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COUNCIL MEETING AGENDA

Mike Mason, Mayor

Phil Sadd – Post 1, Council Member
Eric Christ – 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

December 19, 2017

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 – November 20, 2017 & December 11, 2017

F) CONSIDERATION OF MEETING AGENDA

G) PUBLIC COMMENTS

H) PRESENTATIONS AND REPORTS

1. **Mayor Mason** Pedestrian Safety Task Force
2. **Brian Johnson** Carl Vinson Institute of Government

I) PUBLIC HEARING

1. **O2017-11-105** Second Read and Consideration of RZ2017-003 & V2017-008, Holcomb Bridge Road Townhomes, request to rezone a 2.16-acre parcel from C-1 to R-TH along with associated variances to accommodate a new 17-unit townhome development at 3926 Holcomb Bridge Road, Dist. 6, Land Lot 313, Peachtree Corners, GA.
2. **O2017-11-106** Second Read and Consideration of RZ2017-004 & CIC2017-004, Roberts Properties, request to rezone two parcels consisting of 4.4 acres from C-2 to MUD along with associated change-in-conditions to accommodate a new mixed-use development at 4936 Peachtree Corners Circle and 5246 Peachtree Parkway, Dist. 6, Land Lot 301, Peachtree Corners, GA.

3. **O2017-11-107** Second Read and Consideration of “PTC Stormwater Utility Ordinance”.
4. **O2017-12-109** Second Read and Consideration of an Ordinance of the Mayor and Council of the City of Peachtree Corners, Georgia to amend Article I of Chapter 14 (businesses) of the Code of the City of Peachtree Corners, Georgia; to amend subsection 4 regarding the structure of a levied occupation tax; to provide for an effective date and for other purposes.

J) ITEMS FOR CONSIDERATION

1. **R2017-12-89** A Resolution reappointing members to the Planning Commission.
2. **R2017-12-90** A Resolution reappointing members to the Zoning Board of Appeals.
3. **Action Item** Consideration of acceptance of the Final State Route 141 Corridor Recommendations Report submitted by Wolverton & Associates.
4. **R2017-12-91** A Resolution approving an amendment to the Financial Management Policy to establish a franchise fee and overhead fee chargeable to the stormwater enterprise fund in the City of Peachtree Corners, Georgia.
5. **R2017-12-92** A Resolution approving “The City of Peachtree Corners Fee Schedule” for the City of Peachtree Corners, Georgia.
6. **R2017-12-93** A Resolution approving a policy for alcohol on City owned or leased property.
7. **Action Item** Contract amendment for CH2M Services Contract.
8. **Action Item** Contract amendment for Optech Monette Contract
9. **O2017-12-108** First Read and Consideration of PH2017-014, Structures Excluded from Height Limitations, in order to consider an amendment to Zoning Code Sec. 701 to allow for additional architectural features of religious buildings to be exempted from standard height limitations. (Second Read and Public Hearing January 16, 2018)
10. **R2017-12-94** A Resolution approving additional funding from the Department of Natural Resources for a Trail Grant.

K) CITY MANAGER UPDATES

L) EXECUTIVE SESSION

M) ADJOURNMENT

Meeting Minutes



CITY OF PEACHTREE CORNERS
COUNCIL MEETING MINUTES
NOVEMBER 20, 2017 @ 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. An audible copy of the meeting is available from the City Clerk's office. The following were in attendance:

Mayor	Mike Mason
Council Member	Phil Sadd – Post 1
Council Member	Eric Christ – Post 2 – Absent
Council Member	Alex Wright – Post 3
Council Member	Jeanne Aulbach – Post 4
Council Member	Lorri Christopher – Post 5
Council Member	Weare Gratwick – Post 6
City Manager	Brian Johnson
City Clerk	Kym Chereck
City Attorney	Joe Leonard
Com. Dev. Director	Diana Wheeler
Finance Director	Brandon Branham
Public Works Director	Greg Ramsey

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

MAYOR'S OPENING REMARKS: Mayor Mason thanked the Festival Committee for a wonderful event, and wished everyone a Happy Thanksgiving.

MINUTES:

MOTION TO APPROVE THE MINUTES FROM THE OCTOBER 17, 2017 COUNCIL MEETING.

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

MOTION TO APPROVE THE MINUTES FROM THE NOVEMBER 4, 2017 COUNCIL RETREAT.

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

PUBLIC COMMENT: There was no public comment.

PRESENTATIONS AND REPORTS:

PROCLAMATION FOR THROMBOSIS

Mayor Mason presented a proclamation recognizing the efforts of the Georgia Thrombosis Forum and the North American Thrombosis Forum. Mr. Rohan Pai, Ms. Anusha Tembe, and Mr. Sanket Gavankar were present to receive the proclamation.

PRESENTATION FROM FESTIVAL COMMITTEE

Mr. Dave Huffman of the Peachtree Corners Festival Committee presented the City of Peachtree Corners with a check for \$15,000.

HIGHWAY 141 CORRIDOR STUDY UPDATE

Mr. Greg Ramsey, Public Works Director, gave a brief overview of the Highway 141 Corridor study. Mr. Ramsey stated that the city had a public open house and will be presenting the final study on December 11, 2017.

PUBLIC HEARING:

PH2017-007

Consideration of approving building elevations for CineBistro at Town Center located in the 5200 Block of Peachtree Parkway, Dist. 6, Land Lot 301, Peachtree Corners, GA.

MOTION TO APPROVE PH2017-007 WITH STAFF CONDITIONS.

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

O2017-10-100

Second read and consideration of PH2017-008, an amendment to Section 600 of the City of Peachtree Corners Zoning Resolution in order to regulate the maximum size and height of residential accessory structures.

MOTION TO APPROVE O2017-10-100.

By: Council Member Sadd

Seconded by: Council Member Christopher

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

O2017-10-101

Second read and consideration of PH2017-009, an amendment to Section 1610 of the City of Peachtree Corners Zoning Resolution in order to amend administrative variances for residential fence height and nonresidential building height.

MOTION TO APPROVE O2017-10-101 WITH REMOVAL OF ARTICLE XVI, SECTIONS 1610,i.1 and 1610,i.2. *(Increase in residential fence height in the front yard, not to exceed two (2) feet of increased height provided all of the following conditions are met: 1. The property requesting the increased height has a front yard directly adjoining the side and/or rear yard(s) of neighboring properties. 2. The fence complies with all other provisions of Article VII, Section 700.)*

By: Council Member Sadd

Seconded by: Council Member Wright

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

O2017-10-102

Second read and consideration of PH2017-010, an amendment to Section 1308 of the City of Peachtree Corners Zoning Resolution in order to allow vehicle rental establishments as a special use in the C-2 General Business District.

MOTION TO APPROVE O2017-10-102.

By: Council Member Christopher

Seconded by: Council Member Sadd

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

O2017-10-103

Second read and consideration of PH2017-012, an amendment to Chapter 54, Signs, of the Code of the City of Peachtree Corners in order to increase

the number of permitted ground signs on nonresidential properties meeting certain criteria.

MOTION TO APPROVE O2017-10-103.

By: Council Member Sadd

Seconded by: Council Member Christopher

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

O2017-10-104

Consideration of PH2017-013, a Tall Structure Permit to allow for a 100-ft. monopole antenna at 3737 Holcomb Bridge Road, Dist. 6, Land Lot 305, Peachtree Corners, GA.

MOTION TO TABLE O2017-10-104.

By: Council Member Christopher

Seconded by: Council Member Sadd

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

ITEMS FOR CONSIDERATION:

O2017-11-105

First Read and Consideration of RZ2017-003 & V2017-008. Holcomb Bridge Road Townhomes request to rezone a 2.16-acre parcel from C-1 to R-TH along with associated variances to accommodate a new 17-unit townhome development at 3926 Holcomb Bridge Road, Dist. 6, Land Lot 313, Peachtree Corners, GA. *(Second Read and Public Hearing December 19, 2017)*

O2017-11-106

First Read and Consideration of RZ2017-004 & CIC2017-004, Roberts Properties, request to rezone two parcels consisting of 4.4 acres from C-2 to MUD along with associated change-in-conditions to accommodate a new mixed-use development at 4936 Peachtree Corners Circle and 5246 Peachtree Parkway, Dist. 6, Land Lot 301, Peachtree Corners, GA. *(Second Read and Public Hearing December 19, 2017)*

O2017-11-107

First Read and Consideration of "PTC Stormwater Utility Ordinance". *(Second Read and Public Hearing on December 19, 2017)*

CITY MANAGER UPDATE: There was no update.

EXECUTIVE SESSION:

MOTION TO GO INTO EXECUTIVE SESSION FOR ONE REAL ESTATE ITEM.

By: Council Member Sadd

Seconded by: Council Member Christopher

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

MOTION TO COME OUT OF EXECUTIVE SESSION.

By: Council Member Christopher

Seconded by: Council Member Wright

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

ADJOURNMENT: 9:38 PM

MOTION TO ADJOURN.

By: Council Member Christopher

Seconded by: Council Member Wright

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

Approved,

Attest:

Mike Mason, Mayor

Kymberly Chereck, City Clerk
(Seal)



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Mike Mason, Mayor

Phil Sadd – Post 1, Council Member
Eric Christ – 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

December 11, 2017

WORK SESSION MINUTES

7:00 PM

PEACHTREE CORNERS CITY HALL – Training Room
147 TECHNOLOGY PARKWAY, PEACHTREE CORNERS, GA 30092

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

Mayor
Council Member
Council Member
Council Member
Council Member
Council Member
Council Member

Mike Mason
Phil Sadd – Post 1
Eric Christ – Post 2 - Absent
Alex Wright – Post 3
Jeanne Aulbach – Post 4
Lorri Christopher – Post 5
Weare Gratwick – Post 6

City Manager
City Clerk
City Attorney
Com. Dev. Director
Finance Director
Public Works Director
Communications Director
Planning & Dev. Mgr.

Brian Johnson
Kym Chereck
Joe Leonard
Diana Wheeler
Brandon Branham
Greg Ramsey
Judy Putnam
David Chastant

1. State Route 141 Corridor Study Report presentation – Mr. Rob Jacquette and Mr. Josh Pruitt of Wolverton & Associates gave a brief presentation on the 141 Corridor Study. There were five alternative conclusions from the study presented to the Mayor and Council. For information concerning the study and conclusions you may contact Greg Ramsey, Public Works Director.

2. Stormwater Utility

- a. User Fee Rate Resolution – This item will be presented for approval at the next Council meeting.
- b. Franchise Fee Resolution – This item will be presented for approval at the next Council meeting.

3. **Discussion concerning amendment to Zoning Code Sec. 701, Structures Excluded from Height Limitations, to allow the sanctuary portion of a religious facility to be excluded from height calculations** – Diana Wheeler informed the Mayor and Council of a proposed change to the Zoning Code pertaining to height limitations for a sanctuary of a religious facility. It was determined that the limitation should be proposed at 60 feet in height.
4. **Update on Town Center Smart Cities Technology** – Brandon Branham updated the Mayor and Council on the Smart Cities Technology for the Town Center. Mr. Branham encouraged the city to add smart technology to the additional 72 parking spaces, and to also add 23 smart lights to the sight. The Mayor and Council requested additional information prior to making a decision concerning this item.
5. **Discussion concerning Special Events at City Hall** – Brian Johnson informed the Mayor and Council that requests for rental of the “event” area of the new City Hall have already been proposed. As per a few requests, Mr. Johnson stated that he would be presenting a Resolution at the next Council meeting to permit alcoholic beverages at the new City Hall for Special Events.
6. **O2017-12-109 First Read and Consideration of an Ordinance of the Mayor and Council of the City of Peachtree Corners, Georgia to amend Article I of Chapter 14 (businesses) of the Code of the City of Peachtree Corners, Georgia; to amend subsection 4 regarding the structure of a levied occupation tax; to provide for an effective date and for other purposes.**
7. **City Manager Updates** – There were no updates.
8. **Executive Session**

MOTION TO GO INTO EXECUTIVE SESSION FOR THE PURPOSE OF DISCUSSING LAND ACQUISITION.

By: Council Member Christopher

Seconded: Council Member Sadd

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

MOTION TO COME OUT OF EXECUTIVE SESSION.

By: Council Member Christopher

Seconded: Council Member Sadd

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

9. Work Session adjourned at 10:54 PM.

Approved,

Attest:

Mike Mason, Mayor

Kym Chereck, City Clerk
(Seal)

02017-11-105

AN ORDINANCE TO AMEND THE CITY OF PEACHTREE CORNERS ZONING MAP PURSUANT TO RZ2017-003/ V2017-008, HOLCOMB BRIDGE ROAD TOWNHOMES, REQUEST TO REZONE A 2.16-ACRE PARCEL FROM C-1 TO R-TH ALONG WITH ASSOCIATED VARIANCES TO ACCOMMODATE A NEW 17-UNIT TOWNHOME DEVELOPMENT AT 3926 HOLCOMB BRIDGE ROAD, DIST. 6, LAND LOT 313, PEACHTREE CORNERS, GA.

WHEREAS: Notice to the public regarding said rezoning has been duly published in The Gwinnett Daily Post, the Official News Organ of Peachtree Corners; and

WHEREAS: Public Hearings were held by the Mayor and City Council of Peachtree Corners on November 20, 2017 and December 19, 2017;

NOW THEREFORE, IT IS HEREBY ORDAINED by the governing authority of the City of Peachtree Corners, Georgia while in Regular Session on December 19, 2017 that Zoning Case RZ2017-003/ V2017-008, Holcomb Bridge Townhomes, is hereby approved for the above referenced property with the following enumerated conditions:

1. The site development shall not exceed 17 single-family townhomes with a minimum 2-car attached garage and a minimum unit width of 24-feet.
2. The property shall be developed in general conformance with the site plan prepared by O'Leary Design Group dated October 2, 2017, and submitted with this application with revisions to meet these conditions and the requirements of all city codes and ordinances.
3. That the side yard setback is reduced to 25-feet on the north (side) property line, 20-feet on the south (side) property line, and that encroachment is permitted into the 50-foot front setback to accommodate a portion of one townhouse at the northwest corner of the property.
4. Building elevations shall be in general conformance with the renderings prepared by O'Leary Design Group dated October 2, 2017, and submitted with this application with revisions, as needed, to be submitted to the Community Development Director for review and approval.
5. The green space at the front center of the development shall be used and maintained as landscaped, common, open space with at least one amenity feature provided. An amenity area plan, that includes a landscape plan, is required to be submitted and shall be subject to the review and approval of the Community Development Director.
6. Development shall include no more than one driveway on Holcomb Bridge Road, aligned with Primrose Hill Court directly across Holcomb Bridge Road.
7. Provide sidewalks as shown on the conceptual site plan.
8. If required by City Engineer or GDO, Development plans shall incorporate roadway improvements such as a deceleration lane.
9. A 50-foot wide landscaped strip shall be provided along the Holcomb Bridge Road frontage, allowing for the one townhouse encroachment detailed above, and shall include a decorative fence/wall and entrance monument to be approved by Staff.

10. Interior streets shall be private and maintained by the Homeowners Association.
11. Existing trees in buffers shall be preserved and buffers shall be enhanced with additional trees where sparse.
12. All storm water retention facilities shall be underground.

Effective this 19th day of December, 2017.

So Signed and Witnessed

Approved:

this _____ day of _____, 2017

Attest:

Kymerly Chereck, City Clerk

Mike Mason, Mayor

**CITY OF PEACHTREE CORNERS
COMMUNITY DEVELOPMENT DEPARTMENT**

REZONING AND VARIANCE ANALYSIS

PLANNING COMMISSION DATE: NOVEMBER 14, 2017

CITY COUNCIL DATE: DECEMBER 19, 2017

CASE NAME: **HOLCOMB BRIDGE ROAD TOWNHOMES**

CASE NUMBER: **RZ-2017-003/ V2017-008**

CURRENT ZONING: C-1

LOCATION: 3926 HOLCOMB BRIDGE ROAD

MAP NUMBERS: 6th DISTRICT, LAND LOT 313

ACREAGE: 2.16 ACRES

PROPOSED DEVELOPMENT: REZONE FROM C-1 TO R-TH TO ACCOMMODATE A
TOWNHOUSE DEVELOPMENT ALONG WITH ASSOCIATED
VARIANCES

FUTURE DEVELOPMENT MAP: CHATTAHOOCHEE RIVER AREA

APPLICANT: R. W. LAMAR PROPERTIES, INC.
1101 SAINT CHARLES PL
ATLANTA, GA 30306

CONTACT: WAYNE LAMAR
404-597-1761

OWNER: POWL INVESTMENTS, LLC
5339 GARNABY LN
PEACHTREE CORNERS, GA 30092

RECOMMENDATION: APPROVE WITH CONDITIONS

PROJECT UPDATE:

At the Planning Commission hearing, questions were asked about storm water detention and several neighbors spoke in support of the request. The Commission voted unanimously (3-0, 2 absent) to recommend approval of the rezoning request and variances with an additional condition related to storm water retention.

PROJECT DATA:

The applicant is seeking to rezone a 2.16-acre parcel located along the east side of Holcomb Bridge Road approximately 1500 feet south of Spalding Drive. The property adjoins single-family homes to the rear with commercial property to the sides and front, across Holcomb Bridge Road.

The applicant requests to rezone the above-mentioned parcel along Holcomb Bridge Road for a townhouse development. The proposal includes 17 townhomes in a gated community with a small resident amenity area along the front of the property.

Each proposed home contains a two-car garage and is three stories tall. Additional guest parking is also provided. An existing wooded buffer at the rear will be preserved; additional landscaping will be provided around the perimeter of the site.

PARCEL DESCRIPTION

The property is a 2.16-acre C-1 zoned parcel located on the east side of Holcomb Bridge Road approximately 1500 feet south of Spalding Drive. The parcel is between an office development to the south and a former single-family home that was converted to commercial use to the north. The proposal includes one entrance to the townhouse development from Holcomb Bridge Road which aligns with Primrose Hill Court directly across Holcomb Bridge Road. The R-TH zoning classification permits a development density of up to 8 units per acre. The proposed project is designed at a density of 7.8 units per acre.

ZONING HISTORY:

The subject property was rezoned from O-1 to C-1 by Gwinnett County Case REZ1990-125 in December 1990. At the same time, a special use permit for a restaurant was denied. In 2004, a rezoning request and special use permit were denied by Gwinnett County. That request, RZC2004-017, was to rezone from C-1 to C-2; the special use permit was for an automobile service facility. There were no further zoning actions on the property until the present application was submitted.

ZONING STANDARDS:

Zoning Code Section 1702 identifies specific criteria that should be evaluated when considering a zoning decision. These criteria are enumerated as 'A' through 'F' below. The applicant's responses and staff's comments are below:

A. Will this proposed rezoning, special use permit, or change in conditions permit a use that is suitable in view of the use and development of adjacent and nearby property?

Applicant's Response: Yes. Adjacent property is single-family residential to the east, commercial to the north and south, and commercial and condominium to the west.

Staff's Comment: The parcel requested to be rezoned is in an area mostly zoned O-I, but there is greater market demand for housing than office space. Additionally, the proposed R-TH zoning provides a transition between the single-family neighborhood to the rear and Holcomb Bridge Road.

B. Will this proposed rezoning, special use permit, or change in conditions adversely affect the existing use or usability of adjacent or nearby property?

Applicant's Response: No. Adjacent properties' highest and best use for redevelopment is townhouse or mixed-use commercial-residential.

Staff's Comment: The proposal will have minimal impact on adjacent O-I zoned properties. Additionally, the single-family properties to the rear will be buffered by existing wooded areas. Further, the applicant indicates that nearby residents are in support of this request.

C. Does the property to be affected by a proposed rezoning, special use permit, or change in conditions have reasonable economic use as currently zoned?

Applicant's Response: [no response]

Staff's Comment: The property has a reasonable economic use as currently zoned.

D. Will the proposed rezoning, special use permit, or change in conditions result in a use which will or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities, or schools?

Applicant's Response: No. Proposed 17 townhouse units served by 4-lane Holcomb Bridge Road. Gwinnett County has provided sewer availability letter. Most buyers are unlikely to have school-aged children.

Staff's Comment: Holcomb Bridge Road at rush hour peaks is difficult to navigate. While this project will not add significant traffic to the road, there will likely need to be turn restrictions put in place at the project's entrance. Left turns out of the development will be difficult to make during peak traffic periods. City staff will evaluate the need as plans are refined. Gwinnett County Schools has calculated that this project is likely to generate 6 students at Peachtree Elementary School, 3 students at Pinckneyville Middle School, and 5 students at Norcross High School.

E. Is the proposed rezoning, special use permit, or change in conditions in conformity with the policy and intent of the land use plan?

Applicant's Response: Yes. Future land use plan calls for high density residential.

Staff's Comment: (see Comprehensive Plan heading, below.)

F. Are there 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 rezoning, special use permit, or change in conditions?

Applicant's Response: Yes, for approval. Holcomb Bridge Overlay seeks and encourages redevelopment of the corridor. Additionally, the cost of bringing water and sewer to the site requires townhouse density.

Staff's Comment: The long-term vision for this area is for it to be an integral part of the redevelopment of the Holcomb Bridge Corridor.

COMPREHENSIVE PLAN:

The 2033 City of Peachtree Corners Character Area Map indicates that the property is located within the Holcomb Bridge Corridor Character Area. Policies for this area encourage evolution into "a mixed-use corridor" with single-uses, including townhouses, located along the corridor between higher-intensity nodes.

DEPARTMENT ANALYSIS:

The proposed 2.16-acre development is located on the east side of Holcomb Bridge Road and is currently vacant. Townhomes in this location would not create a precedent, but would add a residential component to an area that already has a mix of uses.

The proposed 17 townhouses are not likely to place an excessive burden on existing streets, transportation systems, or utilities, and would not adversely affect surrounding residential properties as a 35-foot buffer with mature trees is provided along the rear property line. This buffer complies with the requirement in Zoning Ordinance Section 606.

Based on standard school generation rates, a 17- unit townhouse developed could be expected to generate up to 5 elementary school children, 2 middle school children, and 2 high school students and is, therefore, unlikely to burden the school system.

While the development is also unlikely to have a negative impact on existing streets, the applicant may need to restudy the entry to the neighborhood as it relates to left turns into and out of the property, especially during peak travel times. Installation of a right-turn deceleration lane along the east side of Holcomb Bridge Road should also be reviewed.

The applicant has requested concurrent variances to reduce the 40-foot side yard setback to 25 feet on the north (side) property line and to 20 feet on the south (side) property line. These

two side property lines abut existing office development. Additionally, the applicant has requested a variance to allow encroachment of part of one townhouse unit over the 50-foot front setback line at the northwestern edge of the property. Staff supports the request for the concurrent variances as the layout of the proposed neighborhood with buffers along the rear and side property lines meets the intent of the Comprehensive Plan and would not cause substantial detriment to the public good if granted.

Staff recommends approval with conditions of the proposed project as it meets the intent of the Comprehensive Plan, is suitable in view of the use and development of adjacent and nearby property, and if approved, would not adversely affect the existing use of said properties.

RECOMMENDATION:

After review of the applicant's proposal and other relevant information, it is recommended that RZ2017-003 and V2017-008 be approved with the following conditions:

1. The site development shall not exceed 17 single-family townhomes with a minimum 2-car attached garage and a minimum unit width of 24-feet.
2. The property shall be developed in general conformance with the site plan prepared by O'Leary Design Group dated October 2, 2017, and submitted with this application with revisions to meet these conditions and the requirements of all city codes and ordinances.
3. That the side yard setback is reduced to 25-feet on the north (side) property line, 20-feet on the south (side) property line, and that encroachment is permitted into the 50-foot front setback to accommodate a portion of one townhouse at the northwest corner of the property.
4. Building elevations shall be in general conformance with the renderings prepared by O'Leary Design Group dated October 2, 2017, and submitted with this application with revisions, as needed, to be submitted to the Community Development Director for review and approval.
5. The green space at the front center of the development shall be used and maintained as landscaped, common, open space with at least one amenity feature provided. An amenity area plan, that includes a landscape plan, is required to be submitted and shall be subject to the review and approval of the Community Development Director.
6. Development shall include no more than one driveway on Holcomb Bridge Road, aligned with Primrose Hill Court directly across Holcomb Bridge Road.
7. Provide sidewalks as shown on the conceptual site plan.
8. If required by City Engineer or GDO, Development plans shall incorporate roadway improvements such as a deceleration lane.
9. A 50-foot wide landscaped strip shall be provided along the Holcomb Bridge Road frontage, allowing for the one townhouse encroachment detailed above, and shall include a decorative fence/wall and entrance monument to be approved by Staff.
10. Interior streets shall be private and maintained by the Homeowners Association.
11. Existing trees in buffers shall be preserved and buffers shall be enhanced with additional trees where sparse.
12. All storm water retention facilities shall be underground.



PUBLIC HEARING APPLICATION

REZONING, SPECIAL USE PERMIT, OR CHANGE IN CONDITIONS

A properly completed application and fees are due at the time of submittal. **An incomplete application will not be accepted.** Original signatures are required for the Application.

REQUIRED ITEMS	NUMBER OF COPIES	CHECK
Completed Application Form	• 1 original	<input checked="" type="checkbox"/>
Boundary Survey with Legal Description	• 1 full size copy • 1- 8-1/2" x 11" or 11" x 17" reduction	<input checked="" type="checkbox"/>
Site Plan	• 1 full size copy • 1- 8-1/2" x 11" or 11" x 17" reduction	<input checked="" type="checkbox"/>
Letter of Intent	• 1 copy	<input checked="" type="checkbox"/>
Applicant Certification with Notarized Signature	• 1 copy	<input checked="" type="checkbox"/>
Property Owner Certification with Notarized Signature	• 1 copy	<input checked="" type="checkbox"/>
Standards Governing Exercise of the Zoning Power	• 1 copy	<input checked="" type="checkbox"/>
Disclosure Report Form (Conflict of Interest Certification/Campaign Contributions)	• 1 copy	<input checked="" type="checkbox"/>
Verification of Paid Property Taxes (most recent year)	• One (1) Copy (for each tax parcel included)	<input checked="" type="checkbox"/>
Electronic copy of all of the above	• One (1) copy	<input checked="" type="checkbox"/>
Application Fee	• Make checks payable to the City of Peachtree Corners	<input checked="" type="checkbox"/>
ADDITIONAL EXHIBITS (IF REQUIRED)		
Additional site plan requirements for R-TH, R-ZT, Modified, CSO, OBP, HRR, R-SR, MUD or MUO rezoning requests	• 1 copy	<input type="checkbox"/>
Traffic Study	• 1 copy	<input type="checkbox"/>
Development of Regional Impact Review Form	• 1 copy	<input type="checkbox"/>
Building Compliance Inspection	• 1 copy	<input type="checkbox"/>

REZONING, SPECIAL USE PERMIT, OR CHANGE IN CONDITIONS APPLICATION

AN APPLICATION TO AMEND THE OFFICIAL ZONING MAP OF THE CITY OF PEACHTREE CORNERS, GEORGIA

APPLICANT INFORMATION	OWNER INFORMATION
NAME: <u>R. W. LAMAR PROPS. INC</u>	NAME: <u>POWL INVESTMENTS, LLC</u>
ADDRESS: <u>1101 ST. CHARLES PL</u>	ADDRESS: <u>5339 GARDARY LN</u>
CITY: <u>ATLANTA</u>	CITY: <u>PEACHTREE CORNERS</u>
STATE: <u>GA</u> ZIP: <u>30306</u>	STATE: <u>GA</u> ZIP: <u>30092</u>
PHONE: <u>404) 597-1761</u>	PHONE: <u>770) 365-3005</u>
E-MAIL: <u>RWLAMAR@BELSOUTH.NET</u>	E-MAIL: _____
CONTACT PERSON: <u>WAYNE LAMAR</u> PHONE: <u>404) 597-1761</u>	
CONTACT'S E-MAIL: <u>RWLAMAR@BELSOUTH.NET</u>	

APPLICANT IS THE:

OWNER'S AGENT PROPERTY OWNER CONTRACT PURCHASER

PRESENT ZONING DISTRICTS(S): _____ REQUESTED ZONING DISTRICT: RTH

LAND DISTRICT(S): _____ LAND LOT(S): _____ ACREAGE: _____

ADDRESS OF PROPERTY: 3926 HOLCOMB BRIDGE RD

PROPOSED DEVELOPMENT: 17 TOWNHOUSE

Staff Use Only This Section

Case Number: _____ Hearing Date: P/C _____ C/C _____ Received Date: _____

Fees Paid: _____ By: _____

Related Cases & Applicable Conditions:

Description: _____

RESIDENTIAL DEVELOPMENT

NON-RESIDENTIAL DEVELOPMENT

No. of Lots/Dwelling Units 17

No. of Buildings/Lots: _____

Dwelling Unit Size (Sq. Ft.): 2367

Total Bldg. Sq. Ft.: _____

Gross Density: _____

FEE SCHEDULE

1. Rezoning, Change-in-Conditions and Special Use Permit Fees – Residential Zoning Districts

(note: a Special Use Permit related to a rezoning case shall not incur an additional fee)

A. For the following single-family residential zoning districts: RA-200, R-140, R-LL, R-100, R-75, RL, MHS.

- 0 - 5 Acres = \$ 500
- > 5 - 10 Acres = \$ 1,000
- > 10 - 20 Acres = \$ 1,500
- > 20 - 100 Acres = \$ 2,000
- > 100 - Acres = \$ 2,500 plus \$40 for each additional acre over 100
- Maximum Fee: \$10,000

B. For the following single and multifamily residential zoning districts: R-TH, RMD, RM-6, RM-8, RM-10, RM-13, R-SR, MH, R-60, R-ZT, R-75 MODIFIED or CSO, and R-100 MODIFIED or CSO.

- 0 - 5 Acres = \$ 850
- > 5 - 10 Acres = \$1,600
- > 10 - 20 Acres = \$2,100
- > 20 - 100 Acres = \$2,600
- > 100 - Acres = \$3,200 plus \$40 for each additional acre over 100

2. Rezoning, Change-in-Conditions and Special Use Permit Fees - Non-Residential Zoning Districts

(note: a Special Use Permit related to a rezoning case shall not incur an additional fee)

For the following office, commercial and industrial zoning districts: C-1, C-2, C-3, O-1, OBP, M-1, M-2, HS, NS.

- 0 - 5 Acres = \$ 850
- > 5 - 10 Acres = \$1,600
- > 10 - 20 Acres = \$2,100
- > 20 - 100 Acres = \$2,600
- > 100 - Acres = \$3,200 plus \$50 for each additional acre over 100

3. Mixed-Use (MUD and MUO) or High Rise Residential (HRR)

Application Fee – \$1,200 plus \$75 per acre (maximum fee - \$10,000)

4. Chattahoochee Corridor Review (involving a public hearing) - \$150.

5. Buffer Reduction (Greater than 50%) Application Fee - \$500.

6. Zoning Certification Letter - \$100 (per non-contiguous parcel).

APPLICANT'S CERTIFICATION

The undersigned below states under oath that they are authorized to make this application. The undersigned is aware that no application or reapplication affecting the same land shall be acted upon within 12 months from the date of last action by the city council unless waived by the city council. In no case shall an application or reapplication be acted upon in less than six (6) months from the date of last action by the city council.

[Signature] _____ 9/30/17 _____
Signature of Applicant Date

R. WAYNE LAMAR PRES. LAMAR PROPERTIES, LLC
Type or Print Name and Title

[Signature] _____ 9/30/17 _____
Signature of Notary Public Date



PROPERTY OWNER'S CERTIFICATION

The undersigned below states under oath that they are authorized to make this application. The undersigned is aware that no application or reapplication affecting the same land shall be acted upon within 12 months from the date of last action by the city council unless waived by the city council. In no case shall an application or reapplication be acted upon in less than six (6) months from the date of last action by the city council. As the property owner, I authorize the above noted applicant to act on my behalf with regard to this application.

[Signature] _____ 9/30/17 _____
Signature of Property Owner Date

R. WAYNE LAMAR [REDACTED] MEMBER POW INVESTMENTS, LLC
Type or Print Name and Title

[Signature] _____ 9/30/17 _____
Signature of Notary Public Date



APPLICANT'S RESPONSE
STANDARDS GOVERNING THE EXERCISE OF THE ZONING POWER

Pursuant to section 1702 of the 2012 zoning resolution, the city council 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. Will this proposed rezoning, special use permit, or change in conditions permit a use that is suitable in view of the use and development of adjacent and nearby property?
YES. ADJACENT PROPERTY IS SF RESIDENTIAL TO THE EAST, COMMERCIAL TO THE N+S AND COMMERCIAL + CONDOMINIUM TO THE WEST.
- B. Will this proposed rezoning, special use permit, or change in conditions will adversely affect the existing use or usability of adjacent or nearby property?
NO. ADJACENT PROPERTIES HIGHEST AND BEST USE IS FOR REDEVELOPMENT IS TOWNHOUSE OR MIXED USE COMMERCIAL/RESIDENTIAL.
- C. Does the property to be affected by a proposed rezoning, special use permit, or change in conditions have reasonable economic use as currently zoned?
- D. Will the proposed rezoning, special use permit, or 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?
NO. PROPOSED 17 TOWNHOUSE UNITS SERVED BY 4 LANE HOLCOMB BR. RD. GWIN. COUNTY HAS PROVIDED SEWER AVAILABILITY LETTER. MOST BUYERS ARE UNLIKELY TO HAVE SCHOOLS AND CHILDREN.
- E. Will the proposed rezoning, special use permit, or change in conditions is in conformity with the policy and intent of the land use plan?
YES. FUTURE LAND USE PLAN CALLS FOR HIGH DENSITY RESIDENTIAL.
- F. Are 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 rezoning, special use permit, or change in conditions?
YES FOR APPROVAL. HOLCOMB BR. OVERLYN SEEKS TO ENCOURAGE REDEVELOPMENT OF THE CORRIDOR. ADDITIONALLY, COST OF BRINGING WATER AND SEWER TO THE SITE REQUIRES TOWNHOUSE DENSITY.

**DISCLOSURE REPORT FORM
CONFLICT OF INTEREST CERTIFICATION/CAMPAIGN CONTRIBUTIONS**

WITHIN THE (2) YEARS IMMEDIATELY PRECEDING THE FILING OF THIS ZONING PETITION HAVE YOU, AS THE APPLICANT FOR THE REZONING, SPECIAL USE PERMIT, OR CHANGE IN CONDITIONS PETITION, OR AN ATTORNEY OR AGENT OF THE APPLICANT FOR THE REZONING, SPECIAL USE PERMIT, OR CHANGE IN CONDITIONS PETITION, MADE ANY CAMPAIGN CONTRIBUTIONS AGGREGATING \$250.00 OR MORE OR MADE GIFTS HAVING AN AGGREGATE VALUE OF \$250.00 TO THE MAYOR OR ANY MEMBER OF THE CITY COUNCIL?

CHECK ONE: YES NO P. WAYNE LATIMER
 (If yes, please complete the "Campaign Contributions" section below) Print Name

1. CAMPAIGN CONTRIBUTIONS

Name of Government Official	Total Dollar Amount	Date of Contribution	Enumeration and Description of Gift Valued at \$250.00 or more

2. THE UNDERSIGNED ACKNOWLEDGES THAT THIS DISCLOSURE IS MADE IN ACCORDANCE WITH THE OFFICIAL CODE OF GEORGIA, SECTION 36-67A-1 ET. SEQ. CONFLICT OF INTEREST IN ZONING ACTIONS, AND THAT THE INFORMATION SET FORTH HEREIN IS TRUE TO THE UNDERSIGNED'S BEST KNOWLEDGE, INFORMATION AND BELIEF.

[Signature] 9/30/17 P. WAYNE LATIMER, PRST.
 Signature of Applicant Date Type or Print Name and Title

 Signature of Applicant's Attorney or Representative Date Type or Print Name and Title

Tracy W. O'Leary 9/30/17 _____
 Signature of Notary Date Notary Seal



VERIFICATION OF CURRENT PAID PROPERTY TAXES FOR REZONING

THE UNDERSIGNED BELOW IS AUTHORIZED TO MAKE THIS APPLICATION. THE UNDERSIGNED CERTIFIES THAT ALL CITY OF PEACHTREE CORNERS PROPERTY TAXES BILLED TO DATE FOR THE PARCEL LISTED BELOW HAVE BEEN PAID IN FULL TO THE TAX COMMISSIONER OF GWINNETT COUNTY, GEORGIA. IN NO CASE SHALL A PUBLIC HEARING APPLICATION BE PROCESSED WITHOUT SUCH PROPERTY VERIFICATION.

A SEPARATE VERIFICATION FORM MUST BE COMPLETED FOR EACH TAX PARCEL INCLUDED IN THE REZONING REQUEST.

PARCEL I.D. NUMBER: 6th - 313 - 001A
(Map Reference Number) District Land Lot Parcel

[Signature] _____ 9/30/17 _____
Signature of Applicant Date

R. WAYNE LAMAR, PRES. _____
Type or Print Name and Title

Tax Commissioners Use Only

(PAYMENT OF ALL PROPERTY TAXES BILLED TO DATE FOR THE ABOVE REFERENCED PARCEL HAVE BEEN VERIFIED AS PAID CURRENT AND CONFIRMED BY THE SIGNATURE BELOW)

NAME TITLE

DATE

September 30, 2017

Letter of Intent for rezoning of 3926 Holcomb Bridge Road

POWL Investments, LLC seeks to rezone 3926 Holcomb Bridge Road from C-1 to RTH to allow for seventeen fee simple townhouses as shown on the attached site plan. This 2.16 acre site as presently zoned has sat fallow for many years in the densely developed Holcomb Bridge corridor. We feel that the site's present zoning, midblock location and lack of onsite water and sewer have prevented its development to date.

With respect to land use planning we feel that our proposed zoning will provide for a more desirable use, townhouse rather than commercial space, as a buffer from Holcomb Br. for the single family neighborhood to our north (rear). Other adjacent properties include, office commercial to the north and south and office/institutional and residential condominium across Holcomb Br. To the west. Our proposed development is aligned with Peachtree Corner's Holcomb Bridge zoning overlay which seeks to promote quality redevelopment to the Holcomb Bridge corridor as well as the Future Land Use Plan which calls for high density residential. Our site plan with seventeen units falls within the RTH maximum density of eight units per acre. The soundness of our zoning plan is reinforced by the letters of support we have received from the adjacent property owners.

Our proposed zoning will not have cause an excessive burden on existing streets, utilities or schools. At seventeen units our proposed development will have no effect on Holcomb Bridge, a major four lane arterial road. We have received a sewer availability letter from Gwinnett County. We do not expect a high percent of our residents to have school age children. The proposed community will be gated with private streets to be maintained by our HOA.



Case Number: _____ Received Date: _____ Hearing Date: _____

**Variance Application from the Zoning Resolution
(Zoning Board of Appeals)**

Please complete this application & submit it with all attachments as stated in the Variance Application Guidelines. A variance cannot be processed unless all information accompanies the application; a variance from a condition of zoning or special use cannot be accepted.

Applicant Information	Property Owner Information
Name <u>Wayne Lamar</u>	Name <u>POWL Investments</u>
Address (all correspondence will be mailed to this address): <u>1101 St Charles place</u>	Address _____ <u>5339 Garnaby lane</u>
City <u>Atlanta</u>	City <u>Peachtree Corners</u>
State <u>Georgia</u> Zip <u>30306</u>	State <u>Georgia</u> Zip <u>30092</u>
Phone <u>404-597-1761</u>	Phone <u>770-365-3005</u>
Contact Person Name: <u>Wayne Lamar</u> Phone: <u>404-597-1761</u>	
Email Address: <u>rwlamar@bellsouth.net</u>	
Applicant is the (please check or circle one of the following): <input checked="" type="radio"/> Property Owner <input type="radio"/> Owner's Agent <input type="radio"/> Contract Purchaser	

Address of Property 3926 Holcomb Bridge Road

Subdivision or Project Name _____ Lot & Block _____

District, Land Lot, & Parcel (MRN) 6th district Land lot 313, Parcel 001A

Proposed Development 17 fee simple townhouses

Permit Number (if construction has begun) _____

Variance Requested reduction of building setbacks , see below

A complete application includes the following:

- | | |
|----------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------|
| <input type="checkbox"/> Application Form (1 original and 1 electronic copy) | <input type="checkbox"/> Application Fee |
| <input type="checkbox"/> Site Plan and/or Boundary Survey (1 original, 1 8 1/2"x11" or 11"x17" reduction and 1 electronic copy.) | <input type="checkbox"/> Adjacent owner(s) written support (1 original and 1 electronic copy) |
| <input type="checkbox"/> Letter of Intent (1 original and 1 electronic copy) | <input type="checkbox"/> Additional Documentation as needed |
| <input type="checkbox"/> Signed & notarized Certification page | |



Applicant Certification

The undersigned, or as attached, is the record owner of the property considered in this application and is aware that an application or reapplication for a variance denied by the Board of Zoning Appeals may not be made earlier than 12 months from the date of original application (Article XVI, Section 1608).



[Signature] 9/30/17
Signature of Applicant Date

R. WAYNE LAMAR, PRES
Typed or Printed Name & Title

Tracy W. O'Leary 9/30/17
Signature of Notary Public Date

Property Owner Certification

The undersigned, or as attached, is the record owner of the property considered in this application and is aware that an application or reapplication for a variance denied by the Board of Zoning Appeals may not be made earlier than 12 months from the date of original application (Article XVI, Section 1608). I, as the property owner, authorize the above noted applicant to represent me with regards to this application.



[Signature] 9/30/17
Signature of Property Owner Date

R. WAYNE LAMAR, MEMBER
Typed or Printed Name & Title

Tracy W. O'Leary 9/30/17
Signature of Notary Public Date

Community Development Use Below Only

Fees Paid: _____ By: _____

Related Cases & Applicable Conditions:

Variance Description: Reduce the south setback from 40 feet to 20 feet adjacent to the adjoining office park parking lot.

Reduce north setback from 40' to 25' adjacent to the adjoining commercial properties driveway.

allow the one building to encroach the 50 setback as shown on the attached site plan

Variance Application Guidelines & Information

Note: A variance application from a condition of zoning or special use must be approved by City Council and can neither be accepted nor processed through the Board of Zoning Appeals.

Application Process

The Zoning Board of Appeals (ZBA) variance process requires approval thru a public hearing and will take approximately 45 days. Please see the filing deadline and hearing date schedule. The ZBA meets on the third Wednesday of each month (unless otherwise published) at 7:00 PM, at the City of Peachtree Corners City Hall, 147 Technology Parkway, Suite 200, Peachtree Corners, Georgia. A public hearing notice sign shall be posted on the property under consideration at least 15 days before the public hearing. In addition, a legal advertisement will be published in the *Gwinnett Daily Post* at least 15 days prior to the hearing. Once advertised for public hearing, an application can NOT be withdrawn.

1. No less than one week prior to submitting an application for a Public Hearing, the applicant must complete a pre-submittal meeting with staff. The applicant should bring one copy of the completed submittal package with all required plans and supporting materials to the meeting.
2. On or before the appropriate "Submittal Deadline" day, the applicant should file one (1) original, plus 10 copies of the completed Application and supporting documents. Each set will be comprised of the completed Application with the required supporting documents attached. One full-size set of any drawings, surveys, and any other oversized materials shall be included with the original application. The additional 10 copies of these documents shall be submitted at a size no greater than 11" x 17" and shall each be folded to a size not to exceed 8.5" x 11".
3. The City of Peachtree Corners allows the applicant two (2) requests for extensions beyond the scheduled public hearing. If the request for extension is received after the Notice of Public Hearing has been published, a \$250 re-advertising fee must be paid by the applicant. If, after requesting a deferral, an applicant submits a revised application and/or site plan, a \$500 re-review fee will be assessed in addition to the \$250 re-advertising fee. An application may be withdrawn without prejudice (no waiting time to refile) at any time prior to the public hearing at which final action is taken. A request for such withdrawal must be made in writing.
4. All application fees must be paid at the time of submittal.
5. All taxes must be paid in-full and any and all outstanding code violations on the property must be rectified prior to the public hearing.
6. The applicant or an authorized agent of the applicant must be present for all public hearings to present the proposal.

Application Requirements

Included in these guidelines are the informational requirements necessary to process an application. This documentation is important in demonstrating an "unnecessary hardship." For example, if the hardship is due to severe topography, topographic information must be submitted. If the justification is due to the location of an easement, a survey showing the easement must be submitted. In some circumstances, photographs can be used to substantiate a hardship.

The following items are necessary to process a variance application:



- Cross-sections of the buffer and its relationship to uses on adjacent property.
- Cross-sections indicating improvements on adjacent residential property as may be seen through the proposed improvements on the subject site.
- Complete planting plan indication existing vegetation and any proposed replanting. Indicate types of trees, name, size, quantity and spacing. Indicate trees proposed to be retained or planting on the cross sections and on the planting plan.
- Proposed screening fence and/or berm locations, etc., and details of same.
- Demonstrate compliance with the Buffer, Landscape & Tree Ordinance requirements.
- Show location of detention facilities and the direction of drainage flow.
- Provide details of building and parking lot lights adjacent to the proposed reduced buffer.
- Provide written consent from the adjacent property owner(s).

Sign Applications

Applications requesting a sign variance must also answer these questions:

- Are there exceptional conditions pertaining to the property where the sign is to be located as a result of the property size, shape, or topography which are not applicable to other lands or structures in the area? If "yes," please explain.
- Would the applicant be deprived of rights that are commonly enjoyed by others similarly situated? If "yes," please explain.
- Would granting the variance confer on the applicant any significant privileges which are denied to others similarly situated? If "yes," please explain.
- Are the exceptional circumstances the result of actions of the applicant or the applicant's representatives? If "yes," please explain.
- Is the requested variance the minimum necessary to allow the applicant to enjoy rights commonly enjoyed by others similarly situated? If "no," please explain.
- Would granting of the variance violate more than one standard of the Unified Development Code? If "yes," please explain.
- Would granting the variance result in allowing a sign that interferes with road or highway visibility or obstruct or otherwise interfere with the safe and orderly movement of traffic?

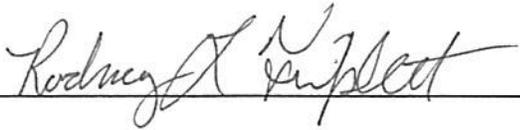
**If you have any questions regarding these requirements, please contact the
Community Development Department at 678-691-1200.**

September 27, 2017

Planning Commission and Council Members:

As an adjacent property owner residing at 6377 Rosecommon Dr I would like to state my support for Lamar Properties' proposed rezoning of the property located at 3926 Holcomb Br. Rd from its present C-1 to RTH to allow for seventeen for sale townhome units. I have reviewed the proposed site plan for the community and feel that it will be an asset our neighborhood, Peachtree Corners and to the effort to revitalize the Holcomb Bridge corridor.

Respectfully:



September 27, 2017

Planning Commission and Council Members:

As an adjacent property owner residing at 6367 ROSECOMMON DR I would like to state my support for Lamar Properties' proposed rezoning of the property located at 3926 Holcomb Br. Rd from its present C-1 to RTH to allow for seventeen for sale townhome units. I have reviewed the proposed site plan for the community and feel that it will be an asset our neighborhood, Peachtree Corners and to the effort to revitalize the Holcomb Bridge corridor.

Respectfully:

Linda McAleen
Dylan McAleen

September 27, 2017

Planning Commission and Council Members:

As an adjacent property owner ^{WJ} ~~residing~~ ^{ill} at 3936 Holcomb Br I would like to state my support for Lamar Properties' proposed rezoning of the property located at 3926 Holcomb Br. Rd from its present C-1 to RTH to allow for seventeen for sale townhome units. I have reviewed the proposed site plan for the community and feel that it will be an asset our neighborhood, Peachtree Corners and to the effort to revitalize the Holcomb Bridge corridor.

