:

Condition I.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.

The applicant proposes to modify this condition to allow for the construction of four drive-through lanes with a 47-foot wide driveway approach for a proposed bank, rather than the required 24 feet. The proposed drive-through facility would also be relocated from the north side of the building to the east side (rear of building), as shown on the submitted site plan. Unlike the original drive-through design with a narrow and tapered entrance and exit, the proposed relocation and drive-through widening will help to internalize bank related traffic on the subject property, limiting spillover traffic and alleviating concerns of traffic congestion on the shared access drive and the site's main entrance off Peachtree Corners Circle.

The 2030 Unified Plan Future Development Map indicates that the property is located within a Preferred Office Character Area. Changing the conditions of zoning addressing the driveway width could be compatible with developments in the area, and would not be inconsistent with policies of the Unified Plan.

There are several financial institutions in the area that provide drive-through service with varying number of lanes and driveway widths. Located at Spalding Drive and Peachtree Parkway is Wells Fargo Bank and Bank of America. Located at East Jones Bridge Road and Peachtree Parkway is Branch Banking and Trust and Piedmont Bank at Medlock Bridge Road and Peachtree Parkway, which also provide drive-through access. In addition to the fact that all identified financial institutions in the area provide drive-through service, all of them have drive-through entrance and exit widths that are equal to or larger than the total width of lanes. A change to condition I.E. to allow for additional drive-through lanes and a wider driveway width to accommodate the proposed drive-through facility could be supported based on these nearby financial institutions that have drive-through facilities with varying number of lanes and driveway widths,

ZONING HISTORY:

The subject property was zoned M-1 in 1970. In 1984, the property was zoned O-1 pursuant to RZ-278-84. In 1986, the property was rezoned to OBP (Office-Business Park District) pursuant to RZ-123-86 with a special use permit, SUP-20-86, for a building height increase. In 1986, another special use permit, SUP-19-86, was tabled indefinitely. In 1990, a request for O-1 was denied (RZ-18-90 & SUP-3-90). In 1998, the property was zoned O-1 pursuant to RZ-98-174. On October 23, 2008 the site was rezoned to C-2 with conditions in accordance with RZC-08-016. A Change-In-Conditions request was approved in 2008 (CIC-08-021) to modify three conditions.

COMMUNITY DEVELOPMENT DEPARTMENT
RECOMMENDED CONDITIONS

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):

- 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; 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.

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:

See Attached.

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

See Attached.

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

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:

See Attached.

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

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:

See Attached.

Proposed Change in Conditions:

1. Relief from 24' limitation on drive thru width as seen in Zoning Case CIC-08-021, item E.

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:

The proposed use was approved in previous change in zoning conditions. The project is currently zoned appropriately for the proposed use. It is expected that relief of the drive thru width limitations will not have any bearing on the previous approval.

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

The proposed use was approved in previous change in zoning conditions. The project is currently zoned appropriately for the proposed use. It is expected that relief of the drive thru width limitations will not have any bearing on the previous approval.

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

The proposed use was approved in previous change in zoning conditions. The project is currently zoned appropriately for the proposed use. It is expected that relief of the drive thru width limitations will not have any bearing on the previous approval.

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 use was approved in previous change in zoning conditions. The project is currently zoned appropriately for the proposed use. It is expected that relief of the drive thru width limitations and the pitched roof requirements will not have any bearing on the previous approval. Additionally, it should be noted, when compared to the approved concept, the proposed width limitation removal may help relieve possible traffic congestion, thus improving potential burden on the local streets.

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

The proposed use was approved in previous change in zoning conditions. The project is currently zoned appropriately for the proposed use. It is expected that relief of the drive thru width limitations will not have any bearing on the previous approval. Additionally, the proposed building aesthetic is similar to existing uses in the area and will not detract from the overall look and feel of the "Forum" style development. Furthermore, the drive thru is to be located in the rear of the project and should not be fully visible from the Peachtree Parkway Corridor.

