



PLANNING COMMISSION AGENDA

November 13, 2019
7:00 PM
CITY HALL

A. Roll Call

B. Approval of October 15, 2019 Minutes

C. Old Business:

D. New Business:

1. **Election of Officers.** Discussion, nomination, and election of officers to fill vacant positions.
2. **SUP2019-002 Peachtree Corners Pawn.** Request to approve a special use permit to accommodate a pawn shop in an existing shopping center at 7040 Jimmy Carter Blvd., Dist. 6, Land Lot 275, Peachtree Corners, GA.
3. **PH2019-006 & V2019-006 Chase Bank.** Request to modify a required buffer with associated variance for a new bank proposed at 4057 Holcomb Bridge Rd., Dist. 6, Land Lot 313, Peachtree Corners, GA

E. City Business Items:

1. **PH2019-008 Mobile Restaurants in Technology Park.** Consideration of an amendment to Zoning Code Sec. 1310, M-1 Light Industry District, to add mobile restaurants as a permitted use within Technology Park within the Central Business District.
2. **PH2019-009 Oversized Signs in the Central Business District.** Consideration of an amendment to Zoning Code Sec. 1310, M-1 Light Industry District, to add oversized signs as a prohibited use within the Central Business District.

F. Comments by Staff and Planning Commissioners.

G. Adjournment.



CITY OF PEACHTREE CORNERS
PLANNING COMMISSION MINUTES
OCTOBER 15, 2019
7:00 PM

The City of Peachtree Corners held a Planning Commission meeting on Tuesday, October 15, 2019. The meeting was held at City Hall, 310 Technology Parkway, Peachtree Corners, GA, 30092. The following were in attendance:

Planning Commission: Matt Houser, Chairman, Post D
Alan Kaplan, Post A
Shanga White, Post B
Mark Willis, Post C
Jim Blum, Post E
Joseph Collins, Alternate - *absent*
Lance Campbell, Alternate

Staff: Diana Wheeler, Community Development Director
Jeff Conkle, Planning and Zoning Administrator
Kym Chereck, City Clerk

MINUTES:

**MOTION TO APPROVE MINUTES FROM THE SEPTEMBER 17, 2019
PLANNING COMMISSION MEETING AS PRESENTED.**

By: Mark Willis

Seconded: James Blum

Vote: 4-0-1 (Willis, Blum, Houser, White) (Kaplan abstained)

Action: Minutes Approved

OLD BUSINESS:

None

NEW BUSINESS:

- 1. RZ2019-003 & V2019-005 Chabad Gwinnett** Request to rezone 0.485 acres from R-100 to O-I with associated variances to allow for a new religious facility and adjacent parking lot at 5815 Crooked Creek Rd.,

Dist. 6, Land Lot 303, Peachtree Corners, GA.

Diana Wheeler, Community Development Director, informed the Commission that the applicant is requesting the rezoning of 0.485 acres from R-100 (Single Family Residence) to O-I (Office-Institutional) to convert an existing single-family residence into a synagogue with associate parking on an adjacent parcel already zoned O-I. Associated variances include requests to reduce the required 50' rear buffer to 15' for a portion of the rear and 35' for the remainder of the rear behind the existing home; to reduce the required 50' buffer to 25' adjacent to the parking area; and a setback reduction from 40' to 20' along a portion of the rear to permit additions to the existing home, as depicted on the site plan.

The property, which is currently a single-family home built in the 1980s, is located on the west side of Crooked Creek Road, just south of the intersection with Spalding Drive.

The site plan submitted by the applicant indicates that the existing point of entry to the residential property will remain in place. The adjacent O-I property will have a parking lot with two points of entry: one on Crooked Creek Road and one on Spalding Drive.

Properties located immediately to the east, south, north and northwest of the subject property are zoned R-100, while parcels to the southeast are zoned RM-8 (Multifamily Residence). The adjacent property owned by the applicant to the northeast is zoned O-I. The area is largely characterized by a mixture of single-family residential properties and townhome condominiums.

The subject property is located within the Village Residential Character Area on the Peachtree Corners Character Areas Map. This area encourages "a variety of high-quality housing options to families at all stages of life" and is also an area where institutional uses such as religious facilities and schools are appropriate.

After review of the applicant's proposal and other relevant information, it is recommended that RZ2019-003/V2019-005 be approved with the following conditions:

1. The property shall be rezoned from R-100 to O-I.
2. Variances shall be approved so that the rear yard setback for the building is reduced to 40' along the southwest portion of the rear and 20' along the northwest portion of the rear. Additionally, a variance shall be approved so that the rear buffer area is reduced to 35' along the southwest portion of the rear and 15' along the northwest portion of the rear. The buffer adjacent to the parking lot shall also be reduced to 25'.
3. The development shall be in substantial conformance with the plan labeled "Plan of Chabad Gwinnett" dated August 30, 2019.
4. Development shall include no more than the three access points shown on the plan: the existing driveway at the house, the proposed parking lot

driveway along Crooked Creek Road and the proposed parking lot driveway along Spalding Drive.

5. Applicant shall install a replanted buffer along the rear of the existing building's lot consisting of double staggered rows of evergreens that are no less than 6 feet in height at time of planting plus additional shrubs that are no less than 3 feet in height at the time of planting to ensure a fully-vegetated buffer.
6. Applicant shall leave the buffer adjacent to the proposed parking lot undisturbed. Areas that are sparse with vegetation shall be supplemented by plantings to ensure a fully-vegetated buffer.
7. The synagogue shall make provisions for off-site parking when events are expected to generate a greater need for parking than the site can accommodate. In addition, an off-duty officer shall be utilized to manage traffic, if needed, in order to avoid traffic impacts to Spalding Drive.

The representative for the applicant, Mr. Shane Lanham of Mahaffey Pickens Tucker LLP, gave a brief description of the project and informed the Commission that the applicant has no issue with staff's conditions. Mr. Lanham stated that overflow parking for the site would take place at nearby churches.

Chairman Houser opened the floor for public comments.

Mr. David Choi explained that he is speaking for his parents who reside at 3778 Creekstone Drive. Mr. Choi stated that he is in opposition to the application as he feels this application will negatively affect the property value of surrounding properties, increase noise in the neighborhood and change the character of the neighborhood. Mr. Choi also expressed concern with the traffic in the area which he feels is already an issue.

Mr. Paul Webber of 5878 Spalding Drive, stated that his is in opposition to the application. Mr. Webber expressed various concerns with the application which include traveling on a dangerous road which exits onto Spalding Drive and, destroying the character of the neighborhood. Mr. Webber presented the Commission with a handout depicting his concerns. A copy of this handout can be obtained by the Community Development office.

Ms. Patricia Murphy, who lives two doors down from the proposed Chabad, stated that she is opposed to the application because she feels they will try to purchase other surrounding homes and change the character of the neighborhood.

Mr. Scott Kelley of 3758 Creekstone Drive, stated that he is in opposition to the application. Mr. Kelley expressed concern with the traffic flow and with the applicant purchasing additional houses in the neighborhood for expansion.

Mr. Stanley Harden of 3643 Monticello Commons, stated that the neighborhoods surrounding the proposed site are bedroom neighborhoods. Mr. Harden informed the Commission that people walking to the proposed site from other parking lots for services will encounter dangerous conditions and

that this is not the proper site for this applicant.

Mr. Terry Mercer of 3131 Edgewater Drive, Gainesville, who was representing a group of opposed neighbors, stated that he is opposed to the application. Mr. Mercer also stated that the egress and ingress will be an issue with this application. Mr. Mercer presented the Commission with a handout depicting his concerns. A copy of this handout can be obtained by the Community Development office.

Motions were made after discussion amongst the Commission.

MOTION TO DENY THE REQUEST TO REZONE RZ2019-003 & V2019-005 AS PRESENTED.

By: Mark Willis

Seconded: Alan Kaplan

MOTION TO TABLE TONIGHT'S APPLICATION TO THE NOVEMBER PLANNING COMMISSION MEETING TO ALLOW THE APPLICANT TO COME BACK AND ADDRESS CONCERNS ABOUT POTENTIAL EXPANSION OF THE CHABBAD OWNERSHIP OF LAND IN THE AREA AND, IT'S FUTURE DEVELOPMENT PLANS, AS WELL TO ADDRESS THE COMMUNITY'S UNDERSTANDABLE CONCERNS ABOUT TRAFFIC AND SAFETY BASED ON THE ULTIMATE DEVELOPMENT OF THE PROPERTY.

By: James Blum

Seconded: Matt Houser

VOTE ON SECOND MOTION: 2-3 (Blum and Houser approve) (Kaplan, White, Willis opposed)

VOTE ON FIRST MOTION: 4-1 (Willis, Kaplan, White, Houser approved) (Blum opposed)

ACTION TAKEN: APPLICATION DENIED

CITY BUSINESS ITEMS:

No new City business

COMMENTS BY STAFF AND PLANNING COMMISSION:

Jeff Conkle informed the commissioners that there will be a meeting in November.

The Planning Commission meeting concluded at 8:30 PM.

Approved,

Attest:

Matt Houser
Chairman

Kym Chereck
City Clerk

DRAFT

SUP2019-002
Peachtree Corners Pawn

**CITY OF PEACHTREE CORNERS
COMMUNITY DEVELOPMENT DEPARTMENT**

SPECIAL USE PERMIT ANALYSIS

PLANNING COMMISSION DATE: NOVEMBER 13, 2019

CITY COUNCIL DATE: DECEMBER 17, 2019

CASE NAME: **PEACHTREE CORNERS PAWN**

CASE NUMBER: **SUP2019-002**

CURRENT ZONING: C-2 GENERAL BUSINESS DISTRICT

LOCATION: 7040 JIMMY CARTER BOULEVARD, SUITE 4

MAP NUMBERS: 6th DISTRICT, LAND LOT 275

ACREAGE: 10.58 ACRES, ENTIRE SHOPPING CENTER

PROPOSED DEVELOPMENT: SPECIAL USE PERMIT TO ALLOW FOR A PAWN SHOP
IN A C-2 DISTRICT

FUTURE DEVELOPMENT MAP: HOLCOMB BRIDGE CORRIDOR CHARACTER AREA

APPLICANT: THOMAS GOODE
4631 NORTH SPRINGS CT
DUNWOODY GA 30338

CONTACT: JOHN UNDERWOOD, ATTORNEY
770-925-0111

OWNER: PEACHTREE CORNERS CENTER LLC
1805 BLANTON MILL ROAD
GRIFFIN GA 30324

RECOMMENDATION: APPROVE WITH CONDITIONS

PROJECT DATA:

The applicant requests a Special Use Permit on a portion of a 10.58-acre parcel, zoned C-2 (General Business District), to allow a pawn shop. The pawn shop owner has an existing pawn shop business in Peachtree Corners which is currently located about a mile away at 6889 Peachtree Industrial Boulevard. The business owner would like to relocate his existing business, currently located in a retail strip center, because the center's owner wants to remodel the building and is not renewing leases.