Respectfully:

Carol L Burdges
Kunille P Burdges

Exhibit "A"

Legal Description

ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN LAND LOT 313 OF THE 6TH DISTRICT, CITY OF PEACHTREE CORNERS, GWINNETT COUNTY, GEORGIA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT AN IRON PIN FOUND AT THE INTERSECTION OF THE COMMON LAND LOT LINE OF LAND LOTS 305 AND 313, SAID DISTRICT AND COUNTY, AND THE NORTHEASTERN RIGHT-OF-WAY LINE OF HOLCOMB BRIDGE ROAD (VARIABLE R/W); RUNNING THENCE IN A NORTHWESTERN DIRECTION, ALONG SAID NORTHEASTERN RIGHT-OF-WAY LINE OF HOLCOMB BRIDGE ROAD, THE FOLLOWING COURSES AND DISTANCES:

ALONG THE ARC OF A CURVE TO THE RIGHT, AN ARC DISTANCE OF 158.64 FEET (SAID CURVE HAVING A RADIUS OF 1372.39 FEET, BEING SUBTENDED BY A CHORD BEARING NORTH 43 DEGREES 15 MINUTES 39 SECONDS WEST, A CHORD DISTANCE OF 158.56 FEET) TO AN IRON PIN FOUND;

NORTH 50 DEGREES 29 MINUTES 34 SECONDS EAST, A DISTANCE OF 10.12 FEET TO AN IRON PIN FOUND;

NORTH 39 DEGREES 43 MINUTES 14 SECONDS WEST, A DISTANCE OF 23.78 FEET TO AN IRON PIN FOUND;

SOUTH 50 DEGREES 58 MINUTES 03 SECONDS WEST, A DISTANCE OF 9.98 FEET TO AN IRON PIN FOUND;

NORTH 38 DEGREES 56 MINUTES 42 SECONDS WEST, A DISTANCE OF 99.92 FEET TO AN IRON PIN FOUND;

NORTH 50 DEGREES 38 MINUTES 06 SECONDS EAST, A DISTANCE OF 15.02 FEET TO AN IRON PIN FOUND;

NORTH 39 DEGREES 01 MINUTES 59 SECONDS WEST, A DISTANCE OF 24.99 FEET TO AN IRON PIN FOUND;

SOUTH 50 DEGREES 40 MINUTES 09 SECONDS WEST, A DISTANCE OF 14.96 FEET TO AN IRON PIN FOUND; AND

NORTH 39 DEGREES 04 MINUTES 04 SECONDS WEST, A DISTANCE OF 85.31 FEET TO AN IRON PIN FOUND;

THENCE LEAVING SAID NORTHEASTERN RIGHT-OF-WAY LINE OF HOLCOMB BRIDGE ROAD AND RUNNING NORTH 60 DEGREES 58 MINUTES 17 SECONDS EAST, A DISTANCE OF 273.37 FEET TO AN IRON PIN FOUND ON THE SOUTHWEST BOUNDARY LINE OF LOT 25, BLOCK A (SPALDING CORNERS SUBDIVISION UNIT II PB 11/PG 03);

RUNNING THENCE IN A SOUTHEASTERN DIRECTION, ALONG THE SOUTHWESTERN BOUNDARY LINES OF LOTS 25, 26 AND 27, BLOCK A (SPALDING CORNERS SUBDIVISION

UNIT II PB 11/PG 03), SOUTH 30 DEGREES 51 MINUTES 21 SECONDS EAST, A DISTANCE OF 394.09 FEET TO AN IRON PIN FOUND AT THE COMMON CORNER OF LAND LOTS 304, 305, 313 AND 314, SAID DISTRICT AND COUNTY;

RUNNING THENCE IN A SOUTHWESTERN DIRECTION, ALONG THE COMMON LAND LOT LINE OF LAND LOTS 305 AND 313, SAID DISTRICT AND COUNTY, SOUTH 63 DEGREES 39 MINUTES 13 SECONDS WEST, A DISTANCE OF 206.53 FEET TO AN IRON PIN FOUND AND THE POINT OF BEGINNING.

THE ABOVE-DESCRIBED TRACT OF LAND CONTAINS 2.16 ACRES AND IS SHOWN ON AND DESCRIBED ACCORDING TO THAT CERTAIN BOUNDARY SURVEY FOR R.W. LAMAR PROPERTIES, INC., PREPARED BY WATTS & BROWNING ENGINEERS, INC., VIRGIL T. HAMMOND, G.R.L.S. NO. 2554, DATED 1/25/2017.



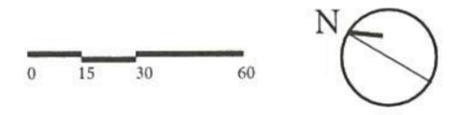




NOTE:
 EACH UNIT HAS 4 PARKING SPACES
 2 - IN GARAGE, AND 2 IN DRIVEWAY

8 ADDITIONAL PARKING SPACES ARE
 AVAILABLE FOR ADDITIONAL GUEST

TOTAL ACREAGE = 2.16
 TOTAL UNITS = 17
 DENSITY = 7.87 Units/Acre



WATTS & BROWNING ENGINEERS, INC. HAS EXAMINED THE NATIONAL FLOOD INSURANCE PROGRAM (NFIP) FLOOD INSURANCE RATE MAP (FIRM) AND BY GRAPHICALLY PLOTTING THE LOCATION OF THE SUBJECT PROPERTY ONTO GWINNETT COUNTY FIRM MAP NUMBER 1313SC00691, DATED MARCH 4, 2013 THE REFERENCED PROPERTY IS LOCATED IN THE ZONE LISTED BELOW:

ZONE X (UNSHADED) AREAS DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOODPLAIN.

THE FLOOD LINE, IF SHOWN, IS APPROXIMATE AND THE ACTUAL LIMITS OF FLOOD LINE BASED ON PUBLISHED ELEVATIONS MAY EXTEND BEYOND THOSE SHOWN HEREON.

PROJECT BENCHMARK: GWINNETT COUNTY GIS MONUMENT #944
ELEVATION = 931.97 (NAVD 88)
NORTHING: 1442877.0188
EASTING: 228811.9488

SITE BENCHMARK: MAG NAIL SET MARKED DELTA #3 IN THE CURB GUTTER FOR THE RADIUS OF THE NORTHERLY SIDE OF PRIMROSE HILL COURT AND THE SOUTHWESTERLY SIDE OF HOLCOMB BRIDGE ROAD AS SHOWN ON SURVEY.
ELEVATION = 910.87 (NAVD 88)

NOTE: CONTOUR INTERVAL IS TWO(2) FEET.

REFERENCE MATERIAL:

1. PLAT SURVEY FOR R.W. LAMAR PROPERTIES, INC., LOCATED IN LAND LOT 313, 6TH DISTRICT, GWINNETT COUNTY, GEORGIA, PREPARED BY WATTS & BROWNING ENGINEERS, INC. DATED JANUARY 31, 2017 (JOB#170117)

SURVEYOR'S NOTES:

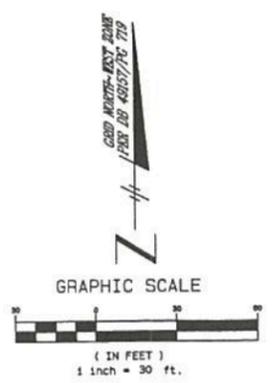
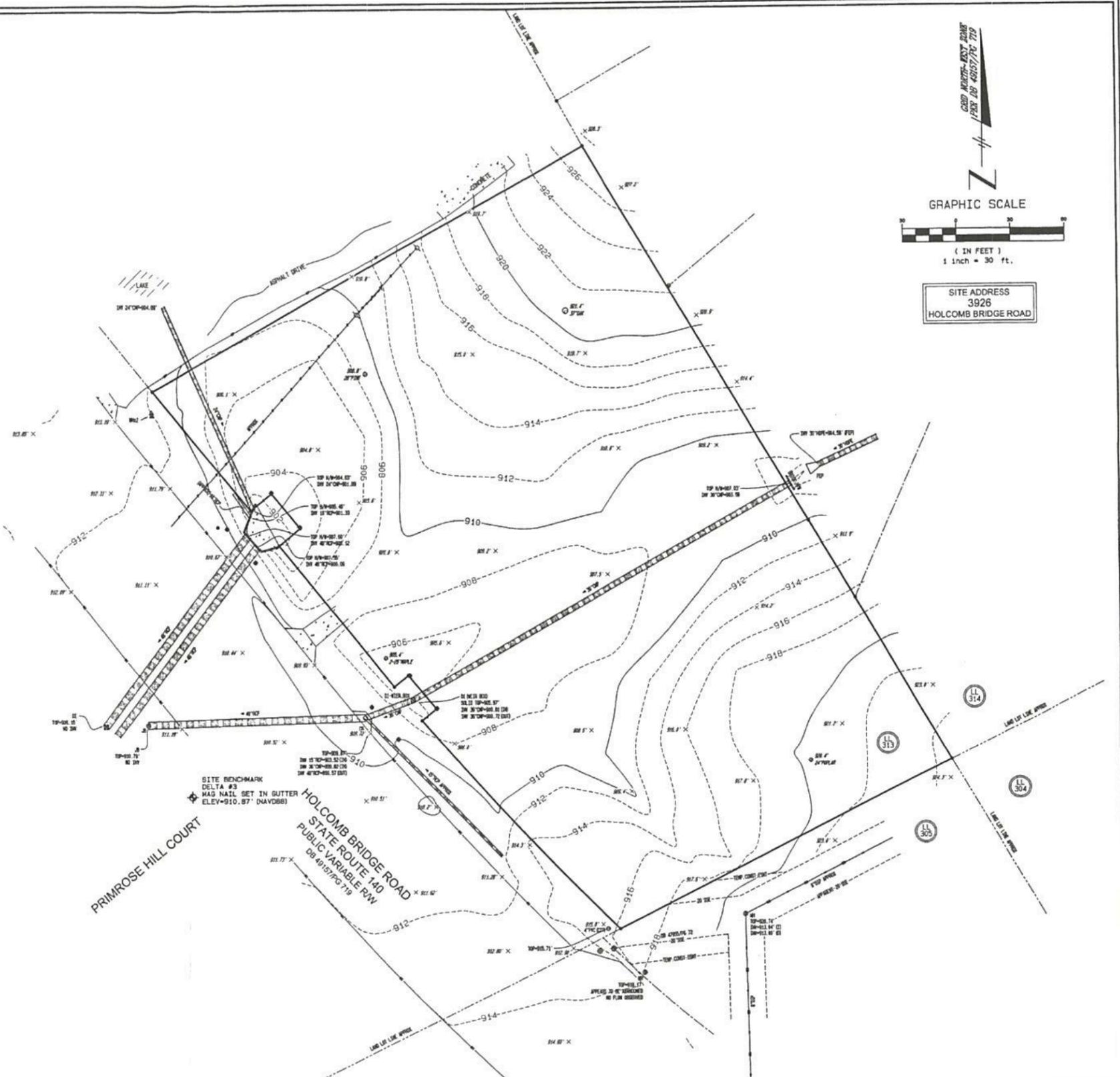
- THE DISTANCES SHOWN HEREON ARE HORIZONTAL GROUND DISTANCES.
- THIS SURVEY IS PREPARED FOR THE EXCLUSIVE USE OF THE ENTITIES NAMED IN THE CERTIFICATION HEREON. SAID CERTIFICATION DOES NOT EXTEND TO ANY UNNAMED ENTITIES WITHOUT AN EXPRESSED RECERTIFICATION BY THE SURVEYOR NAMING SAID ENTITIES.
- ABOVE GROUND UTILITY LOCATIONS WERE OBTAINED FROM FIELD OBSERVATIONS. WATTS & BROWNING HAS NOT RESEARCHED UNDERGROUND UTILITY LOCATIONS. INFORMATION SHOWN HEREON REGARDING THE EXISTENCE, SIZE, TYPE AND LOCATION OF UNDERGROUND UTILITIES IS BASED ON MARKINGS IN THE FIELD AND INFORMATION FURNISHED BY OTHERS AND WATTS & BROWNING ENGINEERS IS UNABLE TO CERTIFY TO THE ACCURACY OR COMPLETENESS OF THIS INFORMATION. INDICATED LOCATIONS SHOULD BE CONFIRMED IN THE FIELD WITH UTILITY COMPANIES PRIOR TO PROCEEDING WITH PLANNING, DESIGN OR CONSTRUCTION.
- AT THE TIME OF THIS SURVEY, THERE WAS NO OBSERVABLE EVIDENCE OF HUMAN BURIALS OR CEMETERIES.
- ANY DEPICTION OF GROUNDWATER FEATURES (RIVERS, STREAMS, CREEKS, SPRINGS, DITCHES, PONDS, LAKES), NATURAL OR OTHERWISE, SHOWN ON THIS SURVEY ARE MERELY OBSERVATIONS AT THE TIME OF THE SURVEY AND NOT A STATEMENT AS TO THE EXISTENCE OR NON-EXISTENCE OF ANY ENVIRONMENTAL CONDITION. WATTS & BROWNING ENGINEERS, INC. SURVEY PERSONNEL ARE NOT ENVIRONMENTAL PROFESSIONALS. WATTS & BROWNING ENGINEERS, INC. OFFERS NO CERTIFICATION AS TO EXISTENCE OR NON-EXISTENCE OF ANY GROUNDWATER FEATURE OR ENVIRONMENTALLY SENSITIVE AREAS ON OR NEAR THE SUBJECT PROPERTY AS MAY BE DEFINED BY FEDERAL, STATE OR LOCAL GOVERNMENTAL REGULATIONS. PRIOR TO PLANNING OR CONSTRUCTION, AN ENVIRONMENTAL PROFESSIONAL SHOULD BE CONSULTED TO DETERMINE HOW THE SUBJECT PROPERTY MAY, OR MAY NOT, BE AFFECTED BY ENVIRONMENTAL ISSUES.

LEGEND

- A - ARC
- AC - ADDRESS
- AE - ACCESS EASEMENT
- AGL - ATLANTA GAS LIGHT COMPANY
- AP - ASPHALT
- BB - BOTTOM OF BANK
- BC - BACK OF CURB
- BC - BUILDING CORNER
- BFE - BASE FLOOR ELEVATION
- BL - BUILDING RETRACK LINE
- BL - BRICKWORK
- BM - BLUE PIN MARK
- BM - BLUE PIN FLAG
- BM - BLUE PIN PLACED
- BM - BOTTOM OF FLOOR
- BSO - BELL SOUTH TELEPHONE CO.
- BSO/M - BELL SOUTH CABLE MARKER
- BSO/M - BELL SOUTH MANHOLE
- BW - BOTTOM OF WALL
- BW - BARBED WIRE
- CB - CATCH BASIN
- CCA - CORNER CONCRETE APRON
- COW - CORNER CONCRETE WALK
- CI - CURB INLET
- CL - CENTERLINE
- CL - CHANGELINE
- CM - CONCRETE MONUMENT FOUND
- CM - CORRUGATED METAL PIPE
- CO - CLEANOUT
- COMM - COMMUNICATION
- CT - CHIMNEY TOP PIPE
- CTV - CABLE TELEVISION
- CV - CONCRETE VALVE
- DB - DEBRIS BOX
- DE - DRAINAGE EASEMENT
- DI - DROP INLET
- DIP - DUCTILE IRON PIPE
- DNR - DEPT OF NATURAL RESOURCES
- DNR/B - DNR MONUMENT SET
- DR - DRIVE
- EB - ELECTRIC BOX
- EMC - ELECTRIC MEMBERSHIP CORP.
- EP - EDGE OF PAVEMENT
- FC - FACE OF CURB
- FCC - FENCE CORNER
- FCE - FINE DEPARTMENT CONNECTION
- FEE - FINISHED FLOOR ELEVATION
- FI - FIRE HYDRANT
- FP - FENCE POST
- FP - FLAG POLE
- GLMP - GAS LINE MARKER POST
- GM - GAS METER
- GP - GATE POST
- GP - GUY WIRE
- GPC - GEORGIA POWER COMPANY
- GV - GAS VALVE
- GW - GUY WIRE
- HD - HIGH DENSITY POLYETHYLENE
- HIC - HANDICAP PARKING SPACE
- HVP - HIGH VOLTAGE POWER POLE
- HW - HEADWALL
- ICV - IRRIGATION CONTROL VALVE
- IR - IRON PIN FOUND
- IP - IRON PIN PLACED
- IRF - INTERMEDIATE REGIONAL FLOOD
- JB - JUNCTION BOX
- LC - CURVE TO THE LEFT
- LA - LIMIT OF ADDRESS
- LD - LENGTH OF DRIVE
- LL - LAND LOT LINE
- LFP - LAMP POST LIGHT POLE
- LS - LANDSCAPED AREA
- LS - LANDSCAPED AREA
- MFE - MINIMUM FLOOR ELEVATION
- MFN - METEOROLOGICAL FIRE NETWORK
- MA - MANHOLE
- MA - MANHOLE PLACED
- MW - MONITORING WELL
- NA - NAIL FOUND
- NF - NOW OR FORMERLY
- OC - OUTLET CONTROL STRUCTURE
- OP - ORANGE PIN FLAG
- OPM - ORANGE PAINT MARK
- OT - OPEN TOP PIPE
- P - POWER LINE
- PI - PLAT BOOK
- PC - POWER BOX
- PIV - POST INDICATOR VALVE
- PL - PROPERTY LINE
- POB - POINT OF BEGINNING
- POC - POINT OF COMMENCING
- PM - POWER METER
- PP - POWER POLE
- PS - PARKING SPACE(S)
- PVC - POLYVINYLCHLORIDE PIPE
- R - RADUIS
- RC - CURVE TO THE RIGHT
- RCP - REINFORCED CONCRETE PIPE
- RFP - RED PIN FLAG
- RRM - RED PAINT MARK
- RT - RETAINING
- RW - RIGHT OF WAY
- RS - SQUARE FEET
- SP - SERVICE POLE
- SR - SOLID ROAD
- SS - SANITARY SEWER
- SS/E - SANITARY SEWER EASEMENT
- ST - STAIRWAY
- SW - SIDEWALK
- T - TELEPHONE LINE
- TB - TRAFFIC SIGNAL BOX
- TD - TRINCH DRAIN
- TE - TELEPHONE POLE
- TF - TRAFFIC POLE
- TRM - TRANSMISSION
- TS - TRAFFIC SIGNAL
- TW - TOP OF WALL
- TW - TEST WELL
- UG - UNDERGROUND
- VB - VALVE BOX
- VMP - VALVE MARKER POST
- W - WALKWAY
- WF - WETLAND FLAG
- WFP - WINDIGHT IRON FENCE
- WM - WATER METER
- WW - WATER WIRE
- X - CORNER
- YI - YARD INLET
- YFP - YELLOW PIN FLAG
- YPM - YELLOW PAINT MARK

SYMBOL LEGEND

- LC AIR CONDITIONING UNIT
- LF BACKFLOW PREVENTOR
- LM BLUE PAINT MARK(WATER)
- ML BOLLARD
- MS BSO/AT&T COMM BOX
- MO BSO/AT&T COMM MANHOLE
- MC CONCRETE MONUMENT FOUND
- CL CLEANOUT
- CT CABLE TV BOX
- FC FIBER OPTIC CABLE MARKER
- FD FIRE DEPT CONNECTION
- FI FIRE HYDRANT
- GL GAS LINE MARKER POST
- GM GAS MANHOLE
- GV GAS VALVE
- GP GEORGIA POWER COMPANY MANHOLE
- GT GREASE TRAP
- GU GUYPOLE
- GW GUY WIRE
- ICV IRRIGATION CONTROL VALVE
- IF IRON PIN FOUND
- IP LAMP POST LIGHT POLE
- LS MAIL BOX/KIOSK
- MW MONITORING WELL
- OPM ORANGE PAINT MARK(TELECOM)
- PP POWER/ELEC BOX
- PM POWER POLE
- PPM POWER MANHOLE
- PM POWER METER
- RP RED PAINT MARK(POWER)
- RS SIGN
- TS TRAFFIC SIGNAL BOX
- TF TRAFFIC POLE
- TS TRAFFIC SIGNAL
- TRM TRANSFORMER
- UB UTILITY BOX
- UM UTILITY MANHOLE
- UP UTILITY POLE
- VM VALVE MARKER POST
- WM WATER LINE MARKER POST
- WM WATER MANHOLE
- WM WATER METER
- WV WATER VALVE
- YFP YELLOW PAINT MARK(GAS)
- YPM YELLOW PAINT MARK
- FC FENCE LINE
- PL POWER LINE
- PT POWER & TELEPHONE
- GL GAS LINE
- TL TELEPHONE LINE
- UG POWER
- UG TEL
- WL WATERLINE



SITE ADDRESS
3926
HOLCOMB BRIDGE ROAD

TOPOGRAPHIC & TREE SURVEY FOR
R.W. LAMAR PROPERTIES, INC.
LOCATED IN
LAND LOT 313 ~ 6TH DISTRICT
CITY OF PEACHTREE CORNERS
GWINNETT COUNTY, GEORGIA



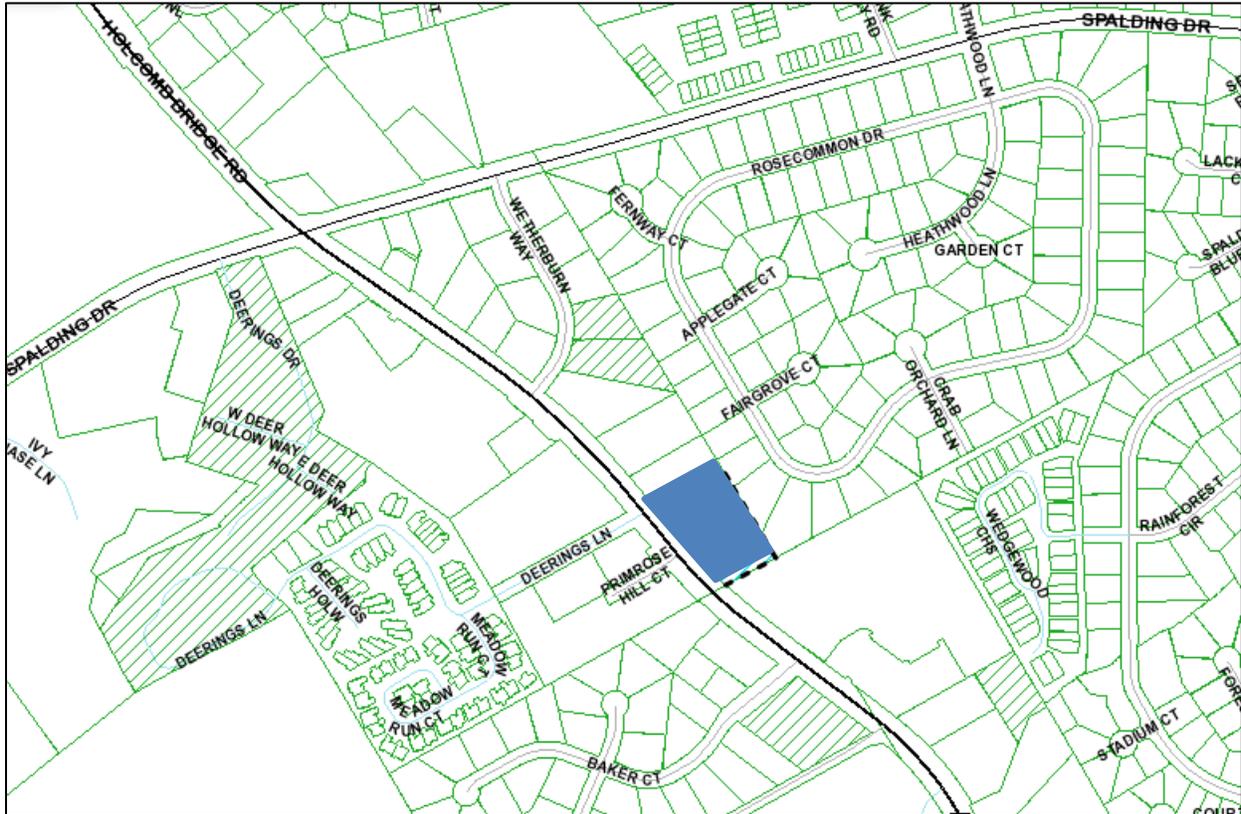
REVISIONS	NO.	DATE	BY	DESCRIPTION

W&B
WATTS & BROWNING ENGINEERS, INC.
CIVIL ENGINEERS & LAND SURVEYORS
1180 BELLS FERRY ROAD
MARIETTA, GEORGIA 30066-6030
PHONE: (770) 334-5676
FAX: (770) 334-5676
WWW.WBENG.COM
LSF000429 - PEF000714

SCALE:	1" = 30'
DATE SURVEYED:	02/08/2017
DATE UPDATED:	N/A
SURVEYED BY:	M. HELMAN, A. TUCKER
DATE DRAFTED:	02/13/2017
UPDATE DRAFTED:	N/A
DRAWN BY:	M. HELMAN
CHECKED BY:	M. HELMAN
FIELD BOOK #:	2888, 2889
JOB NUMBER:	170117
FOLDER NUMBER:	170117_288
CORD FILE:	170117_288
DISK FILE:	170117
COUNTY/ALD/RS:	GWINNETT/2112/0
PLAT FILE:	0
SHEET:	1 OF 1

PROPERTY LOCATION MAP

Holcomb Bridge Townhomes



CASE NUMBER:	RZ2017-003 & V2017-008		
	PLANNING COMMISSION	CITY COUNCIL 1ST READING	CITY COUNCIL 2ND READING
HEARING DATES:	NOV. 14, 2017	NOV. 21, 2017	DEC. 19, 2017
PROPERTY ADDRESS:	3926 Holcomb Bridge Road		

02017-11-106

**CITY OF PEACHTREE CORNERS
COMMUNITY DEVELOPMENT DEPARTMENT**

REZONING AND CHANGE IN CONDITIONS ANALYSIS

PLANNING COMMISSION DATE: NOVEMBER 14, 2017

CITY COUNCIL DATE: DECEMBER 19, 2017

CASE NAME: **ROBERTS PROPERTIES MIXED USE**

CASE NUMBER: **RZ-2017-004/ CIC2017-004**

CURRENT ZONING: C-2

LOCATION: 4936 PEACHTREE CORNERS CIRCLE AND 5246 PEACHTREE PARKWAY

MAP NUMBERS: 6th DISTRICT, LAND LOT 301

ACREAGE: 4.4 ACRES

PROPOSED DEVELOPMENT: REZONE FROM C-2 TO MUD TO ACCOMMODATE A MIXED-USE DEVELOPMENT ALONG WITH ASSOCIATED CHANGE IN CONDITIONS

FUTURE DEVELOPMENT MAP: PREFERRED OFFICE

APPLICANT: ROBERTS PROPERTIES PEACHTREE RETAIL, LLC
375 NORTHRIDGE RD, STE 330
ATLANTA, GA 30350

CONTACT: CLAY MASSEY
404-881-4969

OWNER: ROBERTS PROPERTIES PEACHTREE RETAIL, LLC
375 NORTHRIDGE RD, STE 330
ATLANTA, GA 30350

**STAFF
RECOMMENDATION: APPROVE WITH CONDITIONS**

**PLANNING COMMISSION
RECOMMENDATION: APPROVE WITH CONDITIONS**

PROJECT UPDATE:

At the Planning Commission hearing, the applicant gave a detailed presentation of the project and the basis for the rezoning request. During the public hearing, five individuals spoke in opposition to the project and none spoke in support. The Planning Commission expressed concern related to architecture and site plan details. However, the Commission ultimately voted (3-0 with 2 members absent) to recommend approval of the project with conditions. Those conditions included all but one of Staff's recommended conditions along with all the conditions that the applicant requested to be added. In order to minimize the potential for confusion, Staff has prepared two draft ordinances. The first is based on the Staff Recommendation. The second is based on the Planning Commission recommendation. Included in this staff report are both sets of recommendations with the items shown in red as those recommendations that are not on both (Staff and Planning Commission) recommendation lists.

PROJECT DATA:

The applicant is seeking to rezone two parcels totaling 4.4 acres. The two parcels are located along Peachtree Parkway and Peachtree Corners Circle, adjacent to two developed C-2 parcels containing Chase Bank and Black Walnut Café, both of which are now owned by separate entities. The applicant's parcels are also adjacent to the Peachtree Corners Town Center site located along the northern boundary of the Peachtree Corners Circle parcel.

The applicant requests to rezone the above-mentioned parcels along Peachtree Parkway and Peachtree Corners Circle to allow for a mixed-use development. The proposal for the Peachtree Corners Circle parcel includes a boutique hotel and a mid-rise apartment building. Although the renderings label the hotel as a Hotel Indigo, the applicant has indicated that there are no contracts or agreements with the Indigo brand. The name is only intended as a representation of the type of hotel that could go on the site, but no hotel commitments are included as part of this application. The hotel is proposed to be adjacent to Peachtree Corners Circle while the apartment building would wrap in a U-shape from the interior to the site to the Peachtree Corners Circle frontage. Parking would be located in a shared garage at the base of the two buildings. Two swimming pools and amenity decks, one for each use, are shown located above the parking deck.

The proposal for the Peachtree Parkway parcel includes a one-story retail building located behind a small parking area along the street and adjacent to the main entryway into the larger development.

PARCEL DESCRIPTIONS

Parcel #1: This property is a 0.677-acre C-2 zoned parcel located on the east side of Peachtree Parkway just north of Peachtree Corners Circle. The parcel is between Chase Bank to the south and Black Walnut Café to the north. The main driveway into the larger development enters this parcel from Peachtree Parkway. The property has previously been cleared and graded and is vacant. The proposed site plan shows this parcel housing a new one-story retail building with access from the existing driveway along Peachtree Parkway.

Parcel #2: This property is a 3.732-acre C-2 zoned parcel located on the north side of Peachtree Corners Circle just east of Peachtree Parkway. The parcel is to the east (rear) of Chase Bank and Black Walnut Café. The secondary driveway into the larger development enters this parcel from Peachtree Corners Circle. The property has previously been cleared and graded and is vacant. The proposed site plan shows this parcel housing a 7 story, 110-room hotel along with a 7 story, 169-unit rental apartment building, both of which are situated above one shared basement level of parking. The shared parking garage also extends to the first floor of both buildings. The first floor contains hotel lobby, hotel amenity, residential lobby, and residential amenity space but does not contain hotel sleeping rooms nor apartment dwelling units.

ZONING HISTORY:

The subject property was approved pursuant to Gwinnett County Case CIC-08-021 for commercial uses and to be developed in general conformity to the original approved concept plan or similar to a 'forum/avenue style' development. The approved conditions of zoning required implementation of a specific design concept for the proposed development so the applicant was required to submit final building elevation/plans for review and approval by the Planning Commission.

The building elevations were approved by subsequent City of Peachtree Corners Case SUP2015-001 along with associated variances for the plan as shown at the time. That plan included the retail building now being proposed along Peachtree Parkway. However, the Peachtree Corners Circle parcel, now being proposed for a hotel and apartment building, was shown as a retail/office building and had a substantially different layout than what is currently being proposed. Small parking lot encroachments into the 50' and 75' stream buffers were also approved but the new proposal shows portions of the apartment building within the buffer, necessitating the change to one of the previously approved conditions.

The applicant's letter of intent (page 3) states that the current request for rezoning is based, in part, on the claim that C-2 zoning is not economically viable. The letter cites vacancy rates and economic conditions; however, due in large part to significant city investments made since incorporation, positive trends have been experienced in Peachtree Corners over the past five years. For example, commercial building permits have increased 19% and the number of business licenses issued have increased 5.2%. Since 2012, the number of jobs in the city has increased by 14.8%. During the same time period, 3 bank facilities have been constructed along with 1 movie theater, 2 recreation / entertainment facilities, 3 grocery stores and several restaurants. There have also been significant office renovations in and around Technology Park.

The applicant's letter of intent also states that the original C-2 zoning was limited by conditions imposed at the previous zoning hearing. However, the letter does not include two important points regarding that previous hearing: 1.) The zoning conditions were voluntarily accepted by the applicant in exchange for the special use approval and the variance granted by the City Council. In fact, the City Council even took the unusual step of taking a recess during the zoning hearing in order to give the applicant's team sufficient time to consider the uses for the property; and 2.) the uses permitted on the applicant's property are identical to those permitted on the adjacent Town Center property.

ZONING STANDARDS:

Zoning Code Section 1702 identifies specific criteria that should be evaluated when considering a zoning decision. These criteria are enumerated as 'A' through 'F' below. Some of the applicant's responses were too lengthy to include in this report but can be found in the attached Letter of Intent. Those which were more succinct are below. Staff's comments are also included below:

A. Will this proposed rezoning, special use permit, or change in conditions permit a use that is suitable in view of the use and development of adjacent and nearby property?

Applicant's Response: Yes. (See Sections I, II, and III of the Letter of Intent)

Staff's Comment: The parcels requested to be rezoned are adjacent to existing MUD development at the Town Center. Expansion of the MUD zoning is suitable for this area and uses such as hotel, retail and residential are appropriate. However, the massing, intensity, scale, and density of the proposed project must also be considered in context with the surrounding area. Nearby retail and service uses in the surrounding area are characterized by 1 - 2 story buildings and residential properties are developed at no more than 3 - 4 stories. Office buildings in the Da Vinci Court area are also a maximum of 4 stories in height. Both the existing Forum and the future Town Center preserve these character traits. The proposed plan, however, has a much more intense character. And while the Town Center will have just under 12 units per acre of housing, the applicant is proposing 32 units per acre on the subject site.

B. Will this proposed rezoning, special use permit, or change in conditions adversely affect the existing use or usability of adjacent or nearby property?

Applicant's Response: No. Rather, the proposed rezoning will provide substantial benefits to the adjacent and nearby properties.

Staff's Comment: MUD zoning is appropriate for this area of the city. However, as described previously, the intensity and density of development proposed is not in character with the surrounding area. There is so much development proposed on the site that the only open space remaining on the applicant's property are the required setback areas and landscape strips.

C. Does the property to be affected by a proposed rezoning, special use permit, or change in conditions have reasonable economic use as currently zoned?

Applicant's Response: No. [further explanation in letter of intent]

Staff's Comment: Yes. The property is zoned C-2, commercial, and has a reasonable economic use as currently zoned. All surrounding retail properties have the same zoning and they are developed and operational. The retail store and hotel shown on the applicant's plan, for example, are uses that are already allowed by right under the current C-2 zoning designation. The only use shown on the plan that is not currently allowed is the rental apartments.

D. Will the proposed rezoning, special use permit, or change in conditions result in a use which will or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities, or schools?

Applicant’s Response: No. According to a trip generation comparative analysis conducted by A&R Engineering, rezoning the subject property to MUD for RPPR’s mixed-use development will result in a 40% decrease in daily traffic compared to the current Conditional C-2 zoning. Also, RPPR has installed handicap ramps, crosswalks, traffic signalization and other improvement to improve pedestrian connectivity at the intersection of Peachtree Parkway and Peachtree Circle, at no cost to the City. In addition, the apartment homes component of the development will include only one- and two-bedroom units, and MUD zoning of the property will not cause excessive or burdensome use of the city’s schools. MUD zoning and the development also would not cause any excessive use of the city’s utilities.

Staff’s Comment: Staff evaluation of the trip generation analysis prepared by the applicant’s consultant, A&R Engineers, found flaws in the calculations. (See chart on the next page.) Staff used the Trip Generation Manual, 9th Edition by the Institute of Transportation Engineers in its calculations. The difference between the two sets of calculations, (shown in red on the chart), translates to a 14.6% increase in P.M. peak traffic if the proposed zoning is approved, as calculated by staff, compared to a 29% decrease in the PM peak traffic as calculated by A&R Engineers.

TABLE 1 – TRIP GENERATION (EXISTING ZONING)

Land Use	Size	A.M. Peak Hour			P.M. Peak Hour			24-Hour 2-way
		Enter	Exit	Total	Enter	Exit	Total	
820 – Shopping Center	56,900 sf	69	42	111	197	214	411 211	4,707
<i>Pass-by Trips (0%) 34%</i>		0	0	0	-67	-73	-140 -71	-1,400
932 – Restaurant	10,400 sf	62	50	112	61	41	102 116	1,322
<i>Pass-by Trips (0%) 43%</i>		0	0	0	-26	-18	-44 -48	-440
Total Trips without Reductions		131	92	223	258	255	513 327	6,029
Total Trips with Reductions		131	92	223	165	164	329 205	4,189

**pass-by trips (AM) PM; 24 Hour pass-by trips estimated by considering PM pass-by as 10% of daily volume*

TABLE 2 – TRIP GENERATION (PROPOSED ZONING)

Land Use	Size	A.M. Peak Hour			P.M. Peak Hour			24-Hour 2-way
		Enter	Exit	Total	Enter	Exit	Total	
220 – Apartment	169 Units	17	70	87	72	39	111	1,148
<i>Mixed-Use Trips</i>		-1	-1	-2	-5	-3	-8	-93
310 – Hotel	110 rooms	34	24	58	34	32	66	611
<i>Mixed-Use Trips</i>		-1	-1	-2	-2	-2	-4	-49
820 – Shopping Center	9,000 sf	22	14	36	57	62	119	1,420
<i>Mixed-Use Trips</i>		-2	-2	-4	-5	-7	-12	-142
<i>Pass-by Trips (0%) 34%</i>		0	0	0	-18	-19	-37	-370
Total Trips without Reductions		73	108	181	163	133	296	3,179
Total Trips with Reductions		69	104	173	133	102	235	2,525

**pass-by trips (AM) PM; 24 Hour pass-by trips estimated by considering PM pass-by as 10% of daily volume*

TRIP GENERATION COMPARISON

The results of the trip generation comparison (shown in Table 3) indicate that the proposed zoning will see a 40% decrease in daily traffic over the existing zoning.

TABLE 3 – TRIP GENERATION COMPARISON

Trip Generation	A.M. Peak Hour			P.M. Peak Hour			24-Hour 2-way
	Enter	Exit	Total	Enter	Exit	Total	
Existing Zoning	131	92	223	165	164	329 205	4,189
Proposed Zoning	69	104	173	133	102	235	2,525
Change in Trips	-62	12	-50	-32	-62	-94 +35	-1,664
<i>Percentage Change</i>	<i>-47%</i>	<i>+13%</i>	<i>-22%</i>	<i>-19%</i>	<i>-38%</i>	-29% +14.6%	<i>-40%</i>

***Note: Staff calculations are shown in red.**

In addition, Greg Stanfield, the planning director for Gwinnett County schools, has applied Gwinnett County's student generation rates to the proposed 169 apartment units and supplied the following student generation numbers for this project:

Simpson Elementary	49 students
Pinckneyville Middle School	25 students
Norcross High School	35 students

Although the actual student numbers could only be known if the project were built, even if Gwinnett County's projections turn out to have been overestimated by 75%, there would still be an additional 13 students added to Simpson Elementary School (the equivalent of one additional classroom), 7 students added to Pinckneyville Middle School and 9 students added to Norcross High School. While there may be some examples of mixed-use projects with lower resident student populations, those situations may be a function of the school district in which the development is located rather than the mixed-use nature of the project. Residents often make their housing choice based on school districts and families with school-age children are more inclined to locate close to a highly ranked school. Avalon, for example, tracks to Manning Oaks Elementary which is ranked #30 out of 58 elementary schools in Fulton County. By comparison, Simpson Elementary is ranked #1 out of 78 in Gwinnett County.

E. Is the proposed rezoning, special use permit, or change in conditions in conformity with the policy and intent of the land use plan?

Applicant's Response: Yes. [further explanation in letter of intent]

Staff's Comment: (see Comprehensive Plan heading, below)

F. Are there 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 rezoning, special use permit, or change in conditions?

Applicant's Response: Yes, numerous supporting grounds exists for approval of the rezoning. Please see Sections I through III [in letter of intent]

Staff's Comment: The long-term vision for this area is for it to be an integral part of the central business district. And while mixed-use developments are suited for this area, the character of the development should be in keeping with its surroundings. In this case, the character of the proposed development is substantially different from its surroundings.

COMPREHENSIVE PLAN:

The 2033 City of Peachtree Corners Character Area Map indicates that the property is located within the Central Business District Character Area. Policies for this area encourage "A mix of retail and commercial uses, offices, mixed-use, government and institutional properties, and

open space.” The Housing portion of the Comprehensive Plan identifies the need for housing options for empty-nesters, such as high-end condominiums or cluster homes in a “live/walk/play” setting. While these are overarching goals for the City, the 2033 Comprehensive Plan identifies the need for further plan refinements through the Plan’s work program. Included in the work program, for example, are the following items:

- G4. Y25 Explore the possibility of using the Downtown Development Authority to initiate redevelopment of multi-family housing in Transitional Growth areas.
- G4. Y26 Further develop, refine, and implement land use recommendations for character areas.

These and other similar Comprehensive Plan work program items led to the development of the Town Center LCI study, Holcomb Bridge Road Corridor Study, Multi-use trail study, and incentive regulations that address the appropriateness of specific uses based on factors such as location, traffic, and character elements. The findings and recommendations in those studies are intended to further guide development. The City utilized those recommendations most recently in the development of the Town Center plans and with its assessment of the Twin Lakes (later named Echo Lakeside) apartment project.

HEIGHT AND DENSITY:

The Zoning Code Mixed-Use Development standards stipulate that heights of up to 25 stories and densities of up to 32 units per acre are allowed. However, Zoning Code Sec. 1318.5 also states that, ‘*The City Council may reduce maximum project density and building height on a case-by-case basis*’. The MUD standards were originally developed by Gwinnett County and were applicable county-wide. It’s possible that the maximum height and density allowed in MUD districts are appropriate along interstate highways or other comparable locations. However, the most comparable location to the applicant’s property is the Town Center where height and density maximums have been established at 4 stories and 12 units per acre.

VARIANCE:

The application requests a variance to the stream buffer requirements in order to accommodate the intrusion of a small portion of some of the proposed buildings into the buffer. A similar request was made and approved as part of the SUP2015-001 case. The variance that was accepted in that case stipulates the following:

- W. An encroachment into the 50- ft. undisturbed buffer and 75 ft. impervious stream setback line shall be permitted for the installation of a reinforced pervious slope along a portion of the northern property line as shown on LAI Engineering drawings dated 1-30-15.*

The current variance request is for the same part of the property. And since the hardship for this variance has already been established, only a minor modification is needed to the condition that would allow a building encroachment in addition to the pervious slope encroachment already permitted. For this reason, the Change-in-Condition was added and it replaces the variance request included in the application.

DEPARTMENT ANALYSIS:

The proposed rezoning from C-2 to MUD is supported by the goals identified in the 2033 Comprehensive Plan and the more area-specific plans developed in the 2015 Peachtree Corners Town Center Livable Centers Initiative (LCI) study. Both documents promote the development of mixed-use, walkable projects. However, specific criteria are also established for the character and intensity of those projects based on location. This is key to establishing appropriate developments within the context of their surroundings. In this case, the character of the proposed plan is not in keeping with surrounding developments. So much development is shown for the site that the Common Area provision of the MUD regulations cannot be met. Zoning Code Sec. 1318 (Mixed- Use Development District) 8G stipulates the following:

Common areas shall be distributed throughout the project to provide linkages, amenities and visual appeal for the development. Final Common Area design shall include provision of at least one (1) centrally located public gathering area (with related amenities and improvements) in the form of a town green, amphitheater, landscaped plaza, or similar approved element.

In the previous zoning case SUP2015-001, the applicant voluntarily donated .9 acres of land behind the subject property to the Downtown Development Authority and was allowed to use that acreage in future calculations to meet zoning code requirements. With regard to this voluntary land contribution, Ordinance 2015-03-41 Z stipulates that “this area may be utilized by the applicant in connection with any and all development density and/or construction related calculations and/or code requirements (including, for example, open space and tree density requirements, to the extent allowed by code).” This means that the .9 acres can be used in the calculation to achieve the 20% open space requirement; however, that land, itself, cannot be utilized by the applicant as the plan’s required centrally located public gathering area. This donated land is not a part of the applicant’s property. Therefore, the intensity of the plan does not accommodate one of the key amenities of a mixed-use development, a central gathering space. While there are individual amenity areas incorporated into the plan, there is no ‘Common Area’ as Sec. 1318 8G stipulates.

While incorporating a mix of uses is generally encouraged throughout much of Peachtree Corners, the location for housing is identified specifically and strategically in the LCI study. Pages 32 and 33 of the LCI document (Attachments ‘A’ and ‘B’) identify the specific locations within the City that are intended for both ‘Young Professionals’ housing and ‘Empty Nester / Senior’ housing. Both of these housing types accommodate rental apartments and page 35 of the LCI study (Attachment ‘C’) shows a rendering of what those apartments could look like as part of an infill development project. The areas shown on the map of Attachment ‘A’ that are suitable for rental apartments constitute large parts of Peachtree Corners and include all of Technology Park and most of the Central Business District and the Holcomb Bridge Road corridor. However, other parts of Peachtree Corners, including both the Town Center property and the applicant’s property, are not a part of those areas.

When the City developed the Town Center plan, it had the option of incorporating rental apartments into the plan because the MUD zoning permits it. However, the MUD zoning

doesn't mandate the use of apartments, nor the character of each project. Instead, the MUD zoning requires the submittal of an individual concept plan. Each concept plan is customized to its unique property. In the case of the Town Center, the concept plan was based on the previously developed studies for this area and the extensive community input associated with those efforts. Those factors led to the determination that rental apartments were not appropriate at this location. As a result, the Town Center incorporates townhomes as the residential component of its mixed-use plan. Based on its surroundings and the character of the neighboring area, the Town Center plan was designed as a low-rise, lower density concept. The applicant's property is similarly situated to the Town Center.

In addition, the LCI study Action Plan identifies Economic Development Initiative D3 which states, *'Modify Central Business District Zoning to accommodate millennial housing.'* This initiative was given a high priority and the City worked to develop an incentive program quickly in support of the effort to promote multi-family development. On 12/15/2015, the City Council adopted Ordinance 2015-11-59 (Attachment 'D'). This incentive program was instrumental in the approval and development of the Twin Lakes rental apartment project. This rental apartment is designed for the Young Professional market and is being built in Technology Park, one of the locations specifically identified in the LCI study as appropriate for apartment development. Ordinance 2015-11-59 also provides incentives for apartment development and redevelopment along the Holcomb Bridge Road corridor. In addition, the City's Downtown Development Authority has offered to participate in joint venture partnerships to enhance the financial arrangements and further incentivize apartment developments in appropriate locations as identified in the LCI study.

It is clearly evident through its demonstrated actions that the City strongly supports apartments developed in line with the LCI study. In fact, it was the City's proactive efforts that was instrumental in the development of Peachtree Corners most recent apartment project, Twin Lakes.

However, it is also well documented that that the applicant's property is not located within the extensive areas of Peachtree Corners identified in the LCI study as appropriate for apartment development. And, as noted previously, the Town Center property is also not within an apartment area and was, therefore, also unable to take advantage of any enhanced economics that an apartment development may have afforded the project.

SUMMARY:

After evaluating the application materials and the supplementary documents submitted, the following conclusions were reached:

- I. The 2033 Comprehensive Plan and the LCI study support mixed-use developments throughout the Central Business District and Holcomb Bridge Road corridor. And while apartment development is supported in large areas of Peachtree Corners, the applicant's property is not included in those locations. (Exhibits 'A', 'B', and 'C')

2. In areas of Peachtree Corners where apartment development is supported by studies and other planning efforts, the City offers incentives for apartment developments. (Exhibit 'D')
3. The MUD zoning classification requires a concept plan with each application and anticipates that height and density will be determined on a case-by-case basis.
4. The character, height, density, and type of residential development appropriate for this area were established by the Town Center plan based on adopted studies and extensive community input.
5. The uses currently permitted and prohibited on the subject property were characterized as "reasonable" by the applicant and voluntarily accepted. (Exhibit 'E')
6. Except for the rental apartments, all the uses shown in the submitted plan are allowed under the current zoning.
7. The permitted and prohibited uses on the applicant's property are the same as those on the adjacent Town Center property.
8. The project, as proposed, would have a greater impact to roads and schools than a project developed under current zoning.
9. Submitted renderings show a Hotel Indigo as part of the plans; however, there is no relationship between the applicant and the Indigo franchise and, therefore, no assurance that, if approved, an Indigo hotel will be developed.
10. A variance for the portion of the property adjacent to the creek was previously granted; therefore, only the terms associated with that variance need to be modified. No additional variances are necessary.
11. The applicant contends that his property is not financially viable unless the submitted plan with all of its proposed uses is approved and states that the Town Center plan would also not be viable if the City did not financially contribute to that development. This assertion is based on the incorrect premise that the City is only a participant in the Town Center project out of financial necessity. In reality, Town Center was intentionally developed as a joint public-private partnership and, as such, the City's financial participation was always contemplated, regardless of the economics or the specific uses included in the project.
12. The applicant states on page 7 of the letter of intent that, "It is proven that high-quality rental housing is necessary to support retail and other commercial components of successful mixed-use developments." Local examples are then cited including Avalon and the soon-to-open City Springs (Sandy Springs' town center). However, the assertion that mixed-use projects cannot be successful without apartments is also incorrect. There isn't only one formula for the success of mixed-use projects and these types of projects don't only work when apartments are a component. The Forum, for

example, includes retail, restaurant, and office uses and is surrounded by single family detached homes. These detached homes are not under the same ownership as the retail and office uses, but they are the residential component, not apartments, that support the Forum. Moreover, with numerous activities planned for the 2-acre Town Green, the Town Center is expected to attract many more visitors because of that amenity than an apartment building occupying the same area would have generated. A 300-unit apartment complex, for example, may generate 600-800 hundred residents; but, the same area used as a Town Green can accommodate up to 5000 visitors for events.