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 proposed use was approved in previous change in zoning conditions. The project is currently zoned appropriately for the proposed use. It is expected that relief of the drive thru width limitations will not have any bearing on the previous approval. The drive thru is to be located in the rear of the project and should not be fully visible from the Peachtree Parkway Corridor.



February 1, 2013

Ms. Diana Wheeler
Community Development Director
Peachtree Corners Community Development
147 Technology Parkway, Suite 200
Peachtree Corners, GA 30092

Re: Chase Bank - Intent of Change in Zoning Condition Request

Ms. Wheeler:

This project site is located on the northeast corner of the intersection of Peachtree Parkway and Peachtree Corners Circle. Based on the City's layout and the proximity to the existing "Forum" development, this site is considered to be a premiere location for the further growth of Chase Bank in the area.

Based on preliminary planning for the project, it appears that the development of this corner will require a Change in Zoning Conditions to reach the desired site plan.

Based on Case Number CIC-08-021, the applicant respectfully requests relief from item 1E. This condition limits the width of the proposed drive thru to a width of 24-feet at the entrance and exit of the facility. It is the applicants understanding this limitation was imposed due to the aesthetic of a full width drive thru on Peachtree Parkway.

The applicant proposes to move the drive thru to the rear of the building. It should not be as obvious from the approach on Peachtree Parkway. Based on the applicants experience with sites similar in size and nature, the applicant respectfully submits that to limit the width of the drive thru to 24-feet as currently required by condition 1E, will cause traffic congestion that could potentially limit the use of the site's entrance located near the southeast corner. The applicant has proposed to develop the drive thru as shown in the attached site plan.

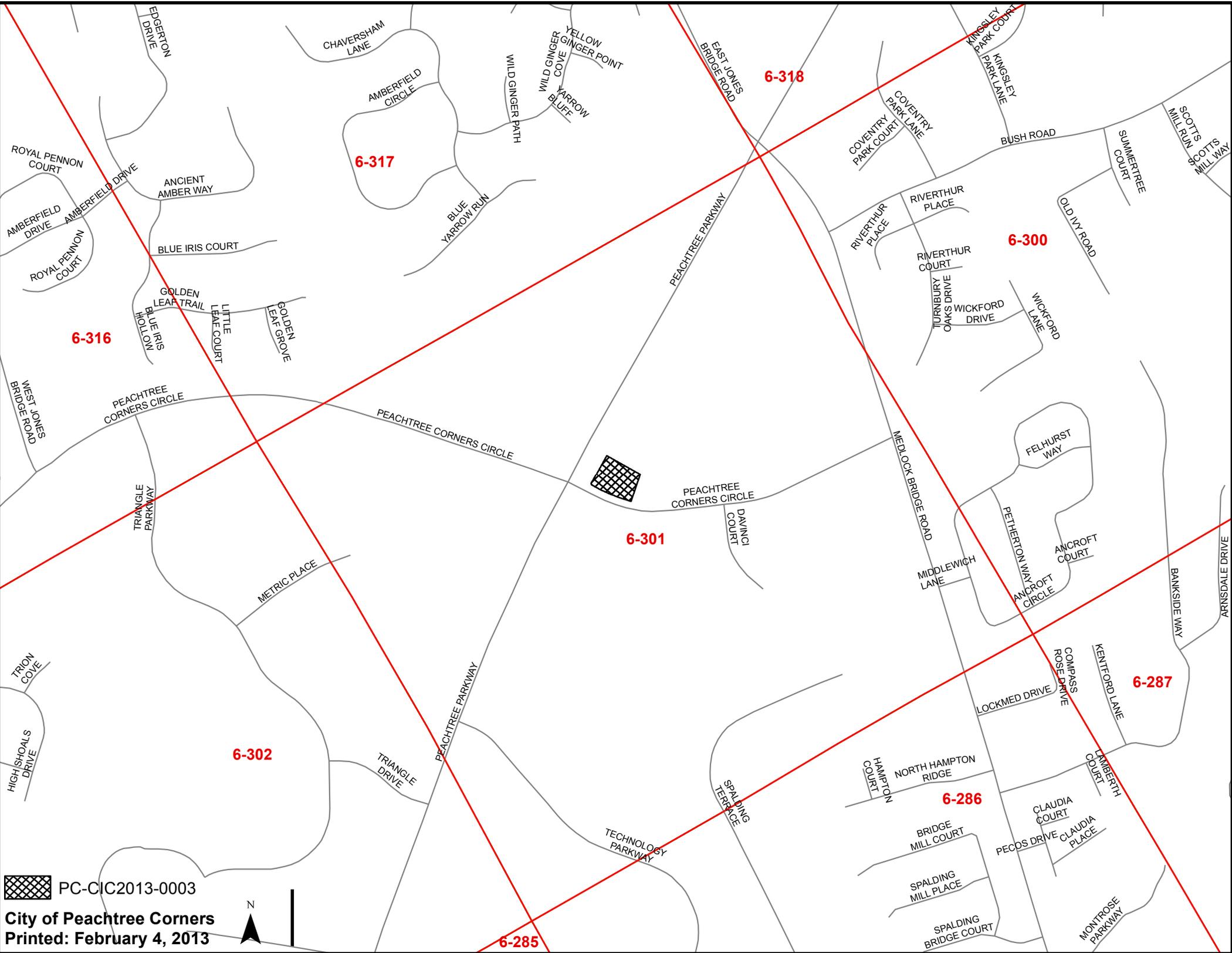
The movement of the drive thru to the rear of the building and relief from condition 1E will improve the aesthetic of the development and will improve the safety of pedestrian traffic in the front and sides of the building. For these reasons, Chase Bank respectfully requests relief of this limitation in the aforementioned Zoning Conditions.

