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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

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December 17, 2019

### COUNCIL AGENDA

7:00 PM

PEACHTREE CORNERS CITY HALL – Council Chambers  
310 TECHNOLOGY PARKWAY, PEACHTREE CORNERS, GA 30092

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**A) CALL TO ORDER**

**B) ROLL CALL**

**C) PLEDGE OF ALLEGIANCE**

**D) MAYOR'S OPENING REMARKS**

**E) CONSIDERATION OF MINUTES** – November 9, 2019 Council Retreat Minutes and November 19, 2019 Council Meeting Minutes.

**F) CONSIDERATION OF MEETING AGENDA**

**G) PUBLIC COMMENTS**

**H) PRESENTATIONS AND REPORTS**

**1. Mauldin & Jenkins** FY 2019 Audit Report

**D) CONSENT AGENDA**

**1. APH 2019-02-90** Consideration of approval for the application for Consumption on premises – Wine and Malt Beverage for Royal Bistro located at 6365 Spalding Drive, Suite A, Peachtree Corners GA 30092.

**J) PUBLIC HEARING**

**1. O2019-12-157** Second Read and Consideration of an Ordinance to amend Chapter 34 concerning irrigation systems in order to meet requirements of the Metro North Georgia Water Planning District.

**2. O2019-12-158** Second Read and Consideration of an Ordinance to amend Chapter 18 to meet requirements of the Metro North Georgia Water Planning District related to litter control.

3. **O2019-12-154** Second Read and Consideration of an Ordinance to amend 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.
4. **O2019-12-155** Second Read and Consideration of an Ordinance 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.
5. **O2019-12-156** Second Read and Consideration of an Ordinance 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.

**K) ITEMS FOR CONSIDERATION**

1. **Action Item** Consideration of authorizing the Mayor to execute a Deferred Compensation Agreement with the City Manager.

**L) CITY MANAGER UPDATES**

**M) EXECUTIVE SESSION**

**N) ADJOURNMENT**

# **Minutes**



**CITY OF PEACHTREE CORNERS**  
**PLANNING RETREAT MINUTES**  
**NOVEMBER 9, 2019 @ 8:00AM**

The Mayor and Council of the City of Peachtree Corners held a Planning Retreat at ROAM Perimeter Center, located at City Springs, 1 Galambos Way, Sandy Springs, Georgia. The following were in attendance:

Mayor	Mike Mason
Council Member	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
City Manager	Brian Johnson
City Clerk	Kym Chereck
Asst. City Manager	Brandon Branham
Community Dev. Dir.	Diana Wheeler
Public Works Dir.	Greg Ramsey
City Attorney	Bill Riley
Communication Dir.	Judy Putnam

The Planning Retreat consisted of an update on the FY2021 Budget, an update on the FY2021 Capital Project, an update on the 5-year CIP Plan, and a general update from the City Manager. As part of the FY2021 Capital Project update there was discussion on intersection improvements, the Town Center and the Town Green. No action was taken on any topics.

Approved,

Attest:

\_\_\_\_\_  
Mike Mason, Mayor

\_\_\_\_\_  
Kymberly Chereck, City Clerk

(Seal)



**CITY OF PEACHTREE CORNERS**  
**COUNCIL MEETING MINUTES**  
**NOVEMBER 19, 2019 @ 7:00PM**

The Mayor and Council of the City of Peachtree Corners held a Council Meeting at City Hall, 310 Technology Parkway, Peachtree Corners, GA, 30092. The following were in attendance:

Mayor	Mike Mason
Council Member	Phil Sadd – Post 1
Council Member	Eric Christ – Post 2
Council Member	Alex Wright – Post 3 - Absent
Council Member	Jeanne Aulbach – Post 4
Council Member	Lorri Christopher – Post 5
Council Member	Weare Gratwick – Post 6
City Manager	Brian Johnson – via teleconference
Ass. City Manager	Brandon Branham – via teleconference
City Clerk	Kym Chereck
City Attorney	Bill Riley
Comm. Dev. Dir	Diana Wheeler
Public Works Dir.	Greg Ramsey
Plann. & Dev. Manager	Seth Yurman

**MAYORS OPENING REMARKS:** Mayor Mason invited everyone to attend the Holiday Glow celebration on December 6, 2019, at the Peachtree Corners Town Center.

**CONSIDERATION OF MINUTES:**

**MOTION TO APPROVE THE MINUTES FROM THE OCTOBER 22, 2019 COUNCIL MEETING.**

**By: Council Member Christopher**

**Seconded by: Council Member Sadd**

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

2019-11-19

Council Meeting Minutes

Page 1 of 5

## **CONSIDERATION OF MEETING AGENDA:**

There were no changes to the agenda.

**PUBLIC COMMENT:** Mr. Jorge Bazan of 105 Technology Parkway (Spalding Animal Hospital) stated that he would like the Curiosity Lab sign, which is placed in front of the Spalding Animal Hospital, to be moved 40 feet south of the second entrance. Mr. Bazan also stated that he would like the bollards on the road located in front of his building to be moved 10 feet south to allow easier access into his building.

## **PRESENTATIONS AND REPORTS:**

Mayor Mason presented Mr. Matthew Houser with a Proclamation thanking him for his dedicated service as the inaugural Chairman of the Planning Commission.

## **CONSENT AGENDA:**

### **APH 2019-02-88**

Consideration of approval of Alcoholic Beverage License Application for Fire & Stone Italian Pizza Kitchen, 5215 Town Center Blvd., Suite 610, Peachtree Corners, GA 30092.

### **MOTION TO APPROVE APH 2019-02-88.**

**By: Council Member Christ**

**Seconded by: Council Member Gratwick**

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

### **APH 2019-02-89**

Consideration of approval of Alcoholic Beverage License Application for Hampton Inn, 440 Technology Parkway, Peachtree Corners, GA 30092.

### **MOTION TO APPROVE APH 2019-02-89.**

**By: Council Member Christ**

**Seconded by: Council Member Gratwick**

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

**PUBLIC HEARING:**

**O2019-10-152**

Second Read and Consideration of 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.  
**(DEFERRED BY APPLICANT)**

**O2019-10-153**

Second Read and Consideration of an ordinance to amend O2016-01-64, M1 Uses in the Central Business District.

