

**CITY OF PEACHTREE CORNERS  
COMMUNITY DEVELOPMENT DEPARTMENT**

**REZONING ANALYSIS**

CASE NUMBER	:RZC2013-00001
ZONING CHANGE	:C-2 & RM-13 TO C-2
LOCATION	:5100 BLOCK OF PEACHTREE PARKWAY :3700 BLOCK OF MEDLOCK BRIDGE ROAD
MAP NUMBER	:R6301 165
ACREAGE	:4.32 ACRES
PROPOSED DEVELOPMENT REQUEST	:COMMERCIAL/RETAIL USES : <b>REZONE A PORTION OF PROPERTY AND APPROVE VARIANCES NEEDED INCLUDING BUFFER REDUCTIONS IN ORDER TO ACCOMMODATE PROPOSED DEVELOPMENT</b>

FUTURE DEVELOPMENT MAP: PREFERRED OFFICE

APPLICANT: PEACHTREE PARKWAY HOLDINGS, LLC  
C/O MILL CREEK CONSULTING  
4480 COMMERCE DRIVE, SUITE A  
BUFORD, GA 30518

CONTACT: MITCH PEEVY                      PHONE: 770.614.6511

OWNER: PEACHTREE PARKWAY HOLDINGS, LLC  
5185 PEACHTREE PARKWAY  
PEACHTREE CORNERS, GA 30092

RECOMMENDATION: APPROVE WITH CONDITIONS

PROJECT DATA:

The applicant requests rezoning of a 4.32-acre parcel from C-2 (General Business District) and RM-13 (Multi-Family Residence District) to C-2 to allow for the construction of two restaurants, an office building and a retail building. The property is located on the east side of Peachtree Parkway, south of its intersection with Medlock Bridge Road. The property is partially developed with a driveway and parking spaces associated with the Piedmont Bank located at the intersection, while the balance of the site is wooded and undeveloped. The property is located within the Peachtree Corners Overlay District and is subject to those requirements.

A mix of uses characterizes the surrounding area. To the east is vacant property zoned RM-13 (Multi-Family Residence District). Directly across Peachtree Parkway is the Forum on Peachtree Parkway, zoned C-2. To the north are retail centers that include an Ingles grocery store,

restaurants and retail stores. To the south, at Peachtree Corners Circle and Peachtree Parkway is a mix of uses including offices, the Interlochen Village shopping center, restaurants, a convenience store and a daycare center.

The submitted site plan indicates that the property would be subdivided into four parcels. The existing C-2 zoning on a portion of the property would allow one of the parcels to be developed without any special approvals; however, the irregular configuration of the property necessitates that land be added to make the site developable for the remaining parcels. This added land has an RM-13 designation and, as currently zoned, would allow the development of 39 apartment units.

In lieu of those apartments, the applicant is proposing commercial parcels. One parcel is proposed with direct access onto Medlock Bridge Road where it intersects with Bush Road and would be developed with a 14,000 square foot, three-story, office building. Three parcels are proposed along Peachtree Parkway. Each of these three parcels would be developed with a single building to be utilized as retail space, a restaurant, or a bank. The proposed total floor area for these three sites is 23,800 square feet. An existing driveway that provides access to the existing Piedmont Bank at the corner would also provide access for the subject site. A shared driveway with the adjoining property to the south would also be constructed, aligning with an entrance to the Forum on Peachtree Parkway. Inter-parcel access would connect the four parcels.

Since the site adjoins residential property to the southeast, a 75-foot wide buffer would be required; however, the site plan proposes substitution of a 20-foot wide enhanced landscape strip adjacent to this property in lieu of the required buffer.

#### ZONING HISTORY:

The subject property was zoned M-1 and R-100 in 1970. In 1972 the property was rezoned to C-2 and RM, pursuant to an area wide map amendment. In 1984, a strip of the RM property fronting Peachtree Parkway was rezoned to O-1 pursuant to RZ-278-84. In September of 1986, the O-1 strip and the remaining RM portions of the site were rezoned to OBP (Office-Business Park District), pursuant to RZ-69-86 and RZ-123-86. In 1998, the OBP portion of the property was rezoned to RM-13, pursuant to RZ-98-174.