If you have any concerns regarding this request for change in zoning condition for this project, please feel free to give me a call at your earliest convenience. Thank you for your consideration in this matter.

Best regards,
LAI Engineering

A handwritten signature in black ink, appearing to read 'Brian Pelham', written over a horizontal line.

Brian Pelham
Project Manager



 PC-CIC2013-0003

City of Peachtree Corners
Printed: February 4, 2013



6-285

6-301

6-316

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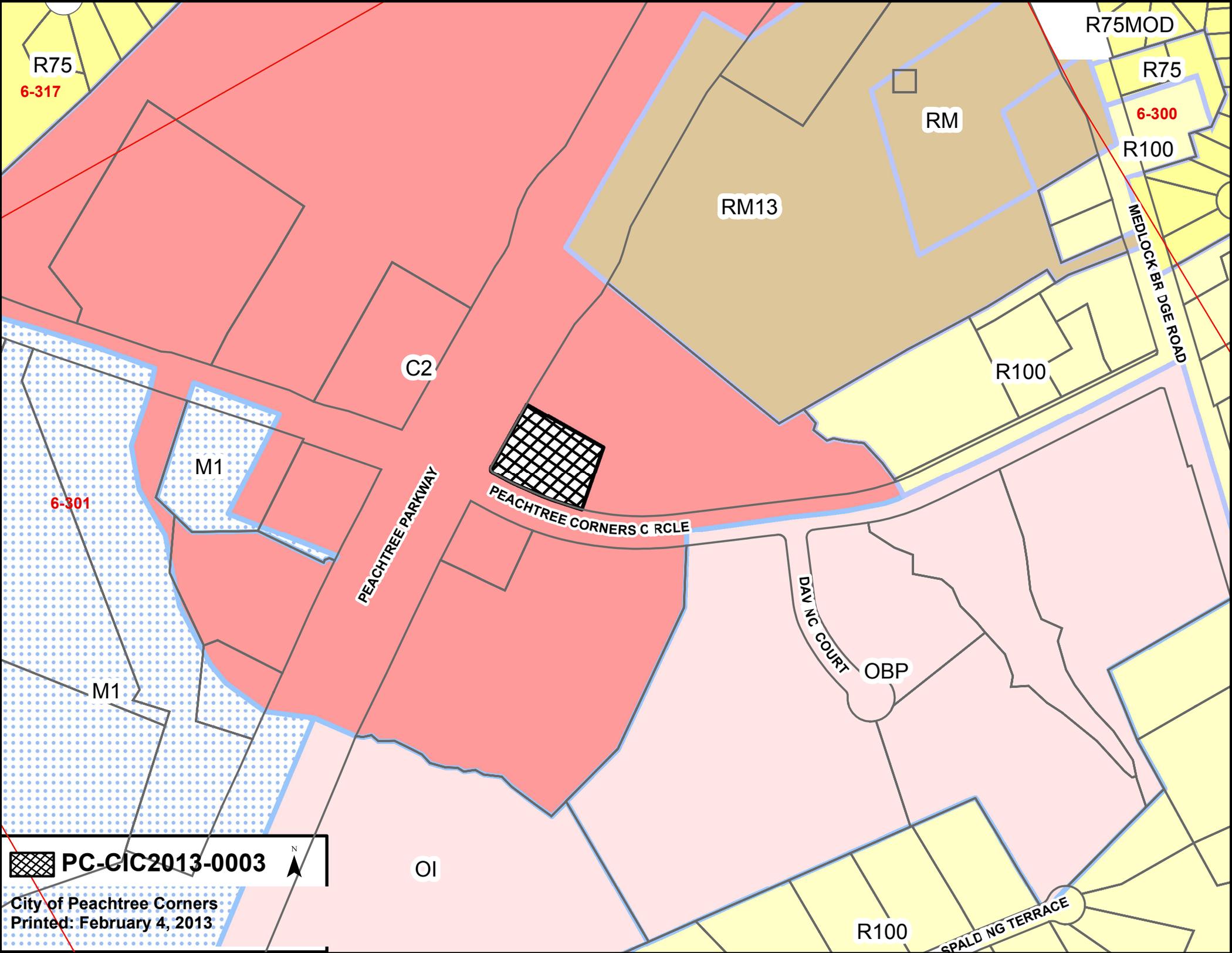
PEACHTREE PARKWAY

PEACHTREE CORNERS CIRCLE

 PC-CIC2013-0003

City of Peachtree Corners
Printed: February 4, 2013





R75

6-317

R75MOD

R75

6-300

R100

RM

RM13

C2

R100

M1

6-301

M1

PEACHTREE CORNERS C RCLE

PEACHTREE PARKWAY

DAN NG COURT

OBP

OI

R100

SPALD NG TERRACE

MEDLOCK RIDGE ROAD

 **PC-CIC2013-0003**



City of Peachtree Corners
Printed: February 4, 2013