RECOMMENDATIONS

Note: Two versions of the ordinance have been provided, one reflecting the staff's recommended conditions and one reflecting those of the Planning Commission. Items shown in red represent items that are not repeated between the two recommendations and are either new or represent areas of disagreement.

The Planning Commission's recommended conditions differ from the staff's recommended conditions in the following ways:

- Planning Commission removed Staff Condition #1
- Planning Commission added a condition that requires architectural elevations and site plan approvals by the Planning Commission and City Council
- Planning Commission adopted the applicant's proposed conditions

STAFF RECOMMENDATION:

After review of the applicant's proposal, it is recommended that RZ2017-004 / CIC2017/004 be approved subject to conditions (new conditions and previously adopted SUP2015-001 conditions), as follows:

New Conditions:

- 1. Residential development on the site shall be limited to the following:**
 - a. Townhomes not to exceed 12 units per acre and 4 stories in height.**
 - b. Assisted living facility not to exceed 4 stories in height.**
- 2. Hotel development on the site shall be limited to the Indigo brand or comparable, as approved by the City Council.**
- 3. Hotel construction shall be underway (foundation must have passed inspection) before residential building permit is issued.**
- 4. Hotel construction, as evidenced by a completed foundation, shall occur within 24 months (by December 19, 2019) or the zoning on the property shall revert to the previous conditional C-2 zoning approved by Ordinance O2015-03-41.**

5. **Encroachment into the 50ft. undisturbed buffer and 75 ft. impervious stream setback line shall be permitted for the installation of a reinforced pervious slope and minor building intrusions along the northern property line.**
6. **Developer shall be responsible for deceleration lane or other project related right-of-way improvements if determined to be necessary by GDOT and Peachtree Corners' Public Works Director.**
7. **The developer shall be responsible for providing and funding a pedestrian access from the developer's property to the stream and over the stream in a manner and at a location approved by the Downtown Development Authority.**
8. **The landscape strip along the property's Peachtree Parkway frontage shall be planted with a single row of hardwood trees at least 12 ft. in height at installation and spaced 25 ft. on center. In addition, a staggered, double row of evergreen shrubs at least 3 feet in height at the time of installation shall also be planted along the property's Peachtree Parkway frontage with spacing to be determined by staff so that such plant material screens the adjacent parking lot to the greatest extent possible from Peachtree Parkway's vehicle views.**
9. **Architectural elevations for the hotel and retail building shall be substantially similar to the drawings submitted on October 2, 2017. Additionally:**
 - a. **Exterior building materials shall be primarily brick or stone on all building sides.**
 - b. **Planters with vegetation approved by the City's Arborist shall be placed along the building exterior or, as an alternate, climbing plant material shall be installed at the base of the buildings or next to trellises or arbors.**
 - c. **All mechanical equipment (roof top and on the ground) shall be screened from ground view.**
10. **Architectural elevations for residential buildings shall be primarily brick or stone with stucco accents on all sides. Roof material shall consist of slate, tile or architectural shingle with a slate or tile appearance.**
11. **Buildings located on external roadways must face, or appear to face, that roadway.**
12. **One centrally located public gathering area shall be provided. The size of the space shall be at least 2875 sq. ft. (1.5% of the project acreage)**
13. **Pursuant to condition DD of Ord. 2015-03-41, a 5- ft. high wooden screening fence and single row of evergreen shrubs shall be installed immediately along the Peachtree Corners Circle side of the property.**

14. Permitted Commercial Uses: Retail, Cinema with dining, bakery and confectionary, Music venue, Performing Arts venue, boutique hotel, C-1 and C-2 permitted uses except as noted in Prohibited Uses, below, and Restaurant uses as follows:

- a) **Chef-driven dining concepts; local chain restaurants; regional chain restaurants; and national chain restaurants**
- b) **National chain restaurants cannot exceed 50% of the total number of all restaurants**
- c) **Local chain restaurants, regional chain restaurants, and national chain restaurants, combined, cannot exceed 85% of the total number of all restaurants**
- d) **No more than two restaurants shall be permitted in any food category (i.e. Mexican, Thai, French)**
- e) **The Community Development Director shall determine compliance with requirements b), c), and d) listed above.**

15. The developer shall contribute \$113,775 (half of the design fee) toward the design of the Botanical Garden.

Previous Conditions:

16. Prohibited Commercial Uses: Animal hospitals or veterinary clinics; retail bank (ATM permitted); tattoo and piercing parlors; adult bookstores or entertainment (general bookstores selling adult books on an incidental basis permitted); fast food restaurants with or without drive-thru window (pick-up/to go windows at non-fast food restaurants permitted); automotive related uses such as car wash or automotive parts store; billboards; building, electrical or plumbing contractors; funeral homes or mausoleums; crematory; furniture rental establishments; convenience food stores with or without fuel pumps, emission inspection stations; equipment rental; extended stay and limited service hotels; laundry or dry cleaning establishments; liquor stores, (specialty beer or specialty wine store permitted); plant nursery sales facility; recreation or fitness facilities which exceed 3500 square feet); industrial uses, automotive service stations with or without fuel pumps; building material sales with outdoor storage, taxi cab or limousine services; pest control businesses; pet shops or pet grooming establishments, (pet supplies store permitted); mattress store; nail salon; day care facility; driving school; discount stores; grocery store (gourmet and specialty food store permitted); second run movie theater; lottery ticket sales; tobacco products store; phone stores; precious metals store (jewelry store permitted); clothing resale stores; auto repair shops or tire stores; 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; no outdoor storage of any type; lounges; and any temporary uses.

17. Drive-through businesses shall be prohibited.

18. **Abide by all requirements of Section 1315 (Activity Center/Corridor Overlay District).**
19. **Bicycle racks shall be provided within the development in accordance with the overlay standards.**

20. **Provide internal access to any outparcel development. No direct access to Peachtree Parkway other than one driveway shown on the submitted plan and located directly behind the Chase Bank property.**
20. **No billboards are permitted.**
21. **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.**
22. **All street or walkway pavers internal to the development shall be of brick, stone, or paving material comparable in appearance and be limited to grey or natural stone colors, which will coordinate with building architecture.**
23. **Provide landscaped islands through the parking area, including a minimum ten-foot wide landscaped island at the end of each parking bay and a minimum six-foot wide landscaped island for each 225-feet of continuous bay length, or alternate plan as may be approved by the Community Development Director.**
24. **Provide or relocate and reconstruct sidewalks, as required, a minimum of five feet in width adjacent to Peachtree Parkway (U.S. Hwy. 141) and Peachtree Corners Circle. Sidewalks may meander along these roads where feasible and per DOT approval. Provide internal sidewalks connecting office, retail, and outparcel development. Submit pedestrian access plan for review and approval of the Community Development Director.**
25. **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.**
26. **Multi-tenant buildings shall be limited to wall signage only. Project signage shall be limited to one monument sign per road frontage. Monument signs shall coordinate with building architecture.**
27. **Any above ground detention ponds shall be visibly screened with landscape plantings to be approved by the Community Development Director.**

28. **No outside speakers shall be allowed other than a Muzak system which 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.**
29. **Business hours are to be limited to Monday through Thursday from 7:00 a.m. to 12:00 midnight and Friday through Sunday from 7:00 a.m. to 2:00 a.m., (unless further restricted by other regulations). Business hours for a coffee/bagel shop and any specialty gourmet food store(s) shall be 6:00 a.m. to 2:00 a.m. seven days a week.**
30. **All food service facilities on the property, including outparcels, shall install odor scrubbers which remove 95% of cooking odors.**
31. **Truck delivery shall be limited to the hours of 8:00 a.m. to 6:00 p.m. and there shall be no overnight parking or idling of delivery trucks.**
32. **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.**
33. **Graded land that becomes inactive (no building permits pending) for more than 6 months shall be stabilized, seeded and shall meet all other ordinance requirements for graded property. Additional landscaping may also be required to be added to mitigate the appearance of the land disturbance.**
34. **The landscape strip along the entrance driveway from Peachtree Parkway shall be planted with hardwood trees which are a minimum of 12 feet tall at the time of planting and are spaced on 25- foot centers in order to create a boulevard effect for the entrance drive.**
35. **The entire development shall have a cohesive landscape plan which shall be approved by staff.**

PLANNING COMMISSION RECOMMENDATION:

After review of the applicant's proposal, it is recommended that RZ2017-004 / CIC2017/004 be approved subject to conditions (new conditions and previously adopted SUP2015-001 conditions as well as the applicant's proposed conditions), as follows:

New Conditions:

- I. **Hotel development on the site shall be limited to the Indigo brand or comparable, as approved by the City Council.**

- 2. Hotel construction shall be underway (foundation must have passed inspection) before residential building permit is issued.**
- 3. Hotel construction, as evidenced by a completed foundation, shall occur within 24 months (by December 19, 2019) or the zoning reverts to the previous conditional C-2 zoning approved by Ordinance O2015-03-41.**
- 4. Encroachment into the 50ft. undisturbed buffer and 75 ft. impervious stream setback line shall be permitted for the installation of a reinforced pervious slope and minor building intrusions along the northern property line.**
- 5. Developer shall be responsible for deceleration lane or other project related right-of-way improvements if determined to be necessary by GDOT and Peachtree Corners' Public Works Director.**
- 6. The developer shall be responsible for providing and funding a pedestrian access from the developer's property to the stream and over the stream in a manner and at a location approved by the Downtown Development Authority.**
- 7. The landscape strip along the property's Peachtree Parkway frontage shall be planted with a single row of hardwood trees at least 12 ft. in height at installation and spaced 25 ft. on center. In addition, a staggered, double row of evergreen shrubs at least 3 feet in height at the time of installation shall also be planted along the property's Peachtree Parkway frontage with spacing to be determined by staff so that such plant material screens the adjacent parking lot to the greatest extent possible from Peachtree Parkway's vehicle views.**
- 8. Architectural elevations for the hotel and retail building shall be substantially similar to the drawings submitted on October 2, 2017. Additionally:**
 - a. Exterior building materials shall be primarily brick or stone on all building sides.**
 - b. Planters with vegetation approved by the City's Arborist shall be placed along the building exterior or, as an alternate, climbing plant material shall be installed at the base of the buildings or next to trellises or arbors.**
 - c. All mechanical equipment (roof top and on the ground) shall be screened from ground view.**
- 9. Architectural elevations for residential buildings shall be primarily brick or stone with stucco accents on all sides. Roof material shall consist of slate, tile or architectural shingle with a slate or tile appearance.**
- 10. Buildings located on external roadways must face, or appear to face, that roadway.**

11. **One centrally located public gathering area shall be provided. The size of the space shall be at least 2875 sq. ft. (1.5% of the project acreage)**
12. **Pursuant to condition DD of Ord. 2015-03-41, a 5- ft. high wooden screening fence and single row of evergreen shrubs shall be installed immediately along the Peachtree Corners Circle side of the property.**
13. **Permitted Commercial Uses: Retail, Cinema with dining, bakery and confectionary, Music venue, Performing Arts venue, boutique hotel, C-1 and C-2 permitted uses except as noted in Prohibited Uses, below, and Restaurant uses as follows:**
 - a) **Chef-driven dining concepts; local chain restaurants; regional chain restaurants; and national chain restaurants**
 - b) **National chain restaurants cannot exceed 50% of the total number of all restaurants**
 - c) **Local chain restaurants, regional chain restaurants, and national chain restaurants, combined, cannot exceed 85% of the total number of all restaurants**
 - d) **No more than two restaurants shall be permitted in any food category (i.e. Mexican, Thai, French)**
 - e) **The Community Development Director shall determine compliance with requirements b), c), and d) listed above.**
14. **Architectural elevations and site plan shall be presented to the Planning Commission and City Council for approval.**

Previous Conditions:

15. **Prohibited Commercial Uses: Animal hospitals or veterinary clinics; retail bank (ATM permitted); tattoo and piercing parlors; adult bookstores or entertainment (general bookstores selling adult books on an incidental basis permitted); fast food restaurants with or without drive-thru window (pick-up/to go windows at non-fast food restaurants permitted); automotive related uses such as car wash or automotive parts store; billboards; building, electrical or plumbing contractors; funeral homes or mausoleums; crematory; furniture rental establishments; convenience food stores with or without fuel pumps, emission inspection stations; equipment rental; extended stay and limited service hotels; laundry or dry cleaning establishments; liquor stores, (specialty beer or specialty wine store permitted); plant nursery sales facility; recreation or fitness facilities which exceed 3500 square feet); industrial uses, automotive service stations with or without fuel pumps; building material sales with outdoor storage, taxi cab or limousine services; pest control businesses; pet shops or pet grooming establishments, (pet supplies store permitted); mattress store; nail salon; day care facility; driving school; discount stores; grocery store (gourmet and specialty food store permitted); second run movie theater; lottery ticket**

sales; tobacco products store; phone stores; precious metals store (jewelry store permitted); clothing resale stores; auto repair shops or tire stores; 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; no outdoor storage of any type; lounges; and any temporary uses.

16. **Drive-through businesses shall be prohibited.**
17. **Abide by all requirements of Section 1315 (Activity Center/Corridor Overlay District).**
18. **Bicycle racks shall be provided within the development in accordance with the overlay standards.**
19. **Provide internal access to any outparcel development. No direct access to Peachtree Parkway other than one driveway shown on the submitted plan and located directly behind the Chase Bank property.**
20. **No billboards are permitted.**
21. **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.**
22. **All street or walkway pavers internal to the development shall be of brick, stone, or paving material comparable in appearance and be limited to grey or natural-tone colors, which will coordinate with building architecture.**
23. **Provide landscaped islands through the parking area, including a minimum ten-foot wide landscaped island at the end of each parking bay and a minimum six-foot wide landscaped island for each 225-feet of continuous bay length, or alternate plan as may be approved by the Community Development Director.**
 - a. **Provide or relocate and reconstruct sidewalks, as required, a minimum of five feet in width adjacent to Peachtree Parkway (U.S. Hwy. 141) and Peachtree Corners Circle. Sidewalks may meander along these roads where feasible and per DOT approval. Provide internal sidewalks connecting office, retail, and outparcel development. Submit pedestrian access plan for review and approval of the Community Development Director.**
24. **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.

- 25. Multi-tenant buildings shall be limited to wall signage only. Project signage shall be limited to one monument sign per road frontage. Monument signs shall coordinate with building architecture.**
- 26. Any above ground detention ponds shall be visibly screened with landscape plantings to be approved by the Community Development Director.**
- 27. No outside speakers shall be allowed other than a Muzak system which 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.**
- 28. Business hours are to be limited to Monday through Thursday from 7:00 a.m. to 12:00 midnight and Friday through Sunday from 7:00 a.m. to 2:00 a.m., (unless further restricted by other regulations). Business hours for a coffee/bagel shop and any specialty gourmet food store(s) shall be 6:00 a.m. to 2:00 a.m. seven days a week.**
- 29. All food service facilities on the property, including outparcels, shall install odor scrubbers which remove 95% of cooking odors.**
- 30. Truck delivery shall be limited to the hours of 8:00 a.m. to 6:00 p.m. and there shall be no overnight parking or idling of delivery trucks.**
- 31. 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.**
- 32. Graded land that becomes inactive (no building permits pending) for more than 6 months shall be stabilized, seeded and shall meet all other ordinance requirements for graded property. Additional landscaping may also be required to be added to mitigate the appearance of the land disturbance.**
- 33. The landscape strip along the entrance driveway from Peachtree Parkway shall be planted with hardwood trees which are a minimum of 12 feet tall at the time of planting and are spaced on 25- foot centers in order to create a boulevard effect for the entrance drive.**
- 34. The entire development shall have a cohesive landscape plan which shall be approved by staff.**

Applicant's Requested Conditions (included in Planning Commission Recommendation):

- 35. The property shall be rezoned MUD (Mixed-Use Development) and shall be developed in general conformity with the site plan and millennial housing / hotel exterior renderings prepared by TVS Design and the exterior renderings of the retail building prepared by Wakefield Beasley & Associates that were attached to the rezoning application. The property owner shall be permitted to make changes to the site plan and architectural renderings for the purpose of complying with field conditions, federal/state/local code requirements, industry standards for design, and directive by Peachtree Corners officials.**
- 36. The millennial housing development shall participate in the Peachtree Corners Crime Free Multi-Housing Program.**
- 37. The 5-level millennial housing and hotel buildings shall be constructed on top of 2 levels of covered parking.**
- 38. The millennial housing development shall not exceed 169 units, which shall be limited to one and two- bedroom floor plans. There shall be a maximum of 102 two- bedroom floor plans and the remaining units shall be one- bedroom floor plans.**
- 39. Standard interior features for all millennial housing units shall include:**
- a. Stainless steel kitchen appliances**
 - b. Kitchens with granite countertops (or equal material such as quartz)**
 - c. Designer ceramic tile backsplashes**
 - d. Upscale plank or engineered wood flooring in foyers, kitchens, bathrooms and laundry rooms (linoleum flooring shall be prohibited)**
 - e. Designer lighting**
 - f. Granite countertops (or equal material) and ceramic tile tub surrounds in bathrooms**
 - g. Nine- foot ceilings**
 - h. Walk-in closets**
 - i. Connections for full-size washer/dryer units**
 - j. Walk-out balconies**
 - k. Pre-wired security system**
- 40. Community features for the millennial housing development shall include:**
- a. Resort-style swimming pool and courtyard with tanning deck**
 - b. Clubhouse with cyber café, wifi and business center**
 - c. Covered parking spaces**
 - d. Elevators and elevator lobbies**
 - e. Outdoor grilling and entertainment space with fireplace (or fire pit) and bocce ball court**
 - f. Fitness center with cardio and strength equipment**

- g. Walking trails and sidewalks**
 - h. Bike racks and electric vehicle charging stations**
 - i. Controlled access at the building**
- 41. Playground equipment shall be prohibited on the property.**
- 42. Aggressive breeds of animals (ex: pit bulls, rottweilers and doberman pinschers) may not be kept on the property.**
- 43. The property owner shall develop a Hotel Indigo or comparable boutique hotel as defined by the hotel industry. The property owner shall be prohibited from developing a non-boutique hotel brand such as Holiday Inn or Hampton Inn.**
- 44. The property owner shall be prohibited from applying for a building permit for the millennial housing building and/or the hotel building until the property owner provides the City with a copy of a fully-executed boutique hotel franchise agreement.**
- 45. The property owner shall permit and construct the millennial housing development and the hotel development simultaneously.**
- 46. Drive-through businesses shall be prohibited.**
- 47. Provide internal vehicular and pedestrian access to any outparcel development as illustrated on the site plan.**
- 48. Dumpsters shall be screened by an opaque decorative wall, at least 6 feet in height, which will include a gated entry and will be coordinated with the building architecture. Pick-up for dumpsters shall be limited to between the hours of 8:00 AM and 6:00 PM.**
- 49. Operation of parking lot cleaning machinery or other maintenance equipment that emits noise shall be limited to the hours of 8:00 AM and 6:00 PM.**
- 50. The use of thin brick and EIFS on the buildings shall be prohibited.**
- 51. Prior to the issuance of the first Certificate of Occupancy, the property owner shall cause \$23,631 to be contributed to an account designated by the City of Peachtree Corners which funds shall be used by the City (or its designee) to construct a public multi-use trail that connects the property's sidewalks/trails to the Town Center trail system. The amount of the contribution is based on the City's requirement of Echo Lakeside to contribute \$41,250 towards trail system improvements, which equals \$139.83 per density unit ($\$41,250 / 295 \text{ density units} = \$139.83 \times 169 \text{ density units} = \$23,631$). The City shall grant the property owner an easement to allow pedestrian access throughout the City's public trail system, green space and Town Center development.**

- 52. Prior to the issuance of the first Certificate of Occupancy, the property owner shall**
1) construct an 8- foot wide concrete sidewalk along Peachtree Corners Circle in
the location identified on the site plan and 2) deed to the City approximately 4,665
square feet of land along Peachtree Corners Circle where said sidewalk is located.
All building setbacks, landscape strips and other development, density and/or
construction requirements and calculations including, but not limited to, common
area and green space shall be based on the location of the public right-of-way prior
to said land dedication.
- 53. All millennial housing units and hotel rooms will be equipped with an automatic fire**
sprinkler system.
- 54. The property owner shall be prohibited from installing additional curb cuts on**
Peachtree Parkway and Peachtree Corners Circle.
- 55. The property shall have a cohesive landscape plan.**
- 56. Prior to the issuance of the first Certificate of Occupancy, a landscape strip shall**
be planted along the frontage of the property along Peachtree Parkway. The
landscape strip shall include a staggered double row of evergreen plants at least 3
feet in height at maturity. Said landscape strip shall be approved by the
Community Development Director and maintained at all times by the property
owner.
- 57. Encroachments into the 50- foot undisturbed buffer and 75 foot impervious stream**
setback line shall be permitted for the installation of the millennial housing
development, parking deck and walking trail as illustrated on the variance plan
prepared by TVS Design.

AN ORDINANCE TO AMEND THE CITY OF PEACHTREE CORNERS ZONING MAP PURSUANT TO RZ2017-004/ CIC2017-004, ROBERTS PROPERTIES, REQUEST TO REZONE TWO PARCELS CONSISTING OF 4.4 ACRES FROM C-2 TO MUD ALONG WITH ASSOCIATED CHANGE IN CONDITIONS TO ACCOMMODATE A NEW MIXED-USE DEVELOPMENT AT 4936 PEACHTREE CORNERS CIRCLE AND 5246 PEACHTREE PARKWAY, DIST. 6, LAND LOT 301, PEACHTREE CORNERS, GA.

WHEREAS: Notice to the public regarding said rezoning has been duly published in The Gwinnett Daily Post, the Official News Organ of Peachtree Corners; and

WHEREAS: Public Hearings were held by the Mayor and City Council of Peachtree Corners on November 20, 2017 and December 19, 2017;

NOW THEREFORE, IT IS HEREBY ORDAINED by the governing authority of the City of Peachtree Corners, Georgia while in Regular Session on December 19, 2017 that Zoning Case RZ2017-004/ CIC2017-004, Roberts Properties, is hereby approved for the above referenced property with the following enumerated conditions:

New Conditions:

- 1. Residential development on the site shall be limited to the following:**
 - a. Townhomes not to exceed 12 units per acre and 4 stories in height.**
 - b. Assisted living facility not to exceed 4 stories in height.**
- 2. Hotel development on the site shall be limited to the Indigo brand or comparable, as approved by the City Council.**
- 3. Hotel construction shall be underway (foundation must have passed inspection) before residential building permit is issued.**
- 4. Hotel construction, as evidenced by a completed foundation, shall occur within 24 months (by December 19, 2019) or the zoning on the property shall revert to the previous conditional C-2 zoning approved by Ordinance O2015-03-41.**
- 5. Encroachment into the 50ft. undisturbed buffer and 75 ft. impervious stream setback line shall be permitted for the installation of a reinforced pervious slope and minor building intrusions along the northern property line.**
- 6. Developer shall be responsible for deceleration lane or other project related right-of-way improvements if determined to be necessary by GDOT and Peachtree Corners' Public Works Director.**

7. The developer shall be responsible for providing and funding a pedestrian access from the developer's property to the stream and over the stream in a manner and at a location approved by the Downtown Development Authority.
8. The landscape strip along the property's Peachtree Parkway frontage shall be planted with a single row of hardwood trees at least 12 ft. in height at installation and spaced 25 ft. on center. In addition, a staggered, double row of evergreen shrubs at least 3 feet in height at the time of installation shall also be planted along the property's Peachtree Parkway frontage with spacing to be determined by staff so that such plant material screens the adjacent parking lot to the greatest extent possible from Peachtree Parkway's vehicle views.
9. Architectural elevations for the hotel and retail building shall be substantially similar to the drawings submitted on October 2, 2017. Additionally:
 - a. Exterior building materials shall be primarily brick or stone on all building sides.
 - b. Planters with vegetation approved by the City's Arborist shall be placed along the building exterior or, as an alternate, climbing plant material shall be installed at the base of the buildings or next to trellises or arbors.
 - c. All mechanical equipment (roof top and on the ground) shall be screened from ground view.
10. Architectural elevations for residential buildings shall be primarily brick or stone with stucco accents on all sides. Roof material shall consist of slate, tile or architectural shingle with a slate or tile appearance.
11. Buildings located on external roadways must face, or appear to face, that roadway.
12. One centrally located public gathering area shall be provided. The size of the space shall be at least 2875 sq. ft. (1.5% of the project acreage)
13. Pursuant to condition DD of Ord. 2015-03-41, a 5- ft. high wooden screening fence and single row of evergreen shrubs shall be installed immediately along the Peachtree Corners Circle side of the property.
14. Permitted Commercial Uses: Retail, Cinema with dining, bakery and confectionary, Music venue, Performing Arts venue, boutique hotel, C-1 and C-2 permitted uses except as noted in Prohibited Uses, below, and Restaurant uses as follows:
 - a) Chef-driven dining concepts; local chain restaurants; regional chain restaurants; and national chain restaurants
 - b) National chain restaurants cannot exceed 50% of the total number of all restaurants

- c) **Local chain restaurants, regional chain restaurants, and national chain restaurants, combined, cannot exceed 85% of the total number of all restaurants**
- d) **No more than two restaurants shall be permitted in any food category (i.e. Mexican, Thai, French)**
- e) **The Community Development Director shall determine compliance with requirements b), c), and d) listed above.**

15. The developer shall contribute \$113,775 (half of the design fee) toward the design of the Botanical Garden.

Previous Conditions:

16. Prohibited Commercial Uses: Animal hospitals or veterinary clinics; retail bank (ATM permitted); tattoo and piercing parlors; adult bookstores or entertainment (general bookstores selling adult books on an incidental basis permitted); fast food restaurants with or without drive-thru window (pick-up/to go windows at non-fast food restaurants permitted); automotive related uses such as car wash or automotive parts store; billboards; building, electrical or plumbing contractors; funeral homes or mausoleums; crematory; furniture rental establishments; convenience food stores with or without fuel pumps, emission inspection stations; equipment rental; extended stay and limited service hotels; laundry or dry cleaning establishments; liquor stores, (specialty beer or specialty wine store permitted); plant nursery sales facility; recreation or fitness facilities which exceed 3500 square feet); industrial uses, automotive service stations with or without fuel pumps; building material sales with outdoor storage, taxi cab or limousine services; pest control businesses; pet shops or pet grooming establishments, (pet supplies store permitted); mattress store; nail salon; day care facility; driving school; discount stores; grocery store (gourmet and specialty food store permitted); second run movie theater; lottery ticket sales; tobacco products store; phone stores; precious metals store (jewelry store permitted); clothing resale stores; auto repair shops or tire stores; 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; no outdoor storage of any type; lounges; and any temporary uses.

17. Drive-through businesses shall be prohibited.

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

- 19. Bicycle racks shall be provided within the development in accordance with the overlay standards.**
- 20. Provide internal access to any outparcel development. No direct access to Peachtree Parkway other than one driveway shown on the submitted plan and located directly behind the Chase Bank property.**
- 21. No billboards are permitted.**
- 22. 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.**
- 23. All street or walkway pavers internal to the development shall be of brick, stone, or paving material comparable in appearance and be limited to grey or natural-tone colors, which will coordinate with building architecture.**
- 24. Provide landscaped islands through the parking area, including a minimum ten-foot wide landscaped island at the end of each parking bay and a minimum six-foot wide landscaped island for each 225-feet of continuous bay length, or alternate plan as may be approved by the Community Development Director.**
- 25. Provide or relocate and reconstruct sidewalks, as required, a minimum of five feet in width adjacent to Peachtree Parkway (U.S. Hwy. 141) and Peachtree Corners Circle. Sidewalks may meander along these roads where feasible and per DOT approval. Provide internal sidewalks connecting office, retail, and outparcel development. Submit pedestrian access plan for review and approval of the Community Development Director.**
- 26. 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.**
- 27. Multi-tenant buildings shall be limited to wall signage only. Project signage shall be limited to one monument sign per road frontage. Monument signs shall coordinate with building architecture.**
- 28. Any above ground detention ponds shall be visibly screened with landscape plantings to be approved by the Community Development Director.**

- 29. No outside speakers shall be allowed other than a Muzak system which 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.**
- 30. Business hours are to be limited to Monday through Thursday from 7:00 a.m. to 12:00 midnight and Friday through Sunday from 7:00 a.m. to 2:00 a.m, (unless**
- 31. further restricted by other regulations). Business hours for a coffee/bagel shop and any specialty gourmet food store(s) shall be 6:00 a.m. to 2:00 a.m. seven days a week.**
- 32. All food service facilities on the property, including outparcels, shall install odor scrubbers which remove 95% of cooking odors.**
- 33. Truck delivery shall be limited to the hours of 8:00 a.m. to 6:00 p.m. and there shall be no overnight parking or idling of delivery trucks.**
- 34. 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.**
- 35. Graded land that becomes inactive (no building permits pending) for more than 6 months shall be stabilized, seeded and shall meet all other ordinance requirements for graded property. Additional landscaping may also be required to be added to mitigate the appearance of the land disturbance.**
- 36. The landscape strip along the entrance driveway from Peachtree Parkway shall be planted with hardwood trees which are a minimum of 12 feet tall at the time of planting and are spaced on 25- foot centers in order to create a boulevard effect for the entrance drive.**
- 37. The entire development shall have a cohesive landscape plan which shall be approved by staff.**

Effective this 19th day of December, 2017.

So Signed and Witnessed

Approved:

this _____ day of _____, 2017

Attest:

Kymberly Chereck, City Clerk

Mike Mason, Mayor

AN ORDINANCE TO AMEND THE CITY OF PEACHTREE CORNERS ZONING MAP PURSUANT TO RZ2017-004/ CIC2017-004, ROBERTS PROPERTIES, REQUEST TO REZONE TWO PARCELS CONSISTING OF 4.4 ACRES FROM C-2 TO MUD ALONG WITH ASSOCIATED CHANGE IN CONDITIONS TO ACCOMMODATE A NEW MIXED-USE DEVELOPMENT AT 4936 PEACHTREE CORNERS CIRCLE AND 5246 PEACHTREE PARKWAY, DIST. 6, LAND LOT 301, PEACHTREE CORNERS, GA.

WHEREAS: Notice to the public regarding said rezoning has been duly published in The Gwinnett Daily Post, the Official News Organ of Peachtree Corners; and

WHEREAS: Public Hearings were held by the Mayor and City Council of Peachtree Corners on November 20, 2017 and December 19, 2017;

NOW THEREFORE, IT IS HEREBY ORDAINED by the governing authority of the City of Peachtree Corners, Georgia while in Regular Session on December 19, 2017 that Zoning Case RZ2017-004/ CIC2017-004, Roberts Properties, is hereby approved for the above referenced property with the following enumerated conditions:

New Conditions:

- 1. Hotel development on the site shall be limited to the Indigo brand or comparable, as approved by the City Council.**
- 2. Hotel construction shall be underway (foundation must have passed inspection) before residential building permit is issued.**
- 3. Hotel construction, as evidenced by a completed foundation, shall occur within 24 months (by December 19, 2019) or the property zoning shall revert to the previous conditional C-2 zoning approved by Ordinance O2015-03-41.**
- 4. Encroachment into the 50ft. undisturbed buffer and 75 ft. impervious stream setback line shall be permitted for the installation of a reinforced pervious slope and minor building intrusions along the northern property line.**
- 5. Developer shall be responsible for deceleration lane or other project related right-of-way improvements if determined to be necessary by GDOT and Peachtree Corners' Public Works Director.**
- 6. The developer shall be responsible for providing and funding a pedestrian access from the developer's property to the stream and over the stream in a manner and at a location approved by the Downtown Development Authority.**

7. **The landscape strip along the property's Peachtree Parkway frontage shall be planted with a single row of hardwood trees at least 12 ft. in height at installation and spaced 25 ft. on center. In addition, a staggered, double row of evergreen shrubs at least 3 feet in height at the time of installation shall also be planted along the property's Peachtree Parkway frontage with spacing to be determined by staff so that such plant material screens the adjacent parking lot to the greatest extent possible from Peachtree Parkway's vehicle views.**
8. **Architectural elevations for the hotel and retail building shall be substantially similar to the drawings submitted on October 2, 2017. Additionally:**
 - a. **Exterior building materials shall be primarily brick or stone on all building sides.**
 - b. **Planters with vegetation approved by the City's Arborist shall be placed along the building exterior or, as an alternate, climbing plant material shall be installed at the base of the buildings or next to trellises or arbors.**
 - c. **All mechanical equipment (roof top and on the ground) shall be screened from ground view.**
9. **Architectural elevations for residential buildings shall be primarily brick or stone with stucco accents on all sides. Roof material shall consist of slate, tile or architectural shingle with a slate or tile appearance.**
10. **Buildings located on external roadways must face, or appear to face, that roadway.**
11. **One centrally located public gathering area shall be provided. The size of the space shall be at least 2875 sq. ft. (1.5% of the project acreage)**
12. **Pursuant to condition DD of Ord. 2015-03-41, a 5- ft. high wooden screening fence and single row of evergreen shrubs shall be installed immediately along the Peachtree Corners Circle side of the property.**
13. **Permitted Commercial Uses: Retail, Cinema with dining, bakery and confectionary, Music venue, Performing Arts venue, boutique hotel, C-1 and C-2 permitted uses except as noted in Prohibited Uses, below, and Restaurant uses as follows:**
 - a) **Chef-driven dining concepts; local chain restaurants; regional chain restaurants; and national chain restaurants**
 - b) **National chain restaurants cannot exceed 50% of the total number of all restaurants**
 - c) **Local chain restaurants, regional chain restaurants, and national chain restaurants, combined, cannot exceed 85% of the total number of all restaurants**
 - d) **No more than two restaurants shall be permitted in any food category (i.e. Mexican, Thai, French)**

- e) **The Community Development Director shall determine compliance with requirements b), c), and d) listed above.**
- 14. Architectural elevations and site plan shall be presented to the Planning Commission and City Council for approval.**

Previous Conditions:

- 15. Prohibited Commercial Uses: Animal hospitals or veterinary clinics; retail bank (ATM permitted); tattoo and piercing parlors; adult bookstores or entertainment (general bookstores selling adult books on an incidental basis permitted); fast food restaurants with or without drive-thru window (pick-up/to go windows at non-fast food restaurants permitted); automotive related uses such as car wash or automotive parts store; billboards; building, electrical or plumbing contractors; funeral homes or mausoleums; crematory; furniture rental establishments; convenience food stores with or without fuel pumps, emission inspection stations; equipment rental; extended stay and limited service hotels; laundry or dry cleaning establishments; liquor stores, (specialty beer or specialty wine store permitted); plant nursery sales facility; recreation or fitness facilities which exceed 3500 square feet); industrial uses, automotive service stations with or without fuel pumps; building material sales with outdoor storage, taxi cab or limousine services; pest control businesses; pet shops or pet grooming establishments, (pet supplies store permitted); mattress store; nail salon; day care facility; driving school; discount stores; grocery store (gourmet and specialty food store permitted); second run movie theater; lottery ticket sales; tobacco products store; phone stores; precious metals store (jewelry store permitted); clothing resale stores; auto repair shops or tire stores; 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; no outdoor storage of any type; lounges; and any temporary uses.**
- 16. Drive-through businesses shall be prohibited.**
- 17. Abide by all requirements of Section 1315 (Activity Center/Corridor Overlay District).**
- 18. Bicycle racks shall be provided within the development in accordance with the overlay standards.**
- 19. Provide internal access to any outparcel development. No direct access to Peachtree Parkway other than one driveway shown on the submitted plan and located directly behind the Chase Bank property.**

20. No billboards are permitted.
21. 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.
22. All street or walkway pavers internal to the development shall be of brick, stone, or paving material comparable in appearance and be limited to grey or natural-tone colors, which will coordinate with building architecture.
23. Provide landscaped islands through the parking area, including a minimum ten-foot wide landscaped island at the end of each parking bay and a minimum six-foot wide landscaped island for each 225-feet of continuous bay length, or alternate plan as may be approved by the Community Development Director.
 - a. Provide or relocate and reconstruct sidewalks, as required, a minimum of five feet in width adjacent to Peachtree Parkway (U.S. Hwy. 141) and Peachtree Corners Circle. Sidewalks may meander along these roads where feasible and per DOT approval. Provide internal sidewalks connecting office, retail, and outparcel development. Submit pedestrian access plan for review and approval of the Community Development Director.
24. 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.
25. Multi-tenant buildings shall be limited to wall signage only. Project signage shall be limited to one monument sign per road frontage. Monument signs shall coordinate with building architecture.
26. Any above ground detention ponds shall be visibly screened with landscape plantings to be approved by the Community Development Director.
27. No outside speakers shall be allowed other than a Muzak system which 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.
28. Business hours are to be limited to Monday through Thursday from 7:00 a.m. to 12:00 midnight and Friday through Sunday from 7:00 a.m. to 2:00 a.m, (unless

further restricted by other regulations). Business hours for a coffee/bagel shop and any specialty gourmet food store(s) shall be 6:00 a.m. to 2:00 a.m. seven days a week.

29. All food service facilities on the property, including outparcels, shall install odor scrubbers which remove 95% of cooking odors.
30. Truck delivery shall be limited to the hours of 8:00 a.m. to 6:00 p.m. and there shall be no overnight parking or idling of delivery trucks.
31. 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.
32. Graded land that becomes inactive (no building permits pending) for more than 6 months shall be stabilized, seeded and shall meet all other ordinance requirements for graded property. Additional landscaping may also be required to be added to mitigate the appearance of the land disturbance.
33. The landscape strip along the entrance driveway from Peachtree Parkway shall be planted with hardwood trees which are a minimum of 12 feet tall at the time of planting and are spaced on 25- foot centers in order to create a boulevard effect for the entrance drive.
34. The entire development shall have a cohesive landscape plan which shall be approved by staff.

Applicant's Conditions:

35. The property shall be rezoned MUD (Mixed-Use Development) and shall be developed in general conformity with the site plan and millennial housing / hotel exterior renderings prepared by TVS Design and the exterior renderings of the retail building prepared by Wakefield Beasley & Associates that were attached to the rezoning application. The property owner shall be permitted to make changes to the site plan and architectural renderings for the purpose of complying with field conditions, federal/state/local code requirements, industry standards for design, and directive by Peachtree Corners officials.
36. The millennial housing development shall participate in the Peachtree Corners Crime Free Multi-Housing Program.
37. The 5-level millennial housing and hotel buildings shall be constructed on top of 2 levels of covered parking.

38. The millennial housing development shall not exceed 169 units, which shall be limited to one and two bedroom floor plans. There shall be a maximum of 102 two bedroom floor plans and the remaining units shall be one bedroom floor plans.
39. Standard interior features for all millennial housing units shall include:
- a. Stainless steel kitchen appliances
 - b. Kitchens with granite countertops (or equal material such as quartz)
 - c. Designer ceramic tile backsplashes
 - d. Upscale plank or engineered wood flooring in foyers, kitchens, bathrooms and laundry rooms (linoleum flooring shall be prohibited)
 - e. Designer lighting
 - f. Granite countertops (or equal material) and ceramic tile tub surrounds in bathrooms
 - g. Nine foot ceilings
 - h. Walk-in closets
 - i. Connections for full-size washer/dryer units
 - j. Walk-out balconies
 - k. Pre-wired security system
40. Community features for the millennial housing development shall include:
- a. Resort-style swimming pool and courtyard with tanning deck
 - b. Clubhouse with cyber café, wifi and business center
 - c. Covered parking spaces
 - d. Elevators and elevator lobbies
 - e. Outdoor grilling and entertainment space with fireplace (or fire pit) and bocce ball court
 - f. Fitness center with cardio and strength equipment
 - g. Walking trails and sidewalks
 - h. Bike racks and electric vehicle charging stations
 - i. Controlled access at the building
41. Playground equipment shall be prohibited on the property.
42. Aggressive breeds of animals (ex: pit bulls, rottweilers and doberman pinschers) may not be kept on the property.
43. The property owner shall develop a Hotel Indigo or comparable boutique hotel as defined by the hotel industry. The property owner shall be prohibited from developing a non-boutique hotel brand such as Holiday Inn or Hampton Inn.
44. The property owner shall be prohibited from applying for a building permit for the millennial housing building and/or the hotel building until the property owner provides the City with a copy of a fully-executed boutique hotel franchise agreement.

45. The property owner shall permit and construct the millennial housing development and the hotel development simultaneously.
46. Drive-through businesses shall be prohibited.
47. Provide internal vehicular and pedestrian access to any outparcel development as illustrated on the site plan.
48. Dumpsters shall be screened by an opaque decorative wall, at least 6 feet in height, which will include a gated entry and will be coordinated with the building architecture. Pick-up for dumpsters shall be limited to between the hours of 8:00 AM and 6:00 PM.
49. Operation of parking lot cleaning machinery or other maintenance equipment that emits noise shall be limited to the hours of 8:00 AM and 6:00 PM.
50. The use of thin brick and EIFS on the buildings shall be prohibited.
51. Prior to the issuance of the first Certificate of Occupancy, the property owner shall cause \$23,631 to be contributed to an account designated by the City of Peachtree Corners which funds shall be used by the City (or its designee) to construct a public multi-use trail that connects the property's sidewalks/trails to the Town Center trail system. The amount of the contribution is based on the City's requirement of Echo Lakeside to contribute \$41,250 towards trail system improvements, which equals \$139.83 per density unit ($\$41,250 / 295 \text{ density units} = \$139.83 \times 169 \text{ density units} = \$23,631$). The City shall grant the property owner an easement to allow pedestrian access throughout the City's public trail system, green space and Town Center development.
52. Prior to the issuance of the first Certificate of Occupancy, the property owner shall 1) construct an 8 foot wide concrete sidewalk along Peachtree Corners Circle in the location identified on the site plan and 2) deed to the City approximately 4,665 square feet of land along Peachtree Corners Circle where said sidewalk is located. All building setbacks, landscape strips and other development, density and/or construction requirements and calculations including, but not limited to, common area and green space shall be based on the location of the public right-of-way prior to said land dedication.
53. All millennial housing units and hotel rooms will be equipped with an automatic fire sprinkler system.

54. **The property owner shall be prohibited from installing additional curb cuts on Peachtree Parkway and Peachtree Corners Circle.**
55. **The property shall have a cohesive landscape plan.**
56. **Prior to the issuance of the first Certificate of Occupancy, a landscape strip shall be planted along the frontage of the property along Peachtree Parkway. The landscape strip shall include a staggered double row of evergreen plants at least 3 feet in height at maturity. Said landscape strip shall be approved by the Community Development Director and maintained at all times by the property owner.**
57. **Encroachments into the 50 foot undisturbed buffer and 75 foot impervious stream setback line shall be permitted for the installation of the millennial housing development, parking deck and walking trail as illustrated on the variance plan prepared by TVS Design.**

Effective this 19th day of December, 2017.

So Signed and Witnessed

Approved:

this _____ day of _____, 2017

Attest:

Kymberly Chereck, City Clerk

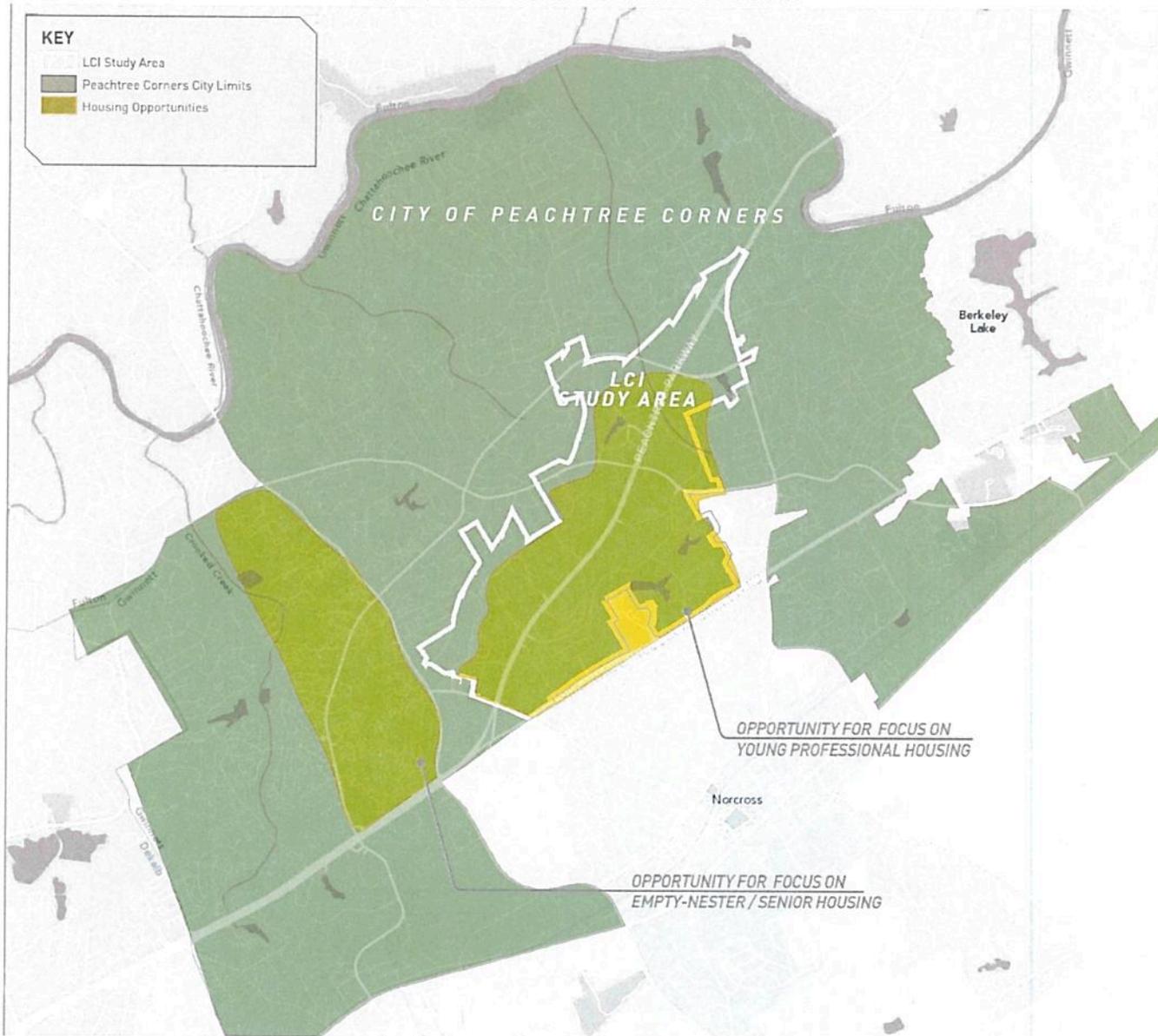
Mike Mason, Mayor

Facilitate Housing Choices

The LCI market study revealed that the City's concentration of single family homes and below-market-rate rental housing have created a sizable market gap currently in high demand. As noted earlier, LCI stakeholder interviews with former/current Technology Park stakeholders revealed an overwhelming corporate demand for a variety of housing types for a younger workforce. Given these conditions, the City should make it a major priority to facilitate the development of a wider range of housing types, including senior residences and, most importantly, younger workforce housing. This is especially true of the Technology Park area as if it is to transform into an

Innovation District offering walkable, mixed-use development for the soon-to-be-dominant "Millennial" generation (ages 10-29). Similarly, there are areas within the LCI where the market demand for empty-nesters and retirees can be met (an opportunity that is already being taken advantage of by developers). The opportunity to meet housing market demands should be approached as a City-wide strategy. However, the first steps of this strategy within the LCI should focus on making adequate changes to the area's current zoning to make it possible to develop market-viable uses "by right" without need for rezonings or variances. Concurrently, revisions should be made to development requirements to allow for more condensed horizontal and vertical mixed-use developments that help promote walkability.

