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COUNCIL MEETING AGENDA

Mike Mason, Mayor

Phil Sadd – Post 1, Council Member
James Lowe – Post 2, Council Member
Alex Wright – Post 3, Council Member

Jeanne Aulbach – Post 4, Council Member
Lorri Christopher – Post 5, Council Member
Weare Gratwick – Post 6, Council Member

December 4, 2012

COUNCIL AGENDA

7:30 PM

PEACHTREE CORNERS CITY HALL
147 TECHNOLOGY PARKWAY, PEACHTREE CORNERS, GA 30092

A) CALL TO ORDER

B) ROLL CALL

C) PLEDGE OF ALLEGIANCE

D) MAYOR'S OPENING REMARKS

E) MINUTES Consideration of November 27, 2012 Council Meeting Minutes

F) CONSIDERATION OF MEETING AGENDA

G) PUBLIC COMMENTS

H) CONSENT AGENDA-No Items

I) REPORTS AND PRESENTATIONS

D. Wheeler »Update on Community Development Planning Issues

City Manager »Discussion of IGA with Gwinnett County regarding Hotel/Motel Tax

J) OLD BUSINESS

- 1. O2012-11-69 SECOND READ and Consideration to Approve an Ordinance Authorizing the Agreement with Georgia Municipal Association for Participation into the Georgia Municipal Employees Benefit System**

AN ORDINANCE TO PROVIDE FOR PARTICIPATION BY THE CITY OF PEACHTREE CORNERS, GEORGIA (“PARTICIPATING EMPLOYER” OR “EMPLOYER”) IN THE GEORGIA MUNICIPAL EMPLOYEES BENEFIT SYSTEM (GMEBS) LIFE AND HEALTH PROGRAM, IN ACCORDANCE WITH AND SUBJECT TO THE TERMS OF THE GMEBS LIFE AND HEALTH PROGRAM TRUST AGREEMENT, THE GMEBS LIFE AND HEALTH PROGRAM PARTICIPATION AGREEMENT, THE PARTICIPATING EMPLOYER’S DECLARATION PAGE(S), AND THE RULES GOVERNING THE PROGRAM, ALL AS AUTHORIZED AND PROVIDED BY CHAPTER 5 OF TITLE 47 OF THE O.C.G.A.; TO PROVIDE AN EFFECTIVE DATE; TO REPEAL CONFLICTING ORDINANCES; AND FOR OTHER PURPOSES.

K) NEW BUSINESS

1. **O2012-12-71** **PUBLIC HEARING and Consideration of CIC2012-00001-Amer Habib's request for a Change in Conditions of Property Zoned C-2; to Remove Permit Deadline and Reduce the Required Buffer from 25 feet to 15 feet at the 5100 Block of Buford Highway.**

CIC2012-00001 – APPLICANT: AMER HABIB; OWNER: AMER HABIB; FOR A CHANGE IN CONDITIONS OF ZONING ON PROPERTY ZONED C-2 TO REMOVE PERMIT DEADLINE AND REDUCE REQUIRED BUFFER FROM 25 FEET TO 15 FEET; DISTRICT 6 LAND LOT 256 PARCEL 124; 5100 BLOCK OF BUFORD HIGHWAY; 1.89 ACRES.

2. **O2012-12-72** **PUBLIC HEARING and Consideration of SUP2012-00001-Wesleyan School's request for a Special Use Permit in a R-100 Zoning District to expand Private School in order to Accommodate Additional Athletic Fields at the 3600 Block of Spalding Terrace**

SUP2012-00001 – APPLICANT: WESLEYAN SCHOOL; OWNER: WESLEYAN SCHOOL; FOR A SPECIAL USE PERMIT IN AN R-100 ZONING DISTRICT FOR A PRIVATE SCHOOL EXPANSION TO ACCOMMODATE ADDITIONAL ATHLETIC FIELDS; DISTRICT 6 LAND LOT 301 PARCELS 011 - 013; 3600 BLOCK OF SPALDING TERRACE; 5.99 ACRES.