AN ORDINANCE OF THE CITY OF PEACHTREE CORNERS, GEORGIA, ADOPTING BY REFERENCE, AND AMENDING CERTAIN PORTIONS OF, THE CITY OF PEACHTREE CORNERS CODE OF ORDINANCES IN ORDER TO ESTABLISH A DOCUMENT ENTITLED ‘THE CITY OF PEACHTREE CORNERS CHAPTER 42 ARTICLE V SOIL EROSION, SEDIMENTATION AND POLLUTION CONTROL.’

WHEREAS, Georgia State Law provides that ordinances and codes of the Federal, State, or any agency of either of them, may be adopted by reference; and

WHEREAS, in order to adopt the current state Soil Erosion, Sedimentation And Pollution Control regulations, the Mayor and Council have determined that it is beneficial to adopt the Georgia Environmental Protection Division Model Ordinance with some modifications; and

WHEREAS, the processing of development plans and issuance of land disturbance and other type permits necessitates the adoption of Soil Erosion, Sedimentation and Pollution Control regulations;

NOW THEREFORE, THE MAYOR AND COUNCIL OF THE CITY OF PEACHTREE CORNERS HEREBY ORDAIN AS FOLLOWS:

That Chapter 42, Article V entitled ‘The City of Peachtree Corners Soil Erosion, Sedimentation And Pollution Control Regulations’ is hereby adopted.