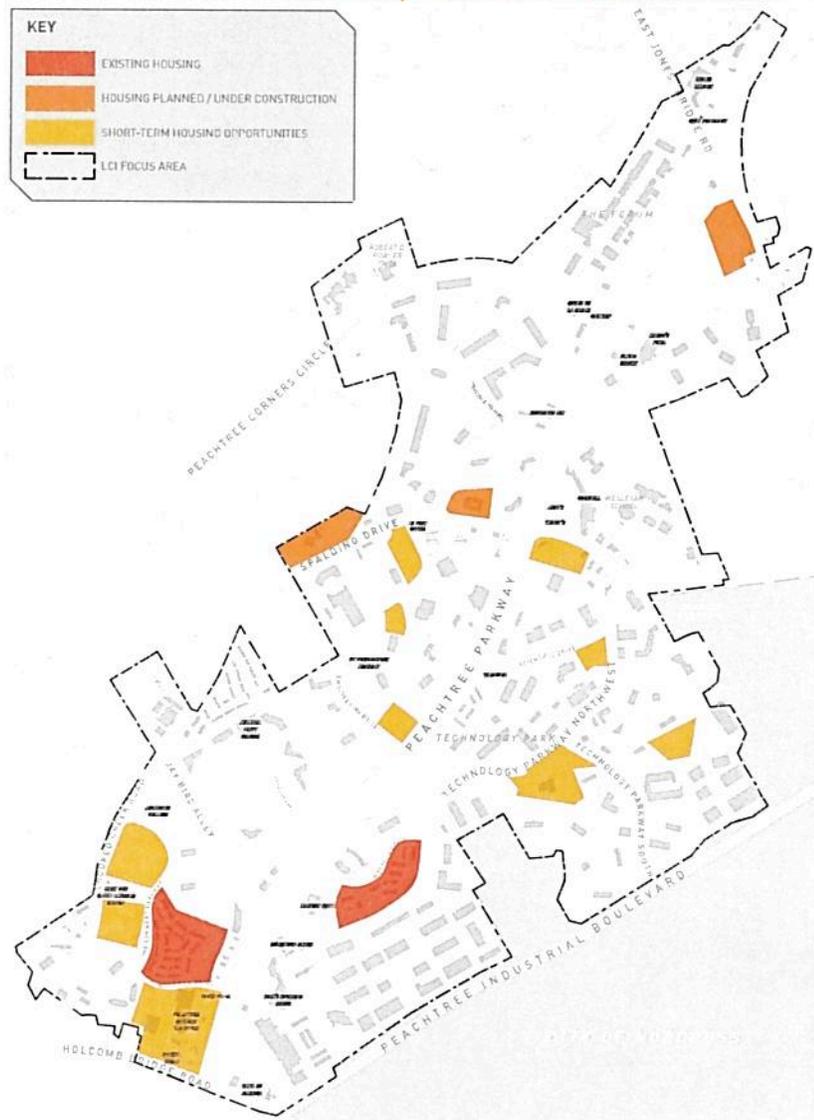
CITY-WIDE POTENTIAL TARGETS FOR INFILL OF HOUSING MARKET DEMAND



NOTE: THESE ARE GENERALIZED AREAS. FURTHER STUDY IS REQUIRED

ATTACHMENT 'B'

HOUSING IN LCI AREA: EXISTING, PLANNED & POTENTIAL AREAS



NOTE: THESE ARE PLANNING LEVEL SUGGESTIONS ONLY

NATIONAL TRENDS ON HOUSING

54% of Americans prefer three or more community attributes associated with compact development

71% view home ownership as a good investment

70% place a high value on walkability when choosing a new community

61% would accept a smaller home in exchange for a shorter commute

POSSIBLE HOUSING TYPES TO CONSIDER

MILLENNIALS (10-29)

- rental units in mixed-use settings
- accessory apartments (granny flats)
- moderately-priced town homes
- moderately-priced existing single-family homes

GENERATION X (30-48)

- trade-up single-family, 25% walkable urban places

EMPTY NESTERS / BABY BOOMERS (50-69)

- condominium flats
- rental units in mixed-use settings
- town homes / cluster homes
- small-lot single-family

SILENT GENERATION / BABY BOOMERS (69+)

- active adult communities / developments
- adults-only rental / independent living facilities
- retirement centers

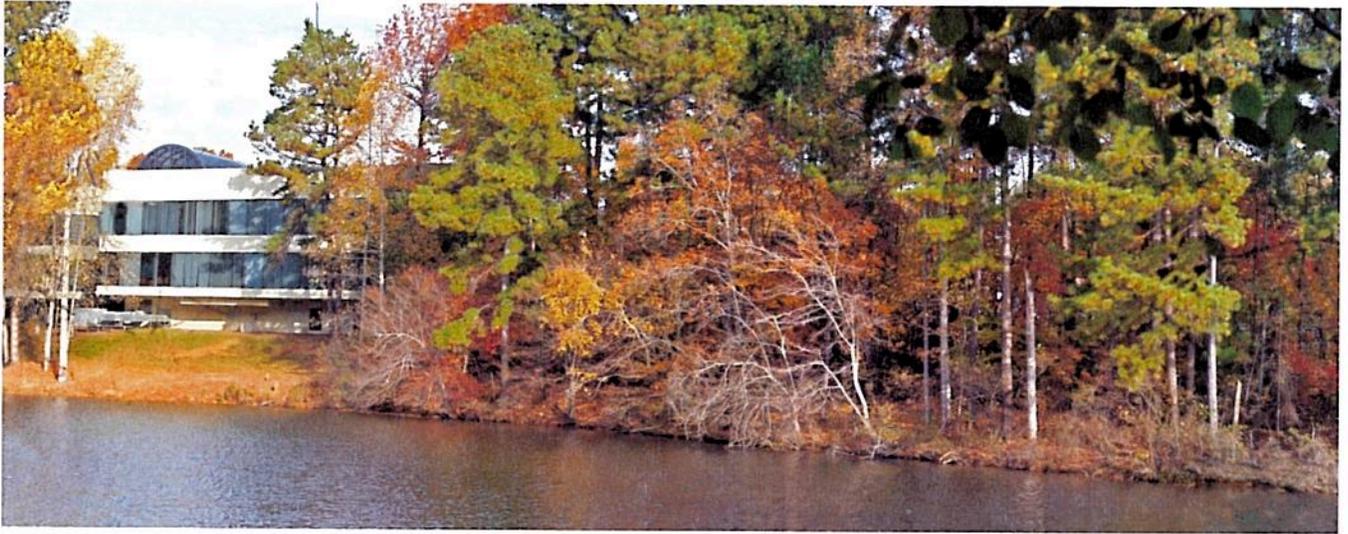
GENERATION PREFERENCES FOR COMPACT COMMUNITIES



REVITALIZED INNOVATION HUB:

CONCEPTUAL VIEW SHOWING INTEGRATION OF RESIDENTIAL WITHIN TECHNOLOGY PARK

EXISTING OFFICE CAMPUS WITHIN TECH PARK



POTENTIAL REDEVELOPMENT OPPORTUNITY WITH THE ADDITION OF YOUNG PROFESSIONAL HOUSING



NOTE: NOT AN ACTUAL DEVELOPMENT PROPOSAL - FOR VISIONING PURPOSES ONLY

ATTACHMENT 'D'

CITY OF PEACHTREE CORNERS
COUNTY OF GWINNETT, STATE OF GEORGIA

ORDINANCE 2015-11-59

AN ORDINANCE TO AMEND CITY OF PEACHTREE CORNERS ZONING RESOLUTION ART. XII, BY ADDING SEC. 1319, TRAILS AND OPEN SPACE, ALONG WITH A 'T-O' ZONING MAP CLASSIFICATION; REPEALING CONFLICTING REGULATIONS; AND SETTING AN EFFECTIVE DATE

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, pursuant to Section 1.12(a) of the City Charter, the City is charged with exercising the powers of zoning; and

WHEREAS, the Mayor and Council desire to amend the 2012 Zoning Resolution;

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

Section 1: The City of Peachtree Corners 2012 Zoning Resolution shall be amended by adding the following:

SECTION 1319 T-O. Trails and Open Space

1. **Purpose:** The purpose of the Trails and Open Space, T-O, zoning classification is to accommodate a multi-use trail system through Peachtree Corners along with the development of one or more multi-use trails and associated trail components. T-O lands are intended to serve passive recreational uses and as an alternative transportation corridor. T-O land is not intended to be used for sports facility buildings or athletic fields.
2. **Permitted Uses and Facilities:**
 - a. Paved and soft paths to accommodate pedestrians, bicycles, skateboards, rollerblades and other people-powered vehicles
 - b. Trail hubs to accommodate:
 - i. Vehicular parking lots at trail access points
 - ii. Restroom facilities
 - iii. Fitness related activities
 - c. Active Recreation including:
 - i. Boating (ramps, docks, etc.)
 - ii. Disc golf (course baskets)
 - iii. Exercise course (equipment at stations)
 - iv. Bicycling (lockers and bike racks)
 - d. Passive Recreation including:
 - i. Picnic (tables and shelters)
 - ii. Photography (decks and overlooks)
 - iii. Nature hikes (boardwalks)

3. Definitions:

- a. **Trail Segment - Land located within an adopted multi-use trail system that is rezoned T-O and contributed to that trail system**
- b. **Density Credit – A development allocation awarded in exchange for land contributed to a trail system**
- c. **Density Account- a record established to keep track of Density Credits awarded to a specific recipient.**

4. Applicability:

- a. **Lands located along the Peachtree Corners Beltline and contributed to that multi-use trail will be reimbursed with Density Credits that can be utilized within the boundaries of the Central Business District, (as shown on CBD boundary map, attached).**
- b. **Lands located along the Crooked Creek Trail and contributed to that multi-use trail will be reimbursed with Density Credits that can be utilized within the boundaries of the Holcomb Bridge Road Corridor Study area, (as shown on Holcomb Bridge Road Corridor boundary map, attached).**

5. Provisions:

- a. **Trail Segments shall be contributed to the trail system through land donation, conservation easement, or other acceptable mechanism that preserves public access to the contributed land in perpetuity.**
- b. **Individuals who contribute Trail Segments shall be reimbursed with Density Credits that can only be used within the boundary of the area associated with that trail.**
- c. **Density Credits shall be granted at the rate of thirteen (13) multi-family units per acre of land contributed to a trail (or prorated portion thereof).**
- d. **The City shall establish a Density Account for each individual that makes a Trail Segment contribution.**
- e. **A Density Account holder may sell, assign, or convey his/her Density Credits in part or in total to one or more properties within the area associated with that trail (i.e. Beltline contribution can be utilized within the Central Business District; Crooked Creek Trail contribution can be utilized within the Holcomb Bridge Road Corridor Study area.)**
- f. **The use of Density Credits shall be approved by the City Council.**

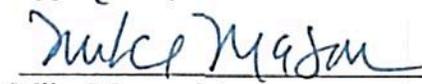
Section 2

All ordinances or parts of ordinances in conflict herewith are hereby expressly repealed.
Effective this 15th day of December, 2015.


Kym Chereck, City Clerk



Approved by:


Mike Mason, Mayor

SEAL

This is a portion of a verbatim transcript prepared by Ronica Parks, Certified Court Reporter, GA. Cert. No. 2820 and taken from the recording of SUP 2015-001 hearing on 4/21/15.

Page 66

MR. MAYOR: Do I hear a motion for a recess?

3 UNIDENTIFIED MALE SPEAKER: I motion.

4 UNIDENTIFIED MALE SPEAKER: Do I hear a second?

5 UNIDENTIFIED MALE SPEAKER: Second.

6 MS. WHEELER: Second.

7 THE MAYOR: All right. All in favor raise your right
8 hand.

9 (RECESS)

10 UNIDENTIFIED MALE SPEAKER: Okay. Let's get back

11 together. All right. And I call this meeting to order.

12 Do I need to have a motion to come back into session? Do

13 I hear a motion to come back in session.

14 UNIDENTIFIED FEMALE SPEAKER:

15 UNIDENTIFIED MALE SPEAKER: Do I hear second?

16 UNIDENTIFIED MALE SPEAKER: Second.

17 UNIDENTIFIED MALE SPEAKER: All right. All in favor,

18 raise your right hand. All right. We're good. Okay. I

19 think where we left off was a discussion we had identified

20 one, two, three, four, five and then we remembered the

21 standardization and the uses and I think Counselor, why

22 don't you come up and tell us what you think.

23 MR. TUCKER: Thank you Mayor and Council and thank

24 you for letting us have a chance to look at that, because

25 I think we agree with the standards that you've set with

Page 67

1 two caveats that we'd like to ask. With respect to the

2 permitted uses in the commercial designated area, we would

3 like to eliminate the reference to ground floor and second

4 and all other floors so that it is just a list of things

5 that we can do on the property. And we understand what

6 those are, based on this. And then secondarily, with

7 respect to the special use permit, we would -- required

8 for chain restaurants, we would like to ask that that be

9 applied subsequent to this. Because obviously, Black

10 Walnut, that's what we're here with you tonight and so we

11 would not want to have to come back, assuming you see fit

12 to approve this, to get a special use permit for that

13 operation. Understanding on the back or otherwise that we

14 would have to. But we agree to the prohibited uses, think

15 it's reasonable, and thank you for the opportunity for us

16 to look at them.

17 UNIDENTIFIED MALE SPEAKER: Any questions for the

18 applicant before we go back to the motion? All right.

19 Thank you.

20 MR. TUCKER: Thank you.



**CITY OF PEACHTREE CORNERS
COMMUNITY DEVELOPMENT**

147 Technology Parkway, Suite 200, Peachtree Corners, GA 30092
Tel: 678.691.1200 | www.peachtreecornersga.gov

PUBLIC HEARING APPLICATION

REZONING, SPECIAL USE PERMIT, OR CHANGE IN CONDITIONS

A properly completed application and fees are due at the time of submittal. **An incomplete application will not be accepted.** Original signatures are required for the Application.

REQUIRED ITEMS	NUMBER OF COPIES	CHECK
Completed Application Form	<ul style="list-style-type: none"> • 1 original 	<input checked="" type="checkbox"/>
Boundary Survey with Legal Description	<ul style="list-style-type: none"> • 1 full size copy • 1- 8-1/2" x 11" or 11" x 17" reduction 	<input checked="" type="checkbox"/>
Site Plan	<ul style="list-style-type: none"> • 1 full size Copy • 1- 8-1/2" x 11" or 11" x 17" reduction 	<input checked="" type="checkbox"/>
Letter of Intent Describing Reason for Request and Proposed Use of Property	<ul style="list-style-type: none"> • 1 copy 	<input checked="" type="checkbox"/>
Applicant Certification with Notarized Signature	<ul style="list-style-type: none"> • 1 copy 	<input checked="" type="checkbox"/>
Property Owner Certification with Notarized Signature	<ul style="list-style-type: none"> • 1 copy 	<input checked="" type="checkbox"/>
Standards Governing Exercise of the Zoning Power	<ul style="list-style-type: none"> • 1 copy 	<input checked="" type="checkbox"/>
Disclosure Report Form (Conflict of Interest Certification/Campaign Contributions)	<ul style="list-style-type: none"> • 1 copy 	<input checked="" type="checkbox"/>
Verification of Paid Property Taxes (most recent year)	<ul style="list-style-type: none"> • One (1) Copy (for each tax parcel included) 	<input checked="" type="checkbox"/>
Electronic copy of complete package	<ul style="list-style-type: none"> • One (1) copy 	<input checked="" type="checkbox"/>
Application Fee	<ul style="list-style-type: none"> • Make checks payable to the City of Peachtree Corners 	<input checked="" type="checkbox"/>
ADDITIONAL EXHIBITS (IF REQUIRED)		
Additional site plan requirements for R-TH, R-ZT, Modified, CSO, OBP, HRR, R-SR, MUD or MUO rezoning requests	<ul style="list-style-type: none"> • 1 copy 	<input type="checkbox"/>
Traffic Study	<ul style="list-style-type: none"> • 1 copy 	<input type="checkbox"/>
Development of Regional Impact Review Form	<ul style="list-style-type: none"> • 1 copy 	<input type="checkbox"/>
Building Compliance Inspection	<ul style="list-style-type: none"> • 1 copy 	<input type="checkbox"/>

REZONING, SPECIAL USE PERMIT, OR CHANGE IN CONDITIONS APPLICATION

AN APPLICATION TO AMEND THE OFFICIAL ZONING MAP OF THE CITY OF PEACHTREE CORNERS, GEORGIA

APPLICANT INFORMATION	PROPERTY OWNER INFORMATION
NAME: <u>Roberts Properties Peachtree Retail, LLC</u>	NAME: <u>Roberts Properties Peachtree Retail, LLC</u>
ADDRESS: <u>375 Northridge Rd. Suite 330</u>	ADDRESS: <u>375 Northridge Rd. Suite 330</u>
CITY: <u>Atlanta</u>	CITY: <u>Atlanta</u>
STATE: <u>GA</u> ZIP: <u>30350</u>	STATE: <u>GA</u> ZIP: <u>30350</u>
PHONE: <u>770-394-6000 ext. 209</u>	PHONE: <u>770-394-6000 ext. 209</u>
E-MAIL: <u>dphillips@robertsproperties.com</u>	E-MAIL: <u>dphillips@robertsproperties.com</u>
APPLICANT CONTACT, IF DIFFERENT THAN ABOVE	
CONTACT PERSON: <u>Clay Massey</u> PHONE: <u>404-881-4969</u>	
CONTACT'S E-MAIL: <u>clay.massey@alston.com</u>	

APPLICANT IS THE:

OWNER'S AGENT PROPERTY OWNER CONTRACT PURCHASER

C-2 MUD w/ concurrent

PRESENT ZONING DISTRICTS(S): Conditional REQUESTED ZONING DISTRICT: variances in Attachment A

LAND DISTRICT(S): 6 LAND LOT(S): 301 ACREAGE: 4.4*

ADDRESS OF PROPERTY: 4936 Peachtree Corners Circle; 5246 Peachtree Parkway

PROPOSED DEVELOPMENT: Mixed Use Development

*The Subject Property is 4.4 acres, but a total of 5.3 acres inclusive of adjacent land is designated to meet zoning, code and development requirements per agreement with the City.

Staff Use Only This Section

Case Number: _____ Hearing Date: P/C _____ C/C _____ Received Date: _____

Fees Paid: _____ By: _____

Related Cases & Applicable Conditions:

Description:

*The rezoning is requested for the residential/commercial Mixed Use development described in the accompanying Letter of Intent and Concept Plan.

RESIDENTIAL DEVELOPMENT*

NON-RESIDENTIAL DEVELOPMENT*

No. of Lots/Dwelling Units 2/169
Between approx. 800 SF and
Dwelling Unit Size (Sq. Ft.): 1250 SF each

No. of Buildings/Lots: 2/2
351,105 SF (total for retail,
Total Bldg. Sq. Ft.: residential and hotel)
FAR=1.52 (aggregate total for
Gross Density: retail, residential and hotel)

FEE SCHEDULE

1. Rezoning, Change-in-Conditions and Special Use Permit Fees – Residential Zoning Districts
(note: a Special Use Permit related to a rezoning case shall not incur an additional fee)

A. For the following single-family residential zoning districts: RA-200, R-140, R-LL, R-100, R-75, RL, MHS.

- 0 - 5 Acres = \$ 500
- > 5 - 10 Acres = \$ 1,000
- > 10 - 20 Acres = \$ 1,500
- > 20 - 100 Acres = \$ 2,000
- > 100 - Acres = \$ 2,500 plus \$40 for each additional acre over 100
- Maximum Fee: \$10,000

B. For the following single and multifamily residential zoning districts: R-TH, RMD, RM-6, RM-8, RM-10, RM-13, R-SR, MH, R-60, R-ZT, R-75 MODIFIED or CSO, and R-100 MODIFIED or CSO.

- 0 - 5 Acres = \$ 850
- > 5 - 10 Acres = \$1,600
- > 10 - 20 Acres = \$2,100
- > 20 - 100 Acres = \$2,600
- > 100 - Acres = \$3,200 plus \$40 for each additional acre over 100

2. Rezoning, Change-in-Conditions and Special Use Permit Fees - Non-Residential Zoning Districts
(note: a Special Use Permit related to a rezoning case shall not incur an additional fee)

For the following office, commercial and industrial zoning districts: C-1, C-2, C-3, O-1, OBP, M-1, M-2, HS, NS.

- 0 - 5 Acres = \$ 850
- > 5 - 10 Acres = \$1,600
- > 10 - 20 Acres = \$2,100
- > 20 - 100 Acres = \$2,600
- > 100 - Acres = \$3,200 plus \$50 for each additional acre over 100

3. Mixed-Use (MUD and MUO) or High Rise Residential (HRR)

Application Fee – \$1,200 plus \$75 per acre (maximum fee - \$10,000)

- 4. Chattahoochee Corridor Review (involving a public hearing) - \$150.
- 5. Buffer Reduction (Greater than 50%) Application Fee - \$500.
- 6. Zoning Certification Letter - \$100 (per non-contiguous parcel).

ATTACHMENT A

CONCURRENT VARIANCES REQUESTED

1. Allowance of an 1800 SF land disturbance encroachment into the 50-foot undisturbed natural vegetative buffer under Section 18-51(a)(1) at the two locations shown in the Variance Plan.
2. Allowance of a 900 SF land development encroachment into the 75-foot impervious surface setback under Section 18-51(a)(2) at the three locations shown in the Variance Plan.



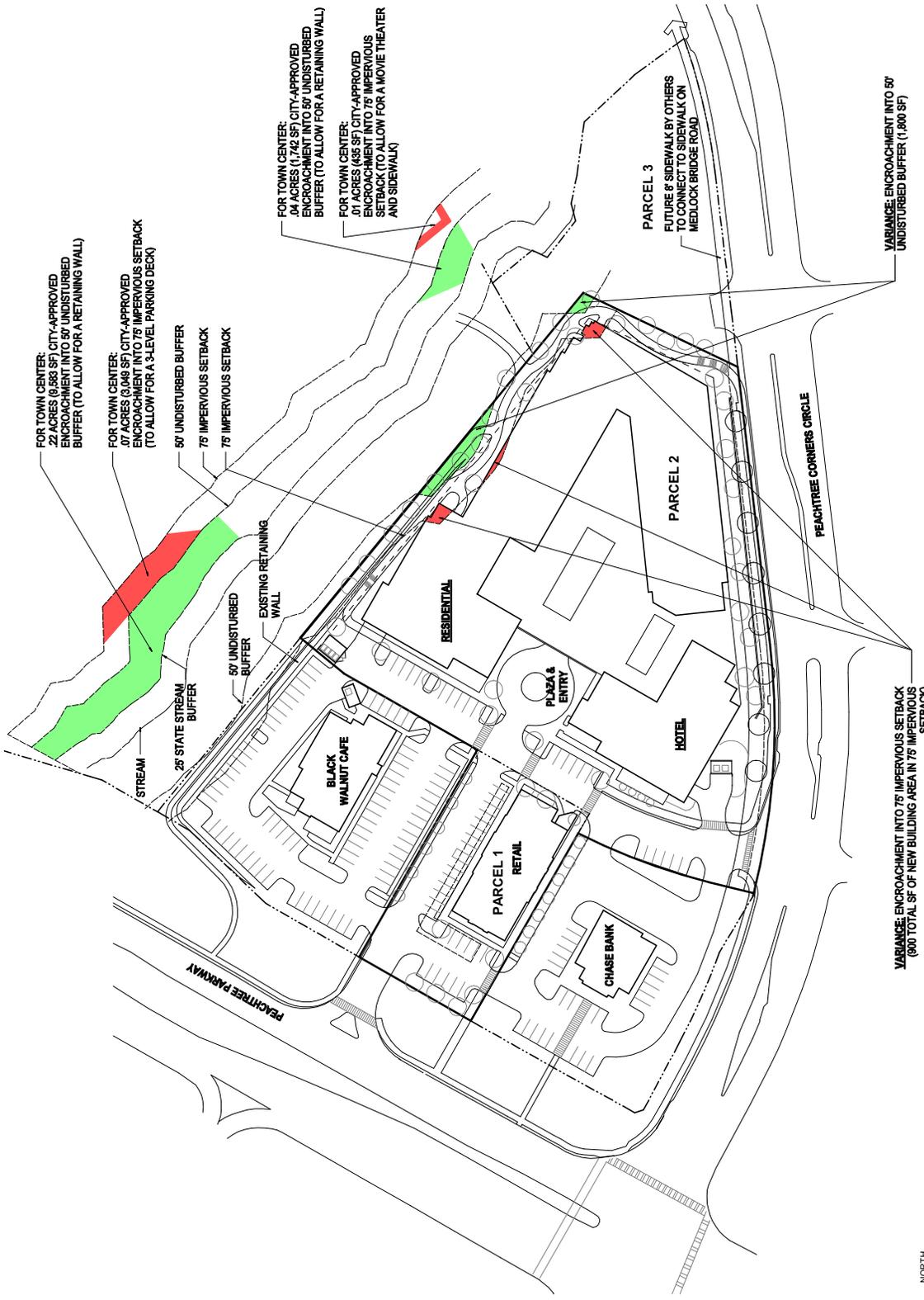
Roberts Properties, Inc.
770-394-6000 www.robertsproperties.com
275 Peachtree Corners Blvd, Suite 200 Atlanta, Georgia 30090

Issue Date: September 29, 2017

MIXED USE DEVELOPMENT
PEACHTREE CORNERS, GEORGIA

VARIANCE PLAN

A-4



VARIANCE PLAN

DISCLOSURE REPORT FORM
CONFLICT OF INTEREST CERTIFICATION/CAMPAIGN CONTRIBUTIONS

WITHIN THE (2) YEARS IMMEDIATELY PRECEDING THE FILING OF THIS ZONING PETITION HAVE YOU, AS THE APPLICANT FOR THE REZONING, SPECIAL USE PERMIT, OR CHANGE IN CONDITIONS PETITION, OR AN ATTORNEY OR AGENT OF THE APPLICANT FOR THE REZONING, SPECIAL USE PERMIT, OR CHANGE IN CONDITIONS PETITION, MADE ANY CAMPAIGN CONTRIBUTIONS AGGREGATING \$250.00 OR MORE OR MADE GIFTS HAVING AN AGGREGATE VALUE OF \$250.00 TO THE MAYOR OR ANY MEMBER OF THE CITY COUNCIL?

Roberts Properties Peachtree Retail, LLC

CHECK ONE: YES NO

(If **yes**, please complete the "Campaign Contributions" section below)

Print Name

1. CAMPAIGN CONTRIBUTIONS

Name of Government Official	Total Dollar Amount	Date of Contribution	Enumeration and Description of Gift Valued at \$250.00 or more

2. THE UNDERSIGNED ACKNOWLEDGES THAT THIS DISCLOSURE IS MADE IN ACCORDANCE WITH THE OFFICIAL CODE OF GEORGIA, SECTION 36-67A-1 ET. SEQ. CONFLICT OF INTEREST IN ZONING ACTIONS, AND THAT THE INFORMATION SET FORTH HEREIN IS TRUE TO THE UNDERSIGNED'S BEST KNOWLEDGE, INFORMATION AND BELIEF.

APPLICANT:

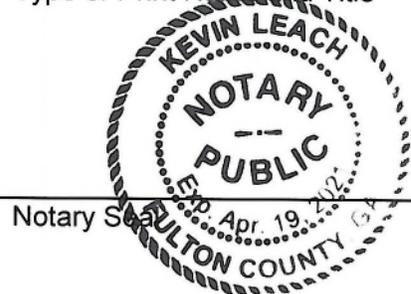
Roberts Properties Peachtree Retail, LLC,
a Georgia limited liability company

By: Roberts Properties, Inc.,
a Georgia corporation, Manager

By: _____ 9/14/2017
Charles S. Roberts Date
President

Signature of Applicant's Date Type or Print Name and Title
Attorney or Representative

Kevin Leach
Signature of Notary Date 9/14/2017



APPLICANT'S RESPONSE
STANDARDS GOVERNING THE EXERCISE OF THE ZONING POWER

Pursuant to section 1702 of the 2012 zoning resolution, the city council 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. Will this proposed rezoning, special use permit, or change in conditions permit a use that is suitable in view of the use and development of adjacent and nearby property?
Yes. See enclosed Letter of Intent.
- B. Will this proposed rezoning, special use permit, or change in conditions will adversely affect the existing use or usability of adjacent or nearby property?
No. See enclosed Letter of Intent.
- C. Does the property to be affected by a proposed rezoning, special use permit, or change in conditions have reasonable economic use as currently zoned?
No. See enclosed Letter of Intent.
- D. Will the proposed rezoning, special use permit, or 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?
No. See enclosed Letter of Intent
- E. Will the proposed rezoning, special use permit, or change in conditions is in conformity with the policy and intent of the land use plan?
Yes. See enclosed Letter of Intent.
- F. Are 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 rezoning, special use permit, or change in conditions?
Yes, for approval. See enclosed Letter of Intent.

ALSTON & BIRD

One Atlantic Center
1201 West Peachtree Street
Atlanta, GA 30309-3424
404-881-7000 | Fax: 404-881-7777

W. Clay Massey

Direct Dial: 404-881-4969

Email: clay.massey@alston.com

October 2, 2017

VIA HAND DELIVERY

Ms. Diana Wheeler
Community Development Director
City of Peachtree Corners
147 Technology Parkway NW,
City Hall, Suite 200
Peachtree Corners, Georgia 30092

Re: Letter of Intent to Rezone the Properties Located at 4936 Peachtree Corners Circle and 5246 Peachtree Parkway in Land Lot 301 of the 6th Land District, City of Peachtree Corners, Gwinnett County, Georgia (collectively, the "Subject Property")

Dear Ms. Wheeler:

My client Roberts Properties Peachtree Retail, LLC ("RPPR") requests the rezoning of the Subject Property¹ from Conditional C-2 (Commercial Business) to MUD (Mixed-Use Development) and the concurrent variances discussed below. I write to provide a description of the proposed use and development of the Subject Property, and to explain the need and justification for the requested rezoning and concurrent variances.

I. The Subject Property

The Subject Property to be rezoned is approximately 4.4 acres of land located at the intersection of Peachtree Parkway and Peachtree Corners Circle, directly across from The Forum and adjacent to the forthcoming Town Center mixed-use development. Together with the adjacent 0.9 acres of undisturbed land RPPR transferred to the Downtown Development Authority of Peachtree Corners ("DDA") in 2016, the Subject Property totals 5.3 contiguous acres for RPPR's mixed-use development in compliance

¹ A survey and legal descriptions of the Subject Properties are attached hereto as **Exhibit A**.

with Section 1318(5) of the Zoning Ordinance for MUD zoning.² Pursuant to Section 1318(5) of the Zoning Ordinance, this acreage allows a total of 169 rental apartment homes on the Subject Property, in addition to the 110-room boutique hotel and retail outparcel discussed below, under MUD zoning.³

The Subject Property was part of approximately 25.802 acres of contiguous land at the intersection of Peachtree Parkway and Peachtree Corners Circle (the “RPPP Property”) formerly owned by RPPR’s predecessor and affiliate, Roberts Properties Peachtree Parkway, L.P. (“RPPP”). As a result of litigation brought by RPPP, Gwinnett County approved RPPP’s request to rezone 18.3 acres of the RPPP Property to RM-13 (multi-family residential), which allowed RPPP to develop 237 apartments⁴ on that acreage of the RPPP Property.⁵ After incorporating in 2012, the City purchased those 18.3 acres of the RPPP Property and rezoned them to MUD.⁶ The City subsequently sold those 18.3 acres to Fuqua Acquisitions II, LLC (“Fuqua”) for what is currently being developed as Town Center. The Subject Property is a portion of the former RPPP Property that is

² RPPR transferred the adjacent 0.9 acres to the City with the express right to utilize the adjacent property “in connection with any and all development, density, and/or construction-related calculations and/or code requirements (including without limitation, open space and tree density requirements, to the extent allowed by law).” [Limited Warranty Deed, **Exhibit B** hereto; *accord* Zoning Ord. § 2015-03-41 (Condition 2.Z), attached hereto as **Exhibit C**.]

³ Section 1318(5) of the Zoning Ordinance allows 32 rental apartments per acre on property zoned MUD. With 5.3 acres, RPPR is therefore authorized to develop a total of 169 rental apartments on the Subject Property under an MUD zoning.

⁴ With additional adjacent parcels previously zoned RM-13 by Gwinnett County, RPPP was ultimately authorized to develop a total of 292 apartment units on contiguous land that included the RPPP Property.

⁵ Gwinnett County rezoned the 18.3 acres to RM-13 as a result of litigation RPPP prosecuted against the County from 1999 to 2001. Gwinnett County had refused to rezone the property in an effort to block apartments on the property, which led to the litigation. The United States District Court found direct evidence that Gwinnett County committed discrimination under the Federal Housing Act by denying RPPP the RM-13 zoning, stating that RPPP had presented “evidence that strongly suggests that the Commission members acted directly in response to the homeowner’s discriminatory desires by voting to deny Plaintiff’s rezoning application.” [Order, **Exhibit D** hereto.] The Court also found evidence that the denial of the RM-13 zoning was an unconstitutional denial of RPPP’s substantive due process rights. [*Id.*] The Consent Order requiring Gwinnett County to provide the rezoning allowing the apartment units is attached as **Exhibit E** hereto.

⁶ The City purchased the 18.3 acres to prevent the development of apartments on the property, in response to “numerous calls of concern from citizens over a proposed apartment development planned for that site.” [Press Release: City of Peachtree Corners Makes Strategic Move Toward Land Acquisition, **Exhibit F** hereto.] The City noted that “every effort has been made to avoid apartment development on this site.” [July 2, 2013 City of Peachtree Corners Council Meeting Minutes, **Exhibit G** hereto.] The City’s effort to prevent apartments on the property was reiterated in Mayor Mason’s recent July 2017 public comments. [From the Mayor’s Desk: Construction on New Town Center, July 2017, attached hereto as **Exhibit H**.]

adjacent to the acreage the City purchased and sold to Fuqua for the Town Center development, as reflected on page 6 of this letter.

The Subject Property is currently zoned Conditional C-2 (General Business), which is not an economically viable zoning of the Subject Property. The zoning allows only certain retail, office and public/semipublic uses, for which there is no economically viable market on the Subject Property. The substantial retail space and uses at the Forum and forthcoming Town Center development saturates the retail market at this location, rendering a full retail development on the Subject Property unviable. Moreover, the millions of dollars in incentives the City provided to Fuqua to construct Town Center (including incentives for a parking deck, rights-of-way, internal roads and other development costs) enable Town Center to be significantly more competitive than RPPR could be on rents and other terms in retail leases on the adjacent Subject Property. That advantage to Town Center draws the rental market to Town Center and away from new retail construction on the Subject Property. Such circumstances further eliminate any economic viability of the Subject Property as a retail development.

Further eliminating any viability of the Subject Property as a retail development are the zoning conditions that govern the Subject Property.⁷ Those conditions substantially restrict any retail uses allowed on the Subject Property. For example, the only restaurants that are permitted on the Subject Property as a matter of right are Chef-driven restaurants, for which there is no market. Indeed, the lack of a sustainable market for such restaurants led the City to allow Fuqua to have chain restaurants⁸ (rather than Chef-driven restaurants) for up to 85% of the restaurants at Town Center, a right the City has not provided RPPR on the Subject Property. The zoning conditions even prohibit a grocery store from being developed on the Subject Property, while allowing a Sprouts grocery store on a neighboring property across from The Forum at 5130 Peachtree Parkway. The zoning conditions also prohibit all of the following other retail uses, among others, which prohibition further eliminates any economic viability of a retail development on the Subject Property:

⁷ Zoning Ord. § 2015-03-41, attached hereto as **Exhibit C**.

⁸ According to Mayor Mason's July 2017 public comments, those chain restaurants will include Marlow's Tavern, Firebirds Wood Fired Grill, Farm Burger, Vintage Pizzeria, Thais Express, Salata Salad Bar, Jim 'N' Nick's Bar-B-Q and Willy's Mexicana Grill, among others. [From the Mayor's Desk: Construction on New Town Center, July 2017, attached hereto as **Exhibit H**.]

- Animal hospitals or veterinary clinics
- Retail banks
- Chain restaurants
- Fast food restaurants
- Automotive parts stores
- Furniture rental establishments
- Convenience food stores
- Laundry or dry cleaning establishments
- Liquor stores that are not specialty wine or beer stores
- Plant nursery sales facilities
- Recreation or fitness facilities over 3500 SF
- Automotive service stations
- Clothing resale stores
- Auto repair shops or tire stores
- Building material sales with outdoor storage
- Pet shops or pet grooming establishments
- Mattress stores
- Nail salons
- Day care facilities
- Driving schools
- Discount stores
- Second run movie theaters
- Phone stores
- Precious metals stores
- Mini warehouse storage facilities
- Extended stay service hotels
- Hotels other than boutique hotels

New office development on the Subject Property also is unviable. Northeast Atlanta and Peachtree Corners, specifically, are two of the weakest office markets in the Atlanta area. Peachtree Corners' direct office vacancy rate of 20.6% is one of the highest in the Atlanta area and is 31% higher than the average direct office vacancy rate among the Atlanta markets.⁹ Peachtree Corners' weak office market is evidenced by the occupancy rates for Class A and Class B office buildings within 3 miles of the Subject Property. Analysis of available data for those properties shows a weighted average occupancy rate of 63%. Notably, the nearby Class A office property located at 3930 E. Jones Bridge Road, at the north end of The Forum, has a 72% occupancy rate. This lack of demand for office space at the location of the Subject Property is further illustrated by Fuqua's request for, and the City's approval of, a 70% reduction in the office space

⁹ See, e.g., Cushman & Wakefield Office Q2 2017 Marketbeat Report attached hereto as **Exhibit I**.

required at the Town Center mixed-use development.¹⁰ There is simply insufficient demand for office space in Peachtree Corners and at the Subject Property's location, specifically, for a new office development on the Subject Property to be economically viable.

RPPR's preference is to develop the Subject Property as 100% high-end apartment homes. However, the City has stated its desire for a boutique hotel to exist on the Subject Property. Such a hotel on the Subject Property is not feasible without the connected apartment development. Particularly without the development incentives the City has provided Fuqua for the Town Center development, the land and construction costs of the hotel and structured parking deck will be substantial. Nightly hotel room rates in the City are too low to support the investment necessary to cover those substantial costs because of the age of the City's hotel stock and low hotel room demand due in part to high office vacancy rates. Developing the hotel, alone, therefore is not economically viable. To be economically viable, the hotel must have the connected apartment development to subsidize its substantial land and construction costs. Without the apartments, the hotel simply cannot be developed.

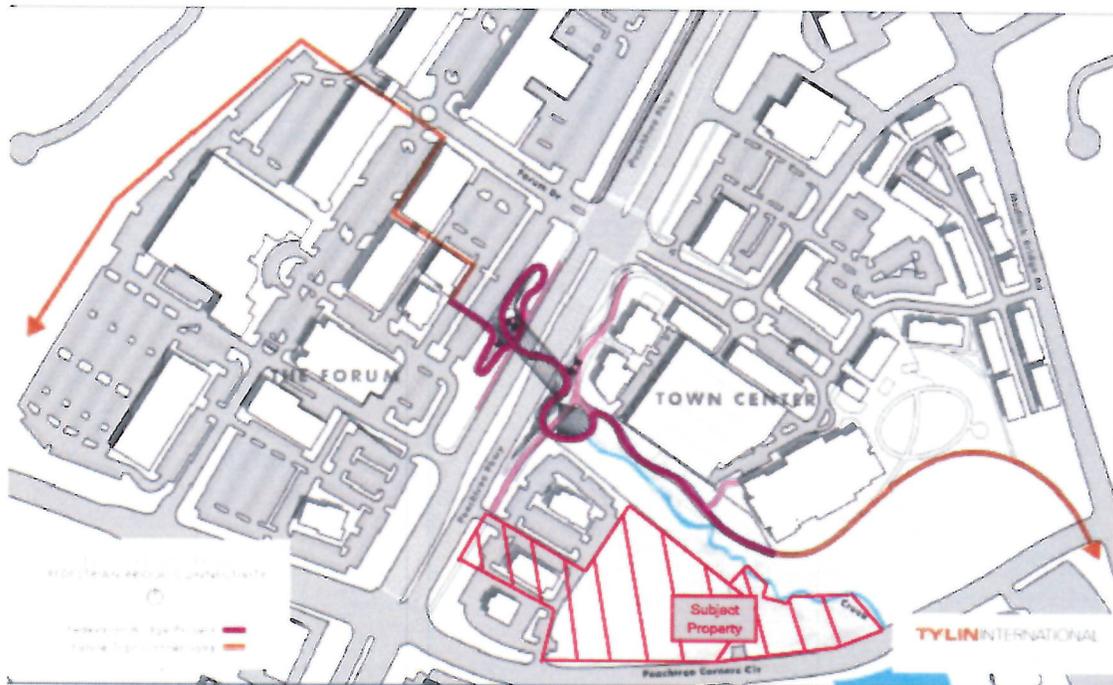
II. The Proposed Rezoning and Mixed Use Development

RPPR seeks MUD zoning for a residential/commercial mixed-use development on the Subject Property in accordance with the concept plan and related materials submitted herewith as **Exhibit K**.¹¹ The development's residential component will consist of 169 highly amenitized one- and two-bedroom apartment homes with granite countertops and stainless steel appliances. The apartment homes will be in an upscale, stylish and sophisticated mid-rise building with structured parking, elevators, conference facilities, a swimming pool and a fitness center. The apartment homes will be part of a shared structure with an upscale and highly amenitized 110-room boutique hotel constituting part of the commercial component of the mixed-use development. The boutique hotel will feature well-appointed rooms, meeting facilities, a fitness center, a swimming pool and a business center. The other commercial component of the development will be a small outparcel retail use as shown in the concept plan.

¹⁰ See Ord. 2015-06-49, Town Center Special Use Permit Analysis, and Letter of Intent for Application for Special Use Permit and Changes to Conditions for Town Center Mixed Use Project, collectively attached hereto as **Exhibit J**.

¹¹ The renderings submitted in addition to the Concept Plan at **Exhibit K** hereto are conceptual in nature and intended to illustrate the general architectural concepts of the development. The features and elements of the renderings are not to scale, and certain colors and architectural features shown in the renderings are subject to change as the complete architectural drawings and building plans are finalized and submitted for permitting in compliance with the approved Concept Plan.

RPPR's proposed mixed-use development will connect the Subject Property's high-end multi-family residences and boutique hotel to the 580,000 SF of retail shops and restaurants at The Forum, and to the Town Center's forthcoming 14 restaurants, 983-seat theater, Town Green, Sprouts grocery store and 15,000 SF of other retail and office uses. RPPR's mixed-use development will have a direct connection to the planned pedestrian bridge across Peachtree Parkway, providing convenient walkable access to The Forum for apartment residents and hotel patrons:¹²



Regular pedestrian traffic and activity by City residents and visitors are pivotal to The Forum's and Town Center's economic success and sustainability, and to their identity as Peachtree Corners' city center through mixed-use planning. As confirmed by research at Georgia Tech's School of City and Regional Planning, a fundamental characteristic of a true mixed-use development is that it has "uninterrupted pedestrian connections" and is "pedestrian-oriented and contains elements of a live-work-play environment."¹³ Indeed, "there is increased economic activity when there are more people in an area to shop," and attracting pedestrians onto city streets helps "revitalize community life."¹⁴ RPPR's mixed-use development will clearly benefit the City in this regard. Active residents living

¹² Peachtree Corners Bridge Presentation, at p. 53, attached as **Exhibit L** hereto.

¹³ Herndon, J. and Drummond, W., *Mixed-Use Development in Theory and Practice: Learning from Atlanta's Mixed Experiences*, Ga. Inst. of Tech. (May 5, 2011) at 12, 13, 14 and 41, available at <https://smartech.gatech.edu/handle/1853/40790>.

¹⁴ *Id.* at 26.

at high-end apartments and City visitors staying at the high-end boutique hotel on the Subject Property will have direct, walkable connectivity to The Forum via the pedestrian bridge and to Town Center via the planned walking trails. These residents and hotel guests will stimulate day and night pedestrian activity along the shops and attractions in this desired city center, thereby promoting commerce and a downtown community development for the City.

It is proven that high-quality rental housing is necessary to support retail and other commercial components of successful mixed-use developments. Local examples of this include the Veranda and Haven apartments at Avalon in Alpharetta, The Collection apartments at the forthcoming City Springs mixed-use development in Sandy Springs, and The Residence at Buckhead Atlanta. In addition to providing direct and constant pedestrian commerce and activities within the mixed-use developments, such rental housing attracts educated and sophisticated residents who are capable and willing to pay higher rents, which provides a financially viable market for retail and restaurant businesses operating in the mixed-use development. The apartments on the Subject Property will reflect the same high-end quality as such mixed-use developments and provide the same economic and community benefits for The Forum, Town Center and the City, generally.

RPPR's mixed-use apartment homes will also surpass the Echo Lakeside apartment development in Technology Park, which the City unanimously approved in 2016. Echo Lakeside, which was marketed as "millennial housing" during the rezoning process, is a garden apartment complex in a suburban, wooded office park setting. Comparatively, RPPR's apartments will be a mid-rise apartment development in a walkable, urban setting. RPPR's apartment development will also have closed air-conditioned corridors and structured parking, compared to Echo Lakeside, which will have open breezeway connections and no structured parking. The characteristics of RPPR's apartments on the Subject Property will be attractive to sophisticated millennial and empty nester residents, and command higher rents. Moreover, Echo Lakeside is over a four-mile roundtrip walk to The Forum and Town Center, which will be a prohibitive or inconducive walking distance for residents of Echo Lakeside. Accordingly, Echo Lakeside is not located where it can furnish the necessary pedestrian patronage that RPPR's apartments on the Subject Property will provide the shops, restaurants and attractions at The Forum and Town Center. Also, RPPR's apartment development will provide sophisticated and walkable housing that is attractive to entrepreneurs engaged in the Prototype Prime technology startup incubator at Technology Park, which will help promote innovation and dynamic business development in the City.

In addition, the upscale boutique hotel on the Subject Property will offer travelers visiting Peachtree Corners distinctive and high-quality accommodations with first-class amenities, including well-appointed rooms, meeting facilities, a fitness center, swimming

pool, and a business center. RPPR's development will connect this high-end hotel directly to The Forum and Town Center via the proposed pedestrian bridge and walking trails, which will enhance and help showcase this area as the City's desired downtown center and central business district. The quality of the boutique hotel and its integration with the adjacent shops, restaurants and attractions will promote tourism in the City and provide City residents superior facilities for conferences, weddings and other events. The hotel will also be attractive to prospective businesses considering Peachtree Corners for their location or expansion, by providing sophisticated and convenient hotel accommodations and conference facilities with high-end amenities for business travelers.

In summary, RPPR's mixed-use development will seamlessly and naturally integrate with and support the City's dynamic commercial, cultural and entrepreneurial centers at The Forum, Town Center and Technology Park; attract sophisticated residents; and enhance a distinctive gateway and downtown center for the City. The development will be a significant benefit to the City.

III. Promotion of the City's Land Use Objectives

RPPR's proposed mixed-use development will clearly promote the objectives of the City's Zoning Ordinance, Comprehensive Plan, and Livable Center Initiative.

The purpose of MUD zoning under the City's Zoning Ordinance is as follows:

to promote the development of properties in a manner that integrates commercial and/or office with residential land uses, promotes pedestrian accessibility among uses, reduces automobile trips, provides a livable environment for project residents, and enhances the value and aesthetics of the surrounding community. MUD's utilize connective streetscapes to promote an environment conducive to human activity through the provision of landscaping, street/shade trees, street furniture and sidewalks to unify and interconnect varying uses.¹⁵

RPPR's mixed-use development will distinctly serve this purpose. The development will integrate high-end apartment homes and an upscale boutique hotel on the Subject Property with commercial uses on adjacent properties and the Subject Property; promote pedestrian accessibility among uses at the Subject Property, The Forum and Town Center; reduce automobile trips by providing apartment homes and hotel accommodations for Peachtree Corners residents and visitors with walkable access to The Forum and Town Center; provide a livable environment for Peachtree Corners residents; and enhance the value and aesthetics of The Forum, Town Center and surrounding community. The Subject Property and mixed-use development also satisfy all of the requirements for MUD

¹⁵ Zoning Ord. § 1318.1

zoning, including being located within a Major Activity Center and adjacent to major thoroughfares where infrastructure is available to support the mix of uses on the Subject Property, pursuant to Zoning Ordinance § 1318.2.

