

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

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

Mayor	Mike Mason
Council Member	Phil Sadd – Post 1
Council Member	James Lowe – Post 2
Council Member	Alex Wright – Post 3
Council Member	Jeanne Aulbach – Post 4
Council Member	Lorri Christopher – Post 5
Council Member	Weare Gratwick – Post 6
City Attorney	Bill Riley
City Manager	Julian Jackson
City Clerk	Kym Chereck

PLEDGE OF ALLEGIANCE: Mayor Mason led the Pledge of Allegiance.

MAYOR'S OPENING COMMENTS: There were no opening remarks.

MINUTES:

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

By: Council Member Gratwick

Seconded by: Council Member Christopher

**Vote: (6-0) (Gratwick, Christopher, Mason, Sadd, Lowe, Aulbach)
(Council Member Wright not present at this time)**

PUBLIC COMMENT: Ms. Mary Jean Harrison introduced herself as the new Branch Manager of the Peachtree Corners Library. Ms. Harrison invited everyone to come to the Library to update their library card, and to see what the Library has to offer.

Ms. Mim Harris expressed her disappointment with the Council and the Mayor concerning, among other things, the lack of a referendum for the purchase of land.

REPORTS and PRESENTATIONS: Community Development Director, Diana Wheeler, provided her report on staff activities that occurred during February 4, 2013 through February 15, 2013. These activities included, among other items, meetings with the Comprehensive Plan Advisory Committee and Pond and Company, meeting with developers to discuss specific commercial projects, contacting ZBA members regarding their first meeting on March 20th, and preparing Ordinances for upcoming meetings.

City Manager, Julian Jackson, introduced Mr. Nick Masino, Vice President of Economic Development & Partnership Gwinnett. Mr. Masino gave a brief description of the Economic Development Ordinance and explained the benefits the Ordinance will have on the City.

OLD BUSINESS:

O2013-02-05

SECOND READ and Consideration of Rezoning (RZC2013-13-00001) a 4.32-acre parcel from C-2 (General Business District) and RM-13 (Multi-Family Residence District) to C-2 along with any necessary variances including buffer reductions in order to allow for the construction of restaurants, office and retail buildings on property located in the 6th District, Land Lot 301, Parcel 165 within the 5100 Block of Peachtree Parkway and the 3700 block of Medlock Bridge Road. Applicant/Owner: Peachtree Parkway Holdings, LLC

Ms. Diana Wheeler, Community Development Director, presented the case to the Mayor and Council and provided background information about the applicant's request and the proposed project. Ms. Wheeler stated that the applicant would like to reduce the buffer normally required between commercial and residential uses to a 20 ft. landscape strip. This would accommodate inter-parcel access between the two sites. Ms. Wheeler indicated that the development of commercial uses on this property which is located across the street from the Forum would be appropriate and, in fact, may be preferred over apartments facing directly onto Peachtree Parkway. Based on the analysis, Staff recommended approval of the application subject to conditions which are outlined in the staff report and, which Ms. Wheeler briefly outlined.

Mr. Mitch Peavy, representing the applicant, presented his rezoning and buffer reduction request to the Commission and noted that the developer also built Piedmont Bank, immediately adjacent to this site. Mr. Peavy stated that the developer wants to make sure that the site flows and fits into the area, and also stated that he will be working with Wakefield Beasley, the Architectural firm that designed the Forum. Mr. Peavy stated that he had no issues with Staff's conditions, with the exception of consideration of flexibility on condition 2a.

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

MOTION TO APPROVE 02013-02-05 THE CONSIDERATION OF REZONING, WITH THE PLANNING COMMISSION'S CONDITIONS.

(Conditions are listed below.)

By: Council Member Christopher

Seconded by: Council Member Sadd

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

(Conditions for 02013-02-05/RZC2013-13-00001)

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, fast food restaurants with or without drive-thru window (pick-up /to go windows at non-fast food restaurants permitted), automotive car wash, automotive parts store; billboards; 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 3,500 square feet, 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; day care center; and any temporary uses.*

B. *Drive-thru businesses shall be prohibited, except for a coffee shop, (defined as a business that derives at least 80% of its revenues from the sale of coffee, tea, and similar beverages), and banks/financial institutions which may include a drive-through facility as an integrated part of the primary banking operation if such drive-through facility is structurally attached to the bank/financial institution building. To the extent that any allowed structure ceases to be used as a bank/financial institution, then the drive-through portion of the facility shall be demolished.*

C. *Abide by all requirements of Section 1315 (Activity Center/Corridor Overlay District).*

2. *To satisfy the following site development considerations:*

A. Provide a 20-foot wide landscape strip to serve as a buffer adjacent to residential zoning. Any graded area of the buffer shall be replanted with American Elm and native Georgia trees such as Tulip Poplar, Maple, and Cryptomeria.

B. To the extent possible, coordinate with the adjoining residential property in order to accommodate at least three points of vehicular and pedestrian connection between the properties and to coordinate landscape treatments along common property lines.

C. Provide bike racks within the development in accordance with the overlay standards.

D. Billboards or oversized signs shall be prohibited.

E. 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.

F. 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 buildings located within the Forum on Peachtree Parkway, and final plans shall be approved by the Planning Commission. All mechanical appurtenances and equipment and/or ductwork shall be screened from view. Screening shall coordinate with the building architecture.

G. Provide or relocate and reconstruct sidewalks, as required, a minimum of five feet in width adjacent to Peachtree Parkway (U.S. Hwy. 141) and Medlock Bridge Road. Sidewalks may meander along these roads where feasible and per DOT approval. Provide internal sidewalks connecting outparcel development. Submit pedestrian access plan for review and approval of the Director.

H. 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 or create a hazard for passing automobile traffic. Any lights located on the rear of the building must be directed downward.