The subject property for the proposed relocation is currently vacant space in the large shopping center on Jimmy Carter Boulevard just northwest of Peachtree Industrial Boulevard. The specific location is the one-story building (known as 7040 Jimmy Carter Boulevard) to the south of the larger two-story building (known as 7050 Jimmy Carter Boulevard). The pawn shop is proposed in Suite 4 of 7040 Jimmy Carter Boulevard which is a 1500 square foot space.

The surrounding area is characterized by commercial establishments zoned C-2 to the north, south and east. To the west, a condominium townhome complex named Hidden Cove is zoned RM (Residential Multifamily District).

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. Following each item is the applicant's response followed by Staff's comment.

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. The pawn shop is unlikely to have a negative impact on the use and development of nearby and adjacent property in view of other similar uses nearby. The applicant seeks a Special Use Permit for Suite 4 of the building located at 7040 Jimmy Carter Boulevard. Suite 4 is 1500 SF of the 5474 SF building located in a shopping center owned by Peachtree Corners Center, LLC, 7050 Jimmy Carter Boulevard. The shopping center formerly housed a pawn shop and a check cashing establishment located in of the 7050 building. There is an existing TitleMax Pawn shop at 6405 Peachtree Industrial Boulevard which is within 900 feet of 7040 Jimmy Carter Boulevard. The applicant has operated a nearby pawn shop 6889 Peachtree Industrial Boulevard in Peachtree Corners for over 6 years. Applicant's current location is approximately 1.1 miles from Suite 4, 7040 Jimmy Carter Boulevard. The applicant is forced to relocate because his landlord seeks to renovate the property.

Staff's Comment: The pawn shop is unlikely to have a detrimental impact on the use and development of adjacent and nearby property in the proposed location than in its current nearby location. Its impact on traffic and other infrastructure would remain roughly the same,

while Peachtree Corners would be able to take steps to minimize the impact of signage on the area's aesthetics and traffic safety.

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. As stated above the shopping center has had similar businesses operating there in the past and there are other similar businesses nearby. It will not have any adverse effects on the existing use or usability of adjacent and nearby properties.

Staff's Comment: The proposed Special Use Permit would allow Peachtree Corners to regulate how the business operates while not increasing any adverse effects on the existing use or usability of adjacent or nearby properties.

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: Yes, the property has a reasonable economic use it is currently zoned.

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. Since the proposed pawnshop will be located in an existing building within the shopping center, its impact on transportation and other infrastructure should remain unchanged.

Staff's Comment: As the proposed location is a small storefront within an existing large-scale shopping center, impacts on infrastructure should remain unchanged.

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, the proposed pawn shop is only allowed as a special use in the C2 zoning classification. All 10.58 acres of the Peachtree Corners Center, LLC property is zoned C2. Pawn shops are not permitted anywhere in the City of Peachtree Corners other than as a special use within the C2 zoning classification. The applicant seeks the SUP only for the 1500 SF of Suite 4.

The 2040 Peachtree Corners Character Area Map indicates that the property is located in the Holcomb Bridge Corridor Character Area. It is an appropriate use within the area.

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: Yes. The pawn shop will occupy only 1500 SF of the building at 7040 Jimmy Carter Boulevard. The applicant will not have any outdoor sales, display or storage, and will accept reasonable conditions on signage and the exterior appearance of the building.

Staff's Comment: The fact that the exiting location has operated without issue since it was approved in 2011 suggests that the proposed use should not have a detrimental impact on the new location.

COMPREHENSIVE PLAN:

The 2040 City of Peachtree Corners Character Area Map indicates that the property is located within the Holcomb Bridge Corridor Character Area. This Character Area encourages a higher-intensity nodes at major intersections, with a mix of destination retail and smaller, neighborhood-serving commercial uses. The proposed Special Use Permit would not be inconsistent with these encouraged uses.

DEPARTMENT ANALYSIS:

The business in question is currently in place at a nearby location in Peachtree Corners. The business has one wall sign stating "Peachtree Corners Pawn" and is visible from both Peachtree Industrial Boulevard and its frontage road. The applicant's goal is to relocate within the area, since his lease is not being renewed.

The existing pawn shop had Special Use Permit approval by Gwinnett County in 2011 (SUP2011-0041). That approval included 10 conditions related to the operation of the business. Since the approval, the business has not been the subject of any zoning violations and staff is not aware of any complaints.

The Gwinnett County conditions were as follows:

1. Retail, service commercial, office and accessory uses which may include a pawn shop as a special use.
2. The pawn shop shall be restricted to Suite L (1,600 +/- square feet of space).
3. Hours of operation for the pawn shop shall be limited to between 8:00 a.m. and 7:00 p.m.
4. Outdoor sales, storage or display of merchandise (including vehicles) shall be prohibited.
5. Wall signage for the pawn shop shall not exceed the requirements of the Gwinnett County Sign Ordinance.

6. Window signage (signs displayed on the interior or exterior of the pawn shop storefront windows), other than "open/closed" signs, hours of operation, stenciling within the top 14 inches of the window(s), or those signs required by local, state or federal law shall be prohibited. Allowable window signage shall not exceed 4 square feet.
7. Neon, LED or blinking window signs or wall signs shall be prohibited.
8. No banners, streamers or roping decorated with flags, tinsel, or other similar material shall be displayed, hung, or strung on the site. No decorative balloons or hot-air balloons shall be displayed on the site. Yard and/or bandit signs, sign-walkers and sign-twirlers shall be prohibited.
9. Peddlers and/or parking lot sales shall be prohibited.
10. Owner shall repair or repaint any graffiti or vandalism that occurs on the property within 72 hours.

Therefore, after review of the applicant's proposal and other relevant information, it is recommended that SUP2019-002 be approved with the following conditions:

1. Pawn shop, as a special use, shall be added to the shopping center and limited to the 1500 sq. ft. designated location, 7040 Jimmy Carter Boulevard, Suite 4, shown on the site plan provided with this application.
2. No outdoor sales, display, or storage shall be permitted.
3. Except for a 'grand opening' type banner issued in accordance with sign ordinance requirements, no other temporary advertising such as balloons, tents, or flags shall be permitted.
4. Signage shall be limited to the following: one wall sign no greater than 36 sq. ft. in area on the front of the building; one "open" sign no greater than 3 sq. ft. located in the storefront area; and one sign slot in the monument sign for the shopping center.
5. Except for the 'open' sign, no signage, neon, or tube lighting shall be placed in the windows and none of these items shall be placed on the roof.
6. Hours of operation for the pawn shop shall be limited to between 8:00am and 7:00pm.
7. No bars shall be permitted on the windows.
8. Pawn shop owner shall repair or repaint any graffiti or vandalism that occurs on the outside of the store within 72 hours.



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 | REQUIRED | PROVIDED |
|--|--|-------------------------------------|-------------------------------------|
| Completed Application Form | • 1 original | <input checked="" type="checkbox"/> | <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"/> | <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"/> | <input checked="" type="checkbox"/> |
| Letter of Intent | • 1 copy | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> |
| Applicant Certification with Notarized Signature | • 1 copy | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> |
| Property Owner Certification with Notarized Signature | • 1 copy | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> |
| Standards Governing Exercise of the Zoning Power | • 1 copy | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> |
| Disclosure Report Form (Conflict of Interest Certification/Campaign Contributions) | • 1 copy | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> |
| Verification of Paid Property Taxes (most recent year) | • One (1) Copy (per tax parcel) | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> |
| Electronic copy of complete package | • One (1) copy | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> |
| Application Fee | • Make checks payable to the City of Peachtree Corners | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> |
| ADDITIONAL EXHIBITS (IF REQUIRED) | | | |
| Additional site plan requirements for R-TH, R-ZT, Modified, CSO, OBP, MUD or MUO rezoning requests | • 1 copy | <input type="checkbox"/> | <input type="checkbox"/> |
| Traffic Study | • 1 copy | <input type="checkbox"/> | <input type="checkbox"/> |
| Development of Regional Impact Review Form | • 1 copy | <input type="checkbox"/> | <input type="checkbox"/> |
| Community Information Meeting Certification | • 1 copy | <input type="checkbox"/> | <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>Thomas Goode</u> | NAME: <u>Peachtree Corners Center, LLC c/o Frank B. Flanders</u> |
| ADDRESS: <u>4631 N. Springs Court</u> | ADDRESS: <u>1805 Blanton Mill Road</u> |
| CITY: <u>Dunwoody</u> | CITY: <u>Griffin</u> |
| STATE: <u>GA</u> ZIP: <u>30338</u> | STATE: <u>GA</u> ZIP: <u>30324</u> |
| PHONE: <u>770-652-4240</u> | PHONE: <u>770-584-2001</u> |
| E-MAIL: <u>goode.thomas@yahoo.com</u> | E-MAIL: <u>frank@flandersga.com</u> |
| APPLICANT CONTACT, IF DIFFERENT THAN ABOVE | |
| CONTACT PERSON: <u>John E. Underwood</u> PHONE: <u>(770) 925-0111</u> | |
| CONTACT'S E-MAIL: <u>junderwood@tokn.com</u> | |

APPLICANT IS THE:

OWNER'S AGENT PROPERTY OWNER CONTRACT PURCHASER

PRESENT ZONING DISTRICT(S): C-2 REQUESTED ZONING DISTRICT: SUP for Pawn Shop

LAND DISTRICT(S): R6 LAND LOT(S): 275 ACREAGE: 10.58

ADDRESS OF PROPERTY: 7040 Jimmy Carter Blvd. Peachtree Corners, GA 30092

PROPOSED DEVELOPMENT: Pawn Shop

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

No. of Lots/Dwelling Units _____

Dwelling Unit Size (Sq. Ft.): _____

NON-RESIDENTIAL DEVELOPMENT

No. of Buildings/Lots: ^{1805 Blanton Mill Road} _____

Total Bldg. Sq. Ft.: ^{±1500 Sq. Ft (Suite 4)*} _____

Gross Density: N/A

***Bldg @ 7040 Jimmy Carter Boulevard**

FEE SCHEDULE Total squarw footage 5474

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-I00, 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-I0, 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-I, C-2, C-3, O-I, OBP, M-I, 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.

Thomas J. Goode 9/26/2019
Signature of Applicant Date

THOMAS J. GOODE
Type or Print Name and Title

Nathalie Bigord 09/26/2019
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.