#### 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:**

The Buffer, Landscape and Tree Ordinance requires a ten-foot wide landscape strip adjacent to all street rights-of-way for non-residential developments.

The Buffer, Landscape and Tree Ordinance requires submittal and approval of a Tree Preservation and Replacement Plan prepared by a professional landscape architect prior to securing a Land Disturbance permit.

Section 606.3 of the 1985 Zoning Resolution requires screening of dumpsters and loading/unloading facilities.

Parking lots and interior driveways shall be designed in accordance with the Zoning Resolution.

Project access and required improvements along State routes or U.S. Highways (i.e., number and design of driveways, deceleration lanes, median breaks, etc.) will be subject to review and approval of the Georgia Department of Transportation.

Section 6.13 of the Development Regulations requires construction of five-foot wide sidewalks along all exterior roadways adjoining the project, and four-foot wide sidewalks adjacent to both sides of all interior public streets (excluding cul-de-sac turnarounds).

Section 606.6 of the Zoning Resolution requires an additional five-foot setback for all structures (parking lots, driveways, detention ponds, retaining walls, etc.) adjacent to required buffers.

The developer must submit detailed site development plans, including a landscape and tree preservation/replacement plan, for review and approval of the Community Development Department prior to any construction.

The developer must obtain a Land Disturbance Permit from the Community Development Department prior to any construction.

Section 8.2.1 of the Development Regulations requires submittal of a Storm Water Management Report for the project prior to obtaining a Land Disturbance or Development Permit.

This project lies within an Activity Center/Corridor Overlay District, and is subject to all requirements set forth in Section 1315 of the Peachtree Corners Zoning Resolution.

**STORMWATER REVIEW SECTION COMMENTS:**

No comment.

**GWINNETT COUNTY DEPARTMENT OF TRANSPORTATION COMMENTS:**

Peachtree Parkway is a State Route and Georgia D.O.T. right-of-way requirements govern.

Medlock Bridge Road is a Major Arterial and 50 feet of right-of-way is required from the centerline, with 60 feet required within 500 feet of a major intersection.

Standard deceleration lanes with appropriate taper and adequate right-of-way will be required.

Prior to the issuance of a Development Permit, a sight distance certification shall be provided. The number and locations of driveways are subject to Gwinnett County D.O.T. approval.

Coordinate with the Georgia D.O.T. regarding access to Peachtree Parkway.

Project must comply with Gwinnett County D.O.T. Criteria and Guidelines for Left Turn Lanes.

Improvements of Signalized Intersections are to include full pedestrian facilities.

**GWINNETT COUNTY ENVIRONMENTAL HEALTH COMMENTS:**

Contact GCEHD regarding the food service establishment permitting process.

**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 eastern right-of-way of Peachtree Parkway, and a 12-inch water main located on the western right-of-way of Medlock Bridge Road.

Due to the possibility of unforeseen circumstances, the Department of Water Resources makes no guarantees as to the minimum pressures or volumes available at a specific point within its system. Demands imposed by the proposed development may require reinforcements or extensions of existing water mains. Any cost associated with such required reinforcements or extensions will be the responsibility of the developer and will not be provided by this department.

The available utility records show that the subject development is currently in the vicinity of an 8-inch sanitary sewer main located approximately 65 feet north of the property.

The subject development is located within the Crooked Creek service area. There are currently no connection restrictions within this service area. Treatment capacity within this area is presently available on a first come - first serve basis.

Developer shall provide easements for future sewer connection to all locations designated by DWR during plan review.

As-built information for this department is dependent upon outside entities to provide record drawings for the utilities. Therefore this department does not guarantee the accuracy of the information provided.

Extensions of the water and/or sanitary sewer systems within the subject development must conform to this department's policies and Gwinnett County's ordinances. Proceeding design, construction, inspection, and final acceptance of the required utilities, service to these utilities would then become available under the applicable utility permit rate schedules.