In addition, the City's 2033 Comprehensive Plan calls for MUD zoning and mixed-use development on the Subject Property. Under the Comprehensive Plan, the City seeks to:

- (1) Offer a high quality of life for residents,
- (2) Provide a competitive environment for businesses,
- (3) Create a strong sense of community for all, and
- (4) Accommodate the best opportunities to live, work, learn, play and stay.¹⁶

RPPR's mixed-use development on the Subject Property will further each of these objectives, by, *inter alia*, providing high-end rental apartment homes and upscale boutique hotel facilities that enable and enhance the community's enjoyment of the City's cultural, culinary and shopping attractions; providing upscale boutique hotel accommodations and facilities that promote tourism and business in the area; providing City residents with upscale boutique hotel facilities and amenities for conferences, weddings and other events; providing desirable highly amenitized rental apartment homes for millennials whom businesses seek to employ; providing walkable rental apartment homes and boutique hotel components necessary to promote a vibrant city center community at and around The Forum, Town Center and the pedestrian bridge; and providing a true live, work, learn, play and stay opportunity in the City in conjunction with The Forum and Town Center.

Similarly, the Comprehensive Plan's formal goals for the City are the following:

- (1) Build and strengthen a unified and family-friendly multicultural community.
- (2) Maintain a high-quality natural and cultural environment.
- (3) Integrate transportation and accessibility into development decisions.
- (4) Enable redevelopment and capture high-quality new development.

¹⁶ 2033 Comprehensive Plan, Community Goals, p. 6, attached as **Exhibit M** hereto.

- (5) Emerge as the most desirable and advantageous community in the Atlanta region.¹⁷

These goals, in addition to the policies the City is to follow in achieving them, clearly support approval of RPPR's mixed-use development. Those policies include, *inter alia*, attracting and retaining young families; allowing for a broader range of housing options; supporting the aging and millennial populations; expanding publicly-accessible recreation; creating places for community members to gather and enjoy arts and culture; improving walkability, especially in activity centers; encouraging the development of a Peachtree Corners city center; promoting mixed-use development along key corridors; and promoting denser development in specific areas designated for mixed-use or higher-density multi-family.¹⁸ Indeed, the City's following needs and opportunities underlying the aforementioned policies in the Comprehensive Plan clearly call for RPPR's mixed-use development:

- (1) "There is no mixed-use development in Peachtree Corners with both residential and retail components."
- (2) "Peachtree Corners has few housing options for empty nesters," including, "'live/walk/play' communities."
- (3) "[T]here is a need for higher-end rental apartments that appeal to young professionals and older adults."
- (4) "Allowing for and promoting mixed-use development in key locations can create opportunities for individuals to live, work, play and shop in one place."
- (5) "New development may be designed with access management policies, bicycle and pedestrian facilities, and mixed-uses, which all serve to reduce vehicular travel demand"
- (6) "The property across from The Forum presents prime development opportunities."¹⁹

¹⁷ *Id.* at p. 10.

¹⁸ *Id.* at pp. 13, 15, 17, 20, 23, 24, 29-31, 33. It is unclear how the City's concern that "[a]partment dwellers are perceived as transient and not invested in the community" and the City's preference not to become "a 'melting pot' where all cultures blend" stated in the Comprehensive Plan factor into the City's land use decisions. [*Id.* at pp. 12 and 18.] However, as litigated with Gwinnett County, a zoning authority is not allowed to make zoning decisions on grounds that violate the Federal Housing Act and the Constitution. [See, e.g., Order, **Exhibit D** hereto.]

¹⁹ *Id.* at pp. 13, 15, 24, and 29-31.

RPPR's mixed-use development will fit each of these needs and opportunities. Moreover, the Comprehensive Plan acknowledges that the City has "no 'downtown' or town center that functions as an economic, civic and social destination" and "no civic or public gathering places,"²⁰ while identifying land across the street from The Forum as "ideal for mixed use development . . . and development that helps meet the City's need for a downtown and more public gathering places."²¹ In sum, RPPR's mixed-use development is a perfect fit for the Subject Property under the City's Comprehensive Plan.

The City has acknowledged that workers and empty nesters are moving to locations that are: walkable to retail stores, eating, and shopping; multi-story buildings and dense residential; and convenient for daily activities.²² The City therefore has identified the following priorities for its growth: "Walkable – connect housing to work, shops, restaurants, activities" and "Millennial/empty nester style housing."²³ RPPR's mixed-use development will accomplish these priorities by providing a walkable mixed-use community in which City residents and visitors can live, stay, work and play, with housing that is appealing to millennials and empty nesters, and a boutique hotel that will provide business and leisure travelers the upscale and highly amenitized experience. These features and benefits clearly will enhance and showcase the live, stay, work and play vision the City has for this area.

²⁰ 2033 Comprehensive Plan, Consolidated Needs and Opportunities, pp. 27, 31 attached as **Exhibit N** hereto.

²¹ *Id.* at p. 26.

²² Peachtree Corners Bridge Presentation, p. 4, attached as **Exhibit L** hereto.

²³ *Id.* at p. 5.

Moreover, the Subject Property is in the Central Business District Character Area (“CBD”) of the Comprehensive Plan:²⁴

Figure 3 Key Features of the Central Business District



The Comprehensive Plan’s stated vision is for the CBD to have the following attributes: “Walkable town center”; “Community Gathering Place”; and “Quality mixed use development.”²⁵ In this regard, the Comprehensive Plan instructs that “high quality mid-rise mixed use development with significant residential components,” such as RPPR’s mixed-use development, is desired in the CBD.²⁶

The City’s Livable Center Initiative Study (“LCIS”) also reiterates the need for RPPR’s mixed-use development within the CBD. The LCIS confirms that the lack of high-end rental housing within the City has created “gaps for two important groups in the housing market: young-professionals – e.g., those seeking a more upscale urban flat rental format – and empty nesters or retirees who are looking to downsize from a large-lot single family home to something that requires less maintenance and allows for a more walkable, connected lifestyle.”²⁷ The LCIS reports that businesses are focused on office space that has “easy access to quality rental housing, walkable access to hotels, retail and

²⁴ 2033 Comprehensive Plan, Community Goals, p. 43, attached as **Exhibit M** hereto.

²⁵ *Id.*

²⁶ *Id.* at p. 44.

²⁷ Peachtree Corners Livable Center Initiative Study, p. 16, attached as **Exhibit O** hereto.

entertainment.”²⁸ The LCIS therefore instructs that “the City should make it a major priority to facilitate the development of a wider range of housing types, including senior residences and, most importantly, younger workforce housing.”²⁹ For both millennials and empty-nesters, the LCIS identifies “rental units in mixed-use settings” as appropriate housing options within the CBD, where the Subject Property is located.³⁰ This is clear support for RPPR’s mixed-use development on the Subject Property.

In summary, the City’s Zoning Ordinance, Comprehensive Plan, and land use analyses all call for RPPR’s mixed-use development on the Subject Property. There are simply no grounds to deny the requested MUD zoning for this mixed-use apartment, hotel and retail development.

IV. RPPR’s Response to the Standards Governing the City’s Exercise of Zoning Power

In accordance with the Public Hearing Application for RPPR’s MUD zoning request and Section 1703 of the Zoning Ordinance, RPPR provides the following responses to the Standards Governing the City’s Exercise of Zoning Power, as set forth in Section 1702 of the Zoning Ordinance.

A. Will the proposed rezoning permit a use that is suitable in view of the use and development of adjacent and nearby property?

Yes. Please see Sections I through III above.

B. Will this proposed rezoning adversely affect the existing use or usability of adjacent or nearby property?

No. Rather, the proposed rezoning will provide substantial benefits to the adjacent and nearby properties. Please see Sections I through III above.

C. Does the property to be affected by the proposed rezoning have reasonable economic use as currently zoned?

No. Please see Section I above.

²⁸ *Id.* at p. 17.

²⁹ *Id.* at 32.

³⁰ *Id.* at 33.

D. Will the proposed rezoning result in a use which will or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities, or schools?

No. According to a trip generation comparative analysis conducted by A&R Engineering,³¹ rezoning the Subject Property to MUD for RPPR's mixed-use development will result in a 40% decrease in daily traffic compared to the current Conditional C-2 zoning. Also, RPPR has installed handicap ramps, crosswalks, traffic signalization and other improvements to improve pedestrian connectivity at the intersection of Peachtree Parkway and Peachtree Circle, at no cost to the City. In addition, the apartment homes component of the development will include only one- and two-bedroom units, and MUD zoning of the property will not cause excessive or burdensome use of the City's schools. MUD zoning and the development also would not cause any excessive use of the City's utilities.

E. Is the proposed rezoning in conformity with the policy and intent of the land use plan?

Yes. Please see Sections I through III above.

F. Are there 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 rezoning?

Yes, numerous supporting grounds exists for approval of the rezoning. Please see Sections I through III above.

V. Concurrent Variances

RPPR requests the following concurrent variances as part of its request for MUD zoning of the Subject Property:

A. Allowance of an 1800 SF land disturbance encroachment into the 50-foot undisturbed natural vegetative buffer under Section 18-51(a)(1) at the two locations shown in the Variance Plan.

RPPR requests this concurrent variance in order to (a) grade within the 50-foot buffer area for the installation of a landscaped pervious walking trail and (b) provide temporary access for equipment and scaffolding during construction of the mixed-use

³¹ A&R Engineering Inc. Trip Generation Comparison for Peachtree Corners Mixed-Use Development, July 26, 2017, attached as **Exhibit P** hereto.

development, at the locations shown in the Variance Plan attached hereto as **Exhibit Q**. No structures or impervious surfaces are proposed within the limited areas of this encroachment. In addition, the final grade and re-plantings of vegetation will meet the screening requirements contained in Section 50-52(b) of the City's Ordinance.

The pervious walking trail for which the grading is required will provide the necessary pedestrian connectivity between RPPR's mixed-use development and the adjacent Town Center, the pedestrian bridge for access to The Forum, and the City's planned walking trails on adjacent Parcel 3. The existing topography in the areas of requested encroachment prevents the pervious walking trail from being developed in those areas without grading. Also, the location of the above-referenced areas to which the walking trail is to provide pedestrian connectivity do not allow for the walking trail to be placed in another location. In addition, the Subject Property's shape and size require temporary use of the identified limited encroachment areas for equipment and scaffolding access during construction of RPPR's mixed-use development.

Because the limited areas of buffer encroachment lack significant vegetation, and because the walking trails will be unpaved and pervious, the land disturbance activities described herein are authorized without a variance under Sections 18-50(b)(1)(d) and 50-52(e)(3) of the City's Ordinance. RPPR seeks this concurrent variance only as a precaution in order to facilitate RPPR's planned development amicably through the variance approval process, in case the City were to take a position in contradiction to those ordinance provisions and the nature of the described encroachments to require a variance. By requesting this variance, RPPR does not concede that a variance is required and does not waive any rights under the Ordinance or applicable law with respect to the requested rezoning and planned development.

RPPR notes that the City approved areas of encroachment into the 50-foot buffer for the Town Center development that are together approximately six times the size of the small encroachments RPPR requests, as shown in **Exhibits Q, R and S** hereto. The City should not treat RPPR disparately in connection with this concurrent variance request.

B. Allowance of a 900 SF land development encroachment into the 75-foot impervious surface setback under Section 18-51(a)(2) at the three locations shown in the Variance Plan.

This concurrent variance is required for small portions of RPPR's shared vertical hotel/apartment structure and underlying structured parking podium to exist within the 75-foot impervious surface setback. The size and shape of the Subject Property do not allow the parking necessary for the boutique hotel and apartment to be provided in a surface parking lot. The size and shape of the Subject Property therefore require the parking to be provided via a structured parking podium beneath the hotel and apartment

structures.³² However, the size and shape of the Subject Property do not allow the necessary structured parking podium to be constructed without the small encroachments into the impervious surface setback requested herein. Attempts have been made to design and engineer the structure without these small encroachments, but the size and shape of the Subject Property has made avoiding the encroachments unachievable. Thus, to not allow the limited 900 SF of impervious surface setback encroachments requested herein would prevent the planned development and create an extreme hardship for RPPR.

RPPR notes that it is presently allowed 2600 SF of encroachment into the impervious surface setback at the locations shown in **Exhibit T** hereto.³³ RPPR has used only 450 SF of that allowed encroachment for existing development, leaving RPPR 2150 SF of allowed impervious surface encroachment on the Subject Property under its current zoning. Under the requested MUD zoning and this concurrent variance request, RPPR would encroach into the setback by only 900 SF at the locations identified in **Exhibit Q**, rather than use the remaining 2150 SF of encroachment allowed under the Subject Property's current zoning. Thus, the rezoning and this requested concurrent variance will reduce RPPR's encroachment into the 75-foot impervious surface setback by 1250 SF.

RPPR notes that the City approved areas of encroachment into the 75-foot impervious surface setback for the Town Center development that are collectively almost four times the size of the small encroachments RPPR requests, as shown in **Exhibits Q, R** and **S** hereto. The City should not treat RPPR disparately in connection with this concurrent variance request.

For the forgoing reasons, RPPR submits that the Subject Property should be rezoned to MUD and asks that the City approve its enclosed rezoning application and concurrent variance requests.³⁴

Respectfully,

ALSTON & BIRD LLP



W. Clay Massey

³² In addition, among other visual and pedestrian benefits, structured parking is a more efficient use of land and requires less impervious surface area than surface parking to provide the necessary parking capacity.

³³ See **Exhibit H**, Condition 2W; **Exhibit T**.

³⁴ RPPR has attached its Constitutional Objections and Reservations of Rights hereto as **Exhibit U**, which RPPR incorporates by reference herein.

October 2, 2017

Page 17

Attachments

cc: Mayor Mike Mason (via hand delivery w/ attachments)
Councilmember Alex Wright (via hand delivery w/ attachments)
Councilmember Phil Sadd (via hand delivery w/ attachments)
Councilmember Eric Christ (via hand delivery w/ attachments)
Councilmember Jeanne Aulbach (via hand delivery w/ attachments)
Councilmember Lorri Christopher (via hand delivery w/ attachments)
Councilmember Weare Gratwick (via hand delivery w/ attachments)
Mr. Brian Johnson, City Manager (via hand delivery w/ attachments)
Mr. Charlie Roberts (via email w/ attachments)
Mr. David Phillips (via email w/ attachments)

PROJECT INFORMATION

TOTAL GROSS SITE ACREAGE: 5.309 ACRES (231,260 SF)
 TOTAL NET SITE ACREAGE: 5.309 ACRES (231,260 SF)
 PARCEL 1: 0.677 ACRES (29,490 SF)
 PARCEL 2: 3.732 ACRES (162,566 SF)
 PARCEL 3: 0.9 ACRES (39,204 SF)
 TOTAL: 5.309 ACRES (231,260 SF)

ALLOWED RESIDENTIAL DENSITY OF 32 UNITS/ ACRE
 5.309 ACRES x 32 = 169 UNITS ALLOWED
 SITE AREA AVAILABLE (DEDUCTING REQUIRED 20% COMMON AREA): 185,008 SF
 OF AVAILABLE SITE AREA, ALLOWABLE 70% MAXIMUM RESIDENTIAL COVERAGE AREA: 129,505 SF
 RESIDENTIAL BUILDING (APARTMENT) SITE AREA: 50,409 SF (27%)

COMMON AREA (SEE A-5 COMMON AREA AND CONNECTIVITY PLAN)

COMMON AREA REQUIRED: 46,252 SF (20%)
 COMMON AREA PROVIDED: 79,238 SF (34%)

OPEN SPACE

OPEN SPACE PROVIDED: 79,238 SF

BUILDING SQUARE FOOTAGE:

PARCEL 1: 9,000 SF (RETAIL)
 PARCEL 2: 342,105 SF (RESIDENTIAL AND HOTEL)
 PARCEL 3: 0 SF
 TOTAL SQUARE FOOTAGE: 351,105 SF
 PARKING AREAS ARE EXCLUDED

NOTES:

1. DENSITY CALCULATIONS BASED ON ACREAGES PRIOR TO THE DEDICATION OF THE SIDEWALK AREA AT PEACHTREE CORNERS CIRCLE

2. PER AN EXISTING AGREEMENT BETWEEN THE APPLICANT AND THE DOWNTOWN DEVELOPMENT AUTHORITY, THE APPLICANT MAY UTILIZE PARCEL 3 IN CONNECTION WITH ANY AND ALL DEVELOPMENT, DENSITY, AND/OR CONSTRUCTION-RELATED CALCULATIONS AND/OR CODE REQUIREMENTS

3. BUILDING SETBACKS SHOWN TO FACE OF BUILDING ABOVE GRADE - BELOW-GRADE IMPROVEMENTS, SUCH AS FOOTINGS AND RETAINING WALLS, CAN BE LOCATED INSIDE BUILDING SETBACK

BUILDING HEIGHTS AND LEVELS

RETAIL:
 1 LEVEL (MAX HEIGHT 29 FT ABOVE GRADE)

HOTEL:
 7 TOTAL LEVELS (MAX HEIGHT 88 FT ABOVE GRADE)
 5 LEVELS OF UNITS OVER LOBBY/PARKING LEVEL AND BASEMENT PARKING LEVEL
110 UNITS (TOTAL)

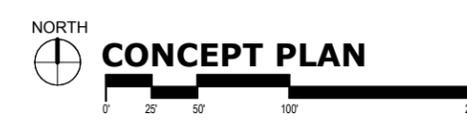
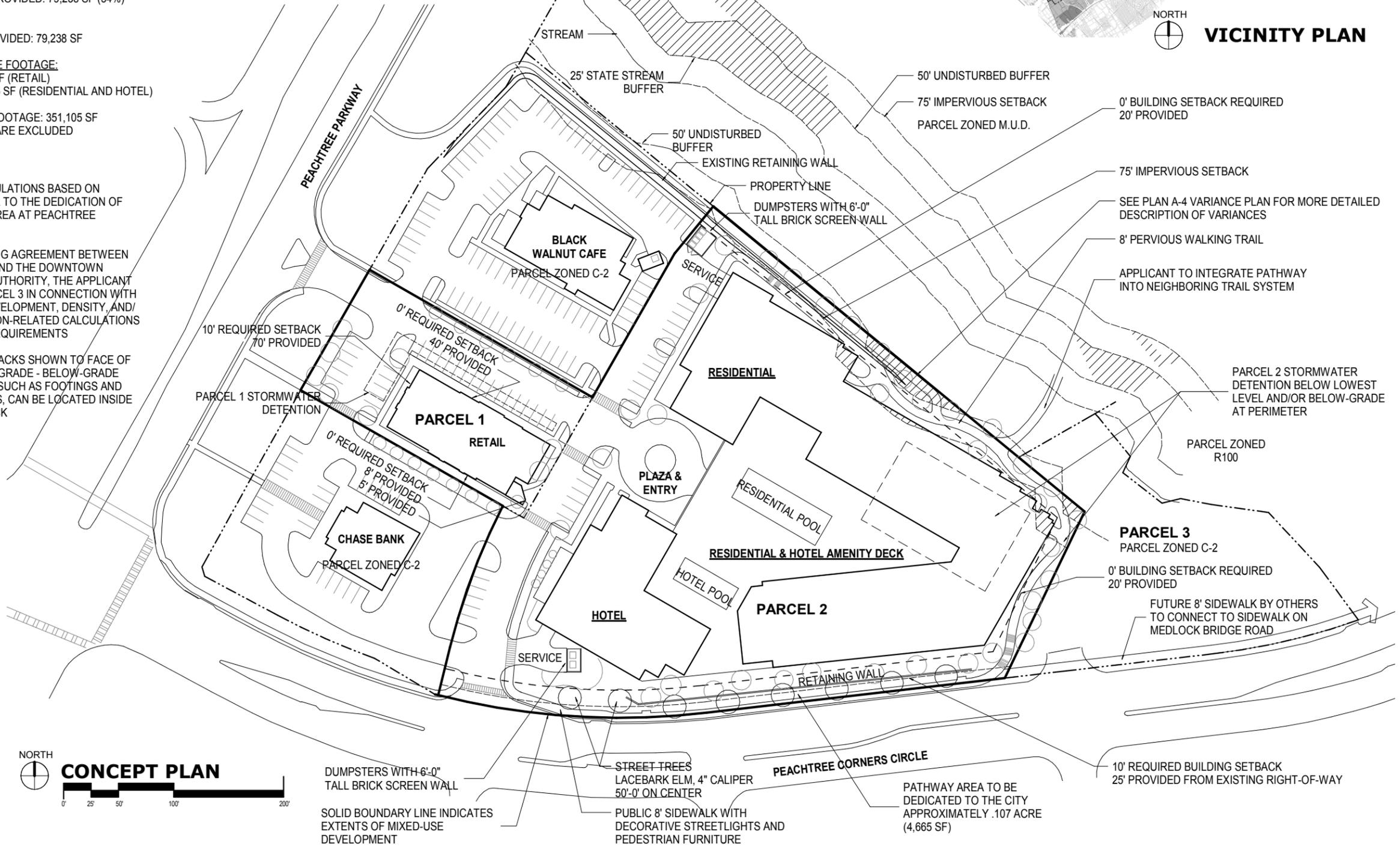
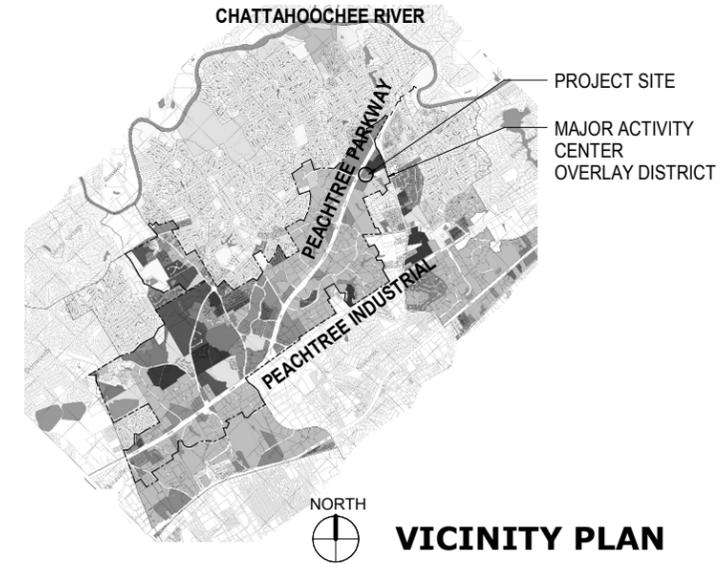
RESIDENTIAL:
 7 TOTAL LEVELS (MAX HEIGHT 88 FT ABOVE GRADE)
 5 LEVELS OF UNITS OVER ENTRY/PARKING LEVEL AND BASEMENT PARKING LEVEL
169 UNITS (TOTAL)
 1 BEDROOM UNITS = 67
 2 BEDROOM UNITS = 102

NOTE: M.U.D. ALLOWS UP TO 25 LEVELS IN HEIGHT

PARKING

	PARKS REQUIRED	SURFACE PARKS PROVIDED	STRUCTURED PARKS PROVIDED	TOTAL PARKS PROVIDED
PARCEL 1: RETAIL	18	29	0	29
PARCEL 2: RESIDENTIAL	254	11	363	374
PARCEL 2: HOTEL	110	6	120	126
TOTAL:	382	46	483	529

OFF STREET PARKING: STRUCTURED PARKING FOR THE HOTEL & RESIDENTIAL BUILDING WILL BE UNDER THE HOTEL, RESIDENTIAL BUILDING, AND AMENITY DECK



tvsvdesign

Innovation Lofts & Boutique Hotel

I hereby submit this concept plan as authorized agent/owner of all property shown thereon, and certify that all contiguous property under my ownership or control is included within the boundaries of this concept plan, as required by the Development Regulations.

Signature of Authorized Agent/Owner
 Charles S. Roberts

September 29, 2017
 Date



Roberts Properties, Inc.
 770-394-6000 www.robertsproperties.com
 375 Northridge Road Suite 330 Atlanta, Georgia 30350

Issue Date: September 29, 2017

MIXED USE DEVELOPMENT
 PEACHTREE CORNERS, GEORGIA

CONCEPT PLAN

A-1

Innovation Lofts & Boutique Hotel



WEST ELEVATION



NORTH ELEVATION



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MIXED USE DEVELOPMENT
PEACHTREE CORNERS, GEORGIA

CONCEPT ELEVATIONS & MATERIALS

Innovation Lofts & Boutique Hotel



SOUTH ELEVATION



EAST ELEVATION



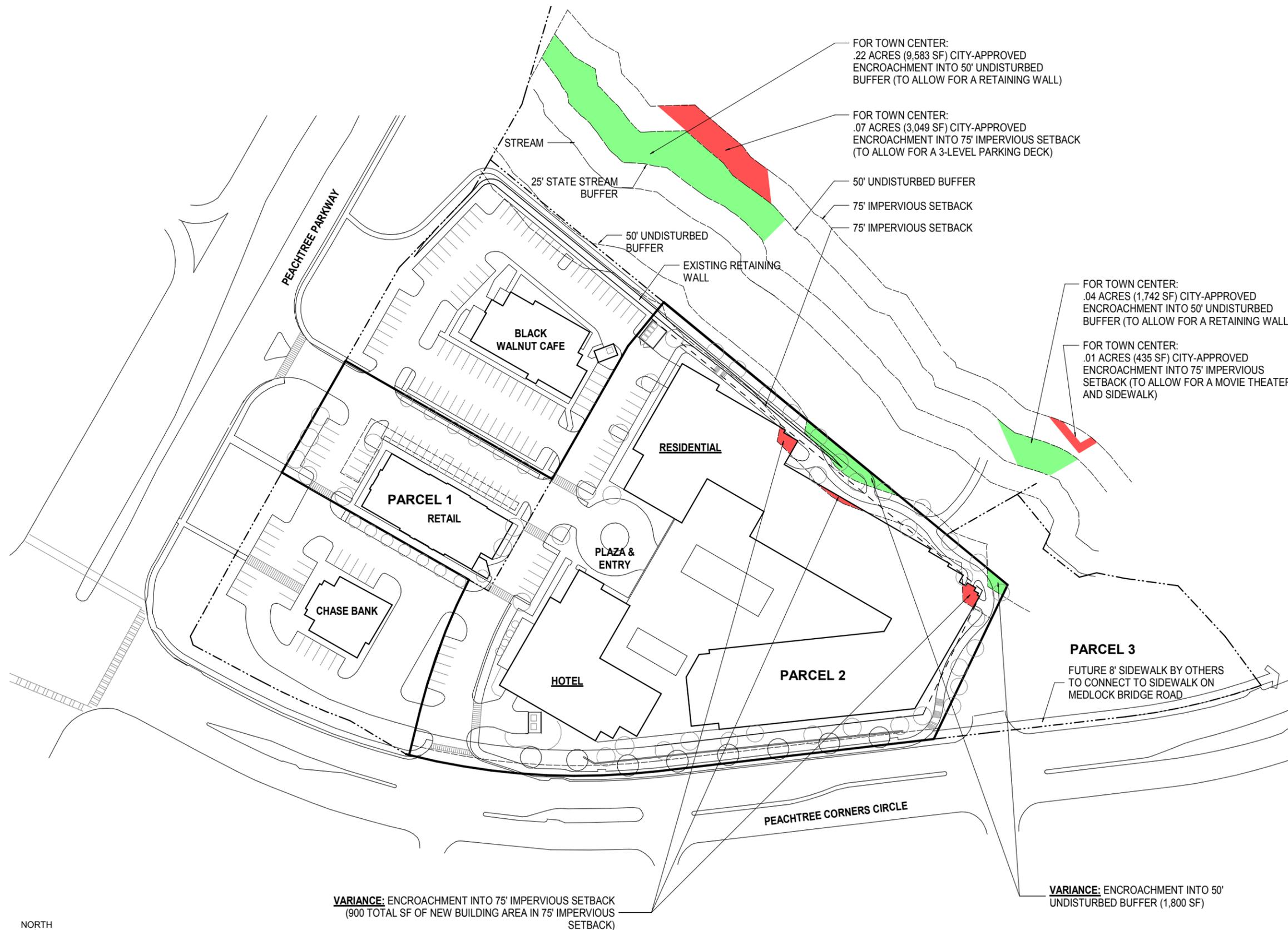
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PEACHTREE CORNERS, GEORGIA

CONCEPT ELEVATIONS & MATERIALS

Innovation Lofts & Boutique Hotel

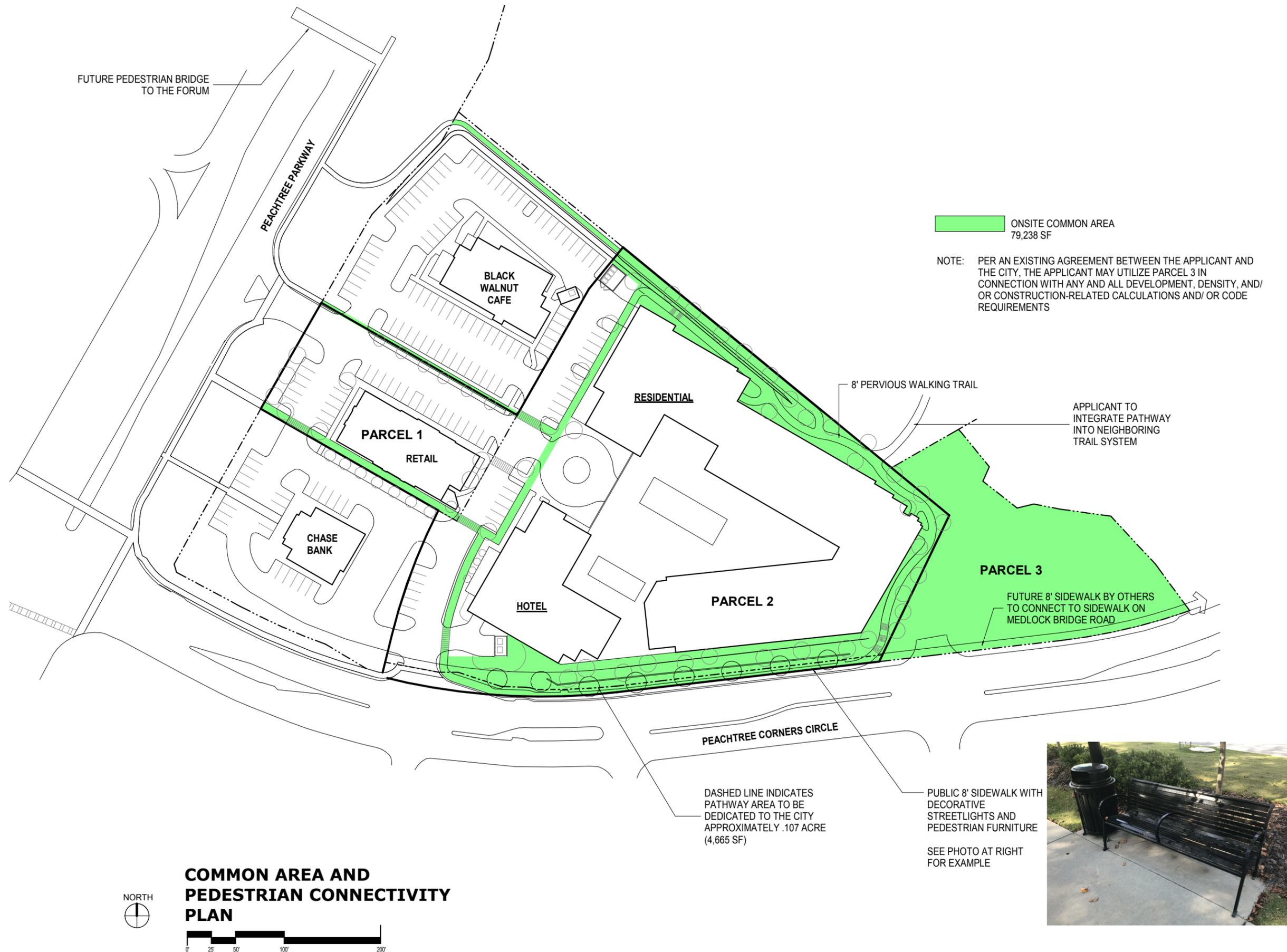


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Issue Date: September 29, 2017

MIXED USE DEVELOPMENT
PEACHTREE CORNERS, GEORGIA

VARIANCE PLAN



COMMON AREA AND PEDESTRIAN CONNECTIVITY PLAN



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MIXED USE DEVELOPMENT

PEACHTREE CORNERS, GEORGIA

COMMON AREA AND PEDESTRIAN CONNECTIVITY PLAN



Innovation Lofts
&
Boutique Hotel



NORTH
LANDSCAPE CONCEPT PLAN
0 25 50 100 200



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Issue Date: September 29, 2017

MIXED USE DEVELOPMENT
PEACHTREE CORNERS, GEORGIA

LANDSCAPE CONCEPT PLAN

Innovation Lofts
&
Boutique Hotel



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Issue Date: September 29, 2017

MIXED USE DEVELOPMENT
PEACHTREE CORNERS, GEORGIA

CONCEPT PERSPECTIVE VIEW

Innovation Lofts
&
Boutique Hotel



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MIXED USE DEVELOPMENT
PEACHTREE CORNERS, GEORGIA

CONCEPT PERSPECTIVE VIEW

Innovation Lofts
&
Boutique Hotel



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MIXED USE DEVELOPMENT
PEACHTREE CORNERS, GEORGIA

CONCEPT PERSPECTIVE VIEW

Innovation Lofts
&
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MIXED USE DEVELOPMENT
PEACHTREE CORNERS, GEORGIA

CONCEPT PERSPECTIVE VIEW



SHOPS AT
THE CORNERS



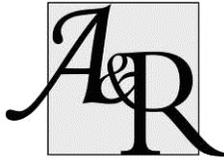
SHOPS AT
THE CORNERS



SHOPS AT
THE
CORNERS







A&R Engineering Inc.

2160 Kingston Court, Suite O
Marietta, GA 30067
Tel: (770) 690-9255 Fax: (770) 690-9210
www.areng.com



Memorandum

To: Roberts Properties, Inc.
From: Abdul K. Amer, PE, PTOE
Date: July 26, 2017
Subject: Trip Generation Comparison for Peachtree Corners Mixed-Use Development

The purpose of this memorandum is to determine the amount of traffic that will be generated from the proposed development relative to the allowed zoning for the site. The site is located in the northeast corner of the intersection of SR 141 (Peachtree Parkway) at Peachtree Corners Circle in Peachtree Corners, Georgia.



Figure 1: Site Location

SITE INFORMATION

The trip generation reference for this site is based on the existing remaining zoning as well as a separate potential development scenario:

- Existing (remaining) zoning: 56,900 square feet retail
10,400 square feet restaurant
- Proposed zoning: 169 apartments
110 hotel rooms
9,000 square feet retail

METHODOLOGY

Trip generation estimates for the project were based on the rates and equations published in the 9th edition of the Institute of Transportation Engineers (ITE) Trip Generation report. This reference contains traffic volume count data collected at similar facilities nationwide. The trip generation was based on the following ITE Land Uses: 220 – Apartment, 310 – Hotel, 820 – Shopping Center and 932 – High-Turnover (Sit-Down) Restaurant.

CALCULATIONS

The trip generation for existing zoning is shown below in Table 1 and the trip generation for the proposed zoning is shown in Table 2.

TABLE 1 – TRIP GENERATION (EXISTING ZONING)								
Land Use	Size	A.M. Peak Hour			P.M Peak Hour			24-Hour 2-way
		Enter	Exit	Total	Enter	Exit	Total	
820 – Shopping Center	56,900 sf	69	42	111	197	214	411	4,707
<i>Pass-by Trips (0%) 34%</i>		0	0	0	-67	-73	-140	-1,400
932 – Restaurant	10,400 sf	62	50	112	61	41	102	1,322
<i>Pass-by Trips (0%) 43%</i>		0	0	0	-26	-18	-44	-440
Total Trips without Reductions		131	92	223	258	255	513	6,029
Total Trips with Reductions		131	92	223	165	164	329	4,189

*pass-by trips (AM) PM; 24 Hour pass-by trips estimated by considering PM pass-by as 10% of daily volume

TABLE 2 – TRIP GENERATION (PROPOSED ZONING)								
Land Use	Size	A.M. Peak Hour			P.M Peak Hour			24-Hour 2-way
		Enter	Exit	Total	Enter	Exit	Total	
220 – Apartment	169 Units	17	70	87	72	39	111	1,148
<i>Mixed-Use Trips</i>		-1	-1	-2	-5	-3	-8	-93
310 – Hotel	110 rooms	34	24	58	34	32	66	611
<i>Mixed-Use Trips</i>		-1	-1	-2	-2	-2	-4	-49
820 – Shopping Center	9,000 sf	22	14	36	57	62	119	1,420
<i>Mixed-Use Trips</i>		-2	-2	-4	-5	-7	-12	-142
<i>Pass-by Trips (0%) 34%</i>		0	0	0	-18	-19	-37	-370
Total Trips without Reductions		73	108	181	163	133	296	3,179
Total Trips with Reductions		69	104	173	133	102	235	2,525

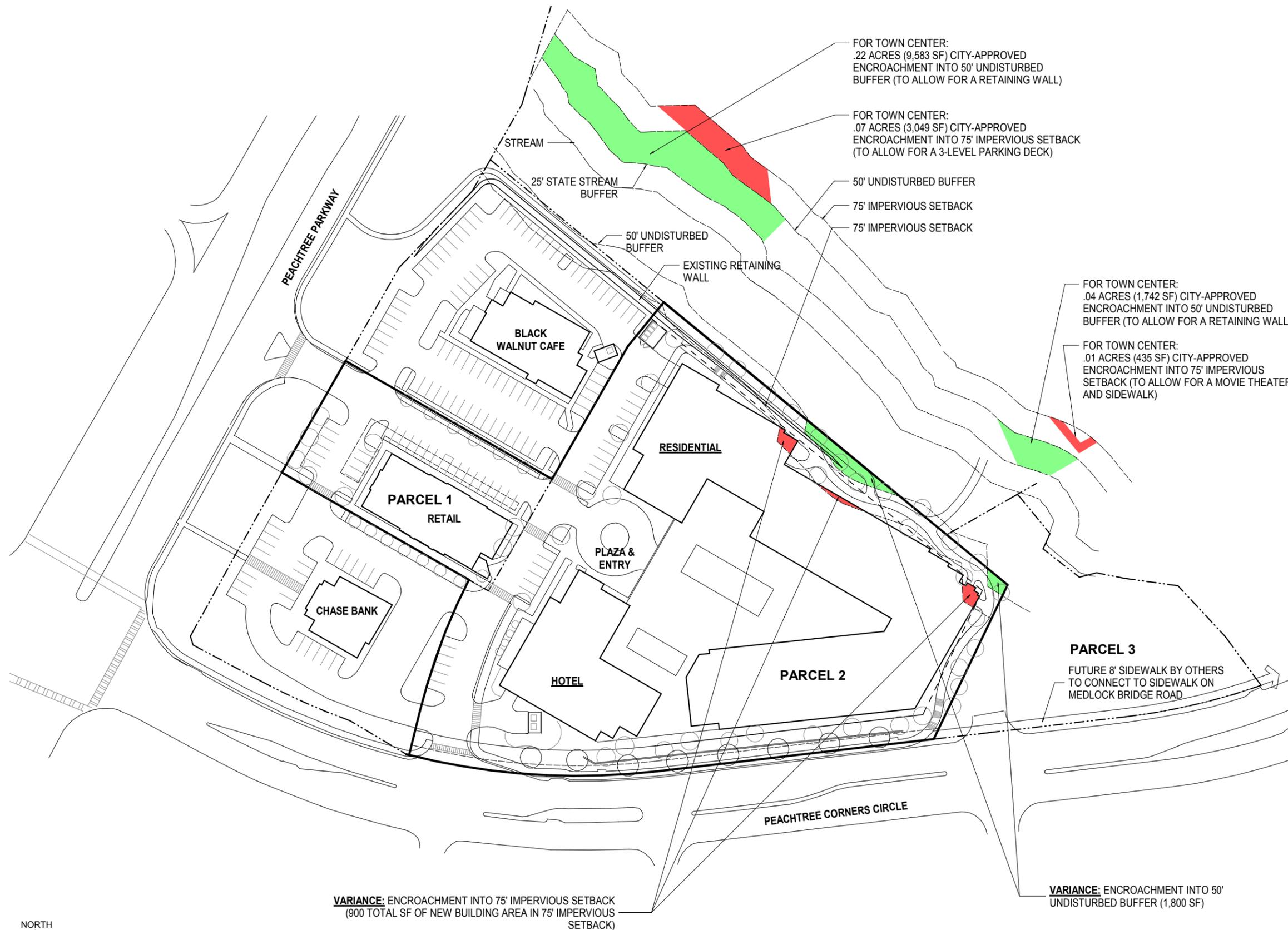
*pass-by trips (AM) PM; 24 Hour pass-by trips estimated by considering PM pass-by as 10% of daily volume

TRIP GENERATION COMPARISON

The results of the trip generation comparison (shown in Table 3) indicate that the proposed zoning will see a 40% decrease in daily traffic over the existing zoning.

TABLE 3 – TRIP GENERATION COMPARISON							
Trip Generation	A.M. Peak Hour			P.M Peak Hour			24-Hour 2-way
	Enter	Exit	Total	Enter	Exit	Total	
Existing Zoning	131	92	223	165	164	329	4,189
Proposed Zoning	69	104	173	133	102	235	2,525
Change in Trips	-62	12	-50	-32	-62	-94	-1,664
<i>Percentage Change</i>	<i>-47%</i>	<i>+13%</i>	<i>-22%</i>	<i>-19%</i>	<i>-38%</i>	<i>-29%</i>	<i>-40%</i>

Innovation Lofts & Boutique Hotel



Roberts Properties, Inc.
770-394-6000 www.robertsproperties.com
375 Northridge Road Suite 330 Atlanta, Georgia 30350

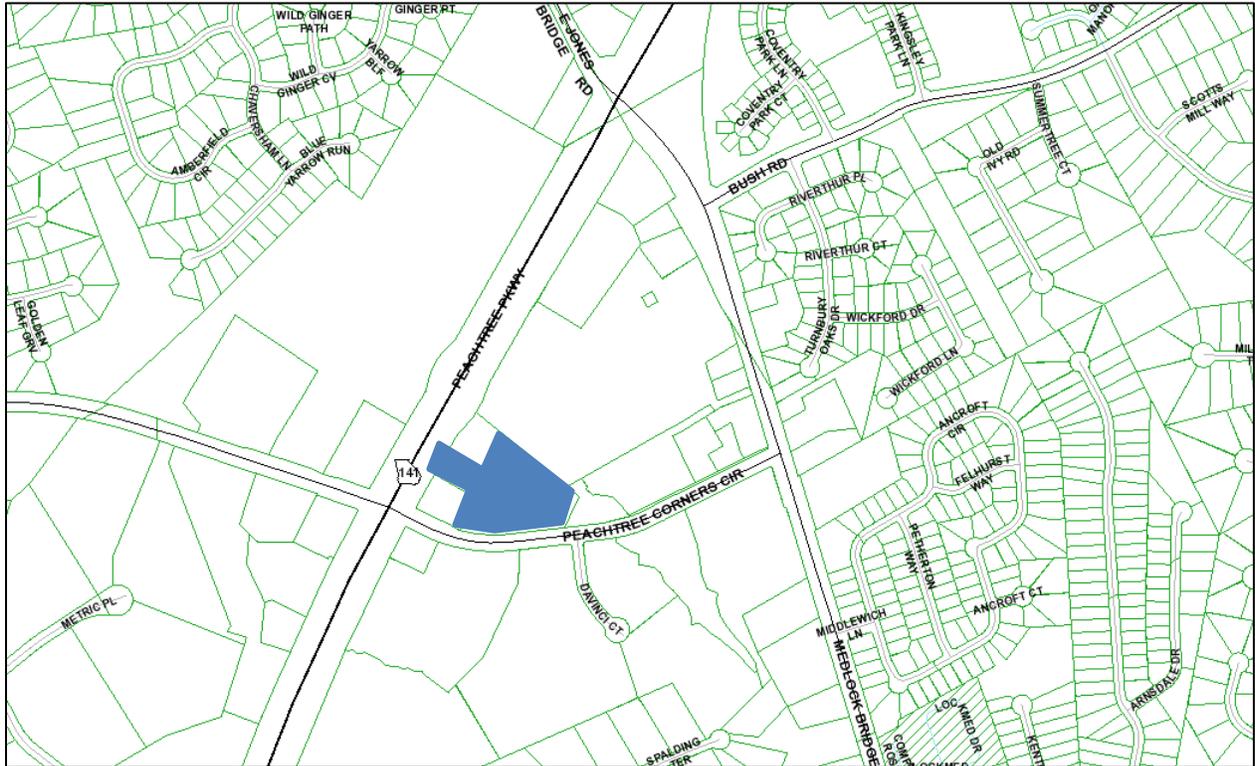
Issue Date: September 29, 2017

MIXED USE DEVELOPMENT
PEACHTREE CORNERS, GEORGIA

VARIANCE PLAN

PROPERTY LOCATION MAP

Roberts Properties Mixed Use Development



CASE NUMBER:

RZ2017-004 & CIC2017-004

HEARING DATES:

**PLANNING
COMMISSION**

NOV. 14, 2017

**CITY COUNCIL
1ST READING**

NOV. 21, 2017

**CITY COUNCIL
2ND READING**

DEC. 19, 2017

PROPERTY ADDRESS:

**5246 Peachtree Pkwy. & 4926 Peachtree
Corners Cir.**

ALSTON & BIRD

One Atlantic Center
1201 West Peachtree Street
Atlanta, GA 30309-3424
404-881-7000 | Fax: 404-253-8743

W. Clay Massey

Direct Dial: 404-881-4969

Email: clay.massey@alston.com

November 14, 2017

VIA EMAIL

Mr. Mike Mason
Mayor
City of Peachtree Corners
147 Technology Parkway NW,
City Hall, Suite 200
Peachtree Corners, Georgia 30092

Mr. Matt Houser
Chairman, Planning Commission
City of Peachtree Corners
147 Technology Parkway NW,
City Hall, Suite 200
Peachtree Corners, Georgia 30092

Re: Roberts Properties Peachtree Retail, LLC ("RPPR") Rezoning Application RZ-2017-004/CIC2017-004
Response to Community Development Department Staff Report

Dear Mayor Mason and Chairman Houser:

I write on behalf my client RPPR to address the Community Development Department's (the "Staff's") comments and recommendations in its Report for RPPR's above-referenced rezoning application (the "Staff Report").

I. The Staff Report's Rejection of RPPR's Mixed-Use Apartment Development Is Invalid and Improper.

The Staff Report recognizes that the Subject Property¹ is in an area in which "MUD zoning is suitable" and "uses such as hotel, retail and residential are appropriate."² However, the Staff Report rejects RPPR's MUD development because the residential component of the development is rental apartments. The Staff's comments and recommended conditions are patently intended to preclude rental apartments on the Subject Property, on grounds that are invalid and improper.

¹ Capitalized terms herein shall have the same definitions given in RPPR's Letter of Intent dated October 2, 2017.

² Staff Report at p. 4.

The Staff's opposition to rental apartments on the Subject Property is based on two related invalid and improper grounds: (1) the "character" of RPPR's mixed-use development is not appropriate for the surrounding area; and (2) the apartments' claimed impact on the Simpson Elementary School District. RPPR addresses each of these invalid and improper grounds as follows:

1. Rental Apartments Are Appropriate and Necessary on the Subject Property.

RPPR's Letter of Intent discusses the numerous reasons rental apartments are an appropriate and needed component of mixed-use development on the Subject Property. Ignoring those reasons, the Staff Reports makes the following unfounded assertions for why the "character" of the rental apartments is not appropriate on the Subject Property: (1) the height and intensity of the use are inappropriate in the area; (2) the Subject Property is in an area unsuitable for rental apartment housing; and (3) there is an insufficient public common area in RPPR's development.

a. The height and intensity of RPPR's development are appropriate.

The Staff Report asserts that RPPR's mixed-use apartment development is unsuitable for the area because of its height. RPPR's development will be 6 above-ground stories,³ rather than 4 stories the Staff arbitrarily states should be the limit.⁴ There is no basis in the Zoning Ordinance or Comprehensive Plan for such a height restriction. To the contrary: the Comprehensive Plan calls for "6 stories on Peachtree Parkway for mixed-use development" as a development guideline for "the entire Central Business District character area" where the Subject Property is located.⁵ The Comprehensive Plan also confirms that such "high quality mid-rise mixed use development with significant residential components is desired."⁶ Indeed, the City approved development guidelines for the adjacent Town Center property that allow for-sale condominiums to be up to 5 stories and 70 feet tall,⁷ just one story and 10 feet shorter than the mid-rise height RPPR proposes for its mixed-use rental apartment development.⁸

Notably, the arbitrary 4-story height restriction the Staff recommends as a zoning condition would not apply to the hotel development on the Subject Property.⁹ The Staff's height restriction focuses solely on RPPR's proposed apartments, without any basis. Thus, it is clear the Staff's ostensible concern regarding the height of development on the Subject

³ The Staff Report states that RPPR's development is 7 stories tall. However, only 6 of those stories will be above ground, as shown in the plans submitted with RPPR's rezoning application. [Letter of Intent at Exh. K.]