(ATTACHED)

Signature of Property Owner Date

Type or Print Name and Title

Signature of Notary Public Date Notary Seal

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 of Applicant

Date

Type or Print Name and Title

Signature of Notary Public

Date

Notary Seal

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.

Peachtree Commons Center, LLC

Frank B. Flanders III

Sept. 24, 2019

Signature of Property Owner

Date

Frank B. Flanders III, MEMBER MANAGER

Type or Print Name and Title

Tracy L. Hutto

9/24/19

Signature of Notary Public

Date

Notary Seal



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

Thomas J. Goode
 Print Name

1. CAMPAIGN CONTRIBUTIONS

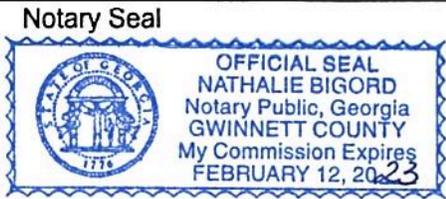
| Name of Government Official | Total Dollar Amount | Date of Contribution | Enumeration and Description of Gift Valued at \$250.00 or more |
|-----------------------------|---------------------|----------------------|--|
| | | | |
| | | | |
| | | | |
| | | | |

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.

Thomas J. Goode 9/26/2019 Thomas J. Goode
 Signature of Applicant Date Type or Print Name and Title

John E. Underwood 9/26/2019 John E. Underwood ATTORNEY
 Signature of Applicant's Attorney or Representative Date Type or Print Name and Title
 FOR APPLICANT
 GA BARR # 722050

Nathalie Bigord 09/26/2019
 Signature of Notary Date



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: RL - 275 - 053
(Map Reference Number) District Land Lot Parcel

[Signature] Signature of Applicant 9/27/2019 Date

Thomas J Goode
Type or Print Name and Title

Pawn Shop
OWNER + Applicant

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)

[Signature] NAME TSA II TITLE

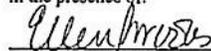
9-27-19 DATE

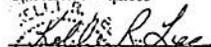
BK 15986 PG0214

IN WITNESS WHEREOF, Grantor has signed and sealed this Limited Warranty Deed, as of the day and year first above written.

Signed, sealed and delivered in the presence of:

 (SEAL)
FRANK B. FLANDERS, JR.


Unofficial Witness


Notary Public [Affix seal and state date of expiration of Commission]
Notary Public, Fayette County, Georgia
My Commission Expires Feb. 17, 2002

{MS6961.DOC}

BK 15986 PG0215

EXHIBIT "A"

ALL THAT TRACT of land situate, lying and being in Land Lot 275 of the 6th District of Gwinnett County, Georgia and being more particularly described as follows:

BEGINNING at a point on the westerly right-of-way line of Jimmy Carter Boulevard (a one hundred (100') foot right-of-way); said point being located 95.89 feet southerly along said right-of-way line from the point of intersection of said right-of-way line with the Land Lot Line common to Land Lots 274 and 275, aforesaid District and County; run thence along said right-of-way line along the arc of a curve to the right an arc distance of 58.41 feet (said arc being subtended by a chord bearing south $03^{\circ}51'31''$ east a chord distance of 58.40 feet and having a radius of 1345.62 feet) to a point; thence continue along said right-of-way line along the arc of a curve to the right an arc distance of 19.55 feet (said arc being subtended by a chord bearing south $02^{\circ}05'15''$ east a chord distance of 19.55 feet and having a radius of 1345.62 feet) to a point; thence continue along said right-of-way line along the arc of a curve to the right an arc distance of 263.68 feet (said arc being subtended by a chord bearing south $01^{\circ}14'14''$ west a chord distance of 263.60 feet and having a radius of 3303.22 feet) to a point; thence continue along said right-of-way line along the arc of a curve to the right an arc distance of 448.32 feet (said arc being subtended by a chord bearing south $09^{\circ}35'30''$ west a chord distance of 447.70 feet and having a radius of 2440.29 feet) to a point; thence continue along said right-of-way line along the arc of a curve to the right an arc distance of 61.57 feet (said arc being subtended by a chord bearing south $15^{\circ}34'34''$ west a chord distance of 61.56 feet and having a radius of 2440.29 feet) to a point; thence continue along said right-of-way line south $16^{\circ}17'57''$ west a distance of 34.40 feet to a point; thence depart said right-of-way line and run south $85^{\circ}56'01''$ west a distance of 351.01 feet to a point; run thence along the arc of a curve to the right an arc distance of 426.75 feet (said arc being subtended by a chord bearing north $12^{\circ}52'34''$ west a chord distance of 425.28 feet and having a radius of 1482.39 feet) to an iron pin found; run thence north $04^{\circ}37'44''$ west a distance of 251.50 feet to a point; run thence north $04^{\circ}37'36''$ west a distance of 162.15 feet to a point herein designated as Point "A".

From Point "A" as thus designated, run north $04^{\circ}37'36''$ west a distance of 25.78 feet, more or less, to a point in the centerline of Crooked Creek; run thence in a more or less northeasterly direction along said centerline of Crooked Creek, following the meanderings thereof, a distance of 348.2 feet, more or less, to a point; thence depart said centerline of Crooked Creek and run south $17^{\circ}30'11''$ east a distance of 12.61 feet to a point herein designated as Point "B", the traverse line from Point "A" to Point "B" being a line running north $65^{\circ}19'12''$ east a distance of 340.91 feet.

From Point "B" as thus designated, run south $17^{\circ}30'11''$ east a distance of 103.59 feet to a point; run thence north $82^{\circ}57'24''$ east a distance of 91.00 feet to a point; run thence north $82^{\circ}57'24''$ east a distance of 150.00 feet to a point on the westerly right-of-way line of Jimmy Carter Boulevard and the POINT OF BEGINNING.

BK 15986 P60216

EXHIBIT "A"

TOGETHER WITH drainage easement rights as set forth in Declaration of Easement by Akin & Flanders, a Georgia general partnership, dated January 10, 1993, filed for record September 21, 1993 at 8:00 a.m., recorded in Deed Book 9336, Page 132, Records of Gwinnett County, Georgia, and as set forth in Declaration of Easements by L. Judson Akin and Frank B. Flanders, dated April 22, 1994, filed for record May 24, 1994 at 8:00 a.m., recorded in Deed Book 10339, Page 203, aforesaid Records.

BK 15986 P60217

EXHIBIT "B"

1. All taxes for the year 1998 and subsequent years.
2. Easements in favor of the Georgia Power Company as follows:
 - (a) From J. W. Coker and R. D. Hale, dated August 5, 1949, filed for record November 22, 1949 at 4:00 p.m., recorded in Deed Book 94, Page 214, Records of Gwinnett County, Georgia;
 - (b) From T. J. Woth, dated December 15, 1953, filed for record January 25, 1954 at 9:00 a.m., recorded in Deed Book 115, Page 160, aforesaid Records;
 - (c) From J. J. Westbrooks, dated November 27, 1953, filed for record January 25, 1954 at 9:00 a.m., recorded in Deed Book 115, Page 161, aforesaid Records; and
 - (d) from Akin, Flanders and Rowe dated April _____, 1984, filed for record January 10, 1985 at 9:00 a.m., recorded in Deed Book 2953, Page 291, aforesaid Records.
3. Non-exclusive easement contained in that certain Third Amending Agreement by and among Overlook Associates, Ltd., a Georgia limited partnership, Duke Enterprises, Inc., a Georgia corporation, and Metropolitan Life Insurance Company, a New York corporation, dated August 28, 1975, filed for record September 3, 1975 at 10:12 a.m., recorded in Deed Book 1006, Page 237, aforesaid Records. (As shown on the survey referenced below.
4. Right of Way Deeds in favor of Gwinnett County, Georgia as follows:
 - (a) From Banca Commerciale Italiana dated October 26, 1978, filed for record November 28, 1978 at 12:47 p.m., recorded in Deed Book 1596, Page 56, aforesaid Records;
 - (b) From Roy D. Hale dated December 1, 1978, filed for record April 12, 1979 at 10:14 a.m., recorded in Deed Book 1681, Page 141, aforesaid Records; and
 - (c) From Jess W. Coker dated December 1, 1978, filed for record April 12, 1979 at 10:14 a.m., recorded in Deed Book 1681, Page 142, aforesaid Records.
5. Covenants, Conditions and Restrictions by and between B.C.I. Development, Inc. and Peachtree Corners, Inc. dated March 31, 1983, filed for record April 4, 1983 at 11:44 a.m., recorded in Deed Book 2530, Page 398, aforesaid Records.
6. Easement from L. J. Akin, Frank B. Flanders, Jr. and David C. Rowe, Jr. to Gwinnett County, dated July 2, 1984, filed for record August 9, 1984 at 3:07 p.m., recorded in Deed Book 2850, Page 174, aforesaid Records. (As shown on the survey.)
7. Conveyance of Access Rights from L. Judson Akin, Frank B. Flanders and David C. Rowe to the Department of Transportation, State of Georgia, dated April 17, 1984, filed for record October 1, 1984 at 3:00 p.m., recorded in Deed Book 2884, Page 114, aforesaid Records.

BK 15986 PG0218

EXHIBIT "B"

8. Declaration of Restrictive Covenants by L. Judson Akin, Frank B. Flanders, Jr. and David C. Rowe, Jr. dated December 17, 1984, filed for record January 9, 1985 at 10:59 a.m., recorded in Deed Book 2952, Page 493, aforesaid Records.
9. Declaration of Restrictive Covenants by L. Judson Akin, Frank B. Flanders, Jr. and David C. Rowe, Jr. dated July 23, 1984, filed for record January 9, 1985 at 11:00 a.m., recorded in Deed Book 2952, Page 496, aforesaid Records.
10. Easement from L. Judson Akin, Frank B. Flanders, Jr. and David C. Rowe, Jr. to McDonald's Corporation dated January 3, 1985, filed for record January 9, 1985 at 11:03 a.m., recorded in Deed Book 2952, Page 506, aforesaid Records. (As shown on the survey.)
11. Twenty Year Net, Net, Net Ground Lease Agreement With Easement by and between L. Judson Akin, Frank B. Flanders, Jr. and David C. Rowe, Jr. and Arby's Inc., an Ohio corporation, dated March 22, 1985, filed for record February 4, 1986 at 1:54 p.m., recorded in Deed Book 3361, Page 87; as amended by that certain First Amendment to Twenty Year Net, Net, Net Ground Lease Agreement with Easement by and between L. Judson Akin, Frank B. Flanders, Jr., and David C. Rowe, Jr. and Arby's Inc., dated January 30, 1986, filed for record February 4, 1986 at 1:54 p.m., recorded in Deed Book 3361, Page 127; as transferred by that certain Transfer and Assignment/Lessor's Consent by and between Arby's Inc., an Ohio corporation, William Stephen Elrod and Rufus J. Elrod, Jr. and L. Judson Akin, Frank B. Flanders, Jr. and David C. Rowe, Jr., dated January 30, 1986, filed for record February 4, 1986 at 1:55 p.m., recorded in Deed Book 3361, Page 133, aforesaid Records.
12. Lease as evidenced by Memorandum of Lease from Akin, Flanders & Rowe, a Georgia general partnership, to Upton's Inc., a Delaware corporation, dated February 28, 1990, filed for record April 9, 1990 at 2:21 p.m., recorded in Deed Book 5970, Page 328, aforesaid Records.
13. Declaration of Easement by Akin & Flanders, a Georgia general partnership, dated January 10, 1993, filed for record September 21, 1993 at 8:00 a.m., recorded in Deed Book 9336, Page 132, aforesaid Records.
14. Declaration of Easements by L. Judson Akin and Frank B. Flanders, dated April 22, 1994, filed for record May 24, 1994 at 8:00 a.m., recorded in Deed Book 10339, Page 203, aforesaid Records.
15. Rights of tenants under unrecorded commercial space leases.