SO ORDAINED AND EFFECTIVE, this ____ day of _____, 2013.

Approved:

Mike Mason, Mayor

ATTEST:

_____(SEAL)
Kym Chereck, City Clerk

AN ORDINANCE TO AMEND CHAPTER 6 (“ALCOHOLIC BEVERAGES”) OF THE CODE OF THE CITY OF PEACHTREE CORNERS, GEORGIA, TO AMEND AND PROVIDE CERTAIN DEFINITIONS; TO AUTHORIZE CERTAIN TYPES OF ESTABLISHMENTS TO SELL BEER AND/OR WINE; TO AUTHORIZE WINE TASTINGS AND MALT BEVERAGE TASTINGS; TO AUTHORIZE USE OF GROWLERS FOR CERTAIN PACKAGE MALT BEVERAGE LICENSEES; AND FOR OTHER PURPOSES

WHEREAS, the Mayor and Council of the City of Peachtree Corners are charged with the protection of the public health, safety, and welfare of the citizens of Peachtree Corners; and

WHEREAS, Chapter 6 (“Alcoholic Beverages”) of The Code of the City of Peachtree Corners, Georgia, currently prohibits selling unsealed packaged malt beverages by a licensee with a package malt beverage license; and

WHEREAS, Chapter 6 of The Code of the City of Peachtree Corners, Georgia, currently prevents certain types of establishments from selling malt beverages and/or wine by the package; and

WHEREAS, the Mayor and Council desire to allow additional types of establishments to sell malt beverages and/or wine by the package; and

WHEREAS, the Mayor and Council further desire to allow certain package wine licensees the ability to provide tastings of wine on the licensees’ premises and certain package malt beverage licensees the ability to provide tastings of malt beverages on the licensees’ premises; and

NOW THEREFORE, the Council of the City of Peachtree Corners hereby ordains, as follows:

Section 1: Chapter 6 (“Alcoholic Beverages”) of The Code of the City of Peachtree Corners, Georgia, is hereby amended by revising the definition of “beer or malt beverage,” adding a definition for “growler,” and revising the definition of “package” in Section 6-2, to read as follows:

“Beer or malt beverage means any alcoholic beverage obtained by the fermentation of any infusion or decoction of barley, malt, hops or any other similar product, or any combination of such products in water, containing not more than fourteen (14) percent alcohol by volume, and including ale, porter, brown, stout, lager beer, small beer and strong beer. The term *beer or malt beverage* does not include sake, known as Japanese rice wine.

Growler means a professionally sanitized reusable glass or hard plastic container not exceeding sixty-four ounces (64 oz.) in volume used to transport draft beer for off-premises consumption.

Package means a bottle, can, keg barrel, growler or other original consumer container.”

Section 2: Chapter 6 of The Code of the City of Peachtree Corners, Georgia, is hereby further amended by striking Section 6-116, “Type of retail establishment where permitted,” and substituting in lieu thereof the following Section 6-116:

“Sec. 6-116. - Types of retail establishments.

- (a) No beer and/or wine shall be sold at retail except in establishments licensed to sell beer and/or wine in the original package, as applicable, which are located in zoning districts in which these establishments are permitted as a conforming use or when such establishment currently exists in the zoning district as a nonconforming use as defined in the Zoning Resolution of the City of Peachtree Corners, as amended.
- (b) In cases where, under section 6-191, a hotel or motel is allowed to sell liquor by the package for purposes of room service, beer and wine sales by the package shall also be permitted for purposes of room service to guests of the hotel or motel.”