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

**MOTION TO APPROVE O2019-10-153.**

**By: Council Member Gratwick**

**Seconded: Council Member Sadd**

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

**O2019-12-157**

First Read and Consideration of an Ordinance to amend Chapter 34 concerning irrigation systems. (Second Read and Public Hearing Dec. 17, 2019)

**O2019-12-158**

First Read and Consideration of an Ordinance to amend Chapter 18 to meet requirements of the Metro North Georgia Water Planning District related to litter control. (Second Read and Public Hearing Dec. 17, 2019)

**O2019-12-154**

First Read and Consideration of an Ordinance to amend 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. (Second Read and Public Hearing Dec. 17, 2019)

**O2019-12-155**

First Read and Consideration of an Ordinance 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.  
(Second Read and Public Hearing, Dec. 17, 2019)

**O2019-12-156**

First Read and Consideration of an Ordinance 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. (Second Read and Public Hearing Dec. 17, 2019)

**ITEMS FOR CONSIDERATION:**

**R2019-11-129**

Consideration of a Resolution to extend the current Service Delivery Strategy Agreement through and until the time period allowed by the Department of Community Affairs, or until such time as another Service Delivery Strategy Agreement is approved, whichever period is shorter.

**MOTION TO APPROVE R2019-11-129.**

**By: Council Member Sadd**

**Seconded: Council Member Gratwick**

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

**ACTION ITEM**

Consideration of declaring the property located at 3980 Fifth Street, Peachtree Corners, Georgia, a nuisance.

**MOTION TO DECLARE THE PROPERTY LOCATED AT 3980 FIFTH STREET, PEACHTREE CORNERS, GEORGIA, A NUISANCE.**

**By: Council Member Sadd**

**Seconded: Council Member Aulbach**

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

**CITY MANAGER UPDATES:** There were no City Manager updates.

**EXECUTIVE SESSION:** There was no Executive Session.

**ADJOURNMENT:**

**MOTION TO ADJOURN AT 7:28 PM.**

**By: Council Member Gratwick**

**Seconded by: Council Member Sadd**

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

Approved,

Attest:

\_\_\_\_\_  
Mike Mason, Mayor

\_\_\_\_\_  
Kymberly Chereck, City Clerk  
(Seal)

DRAFT

# **Consent Agenda**



Mayor  
**Mike Mason**

**Phil Sadd** | Post 1  
**Eric Christ** | Post 2

**Alex Wright** | Post 3  
**Jeanne Aulbach** | Post 4

**Lorri Christopher** | Post 5  
**Weare Gratwick** | Post 6

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To: Mayor and City Council

Cc: Brian Johnson, City Manager

From: Brandon Branham, Assistant City Manager

Date: December 17, 2019, City Council Meeting

Agenda Item: APH 2019-02-90 Approval of Alcoholic Beverage License Application for **Royal Bistro**, 6365 Spalding Drive, Ste A Peachtree Corners, GA 30092

Applicant **Amnouy Isarankura** is applying for a Consumption on Premises – Wine and Malt Beverage

**Staff Recommendation:**

Approve the application for Consumption on Premises – Wine and Malt Beverage. **Royal Bistro**, 6365 Spalding Drive, Ste A Peachtree Corners, GA 30092

**Background:**

Applicant submitted a completed application on November 20<sup>th</sup>, 2019. Required advertising for the application was published in the Gwinnett Daily Post on December 4<sup>th</sup> and December 11<sup>th</sup>, 2019. Applicant has passed the background investigation and meets all requirements.

**Discussion:**

Change of Ownership  
Staff has reviewed this application and recommends approval.

**Alternatives:**

None

**02019-12-157**

**AN ORDINANCE OF THE CITY OF PEACHTREE CORNERS, GEORGIA, TO AMEND THE CITY OF PEACHTREE CORNERS CODE OF ORDINANCES CHAPTER 34, LAND DEVELOPMENT REGULATIONS, IN ORDER TO AMEND ARTICLE VI, UTILITIES AND EASEMENTS; AMEND CONFLICTING ORDINANCES; ESTABLISH SEVERABILITY; AND SET 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**, Chapter 34, Land Development Regulations, of the Code of Ordinances provides rules, regulations, requirements, and standards for the development of land within the city; and

**WHEREAS**, the Mayor and Council desire to stay compliant with the rules and regulations of the Metropolitan North Georgia Water Planning District;

**WHEREAS**, the Mayor and Council desire to amend Chapter 34, Land Development Regulations, in order to require new irrigation systems to install rain sensor shutoff switches;

**NOW THEREFORE, IT IS HEREBY ORDAINED** by the governing authority of the City of Peachtree Corners, Georgia that **The City of Peachtree Corners Code of Ordinances is hereby amended as follows (words ~~struck through~~ are removed and words underlined are added):**

Sec. 34-156. - Water system and fire hydrants.

- (a) *Connection of public water main required.* The developer shall install or have installed a system of water mains connected to a public water supply system in accordance with the requirements of the authority having jurisdiction.
- (b) *Water, fire hydrants, etc., to be designed according to applicable standards, and plans and specifications.* All water mains, fire hydrants and appurtenances shall be designed in accordance with the policies, standards, plans and specifications of the city fire prevention ordinance and the water system having jurisdiction. Where jurisdiction resides with the city water system, the public water mains and appurtenances shall be designed by the city water system upon submittal of the development plans for the project.
- (c) *Water mains to be installed after curbs but before paving.* Within the city water system jurisdiction, water mains and appurtenances shall be installed after installation of the curbs and gutters and before paving, or after staking of the curblines and submission to the water system of an as-graded survey of the street profile accompanied by a certification executed by the owner as required by the water system that the subgrade will not change. Water mains shall be relocated as necessary to meet water system regulations prior to approval of development conformance, if improperly located to final curb line or grade.

- (d) *[Operational recycled water systems.]* All new commercial conveyor car washes, permitted and constructed after July 18, 2017 must install operational recycled water systems. A minimum of 50 percent of water utilized will be recycled. A conveyor car wash means a commercial car wash where the car moves on a conveyor belt during the car wash. The driver of the vehicle can remain in the vehicle or wait outside of the vehicle.
- (e) All new landscape irrigation systems shall be installed with a rain sensor shutoff switch.
- (e) (f) *Outdoor water waste is prohibited.* Outdoor water waste means the excessive application of water that results in water flowing down any curb and gutter, street or storm drain or onto an adjacent property, and shall include the unnecessary loss of water through improper application or failure of an outdoor irrigation or plumbing system resulting in excessive runoff. Activities subject to a violation include without limitation:
- (1) A broken irrigation system (missing heads, broken pipes, etc.)
  - (2) Excessive runoff such as water running down the driveway, street or sidewalk.
  - (3) A hose running unattended without a shutoff nozzle.
  - (4) A visible and unrepaired leak more than one gallon per minute.