BK 15986 P60219

EXHIBIT "B"

16. Those matters shown and disclosed by that certain ALTA/ACSM As-Built Survey of Peachtree Corners Shopping Center for Flanders and Company, Wingate Realty Finance Corporation and Stewart Title Guaranty Company, prepared by Patterson & Smith, Inc., bearing the seal and certification of Clifford A. Smith, Georgia Registered Land Surveyor No. 1500, dated May 1, 1998, last revised May __, 1998, as follows:
- (a) Fifty (50') foot front building setback line along the one hundred (100') foot right-of-way of Jimmy Carter Boulevard;
 - (b) Forty (40') foot rear building setback line;
 - (c) Ten (10') foot side building setback line;
 - (d) Meandering centerline of Crooked Creek forms the northerly boundary line of the subject property: northern portion of the subject property lies within twenty-five (25') foot buffer zone and one hundred (100) year flood plain of said creek;
 - (e) Storm drainage lines with drop inlets drain to detention pond lying to the north of the subject property;
 - (f) Power and telephone lines mounted on guyed poles traverse the easterly portion of the subject property; and
 - (g) Gas, electrical and water meters, light poles, water valves and fire hydrants located throughout the subject property disclose easements for underground utilities.



John E. Underwood
junderwood@tokn.com

September 30, 2019

VIA HAND DELIVERY

City of Peachtree Corners
Community Development
310 Technology Parkway
Peachtree Corners, Georgia 30092

Re: Letter of Intent
Application for Special Use Permit
Pawn Shop
Thomas J. Goode, Applicant
Our file no. 3805.00003

Dear Sir or Madam:

This firm represents Thomas J. Goode, the applicant herein. This transmittal letter shall also serve as the letter of intent required with the application.

Mr. Goode is the owner and operator of Peachtree Corners Pawn, located at 6889 Peachtree Industrial Boulevard, Suite L, Peachtree Corners, Georgia 30092. He has operated his pawn business at this location for over six (6) years. The new owner of the shopping center wishes to renovate and has given Mr. Goode notice that his lease will not be renewed.

Mr. Goode is desirous of relocating his pawn shop business to Suite 4, 7040 Jimmy Carter Boulevard, Peachtree Corners, Georgia. Suite 4 is the westernmost space in the 7040 building and is approximately 1500 square feet. The 7040 building is approximately 1.1 miles from the present location of Peachtree Corners Pawn.

The 7040 building is the smaller of two buildings within the shopping center more generally known by the common address of 7050 Jimmy Carter Boulevard (R6275 053), owned by Peachtree Corners Center, LLC. R6275 053 is currently zoned C-2. The shopping center development total area is 10.58 acres.

Pawn shops are not permitted by right in any zoning classification in the city of Peachtree Corners. A pawn shop is only permitted by Special Use Permit within the C-2 zoning classification. Therefore, attached hereto is the application for a special use permit for a pawn shop to be located at Suite 4, 7040 Jimmy Carter Boulevard, Peachtree Corners, Georgia (the "Subject Property"), as follows:

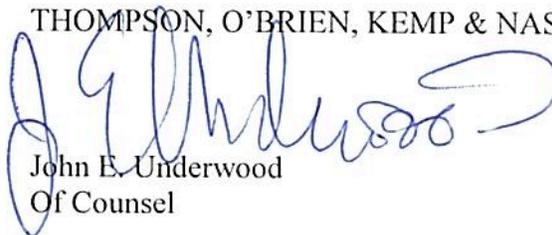
- Completed application form;
- Boundary Survey Plat of 7050 Jimmy Carter Boulevard;
- Copy of the warranty deed showing that Peachtree Corners, LLC is the owner of the property and containing Metes and Bounds legal description of the entire 10.58 acres;
- Applicant Certification with Notarized Signature (on two pages);
- Standards Governing the Exercise of Zoning Power (Steinberg Criteria), with Applicant's responses;
- Disclosure Report Form (Conflict of Interest Certification/Campaign Contributions) signed by representatives of Applicant and Property Owner;
- One Original Verification of Paid Property Taxes for the most current year;
- Constitutional Objections;
- Mr. Goode's Check in the amount of \$850.00 made payable to the City of Peachtree Corners; and
- One Electronic Copy of all of the above documents, and this transmittal letter, with attachments.

Mr. Goode has been a good business citizen of the City of Peachtree Corners since its inception. He wishes to continue his business within the City. On behalf of Mr. Goode, we respectfully request that the City of Peachtree Corners approve this application for a special use permit for a pawn shop to be located at Suite 4, 7040 Jimmy Carter Boulevard, Peachtree Corners, Georgia.

Should you have any questions, or require any additional information, please do not hesitate to contact me.

Very truly yours,

THOMPSON, O'BRIEN, KEMP & NASUTI, P.C.



John E. Underwood
Of Counsel

JEU:bms

Enclosures

cc: Thomas J. Goode (w/encl., via email attachment)

2177150_1

CONSTITUTIONAL OBJECTIONS

The Zoning Resolution of the City of Peachtree Corners, Georgia, lacks adequate standards for the Board of County Commissioners to exercise its power to zone and rezone. In essence, the standards are not sufficient to contain the discretion of the Board of County Commissioners and to provide the Courts with a reasonable basis for judicial review. Because the stated standards (individually and collectively) are too vague and uncertain to provide reasonable guidance to the Board of County Commissioners, the Zoning Resolution violates the Fifth and Fourteen Amendments of the Constitution of the United States in matters of zoning. The Zoning Resolution also violates Article I, Section III, Paragraph 1; and Article I, Section I, Paragraphs 1 and 2 of the Constitution of the State of Georgia, 1983.

The Mayor and Council of the City of Peachtree Corners, Georgia are granted the power to zone pursuant to Article IX, Section II, Paragraph 4 of the Constitution of the State of Georgia, 1983. It is a power which must be fairly exercised. Based on this element of fairness, the Zoning Resolution of the City of Peachtree Corners, Georgia violates Article IX, Section II, Paragraph 4 of the Constitution of the State of Georgia, 1983.

The Zoning Resolution presently in effect, for this property, is contrary to the best interest of the health and welfare of the citizens of Peachtree Corners, Georgia, and constitutes an arbitrary and capricious act. As a result, the Zoning Resolution is in violation of Article I, Section I, Paragraphs 1 and 2 of the Constitution of the State of Georgia, 1983; Article I, Section III, Paragraph 1 of the Constitution of the State of Georgia; and Article I, Section II, Paragraph 3 of the Constitution of the State of Georgia, 1983. Furthermore, the Zoning Resolution violates the due process clause and equal protection clauses of the Fifth and Fourteenth Amendments to the Constitution of the United States of America.

In addition, the Zoning Resolution presently in effect, for this property, is unconstitutional in that it renders this property unusable and destroys its marketability. Therefore, the Zoning Resolution constitutes a taking of applicant's property without just and adequate compensation and without due process of law in violation of the Fifth and Fourteenth Amendments to the United States Constitution and in violation of Article I, Section I, Paragraph 1, and Article I, Section III, Paragraph 1(a) of the Constitution of Georgia.

The failure to permit the special use permit for a pawn shop, as requested, or to grant the special use permit with conditions or to zone the property to any other classification including other intervening zoning classifications which would permit a pawn shop, would constitute the taking of property without due process and without the payment of adequate compensation in violation of Article I, Section I, Paragraph 1 of the Constitution of the State of Georgia, 1983; Article I, Section III, Paragraph 1 of the Constitution of the State of Georgia, 1983; and the Fifth and Fourteenth Amendments of the Constitution of the United States.

The failure to permit the special use permit for a pawn shop, as requested, or to grant the special use permit with conditions or to zone the property to any other classification including other intervening zoning classifications which would permit a pawn shop, would be contrary to the best interest of the health and welfare of the citizens of the City of Peachtree Corners, Georgia, and would further constitute an arbitrary and capricious act. As such, failure to grant the application would constitute a Violation of Article I, Section I, Paragraph 1 of the Constitution of the State of Georgia, 1983; Article I, Section III, Paragraph 1 of the Constitution of the State of Georgia, 1983; and Article I, Section II, Paragraph 3 of the Constitution of the State of Georgia, 1983, together with the due process clause and equal protection clauses of the Fifth and Fourteenth Amendments to the Constitution of the United States of America.

Any limitation on the time for presentation of the issues before the Mayor and Council of the City of Peachtree Corners who have the power to zone and rezone is a violation of the guarantees of free speech under Article I, Section I, Paragraph 5 of the Constitution of the State of Georgia, 1983 and the First Amendment of the Constitution of the United States of America. Further, said limitations are in violation of the right to petition and assemble, in violation of Article I, Section I, Paragraph IX of the Constitution of Georgia, 1983 and the First Amendment of the Constitution of the United States of America as well as the due process clauses of the Constitution of Georgia, 1983 and the Constitution of the United States of America.