3. **O2012-12-73** **PUBLIC HEARING and Consideration of SUP2012-00002-Wesleyan School's request for a Special Use Permit in a R-100 Zoning District to expand Private School in order to Accommodate Additional Tennis Courts at the 5300 Block of Spalding Drive and the 3400 Block of Spalding Terrace**

SUP2012-00002 – APPLICANT: WESLEYAN SCHOOL; OWNER: WESLEYAN SCHOOL; FOR A SPECIAL USE PERMIT IN AN R-100 ZONING DISTRICT FOR A PRIVATE SCHOOL EXPANSION TO ACCOMMODATE ADDITIONAL TENNIS COURTS; DISTRICT 6 LAND LOT 286 PARCELS 033 & 034; 5300 BLOCK OF SPALDING DRIVE; 3400 BLOCK OF SPALDING TERRACE; 3.46 ACRES.

4. **O2012-12-74** **PUBLIC HEARING and Consideration of SUP2012-00003-Salem Leasing Corporation's request for a Special Use Permit in a M-1 Zoning District for a Truck Sales/Leasing and Service at the 4900 Block of Buford Hwy**

SUP2012-00003 – APPLICANT: SALEM LEASING CORPORATION; OWNER: NFPS, LLC; FOR A SPECIAL USE PERMIT IN AN M-1 ZONING DISTRICT FOR TRUCK SALES/LEASING AND SERVICE; DISTRICT 6 LAND LOT 257 PARCELS 072 & 215; 4900 BLOCK OF BUFORD HIGHWAY; 7.92 ACRES

5. **ACTION ITEM** **Consideration to Approve the Second Amendment to the ADKC Holdings (City Hall Lease) for Additional Space**

L) **OTHER BUSINESS**

M) **EXECUTIVE SESSION**

N) **ADJOURNMENT**

CITY OF PEACHTREE CORNERS
SPECIAL CALLED COUNCIL MEETING
November 27, 2012 @ 7:30pm

The Mayor and Council of the City of Peachtree Corners held a Special Called Council Meeting on Thursday, November 27, 2012 at 7:30pm and it was held at the Robert Fowler, YMCA which is located at 5600 West Jones Bridge Road, Peachtree Corners, and GA 30092. The following were in attendance:

Mayor	Mike Mason
Council Member	Phil Sadd - Post 1
Council Member	James Lowe - 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 Attorney	Bill Riley
City Manager	Julian Jackson
Acting City Clerk	Joan Jones

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

OPENING COMMENTS: Mayor Mason thanked everyone for attending and comment to council there is an upcoming training available at the Mayors' Day Conference in January.

MINUTES: Council Member Aulbach motioned, seconded by Council Member Gratwick to approve the minutes of November 8, 2012 as amended. Clarification was made on the wording and there being no further discussion, the motion carried unanimously. The minutes were approved as amended.

AGENDA CONSIDERATION: Council Wright motioned, seconded by Council Member Sadd to approve tonight's agenda as presented. There being no further discussion, the motion carried and the agenda was approved as presented.

PUBLIC COMMENT: No Public Comments made.

CONSENT AGENDA: No Consent Agenda Items

REPORTS and PRESENTATIONS: Community Development Director Diana Wheeler provided her report on **staff activities** that occurred during November 19th through November 23rd which included information on the Comprehensive Plan proposals received and an update on the recent Planning Commission meeting. She announced the council will hear four zoning cases at their December 4th meeting which will be held at city hall. In addition, Director Wheeler reported the Community Development Services review committee has completed their review of the Community Development Services proposals and this item is on the agenda tonight for council discussion and consideration.

Mayor Mason thanked the YMCA for all their support.

OLD BUSINESS:

INTERNATIONAL PROPERTY MAINTENANCE CODE Adoption: The SECOND READ of Ordinance

2012-11-67 to Adopt the 2006 Edition of the International Property Maintenance Code and Amendments Thereto Regulating and Governing the Conditions and Maintenance of All Property, Buildings and Structures; By Providing the Standard for Supplied Utilities and Facilities and Other Physical Things and Conditions Essential to Ensure That Structures are Safe, Sanitary and Fit for Occupation and Use; and the Condemnation of Buildings and Structures Unfit for Human Occupancy and Use and the Demolition of Such Existing Structures in the City of Peachtree Corners, Georgia Providing for the Issuance of Permits and Collection of Fees Therefore; and for Other Purposes was held.