**Effective Date.** This Ordinance shall become effective immediately upon its adoption.

**SO ORDAINED AND EFFECTIVE**, this \_\_\_ day of \_\_\_\_\_, 20\_\_.

**Approved:**

\_\_\_\_\_  
Mike Mason, Mayor

ATTEST:

\_\_\_\_\_(SEAL)  
Kym Chereck, City Clerk

**02019-12-158**

**AN ORDINANCE OF THE CITY OF PEACHTREE CORNERS, GEORGIA, TO AMEND THE CITY OF PEACHTREE CORNERS CODE OF ORDINANCES CHAPTER 18, ENVIRONMENT, IN ORDER TO ADD ARTICLE VIII, LITTER CONTROL; AMEND CONFLICTING ORDINANCES; ESTABLISH SEVERABILITY; AND SET 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**, Chapter 18, Environment, of the Code of Ordinances provides rules, regulations, requirements, and standards for the protection of the natural environment of the city; and

**WHEREAS**, the Mayor and Council desire to stay compliant with the rules and regulations of the Metropolitan North Georgia Water Planning District;

**WHEREAS**, the Mayor and Council desire to amend Chapter 18, Environment, in order to establish a Litter Ordinance;

**NOW THEREFORE, IT IS HEREBY ORDAINED** by the governing authority of the City of Peachtree Corners, Georgia that The City of Peachtree Corners Code of Ordinances is hereby amended as follows:

#### Article VIII. – LITTER CONTROL

##### Section 18-214. - Description

Litter found throughout our community often finds its way into our streams, rivers and lakes and detracts from our quality of life. Pollutants carried into our streams, rivers, and lakes by litter, diminish the quality of our water and its aquatic resources. Litter control ordinances provide a prohibition against littering and provide an enforcement mechanism with penalties for dealing with those found littering.

This ordinance is modeled on the “Georgia Litter Control Law” (O.C.G.A. § 16-7-40 et. seq.) and adoption of this ordinance is authorized by O.C.G.A. § 16-7-48.

##### Section 18-215. – Purpose and Intent

The purpose of this ordinance is to protect the public health, safety, environment, and general welfare through the regulation and prevention of litter. The objectives of this ordinance are:

- (1) Provide for uniform prohibition throughout the City of Peachtree Corners of any and all littering on public or private property; and,

- (2) Prevent the desecration of the beauty and quality of life of the City of Peachtree Corners and prevent harm to the public health, safety, environment, and general welfare, including the degradation of water and aquatic resources caused by litter.

Section 18-216. – Applicability

This ordinance shall apply to all public and private property within the City of Peachtree Corners.

Section 18-217. – Compatibility with other regulations

This ordinance is not intended to interfere with, abrogate, or annul any other ordinance, rule or regulation, statute, or other provision of law. The requirements of this ordinance should be considered minimum requirements, and where any provision of this ordinance imposes restrictions different from those imposed by any other ordinance, rule or regulation, or other provision of law, whichever provisions are more restrictive or impose higher protective standards for human health or the environment shall be considered to take precedence.

Section 18-217. – Severability

If the provisions of any article, section, subsection, paragraph, subdivision or clause of this ordinance shall be judged invalid by a court of competent jurisdiction, such order of judgment shall not affect or invalidate the remainder of any article, section, subsection, paragraph, subdivision or clause of this ordinance.

Section 18-218. – Definitions

*Litter* means any organic or inorganic waste material, rubbish, refuse, garbage, trash, hulls, peelings, debris, grass, weeds, ashes, sand, gravel, slag, brickbats, metal, plastic, and glass containers, broken glass, dead animals or intentionally or unintentionally discarded materials of every kind and description which are not "waste" as such term is defined in O.C.G.A., §16-7-51, paragraph 6.

*Public or private property* means the right of way of any road or highway; any body of water or watercourse or the shores or beaches thereof; any park, playground, building, refuge, or conservation or recreation area; timberlands or forests; and residential, commercial, industrial, or farm properties.

Section 18-219. – Prohibition against littering public or private property or waters

It shall be unlawful for any person or persons to dump, deposit, throw or leave or to cause or permit the dumping, depositing, placing, throwing or leaving of litter on any public or private property in this City of Peachtree Corners or any waters in this City of Peachtree Corners unless:

- (1) The property is designated by the State or by any of its agencies or political subdivisions for the disposal of such litter, and such person is authorized by the proper public authority to use such property;
- (2) The litter is placed into a receptacle or container installed on such property; or,
- (3) The person is the owner or tenant in lawful possession of such property or has first obtained consent of the owner or tenant in lawful possession, or unless the act is done under the personal direction of the owner or tenant, all in a manner consistent with the public welfare.

Section 18-220. – Vehicle Loads Causing Litter

No person shall operate any motor vehicle with a load on or in such vehicle unless the load on or in such vehicle is adequately secured to prevent the dropping or shifting of materials from such load onto the roadway.

Section 18-221. – Violations

It shall be unlawful for any person to violate any provision or fail to comply with any of the requirements of this ordinance. Any person who has violated or continues to violate the provisions of this ordinance, may be subject to the enforcement actions outlined in this section or may be restrained by injunction or otherwise sentenced in a manner provided by law.

Section 18-222. – Evidence

- (1) Whenever litter is thrown, deposited, dropped or dumped from any motor vehicle, boat, airplane, or other conveyance in violation of this ordinance, it shall be prima facie evidence that the operator of the conveyance has violated this ordinance.
- (2) Except as provided in subsection (1), whenever any litter which is dumped, deposited, thrown or left on public or private property in violation of this ordinance is discovered to contain any article or articles, including but not limited to letters, bills, publications or other writing which display the name of the person thereon in such a manner as to indicate that the article belongs or belonged to such person, it shall be a rebuttable presumption that such person has violated this ordinance.

