



**CITY OF PEACHTREE CORNERS**  
**PLANNING COMMISSION MINUTES**  
**JULY 21, 2020**  
**7:00 PM**

The City of Peachtree Corners held a Planning Commission meeting on July 21, 2020. The meeting was held at City Hall, 310 Technology Parkway, Peachtree Corners, GA, 30092. The following were in attendance:

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

Staff: Diana Wheeler, Community Development Director  
Jeff Conkle, Planning and Zoning Administrator  
Rocio Monterrosa, Deputy City Clerk

**MINUTES:**

**MOTION TO APPROVE MINUTES FROM THE FEBRUARY 18, 2020  
PLANNING COMMISSION MEETING AS AMMENDED.**

**By: James Blum**

**Seconded: Mark Willis**

**Vote: 5-0 (Willis, Blum, Kaplan, White, Collins)**

**Action: Minutes Approved**

**OLD BUSINESS:**

None

**CITY BUSINESS ITEMS:**

**RZ2020-002, V2020-005 & PH2020-004 3700 Medlock Bridge.** Request to rezone 3.08 acres from R-100 to RM-13 with associated variances and to amend the Comprehensive Plan Character Area Map to change the subject property from Suburban Neighborhood to Central Business District to allow for a new

condominium-townhome community at 3700 Medlock Bridge Road, Dist. 6, Land Lot 300, Peachtree Corners, GA.

Chairman Kaplan stated that the applicant requested to defer the application in order to have more time to address community concerns and staff recommendations.

**MOTION TO DEFER RZ2020-002 & PH2020-004 3700 MEDLOCK BRIDGE. REQUEST TO REZONE 3.08 ACRES FROM R-100 TO RM-13 WITH ASSOCIATED VARIANCES AND TO AMEND THE COMPREHENSIVE PLAN CHARACTER AREA MAP TO CHANGE THE SUBJECT PROPERTY FROM SUBURBAN NEIGHBORHOOD TO CENTRAL BUSINESS DISTRICT TO ALLOW FOR A NEW CONDOMINIUM-TOWNHOME COMMUNITY AT 3700 MEDLOCK BRIDGE ROAD, DIST. 6, LAND LOT 300, PEACHTREE CORNERS, GA. UNTIL THE SEPTEMBER 15, 2020 PLANNING COMMISSION MEETING.**

**By: Alan Kaplan**

**Seconded: Mark Willis**

**Vote: 5-0 (Kaplan, Willis, Blum, White, Collins)**

**Action: Approved**

### **NEW BUSINESS:**

- 1. CIC2020-001. East Jones Bridge LLC.** Request to amend the conditions of a previously approved special use permit to accommodate a retirement community at 4411 and 4583 East Jones Bridge Rd. (former Fiserv property), Dist. 6, Land Lots 331, 348, and 349, Peachtree Corners, GA.

Diana Wheeler, Community Development Director, informed the Commissioners that in 2018, the City Council approved a Special Use Permit (SUP) to allow for a retirement community at this location. The Planning Commission had previously recommended approval of the SUP as well. While there was great interest from the surrounding community and there were numerous public speakers who voiced concern about impacts to the neighborhood, most felt that a retirement community would be the least impactful use of others that might have been permitted on the site.

Accordingly, the SUP approval contained 18 conditions to ensure, among other things, that the site would be developed as a retirement community with a mix of housing types, each of which would have age restrictions to ensure the “retirement” component of the plan.

The applicant is now seeking to modify several of the approved conditions. In particular, the proposed changes relate to the age restriction of the community and the phasing of the development. The request for Condition #2 is to remove the age restriction language while adding a new Condition #3 stating that the intent of the development is for the stacked flats, independent living, assisted living, and memory care housing types to be inhabited by those age 55 and over.

Additionally, Condition #16 is proposed to remove the timing of the assisted living and memory care housing types to allow for the totality of those to be constructed at the end of the development rather than at a midpoint as Council required in the adopted condition.

The property was rezoned to O-I from R-100 by Gwinnett County in 1972 (Case RZ1972-111) and had been used as office space since the construction of the first buildings in 1975 until the buildings became vacant in the mid-2010s. In 2018, the City granted approval of a Special Use Permit with 18 conditions to allow for a retirement community on the site.

When the Special Use Permit for this property was approved, a retirement community

was deemed consistent with O-I zoning and was viewed as a use that can blend well into the existing single-family neighborhoods nearby. Ordinarily, defining a 'retirement community' by including an age restriction is not necessary because most retirement communities are built at one time as one project. However, due to the size of this project and the extended time frame for the build-out, age restrictions and development phasing milestones were included in the conditions as safeguards to ensure that the project resulted in the development of a retirement community.

However, the applicant's request for a change in conditions causes concern because they would remove all the safeguards. First, the proposal to remove the age restriction on the community essentially strips the development of the "retirement community" use. Although it is understood that the applicant intends to construct the same project as previously approved, the lack of age restriction creates no legal mechanism to enforce the intent. Even if the project were marketed exclusively to seniors, there would be nothing preventing the units from being sold to young families. And since the only units being designed and planned for construction at this time are townhomes, the housing type would not be a deterrent to young buyers.

Additionally, the applicant's request to remove the timing condition means that instead of having to construct the assisted living/memory care units midway through the project's construction, the property could now be developed entirely of non-age-restricted housing with a final phase of construction for assisted living/memory care perhaps coming at the end of the project's timeline, if ever. Without the zoning conditions, there is no assurance that these crucial pieces of the whole would ever be constructed. After review of the applicant's proposal and other relevant information, it is recommended that CIC2020-001 be denied.