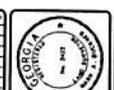
SES

PLANNING
ENGINEERING
SURVEYING

SCALON ENGINEERING SERVICES, INC.
211 EAST MAIN STREET
CORNERS, GEORGIA 30531
PHONE: (770) 969-1234 FAX: (770) 969-2043

PEACHTREE CORNERS CENTER, LLC
LOCATED IN LAND LOT 275 OF THE 6TH DISTRICT
CITY OF PEACHTREE CORNERS, GWINNETT COUNTY, GEORGIA

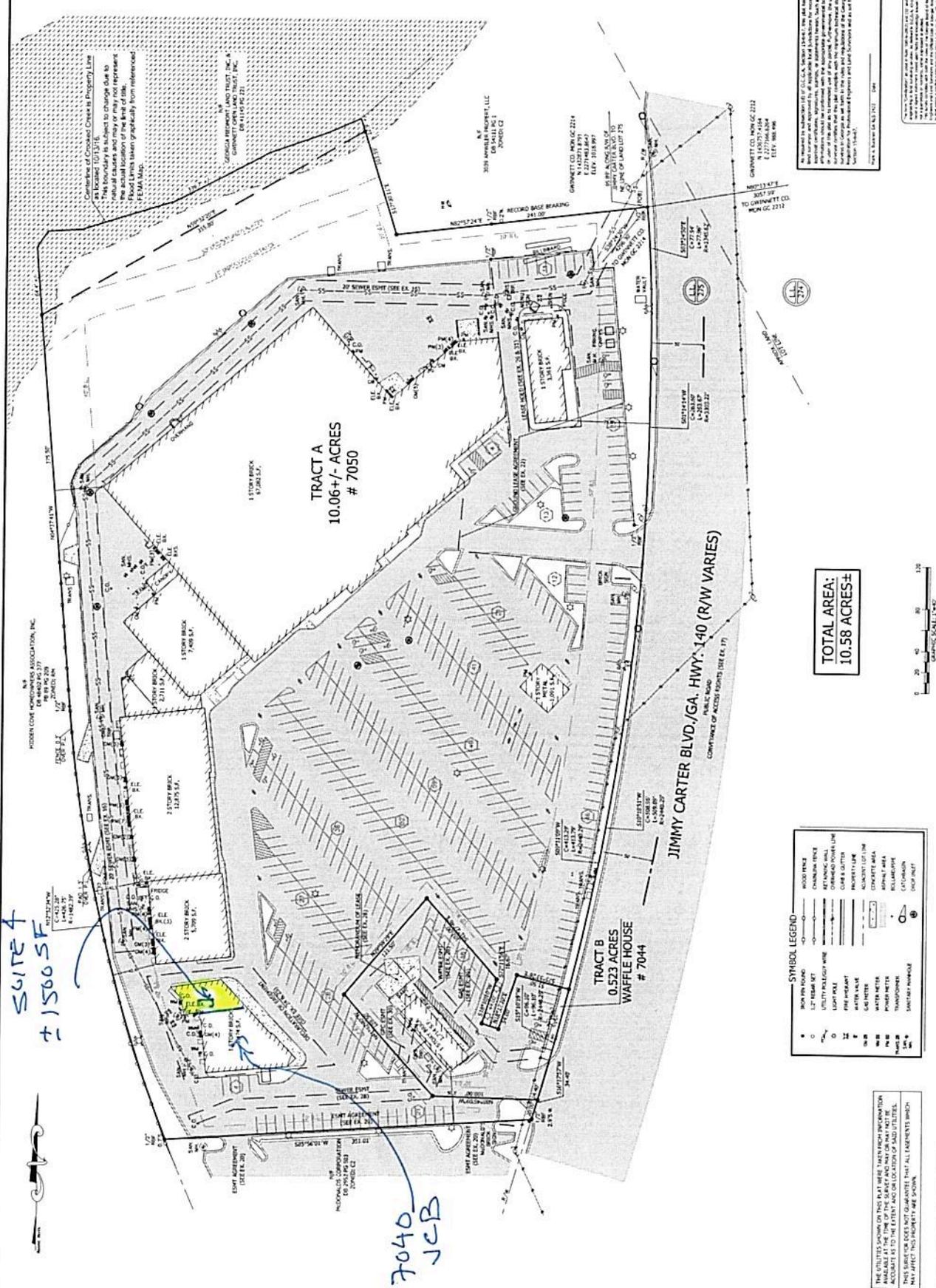
Table with 2 columns: No., Description. Rows 1-10.



MINOR FINAL
PLAN

SHEET TITLE
2010-MFP
SHEET # 1 OF 1

SITE PLAN & SURVEY



SITE 4
±1500 SF

7040
JCB

As required by Subchapter 017 of O.C.G.A., Section 24-14-01, this plan has been prepared by a Professional Engineer, Registered Professional Surveyor, Licensed Professional Land Surveyor or other duly licensed professional under the authority of the State of Georgia. The Engineer, Surveyor or Land Surveyor is not responsible for the accuracy of the information provided by the client. The Engineer, Surveyor or Land Surveyor is not responsible for the accuracy of the information provided by the client. The Engineer, Surveyor or Land Surveyor is not responsible for the accuracy of the information provided by the client.

TOTAL AREA:
10.58 ACRES±

SYMBOL LEGEND table with symbols and descriptions: IRON PIPE ROUND, UTILITY POLYETHYLENE PIPE, CONCRETE CURB, etc.

THE UTILITIES SHOWN ON THIS PLAN ARE BASED ON THE INFORMATION AVAILABLE AT THE TIME OF THE SURVEY AND MAY OR MAY NOT BE ACCURATE TO THE EXTENT AND LOCATION OF SAID UTILITIES. ANY ADJUSTMENTS TO THE PLAN SHALL BE MADE BY THE ENGINEER.

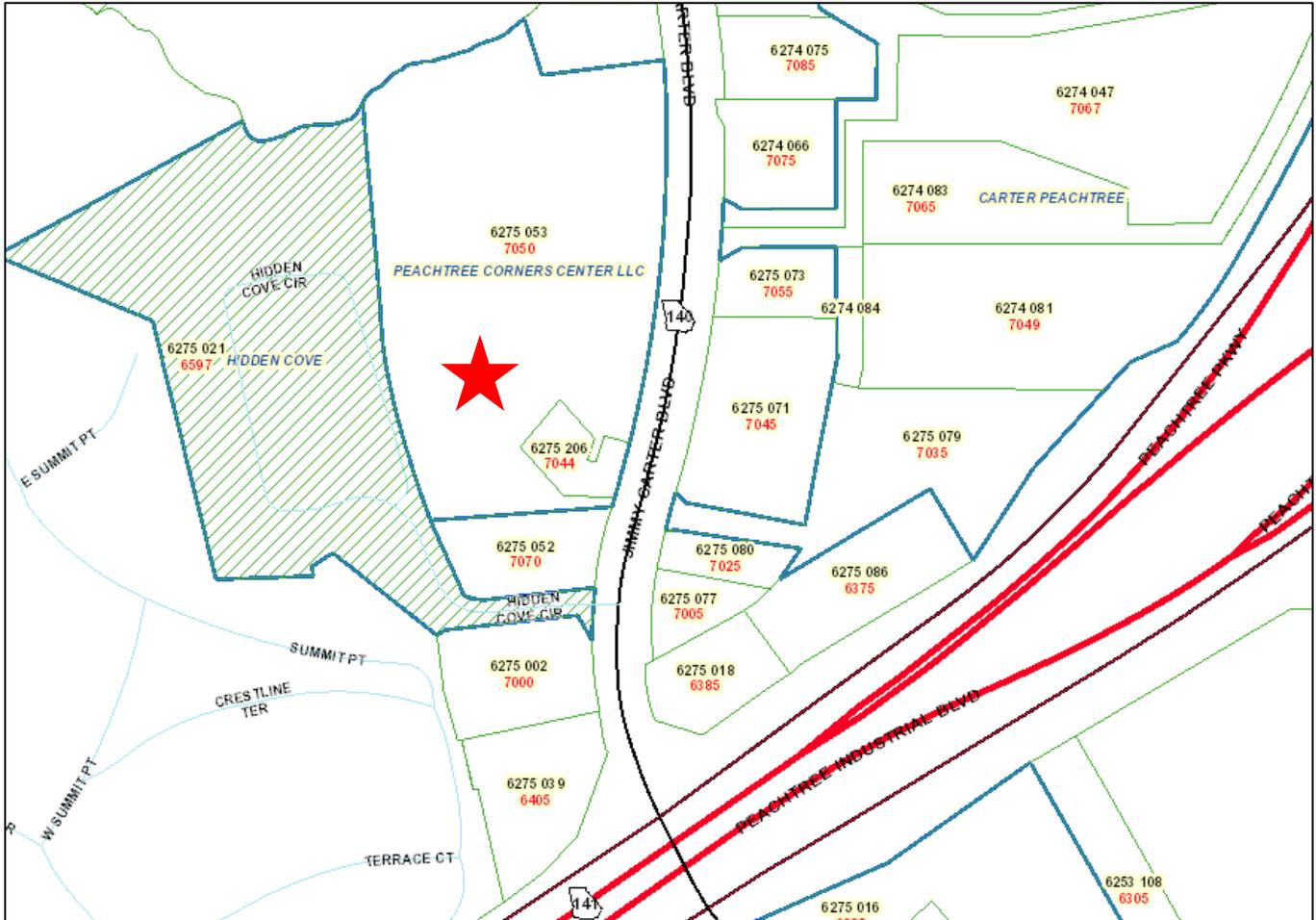


OPEN



PROPERTY LOCATION MAP

Peachtree Corners Pawn



CASE NUMBER:

SUP2019-002

HEARING DATES:

**PLANNING
COMMISSION**

NOV. 13, 2019

**CITY COUNCIL
1ST READING**

NOV. 19, 2019

**CITY COUNCIL
2ND READING**

DEC. 17, 2019

PROPERTY ADDRESS:

7040 Jimmy Carter Boulevard

PH2019-006 & V2019-006
Chase Bank

**CITY OF PEACHTREE CORNERS
COMMUNITY DEVELOPMENT DEPARTMENT**

PUBLIC HEARING ANALYSIS

PLANNING COMMISSION DATE: NOVEMBER 13, 2019

CITY COUNCIL DATE: DECEMBER 17, 2019

CASE NAME: **CHASE BANK**

CASE NUMBER: **PH2019-006 & V2019-006**

CURRENT ZONING: C-2 (GENERAL BUSINESS DISTRICT)

LOCATION: 4057 HOLCOMB BRIDGE ROAD

MAP NUMBERS: 6th DISTRICT, LAND LOT 313

ACREAGE: 0.73 ACRES

PROPOSED DEVELOPMENT: CHASE BANK AND DRIVE-THROUGH A.T.M.

APPLICANT: SOUTHEASTERN RETAIL DEVELOPMENT LLC
2050 W. COUNTY HWY. 30A, SUITE M1228
SANTA ROSA BEACH, FL 32459

CONTACT: ALEC LESLEY, SOUTHEASTERN RETAIL
404-667-0569

OWNER: HOLCOMB BRIDGE & SPALDING LLC
7595 VAN EYCK WAY
ATLANTA, GA 30350

RECOMMENDATION: APPROVE WITH CONDITIONS

PROJECT BACKGROUND:

The property in question is zoned C-2 and was home to a fast food restaurant (Burger King) for many years before becoming vacant in 2019. There are no existing conditions limiting the use of the property.