Section 18-223. – Penalties

Any person who violates this ordinance shall be guilty of a violation and, upon conviction thereof, shall be punished as follows:

- (1) By a fine of not less than \$200 and not more than \$1,200; and
- (2) In addition to the fine set out in subsection 1 above, the violator shall reimburse the City of Peachtree Corners for the reasonable cost of removing the litter when the

litter is or is ordered removed by the City of Peachtree Corners and

- (3) In the sound discretion of the court, the person may be directed to pick up and remove from any public street or highway or public right-of way for a distance not to exceed one mile any litter he has deposited and any and all litter deposited thereon by anyone else prior to the date of execution of sentence; or
- (4) In the sound discretion of the court, the person may be directed to pick up and remove any and all litter from any public property, private right-of-way, or with prior permission of the legal owner or tenant in lawful possession of such property, any private property upon which it can be established by competent evidence that he has deposited litter. Pick up and removal shall include any and all litter deposited thereon by anyone prior to the date of execution of sentence; and,
- (5) The court may publish the names of persons convicted of violating this ordinance.

**Section 18-224. – Enforcement**

All law enforcement agencies, officers and officials of this state or any political subdivision thereof, or any enforcement agency, officer or any official of any commission of this state or any political subdivision thereof, are hereby authorized, empowered and directed to enforce compliance with this article.

**Section 18-225. – Effective Date**

This Ordinance shall become effective immediately upon its adoption.

**SO ORDAINED AND EFFECTIVE**, this \_\_\_ day of \_\_\_\_\_, 20\_\_.

**Approved:**

\_\_\_\_\_  
Mike Mason, Mayor

ATTEST:

\_\_\_\_\_(SEAL)  
Kym Chereck, City Clerk

**02019-12-154**

**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 December, 2019.

Approved:

\_\_\_\_\_  
Mike Mason, Mayor

ATTEST:

\_\_\_\_\_(SEAL)  
Kym Chereck, City Clerk

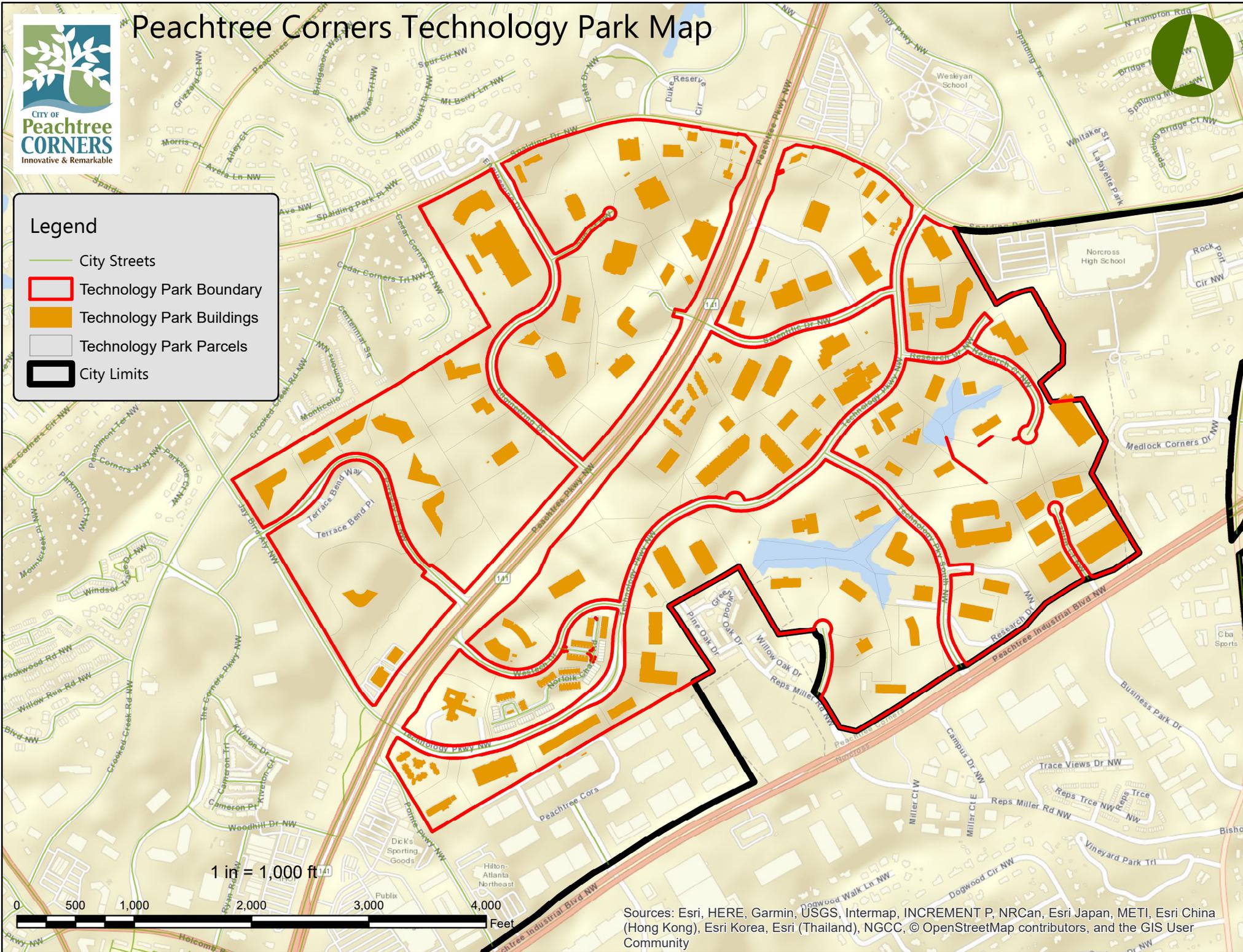


# Peachtree Corners Technology Park Map



## 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

**02019-12-155**

**AN ORDINANCE TO AMEND THE CITY OF PEACHTREE CORNERS ZONING MAP PURSUANT TO SUP2019-002, PAWN SHOP, 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.**

**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:** Public Hearings were held by the Mayor and City Council of Peachtree Corners on November 19, 2019 and December 17, 2019;

**NOW THEREFORE, IT IS HEREBY ORDAINED** by the governing authority of the City of Peachtree Corners, Georgia while in Regular Session on November 19, 2019 that Zoning Case SUP2019-002, Pawn Shop, is hereby approved for the above referenced property with the following enumerated conditions:

1. Pawn shop, as a special use, shall be added to the shopping center and limited to the 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 shall be placed in the windows and no signage 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.

Effective this \_\_\_\_\_ day of December, 2019.