Section 3: Chapter 6 of The Code of the City of Peachtree Corners, Georgia, is hereby further amended by adding Section 6-94, “Wine tastings,” to read as follows:

“Sec. 6-94. Ancillary wine tasting license.

- (a) The holder of a package wine license, with or without a package malt beverage license, but in no event with a package distilled spirits license, with licensed premises having a minimum of **two hundred (200)** square feet of floor space dedicated to the display of wine offered for sale, shall be eligible for an ancillary wine tasting license to provide samples of wine offered for sale to customers under the conditions set forth in this section.
- (b) Wine sampling shall be on limited occasions when a customer request a sample of a wine offered for sale within the premises, or in conjunction with wine education classes and sampling designed to promote wine appreciation and education.
- (c) Wine tasting for customers shall only be conducted at a wine counter area constituting no more than ten percent (10%) of the entire floor area of the premises.
- (d) Wine sampling for customers shall be limited to no more than one (1) time per day per customer for a period not to exceed two (2) consecutive hours. Samples shall not exceed two (2) ounces, and no customer shall consume more than eight (8) ounces in any two-hour period.
- (e) Wine bottles shall be opened only by the licensee or an employee, and samples shall only be poured by the licensee and/or an employee.
- (f) No open containers of wine shall be removed from the licensed premises.
- (g) Not more than three (3) times per week for a period of not to exceed two (2) consecutive hours, the holder of an ancillary wine tasting license may conduct educational classes and sampling for classes. All conditions of sampling set forth in this section shall apply to such classes, except for the limitation on floor areas where the classes can be conducted.

- (h) Holders of an ancillary wine tasting permit shall not charge for samples or tastings, but may accept donations for a charitable organization of their choice.
- (i) Wine sampling and tasting is only permitted within the enclosed portion of the premises.
- (j) The annual fee for an ancillary wine tasting license shall be set and may be revised by Resolution of the Mayor and Council.”

Section 4: Chapter 6 of The Code of the City of Peachtree Corners, Georgia, is hereby further amended by adding Section 6-95, “Ancillary malt beverage tasting license,” to read as follows:

“Sec. 6-95. Ancillary malt beverage tasting license.

- (a) The holder of a package malt beverage license, with or without a package wine license, but in no event with a package distilled spirits license, with licensed premises having a minimum of **four hundred (400)** square feet of floor space dedicated to the display of malt beverages offered for sale or which is authorized pursuant to Sec. 6-96 to sell growlers, shall be eligible for an ancillary malt beverage tasting license to provide samples of malt beverages offered for sale to customers under the conditions set forth in this section.
- (b) Malt beverage sampling shall be on limited occasions when a customer requests a sample of a malt beverage offered for sale within the premises, or in conjunction with malt beverage education classes and sampling designed to promote malt beverage appreciation and education.
- (c) Malt beverage tasting for customers shall only be conducted at a counter area constituting no more than ten percent (10%) of the entire floor area of the premises.
- (d) Malt beverage sampling for customers shall be limited to no more than one (1) time per day per customer for a period not to exceed two (2) consecutive hours. Samples shall not exceed two (2) ounces, and no customer shall consume more than eight (8) ounces in any two-hour period.
- (e) Only the licensee or an employee shall open and handle unpackaged malt beverages, and samples shall only be poured by the licensee and/or an employee.
- (f) No open containers shall be removed from the licensed premises.
- (g) Not more than three (3) times per week for a period not to exceed two (2) consecutive hours, the holder of an ancillary malt beverage tasting license may conduct educational classes and sampling for class participants. All conditions of sampling set forth in this section shall apply to such classes, except for the limitation on floor areas where the classes can be conducted.
- (h) Holders of an ancillary malt beverage tasting license shall not charge for samples or tastings, but may accept donations for a charitable organization of their choice.
- (i) Malt beverage sampling and tasting is only permitted within the designated interior portion of the premises.

- (j) The annual fee for an ancillary malt beverage tasting license shall be set, and may be revised, by Resolution of the Mayor and Council.”