The applicant's representative, Melody Carr, explained that due to current economic climate financing is hard to obtain financing for senior oriented communities. She stated that the site plan will continue to be the same. The applicant, Warren Jolly, stated that the age restriction is affecting lending and that they will continue to advertise as a senior living community but would need to build the first phase of the development without the restriction.

Chairman Kaplan opened the floor for public comment. There were four comments in opposition to the request questioning if the applicant did in fact have the financing stated and although the applicant has good intentions to promote to senior residents, if approved it would bring younger families.

**MOTION TO DENY CIC2020-001. EAST JONES BRIDGE LLC. REQUEST TO AMEND THE CONDITIONS OF A PREVIOUSLY APPROVED SPECIAL USE PERMIT TO ACCOMMODATE A RETIREMENT COMMUNITY AT 4411 AND 4583 EAST JONES BRIDGE RD. (FORMER FISERV PROPERTY), DIST. 6, LAND LOTS 331, 348, AND 349, PEACHTREE CORNERS, GA**

**By: Mark Willis**

**Seconded: Jim Blum**

**Vote: 5-0 (Willis, Blum, Kaplan, White, Collins)**

**Action: Denied**

## **CITY BUSINESS ITEMS:**

**SUP2020-001 Peachtree Farm.** Request to approve a special use permit to accommodate an assisted living facility at a vacant parcel on Research Ct., Dist. 6, Land Lot 285, Peachtree Corners, GA.

Jeff Conkle, Planning & Zoning Administrator, informed the Commissioners that the applicant is seeking approval of a special use permit to allow for development of an assisted living community with accessory uses on a vacant parcel in Technology Park. The property is located at the cul-de-sac of Research Court, accessed via Research Drive from Technology Parkway. The property is surrounded by M-1 zoning. While the term 'assisted living' is most commonly used in reference to a facility for elderly residents, this facility is intended for special needs young adults and their caregivers. The intent is for the special needs residents to grow and maintain vegetables as a source of income to support the facility. The existing M-1 zoning permits assisted living with an approved special use permit. The applicant is proposing a maximum of 15 residential units, all with two or three bedrooms. Additionally, accessory uses to support the needs of the residents include a laboratory to teach life skills, a greenhouse to grow fruits and vegetables, a barn to house a small number of animals as well as provide service dog training areas, and a nature trail connecting the accessory uses. The proposal for an assisted living community is consistent with M-1 zoning and is a use that can blend well into the office-type uses nearby. Given the residential character of the proposal, it is unlikely to be a detriment to surrounding properties, especially with the wooded feel of the developed properties adjacent to the site and the minimal amount of traffic that will be generated. The proposal will also provide for a type of housing that does not exist in the City and fulfill a need for supportive housing for individuals with disabilities.

### **RECOMMENDATION:**

1. The special use permit approval shall be limited to this property (Parcel 6285 104).
2. The property shall be developed in substantial conformance with the site plan titled Conceptual Site Plan by HydroPro Engineering & Construction dated February 25, 2020.
3. The property line between this parcel and adjoining 350 Research Court (Parcel 6285 035) shall be adjusted so that the required parking amount of 12 spaces for the laboratory building is fully within this parcel or the parking lot shall be redesigned to fit the required 12 spaces on the existing parcel.
4. Architectural elevations shall be in substantial conformance with the submittal titled Magnolia Drive Project by Stephen Fuller dated April 26, 2018.
5. At least 75% of the tenants of the residential units shall be adults with disabilities.
6. The accessory greenhouse shall not exceed 12,500 square feet.
7. The accessory laboratory building shall not exceed 5,700 square feet.
8. The accessory barn building shall not exceed two stories with 3,200 square feet total.
9. The development shall be a gated community with automated access gates at the entrance/exit. The gate system shall be maintained in operable condition at all times with repairs made within one week.
10. Owner shall repaint or repair graffiti or vandalism that occurs on the property within 72 hours.

The applicant, Mike Twiner, gave a brief description of the project and stated that he had no issues with staff recommendations.

Chairman Kaplan opened the floor for public comment. There was one comment in favor of the request.

After review the Commissioners moved forward with a recommendation of support for SUP2020-001 Peachtree Farm.

**MOTION TO APPROVE SUP2020-001 PEACHTREE FARM REQUEST TO APPROVE A SPECIAL USE PERMIT TO ACCOMMODATE AN ASSISTED LIVING FACILITY AT A VACANT PARCEL ON RESEARCH CT., DIST. 6, LAND LOT 285, PEACHTREE CORNERS, GA. WITH STAFF RECOMMENDATIONS.**

**By: Shanga White**

**Seconded: Jim Blum**

**Vote: 5-0 (White, Blum, Kaplan, Willis, Collins)**

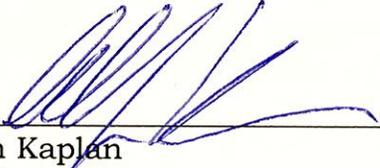
**Action: Approved with staff recommendations.**

**COMMENTS BY STAFF AND PLANNING COMMISSION:**

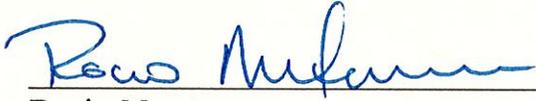
Jeff Conkle informed the Commissioners that there will be no meeting in August.

The Planning Commission meeting concluded at 8:17 PM.

Approved,

  
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Alan Kaplan  
Chairman

Attest:

  
\_\_\_\_\_  
Rocio Monterrosa  
Deputy City Clerk