So Signed and Witnessed

Approved :

this \_\_\_\_\_ day of \_\_\_\_\_, 2019

Attest:

\_\_\_\_\_  
Kymerly Chereck, City Clerk

\_\_\_\_\_  
Mike Mason, Mayor

**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: 6<sup>th</sup> 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 UPDATE:**

At the Planning Commission meeting, there were no speakers in support or opposition to this request.

After consideration, the Commission voted 5-0 to recommend approval of the request with staff 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 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 <i>SAME</i>	<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"/>
<b>ADDITIONAL EXHIBITS (IF REQUIRED)</b>			
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>
<b>APPLICANT CONTACT, IF DIFFERENT THAN ABOVE</b>	
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

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*Staff Use Only This Section*

Case Number: \_\_\_\_\_ Hearing Date: P/C \_\_\_\_\_ C/C \_\_\_\_\_ Received Date: \_\_\_\_\_

Fees Paid: \_\_\_\_\_ By: \_\_\_\_\_

Related Cases & Applicable Conditions:

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Description:

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**RESIDENTIAL DEVELOPMENT**

No. of Lots/Dwelling Units \_\_\_\_\_

Dwelling Unit Size (Sq. Ft.): \_\_\_\_\_

**NON-RESIDENTIAL DEVELOPMENT**

No. of Buildings/Lots: <sup>1805 Blanton Mill Road</sup> \_\_\_\_\_

Total Bldg. Sq. Ft.: <sup>±1500 Sq. Ft (Suite 4)\*</sup> \_\_\_\_\_

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

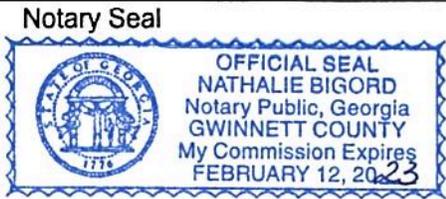
Name of Government Official	Total Dollar Amount	Date of Contribution	Enumeration and Description of Gift Valued at \$250.00 or more

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

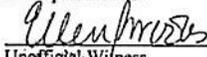


BK 15986 PG0214

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](mailto: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:

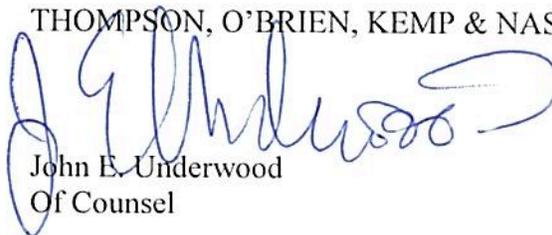
- Completed application form;
- Boundary Survey Plat of 7050 Jimmy Carter Boulevard;
- Copy of the warranty deed showing that Peachtree Corners, LLC is the owner of the property and containing Metes and Bounds legal description of the entire 10.58 acres;
- Applicant Certification with Notarized Signature (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.

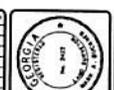
SES

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  
MINOR SUBDIVISION PLAN FOR  
LOCATED IN LAND LOT 275 OF THE 6TH DISTRICT  
CITY OF PEACHTREE CORNERS, GWINNETT COUNTY, GEORGIA

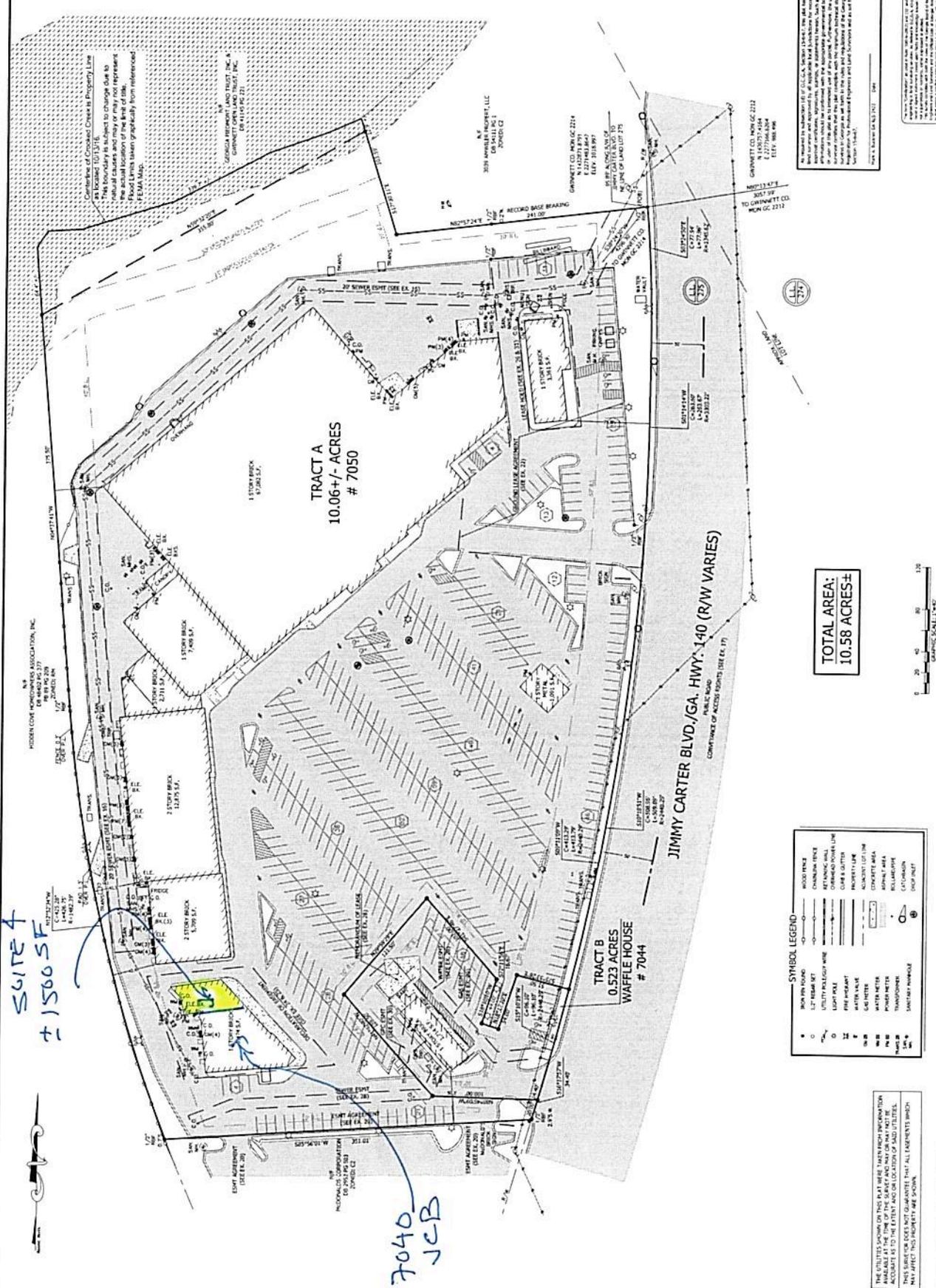
Table with 2 columns: No., Description. Rows 1-10.