I. Ground signage shall be limited to monument type sign(s) with a minimum two-foot high brick or stacked stone base. Ground sign(s) shall not exceed six feet in height.

J. Any detention ponds shall be visibly screened with landscape plantings to be approved by the Director.

- K. No outside speakers shall be allowed other than on a coffee shop or 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.
- L. 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.
- M. All food service facilities on the property, including outparcels, shall install odor scrubbers which remove 95% of cooking odors as determined by the Director.
- N. Truck delivery, parking lot cleaning machinery and any other equipment that emits noise shall be limited to the hours of 6:00 a.m. to 9:00 p.m.
- O. No overnight parking or idling of delivery trucks shall be allowed.
- P. 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.
- Q. No tents, canopies, streamers or roping decorated with flags, tinsel, or other similar material shall be displayed, hung, or strung on the site. No decorative balloons or hot-air balloons shall be displayed on the site. Yard signs, sign-walkers and sign-twirlers shall be prohibited.
- R. Peddlers and/or parking lot sales shall be prohibited.
- S. The main entrances into the buildings located along Peachtree Parkway shall be designed to face, or appear to face, Peachtree Parkway. The main entrance into the building located along Medlock Bridge Road shall be designed to face, or appear to face Medlock Bridge Road.
- T. If the building located along Medlock Bridge Road is developed as a multi-tenant building, then tenant access shall be provided through an interior lobby.
- U. The building located along Medlock Bridge Road shall have no exterior stairs, stairwells or 2nd floor balconies that connect building floors to the outside.
- V. The building located along Medlock Bridge Road shall be developed with a first floor finish elevation that approximately matches the first floor elevation of Piedmont Bank.

O2013-02-06

SECOND READ and Consideration of a Request for a Special Use Permit (SUP2013-00001) on a 2.59 acre parcel, Zoned M-1 (Light Industrial District), to allow a truck fleet maintenance facility. The subject property is located in District 6, Land Lot 250, Parcel 068 at 2805 Amwiler Road. Applicant: TK Atlanta Property, LLC; Owner: Satling Investments, LLC

Ms. Wheeler, Community Development Director presented the case to the Mayor and Council and noted that the applicant would like to use an existing, vacant building for a refrigerated truck maintenance facility. The property is located in an industrial area across the street from Newell Recycling, an intense industrial use. Ms. Wheeler also stated that the property is surrounded by a fence and the prospective purchaser, Thermo-King, indicated that the applicant estimates 10-15 additional trips would be added to the road way if this request is approved. Based on the analysis, Staff recommended approval of the application subject to conditions which are outlined in the staff report and, which Ms. Wheeler briefly outlined.

Mr. Bill George represented the applicant. Mr. George stated that this location met the company's needs for a refrigerated truck maintenance facility, and that he had no objection to Staff's conditions.

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

MOTION TO APPROVE O2013-02-06, THE CONSIDERATION OF THE SPECIAL USE PERMIT, WITH THE PLANNING COMMISSION'S CONDITIONS. *(Conditions are listed below.)*

By: Council Member Christopher

Seconded by: Council Member Gratwick

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

(Conditions for O2013-02-06/SUP2013-00001)

1. *Maintain the existing eight-foot high, opaque security fence around the perimeter of the subject property.*
2. *All truck and trailer repairs shall occur within the enclosed building.*
3. *Outdoor loudspeakers shall be prohibited.*
4. *The property owner shall repaint or repair any graffiti or vandalism that occurs on the property within 72 hours.*

ACTION ITEM

Consideration of Intergovernmental Agreement for the Allocation and Distribution of Proceeds from the Title Ad Valorem Tax.

Mr. Julian Jackson, City Manager, informed the Mayor and Council that this agreement is still being worked on between the Attorney for the Gwinnett Municipal Association and the County Attorney, but that some Cities are voting to allow the City Attorney, City Manager and Mayor to go ahead and executing this agreement when it becomes agreed upon by everyone.

MOTION TO APPROVE ACTION ITEM NUMBER THREE, CONSIDERATION OF AN INTERGOVERNMENTAL AGREEMENT FOR THE ALLOCATION AND DISTRIBUTION OF PROCEEDS FROM THE TITLE AD VALOREM TAX, SUBJECT TO THE CITY ATTORNEY AND CITY MANAGER WORKING WITH ALL THE OTHER CITIES TO GET A STANDARD CONTRACT AND GETTING THE POPULATION CORRECT.

By: Council Member Christopher

Seconded by: Council Member Gratwick

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

NEW BUSINESS:

O2013-02-07

First Read and Consideration of a an Ordinance to attract, retain, and promote business development within the city limits by establishing an Economic Development Program; offering incentives for job growth; and for other purposes.

O2013-02-08

First Read and Consideration of an Ordinance to amend the Charter of the City of Peachtree Corners, Georgia for the purpose of amending the required readings to pass an ordinance in Section 2.21 of the City Charter.

R2013-02-05

Discussion and Consideration of a Resolution requesting State Representative Tom Rice to introduce local legislation allowing the City of Peachtree Corners to enter into Intergovernmental Agreements with other Governmental entities for police, fire and other services.

MOTION TO APPROVE R2013-02-05.

By: Council Member Christopher

Seconded by: Council Member Gratwick

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

EXECUTIVE SESSION:

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

By: Council Member Sadd

Seconded by: Council Member Gratwick

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

MOTION TO COME OUT OF EXECUTIVE SESSION.

By: Council Member Gratwick

Seconded by: Council Member Aulbach

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

ADJOURNMENT:

MOTION TO ADJOURN.

By: Council Member Gratwick

Seconded by: Council Member Aulbach

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

Approved,



Mike Mason, Mayor

Attest:



Kymberly Chereck, City Clerk

(Seal)