⁴ Staff Report at pp. 4, 7, 11.

⁵ 2033 Comprehensive Plan, Community Goals, p. 45 (Letter of Intent at Exh. M).

⁶ *Id.*

⁷ Town Center Standards: Table "B" – Development Regulations, attached as **Exhibit A** hereto.

⁸ Letter of Intent at Exh. K.

⁹ Staff Report at p. 11.

Property is not actual, but is instead a contrived justification for precluding rental apartments on the Subject Property, which is improper.

The Staff's position against RPPR's rental apartments on density grounds also is unfounded. For example, the Comprehensive Plan instructs that:

The Central Business District is the most intense concentration of development and density. The Central Business District will be a pedestrian-oriented center of the community, with cultural opportunities, business, and neighborhoods that are attractive to visitors, local employees, and residents. Uses are primarily non-residential, but high quality mid-rise mixed-use development with significant residential components is desired. Development will be visually consistent. Regulations should encourage larger scale developments to locate at major intersections and on the primary corridor, Peachtree Parkway.¹⁰

Moreover, it is undisputed that the Zoning Ordinance allows the development of 32 residential units per acre in an MUD zoning district.¹¹ That is the apartment density RPPR has proposed in compliance with the Zoning Ordinance. The Staff report provides no valid justification for denying RPPR the ability to develop rental apartments in compliance with that standard. There is a complete absence of any supporting study or analysis for such a position. Rather, the Staff asserts only that the residential density for townhomes under construction at the adjacent Town Center development should control the multi-family residential density allowed on the Subject Property. This is an arbitrary and unfounded density standard for multi-family development. Indeed, the development regulations for the Town Center development do not even contain a density restriction for residential development, including for the for-sale condominiums and townhomes those regulations authorize to be built in the development.¹² The only difference for the Staff's position here is RPPR's inclusion of rental apartments in its development, which is an invalid and improper basis for treating RPPR's development disparately with respect to density and height considerations.

Lastly, RPPR has shown that the Staff Report's trip generation calculations for RPPR's mixed-used apartment development are erroneous. That showing is clearly made by the A&R Engineering, Inc. memorandum undersigned counsel submitted to the Planning Commission and City Council on November 10, 2017. A copy of that memorandum is attached hereto as **Exhibit B**.

b. Rental apartments are suitable for the Subject Property.

The Comprehensive Plan calls for "[m]ulti-family residential, only as part of a mixed-use development" as a development guideline for "the entire Central Business District

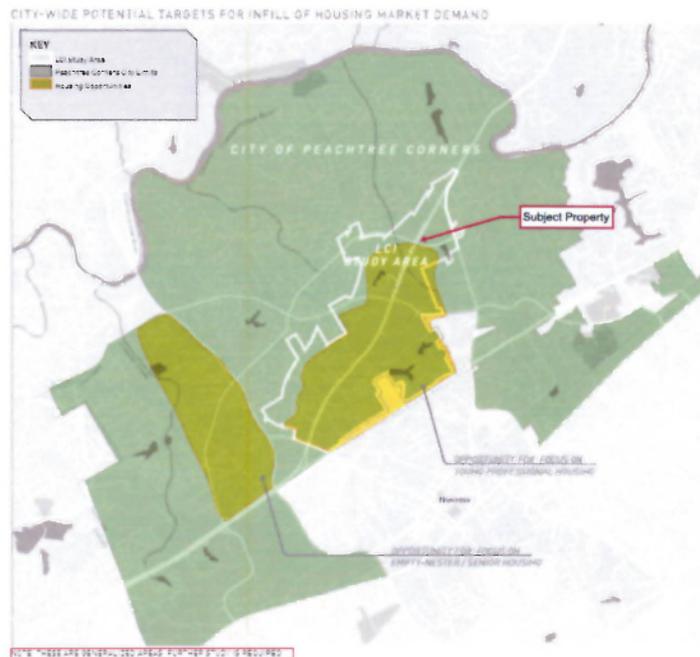
¹⁰ 2033 Comprehensive Plan, Community Goals, p. 42 (Letter of Intent at Exh. M).

¹¹ Zon. Ord. § 1318(5).

¹² Town Center Standards: Table "B" – Development Regulations, attached as **Exhibit A** hereto.

character area” where the Subject Property is located.¹³ The Comprehensive Plan also calls for “**higher-end rental apartments** that appeal to young professionals and older adults.”¹⁴

Rather than follow the governing Comprehensive Plan, the Staff Report rejects RPPR’s apartments because the Subject Property is not included in certain areas shown on two maps in the Livable Center Initiative Study (“LCIS”).¹⁵ Contrary to the Staff’s representation, those maps do not “identify the specific locations within the City that are intended for both ‘Young Professionals’ housing and ‘Empty Nester / Senior’ housing.”¹⁶ Rather, those maps show “generalized areas” and “suggestions only” provided by the City’s third-party consultants for housing development within the LCI study area.¹⁷ Moreover, the Staff’s position against apartments on the Subject Property based on the generalized areas and suggestions in these LCIS maps is unfounded. As shown below, the Subject Property is located directly across Peachtree Corners Circle from the generalized area the Staff says is “suitable for rental apartments.”¹⁸



More importantly, as the Staff concedes, mixed-use development is appropriate on the Subject Property, and the Comprehensive Plan calls for multi-family residential units as part of that mixed-use development within the Central Business District.

¹³ 2033 Comprehensive Plan, Community Goals, p. 45 (Letter of Intent at Exh. M).

¹⁴ *Id.* at pp. 15, 31.

¹⁵ Staff Report at p. 8 and Attachments A and B.

¹⁶ *Id.* at p. 8.

¹⁷ **Exhibit C** hereto.

¹⁸ *Id.*

c. There is sufficient public common area in RPPR's mixed-use development.

The Staff Report asserts that “there is so much development on the site that the only open space remaining on the applicant’s property are the required setback areas and landscape strips.”¹⁹ The Staff Report also asserts that RPPR’s concept plan does not incorporate sufficient common area for a central public gathering place.²⁰ Both assertions are unfounded.

RPPR’s concept plan includes almost 2 acres of public green space and landscaped walking trails in the 5.3 acre mixed-use development. This includes the 0.9 acres RPPR conveyed to the City for the purpose of developing its public multi-use trail system along the adjacent stream and connecting to the Subject Property and Town Center development. RPPR conveyed this property to City to be a public gathering area for the public’s benefit. That area, combined with the other areas of RPPR’s property that will provide landscaped public walking trails along the stream, clearly provides a central public gathering place for RPPR’s mixed-use development in compliance with the Zoning Ordinance.

The Staff’s assertion that the 0.9 acres RPPR conveyed to the City cannot constitute such a common area for zoning compliance purposes is false. The City agreed that this area “may be utilized by [RPPR] in connection with any and all development, density and/or construction related calculations and/or code requirements (including, for example, open space and tree density requirements, to the extent allowed by code).”²¹ The plain language reflects of this agreement clearly provides that RPPR may use the area toward any and all development or construction-related code requirements, which includes any common area requirement associated with its mixed-use development. This allowance is further confirmed by the City’s May 13, 2016, letter agreement with RPPR, in which the City explicitly agreed that RPPR was authorized to use the 0.9 acres for any common area requirements under the Zoning Ordinance.²²

Moreover, the Staff’s position with respect to public gathering space for RPPR’s development is entirely inconsistent with the Staff’s and the City’s actions related to the Town Center development. The Staff and City approved the Town Center mixed-use development without requiring Fuqua to include any public gathering spaces on its property.²³ Rather, the City provided the public gathering places on City-owned property, as shown in the Town Center materials collectively attached hereto as **Exhibit E**. To treat RPPR differently in this regard, particularly in the face of the explicit agreements authorizing RPPR to use the 0.9 acres of land RPPR conveyed to the City toward common area requirements, improperly

¹⁹ Staff Report at p. 4.

²⁰ *Id.* at 8.

²¹ Letter of Intent Exhs. B (Limited Warranty Deed) and C (Zoning Ord. § 2015-03-41) (Condition 2.Z). (emphasis added).

²² **Exhibit D** hereto.

discriminates against RPPR and further illustrates the invalidity of the Staff's position concerning public gathering space on RPPR's property.

2. Precluding Apartments in the Simpson Elementary School District is Groundless and Improper.

The Staff Report's opposition to RPPR's mixed-use apartment development based on school impact is invalid and improper. As an initial matter, the Staff's student generation estimates for RPPR's development appear erroneous based on recent Staff analysis related to the Echo apartment development, a very large apartment development involving 295 apartment units. The Staff did not do an independent student generation analysis for the Echo development.²⁴ Rather it used data from a recent Gwinnett County rezoning case, which estimated that 290 apartment units (including 3 bedroom floor plans) would generate 114 additional students in the schools.²⁵ The Staff stated that the 295 apartment units at Echo "should generate significantly fewer students due to the limitation on bedrooms within the units, the lack of child-oriented amenities offered in the development, and the variety of more suitable housing options nearby for families with children."²⁶ Accordingly, the Staff concluded that 295-unit Echo apartment development, which is not in the Simpson Elementary School District, should have "no effect on the schools."

Here, RPPR's mixed-use development will have only 169 apartment units. That is 126 fewer than Echo's 295 units, and 121 fewer than the 290-unit rezoning case (which included 3-bedroom units) the Staff used in its comments on the Echo rezoning application. Also, RPPR's development will be limited to 1-2 bedrooms, have no child-oriented amenities, and be near more suitable housing options for families with children. But, while the Staff believed those circumstances at Echo's 295-unit apartment development should generate "significantly fewer" than 114 students and cause "little or no effect on schools," the Staff here irreconcilably says that RPPR's apartments will generate 109 students and excessively burden schools.

Moreover, the Staff Report provides no analysis, data or other evidence that the Gwinnett County schools would not have room for the additional students the Staff estimates RPPR's development would generate, or that the schools would be excessively burdened by those additional students. For example, Simpson Elementary has a current enrollment of 970 students, and Gwinnett County Public Schools has informed RPPR that Simpson Elementary has a current capacity for 1,150 students. In fact, Simpson Elementary's student population has been as high as 1,300 students. The Staff Report provides no evidence that adding between 13 and 49 students (according to the Staff's estimates) would be an excessive burden on Simpson Elementary, particularly given the greater student capacity at Simpson Elementary.

²⁴ Exhibit F hereto.

²⁵ *Id.*

²⁶ *Id.* (emphasis added).

Rather, it appears the Staff Report's objective is to prevent the addition of rental apartments in the Simpson Elementary School District, which the Staff Report emphasizes is ranked "#1 out of 78 in Gwinnett County," and would be attractive to apartment residents. That objective is evidenced by the lack of any school impact analysis for the adjacent Town Center development (also in the Simpson School District), for which the City approved townhomes and condominiums, and on which the City made "every effort" to "avoid apartment development." Importantly, Town Center will include 72 townhomes with 2-4 bedroom and in-law suites, which will be more attractive to families with children than RPPR's 1-2 bedroom apartment units.

This objective is also evidenced by the current boundaries of the Simpson Elementary School District, shown here:



This boundary excludes all rental apartments from the Simpson Elementary School District. As reported in a Gwinnet Daily article published when these district lines were drawn, there is already public concern that “there seems to be a ‘moat’ around Simpson Elementary and there is a perception that you cannot go there if you live in an apartment.”²⁷ This district boundary illustrates an apparent effort to prevent children residing in rental apartments from attending Simpson Elementary, which is improper under federal law. The Staff Report’s positions unfortunately appear to be in furtherance of that effort.

II. The Staff Report’s Claim that the Subject Property is Economically Viable Under its Current Conditional C-2 Zoning is Incorrect.

The Staff Report’s assertions that the current C-2 Conditional zoning of the Subject Property is economically viable are incorrect for the reasons discussed in RPPR’s Letter of Intent. Contrary to the Staff’s apparent claim, it is not economically viable to develop a hotel on the Subject Property without the connected apartment development. RPPR’s Letter of Intent addresses that economic unviability in detail. Also, the Staff Report’s claim that RPPR “voluntarily” accepted the zoning conditions encumbering the Subject Property mischaracterizes what occurred at the referenced April 21, 2015 City Council meeting. RPPR was given approximately 5 minutes during a recess at the meeting to consider the conditions in return for City approvals required to construct the Black Walnut restaurant on property adjacent to the Subject Property. RPPR’s acceptance of those conditions was not “voluntary” in those circumstances. In addition, RPPR’s acceptance of those conditions predated the City’s substantial changes to the zoning conditions governing the adjacent Town Center development, and the City’s agreement to contribute approximately \$14 million towards a parking deck, streets and other improvements for the Town Center development. Those changes in zoning conditions and substantial development concessions for Town Center further eliminated any economic viability of the Subject Property as a retail development, as explained in RPPR’s Letter of Intent.

III. RPPR’s Offer of Zoning Conditions

RPPR proposes a premier first-class mixed-use development that will be a substantial benefit to the City. The Staff’s opposition to the development is surprising. Moreover, RPPR has listened to and genuinely considered the input of the UPCCA, Peachtree Corners’ residents, and the Staff regarding the development. RPPR has attempted to address any reasonable concerns in the zoning conditions attached hereto as **Exhibit H**, to which RPPR will agree as part of the City’s approval of the MUD zoning of the Subject Property. RPPR offers these conditions in an effort to collaborate with the community on this development.

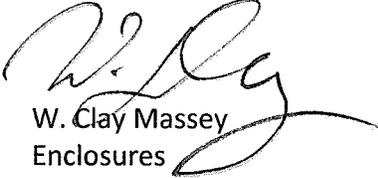
²⁷ **Exhibit G** hereto

November 14, 2017

Page 9

Very truly yours,

ALSTON & BIRD LLP



W. Clay Massey
Enclosures

cc: Councilmember Alex Wright (via email w/ attachments)
Councilmember Phil Sadd (via email w/ attachments)
Councilmember Eric Christ (via email w/ attachments)
Councilmember Jeanne Aulbach (via email w/ attachments)
Councilmember Lorri Christopher (via email w/ attachments)
Councilmember Weare Gratwick (via email w/ attachments)
Planning Commissioner Alan J. Kaplan (via email w/ attachments)
Planning Commissioner Italia Metts (via email w/ attachments)
Planning Commissioner Mark Middleton (via email w/ attachments)
Planning Commissioner Mark Willis (via email w/ attachments)
Mr. Brian Johnson, City Manager (via email w/ attachments)
Mr. Charlie Roberts (via email w/ attachments)
Mr. David Phillips (via email w/ attachments)

EXHIBIT A

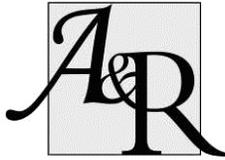
Town Center Standards

Table 'B'

Development Regulations

Regulation	Residential Development	Commercial Development
Height	Townhouse – 40 ft. max. Condominium – 70 ft. max.	retail/office bldg. – 20 ft. min./70 ft. max. restaurant, theater – 40 ft. max. hotel – 70 ft. max.
Stories	Townhouse- 3-stories max. Condominium – 5-stories max.	retail/ office bldg.. – 2- stories min. / 4- stories max. free-standing restaurant, theater – 2 stories max. hotel – 5-stories max.
Unit size	Townhouse – 2000 sq. ft. min. Condominium – 1000 sq. ft. min.	
Setback: Front	Townhouse- 10 ft. min. next to ext. rd. 5 ft. min. next to int. rd. Condominium- 20 ft. (ext. rd.) 10 ft. (int. rd.)	retail/office- 20 ft. (ext. rd.); 0 ft. (int. rd.) restaurant – 20 ft. (ext. rd.); 0ft. (int. rd.) hotel – 20 ft. (ext. rd.); 0 ft. (int. rd.) theater – 20 ft. (ext. rd.); 0 ft. (int. rd.)
Side	Townhouse – 5 ft. min. on non-attached side 10 ft. min. between Buildings Condominium – 10 ft. min.	outparcels - 20 ft. from property line all others – 10 ft. between buildings
Rear	All development – 10 ft. min.	
Lot Width	Townhouse- 24 ft. min.	outparcels – 75 ft. min.
Building Facing	All buildings located along an external road must face, or appear to face, that road.	
Building Aesthetic	Traditional European inspired style similar in appearance to the Forum and as approved by the Planning Commission.	
Walls	Primarily brick or stone with stucco accents (and glass store fronts in commercial bldgs.)	
Roof: Color	earth tones	medium shades of browns and greys
Materials	slate, tile or architectural shingles with a slate or tile appearance.	Commercial roofs must incorporate breaks and change in material or color at least every 40 ft.
Pitch	Townhouse- min. 4:12 Condominium and Office/retail buildings to match roof pitch at the Forum.	
Signage	Sign package (incl. materials, sizes, colors, font types, location, number) to be approved by Planning Commission	
Landscaping	10 ft. wide strip along parking lots and external roadways. Street trees along internal and external streets and parking lot islands as per Overlay Standards (Zoning Code Sec. 1315). Commercial and condominium buildings shall incorporate live plant material growing immediately in front of or directly on the building.	
Lighting / street furnishings	per Zoning Code regulations and subject to Planning Commission approval.	
Parking	per Zoning Code regulations	
Screening	per Zoning Code regulations	

EXHIBIT B



A&R Engineering Inc.

2160 Kingston Court, Suite O
Marietta, GA 30067
Tel: (770) 690-9255 Fax: (770) 690-9210
www.areng.com



Memorandum

To: Roberts Properties, Inc.
From: Abdul K. Amer, PE, PTOE
Date: November 10, 2017
Subject: Response to City Staff’s Comments on A&R Engineering’s Trip Generation Memo for Peachtree Corners Development dated July 26, 2017.

A&R Engineering, Inc. had issued a memorandum documenting the amount of traffic that will be generated from the proposed development relative to the allowed zoning for the site located in the northeast corner of the intersection of SR 141 (Peachtree Parkway) at Peachtree Corners Circle in Peachtree Corners, Georgia. This memorandum was dated July 26, 2017. A copy is attached.

As mentioned in our memo, “Trip generation estimates for the project were based on the rates and equations published in 9th edition of the Institute of Transportation Engineers Trip Generation report”.

We have recently received attached staff comments regarding our trip generation numbers. Below is our response to these comments. A detailed description of the steps involved in determining the appropriate calculation method is illustrated in table below.

Trip Generation can be estimated using two methods; average rate or based on regression equation. The User’s Guide and Handbook of ITE’s Trip General Manual, 9th edition provides the following guidance in determining which method to use:

“When the Trip Generation data plot contains more than 20 data points and a regression curve and equation are provided, use of the regression equation is recommended. A regression equation with an R² of at least 0.75 is preferred because it indicates the desired level of correlation between the trips generated by a site and the value measured for an independent variable”.

ITE Land-Use	Data Plot contains 20 Data Points	Independent Variable is within range of data	R ² * value > 0.75	Equation Provided?	Recommended Method to be used per ITE	Method used in A&R Memo	Method used in Staff Comments
820 Existing Zoning	Yes	Yes	Yes	Yes	Regression Equation	Regression Equation	Average Rate
820 Proposed Zoning	Yes	Yes	Yes	Yes	Regression Equation	Regression Equation	Regression Equation
932	Yes	Yes	Not provided	Not provided	Average Rate	Average Rate	Unknown
220	Yes	Yes	Yes	Yes	Regression Equation	Regression Equation	Regression Equation
310	Yes	Yes	Not provided	Not provided	Average Rate	Average Rate	Average Rate

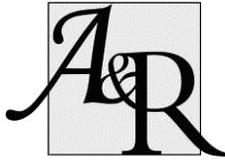
* R^2 is a measure of correlation between 2 variables, expressed on a scale of 0 to +1. The closer to +1 the R^2 is, the better the correlation between the variables.

The trip generation was based on the following ITE land uses: 220 – Apartment, 310 – Hotel, 820 – Shopping Center and 932 – High-Turnover (Sit-down) Restaurant).

The staff trip generation estimates incorrectly used average rate instead of regression equation for ITE Land-use 820 in the existing zoning scenario. Also, staff estimates for the same ITE Land-use (820) for proposed zoning used a different method (regression equation) and yet compared the estimates calculated by different methods and determined a percentage increase. Staff estimates for Land-use 932 for High Turnover (Sit-down) Restaurant do not use the ITE recommended method. I am not aware of the method used to arrive at those numbers.

Based on the detailed explanation above, I reaffirm that the trip generation estimates prepared by A&R Engineering are accurate and consistent with the recommendations of ITE guidelines.

Appendix



A&R Engineering Inc.

2160 Kingston Court, Suite O
Marietta, GA 30067
Tel: (770) 690-9255 Fax: (770) 690-9210
www.areng.com



Memorandum

To: Roberts Properties, Inc.
From: Abdul K. Amer, PE, PTOE
Date: July 26, 2017
Subject: Trip Generation Comparison for Peachtree Corners Mixed-Use Development

The purpose of this memorandum is to determine the amount of traffic that will be generated from the proposed development relative to the allowed zoning for the site. The site is located in the northeast corner of the intersection of SR 141 (Peachtree Parkway) at Peachtree Corners Circle in Peachtree Corners, Georgia.



Figure 1: Site Location

SITE INFORMATION

The trip generation reference for this site is based on the existing remaining zoning as well as a separate potential development scenario:

- Existing (remaining) zoning: 56,900 square feet retail
10,400 square feet restaurant
- Proposed zoning: 169 apartments
110 hotel rooms
9,000 square feet retail

METHODOLOGY

Trip generation estimates for the project were based on the rates and equations published in the 9th edition of the Institute of Transportation Engineers (ITE) Trip Generation report. This reference contains traffic volume count data collected at similar facilities nationwide. The trip generation was based on the following ITE Land Uses: 220 – Apartment, 310 – Hotel, 820 – Shopping Center and 932 – High-Turnover (Sit-Down) Restaurant.

CALCULATIONS

The trip generation for existing zoning is shown below in Table 1 and the trip generation for the proposed zoning is shown in Table 2.

TABLE 1 – TRIP GENERATION (EXISTING ZONING)								
Land Use	Size	A.M. Peak Hour			P.M Peak Hour			24-Hour 2-way
		Enter	Exit	Total	Enter	Exit	Total	
820 – Shopping Center	56,900 sf	69	42	111	197	214	411	4,707
<i>Pass-by Trips (0%) 34%</i>		0	0	0	-67	-73	-140	-1,400
932 – Restaurant	10,400 sf	62	50	112	61	41	102	1,322
<i>Pass-by Trips (0%) 43%</i>		0	0	0	-26	-18	-44	-440
Total Trips without Reductions		131	92	223	258	255	513	6,029
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*pass-by trips (AM) PM; 24 Hour pass-by trips estimated by considering PM pass-by as 10% of daily volume

TABLE 2 – TRIP GENERATION (PROPOSED ZONING)								
Land Use	Size	A.M. Peak Hour			P.M Peak Hour			24-Hour 2-way
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310 – Hotel	110 rooms	34	24	58	34	32	66	611
<i>Mixed-Use Trips</i>		-1	-1	-2	-2	-2	-4	-49
820 – Shopping Center	9,000 sf	22	14	36	57	62	119	1,420
<i>Mixed-Use Trips</i>		-2	-2	-4	-5	-7	-12	-142
<i>Pass-by Trips (0%) 34%</i>		0	0	0	-18	-19	-37	-370
Total Trips without Reductions		73	108	181	163	133	296	3,179
Total Trips with Reductions		69	104	173	133	102	235	2,525

*pass-by trips (AM) PM; 24 Hour pass-by trips estimated by considering PM pass-by as 10% of daily volume

TRIP GENERATION COMPARISON

The results of the trip generation comparison (shown in Table 3) indicate that the proposed zoning will see a 40% decrease in daily traffic over the existing zoning.

TABLE 3 – TRIP GENERATION COMPARISON							
Trip Generation	A.M. Peak Hour			P.M Peak Hour			24-Hour 2-way
	Enter	Exit	Total	Enter	Exit	Total	
Existing Zoning	131	92	223	165	164	329	4,189
Proposed Zoning	69	104	173	133	102	235	2,525
Change in Trips	-62	12	-50	-32	-62	-94	-1,664
<i>Percentage Change</i>	<i>-47%</i>	<i>+13%</i>	<i>-22%</i>	<i>-19%</i>	<i>-38%</i>	<i>-29%</i>	<i>-40%</i>

handicap ramps, crosswalks, traffic signalization and other improvement to improve pedestrian connectivity at the intersection of Peachtree Parkway and Peachtree Circle, at no cost to the City. In addition, the apartment homes component of the development will include only one- and two-bedroom units, and MUD zoning of the property will not cause excessive or burdensome use of the city's schools. MUD zoning and the development also would not cause any excessive use of the city's utilities.

Staff's Comment: Staff evaluation of the trip generation analysis prepared by the applicant's consultant, A&R Engineers, found flaws in the calculations. (See chart on the next page.) Staff used the Trip Generation Manual, 9th Edition by the Institute of Transportation Engineers in its calculations. The difference between the two sets of calculations, (shown in red on the chart), translates to a 14.6% increase in P.M. peak traffic if the proposed zoning is approved, as calculated by staff, compared to a 29% decrease in the PM peak traffic as calculated by A&R Engineers.

Land Use	Size	A.M. Peak Hour			P.M. Peak Hour			24-Hour 2-way
		Enter	Exit	Total	Enter	Exit	Total	
820 – Shopping Center	56,900 sf	69	42	111	197	214	411 211	4,707
	<i>Pass-by Trips (0%) 34%</i>	0	0	0	-67	-73	-140 -71	-1,400
932 – Restaurant	10,400 sf	62	50	112	61	41	102 116	1,322
	<i>Pass-by Trips (0%) 43%</i>	0	0	0	-26	-18	-44 -48	-440
Total Trips without Reductions		131	92	223	258	255	513 327	6,029
Total Trips with Reductions		131	92	223	165	164	329 205	4,189

**pass-by trips (AM) PM; 24 Hour pass-by trips estimated by considering PM pass-by as 10% of daily volume*

Land Use	Size	A.M. Peak Hour			P.M. Peak Hour			24-Hour 2-way
		Enter	Exit	Total	Enter	Exit	Total	
220 – Apartment	169 Units	17	70	87	72	39	111	1,148
	<i>Mixed-Use Trips</i>	-1	-1	-2	-5	-3	-8	-93
310 – Hotel	110 rooms	34	24	58	34	32	66	611
	<i>Mixed-Use Trips</i>	-1	-1	-2	-2	-2	-4	-49
820 – Shopping Center	9,000 sf	22	14	36	57	62	119	1,420
	<i>Mixed-Use Trips</i>	-2	-2	-4	-5	-7	-12	-142
	<i>Pass-by Trips (0%) 34%</i>	0	0	0	-18	-19	-37	-370
Total Trips without Reductions		73	108	181	163	133	296	3,179
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**pass-by trips (AM) PM; 24 Hour pass-by trips estimated by considering PM pass-by as 10% of daily volume*

TRIP GENERATION COMPARISON

The results of the trip generation comparison (shown in Table 3) indicate that the proposed zoning will see a 40% decrease in daily traffic over the existing zoning.

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	Enter	Exit	Total	Enter	Exit	Total	
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Proposed Zoning	69	104	173	133	102	235	2,525
Change in Trips	-62	12	-50	-32	-62	-94 +35	-1,664
<i>Percentage Change</i>	<i>-47%</i>	<i>+13%</i>	<i>-22%</i>	<i>-19%</i>	<i>-38%</i>	-29% +14.6%	<i>-40%</i>

*Note: Staff calculations are shown in red.

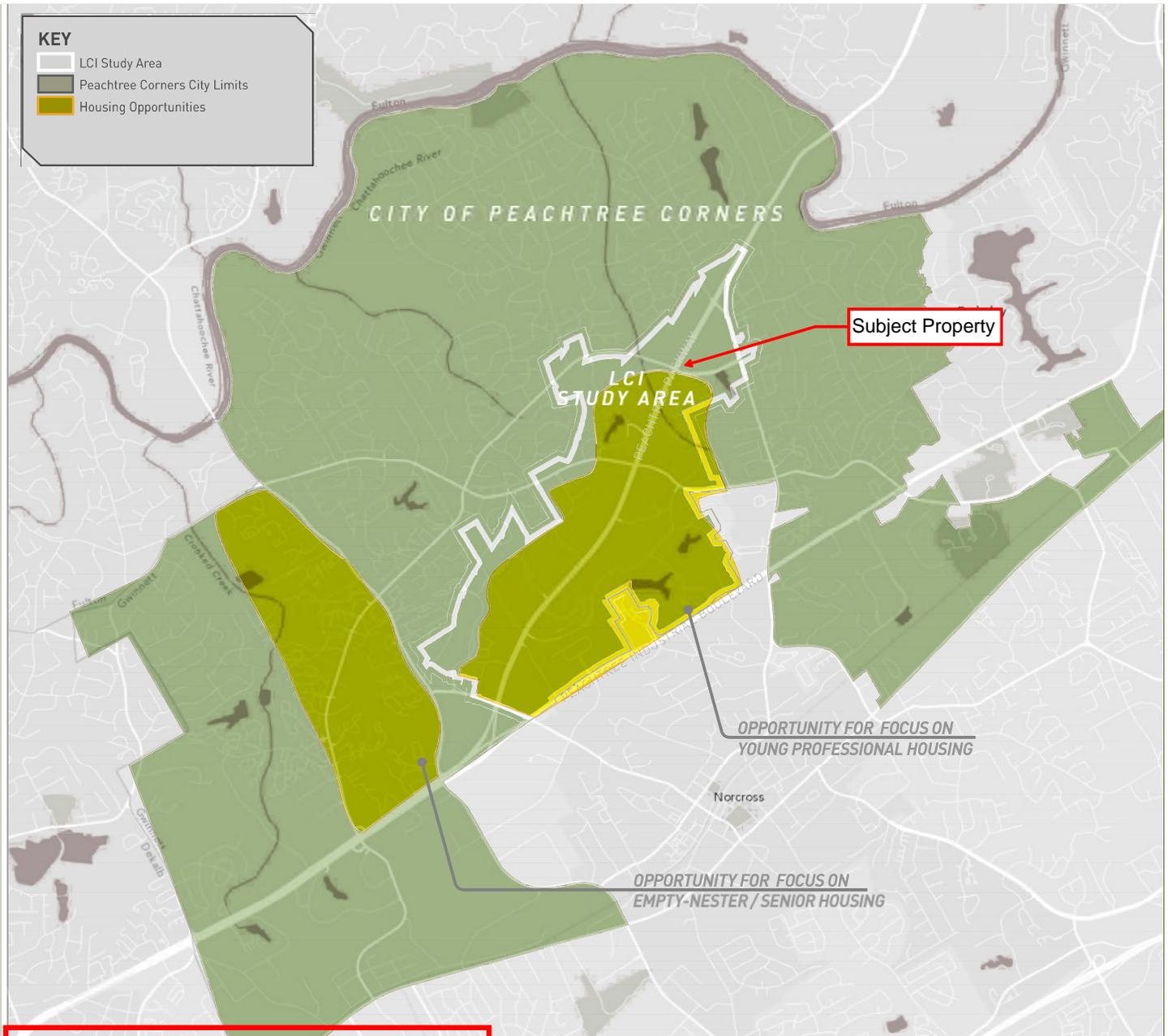
EXHIBIT C

Facilitate Housing Choices

The LCI market study revealed that the City’s concentration of single family homes and below-market-rate rental housing have created a sizable market gap currently in high demand. As noted earlier, LCI stakeholder interviews with former/current Technology Park stakeholders revealed an overwhelming corporate demand for a variety of housing types for a younger workforce. Given these conditions, the City should make it a major priority to facilitate the development of a wider range of housing types, including senior residences and, most importantly, younger workforce housing. This is especially true of the Technology Park area as if it is to transform into an

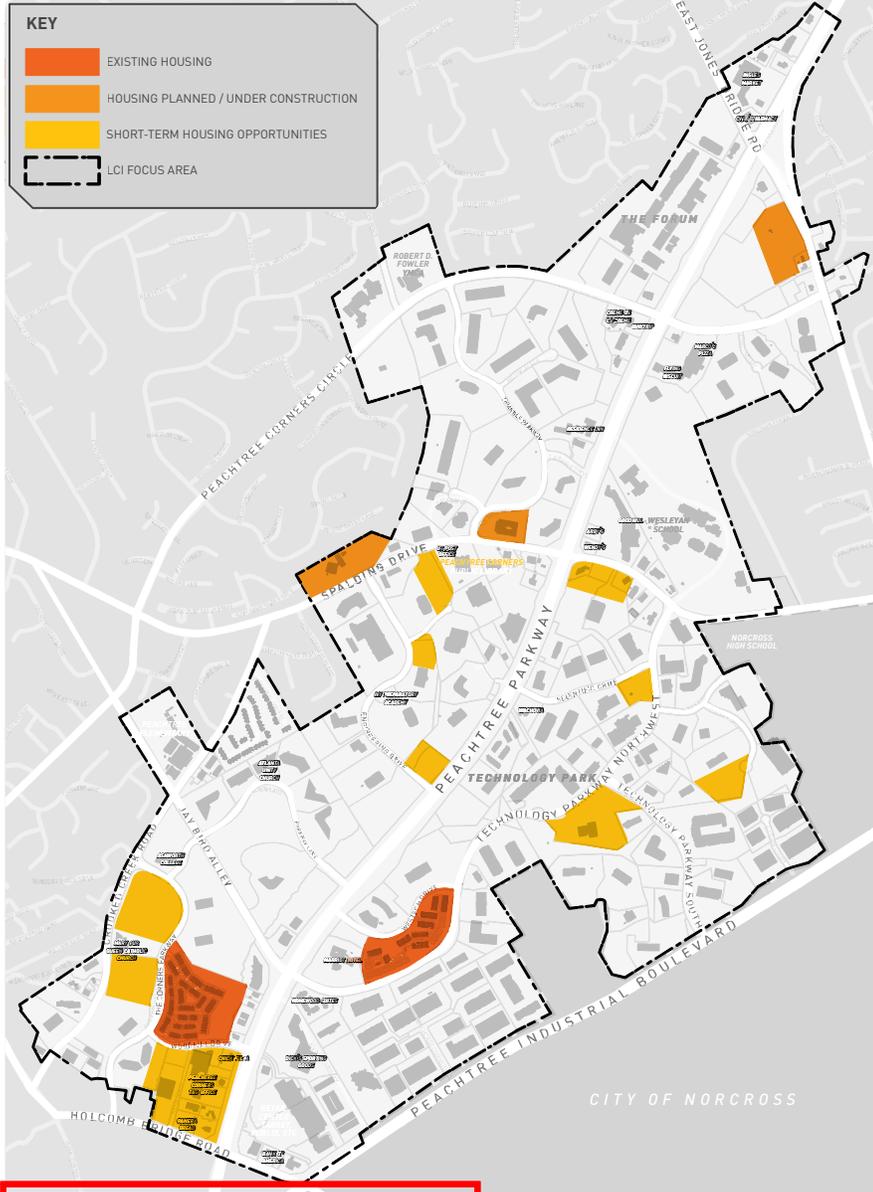
Innovation District offering walkable, mixed-use development for the soon-to-be-dominant “Millennial” generation (ages 10-29). Similarly, there are areas within the LCI where the market demand for empty-nesters and retirees can be met (an opportunity that is already being taken advantage of by developers). The opportunity to meet housing market demands should be approached as a City-wide strategy. However, the first steps of this strategy within the LCI should focus on making adequate changes to the area’s current zoning to make it possible to develop market-viable uses “by right” without need for rezonings or variances. Concurrently, revisions should be made to development requirements to allow for more condensed horizontal and vertical mixed-use developments that help promote walkability.

CITY-WIDE POTENTIAL TARGETS FOR INFILL OF HOUSING MARKET DEMAND



NOTE: THESE ARE GENERALIZED AREAS. FURTHER STUDY IS REQUIRED

HOUSING IN LCI AREA: EXISTING, PLANNED & POTENTIAL AREAS



NOTE: THESE ARE PLANNING LEVEL SUGGESTIONS ONLY

NATIONAL TRENDS ON HOUSING

54% of Americans prefer three or more community attributes associated with compact development

71% view home ownership as a good investment

70% place a high value on walkability when choosing a new community

61% would accept a smaller home in exchange for a shorter commute

POSSIBLE HOUSING TYPES TO CONSIDER

MILLENNIALS (10-29)

- rental units in mixed-use settings
- accessory apartments (granny flats)
- moderately-priced town homes
- moderately-priced existing single-family homes

GENERATION X (30-48)

- trade-up single-family, 25% walkable urban places

EMPTY NESTERS / BABY BOOMERS (50-69)

- condominium flats
- rental units in mixed-use settings
- town homes / cluster homes
- small-lot single-family

SILENT GENERATION / BABY BOOMERS (69+)

- active adult communities / developments
- adults-only rental / independent living facilities
- retirement centers

GENERATION PREFERENCES FOR COMPACT COMMUNITIES

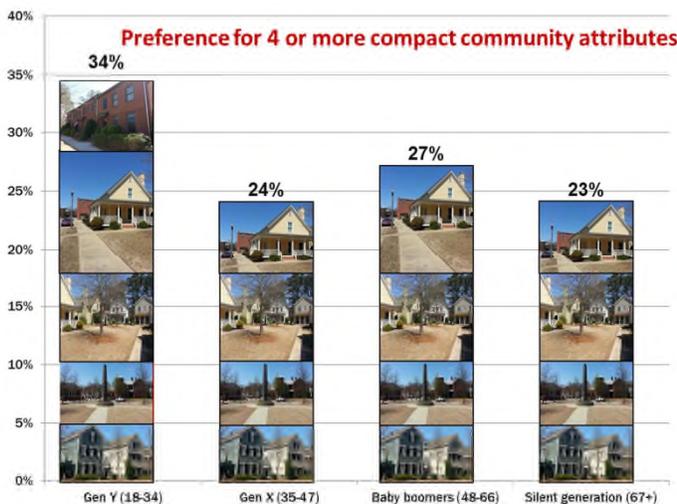
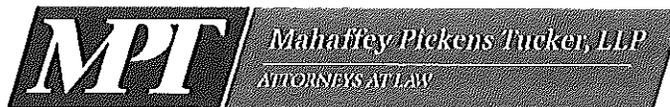


EXHIBIT D



Matthew P. Benson
Alissa L. Cummo
Brian T. Easley
Kelly O. Faber
Amanda F. Henningsen
Christopher D. Holbrook
Joshua P. Johnson
Gerald Davidson, Jr.*

Writer's e-mail: ltucker@mpllawfirm.com

May 13, 2016

Shane M. Lanham
Austen T. Mabe
Jeffrey R. Mahaffey
Steven A. Pickens
Andrew D. Stancil
Kenneth W. Stroud
R. Lee Tucker, Jr.
*Of Counsel

VIA ELECTRONIC EMAIL

Diana Wheeler
Community Development Director
City of Peachtree Corners
147 Technology Parkway, Suite 200
Peachtree Corners, Georgia 30092

RE: "Roberts Corner" Meeting Follow-Up

Dear Diana,

I am writing to follow-up on our meeting last Wednesday, April 13, 2016. Again, thank you (and Mr. Beardsley) for taking the time to meet with us. We thought it was a very productive meeting.

As an initial matter, I have the executed limited warranty deed (the "LWD") in my possession and am prepared to send the same to Mr. Beardsley for recording.

We agreed that Conditions X and Z set forth in Ordinance 2015-03-41 would be interpreted to allow the following items subsequent to the conveyance of the "Green Space" per the LWD:

- With respect to Condition X, the owner/developer of the remaining property shall not be required to comply with either (i) internal building and/or structure setbacks or (ii) landscape strips/buffers along newly created internal property lines between the "Green Space" and the balance of the property as a result of the subdivision of the "Green Space" from the balance of the property; and
- With respect to Condition Z, owner/developer of the remaining property shall be entitled to count the acreage included in the "Green Space" for the purpose of calculating zoning density for the balance of the property.

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Diana Wheeler
May 13, 2016
Page 2

Additionally, we discussed that my client is preparing further development plans for the balance of the property (i.e. the "4 acres") subsequent to the conveyance of the "Green Space" per the LWD. Though we did not discuss the following items in detail in the meeting, we would also like to make sure that our interpretation of Condition Z is consistent with the City's view of the same in relation to said items. Thus, we are requesting that you please confirm your agreement that the verbiage of Condition Z (i.e. utilization of the property conveyed by the LWD "in connection with any and all development, density and/or construction related calculations and/or code requirements") allows the owner/developer of the remaining property to utilize the "Green Space" in connection with:

- Calculation of "contiguous acreage," "common area," and open/green space per City ordinances; and
- Calculation of minimum lot size and minimum lot area per City ordinances.

Thank you for your consideration of the matters set forth in this letter. I look forward to hearing from you and to delivering the LWD to Mr. Beardsley. If the City of Peachtree Corners is in agreement with the above terms and conditions, please sign below and return to my attention.

Sincerely yours,

MAHAFFEY PICKENS TUCKER, LLP



R. Lee Tucker, Jr.

Cc: Charles S. Roberts
Jed S. Beardsley



Diana Wheeler
Community Development Director
City of Peachtree Corners, Georgia

5/13/16

Date

EXHIBIT E



EXISTING BANK BUILDING

ADJACENT GROCERY AND
RETAIL BEING DEVELOPED BY
SAME DEVELOPMENT TEAM

THE FORUM

FUTURE PEDESTRIAN CONNECTION
TO THE FORUM - PROVIDED BY
OTHERS

PEDESTRIAN TRAILS - CONNECTING
ALONG GREENWAY - CONNECTING
TO SIDEWALKS AND VILLAGE CORE

EXISTING CELL TOWER
LOCATION

TOWN SQUARE PARK - STREETS CAN
BE CLOSED OFF TO CREATE LARGER
SPACE FOR SPECIAL EVENTS

EXHIBIT F

Excerpt from Echo Lakeside Staff Report

SUP2015-005 / RZ2015-006/ V2016-002

A. Will this proposed rezoning, special use permit, or change in conditions permit a use that is suitable in view of the use and development of adjacent and nearby property?

Applicant's Response. The proposed rezoning and special use permit would permit a use that is suitable in view of the use and development of adjacent and nearby property. The proposed development will enhance surrounding properties in a manner consistent with the Future Land Use Plan.

Staff's Comment: The subject property is located within the larger Technology Park area, which is largely characterized by office uses with some light industrial uses also permitted. The City's Comprehensive Plan and Future Development map call for office and commercial uses in this area, with industrial uses discouraged. Rezoning parcels along Peachtree Parkway from M-I to commercial would be suitable in view of the current use of adjacent and nearby properties, and would be suitable in view of the future move from industrial to office, commercial, and mixed-use development. In addition, rezoning property to accommodate millennial housing is consistent with the findings and recommendations of the Town Center LCI study.

B. Will this proposed rezoning, special use permit, or change in conditions adversely affect the existing use or usability of adjacent or nearby property?

Applicant's Response: The requested use of the properties will not adversely affect the existing use or usability of adjacent or nearby property. The proposed development is a complement to the adjacent and nearby property and will enhance the connectivity and walkability of the area.

Staff's Comment: C-2 and RM-13 zoning would not adversely affect the existing use or usability of adjacent or nearby property. City policies call for a move away from industrial uses in the area as allowed under M-I zoning, toward a mix of uses including retail and residential. In addition, the dedication of land to the Multi-Use Trail system creates the amenity that will benefit the new projects as well as the greater community.

C. Does the property to be affected by a proposed rezoning, special use permit, or change in conditions have reasonable economic use as currently zoned?

Applicant's Response: Given current site conditions, existing development, and market trends, the subject property does not have reasonable economic use without the special use permit nor as currently zoned.

Staff's Comment: The property has a reasonable economic use as currently zoned. Although intended for light industry, the MI zoning classification includes 'offices – professional and business' as permitted uses, and the subject property could be developed in that manner. However, current vacancy rates for office use suggest that new office development would be unlikely to occur in the near future.

D. Will the proposed rezoning, special use permit, or change in conditions result in a use which will or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities, or schools?

Applicant's Response: The proposed rezoning and special use permit will not result in a use which will or could cause an excessive or burdensome use of the existing streets, transportation facilities, utilities or schools. The proposed development will enhance non-vehicular transportation options with the City and the extensive open space provisions will also reduce the infrastructure load.

Staff's Comment: An increase in traffic and utility use can be expected from retail development on currently vacant parcels. However, with the Comprehensive Plan and Future Development Map calling for the development of a more mixed-use Technology Park, the impacts of the proposed development would not be excessive or burdensome. The retail stores are unlikely to affect Peachtree Parkway traffic because many of the stores' customers are already on that roadway. Much of the business generated by both stores is convenience based and those businesses are unlikely to draw customers from remote locations. The submitted traffic report also indicates that the proposed millennial housing project will generate fewer vehicular trips than an active office warehouse use on the property. In addition, there should be little to no effect on schools. In a recent Gwinnett County rezoning case involving 290 multi-family units (including 3 bedroom floor plans), the School Dept. estimated that the project would generate an additional 54 elementary school students, 26 middle school, and 34 high school students. The applicant's proposal should generate significantly fewer students due to the limitation on bedrooms within the units, the lack of child-oriented amenities offered in the development, and the variety of more suitable housing options nearby for families with children.

totals 114 students

E. Is the proposed rezoning, special use permit, or change in conditions in conformity with the policy and intent of the land use plan?

Applicant's Response: The proposed rezoning and special use permit is in conformity with the intent of the land use plan. The land use plan encourages open space, infill retail development, and expanded housing options for young professionals – all of which are components of the proposed development.

Staff's Comment: (see Comprehensive Plan heading, next page.)

F. Are 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 rezoning, special use permit, or change in conditions?

Applicant's Response: The proposed Peachtree Corners Town Center and shifting demographics are some of the many existing and changing conditions affecting the use and development of the property which give supporting grounds for approval of the proposed rezoning and special use permit.

Staff's Comment: M-I zoning in this location is less viable than when originally put in place, as the City has enacted policies to encourage the development of a mixed-use Technology Park with limited industrial uses. The long-term vision for the area has evolved since the enactment of M-I zoning, and today the addition of retail and residential zoning to support Technology Park would be more in line with these plans.

EXHIBIT G

http://www.gwinnettdaily.com/archive/brookwood-peachtree-corners-parents-voice-concerns-with-redistricting-proposal/article_79104f56-5686-5a8f-b43d-462dd509a149.html

Brookwood, Peachtree Corners parents voice concerns with redistricting proposal

Keith Farner Dec 3, 2014

SUWANEE — In a spirited hearing where nearly 40 residents spoke to the Gwinnett County Board of Education about proposed redistricting plans across the county, the passion for the Brookwood and Norcross clusters was evident.

About 300 people attended a public hearing at the Instructional Support Center on Thursday night where the School Board and CEO/Superintendent J. Alvin Wilbanks heard mostly concerns about children being moved to a new or different school. Before residents spoke, Wilbanks said the planning department received 1,400 suggestions from boundary input forms, along with numerous phone calls and emails.

Several of the school board members noted the tremendous parental involvement and support at the schools that was on display at the meeting.

Many of the residents who spoke live in "Section 15" — the label on school district maps — where 501 students attend Brookwood cluster schools such as Gwin Oaks Elementary, Five Forks Middle and Brookwood High, and under the proposed redistricting would move to Alford Elementary, Richards Middle and the new cluster high school on Old Norcross Road in Lawrenceville.

While upset to begin with when the boundary maps were released in early October, residents said they were disappointed when revisions came out this week and when changes were not made to their area, they felt as if their voice was not heard.

Several of the parents said they bought a house in that area specifically because of the academic reputation and tradition of the Brookwood cluster. Moving their children to a school that would not have the standards, ratings and test scores the parents are proud of would lower their property values, they said. And moving to homes deeper into the Brookwood cluster is often too expensive.

Another set of parents who voiced concerns were residents who live in the Spalding Corners neighborhood of Peachtree Corners. They said their neighborhood, which has 23 students, is being split between Peachtree Elementary and Simpson Elementary in the southwest part of Gwinnett.

Overall, the proposed plans call for about 14,000 students to be affected from 31 schools and six existing clusters. The plans are to accommodate the four schools opening in August, including a new cluster high school.

Including the new one, eight clusters — Berkmar, Central Gwinnett, Collins Hill, Meadowcreek, Norcross, Brookwood and Peachtree Ridge — will be affected by at least a sliver of students.

It's the first time for redistricting — which was commonplace in the 1990s — since 2009 when 29 schools and four clusters were affected.