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 23-6-01, this plan has been prepared by a Professional Engineer, Registered Professional Surveyor, and Professional Land Surveyor in accordance with the provisions of the Georgia Professional Engineers Act, Chapter 23-6 of the Official Code of Georgia Annotated, and the Georgia Professional Land Surveyors Act, Chapter 23-10 of the Official Code of Georgia Annotated. The Engineer, Surveyor, and Land Surveyor are not responsible for the accuracy of the information provided by the applicant or for the use of the plan as a basis for any other action. The Engineer, Surveyor, and Land Surveyor are not responsible for the accuracy of the information provided by the applicant or for the use of the plan as a basis for any other action. The Engineer, Surveyor, and Land Surveyor are not responsible for the accuracy of the information provided by the applicant or for the use of the plan as a basis for any other action.

TOTAL AREA:  
10.58 ACRES±

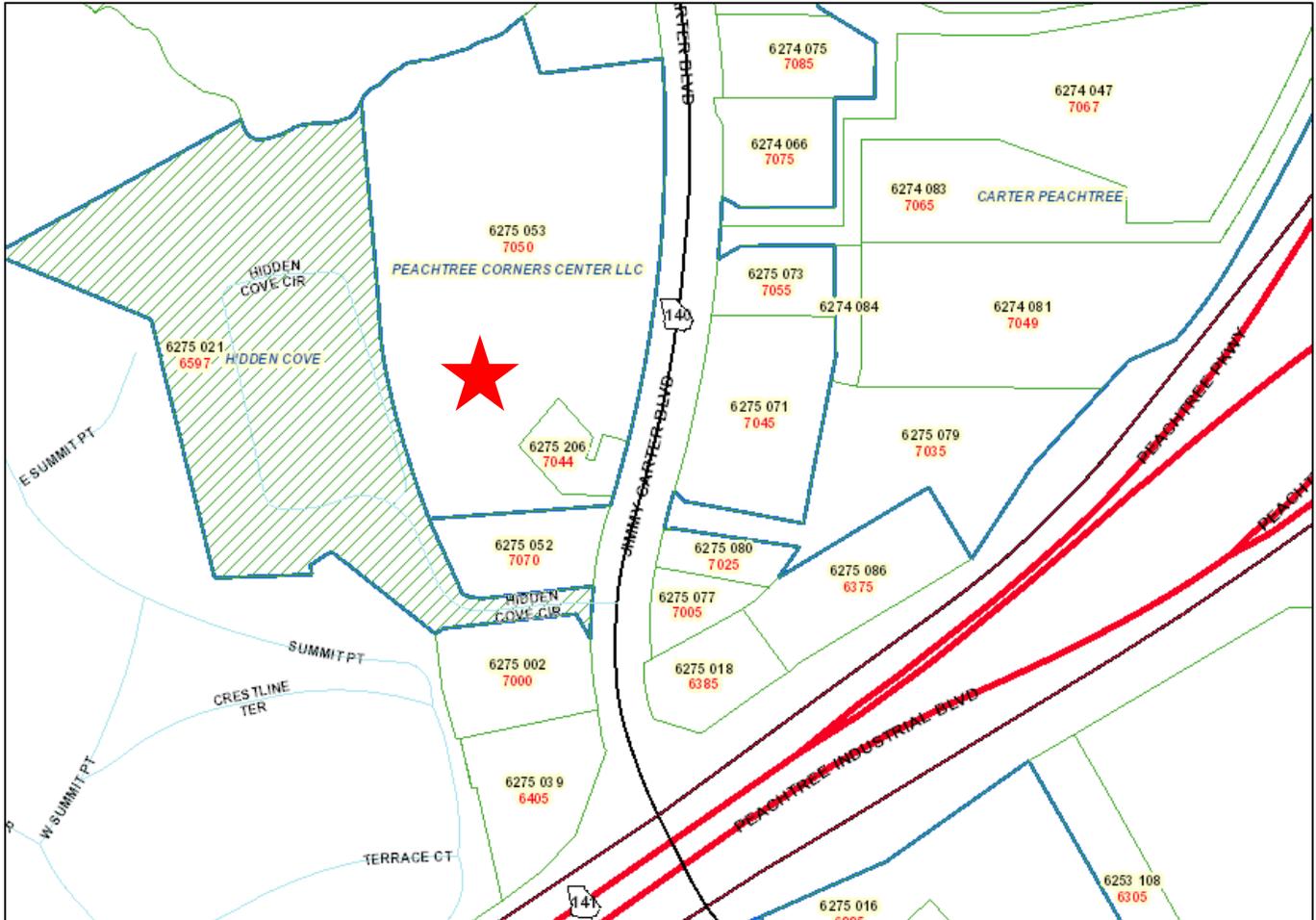
SYMBOL LEGEND table with symbols and descriptions: IRON PIPE ROUND, UTILITY POLYETHYLENE PIPE, CONCRETE CURB, etc.

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, SURVEYOR, AND LAND SURVEYOR.