Because the property adjoins an R-100 District to the rear, there should be a 75' buffer at the rear of this property to screen the residential use. However, Burger King existed prior to the buffer requirement, so its drive-through and parking areas come within a few feet of the residential property to the rear.

The applicant is seeking to redevelop the property by demolishing the existing building and parking lot and constructing a new bank building with a detached drive-through A.T.M facility.

Because of the constrained nature of the site and the 75' buffer requirement, the applicant is requesting a buffer reduction in the rear to accommodate a drive-through A.T.M. and some parking area as shown on the attached plan. While these would be within the 75' buffer, they are much further away from the residential property than the previous Burger King layout.

Again because of the small size and constrained layout options, the applicant is also requesting a variance to the 50' front and exterior side yard setbacks, along Holcomb Bridge Road and Spalding Drive, to allow the bank building to be constructed at a 10' setback near the corner of the property.

Zoning Ordinance Section 606 directs buffer modification requests through the public hearing process at the Planning Commission and City Council rather than treating it as a variance that requires review by the Zoning Board of Appeals.

STAFF REVIEW:

The site in question is a highly-visible property located at a gateway into Peachtree Corners from Sandy Springs and Dunwoody along Spalding Drive and from Roswell along Holcomb Bridge Road.

The applicant is proposing a bank branch with a detached drive-through in a layout that has been customized to fit this constrained site. For example, the bank building is proposed to sit at the front corner of the property with the parking located to the side and rear. Additionally, the typical attached drive-through has been detached and relocated to the rear.

The request to reduce the buffer and vary the front and exterior side setbacks is prompted by the constraints of the property, including its configuration, small size, and the very limited amount of developable area that would result from full compliance with a 75' rear buffer and 50' setbacks.

RECOMMENDATION:

After review of the applicant's proposal and other relevant information, it is recommended that PH2019-006 & V2019-006 be approved subject to the following conditions:

- 1. The property shall be developed in substantial compliance with the plan dated 10-02-2019.**
- 2. Approval of the buffer reduction and setback variances is limited to those shown on the plan dated 10-02-2019.**

3. **The remaining area behind the drive-through lane and adjacent to the residential property shall be fully replanted as a densely-vegetated buffer in accordance with the Landscape & Buffer Plan dated 10-29-2019.**
4. **The 10' landscape strip on the other three sides shall be planted in compliance with City regulations.**
5. **The property shall comply with all Activity Center/Corridor Overlay requirements.**
6. **The existing pylon sign at the corner of Holcomb Bridge Road and Spalding Drive shall be removed and shall not be reused by Chase Bank. All new signage shall comply with the requirements of the City's Sign Ordinance and Activity Center/Corridor Overlay.**



Regional Director (RD) _____ DATE _____

Operating Market Lead (OML) _____ DATE _____



Proposed Test Fit Site Plan
HOLCOMB BRIDGE & SPALDING
 NORCROSS, GA

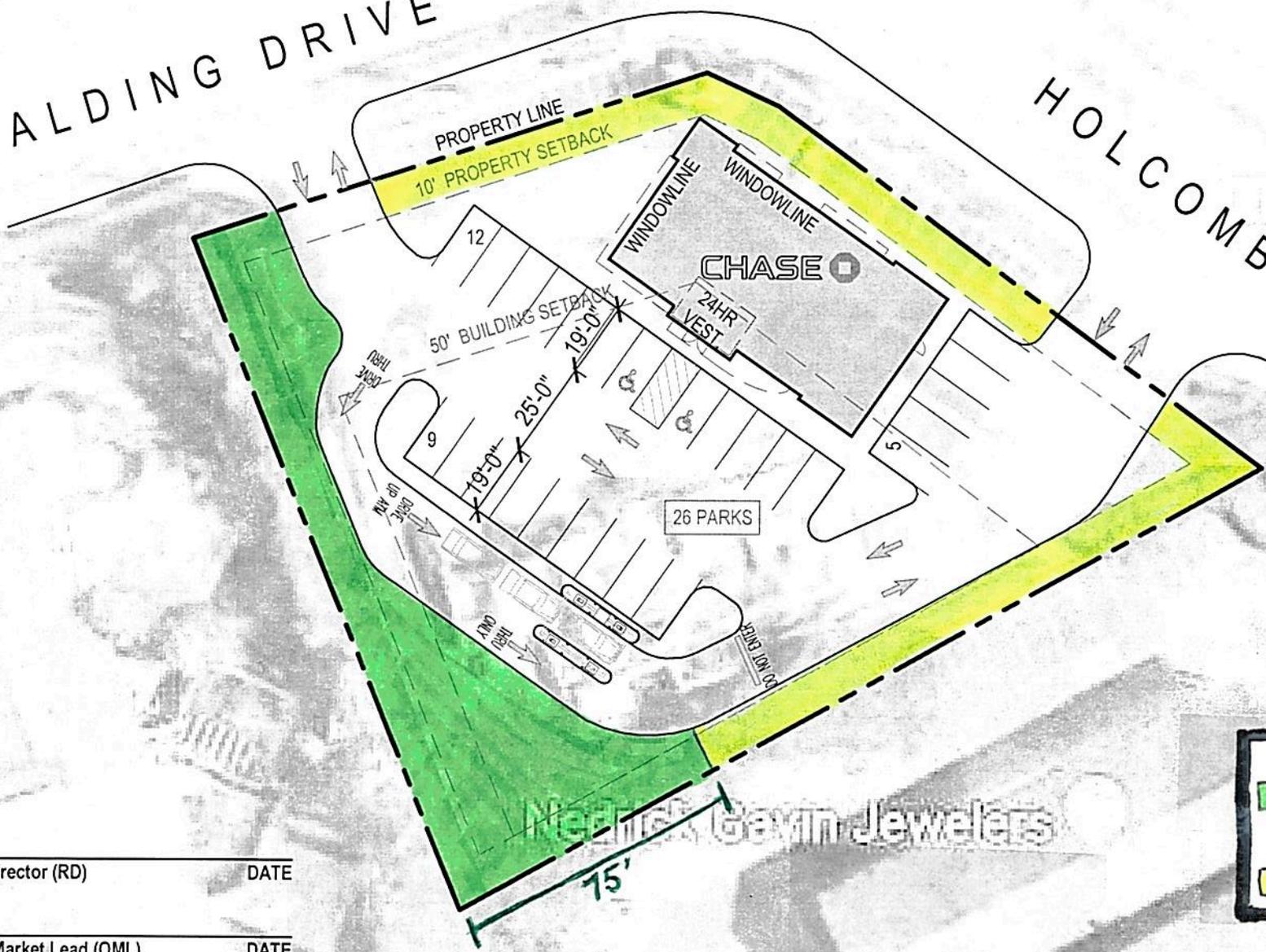


| DATE | DESIGNER | AREA | SCALE |
|------------|----------|------|-------|
| 10/02/2019 | ML | - | NONE |

LANDSCAPE & BUFFER PLAN

SPALDING DRIVE

HOLCOMB BRIDGE



LEGEND

- FULLY REPLANTED BUFFER
- 10' LANDSCAPE STRIP

Regional Director (RD) _____ DATE _____

Operating Market Lead (OML) _____ DATE _____



HOLCOMB BRIDGE & SPALDING



| DATE | DESIGNER | AREA | SCALE |
|----------|----------|------|-------|
| 10/29/19 | | | |



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 | REQUIRED | PROVIDED |
|--|--|--------------------------|-------------------------------------|
| Completed Application Form | • 1 original | <input type="checkbox"/> | <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 type="checkbox"/> | <input type="checkbox"/> |
| Site Plan | • 1 full size Copy • 1- 8-1/2" x 11" or 11" x 17" reduction | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| Letter of Intent | • 1 copy | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| Applicant Certification with Notarized Signature | • 1 copy | <input type="checkbox"/> | <input type="checkbox"/> |
| Property Owner Certification with Notarized Signature | • 1 copy | <input type="checkbox"/> | <input type="checkbox"/> |
| Standards Governing Exercise of the Zoning Power | • 1 copy | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| Disclosure Report Form (Conflict of Interest Certification/Campaign Contributions) | • 1 copy | <input type="checkbox"/> | <input type="checkbox"/> |
| Verification of Paid Property Taxes (most recent year) | • One (1) Copy (per tax parcel) | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| Electronic copy of complete package | • One (1) copy | <input type="checkbox"/> | <input type="checkbox"/> |
| Application Fee | • Make checks payable to the City of Peachtree Corners | <input type="checkbox"/> | <input type="checkbox"/> |
| ADDITIONAL EXHIBITS (IF REQUIRED) | | | |
| Additional site plan requirements for R-TH, R-ZT, Modified, CSO, OBP, MUD or MUO rezoning requests | • 1 copy | <input type="checkbox"/> | <input type="checkbox"/> |
| Traffic Study | • 1 copy | <input type="checkbox"/> | <input type="checkbox"/> |
| Development of Regional Impact Review Form | • 1 copy | <input type="checkbox"/> | <input type="checkbox"/> |
| Community Information Meeting Certification | • 1 copy | <input type="checkbox"/> | <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>Southeastern Retail Development, LLC</u> | NAME: <u>Holcomb Bridge + Spalding LLC</u> |
| ADDRESS: <u>2050 W. County Hwy 30A Suite M1228</u> | ADDRESS: <u>7595 Van Eyck Way</u> |
| CITY: <u>Santa Rosa Beach</u> | CITY: <u>Atlanta GA 30350</u> |
| STATE: <u>GA</u> FL ZIP: <u>32459</u> | STATE: <u>GA</u> ZIP: <u>30350</u> |
| PHONE: <u>850-660-1917</u> | PHONE: <u>770 330 1942 Mary McGinn, Member</u> |
| E-MAIL: <u>alesley@serdlc.com</u> | E-MAIL: <u>mary@mediasupportsystems.com</u> |
| APPLICANT CONTACT, IF DIFFERENT THAN ABOVE | |
| CONTACT PERSON: <u>Alec Lesley</u> PHONE: <u>404-667-0569</u> | |
| CONTACT'S E-MAIL: <u>alesley@serdlc.com</u> | |

APPLICANT IS THE:

OWNER'S AGENT PROPERTY OWNER CONTRACT PURCHASER

PRESENT ZONING DISTRICTS(S): C-2 REQUESTED ZONING DISTRICT: C-2

LAND DISTRICT(S): 6th LAND LOT(S): 313 ACREAGE: 0.73

ADDRESS OF PROPERTY: 4057 NE Spalding Dr, City of Peachtree Corners

PROPOSED DEVELOPMENT: Retail Bank Branch

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

No. of Lots/Dwelling Units _____

Dwelling Unit Size (Sq. Ft.): _____

NON-RESIDENTIAL DEVELOPMENT

No. of Buildings/Lots: 1 bldg. / 0.73 acres

Total Bldg. Sq. Ft.: 3,470

Gross Density: 10.91%

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.