The need to redistrict was caused by the western and central parts of Gwinnett growing faster than any area in the county in the last seven years.

Several people questioned the school board's criteria about drawing the boundary lines and whether that was because of socio-economic levels. In his opening statement, Wilbanks said that kind of data and race or ethnicity, municipal boundaries, and type or cost of housing are not factored in.



But undaunted, several parents questioned that criteria, and referenced an "elephant in the room."

"There really isn't an elephant in the room," BOE Chairman Dan Seckinger said. "If there was, we'd be doing something about it."

One resident said there seems to be a "moat" around Simpson Elementary and there is a perception that you cannot go there if you live in an apartment.

"We don't really give a rat's tail if a kid lives in an apartment or a \$700,000 house," Seckinger said.

Next week, the district's planning department will develop final recommendations. On Dec. 18, there will be a 6 p.m. public meeting for comments the same night the Board of Education will vote on redistricting changes.

MOBILE USERS: [Click here to view map.](#)

EXHIBIT H

Exhibit "A"
Zoning Conditions
(Revised November 14, 2017)

1. The property shall be rezoned MUD (Mixed-Use Development) and shall be developed in general conformity with the site plan and millennial housing / hotel exterior renderings prepared by TVS Design and the exterior renderings of the retail building prepared by Wakefield Beasley & Associates that were attached to the rezoning application. The property owner shall be permitted to make changes to the site plan and architectural renderings for the purpose of complying with field conditions, federal/state/local code requirements, industry standards for design, and directive by Peachtree Corners officials. Additionally:
 - a. Exterior building materials for the millennial housing / hotel buildings shall be substantially similar to those as specified on the renderings by TVS Design, the architect for the world-class Mercedes Benz football stadium in Atlanta, with primarily brick with stucco accents on the first two levels (excluding the north side of the millennial housing development, which will be primarily stucco with brick accents and a printed mesh screen at the parking levels) and primarily stucco on the upper four levels.
 - b. Exterior building materials for the retail building shall be substantially similar to those as specified on the renderings by Wakefield Beasley & Associates, the architect for Avalon and The Forum.
 - c. The use of thin brick and EIFS on any of the buildings shall be prohibited.
 - d. All externally-located mechanical equipment shall be mounted on top of the buildings and screened from ground view via a parapet wall.
2. The millennial housing development shall participate in the Peachtree Corners Crime Free Multi-Housing Program.
3. The 5-level millennial housing and hotel buildings shall be constructed on top of 2 levels of covered parking. The western façade of the lowest level of parking shall be below grade as viewed from the west. The western façade of the upper level of parking shall be screened by finished spaces such as lobbies, leasing offices, business center and other common areas and amenities (but not dwelling units or hotel rooms) as illustrated on the exterior renderings prepared by TVS Design.
4. The millennial housing development shall not exceed 169 units, which shall be limited to one and two bedroom floor plans. There shall be a maximum of 102 two bedroom floor plans and the remaining units shall be one bedroom floor plans.
5. Standard interior features for all millennial housing units shall include:
 - a. Stainless steel kitchen appliances
 - b. Kitchens with granite countertops (or equal material such as quartz)

- c. Designer ceramic tile backsplashes
 - d. Upscale plank or engineered wood flooring in foyers, kitchens, bathrooms and laundry rooms (linoleum flooring shall be prohibited)
 - e. Designer lighting
 - f. Granite countertops (or equal material) and ceramic tile tub surrounds in bathrooms
 - g. Nine foot ceilings
 - h. Walk-in closets
 - i. Connections for full-size washer/dryer units
 - j. Walk-out balconies
 - k. Pre-wired security system
6. Community features for the millennial housing development shall include:
 - a. Resort-style swimming pool and courtyard with tanning deck
 - b. Clubhouse with cyber café, wifi and business center
 - c. Covered parking spaces
 - d. Elevators and elevator lobbies
 - e. Outdoor grilling and entertainment space with fireplace (or fire pit) and bocce ball court
 - f. Fitness center with cardio and strength equipment
 - g. Walking trails and sidewalks
 - h. Bike racks and electric vehicle charging stations
 - i. Controlled access at all pedestrian entry points
 7. Playground equipment shall be prohibited on the property.
 8. Aggressive breeds of animals (ex: pit bulls, rottweilers and doberman pinschers) may not be kept on the property.
 9. All millennial housing units and hotel rooms will be equipped with an automatic fire sprinkler system.
 10. The property owner shall develop a Hotel Indigo or comparable boutique hotel as defined by the hotel industry. The property owner shall be prohibited from developing a non-boutique hotel brand such as Holiday Inn or Hampton Inn.
 11. The boutique hotel shall have a maximum of 110 hotel rooms.
 12. The property owner shall be prohibited from applying for a building permit for the millennial housing building and/or the hotel building until the property owner provides the City with a copy of a fully-executed boutique hotel franchise agreement with a reputable franchisor such as InterContinental Hotels Group.

13. The property owner shall permit and construct the millennial housing development and the hotel development simultaneously in conjunction with the installation of the two-level parking deck.
14. Drive-through businesses shall be prohibited.
15. Provide internal access to any outparcel development. No direct vehicular access to Peachtree Parkway other than one driveway shown on the submitted plan. No direct vehicular access to Peachtree Corners Circle other than one driveway shown on the submitted plan.
16. Dumpsters shall be screened by an opaque decorative wall, at least 6 feet in height, which will include a gated entry and will be coordinated with the building architecture. Pick-up for dumpsters shall be limited to between the hours of 7:00 AM and 6:00 PM.
17. Operation of parking lot cleaning machinery or other maintenance equipment that emits noise shall be limited to the hours of 7:00 AM to 7:00 PM.
18. Prior to the issuance of the first Certificate of Occupancy, the developer shall provide and fund a pedestrian access walking trail from the developer's property to the stream and over the stream in a manner and at a location mutually agreed to by the Downtown Development Authority (DDA) and the developer for the mutual benefit of the DDA's land, the Town Center development, and the developer's mixed-use project. The DDA shall grant the developer a temporary construction easement and a permanent access easement to allow construction, use and maintenance of the pedestrian access walking trail.
19. Prior to the issuance of the first Certificate of Occupancy, the property owner shall 1) construct an 8 foot wide concrete sidewalk along Peachtree Corners Circle in the location identified on the site plan and 2) deed to the City approximately 4,665 square feet of land along Peachtree Corners Circle where said sidewalk is located. All building setbacks, landscape strips and other development, density and/or construction requirements and calculations including, but not limited to, common area and green space shall be based on the location of the public right-of-way prior to said land dedication.
20. One onsite public gathering area exceeding 2,875 square feet shall be provided in the form of a linear park along the north property line. Developer shall furnish and install landscaping, benches and a minimum 8 foot walkway within the linear park. In addition to the linear park being used by residents and hotel guests, developer shall allow other groups such as Boy Scouts, Girl Scouts, garden clubs

and other civic organizations to use said gathering area for educational and civic activities.

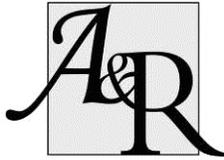
21. The property shall have a cohesive landscape plan.
22. Planters with vegetation approved by the City's Arborist shall be placed along the building exterior or, as an alternate, climbing plant material shall be installed at the base of the buildings or next to trellises or arbors.
23. The landscape strip along the property's Peachtree Parkway frontage shall be planted with a single row of hardwood trees at least 10 feet in height at installation and spaced a minimum of 35 feet on center. In addition, a staggered double row of evergreen shrubs at least 3 feet in height at the time of installation shall also be planted along the property's Peachtree Parkway frontage with spacing to be determined by staff so that such plant material screens the adjacent parking lot to the greatest extent possible from Peachtree Parkway's vehicle views.
24. Encroachments into the 50 foot undisturbed buffer and 75 foot impervious stream setback line shall be permitted for the installation of a reinforced pervious slope and minor building encroachments along the northern property line as illustrated on the site plan prepared by TVS Design.
25. Permitted Commercial Uses for 9,000 square foot retail building: Retail, cinema with dining, bakery and confectionary, music venue, performing arts venue, boutique hotel, C-1 and C-2 permitted uses except as noted in Prohibited Uses, below, and restaurant uses as follows:
 - a. Chef-driven dining concepts; local chain restaurants; regional chain restaurants; and national chain restaurants.
 - b. National chain restaurants cannot exceed 50% of the total number of all restaurants.
 - c. Local chain restaurants, regional chain restaurants, and national chain restaurants, combined, cannot exceed 85% of the total number of all restaurants.
 - d. No more than two restaurants shall be permitted in any food category (i.e.: Mexican, Thai, French).
 - e. The Community Development Director shall determine compliance with requirements b), c), and d) listed above.
26. Prohibited Commercial Uses: Animal hospitals or veterinary clinics; retail bank (ATM permitted); tattoo and piercing parlors; adult bookstores or entertainment (general bookstores selling adult books on an incidental basis permitted); fast food restaurants with or without drive-thru window (pick-up/to go windows at non-fast food restaurants permitted); automotive related uses such as car wash or

automotive parts store; billboards; building, electrical or plumbing contractors; funeral homes or mausoleums; crematory; furniture rental establishments; convenience food stores with or without fuel pumps, emission inspection stations; equipment rental; extended stay and limited service hotels (boutique hotels such as Hotel Indigo permitted); laundry or dry cleaning establishments; liquor stores (specialty beer or specialty wine store permitted); plant nursery sales facility; recreation or fitness facilities which exceed 3500 square feet; industrial uses, automotive service stations with or without fuel pumps; building material sales with outdoor storage, taxi cab or limousine services; pest control businesses; pet shops or pet grooming establishments (pet supplies store permitted); mattress store; nail salon; day care facility; driving school; discount stores; grocery store (gourmet and specialty food store permitted); second run movie theater; lottery ticket sales; tobacco products store; phone stores; precious metals store (jewelry store permitted); clothing resale stores; auto repair shops or tire stores; 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 home building leasing or sales lots; no outdoor storage of any type; lounges; and any temporary uses.

27. Abide by all requirements of Section 1315 (Activity Center/Corridor Overlay District).
28. Bicycle racks shall be provided within the development in accordance with the overlay standards.
29. No billboards are permitted.
30. All street or walkway pavers internal to the development shall be of brick, stone or paving material comparable in appearance and be limited to gray or natural-tone colors, which will coordinate with building architecture.
31. Provide landscaped islands through the parking area, including a minimum ten-foot wide landscaped island at the end of each parking bay and a minimum six-foot wide landscaped island for each 225 feet of continuous bay length, or alternate plan as may be approved by the Community Development Director.
32. Install sidewalks in accordance with the Common Area and Pedestrian Connectivity Plan prepared by TVS Design.
33. 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.

34. The retail building shall install signage in compliance with Peachtree Corners sign ordinance.
35. There shall be a limit of one monument sign per road frontage. Monument signs shall coordinate with building architecture.
36. Building signage shall be approved in the locations shown on the renderings prepared by TVS Design and Wakefield Beasley & Associates.
37. Any above ground detention ponds shall be visibly screened with landscape plantings to be approved by the Community Development Director.
38. No outside speakers shall be allowed other than a Muzak system, which 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.
39. Business hours are to be limited to Monday through Thursday from 7:00 AM to 11:00 PM and Friday through Sunday from 7:00 AM to 11:00 PM (unless further restricted by other regulations). Business hours for a coffee/bagel shop and any specialty gourmet food store shall be 6:00 AM to 11:00 PM seven days per week. Boutique hotel shall be permitted to operate 24 hours per day 7 days per week.
40. All food service facilities on the property, including outparcels, shall install odor scrubbers which remove 95% of cooking odors as determined by the Community Development Director.
41. Truck delivery shall be limited to the hours of 7:00 AM to 6:00 PM and there shall be no overnight parking or idling of delivery trucks.
42. Graded land that becomes inactive (no building permits pending) for more than 6 months shall be stabilized, seeded and shall meet all other ordinance requirements for graded property. Additional landscaping may also be required to be added to mitigate the appearance of the land disturbance.

-- End of Document --



A&R Engineering Inc.

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Tel: (770) 690-9255 Fax: (770) 690-9210
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Memorandum

To: Roberts Properties, Inc.
From: Abdul K. Amer, PE, PTOE
Date: November 10, 2017
Subject: Response to City Staff’s Comments on A&R Engineering’s Trip Generation Memo for Peachtree Corners Development dated July 26, 2017.

A&R Engineering, Inc. had issued a memorandum documenting the amount of traffic that will be generated from the proposed development relative to the allowed zoning for the site located in the northeast corner of the intersection of SR 141 (Peachtree Parkway) at Peachtree Corners Circle in Peachtree Corners, Georgia. This memorandum was dated July 26, 2017. A copy is attached.

As mentioned in our memo, “Trip generation estimates for the project were based on the rates and equations published in 9th edition of the Institute of Transportation Engineers Trip Generation report”.

We have recently received attached staff comments regarding our trip generation numbers. Below is our response to these comments. A detailed description of the steps involved in determining the appropriate calculation method is illustrated in table below.

Trip Generation can be estimated using two methods; average rate or based on regression equation. The User’s Guide and Handbook of ITE’s Trip General Manual, 9th edition provides the following guidance in determining which method to use:

“When the Trip Generation data plot contains more than 20 data points and a regression curve and equation are provided, use of the regression equation is recommended. A regression equation with an R² of at least 0.75 is preferred because it indicates the desired level of correlation between the trips generated by a site and the value measured for an independent variable”.

ITE Land-Use	Data Plot contains 20 Data Points	Independent Variable is within range of data	R ² * value > 0.75	Equation Provided?	Recommended Method to be used per ITE	Method used in A&R Memo	Method used in Staff Comments
820 Existing Zoning	Yes	Yes	Yes	Yes	Regression Equation	Regression Equation	Average Rate
820 Proposed Zoning	Yes	Yes	Yes	Yes	Regression Equation	Regression Equation	Regression Equation
932	Yes	Yes	Not provided	Not provided	Average Rate	Average Rate	Unknown
220	Yes	Yes	Yes	Yes	Regression Equation	Regression Equation	Regression Equation
310	Yes	Yes	Not provided	Not provided	Average Rate	Average Rate	Average Rate

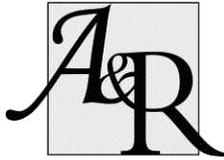
* R^2 is a measure of correlation between 2 variables, expressed on a scale of 0 to +1. The closer to +1 the R^2 is, the better the correlation between the variables.

The trip generation was based on the following ITE land uses: 220 – Apartment, 310 – Hotel, 820 – Shopping Center and 932 – High-Turnover (Sit-down) Restaurant).

The staff trip generation estimates incorrectly used average rate instead of regression equation for ITE Land-use 820 in the existing zoning scenario. Also, staff estimates for the same ITE Land-use (820) for proposed zoning used a different method (regression equation) and yet compared the estimates calculated by different methods and determined a percentage increase. Staff estimates for Land-use 932 for High Turnover (Sit-down) Restaurant do not use the ITE recommended method. I am not aware of the method used to arrive at those numbers.

Based on the detailed explanation above, I reaffirm that the trip generation estimates prepared by A&R Engineering are accurate and consistent with the recommendations of ITE guidelines.

Appendix



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Memorandum

To: Roberts Properties, Inc.
From: Abdul K. Amer, PE, PTOE
Date: July 26, 2017
Subject: Trip Generation Comparison for Peachtree Corners Mixed-Use Development

The purpose of this memorandum is to determine the amount of traffic that will be generated from the proposed development relative to the allowed zoning for the site. The site is located in the northeast corner of the intersection of SR 141 (Peachtree Parkway) at Peachtree Corners Circle in Peachtree Corners, Georgia.



Figure 1: Site Location

SITE INFORMATION

The trip generation reference for this site is based on the existing remaining zoning as well as a separate potential development scenario:

- Existing (remaining) zoning: 56,900 square feet retail
10,400 square feet restaurant
- Proposed zoning: 169 apartments
110 hotel rooms
9,000 square feet retail

METHODOLOGY

Trip generation estimates for the project were based on the rates and equations published in the 9th edition of the Institute of Transportation Engineers (ITE) Trip Generation report. This reference contains traffic volume count data collected at similar facilities nationwide. The trip generation was based on the following ITE Land Uses: 220 – Apartment, 310 – Hotel, 820 – Shopping Center and 932 – High-Turnover (Sit-Down) Restaurant.

CALCULATIONS

The trip generation for existing zoning is shown below in Table 1 and the trip generation for the proposed zoning is shown in Table 2.

TABLE 1 – TRIP GENERATION (EXISTING ZONING)								
Land Use	Size	A.M. Peak Hour			P.M Peak Hour			24-Hour 2-way
		Enter	Exit	Total	Enter	Exit	Total	
820 – Shopping Center	56,900 sf	69	42	111	197	214	411	4,707
<i>Pass-by Trips (0%) 34%</i>		0	0	0	-67	-73	-140	-1,400
932 – Restaurant	10,400 sf	62	50	112	61	41	102	1,322
<i>Pass-by Trips (0%) 43%</i>		0	0	0	-26	-18	-44	-440
Total Trips without Reductions		131	92	223	258	255	513	6,029
Total Trips with Reductions		131	92	223	165	164	329	4,189

**pass-by trips (AM) PM; 24 Hour pass-by trips estimated by considering PM pass-by as 10% of daily volume*

TABLE 2 – TRIP GENERATION (PROPOSED ZONING)								
Land Use	Size	A.M. Peak Hour			P.M Peak Hour			24-Hour 2-way
		Enter	Exit	Total	Enter	Exit	Total	
220 – Apartment	169 Units	17	70	87	72	39	111	1,148
<i>Mixed-Use Trips</i>		-1	-1	-2	-5	-3	-8	-93
310 – Hotel	110 rooms	34	24	58	34	32	66	611
<i>Mixed-Use Trips</i>		-1	-1	-2	-2	-2	-4	-49
820 – Shopping Center	9,000 sf	22	14	36	57	62	119	1,420
<i>Mixed-Use Trips</i>		-2	-2	-4	-5	-7	-12	-142
<i>Pass-by Trips (0%) 34%</i>		0	0	0	-18	-19	-37	-370
Total Trips without Reductions		73	108	181	163	133	296	3,179
Total Trips with Reductions		69	104	173	133	102	235	2,525

**pass-by trips (AM) PM; 24 Hour pass-by trips estimated by considering PM pass-by as 10% of daily volume*

TRIP GENERATION COMPARISON

The results of the trip generation comparison (shown in Table 3) indicate that the proposed zoning will see a 40% decrease in daily traffic over the existing zoning.

TABLE 3 – TRIP GENERATION COMPARISON							
Trip Generation	A.M. Peak Hour			P.M Peak Hour			24-Hour 2-way
	Enter	Exit	Total	Enter	Exit	Total	
Existing Zoning	131	92	223	165	164	329	4,189
Proposed Zoning	69	104	173	133	102	235	2,525
Change in Trips	-62	12	-50	-32	-62	-94	-1,664
<i>Percentage Change</i>	<i>-47%</i>	<i>+13%</i>	<i>-22%</i>	<i>-19%</i>	<i>-38%</i>	<i>-29%</i>	<i>-40%</i>

handicap ramps, crosswalks, traffic signalization and other improvement to improve pedestrian connectivity at the intersection of Peachtree Parkway and Peachtree Circle, at no cost to the City. In addition, the apartment homes component of the development will include only one- and two-bedroom units, and MUD zoning of the property will not cause excessive or burdensome use of the city's schools. MUD zoning and the development also would not cause any excessive use of the city's utilities.

Staff's Comment: Staff evaluation of the trip generation analysis prepared by the applicant's consultant, A&R Engineers, found flaws in the calculations. (See chart on the next page.) Staff used the Trip Generation Manual, 9th Edition by the Institute of Transportation Engineers in its calculations. The difference between the two sets of calculations, (shown in red on the chart), translates to a 14.6% increase in P.M. peak traffic if the proposed zoning is approved, as calculated by staff, compared to a 29% decrease in the PM peak traffic as calculated by A&R Engineers.

Land Use	Size	A.M. Peak Hour			P.M. Peak Hour			24-Hour 2-way
		Enter	Exit	Total	Enter	Exit	Total	
820 – Shopping Center	56,900 sf	69	42	111	197	214	411 211	4,707
	<i>Pass-by Trips (0%) 34%</i>	0	0	0	-67	-73	-140 -71	-1,400
932 – Restaurant	10,400 sf	62	50	112	61	41	102 116	1,322
	<i>Pass-by Trips (0%) 43%</i>	0	0	0	-26	-18	-44 -48	-440
Total Trips without Reductions		131	92	223	258	255	513 327	6,029
Total Trips with Reductions		131	92	223	165	164	329 205	4,189

*pass-by trips (AM) PM; 24 Hour pass-by trips estimated by considering PM pass-by as 10% of daily volume

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	<i>Mixed-Use Trips</i>	-1	-1	-2	-5	-3	-8	-93
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820 – Shopping Center	9,000 sf	22	14	36	57	62	119	1,420
	<i>Mixed-Use Trips</i>	-2	-2	-4	-5	-7	-12	-142
	<i>Pass-by Trips (0%) 34%</i>	0	0	0	-18	-19	-37	-370
Total Trips without Reductions		73	108	181	163	133	296	3,179
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TRIP GENERATION COMPARISON

The results of the trip generation comparison (shown in Table 3) indicate that the proposed zoning will see a 40% decrease in daily traffic over the existing zoning.

Trip Generation	A.M. Peak Hour			P.M. Peak Hour			24-Hour 2-way
	Enter	Exit	Total	Enter	Exit	Total	
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Change in Trips	-62	12	-50	-32	-62	-94 +35	-1,664
<i>Percentage Change</i>	<i>-47%</i>	<i>+13%</i>	<i>-22%</i>	<i>-19%</i>	<i>-38%</i>	-29% +14.6%	<i>-40%</i>

*Note: Staff calculations are shown in red.

02017-11-107

STATE OF GEORGIA
CITY OF PEACHTREE CORNERS

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF PEACHTREE CORNERS, GEORGIA TO AMEND CHAPTER 18 (ENVIRONMENT) TO PROVIDE FOR ARTICLE VII (STORMWATER UTILITY) ESTABLISHING A STORMWATER MANAGEMENT SYSTEM FOR THE COLLECTION, CONVEYANCE, STORAGE, TREATMENT AND DISPOSAL OF STORMWATER SERVICES; TO PROVIDE FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES

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

WHEREAS, the City Council has determined that it is appropriate from time to time to modify the Code of Ordinances of the City of Peachtree Corners (the “Code”) to further protect the public health, safety, and welfare of the citizens of Peachtree Corners; and

BE IT ORDAINED by the Mayor and City Council of the City of Peachtree Corners, Georgia that the City’s Code of Ordinances is amended as follows:

SECTION I: Chapter 18 relating to Environment is hereby amended by adding Article VII to provide for the Peachtree Corners Stormwater Utility, and will read as follows:

Article VII - Stormwater Utility.

Sec. 18-200. Short title, authority and applicability

- (a) This article shall be known and cited as the Peachtree Corners Stormwater Utility Ordinance.
- (b) The City of Peachtree Corners is authorized by the Georgia Constitution of 1983, including, without limitation, Article IX, Section II, Paragraph III, and O.C.G.A. §36-82-62 to provide stormwater management service systems and facilities throughout the corporate boundaries of the City of Peachtree Corners (hereinafter "the City" or "Peachtree Corners") and to collect fees for provision of those services.

Sec. 18-201. Findings

The Mayor and City Council of Peachtree Corners, Georgia makes the following findings:

- (1) Stormwater management services as well as stormwater management systems and facilities will assist the city in protecting the public health, safety and welfare and the environment. Provision of stormwater management services, stormwater management systems and facilities and regulation of the use thereof renders and/or results in both service and benefit to individual parcels, parcel owners, citizens and residents of the city and to all parcels, parcel

owners, citizens and the environment in a variety of ways although those benefits may be indirect or immeasurable.

- (2) In promulgating the regulations contained in this section, the City is acting pursuant to authority granted by the Constitution and laws of the State of Georgia and its City Charter to provide for stormwater management collection and disposal services. A stormwater system for the collection, conveyance, storage, treatment and disposal of stormwater services provides services to all properties within the City limits.
- (3) The City is required under Federal and State regulations [i.e. the Federal Clean Water Act and the City's National Pollutant Discharge Elimination System (hereinafter "NPDES") Phase II Stormwater Permit] to provide enhanced management of stormwater runoff quality to mitigate the impacts of pollutants which may be discharged from the public municipal separate storm sewer system (MS4) into State of Georgia or United States' waters. Therefore, it is appropriate for the City to establish a Stormwater Utility and impose a stormwater service fee charge upon improved properties that may discharge, directly or indirectly, into the public MS4, or receive stormwater services from the City, either directly or indirectly, whether or not the property is private or public in nature.
- (4) Peachtree Corners presently owns and operates stormwater management systems and facilities which have been developed over many years. The future usefulness of the existing stormwater management systems and facilities owned and operated by the city, and of additions and improvements thereto, rests on the ability of the city to effectively manage, protect, control, regulate, use, and enhance stormwater management systems and facilities in the city in concert with the management of other public utilities in the city. In order to do so, the city must have adequate and stable funding for its stormwater management program's operating needs and capital program.
- (5) Stormwater management services and stormwater management systems and facilities are needed throughout the corporate limits of the city because many of those areas are developed. While specific service and facility demands may differ from area to area at any given point in time, a stormwater management service area encompassing all lands and water bodies within the unincorporated area of the city is consistent with the present and future needs of the community.
- (6) The provision of stormwater management services and stormwater management systems and facilities in the city promotes an essential regulatory purpose by influencing where stormwater runoff flows and how it is managed, thereby reducing flooding, erosion and water pollution caused by stormwater runoff.
- (7) The cost of operating and maintaining the City's stormwater management system and the funding of necessary repairs, replacements, improvements and extensions thereof should, to the extent practicable, be allocated in relationship to the services provided by the City's stormwater management program and the demand imposed by improved property on the City's drainage system and stormwater management program.
- (8) Given the stormwater management program problems, needs, goals, priorities and funding strategy identified in the aforementioned stormwater program assessment and financial

analysis, it is appropriate that the City authorize the formation of an organizational and accounting entity dedicated specifically to the management, maintenance, protection, control, regulation, use, and enhancement of storm water management services, systems, and facilities within the City in concert with other water resources management programs. Therefore, it is appropriate for the City to establish a Stormwater Utility and impose a stormwater service fee charge upon all improved/developed properties that may discharge, directly or indirectly, into the public MS4 and stormwater conveyance system, whether the property is private or public in nature.

- (9) The stormwater management services rendered may differ depending on many factors and considerations, including but not limited to location, demands and impacts imposed on the stormwater management systems and programs, and risk exposure. It is practical and equitable to allocate the cost of stormwater management among the owners and/or tenants of improved properties in proportion to the demands the properties impose on the City's stormwater management systems and facilities which result in services to such properties and the owners and/or tenants thereof. The fair and equitable apportionment of costs via the stormwater service fee charge correlates to the stormwater management services provided to that property and the runoff demand that the property imposes on the public drainage system and the City stormwater management program.
- (10) A stormwater management program provides the most practical and appropriate means of properly delivering stormwater management services throughout the City. The imposition of a stormwater service fee charge is the most equitable means to allocate the costs to users of the stormwater management services and to generate revenue to implement the defined level of service for the City's stormwater management program.
- (11) The presence and amount of impervious surfaces on each improved property is the most important factor influencing the stormwater runoff contribution of that property; the corresponding demand the property imposes on the stormwater management program; and the cost of providing stormwater management services to that property by the City. Therefore, the amount of impervious surface on each property is the most significant parameter for calculating a periodic stormwater service fee charge; and the City deems it appropriate to impose a stormwater service fee charge upon all improved properties that may discharge, directly or indirectly, into the public drainage system whether the property is private or public in nature.
- (12) A schedule of Stormwater Utility service fee charges based primarily on the amount of impervious surface located on each improved property is the most appropriate and equitable means of allocating the cost of stormwater management services throughout the City. Stormwater Utility service fee charges may be designed with specific modifiers to further enhance customer equity, as well as customer understanding of the service fee charge rate structure, while at the same time minimizing the City's customer account management and maintenance efforts.
- (13) Stormwater Utility service fee charges may be supplemented by other funding which addresses specific needs, including, but not limited to, special district service fees, General Fund allocations, revenue bonds, use of proceeds from special purpose local option sales taxes (SPLOST) and other forms of revenue, as deemed appropriate by the Mayor and City

Council.

- (14) The existence of privately owned and maintained on-site stormwater control facilities, activities or assets which reduce, or otherwise mitigate, the impact of a particular property on the City's stormwater management program, and the Stormwater Utility's cost of providing stormwater management services and/or stormwater management systems and facilities, should be taken into account to reduce the service fee charge on that property in the form of a credit, and such credit should be conditioned upon continuing provision of such services, systems, facilities, activities or assets in a manner complying with the standards and codes as determined by the Stormwater Utility. Credits for privately owned and maintained stormwater management systems, facilities, activities or assets shall be generally proportional to the effect that such systems have on the reduction and mitigation of the stormwater runoff impacts from the property.
- (15) In order to protect the health, safety and welfare of the public, the governing authority of Peachtree Corners hereby exercises its authority to establish a Stormwater Utility, as the best available means of addressing the foregoing stormwater management program needs and priorities. By means of this Ordinance, the City will enact a stormwater service fee rate structure and a procedure for the establishment of a service fee charge billing rate related to the provision of stormwater management services.

Sec. 18-202. Definitions

The following definitions shall apply to this article. Any word or phrase not defined below but otherwise defined in this Code shall be given that meaning. All other words or phrases shall be given their common ordinary meaning unless the context clearly requires otherwise.

Act shall mean and refer to the Clean Water Act codified at 33 U.S.C. § 1251, et seq, and the rules and regulations promulgated by the United States Environmental Protection Agency pursuant thereto.

Credit shall mean a conditional reduction allowed against the stormwater service fee charged to an individual parcel based upon the technical requirements and the design and performance standards contained in Gwinnett County's storm credits manual or other such storm credits manual as may be adopted by the City, as may be updated or amended from time to time.

City standards shall mean the city ordinances that govern water quality and water quantity including but not limited to the development regulations, the floodplain management ordinance, the soil erosion and sediment control ordinance, the illicit discharge and illegal connection ordinance, the stream buffer protection ordinance, the zoning resolution, the stormwater design manual, and all procedures, rules and policies pertaining thereto as these may be updated or amended from time to time.

Customer shall mean all persons, parcels, and entities served by the stormwater utility's acquisition, management, maintenance, extension, and improvement of the public stormwater management systems and facilities and regulation of public and private stormwater systems, facilities, and activities related thereto, and persons, parcels, and entities which will ultimately be served or benefited as a result of the stormwater management program.

Developed land shall mean all parcels not deemed as undeveloped land, as defined herein.

Direct lien shall mean a lien enforced against an individual or parcel prior to obtaining a judgment against the individual or parcel, such as liens established by operation of law for unpaid taxes.

Director shall mean the City Manager of the City of Peachtree Corners or his/her designee.

Hydrologic Response defines the manner and means whereby stormwater runoff collects, remains, diverts, infiltrates, and is conveyed from a property. Hydrologic Response is dependent on several factors including, but not limited to, the presence of impervious surface, the parcel's size, the parcel's shape, the parcel's topography, the parcel's vegetative canopy, the parcel's groundwater characteristics, the parcel's on-site operations, the parcel's stormwater controls, the parcel's antecedent moisture as well as the parcel's geologic and hydro-geologic characteristics.

Impervious surfaces shall mean any paved, hardened or structural surfaces, including but not limited to, buildings, decks, driveways, parking areas, patios, streets, swimming pools, tennis courts, walkways or other structures which prevent or impede the infiltration of rainfall and stormwater into the soil.

Improved property (or developed property) means property altered from its natural state by construction or installation of more than one hundred (100) square feet of impervious surfaces.

Parcel shall mean a designated parcel, tract, or area of land established by plat, subdivision, or as otherwise permitted by law, to be separately owned, used, developed, or built upon.

Partial impervious surface shall mean those areas which allow for limited infiltration of rainfall and surface water runoff into the soil in the manner that is more similar to natural conditions than "impervious surface" as defined above. Partial impervious surfaces influence and affect stormwater runoff such that the runoff is collected, concentrated and/or flows in a manner that is materially different from what would occur if the land were in an unaltered natural condition. Common partial impervious surfaces include, but are not limited to, compacted gravel and/or compacted soils.

Private stormwater management systems and facilities shall mean those natural and manmade channels, swales, ditches, rivers, streams, creeks, branches, reservoirs, ponds, drainageways, inlets, catch basins, pipes, headwalls, storm drains, lakes and other physical works, properties and improvements which transfer, control, convey or otherwise influence the movement of stormwater runoff or water quality, which are not public.

Public stormwater management systems and facilities (or Peachtree Corner's Municipal Separate Storm Sewer System or MS4) shall mean those natural and manmade channels, swales, ditches, rivers, streams, creeks, branches, reservoirs, ponds, drainageways, inlets, catch basins, pipes, headwalls, storm drains, public streets, curbs and gutters, lakes and other physical works, properties and improvements which transfer, control, convey or otherwise influence either the movement of stormwater runoff or water quality, which are either owned by the city or over which the city has accepted an offer of dedication of an easement or other legally binding permanent right of use for stormwater drainage, and for which the city has the obligation of maintenance for stormwater drainage purposes.

Stormwater management services may address the quality and the quantity of stormwater runoff and include all services provided by the city which relate to the:

- (1) Transfer, control, conveyance or movement of stormwater runoff through the incorporated

portions of the city;

- (2) Operation, maintenance, repair, enhancement and replacement of existing public stormwater management systems and facilities;
- (3) Planning, development, design and construction of additional stormwater management and facilities to meet current and anticipated needs;
- (4) Regulation of the use of stormwater management services or of stormwater management systems and facilities;
- (5) Education of the public as to stormwater management issues;
- (6) Development plan review to require compliance with applicable city standards;
- (7) Inspection and/or monitoring for water quantity and water quality to assess compliance with applicable city, state and federal water quality standards and stormwater management program requirements; and
- (8) Other services as the City Manager or his/her designee may deem appropriate.

Stormwater service fees shall mean the periodic service charge imposed by the city to a parcel of developed land pursuant to this article for providing the stormwater management services and stormwater management systems and facilities, which fees shall be used only for the purpose of funding the Peachtree Corners stormwater utility's cost of providing stormwater management services and stormwater management systems and facilities. Stormwater service fees shall be based on the relative contribution of each parcel to the demand for stormwater management services, shall be structured so as to be fair and reasonable and shall bear a substantial relationship to the cost of providing stormwater management services and stormwater management systems and facilities. The cost of operating expenses, capital investments and reserve accounts may be included in the stormwater service fees.

Stormwater Utility shall mean the City of Peachtree Corners stormwater utility as established in Section 4 of this Article.

Undeveloped Land means land in its unaltered natural condition or which is modified to such a minimal degree as to have a Hydrologic Response comparable to land in an unaltered natural condition shall be deemed undeveloped. For purposes of this Article, Undeveloped Land includes property altered from its natural condition by the existence and/or installation of one hundred (100) square feet or less of Impervious Surface.

Sec. 18-203. Establishment of a stormwater utility

- (a) There is hereby established a stormwater utility to be known as the City of Peachtree Corners Stormwater Utility, which shall be responsible for stormwater management services throughout the incorporated area of the City, and which shall provide for the management, protection, control, regulation, use and enhancement of the City's stormwater management systems and facilities and stormwater management program services.

- (b) The City shall establish a Stormwater Utility enterprise fund within the City accounting systems for the purpose of dedicating and protecting all funding generated by the Stormwater Utility service fee charge to the operation of the stormwater management program and Stormwater Utility, including, but not limited to, rates, charges, and fees as may be established by the Mayor and City Council from time to time, and other funds that may be allocated to the Stormwater Utility.
- (c) All revenues and receipts generated from the storm water service fee charges shall be segregated and placed into the Stormwater Utility enterprise fund to be held in trust, and be expended solely for stormwater management purposes; provided, however, such fund may also pay a reasonable allocation of costs provided to the Stormwater Utility by the City's General Fund, or other utilities of the City, in order to account for applicable overhead costs. Stormwater Utility service fee charge revenue shall be used only for the operating expenses and/or capital investments of the Stormwater Utility. However, other forms of revenue and/or financial resources, not accounted for in the Stormwater Utility service fee revenue, may be allocated as deemed appropriate by the City, to provide supplemental funding to the stormwater management program and stormwater management services.
- (d) It is required that the revenue proceeds from all service fee charges for stormwater management services, systems or facilities, together with any other supplemental revenues raised or otherwise allocated specifically to stormwater management services, systems or facilities, be dedicated solely to those purposes. Such service fee revenue proceeds, and other supplemental revenues, shall be deposited into the City of Peachtree Corners Stormwater Utility enterprise fund. The service fee proceeds and other supplemental revenues shall remain in the enterprise fund, and be dispersed only for stormwater management capital improvements, facilities, equipment, operating and non-operating costs, lease payments, debt service payments, or other indebtedness related to the stormwater management program.

Sec. 18-204. Stormwater utility service area

- (a) There shall be one Stormwater Utility service area in the City which shall encompass the municipal boundaries of Peachtree Corners. The City has established that all developed parcels within the municipal boundaries receive stormwater management program services from the City. Improved/developed properties within the defined service area will receive a stormwater service fee charge bill because they contribute stormwater runoff to the public drainage system, are directly or indirectly connected to the City's drainage system, and/or receive stormwater management services from the City to varying degrees.

Sec. 18-205. Scope of responsibility for the stormwater utility

- (a) The stormwater utility shall provide stormwater management services for existing and proposed public stormwater management systems and facilities as defined in this article, subject to funding availability and to policy determinations made in the best interest of public health, safety and general welfare. Additionally, the stormwater utility may accept the responsibility for providing stormwater management services to private stormwater management systems and facilities, acceptance of which conforms to policies established by the Mayor and City Council.

(b) The City owns or has rights established by written agreements which allow the stormwater utility to provide stormwater management services and access those stormwater management systems and facilities which are located:

- (1) On property owned by, or within the possession and control of the City;
- (2) Within public road rights-of-way of the municipal street system and, where the City has by agreement with the County or State agreed to maintain public roads and highways on the County Road System and/or State Highway System;
- (3) On private property but within legally dedicated easements that have been granted to and accepted by the City, or where the City is otherwise permitted to undertake activities on such private property by written agreements for rights-of-entry, rights-of-access, rights-of-use or other permanent provisions;
- (4) On public land which is owned by another governmental entity with whom the City has a written agreement providing for the operation, maintenance, improvement and access to the stormwater management systems and facilities located thereon.

(c) Stormwater management systems and facilities which are located on private property or on public property not owned by the city or leased to the city by another political subdivision of the State of Georgia, and for which there has been no written agreement granting easements which have been dedicated to and accepted by the city, rights-of-entry, rights-of-access, rights-of-use or other form of dedication thereof to the city for operation, maintenance, improvement and access of such stormwater management systems and facilities, shall be and remain the legal responsibility of the property owner, except as otherwise provided for by applicable state and federal laws.

(d) The City shall place responsibility with the City Manager or his/her designee for operation, maintenance and regulation of the stormwater utility and stormwater management systems and facilities owned and operated, or maintained by the City, and other related assets, including, but not limited to, properties, other than road rights-of-way, upon which such stormwater management systems and facilities are located, easements, rights-of-entry and access and certain equipment used solely for stormwater management.

(e) The stormwater utility may provide periodic inspection, testing, or engineering assessment of privately owned stormwater management systems and facilities to ascertain that said facilities are functioning as designed and approved. After notice to the property owner, the Stormwater Utility may provide for remedial maintenance of said private facilities based upon the severity of stormwater problems and potential hazard to the public health, safety, and welfare and the environment., In cases where such remedial maintenance is required to be performed by the City, the City shall have the right to bill the owner of said private facility for the costs of such maintenance.

(f) It is the express intent of this article to protect the public health, safety and general welfare of people, property and the environment, in general, but not to create any special duty or relationship with any individual person, or to any specific parcel within or outside the corporate limits of the city. The city expressly reserves the right to assert all available immunities and defenses in any action seeking to impose monetary damages or equitable remedies upon the city, its Mayor and City Council, officers, employees and agents arising out of any alleged failure or breach of duty or relationship.

(g) If any permit, plan approval, inspection, or similar act is required by the City as a condition precedent to any land disturbance or construction activity upon property not owned by the City pursuant to this or any other regulatory code, ordinance, regulation or rule of the City, or under federal or state law, the issuance of such permit, plan approval or inspection shall not be deemed to constitute a warranty, express or implied, nor shall it afford the basis for any action, including any action based on failure to permit, negligent issuance of a permit, negligent plan approval, negligent construction of permitted system or facility, or negligent maintenance of any permitted stormwater management system or facility not expressly dedicated to and accepted by the City for further maintenance in an action seeking the imposition of money damages or equitable remedies against the City, its Mayor and City Council members, officers, employees or agents.

Sec. 18-206. Rates of stormwater service fees to be established

(a) In order to recover the cost of providing stormwater services and stormwater management systems/facilities while fairly and reasonably apportioning the costs among developed properties throughout the corporate limits of the city, the Mayor and City Council shall establish by adoption of the City's Annual Fee Schedule a stormwater service fee rate, which shall apply uniformly throughout the stormwater utility service area encompassing the corporate limits of the city pursuant to the jurisdiction granted by this article.

(b) The billing rates may be modified by the Mayor and City Council from time to time to meet the financial and operational needs of the Peachtree Corners Stormwater Utility. At a minimum, the Mayor and City Council shall increase the service fee rate by no less than the Consumer Price Index (CPI) on an annual basis. In setting or modifying such rates, it shall be the goal of the City to establish rates that are fair, equitable and reasonable, and which, together with other funding sources available to the Peachtree Corners Stormwater Utility for services, systems, and/or facilities related to stormwater management are sufficient to support the cost of the stormwater management program, including, but not limited to, the payment of principal and interest on debt obligations, lease payments, operating expenses, capital outlays, non-operating expenses, provisions for prudent reserves and other Stormwater Utility related costs as deemed appropriate by the City.

(c) The area of impervious surfaces on each parcel shall be calculated as of the date of the most recent aerial photography available to the stormwater utility. However, the City Manager or his/her designee is authorized to make adjustments to the impervious area calculations as necessary to address the stormwater utility operational needs.

Sec. 18-207. Effective date of stormwater service fee charges

(a) The Stormwater Utility service fee shall accrue beginning January 1, 2018 in an amount to be established by resolution of the Mayor and City Council, as may be amended from time to time, and shall thereafter be billed periodically.

Sec. 18-208. Stormwater service fee exemptions

(b) Except as provided in this section or otherwise provided by law, no developed public or private property located in the incorporated area of the City shall be exempt from the stormwater service fee charges. The Stormwater Utility service fee charge is not a tax and no exception, credit, offset, or other reduction in stormwater service fee charges shall be granted based on age, tax status, economic status, race, religion, disability, or other condition unrelated to the Stormwater Utility's cost of providing stormwater management program services and facilities.

(c) Exemptions to the stormwater service fee charges are as follows:

- (1) Parcels which contain 100 square feet, or less, of impervious surfaces shall be exempt from stormwater service fee charges.
- (2) Linear railroad rights-of-way (i.e. tracks, rails, roadbed) outside of the defined yard limits shall be exempt from stormwater service fee charges. This exemption is in recognition of routine drainage system maintenance and capital construction activities undertaken by the rail road company associated with rights-of-way and drainage conveyance systems. However, railroad stations, rail yards, maintenance buildings, and/or other improved property used for railroad operations shall not be exempt from stormwater service fee charges.
- (3) City of Peachtree Corners streets and rights-of-way shall be exempt from stormwater service fee charges and the Stormwater Utility shall not charge the City a service fee charge for the City's impervious surface area resulting from the City's impervious surfaces which are owned and/or maintained by the City within the public rights-of-way. This exemption is in consideration of the City allowing the Stormwater Utility to utilize the City's existing streets, curbs, gutters, drainage ways and ditches, storm sewers, culverts, inlets, catch basins, pipes, head walls and other structures, natural and man-made within and owned by the City which controls and diverts surface water for the purposes of collecting, diverting, transporting and controlling surface and storm waters. All other developed property owned by the City shall be subject to the imposition of stormwater service fee charges in accordance with this Ordinance.
- (4) Gwinnett County roads and rights-of-way located within the City limits shall be exempt from stormwater service fee charges in situations where Gwinnett County has legal responsibility to perform all drainage system maintenance and capital construction activities with respect to such roads and rights-of-way. This exemption is in recognition of the drainage system maintenance and capital construction responsibilities undertaken by Gwinnett County. All other developed property owned by Gwinnett County that is within the service area shall be subject to the imposition of stormwater service fee charges in accordance with this Ordinance.
- (5) Georgia Department of Transportation (GDOT) roads and rights-of-way shall be exempt from stormwater service fee charges. This exemption is in recognition of routine drainage system maintenance and capital construction activities undertaken by GDOT in association with GDOT rights-of-way road and drainage conveyance systems. However, maintenance buildings and/or other developed property used for GDOT purposes shall not be exempt from stormwater service fee charges.

Sec. 18-209 - Credits

- (a) Owners of developed land may apply for and receive a stormwater service fee credit for designated on-site stormwater management systems/facilities and for other approved activities that reduce the city's cost to provide stormwater management services to the customer. The City Manager or his/her designee shall determine such stormwater service fee credits based on the technical requirements, design and performance standards contained in the city's stormwater credits manual, to be adopted by the Mayor and City Council pursuant to this article, as it may be updated or amended from time to time.
- (b) Existing stormwater service fee credits previously secured from the Gwinnett County stormwater utility shall remain in effect under the Peachtree Corners stormwater utility until as such time as those

credits expire or are renewed by the customer.

Sec. 18-210. Stormwater service fee, billing, delinquencies and collections

(a) Billing.

1. A bill for stormwater service fee charges shall be sent through the United States Postal Service or by alternative means reasonably calculated to provide notice as may be determined by the billing authority notifying the owner of the property being billed of the amount of the stormwater service fee charge, less credits, the date the payment is due and the date when payment is past due.
2. The City Council authorizes the City Clerk to bill and collect the Peachtree Corners Stormwater Service fee Charge as part of the annual property/ad valorem tax bill, or other method of billing as deemed appropriate by the City. The City Council further authorizes the City Clerk to charge and collect penalties and interest as set forth in Subsection (b) of this Section.
3. If a bill for a stormwater service fee charge for a particular parcel is generated, failure of the customer to receive the bill shall not be justification for nonpayment.
4. Regardless of the party to whom the bill is initially directed, the owner of the property, as identified from the public land records of Gwinnett County, shall be obligated to pay the appropriate stormwater service fee charge for that property and any interest and/or penalties that have accrued.
5. If a property is unbilled, or if no bill is sent for a particular tract of improved property, the City's Stormwater Utility may back bill for a period of up to three (3) years, but shall not be entitled to any interest or any penalty charges during the back billed period.

(b) Delinquencies and collection.

1. A penalty or late charge in the amount of ten percent (10%) of the amount due and unpaid on the due date shall be assessed against the customer.
2. In addition to the penalty stated above, interest in the amount of one percent (1%) per calendar month (12% annually) shall accrue on all unpaid amounts beginning on December 1 of the year in which the payment is due.
3. The City shall assess all costs of collection, including attorneys' fees and court costs, against the property owner.
4. Unpaid stormwater service fee charges shall be collected in any manner permissible by Georgia law, including but not limited to: utilizing the services of a collection agency, by

filing suit to collect on an unpaid account, or by using all methods allowed by Georgia law to collect on any judgment obtained, including enforcement of any lien resulting from any such judgment. Unless reduced to a judgment and a *Writ of Fieri Facias (FiFa)* issued, the unpaid service fee charge shall not constitute a direct lien against the owner and/or the property.

Sec. 18-211. Stormwater utility inspections and enforcement

(a) All property owners of improved property within the incorporated areas of the City shall provide, manage, maintain, and operate on-site stormwater management systems sufficient to collect, convey, detain, and discharge stormwater runoff in a safe manner consistent with all applicable City development regulations, ordinances, and State and Federal laws. Any failure to meet this obligation shall constitute a violation of this Ordinance and be subject to citation and prosecution in the City of Peachtree Corners Municipal Court. Each day such violation exists shall constitute a separate offense.