## PROPERTY LOCATION MAP

### Peachtree Corners Pawn



**CASE NUMBER:**

**SUP2019-002**

**HEARING DATES:**

**PLANNING  
COMMISSION**

**CITY COUNCIL  
1<sup>ST</sup> READING**

**CITY COUNCIL  
2<sup>ND</sup> READING**

**NOV. 13, 2019**

**NOV. 19, 2019**

**DEC. 17, 2019**

**PROPERTY ADDRESS:**

**7040 Jimmy Carter Boulevard**

**02019-12-156**

**AN ORDINANCE TO AMEND THE CITY OF PEACHTREE CORNERS ZONING MAP PURSUANT TO 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**

**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:** Public Hearings were held by the Mayor and City Council of Peachtree Corners on November 19, 2019 and December 17, 2019;

**NOW THEREFORE, IT IS HEREBY ORDAINED** by the governing authority of the City of Peachtree Corners, Georgia while in Regular Session on December 17, 2019 that Zoning Case PH2019-006 & V2019-006, Chase Bank, is hereby approved for the above referenced property with the following enumerated 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.
7. The existing screening wall to the rear of the property shall be maintained or rebuilt in its current configuration, including its height and location, and shall be maintained in perpetuity by the owner of 4057 Holcomb Bridge Road.
8. The buffer area to the rear shall preserve the existing vegetation and shall be replanted where sparse. This rear buffer area shall not be the location for either above-ground or underground stormwater retention; all retention shall be handled elsewhere on the property.
9. The owner shall grant a 200-square-foot easement to the City of Peachtree Corners for the purpose of placing a city gateway monument sign at either the north corner (intersection of Holcomb Bridge Rd. and Spalding Drive) or east corner (Holcomb Bridge Rd. near property line) of the property.

Effective this \_\_\_\_\_ day of December, 2019.

**STATE OF GEORGIA  
GWINNETT COUNTY  
CITY OF PEACHTREE CORNERS**

**ORDINANCE 2019-11-156**

So Signed and Witnessed

Approved :

this \_\_\_\_\_ day of December, 2019

Attest:

\_\_\_\_\_  
Kymberly Chereck, City Clerk

\_\_\_\_\_  
Mike Mason, Mayor

VOTE: Y N A Sadd / Y N A Christ / Y N A Wright / Y N A Mason / Y N A Aulbach / Y N A Christopher / Y N A Gratwick

**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: 6<sup>th</sup> 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 UPDATE:**

At the Planning Commission meeting, residential neighbors asked questions and requested changes to the conditions to address concerns related to the fencing and screening of adjacent properties.

After consideration, the Commission felt that the addition of several conditions was justified and the applicant agreed to those additional conditions. The Commission voted 5-0 to recommend approval of the buffer reduction request and associated variances.

## 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.**
- 7. The existing screening wall to the rear of the property shall be maintained or rebuilt in its current configuration, including its height and location, and shall be maintained in perpetuity by the owner of 4057 Holcomb Bridge Road.**
- 8. The buffer area to the rear shall preserve the existing vegetation and shall be replanted where sparse. This rear buffer area shall not be the location for either above-ground or underground stormwater retention; all retention shall be handled elsewhere on the property.**
- 9. The owner shall grant a 200-square-foot easement to the City of Peachtree Corners for the purpose of placing a city gateway monument sign at either the north corner (intersection of Holcomb Bridge Rd. and Spalding Drive) or east corner (Holcomb Bridge Rd. near property line) of the property.**



Regional Director (RD) \_\_\_\_\_ DATE \_\_\_\_\_

Operating Market Lead (OML) \_\_\_\_\_ DATE \_\_\_\_\_



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

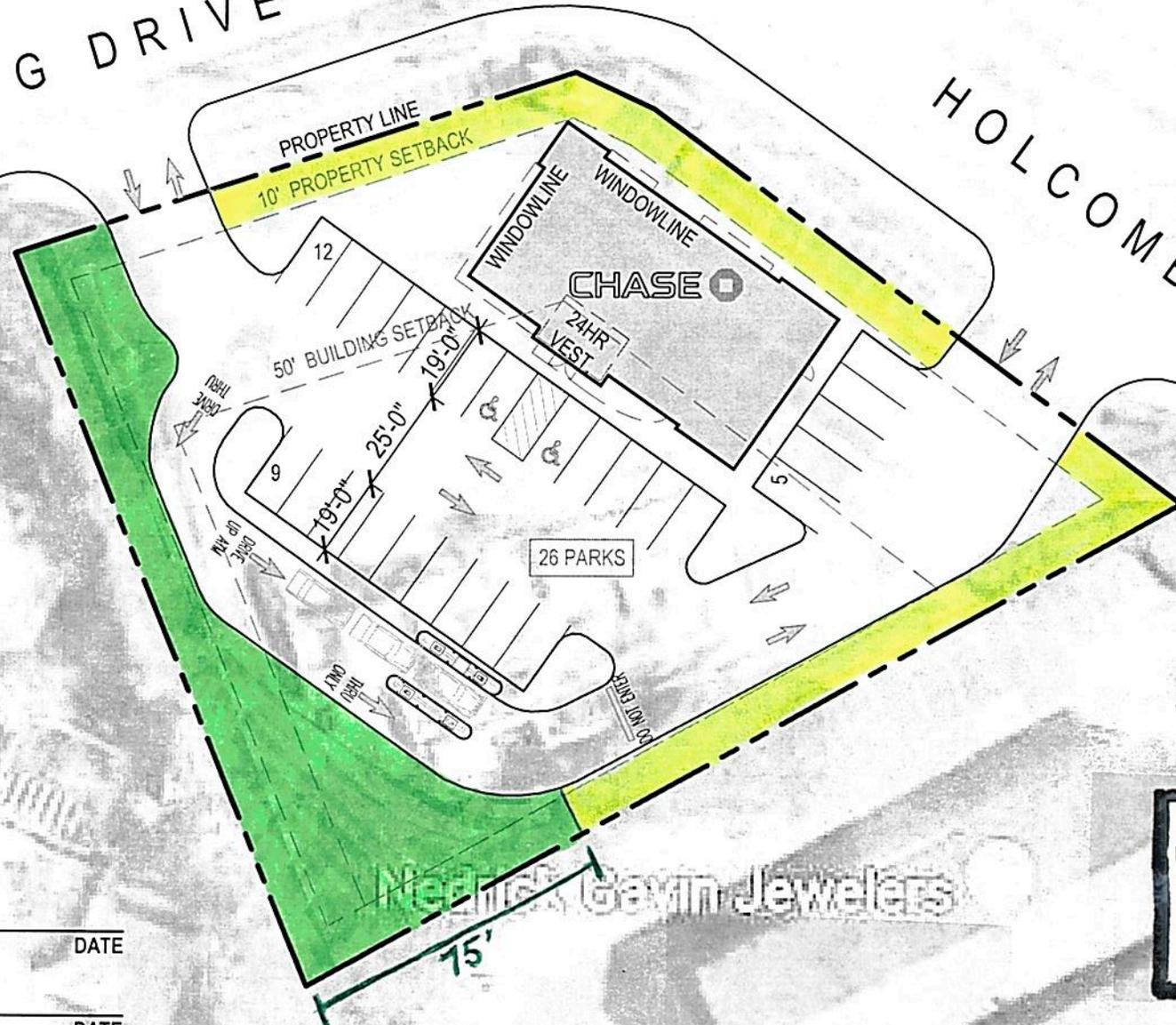


DATE	DESIGNER	AREA	SCALE
10/02/2019	ML	-	NONE

# 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"/>
<b>ADDITIONAL EXHIBITS (IF REQUIRED)</b>			
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>
<b>APPLICANT CONTACT, IF DIFFERENT THAN ABOVE</b>	
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 DISTRICT(S): C-2 REQUESTED ZONING DISTRICT: C-2

LAND DISTRICT(S): 6<sup>th</sup> LAND LOT(S): 313 ACREAGE: 0.73

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

PROPOSED DEVELOPMENT: Retail Bank Branch

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*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 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.