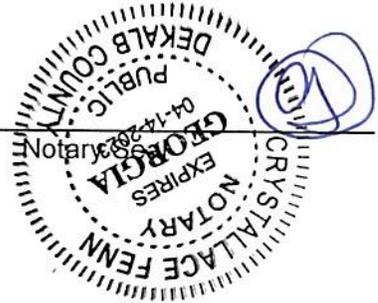
6. Zoning Certification Letter - \$100 (per non-contiguous parcel).

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.

Alec Lesley 9/30/19
Signature of Applicant Date
Alec Lesley
Type or Print Name and Title

[Signature] 10/1/2019
Signature of Notary Public Date



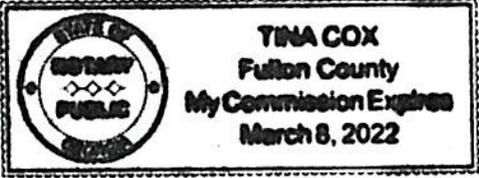
PROPERTY OWNER'S CERTIFICATION

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.

Steve Morgan, Agent 9/30/19
Signature of Property Owner Date

Steven Morgan, Agent on behalf of Holcomb Bridge & Spalding, LLC
Type or Print Name and Title

Tina Cox 9/30/2019
Signature of Notary Public Date Notary Seal



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. The redevelopment of this property will bring a less intensive use to the site and surrounding area. Additionally, it will pull the building away from the adjacent residential lots and will be a large improvement over the current quick service restaurant which sits much closer to the residential lots.

- 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, for the reasons mentioned above we believe it will positively affect the existing use or usability of adjacent and nearby property.

- 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?

Current zoning is C-2 which does provide for reasonable economic use of the property.

- 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, the new use as a retail bank branch will be less intensive than the previous use as a quick service restaurant.

- 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 we believe the proposed development is in conformity with the policy and intent of the land use plan base don our discussions with the planning department.

- 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?

Less intensive use, removal of blighted building, moving building away from residential lots, should all be supporting grounds for approval.

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.

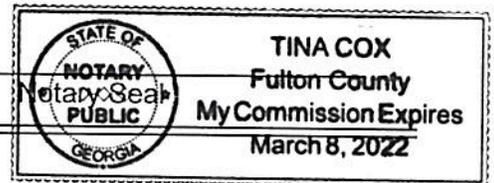
A SEPARATE VERIFICATION FORM MUST BE COMPLETED FOR EACH TAX PARCEL INCLUDED IN THE REZONING REQUEST.

PARCEL I.D. NUMBER: 6 - 313 - 6313 007
(Map Reference Number) District Land Lot Parcel

Stev Morgan Signature of Applicant 9/30/19 Date

Stev Morgan Agent Type or Print Name and Title 9/30/19

Tina Cox Signature of Notary Public 9/30/2019 Date



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



BILL DETAIL

[View/Pay Your Taxes](#) / [Account Detail](#) / [Bill Detail](#)

Tax Account

Mailing Address:

HOLCOMB BRIDGE & SPALDING LLC
 2100 RIVEREDGE PKWY STE 850
 ATLANTA , GA 30328-4656

SITUS:

4057 NE SPALDING DR

Tax District:

PEACHTREE CORNERS

| Parcel ID | Property Type | Last Update |
|-----------|---------------|------------------------|
| R6313 007 | Real Property | 10/24/2019 10:09:57 AM |

Legal Description

SPALDING DRIVE

Tax Values

| Description | Market Value | Assessed Value |
|--------------------|---------------|----------------|
| Land | \$457,400.00 | \$182,960.00 |
| Improvement | \$337,700.00 | \$135,080.00 |
| Total | \$795,100.00 | \$318,040.00 |
| Class Codes | 325-Fast Food | |

Assessments

| Operation | Net Tax | Savings |
|--|--------------------|---------------|
| <u>School Taxes</u> | \$6,265.39 | \$0.00 |
| <u>STATE OF GEORGIA TAXES</u> | \$0.00 | \$0.00 |
| <u>City of Peachtree Corners</u> | \$0.00 | \$0.00 |
| <u>County Incorporated with Police</u> | \$4,121.48 | \$0.00 |
| Sub Total | \$10,386.87 | \$0.00 |
| Bond | Net Tax | Savings |
| <u>School Taxes</u> | \$604.28 | \$0.00 |
| <u>County Incorporated with Police</u> | \$0.00 | \$0.00 |
| Sub Total | \$604.28 | \$0.00 |
| Special Assessment | Net Tax | Savings |
| <u>PEACHTREE CORNERS STORMWATER FEES</u> | \$565.80 | \$0.00 |
| Sub Total | \$565.80 | \$0.00 |
| Total Tax | \$11,556.95 | \$0.00 |

Tax Installment Information

| Period | Bill Number | Due Date | Tax Year | Tax | Penalty/Fee | Interest | Total Due |
|-------------------|-------------|------------|----------|--------|-------------|----------|-----------|
| INST 1 | 23804225 | 10/15/2019 | 2019 | \$0.00 | \$0.00 | \$0.00 | \$0.00 |
| Total Due: | | | | \$0.00 | \$0.00 | \$0.00 | \$0.00 |

Payment History

| Tax Year | Bill Number | Receipt Number | Amount Paid | Last Paid |
|----------|-------------|----------------|-------------|------------|
| 2019 | 23804225 | B19.121490 | \$11,556.95 | 10/15/2019 |

September 30th, 2019

Jeff Conkle
Planning & Zoning Administrator
310 Technology Parkway
Peachtree Corners, GA 30092
678-691-1205

Re: Letter of Intent for Application requested by Southeastern Retail Development, LLC (the "Applicant")

Dear Mr. Conkle,

This Letter of Intent is intended to comply with the application procedures established in the code and the public hearing application by the City of Peachtree Corners, Gwinnett County, GA for submittal of applications for variances.

The Applicant intends to develop a retail bank branch at the SWC of Holcomb Bridge and Spading on the property identified as 4057 NE Spalding or ID: 6313 009 (the "Subject Property"). The Subject Property is approximately 0.75 acres, located in the C-2 zoning district in the Activity Center/Corridor overlay. The proposed development is comprised of a 3,470 square feet retail bank branch.

The Applicant is seeking the following variances:

Variances

- Reduction of the rear 75' buffer
- Reduction of the front 50' setback
- Reduction of the side 10' landscape strip

Please be advised that Alec Lesley, a partner in our company, has attempted to meet with the four homeowners to the rear of the property. He both knocked on doors and left letters in their mailboxes with his contact information.

The redevelopment of this property will bring a less intensive use to the site and surrounding area. Additionally, it will pull the building away from the adjacent residential lots which will be a large improvement over the current quick service restaurant which sits much closer to the residential lots. Accordingly, the Applicant respectfully request that the Application be approved.

Sincerely,



Travis Meyer
Manager
Southeastern Retail Development, LLC

To City of Peachtree Corners

Steve Morgan, commercial real estate agent with Newmark Knight Frank in Atlanta, Georgia, is acting on behalf of ownership in the marketing for sale the 4057 Holcomb Bridge Road, Peachtree Corners, GA property (former Burger King in Peachtree Corners) (the "Property").

This email confirms Steve Morgan's authorization on behalf of ownership to sign the Public Hearing Application in Peachtree Corners, GA regarding our Property.

Owner: Holcomb Bridge & Spalding, LLC


David P. Geraghty, Member

Date: September 27, 2019

Phone: 414-405-3283



SOUTHEASTERN
RETAIL DEVELOPMENT LLC

Dear neighbor,

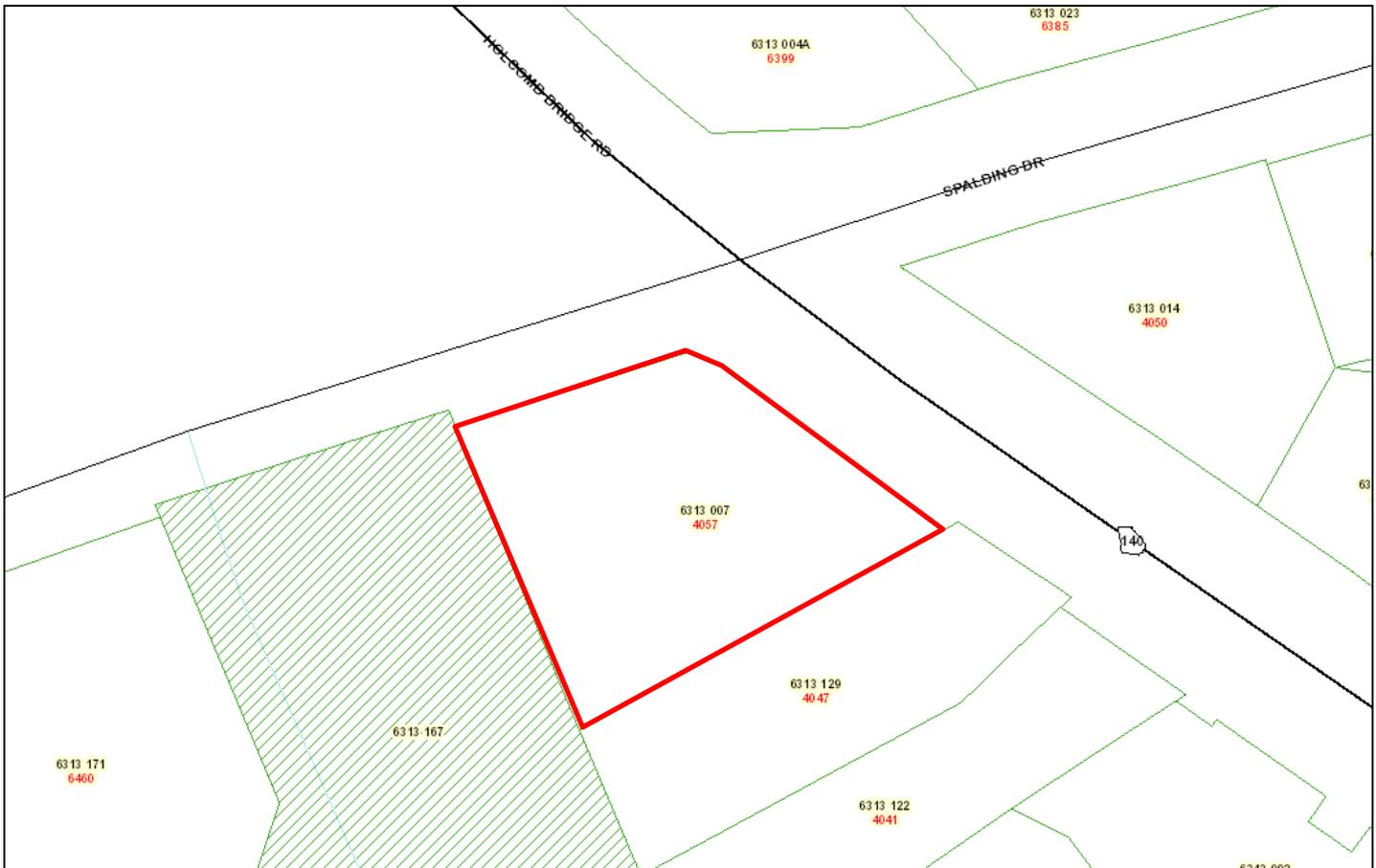
We are looking to re-develop the
Burger King property at 4057 Holcomb
Bridge Rd I would enjoy speaking with
you about the project. The proposed use
would be a bank branch. Please call
or email me to discuss - alesley@serdllc.com
(404) 667-0569.