(b) In the event a public nuisance is deemed to exist by the Mayor and City Council, the City may elect to sue in Municipal Court to abate such nuisance. In the event a public nuisance is found by the court to exist, which the property owner fails to abate within such reasonable time as allowed by the City of Peachtree Corners Municipal Court, the City may enter upon the property and cause work as is reasonably necessary to be performed to remove any imminent threats to the health, safety and welfare of its citizens, with the actual cost thereof assessed against the property owner in a similar manner as a tax levied against the property. From date of filing of such abatement action, the City shall have lien rights which may be perfected, after judgment, by filing a notice of lien on the general execution docket of the City of Peachtree Corners Municipal Court.

(c) The City shall have the right for its employees or designated agents to inspect on-site stormwater management systems within the City to ensure compliance with the provisions of this Ordinance, and State and Federal law. Such inspections shall generally be limited to the following purposes:

- (1) Inspecting or conducting engineering analyses on existing stormwater management systems and facilities located on-site;
- (2) Verification and review of information contained within a Stormwater Utility Credit Manual Application; and
- (3) Determining that stormwater management systems and facilities need to be constructed.

Sec. 18-212. Stormwater service fee adjustments

(a) Adjustments

- (1) The City Manager or his/her designee shall administer the procedures and standards for the adjustment of the stormwater service fee charge.

- a. If a customer believes his stormwater service fee is incorrect, the customer may seek an adjustment of the stormwater service fee charge allocated to a property at any time by submitting the request in writing to the City Manager or his/her designee on forms

provided by the City and setting forth in detail the grounds upon which relief is sought. The customer's Stormwater Utility account must be paid and current prior to consideration of an adjustment request by the City, except during the period prior to issuance of the first bill.

- b. Customers requesting an adjustment shall be required, at their own expense, to provide accurate impervious area and other supplemental information to the City Manager or his/her designee, including, but not limited to, a survey certified by a registered land surveyor or a professional engineer, unless otherwise allowed by the City. Submittal of this information will be required if the City staff cannot make a determination based on field inspection and/or review of existing City aerial photography. Failure to provide the required information within the time limits established by the City Manager or his/her designee, as may be reasonably extended, may result in denial of the customer's adjustment request.
- c. Once a completed adjustment request and all required information has been received, the City Manager or his/her designee shall within thirty (30) calendar days render a written decision.
- d. In considering an adjustment request, the City Manager or his/her designee shall consider whether the calculation of the stormwater service fee charge for the property is correct.
- e. The City Manager's (or his/her designee) decision shall be in writing and will be mailed to the address provided on the adjustment request, and service shall be complete upon mailing.
- f. If the result of an adjustment is that a refund is due the applicant, the refund will be applied as a credit on the applicant's next stormwater service fee charge bill.

Sec. 18-213. Appeals.

(a) Any customer who believes the provisions of this article have been applied in error may appeal in the following manner:

(1) An appeal must be filed in writing with the City Manager within 30 days of the decision that is appealed. In the case of service fee appeals, the appeal shall include a survey prepared and sealed by a land surveyor or professional engineer currently registered in the State of Georgia containing information on the total parcel area, the impervious surface area, and any other features or conditions which influence the hydrologic response of the parcel to rainfall events, unless an alternate means of providing the required information is authorized by the City Manager or designee.

(2) The City Manager shall conduct a technical review of the conditions on the parcel and respond to the appeal in writing within 30 days of receipt.

(3) In response to an appeal, the City Manager may adjust the stormwater service fee applicable to a parcel in conformance with the general purpose and intent of this article.

(4) All decisions by the City Manager shall be final.

(b) The appeal process contained in this section shall be a condition precedent to an aggrieved customer seeking judicial relief. Any decision of the City Manager may be further appealed by application for writ of certiorari in the Superior Court of Gwinnett City, filed within 30 days of the date of receipt of service of the decision of the City Manager.

Secs. 18-214 - 250. Reserved.

SECTION II: It is the intention of the City Council and it is hereby ordained by the authority of the City Council that the provisions of this Ordinance shall become and be made a part of The Code of the City of Peachtree Corners, Georgia, and the codifier is authorized to make the specified deletions, insertions, additions, and to insert headings, article numbers and section numbers as and where appropriate.

SECTION III: All ordinances or parts of ordinances in conflict with this Ordinance are hereby repealed to the extent of such conflict.

SECTION IV: If any section, subsection, provisions, or clause of any part of this Ordinance shall be declared invalid or unconstitutional, or, if the provisions of any part of this Ordinance as applied to any particular situation or set of circumstances shall be declared invalid or unconstitutional, such invalidity shall not be construed to affect the portions of this Ordinance not so held to be invalid, or the application of this Ordinance to other circumstances not so held to be invalid. It is hereby declared as the intent of the City Council that this Ordinance would have been adopted in its current form without the invalid or unconstitutional provision contained therein.

SECTION V: This Ordinance shall become effective immediately upon adoption.

SO ORDAINED this 19th day of December, 2017.

CITY OF PEACHTREE CORNERS, GEORGIA

By: _____

Mike Mason, Mayor

Attest:

Kym Chereck, City Clerk

(SEAL)

DRAFT

02017-12-109

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF PEACHTREE CORNERS, GEORGIA TO AMEND ARTICLE I OF CHAPTER 14 (BUSINESSES) OF THE CODE OF THE CITY OF PEACHTREE CORNERS, GEORGIA; TO AMEND SUBSECTION 4 REGARDING THE STRUCTURE OF A LEVIED OCCUPATION TAX; TO PROVIDE FOR AN EFFECTIVE DATE AND FOR OTHER PURPOSES.

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

WHEREAS, the City Council has determined that it is appropriate from time to time to modify the Code of Ordinances of the City of Peachtree Corners (the “Code”) to further protect the public health, safety, and welfare of the citizens of Peachtree Corners.

BE IT ORDAINED by the Mayor and City Council of the City of Peachtree Corners, Georgia that the City’s Code of Ordinances is amended as follows:

SECTION I: Article I of Chapter 14 relating to businesses is hereby amended by striking Section 4 (b) through 4 (d) and replacing with the following language:

Sec. 14-4 (b). – Occupation Tax levied; structure

The tax rates associated with the classifications of subsection (a) shall be adopted through resolution by the Mayor and Council on an annual basis and can be found in the Office of the City Clerk.

SECTION III: It is the intention of the City Council and it is hereby ordained by the authority of the City Council that the provisions of this Ordinance shall become and be made a part of The Code of the City of Peachtree Corners, Georgia, and the codifier is authorized to make the specified deletions, insertions, additions, and to insert headings, article numbers and section numbers as and where appropriate.

SECTION IV: All ordinances or parts of ordinances in conflict with this Ordinance are hereby repealed to the extent of such conflict.

SECTION V: If any section, subsection, provisions, or clause of any part of this Ordinance shall be declared invalid or unconstitutional, or, if the provisions of any part of this Ordinance as applied to any particular situation or set of circumstances shall be declared invalid or unconstitutional, such invalidity shall not be construed to affect the portions of this Ordinance not so held to be invalid, or the application of this Ordinance to other circumstances not so held to be invalid. It is

hereby declared as the intent of the City Council that this Ordinance would have been adopted in its current form without the invalid or unconstitutional provision contained therein.

SECTION VI: This Ordinance shall become effective immediately upon adoption.

SO ORDAINED this 19th day of December, 2017.

CITY OF PEACHTREE CORNERS, GEORGIA

By: _____

Mike Mason, Mayor

Attest:

Kym Chereck, City Clerk

(SEAL)

R2017-12-89

**A RESOLUTION OF THE CITY OF PEACHTREE CORNERS, GEORGIA
REAPPOINTING CERTAIN PLANNING COMMISSION MEMBERS WHOSE
TERMS ARE SET TO EXPIRE.**

WHEREAS, the Planning Commission was constituted in September, 2012 with five members having staggered terms; and

WHEREAS, certain Planning Commission members have terms which will expire on January 15, 2018; and

WHEREAS, these Planning Commission members have served the City well and the City Council wishes to extend their tenure on the Planning Commission by reappointment to a two-year term;

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council that the following Planning Commission members shall be reappointed as shown:

- | | | |
|-------------------|------------------|---------|
| 1. Alan Kaplan | new term expires | 1/15/20 |
| 2. Mark Middleton | new term expires | 1/15/20 |

SO RESOLVED AND EFFECTIVE, this the 19th day of December, 2017.

Approved:

Mike Mason, Mayor

Attest:

Kym Chereck, City Clerk
Seal

R2017-12-90

**A RESOLUTION OF THE CITY OF PEACHTREE CORNERS, GEORGIA
REAPPOINTING CERTAIN ZONING BOARD OF APPEALS MEMBERS WHOSE
TERMS ARE SET TO EXPIRE.**

WHEREAS, the Zoning Board of Appeals was constituted in September, 2012 with five members having staggered terms; and

WHEREAS, certain Zoning Board of Appeals members have terms which will expire on January 15, 2018; and

WHEREAS, these Zoning Board of Appeals members have served the City well and the City Council wishes to extend their tenure on the Zoning Board of Appeals by reappointment to a two-year term;

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council that the following Zoning Board of Appeals members shall be reappointed as shown:

- | | |
|-------------------|--------------------------|
| 1. Marcia Brandes | new term expires 1/15/20 |
| 2. Wayne Knox | new term expires 1/15/20 |

SO RESOLVED AND EFFECTIVE, this the 19th day of December, 2017.

Approved:

Mike Mason, Mayor

Attest:

Kym Chereck, City Clerk
Seal

Action Item



MEMO

TO: Mayor & Council
CC: Brian Johnson, City Manager
FROM: Greg Ramsey, P.E., Public Works Director
DATE: December 19, 2017
SUBJECT: PTC 15.08 State Route 141 Corridor Study

The City of Peachtree Corners hired Wolverton and Associates to complete a Georgia Department of Transportation (GDOT) model corridor study for State Route 141. This study was funded in part by a grant of \$200,000 from the Atlanta Regional Commission (ARC). Future improvements to improve safety, reduce congestion and improve operations at the intersections along State Route 141 require a study of this nature. GDOT and the ARC will use this study as the basis to program future projects that could fall in their 5, 10 or 20-year plan for this corridor, and future federal or state funding opportunities for projects along this corridor requires an adoption of the study by the city.

Staff recommends adoption of the SR 141 Corridor Study Report, as presented and discussed at the Work Session on December 11, 2017.

R2017-12-91

STATE OF GEORGIA
CITY OF PEACHTREE CORNERS

A RESOLUTION TO ADOPT THE STORMWATER UTILITY USER FEE RATE SCHEDULE TO PROVIDE SUFFICIENT FUNDS TO IMPLEMENT THE CITY OF PEACHTREE CORNERS STORMWATER MANAGEMENT PROGRAM

WHEREAS, the Mayor and City Council find that from time to time it is necessary to update and amend the City of Peachtree Corners Fee Schedule to ensure collection of fees in accordance with the codes and ordinances of the city; and

WHEREAS, the City operates a Stormwater Management Program funded by a Stormwater Utility User Fee System which properly assesses and defines the City's Stormwater Management Program issues, needs, goals, priorities as well as the Stormwater Management Program funding needs; and

WHEREAS, the Mayor and City Council have previously adopted an ordinance authorizing the formation of the Stormwater Utility and user fee program, which is the organizational and accounting entity dedicated specifically to the management, maintenance, protection, control, regulation, use, and enhancement of stormwater management services, systems, and facilities within the City; and

WHEREAS, the City must ensure that the Stormwater Utility has sufficient financial resources to support the cost of operating and maintaining the City's Stormwater Management Program and to implement the necessary repairs, replacements, improvements and extensions of the City's stormwater management systems and facilities; and

WHEREAS, it is appropriate for the City to adopt a Stormwater User Fee Rate Schedule in accordance with the procedures, requirements, and restrictions established in the aforementioned Stormwater Utility Ordinance.

NOW THEREFORE, BE IT RESOLVED, to accomplish the foregoing the Mayor and Council of Peachtree Corners, Georgia, pursuant to their authority, in regular session assembled, does hereby adopt the following Stormwater User Fee Rate Schedule:

Annual Stormwater Service Fee: \$2.46 per 100 square feet of impervious surface

BE IT FURTHER RESOLVED that copies of this Resolution, the Stormwater Utility Ordinance and the referenced budget will be kept in the Office of the City Manager in City Hall and be made available for inspection by any member of the public.

RESOLVED this the 19th day of December, 2017.

Approved:

Mike Mason, Mayor

Attest:

Kym Chereck, City Clerk
(Seal)

R2017-12-92

A RESOLUTION APPROVING "THE CITY OF PEACHTREE CORNERS FEE SCHEDULE" FOR THE CITY OF PEACHTREE CORNERS, GEORGIA

WHEREAS, the Charter of the City of Peachtree Corners authorizes the City to provide for the general health, safety and welfare of the citizens of the City; and

WHEREAS, the Charter of the City of Peachtree Corners further authorizes the City to provide administrative services and authorizes the City to charge and collect appropriate fees for provision of same; and

WHEREAS, the City has historically levied fees comparable to other governments; and

WHEREAS, this said fee schedule may be amended from time to time by the City of Peachtree Corners Mayor and Council; and

WHEREAS, costs associate with certain administrative duties have risen due to various factors; and

WHEREAS, the City realizes that a consolidated fee schedule will provide improved administrative efficiency

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council for the City of Peachtree Corners, that the attached Fee Schedule for All Associated Fees and rates of the City of Peachtree and Administrative Fees are hereby adopted and approved.

SO RESOLVED AND EFFECTIVE, this the ____ day of _____, 2017.

Approved:

Mike Mason, Mayor

Attest:

Kim Chereck, City Clerk
Seal

CITY OF PEACHTREE CORNERS FEE SCHEDULE

Fees			
OCCUPATION TAX (Gross Receipts Tax)	Non-refundable administrative fee for handling and processing business occupational tax registrations - \$80		
	Professional Practitioners listed below may select to pay a flat fee of \$400 or compute their fee using the Gross Receipts methods and the appropriate class fee.		
	Applied Psychology Architecture Chiropractor Civil Engineering Dentistry Electrical Engineering Embalming Funeral Director Hydraulic Engineering Land Surveying Landscape Architect	Law Marriage and Family Therapist Massage and Physiotherapist Mechanical Engineering Medicine Optometry Osteopathy Podiatry Professional Counselors Public Accounting Veterinary	
	Fee Class 1	0.0007	
	Fee Class 2	0.00083	
	Fee Class 3	0.00096	
	Fee Class 4	0.00109	
	Fee Class 5	0.00122	
	Fee Class 6	0.00135	
	Penalty for failure to pay tax and fees when due, failure to file and application renew application by 3/31 when the business / practitioner was in operation the preceding calendar year, and failure to register / obtain an occupational tax certificate within 30-day of commencement of business.	10 percent of the amount owed for each calendar year or portion thereof	
	Delinquent taxes and fees	Interest at 1.5% per month	
	Fee Type	Fee	
	FINANCIAL INSTITUTIONS	Tax on all depository financial institutions	0.25% of the gross receipts
		Minimum annual business license tax due for a	\$1,000
	Fee Type	Fee	
ADULT ENTERTAINMENT FEES	License Fee	\$300	

MASSAGE THERAPY	Fee Type		Fee	
		License Fee		\$250
ALCOHOL BEVERAGE LICENSE FEES	Fee Type/License Type		Fee	
	New Application fee for all licenses		\$500	
	Temporary License Fees	Sale of distilled spirits for consumption on premise	\$750	
		Package sales of beer and wine	\$200	
		Sale of beer and wine for consumption on premise	\$250	
		Wholesaler's or Distributor License	\$750	
	License Fees	Consumption on the Premises	Liquor	\$4,500
			Beer	\$600
			Wine	\$600
			Sunday Sales Beer	\$250
			Sunday Sales Wine	\$250
			Sunday Sales Liquor	\$1,000
			Add Bar Fixed	\$750(ea)
			Add Bar Movable	\$250(ea)
		Retail	Beer	\$600
			Wine	\$600
		Wholesale	Liquor	\$1,000
			Beer	\$500
			Wine	\$500
		DISTILLER/ MANUFACTURE	Liquor	\$4,500
			Beer	\$600
			Wine	\$600
	Sunday Sales Beer		\$250	
	Sunday Sales Wine		\$250	
			Sunday Sales Liquor	\$1,000
	Alcoholic Beverage License renewal applications and payments are due December 20th of each year. .			
	Renewal applications and payments received after December 20th are subject to a 20% late filing fee			
	Business failing to renew their alcoholic licenses prior to January 1 must reapply for an alcoholic beverage license.			
	A 3% excise tax is levied on all mixed drinks and is to be reported and paid monthly. An excise tax of \$0.22 per liter on Liquor and Wine and \$0.05 per 12 oz. container of beer is levied and is to be reported and paid monthly to the City of Peachtree Corners by wholesalers.			

Administrative Variances	
Type	Fee
Single Family Residential (Owner Occupied)	\$100
Single Family Residential (Builder/Developer)	\$250
Multi-Family	\$500
Commercial	\$600
Antenna Tower	
Type	Fee
Administrative Approval	\$2,000
Communication Tower	\$6,000
Non-Communication Structure	\$600
Amateur Radio Tower	\$600
Public Notice Sign	\$50
Co-Locate per co-locate	\$350
Certificate of Completion	\$50
Certificate of Occupancy	\$50

Public Hearings		
1. Rezoning, Change-in-Conditions and Special Use Permit Fees		
Residential Zoning Districts		
(note: a Special Use Permit related to a rezoning case shall not incur an additional fee)		
A. For the following single-family residential zoning districts: RA-200, R-140, R-LL, R-100, R-75, RL, MHS.		
0 - 5 Acres	\$500	
> 5 - 10 Acres	\$1,000	
> 10 - 20 Acres	\$1,500	
> 20 - 100 Acres	\$2,000	
> 100 - Acres	\$2,500 plus \$40 for each additional acre over 100	
Maximum Fee	\$10,000	
B. For the following single and multifamily residential zoning districts: R-TH, RMD, RM-6, RM-8, RM-10, RM-13, R-SR, MH, R-60, R-ZT, R-75 MODIFIED or CSO, and R-100 MODIFIED or CSO.		
0 - 5 Acres	\$850	
> 5 - 10 Acres	\$1,600	
> 10 - 20 Acres	\$2,100	
> 20 - 100 Acres	\$2,600	
> 100 - Acres	\$3,200 plus \$40 for each additional acre over 100	
2. Rezoning, Change-in-Conditions and Special Use Permit Fees		
(note: a Special Use Permit related to a rezoning case shall not incur an additional fee)		
A. For the following office, commercial and industrial zoning districts: C-1, C-2, C-3, O-I, OBP,		

M-1, M-2, HS, NS.	
0 - 5 Acres	\$850
> 5 - 10 Acres	\$1,600
> 10 - 20 Acres	\$2,100
> 20 - 100 Acres	\$2,600
> 100 - Acres	\$3,200 plus \$50 for each additional acre over 100
3. Mixed-Use (MUD and MUO) or High Rise Residential (HRR)	
Application Fee	\$1,200 plus \$75 per acre (maximum fee - \$10,000)
4. Chattahoochee Corridor Review (involving a public hearing) -	\$150.00
5. Buffer Reduction (Greater than 50%) Application Fee	\$500.00
6. Zoning Certification Letter	\$100 (per non-contiguous parcel)
Zoning Board of Appeals Variance	
a. Zoning Board of Appeals Hearing involving:	
Single-Family Residential	\$100.00 (Owner occupied only)
Single-Family Residential	\$400.00
Multi-Family Residential	\$500.00
Commercial	\$750.00
b. Requests after work has begun	Application fee will be doubled

RESIDENTIAL CONSTRUCTION FEE SCHEDULE

USE	NEW CONSTRUCTION	ALTERATION / RENOVATION
SINGLE FAMILY DWELLING	\$0.30-ft ²	\$0.008 x Construction Valuation
SINGLE FAMILY DWELLING – MODEL HOME	\$0.30-ft ²	\$0.008 x Construction Valuation
TWO FAMILY DWELLING (DUPLIX)	\$0.30-ft ²	\$0.008 x Construction Valuation
TOWNHOME	\$0.30-ft ²	\$0.008 x Construction Valuation
RENOVATION TO CONVERT EXISTING UNHEATED SPACE TO HEATED HABITABLE SPACE IN DWELLING	N/A	\$0.30-ft ²
RESIDENTIAL DEMOLITION PERMIT	\$0.008 x Construction Valuation	
RESIDENTIAL SWIMMING POOL	\$0.008 x Construction Valuation	
RESIDENTIAL DECK PERMIT	\$0.008 x Construction Valuation	
DETACHED STRUCTURE (GARAGE, CARPORT, GAZEBO, SHED, ETC.)	\$0.008 x Construction Valuation	
TRADE PERMIT – ELECTRICAL, MECHANICAL AND/OR PLUMBING	\$0.008 x Construction Valuation	
UNHEATED ADDITION	\$0.008 x Construction Valuation	
RETAINING WALL	\$0.008 x Construction Valuation	
AGRICULTURAL / FARM BUILDING	\$0.008 x Construction Valuation	
REROOF	\$0.008 x Construction Valuation	
SIDING (TO INCLUDE: WOOD STRUCTURAL PANELS, WOOD SHAKES, STUCCO, EIFS, ETC.)	\$0.008 x Construction Valuation	

MISCELLANEOUS FEES

Plan revision to open permit	\$0.008 x Construction Valuation to determine change in both the Plan Review & Building Permit fees
Inspection performed during regular inspection hours	The cost for inspections scheduled during regular inspection hours (Monday thru Friday, 8:30 AM – 3:30 PM, except holidays) are included within your Building Permit fee.
Charge for re-inspection	A \$75.00 fee MAY be assessed for scheduling repetitive inspections, with the permit holder not being ready when the Building Inspector arrives onsite, or when you fail the same scheduled inspection multiple times. If assessed, this fee must be paid prior to scheduling any future inspections.
Inspection performed outside of regular inspection hours	Regular inspection hours are Monday thru Friday, 8:30 AM – 3:30 PM, except holidays. This must be requested a minimum of two (02) business days prior to the inspection and is <u>based on staff availability</u> . If approved the minimum is \$150.00 for two hours paid prior to the inspection. Additional time is invoiced as \$75.00 per hour beyond the first two hours.
Working without a permit	An investigative fee equal to 100% of the Building Permit fee will be charged in addition to the other fees necessary to secure a permit for the project.

NEW COMMERCIAL & MULTI-FAMILY CONSTRUCTION (COST PER SQ FT)					
IBC Occupancy Type	Complete Building	Shell Only	Interior Finish	Spec Space - Complete	Spec Space - Incomplete
Assembly	\$0.48-ft ²	\$0.21-ft ²	\$0.26-ft ²	\$0.26-ft ²	\$0.14-ft ²
Business	\$0.46-ft ²	\$0.21-ft ²	\$0.25-ft ²	\$0.25-ft ²	\$0.13-ft ²
Education	\$0.50-ft ²	\$0.21-ft ²	\$0.29-ft ²	\$0.29-ft ²	\$0.15-ft ²
Factory	\$0.24-ft ²	\$0.20-ft ²	\$0.04-ft ²	\$0.04-ft ²	\$0.02-ft ²
Hazardous	\$0.25-ft ²	\$0.16-ft ²	\$0.05-ft ²	\$0.04-ft ²	\$0.03-ft ²
Institutional	\$0.68-ft ²	\$0.21-ft ²	\$0.46-ft ²	\$0.46-ft ²	\$0.24-ft ²
Mercantile	\$0.44-ft ²	\$0.21-ft ²	\$0.23-ft ²	\$0.23-ft ²	\$0.11-ft ²
Residential	\$0.46-ft ²	\$0.21-ft ²	\$0.25-ft ²	\$0.25-ft ²	\$0.13-ft ²
Storage	\$0.24-ft ²	\$0.21-ft ²	\$0.03-ft ²	\$0.03-ft ²	\$0.02-ft ²
Utility	\$0.16-ft ²	\$0.13-ft ²	\$0.03-ft ²	\$0.03-ft ²	\$0.02-ft ²

EXISTING COMMERCIAL - ALTERATION / RENOVATION	
IBC Occupancy Type	Exterior & Interior Alteration, Repair, Renovation, etc.
All occupancy types	\$0.008 x Construction Valuation

TRADE PERMITS - ELECTRICAL, MECHANICAL OR PLUMBING	
All permit types	\$0.008 x Construction Valuation

MISCELLANEOUS FEES	
Plan revision to open permit	\$0.008 x Construction Valuation to determine change in both the Plan Review & Building Permit fees
Change of Occupancy – New Tenant	\$50.00 for a Change of Occupancy certificate plus \$30.00 Building Permit fee. Total cost - \$80.00 due at time of application
Demolition Permits	\$300.00 for whole structures \$200 for partial structures or interior demolition
Moving Permit	\$100.00 per structure
Inspection performed during regular inspection hours	The cost for inspections scheduled during regular inspection hours (Monday thru Friday, 8:30 AM – 3:30 PM, except holidays) are included within your Building Permit fee.
Charge for re-inspection	A \$75.00 fee MAY be assessed for scheduling repetitive inspections, with the permit holder not being ready when the Building Inspector arrives onsite, or when you fail the same scheduled inspection multiple times. If assessed, this fee must be paid prior to scheduling any future inspections.
Inspection performed outside of regular inspection hours	Regular inspection hours are Monday thru Friday, 8:30 AM – 3:30 PM, except holidays. This must be requested a minimum of two (02) business days prior to the inspection and is <u>based on staff availability</u> . If approved the minimum is \$150.00 for two hours paid prior to the inspection. Additional time is invoiced as \$75.00 per hour beyond the first two hours.
Working without a permit	An investigative fee equal to 100% of the Building Permit fee will be charged in addition to the other fees necessary to secure a permit for the project.

Land Development Permit Fees			
		Plan Review	Permit Fee
Specimen Tree Concept Plan		\$200	N/A
Residential Subdivisions	SFR Tree Removal Permit	\$0	\$0
	SFR MRPA	\$150*	Building Permit Fee
	Concept Plan	\$50 + \$15/ lot*	N/A
	Exemption Plat	\$50 + \$15/ lot*	\$50/lot*
	Final Plat	\$150 + \$15/ lot*	\$10/ lot (Minimum \$500)*
	Subdivision Land Disturbance Permit	\$250 + \$15/ lot*	\$20/ lot (Minimum \$500)*
Non-Residential Development (Commercial, Retail, Industrial, etc)	Overlay Review	<i>See overlay application</i>	N/A
	Concept Plan	\$100	N/A
	0-1 Acre	\$250*	\$100/acre (Minimum \$600)*
	1.01-4.9 Acres	\$500*	
	4.91-10 Acres	\$750*	
	More than 10 Acres	\$1000*	
Land Development Permit Extension		\$150 (One 3-month extension prior to expiration)	
Minor Plan Revision		\$100	
Major Plan Revision		\$250	
Land Development/Site Inspection			
Land Development	First Follow-up Inspection	\$25	
	Second Follow-up Inspection	\$50	
	Re-inspection Fee	Third and Each Subsequent Follow-up Inspection	\$100
Development Penalty			
Penalty for site activity prior to issuance of Permit		100% of the Permit Fee**	
Administrative Variance Application			
Single Family Residential		\$250	
Multi-Family		\$350	
Commercial		\$600	

R2017-12-93

**A RESOLUTION ADOPTING AND APPROVING A POLICY FOR ALCOHOL ON
CITY OWNED OR LEASED PROPERTY IN THE CITY OF PEACHTREE CORNERS,
GEORGIA**

WHEREAS, the Charter of the City of Peachtree Corners authorizes the City to provide for the general health, safety and welfare of the citizens of the City; and

WHEREAS, it is prudent and advisable to have established and well-noticed policies and procedures for all individuals and organizations seeking to use City property/facilities; and

WHEREAS, it is prudent and advisable to ensure that policies governing the possession, consumption, and sale of alcoholic beverages on City-owned properties are consistent across the City; and

WHEREAS, the Mayor and Council finds that it is in the best interests of the City to adopt the Policy for Alcohol on City Property, attached hereto as Exhibit A and incorporated herein;

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council for the City of Peachtree Corners, the Policy for Alcohol on City Owned or Leased Property attached hereto as Exhibit A are hereby adopted and approved.

SO RESOLVED AND EFFECTIVE, this the ____ day of _____, 2017.

Approved:

Mike Mason, Mayor

Attest:

Kim Chereck, City Clerk
Seal

EXHIBIT A

**CITY OF PEACHTREE CORNERS, GEORGIA
POLICY FOR ALCOHOL ON CITY OWNED OR LEASED PROPERTY**

1. Purpose

It is the purpose of this Policy for Alcohol on City Property ("Policy") to protect the health, safety, and well-being of users of real property owned by the City of Peachtree Corners or it's Boards and Authority's; to ensure that all property users comply with all applicable federal, state, and local laws and regulations with respect to the possession and sale of intoxicating beverages; to ensure that policies and procedures for the possession and sale of intoxicating beverages are consistent for all City-owned property, regardless of the City Board or Authority that controls said property; and to provide notice to all persons wishing to bring, sell, or consume intoxicating beverages on City-owned property of the limitations for engaging in said conduct.

I. Application

- A. This Policy applies to events, gatherings, or activities which take place on real property owned or controlled by the City of Peachtree Corners and/or a Board or Authority of the City of Peachtree Corners, including, but not limited to, properties owned or controlled by the Downtown Development Authority, and/or the Public Facilities Authority, (collectively, "City Property").
- B. Nothing in this Policy shall absolve the planner of an event, gathering, or activity from obtaining specific permission to bring alcohol onto City Property from the relevant Board or Authority as follows:
 - 1. Peachtree Corners Downtown Development Authority
 - 2. Peachtree Corners Public Facilities Authority
 - 3. All other City Property
- C. The relevant Board or Authority may make modifications to specific provisions of this Policy as deemed necessary to protect the health, safety, and well-being of users of City Property and in the best interests of the citizens of the City. Said modifications shall be made on a case-by-case basis.

II. General Requirements

- A. All organizers of events, gatherings, or activities where intoxicating beverages shall be brought, drunk, consumed, possessed, and/or sold on City Property shall obtain permission from the City Manager or his/her designee. The City Manager or his/her designee may, in its discretion, determine whether intoxicating beverages shall be allowed on City

- Property, and the City Manager or his/her designation decision shall be final.
- B. The drinking, consumption, possession, and/or sale of intoxicating beverages shall be subject to all relevant federal, state, and local laws, ordinances, regulations, and/or permit requirements. The City reserves the right to remove from City Property any person, group, or organization failing to comply with relevant laws.
 - C. Under no circumstances shall any minor be permitted to drink, consume, possess, or purchase alcohol on City Property.
 - D. All intoxicating beverages brought onto outdoor City Property must be dispersed in plastic or paper containers. Glass containers, including glass bottles of any size, are not permitted in any outdoor owned City Property. The City may institute additional regulations or limitations for containers as necessitated by circumstances.
 - E. Outside of organized events, gatherings, or activities approved by the City Manager, individuals shall not be permitted to bring, drink, consume, possess, and/or sell intoxicating beverages on any City Property.

III. Sales of Intoxicating Beverages

- A. No individual, organization, or business shall be permitted to sell or distribute intoxicating beverages on City Property for free or for a de minimus price. Sales are limited to servings of beer, wine, or distilled spirits for consumption on the premises only. Package sales and sales as a distributor are prohibited.
- B. All sales of intoxicating beverages on City Property shall be conducted by licensed and insured organizations. A copy of a State of Georgia alcohol license and local alcoholic beverage license must accompany the rental agreement or special event permit application. All Sellers must comply with State of Georgia alcohol manufacturing and retail alcohol sales requirements. Sellers must obtain a permit and/or license from the City of Peachtree Corners, and said permit and/or license shall be visibly displayed by Seller at all times while on City Property.
- C. Sellers shall be responsible for the training and staffing necessary for any sales of intoxicating beverages to be conducted on City Property. Sellers shall ensure that any employee or agent serving, selling, or otherwise handling alcohol has been properly trained and, if required by relevant law, certified to engage in such activity.
- D. For any event, gathering, or activity where multiple Sellers are conducting sales of intoxicating beverages, said sales shall be conducted through a ticket or bracelet system, whereby individuals purchase tickets or bracelets that may be traded or shown to a Seller in exchange for one (1) serving of a

specific intoxicating beverage. The purchase of said tickets or bracelets shall be conducted at the sellers booth, and sales of tickets or bracelets shall be conducted in a manner whereby any individual wishing to purchase a ticket shall have his or her age verified by a trained individual prior to being permitted to purchase any tickets or bracelets. The City assumes no responsibility for the distribution of any ticket or bracelet proceeds or the payment of any taxes due relative to the same.

- E. At the City's discretion, the City may require that the organizer of an event, gathering, or activity where intoxicating beverages are sold donate not less than ten percent (10%) of the gross sales total for intoxicating beverages at said event, gathering, or activity. Said donation, if required, shall be made to a department designated by the City and shall be used for maintenance and improvements of the specific City Property used for the event, gathering, or activity, unless the City Manager designates that said donation be used for a different purpose. Organizers of such events, gatherings, or activities shall provide itemized sales figures to the City upon request.
- F. All Sellers selling intoxicating beverages on City Property shall execute and return to the City a waiver, release, and indemnification agreement as provided by the City prior to engaging in sales.
- G. In accordance with applicable Georgia law and regulations, no Seller, Seller's employee, and/or Seller's agent shall provide any intoxicating beverage to any individual who, in the reasonable judgment of Seller, appears to be intoxicated.

IV. Insurance

- A. No event, gathering, or activity at which intoxicating beverages are brought, drunk, consumed, possessed, and/or sold shall be allowed unless the organizer of said event, gathering, or activity obtains Liquor Liability Insurance Coverage in the amount of at least One Million and no/ 100 Dollars (\$1,000,000.00). The City of Peachtree Corners shall be named as an additional insured. Said insurance coverage shall be maintained throughout the entire time of the event, gathering, or activity, and shall not be cancelled or not renewed until at least thirty (30) days after written notice has been given to the City. Proof of said insurance coverage shall be provided to the City at least two (2) days prior to the event, gathering, or activity.
- B. All Sellers of intoxicating beverages conducting sales on City Property shall obtain and maintain Liquor Liability Insurance Coverage in the amount of at least One Million and no/ 100 Dollars (\$1,000,000.00). The City of Peachtree Corners shall be named as an additional insured. Said insurance coverage shall be maintained through the entire time Seller is conducting sales on City Property, and shall not be cancelled or not renewed until at least thirty (30) days after written notice has been given to the City. Said insurance coverage shall cover the activities of all individuals conducting sales on City Property on behalf of Seller. Proof of said insurance coverage shall be provided to the

City at least two (2) days prior to the event, gathering, or activity at which sales are to be conducted.

- C. No requirement for insurance under this Policy shall operate or be construed as limiting the amount of liability of any party to the enumerated amounts.
- D. No event, gathering, or activity shall be approved which requires the City to obtain any additional insurance coverage related to intoxicating beverages.

VI. Enforcement

- A. Any individual, group, or organization violating this Policy shall be removed from City Property and shall not be permitted to conduct any further events, gatherings, or activities on City Property involving the bringing, drinking, consumption, possession, or sale of intoxicating beverages for a period of not less than one (1) year. If said individual, group, or organization was required to pay a fee to the City in order to conduct the event, gathering, or activity and is removed from City Property for violation of this Policy, said fee shall not be refunded.
- B. Nothing in this Policy shall be construed as a limitation on the rights and obligations of the Gwinnett County Police Department or any other law enforcement agency to enforce any applicable federal, state, or local law regarding the possession, consumption, and sale of intoxicating beverages.
- C. All City or County employees who are empowered to enforce the smoking regulations, are empowered to take any and all reasonable actions to remove from City property any individual, group, or organization in violation of this Policy.

Action Item

**AMENDMENT NO. 1 TO THE
AGREEMENT
FOR PUBLIC WORKS, COMMUNITY DEVELOPMENT
AND ADMINISTRATIVE SERVICES**

This Amendment No. 1 ("Amendment") is made and entered into this _____day of December 2017, by and between the **CITY OF PEACHTREE CORNERS, GEORGIA**, a municipal corporation of the State of Georgia (the "City"), and **CH2M HILL ENGINEERS, INC.** a Delaware corporation authorized to do business in Georgia with its principal office located at 9191 S. Jamaica Street, Englewood, CO 80112 ("Contractor"); heretofore referred to jointly as the "Parties."

WHEREAS, the Parties entered into an Agreement for Public Works, Community Development and Administrative Services dated July 1, 2017 (the "Agreement"); and

WHEREAS, the City has requested a modification to the Services performed by Contractor; and

WHEREAS, in accordance with Section D Article 1.2 of the Agreement, the Parties desire to amend the Agreement to include the proposed addition to the Services.

NOW THEREFORE, in consideration of the terms and conditions contained herein and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, it is mutually agreed by and between the Parties to amend the Agreement as follows:

1. Section C, Article 3 is amended to add the following to the Scope of Services:

“H. Stormwater Management Services:

1. Stormwater Permit Services to include execution of tasks associated with the implementation of National Pollutant Discharge Elimination System (NPDES) Municipal Separate Storm Sewer System (MS4) Phase II Stormwater Discharge Permit for the City. The City’s Stormwater Management Program must address six minimum control measures and the impaired waters plan in the NPDES permit.

- a. *Public Education and Outreach*

Implement a Public Education Program to distribute educational materials to the community and/or conduct equivalent outreach activities about the impacts of stormwater discharges on water bodies and the steps that the public can take to reduce pollutants in stormwater runoff.

- b. *Public Involvement/ Participation*

Comply with State and local public notice requirements when implementing a public involvement/participation program.

- c. *Illicit Discharge and Detection and Elimination*

Develop, implement and enforce a program to detect and eliminate illicit discharges.

- d. *Construction Site Stormwater Runoff Control*

Develop, implement and enforce a program to reduce pollutants in any stormwater runoff to the MS4 from construction activities that result in a land disturbance of greater than or equal to one acre. Stormwater discharges from construction activity disturbing less than one acre must be included in the permittee’s program if that construction activity is part of a larger common plan of development or sale that would disturb one acre or more.

- e. *Post-Construction Stormwater Management in New Development and Redevelopment*

Develop, implement and enforce a program to address stormwater runoff into the MS4 from new development and redevelopment projects, including projects less than one acre if they are part of a larger common plan of development or sale, as described in the previous paragraph.

f. *Pollution Prevention/Good Housekeeping for Municipal Operations*

Develop and implement an operation and maintenance program that includes an employee training component with the ultimate goal of preventing or reducing pollutant runoff from municipal operations, such as park and open space maintenance, fleet and building maintenance, new construction and land disturbances, and storm water system maintenance.

g. *Impaired Waters Plan*

Develop a plan to reduce the pollutant of concern (POC) identified in any impaired waters located within its permitted area, using the latest approved 305(b)/303(d) List of Waters, which contain MS4 outfalls or are within one (1) linear mile downstream of MS4 outfalls.

2. Address additional requirements from the 2017 Metropolitan North Georgia Water Planning District (MNGWPD), which require the City to implement the District’s Integrated Water Resource Management Plan These additional requirements include:

a. *Coordinated Actions (INTEGRATED-1)*

Develop and administer a process to regularly coordinate across watershed, water supply, and wastewater actions.

b. *Floodplain Management (WATERSHED-3)*

Adopt a floodplain management and flood damage prevention ordinance, develop and maintain floodplain maps, and incorporate ordinance review and enforcement procedures into development plan reviews.

c. *Watershed Improvement Projects (WATERSHED-8)*

Identify substantially-impacted watersheds and implement Watershed Improvement Projects (WIPs) to address impaired waters.”

2. Section C, Article 4, Paragraph D is hereby amended to add the following Scope of Services:

“7. Perform proactive investigations to find unreported code violations when work load allows”

3. Section C, Article 5, paragraph C is hereby amended to add the following Scope of Services:

“5. Answer public questions, direct inquiries to proper staff, transfer calls to requested staff, and take messages as needed.”

4. Section D, Article 1.1 is hereby amended to delete the payment table in its entirety and replace with the following in order to reflect the additional Scope of Services:

“The Contractor shall perform the Scope of Services at the following lump sum rate:

	Subtotal Annual Fees	Monthly Rate
July 1, 2017 through November 30, 2017	\$962,807	\$192,561.40
December 1, 2017 through June 30, 2018 – General Fund	\$1,233,749	\$176,249.86

December 1, 2017 through June 30, 2018 – Stormwater Fund	\$433,752	\$61,964.57
2018 thru 2022	As adjusted annually by the escalation rate	As adjusted by escalation rate

This Amendment No. 1, together with the Agreement, constitutes the entire agreement between the Parties and supersedes all prior oral and written understandings with respect to the subject matter set forth herein. Unless specifically stated all other terms and conditions of the Agreement shall remain in full force and effect. Neither this Amendment nor the Agreement may be modified except in writing signed by an authorized representative of the Parties.

IN WITNESS WHEREOF, the parties hereto have caused this Amendment No. 1 to be duly executed by their authorized officers as of the day and year set forth next to each signature.

CH2M HILL ENGINEERS, INC.

CITY OF PEACHTREE CORNERS

By: _____
Name: _____
Title: _____
Date: _____

By: _____
Name: Mike Mason
Title: Mayor
Date: _____

ATTEST

Date: _____

By: _____
Name: Kym Chereck
Title: City Clerk
Date: _____

Approved as form and legal sufficiency subject to execution by the parties:

By: _____
Name: William F. Riley
Title: City Attorney
Date: _____

Action Item

AMENDMENT ONE
To the Payment Agreement for Public Works Services
between the City of Peachtree Corners, GA
and OPTECH RWM, LLC

WHEREAS, the **City of Johns Creek, Georgia** (hereinafter referred to as the Owner), entered into a contract dated September 22, 2015 with **OPTECH RWM, LLC**, hereinafter referred to as OPTECH (the Contractor), whose address is 2150 Brandon Trail, Alpharetta, GA 30004 to provide Public Works Services to the City and its affiliates.

WHEREAS, Peachtree Corners and the City of Johns Creek (“Johns Creek”) entered into an Intergovernmental Agreement in September of 2014, which was renewed in September of 2015, for the provision of public works services in which Johns Creek shall provide public works services; and

WHEREAS, Contractor and Johns Creek have previously entered into an agreement in which Contractor provides Public Works Services for Johns Creek; and

WHEREAS, Contractor and Johns Creek amended their agreement in September 2014 to allow for Contractor to provide certain services for Peachtree Corners beginning November 1, 2014 and running through September 30, 2015; and

WHEREAS, Contractor and Johns Creek have recently renewed their contract for a term of three years wherein Contractor will continue to provide certain services for Peachtree Corners.

NOW THEREFORE, in consideration of the foregoing recitals, the sums hereafter set forth and for other good and valuable consideration, the receipt and legal sufficiency of which are hereby acknowledged, it is hereby agreed to amend the contract to add the following services:

1. The addition of Right of Way Storm Drain Maintenance Services consistent with the scope of services as specified in the Johns Creek Right of Way Maintenance Contract Agreement, Exhibit A, Scope of Services, Storm Drains. It is understood the scope of services is for “basic” maintenance and repair of storm drains within the capabilities of the staff and equipment specified by the City. Large or complex jobs which put the contractor’s staff at risk will be outsourced with a contractor who has the proper equipment on hand to perform the work safely.
2. The Storm Drain Maintenance Staff shall include adding two (2) staff members, a medium duty dump truck, an excavator, walk behind compactor and assorted hand tools.
3. The annual fee for these added services and equipment will be \$ 205,995.40/yr or \$ 17,166.28/mo. and it will be added to the Contractors current base fee.
4. For the contract year beginning October 1, 2018 and each contract year thereafter, the Compensation for the contract year will be adjusted by a one and one half percent (1.5%) increase over the total compensation from the previous year, unless otherwise negotiated and mutually agreed upon by both parties.
5. Additional fees may accrue if Peachtree Corners requests the Contractor perform additional public works services or should Contractor purchase items or provide services that require added reimbursement. Purchases will not be made without prior authorization by the City of Peachtree Corners.
6. The Contractor shall directly invoice Peachtree Corners for all services or items provided for services performed for the City.
7. The Contractor acknowledges its responsibility to provide certain services for Peachtree Corners for a term which began on October 1, 2015 and running concurrent with the current agreement between the Contractor and Johns Creek, which is set to expire on September 30, 2018.

8. This Agreement may be executed in any number of counterparts, each of which shall be an original but all of which together shall constitute one and the same instrument.

All other paragraphs remain as originally written.

IN WITNESS WHEREOF, the parties hereto have indicated their approval of this Amendment by their signatures below:

**CITY OF PEACHTREE CORNERS, GA
(Owner)**

by _____
Mike Mason, Mayor

Date _____

**OPTECH RWM, LLC (Optech)
(Contractor)**

by _____
Robert W. Monette, P.E., President

Date _____

APPROVED AS TO FORM

by _____
Title: City Attorney

ATTEST:

By _____
Title: City Clerk

02017-12-108

AN ORDINANCE OF THE CITY OF PEACHTREE CORNERS, GEORGIA TO AMEND ARTICLE VII OF THE CITY OF PEACHTREE CORNERS ZONING RESOLUTION BY AMENDING SECTION 701 RELATED TO STRUCTURES EXCLUDED FROM HEIGHT LIMITATIONS; REPEALING ALL CONFLICTING ORDINANCES; AND SETTING AN EFFECTIVE DATE

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, pursuant to Section 1.12(a) of the City Charter, the City is charged with exercising the powers of zoning; and

WHEREAS, Notice to the public regarding said public hearing has been duly published in The Gwinnett Daily Post, the Official News Organ of Peachtree Corners; and

WHEREAS, the Mayor and Council desire to amend the current zoning resolution;

NOW THEREFORE, IT IS HEREBY ORDAINED by the governing authority of the City of Peachtree Corners, Georgia that the Zoning Resolution be amended as follows:

Section 1. (words ~~struck through~~ are deleted and words underlined are added)

ARTICLE VII, EXCEPTIONS AND MODIFICATIONS

...

Section 701. Structures Excluded from Height Limitations.

The height limitations of this Resolution shall not apply to ~~church~~ spires on religious facilities, belfries, flag poles, monuments, cupolas, domes, ornamental towers, nor to observation towers not intended for human occupancy, sanctuaries of religious facilities (permitted up to 65 feet in height when located at least 100' from abutting residential property), water towers, transmission towers, radio or television towers or aerials, chimneys, smokestacks, conveyors, derricks, nor to necessary mechanical roof appurtenances nor to barns and silos when located on a farm.

The above exclusions from height limits shall not apply in the vicinity of airports.

Section 2.

All ordinances or parts of ordinances in conflict herewith are hereby expressly repealed.

STATE OF GEORGIA
COUNTY OF GWINNETT
CITY OF PEACHTREE CORNERS

ORDINANCE 2017-11-108

SO ORDAINED AND EFFECTIVE, this ____ day of _____, 20__.

Approved:

Mike Mason, Mayor

ATTEST:

_____(SEAL)
Kym Chereck, City Clerk

VOTE: YNA Sadd / YNA Christ / YNA Wright / YNA Mason / YNA Aulbach / YNA Christopher / YNA Gratwick

R2017-12-94

RESOLUTION OF THE CITY OF PEACHTREE CORNERS, GEORGIA IN SUPPORT OF AN APPLICATION TO THE GEORGIA DEPARTMENT OF NATURAL RESOURCES, REQUESTING GRANT FUNDING TO CONSTRUCT A TRAIL

WHEREAS, the City of Peachtree Corners, Georgia has adopted a Technology Park Multi-Use Trail Study recommending trails within Technology Park; and

WHEREAS, the City of Peachtree Corners wishes to construct a 2000 feet concrete greenway along Technology Park Lake connecting the existing trails along Technology Parkway and Technology Parkway South; and

WHEREAS, the City of Peachtree Corners shall submit an application for funding from the Georgia Department of Natural Resources' Recreational Trails Program in order to construct said trail; and

WHEREAS, the City of Peachtree Corners further states that in the event the City of Peachtree Corners' application is recommended for funding by the Department of Natural Resources, the City of Peachtree Corners certifies and assures that it has the ability and intention to finance 100 percent of the total project cost and be reimbursed for 80 percent of eligible costs by the Department of Natural Resources; and,

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council that the City of Peachtree Corners shall submit an application for funding from the Georgia Department of Natural Resources' Recreational Trails Program, and that it shall, in the event that the application is recommended for funding, take action to assure that it will finance 100 percent of the total project cost and be reimbursed for 80 percent of eligible costs by the Department of Natural Resources.

SO RESOLVED AND EFFECTIVE, this the 19th day of December, 2017.

Approved:

Mike Mason, Mayor

Attest:

Kym Chereck, City Clerk
Seal