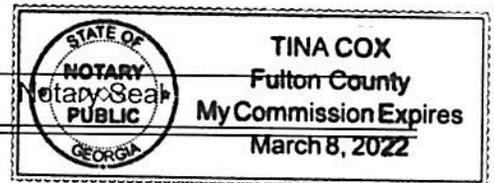
**A SEPARATE VERIFICATION FORM MUST BE COMPLETED FOR EACH TAX PARCEL INCLUDED IN THE REZONING REQUEST.**

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
<b>Class Codes</b>	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
<b>Total Tax</b>	<b>\$11,556.95</b>	<b>\$0.00</b>

## 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
<b>Total Due:</b>				\$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 30<sup>th</sup>, 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

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**SOUTHEASTERN**  
RETAIL DEVELOPMENT LLC

Dear neighbor,

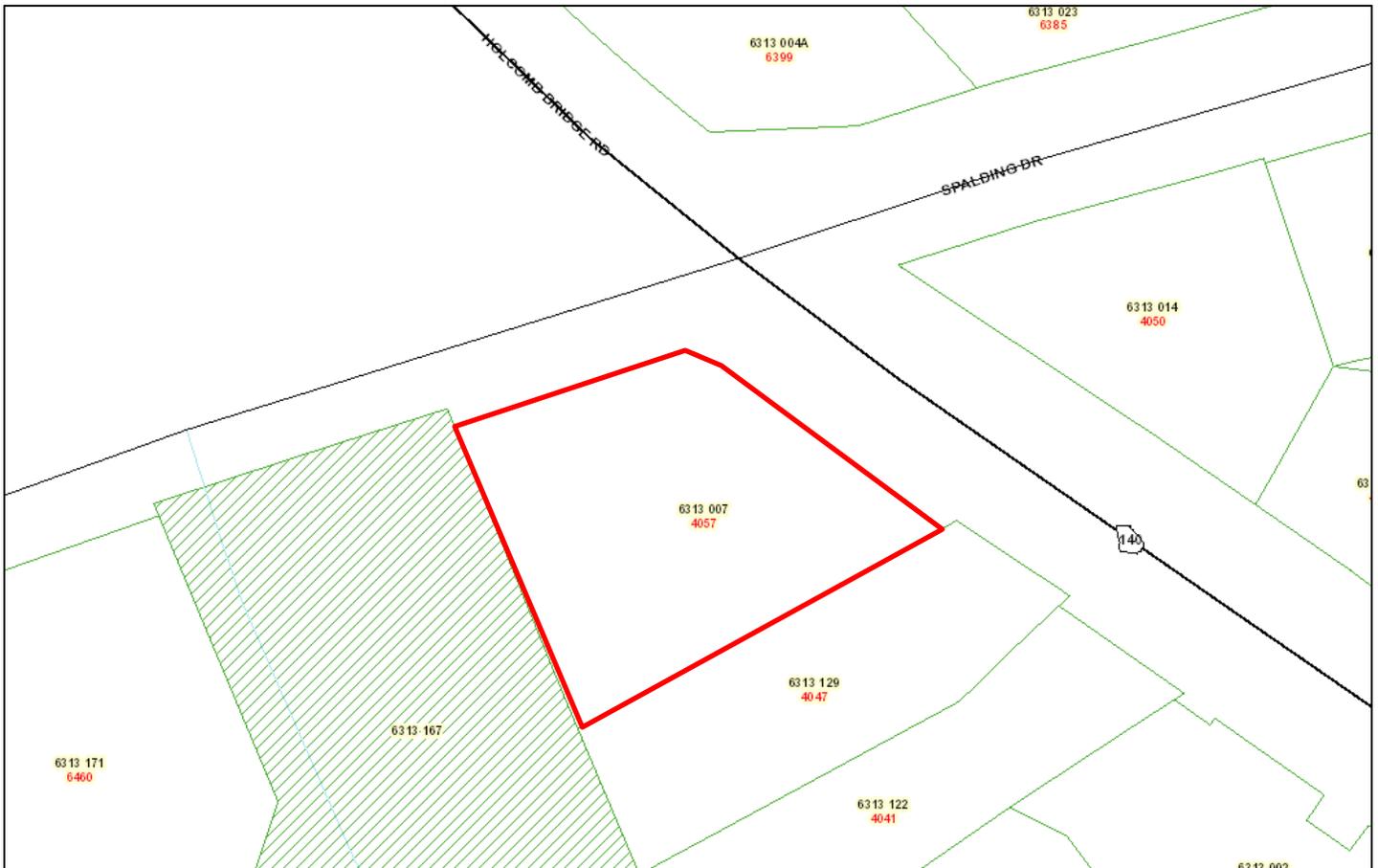
We are looking to re-develop the  
Burger King property at 4057 Holcomb  
Bridge Rd I would enjoy speaking with  
you about the project. The proposed use  
would be a bank branch. Please call  
or email me to discuss - alesley@serdllc.com  
(404) 667-0569.

Thank you,

Alec Lesley

## PROPERTY LOCATION MAP

### Chase Bank



**CASE NUMBER:**

**PH2019-006 & V2019-006**

**HEARING DATES:**

**PLANNING  
COMMISSION**

**NOV. 13, 2019**

**CITY COUNCIL  
1<sup>ST</sup> READING**

**NOV. 19, 2019**

**CITY COUNCIL  
2<sup>ND</sup> READING**

**DEC. 17, 2019**

**PROPERTY ADDRESS:**

**4057 Holcomb Bridge Road**