Thank you,

Alec Lesley

PROPERTY LOCATION MAP

Chase Bank



CASE NUMBER:

PH2019-006 & V2019-006

HEARING DATES:

**PLANNING
COMMISSION**

NOV. 13, 2019

**CITY COUNCIL
1ST READING**

NOV. 19, 2019

**CITY COUNCIL
2ND READING**

DEC. 17, 2019

PROPERTY ADDRESS:

4057 Holcomb Bridge Road

PH2019-008
Mobile Restaurants

AN ORDINANCE OF THE CITY OF PEACHTREE CORNERS, GEORGIA TO AMEND ARTICLE III OF THE CITY OF PEACHTREE CORNERS ZONING RESOLUTION BY AMENDING DEFINITIONS TO DEFINE MOBILE RESTAURANTS AND TO AMEND ARTICLE XIII OF THE CITY OF PEACHTREE CORNERS ZONING RESOLUTION BY AMENDING ZONING CODE SEC. 1310, M-1 LIGHT INDUSTRY DISTRICT TO ADD MOBILE RESTAURANTS AS A PERMITTED USE WITHIN THE CENTRAL BUSINESS DISTRICT; 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 III, DEFINITIONS

...

Mobile restaurant. A commercial kitchen within a licensed and operable commercial motor vehicle whose method of operation is temporary and transient and involves the preparation and sale of food and/or beverages in a ready-to-consume state for consumption either on or off the premises, but not within the vehicle.

...

ARTICLE XIII, USE PROVISIONS

...

Section 1310. M-1 Light Industry District.

...

Permitted Uses.

Only the following uses shall be permitted within the M-1 Light Industry District and no structure shall be erected, structurally altered or enlarged for any use other than as permitted herein with the exception of a) uses lawfully established prior to the effective date of this

amendment, b) special uses as permitted herein, c) accessory uses as defined in Article III, Definitions, d) other uses which are clearly similar to and consistent with the purpose of this district, or e) uses (listed at the end of this section) for property located within the Central Business District (see CBD boundary map).

...

Uses within the Central Business District (see CBD boundary map)

...

- d) In addition to all otherwise permitted M-1 uses, the following additional uses shall also be permitted on M-1 zoned property in the Central Business District:
Restaurants, without drive-throughs, when integrated into a building housing other permitted uses and when such restaurant comprises no more than 25% of the overall floor area of the building.

Mobile restaurants, provided the following condition are met:

1. The property is zoned M-1 and is located within Technology Park (see Technology Park boundary map).
2. No property shall have more than three mobile restaurants at any one time.
3. The mobile restaurants shall be readily moveable and not affixed to the ground.

Section 2.

All ordinances or parts of ordinances in conflict herewith are hereby expressly repealed.

SO ORDAINED AND EFFECTIVE, this ____ day of _____, 20__.

Approved:

Mike Mason, Mayor

ATTEST:

_____(SEAL)
Kym Chereck, City Clerk

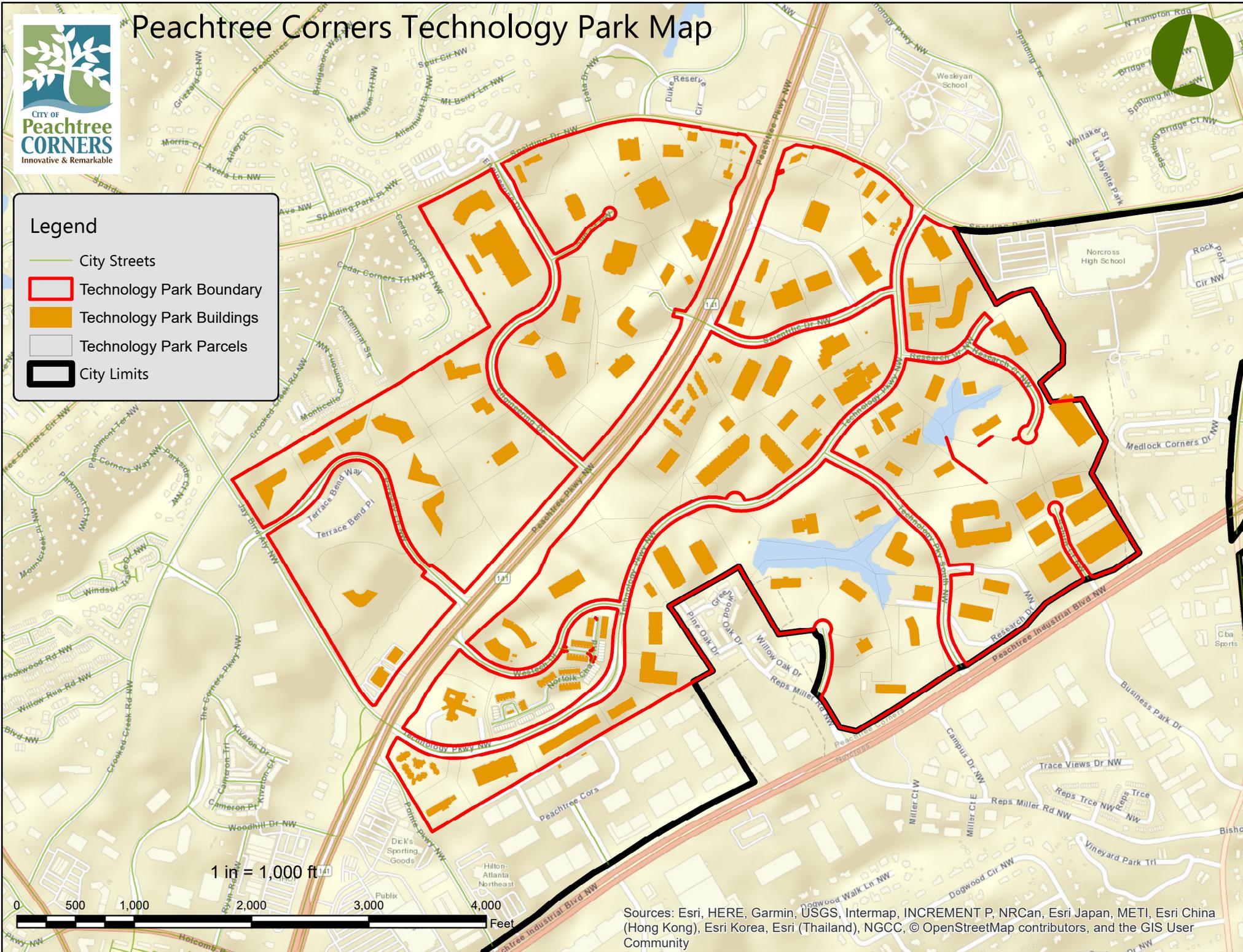


Peachtree Corners Technology Park Map



Legend

- City Streets
- Technology Park Boundary
- Technology Park Buildings
- Technology Park Parcels
- City Limits



Sources: Esri, HERE, Garmin, USGS, Intermap, INCREMENT P, NRCan, Esri Japan, METI, Esri China (Hong Kong), Esri Korea, Esri (Thailand), NGCC, © OpenStreetMap contributors, and the GIS User Community

PH2019-009
Oversized Signs

AN ORDINANCE TO AMEND CITY OF PEACHTREE CORNERS ZONING RESOLUTION ART. XII AND O2016-01-64, BY AMENDING SEC. 1310, M-1, LIGHT INDUSTRY DISTRICT, REGARDING PROHIBITED M-1 USES WITHIN THE CENTRAL BUSINESS DISTRICT; 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 and Ordinance 2016-01-64;

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

Section 1: The City of Peachtree Corners 2012 Zoning Resolution and Ordinance 2016-01-64 shall be amended by adding the following (underlined words):

SECTION 1310 M-1 LIGHT INDUSTRY DISTRICT

Permitted Uses

Only the following uses shall be permitted within the M-1 Light Industry District and no structure shall be erected, structurally altered or enlarged for any use other than as permitted herein with the exception of a) uses lawfully established prior to the effective date of this amendment, b) special uses as permitted herein, c) accessory uses as defined in Article III, Definitions, d) other uses which are clearly similar to and consistent with the purpose of this district, or e) limited uses (listed at the end of this section) for property located within the Central Business District (see CBD boundary map).

Permitted Uses within the Central Business district (see CBD boundary map)

a) All permitted M-1 uses shall be allowed on M-1 zoned property in the Central Business District except the following:

| | |
|--|--|
| Automobile Body Repair Shop | Maintenance Shop (automobile fleet vehicles) |
| Automobile Repair Shop | Mini-Warehouse or Self-Storage facility |
| Baking Plant | Outdoor Storage |
| Cold Storage Plant | <u>Oversized Signs and Billboards</u> |
| Funeral Homes and Crematories | Plastics Extrusion Plant |
| Ice Manufacturing/Packing Plant | Recovered Materials Processing Facility |
| Laundry / Dry Cleaning Plant (does not apply to retail pick-up facility) | Sexually Oriented Businesses |
| | Soft Drink Bottling/ Distribution Plant |

Truck Rental or Leasing
Truck Fleet Maintenance Shop

- b) **Businesses with an active business license that operate a use listed in a) shall be considered a legal, non-conforming use and may continue to operate for as long as the business license stays active and the business is not discontinued for six months or longer.**
- c) **Uses listed in a) that were authorized by zoning hearing, building permit, land disturbance permit or other similar approval, shall be void if the use did not become operational as evidenced by the issuance of a business license by 12/31/19.**

Section 2

All ordinances or parts of ordinances in conflict herewith are hereby expressly repealed. Effective this _____ day of November, 2019.

Approved by:

Kym Chereck, City Clerk

Mike Mason, Mayor

SEAL