Council Member Christopher motioned, seconded by Council Member Gratwick to approve Ordinance Adopting the International Property Maintenance Code for the City of Peachtree Corners. There being no further discussion, the motion carried unanimously. (**ORDINANCE 2012-11-67**)

NEW BUSINESS:

FIRST READ of Ordinance 2012-11-68 Approving an Ordinance Adopting the 2013 Council Meeting Calendar for the Mayor and Council. There was general discussion on coordinating the meetings to have the Planning Commission meet on the second Tuesday in order for the Mayor and Council to hear any zoning cases at their first meeting of the month. City Manager Jackson requested council to consider having the second reading and consideration of this ordinance on the December 18th Meeting Agenda. There was council consensus to place this item on the December 18th Council Meeting Agenda.

FIRST READ of Ordinance 2012-11-69 authorizing the Agreement with Georgia Municipal Association for Participating in the Georgia Municipal Employees Benefit System was held. City Manager Jackson explained this ordinance should have been part of the information council considered a few weeks ago for the employee health benefits.

FIRST READ of an Ordinance 2012-11-70 Adopting Chapter 90: Solid Waste providing for Regulation of Solid Waste Disposal Services in the City of Peachtree Corners; to provide for the codification; to provide for the severability; to provide an effective date and for other purposes was held. City Manager Jackson reviewed the process on how this ordinance was developed and requested council consider this item at their December 18th meeting as further review is needed. There was Council consensus to discuss this item at the December 18th Council Meeting.

Council Member Christopher motioned, seconded by Council Member Aulbach to approve the **Community Development Services bid award** to CH2M Hill; Charles Abbotts and TerraMark. During discussion, Community Development Director Wheeler reviewed the reasoning for the different vendors; CH2M Hill would assist with the general duties associated with Community Development projects such as planning/zoning, code enforcement; Charles Abbotts would handle duties associated with Building Permits/Inspections and TerraMark would handle GIS/Mapping for the city. There was council discussion on the cost for these services, the start date, length of the contract, accountability and the need for an exit clause in the contract. Council Member Wright voiced concern about the cost and where the cost is allocated in the budget. Council Members Aulbach and Christopher noted these vendors would be a good fit and offer scalability for the city and there will be a mid-year budget review in January. City Manager Jackson explained the contract has yet to be negotiated and the 2014 budget will have more information as far as expenses for the cost of these services and the contract will be for one and half years. Council Member Sadd voiced concern about the budget and the need to be accountable to the citizens. Mayor Mason called for any further discussion, there being no further discussion; he called the motion. The motion carried unanimously.

NOTIFICATION FOR CERTAIN SERVICES: Council Member Wright motioned, seconded by Council

Member Gratwick to approve this Action Item to Authorize the City Attorney to Notify Gwinnett County that the City of Peachtree will be taking over certain services beginning February 1, 2013. During discussion, City Attorney Riley reviewed which services this authorization covers, such as Community Developments Building Permits/Plan Review. Council Member Wright clarified this would be for all services except for residential solid waste and Attorney Riley reviewed the IGA and time frame for notification

OTHER BUSINESS: Mayor Mason announced the City Hall Open House is now scheduled for January 6th at 1:30pm.

EXECUTIVE SESSION: Council Member Wright motioned, seconded by Council Member Christopher to go into Executive Session for the discussion of one (1) Litigation Matter. There being no discussion the motion carried unanimously.

Council Member Christopher motioned, seconded by Council Member Gratwick to come out of Executive Session and resume the regular meeting. There being no further discussion, the motion carried unanimously and the meeting was resumed.

ADJOURNMENT: There being no further business, Council Member Christopher motioned, seconded by Council Member Gratwick to adjourn the meeting. There being no further discussion, the motion carried unanimously and the meeting was adjourned.

Approved,

Attest:

Mike Mason, Mayor

Joan C. Jones, Acting City Clerk



Memo

TO: Mayor and Council

CC: Julian Jackson, City Manager

FROM: Diana Wheeler, Community Development Director

SUBJECT: Staff Activity Report

The following is a summary of Staff activity during the week of 11/26/12 – 11/30/12.

- A. Meetings with:
 - 1. Development Services consultants to review responsibilities, terms of contract, and set-up logistics.
 - 2. Art Gallery owner to determine logistics for art installation.
 - 3. City Attorney to discuss upcoming cases.
- B. Follow-up on the placement of way-finding signs. Check locations to ensure that blue and white city hall directional signs are in the correct locations.
- C. Worked on Business Licenses including the development of a license renewal form and fee schedule.
- D. Reviewed Comprehensive Plan RFP responses.
- E. Followed-up with Gwinnett County regarding code enforcement cases, (Truck illegally parked at Ingles Shopping Center and car with expired tag on residential property.)
- F. Responded to phone calls and e-mails from residents, business people, and others.