Section 5: Chapter 6 of The Code of the City of Peachtree Corners, Georgia, is hereby further amended by adding Section 6-96, “On-premises consumption unlawful; Growlers,” to read as follows:

“Sec. 6-96. On-premises consumption unlawful; Growlers.

- (a) It shall be unlawful for any person to consume any alcoholic beverages on premises licensed for the sale of alcoholic beverages by the package. It shall be unlawful for any retail package licensee to open or break the package of any alcoholic beverages for a purchaser or to permit the consumption of alcoholic beverages on the licensed premises. This section shall not apply with respect to: (i) tastings provided pursuant to an ancillary wine tasting license; (ii) tastings provided pursuant to an ancillary malt beverage tasting license; or (iii) sales pursuant to a license for consumption on the premises.
- (b) Notwithstanding the foregoing prohibition, package malt beverage licensees, who are not also licensed to sell distilled spirits by the package, may fill growlers with draft beer at the licensee’s licensed location from kegs lawfully procured by the licensee, subject to the following requirements: (i) the filled growler must be securely sealed, on premises, with a tamper proof plastic cap; (ii) either at least ninety percent (90%) of the licensee’s total gross sales are from the packaged sale of malt beverages and/or wine or the licensee’s premises have a minimum of four hundred (400) square feet of floor space dedicated to the display of malt beverages offered for sale; and (iii) the licensee complies with all State, Federal and local packaging and labeling laws regarding alcoholic beverages. Each filled growler must be removed from the premises in its securely sealed condition. Except as provided in subsection (a) of this section, consumption on the premises shall be prohibited.”

Section 6: *Repeal of Conflicting Provisions.* All ordinances, parts of ordinances, or regulations in conflict herewith are repealed.

Section 7: *Severability.* Should any court of competent jurisdiction declare any section of this Ordinance invalid or unconstitutional, such declaration shall not affect the validity of the Ordinance as a whole or any part thereof, which is not specifically declared to be invalid or unconstitutional.

Section 8: The provisions of this Ordinance shall become and be made a part of The Code of the City of Peachtree Corners, Georgia, and the sections of this Ordinance may be renumbered to accomplish such intention.

SO ORDAINED AND EFFECTIVE, this the ____ day of _____, 2013.

APPROVED:

Mike Mason, Mayor

ATTEST:

APPROVED AS TO FORM:

Kym Cherek, City Clerk

William F. Riley, City Attorney

(Seal)

DRAFT

AN ORDINANCE TO ADOPT AND APPROVE CHAPTER 106, TAXES, PROVIDING FOR INCLUSION AND IDENTIFICATION IN THE CODE OF ORDINANCES FOR THE CITY OF PEACHTREE CORNERS, GEORGIA TO BE REFERENCED IN THE FUTURE AS CHAPTER 106 (TAXES) AS ATTACHED HERETO AND INCORPORATED HEREIN

WHEREAS, The City of Peachtree Corners Charter establishes under Article 1, Section 1.12 authorization for the city council to levy tax; and

WHEREAS, The Ordinance relating to Chapter 106, Taxes is hereby adopted and approved, and is attached hereto as if fully set forth herein; and

WHEREAS, This Ordinance shall be designated as Chapter 106 of the Code of Ordinances of the City of Peachtree Corners, Georgia; and

WHEREAS, This Ordinance shall become effective upon its adoption,

NOW, THEREFORE, THE COUNCIL OF THE CITY OF PEACHTREE CORNERS HEREBY ORDAINS that Chapter 106, Taxes is hereby adopted and approved as part of the Code of Ordinances for the City of Peachtree Corners, Georgia.

SO ORDAINED AND EFFECTIVE this the _____ day of _____, 2013.

APPROVED:

Mike Mason, Mayor

ATTEST:

APPROVED AS TO FORM:

Kym Chereck, City Clerk

William F. Riley, City Attorney

(Seal)