#### BUILDING CONSTRUCTION SECTION COMMENTS:

Building Plan Review has no objections under the following conditions:

1. The applicant shall submit civil site drawings to the Community Development Department for review and approval.
2. The applicant shall submit architectural, structural, mechanical, electrical and plumbing drawings for each building for review and approval by the Community Development Department.
3. Each building shall comply with the height and area limitations of Table 503 and the fire resistive and horizontal separation requirements of Table 601 and 602 of the 2006 International Building Code with Georgia state amendments based on occupancy group classification, type of construction, and location of each building from property lines and other buildings.
4. Architectural design of the proposed building renovation shall incorporate the requirements of the Activity Center/Corridor Overlay District, Section 1315 of the Peachtree Corners Zoning Resolution.
5. Upon completion of plan review approvals, the applicant shall obtain a building permit for each building and achieve satisfactory field inspections for issuance of a Certificate of Occupancy.

#### GWINNETT COUNTY FIRE SERVICES COMMENTS:

Fire Plan Review has no objections to the rezoning request, 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 this office at (678) 518-6000, Monday through Friday, from the hours of 8:00 a.m. to 5:00 p.m.

**DEPARTMENT ANALYSIS:**

The subject 4.32-acre property is located on east side of Peachtree Parkway, extending southward from Medlock Bridge Road. The property is partially developed with a driveway and parking spaces associated with the Piedmont Bank located at the corner, while the balance of the site is wooded and undeveloped.

The 2030 Unified Plan Future Development Map indicates that the property lies within a Preferred Office Character Area. Approximately one-third of the property has been zoned C-2 since 1972, and the property could be considered part of the commercial node at the intersection of Peachtree Parkway and Medlock Bridge Road. Over the past several years, properties along Peachtree Parkway at highly visible intersections have been rezoned for commercial uses including the Forum on Peachtree Parkway. Rezoning the site to C-2 with similar conditions to those established on other nearby commercial developments in the area would ensure consistency of use along an important commercial corridor. Without the requested rezoning, apartments could be built directly facing Peachtree Parkway. In this case, the requested zoning appears to be more compatible with the existing surrounding developments than the current zoning on the property.

In conclusion, the proposed rezoning would be consistent with previous Gwinnett County Board actions establishing C-2 uses at this intersection, and with appropriate conditions, would be compatible with the surrounding commercial developments.

## RECOMMENDED CONDITIONS

Approve rezoning of property from RM-13 to C-2 for commercial/retail use along with necessary variances including buffer reduction adjacent to residential property, subject to the following conditions:

- I. To restrict the use of the property as follows:
  - A. All uses and special uses permitted within the C-1 zoning district. All uses permitted within the C-2 zoning district, except for the following: animal hospitals or veterinary clinics; 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 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 native Georgia trees such as Tulip Poplar, Maple, and Cryptomeria in equal distribution to provide a decorative visual screen.
  - 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 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 8:00 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.

PLANNING AND DEVELOPMENT DEPARTMENT RECOMMENDATIONS  
STANDARDS GOVERNING EXERCISE OF ZONING

SUITABILITY OF USE

The proposed commercial development could be considered an extension of the established commercial node at the corner of Peachtree Parkway and Medlock Bridge Road and could be suitable in light of nearby commercial uses.

ADVERSE IMPACTS

With the recommended conditions, potential adverse impacts could be minimized.

REASONABLE ECONOMIC USE AS ZONED

The property has a reasonable economic use as currently zoned.

IMPACT ON PUBLIC FACILITIES

An increase in traffic, storm water runoff and utility demand could be anticipated from this request.

CONFORMITY WITH POLICIES

The proposed C-2 commercial development could be considered consistent with past rezoning actions establishing the highly visible intersections of Peachtree Parkway with Peachtree Corners Circle and Medlock Bridge Road as commercial nodes.

CONDITIONS AFFECTING ZONING

The Department recommends conditioning the property similarly to the nearby Forum on Peachtree Parkway and nearby commercial properties on Peachtree Parkway and inclusion of prohibitions of use to allow for compatibility with neighboring properties. The Peachtree Corners Overlay will further ensure the quality of development.