Gwinnett County Activity Report

- A. 17 building permits were issued.
- B. no development permits were issued.
- C. no development plans were submitted.
- D. 1 Final Plat was processed for 5.45 acres (Roberts Property)



GWINNETT COUNTY

DEPARTMENT OF PLANNING AND DEVELOPMENT
 ONE JUSTICE SQUARE
 446 West Crogan Street, Lawrenceville, Georgia 30046
 Phone: 678.518.6020 Fax: 678.518.6028
 678.518.6277 24 Hour Inspection Requests
 www.gwinnettcountry.com

PERMITS ISSUED BETWEEN 11/12/2012 AND 11/23/2012 FOR THE CITY OF PEACHTREE CORNERS

CASE NUMBER	BLD2012-09360	PARCEL # 6273 041	ISSUED ON 11/19/2012	PROJECT: HILTON HOTEL
CENSUS TRACT:	437 Alterations (Non-Res), Interior Finish		CONTRACTOR: LODGING SUPPLY SERVICES LLC	ZONING DISTRICT: M1
LOT:	050310		3809 SARAHS LANE	NO. OF UNITS:
BLOCK:			TUCKER, GA 30084	ESTIMATED COST: \$225,000.00
SUBDIVISION:			404.787.7699	HEATED AREA: 2605
ST ADDRESS, CITY:	5993 PEACHTREE IND BLV, NORCROSS		TENANT: HILTON HOTEL	UNHEATED AREA:
COMM/RES:	Commercial		USE: Commercial Manufacturing	Sewer/Septic:
WORK DESC:	INTERIOR FINISH PERMIT, HILTON HOTEL, P/F 095-12 ROLLED		TYPE OF WORK: Interior Finish	Payment Received: \$1475.00
CASE NUMBER	BLD2012-10749	PARCEL # 6250 010	ISSUED ON 11/14/2012	PROJECT: DAWSON JONES EQUIPMENT
CENSUS TRACT:	0/S Fire Repair, Sign, Above Ground Pool, Mech		CONTRACTOR: DAWSON JONES EQUIPMENT	ZONING DISTRICT: M1
LOT:	050304		4440 AMWILER ROAD	NO. OF UNITS:
BLOCK:			TENANT CHANGE	ESTIMATED COST: \$0.00
SUBDIVISION:	undefined		ATLANTA, GA 30360	HEATED AREA: 10400
ST ADDRESS, CITY:	4440 AMWILER RD, DORAVILLE		770.458.7234	UNHEATED AREA:
COMM/RES:	Commercial		TENANT: DAWSON JONES EQUIPMENT	Sewer/Septic: Sewer
WORK DESC:	TENANT CHANGE, DAWSON JONES EQUIPMENT		USE: Commercial Manufacturing	Payment Received: \$180.00
			TYPE OF WORK: Tenant Change	
CASE NUMBER	BLD2012-10810	PARCEL # 6271 056	ISSUED ON 11/15/2012	PROJECT: MEDLOCK CENTER PLACE - THRIFTY DESIGN & DECOR
CENSUS TRACT:	0/S Fire Repair, Sign, Above Ground Pool, Mech		CONTRACTOR: THRIFTY DESIGN & DECOR	ZONING DISTRICT: C1
LOT:	050309		3230 MEDLOCK BRIDGE RD	NO. OF UNITS:
BLOCK:			PEACHTREE CORNERS, GA	ESTIMATED COST: \$0.00
SUBDIVISION:	undefined		30092	HEATED AREA:
ST ADDRESS, CITY:	3230 MEDLOCK BRIDGE RD SUITE 110, NORCROSS		786.306.4239	UNHEATED AREA:
COMM/RES:	Commercial		TENANT: THRIFTY DESIGN & DECOR	Sewer/Septic:
WORK DESC:	TENANT CHANGE PERMIT, SUITE 110, THRIFTY DESIGN & DECOR		USE: Tenant Change	Payment Received: \$180.00
			TYPE OF WORK: Tenant Change	

CASE NUMBER	BLD2012-10834	PARCEL # 6271 062	ISSUED ON 11/20/2012	PROJECT: BURGER KING
	0/S Fire Repair, Sign, Above Ground Pool, Mech		CONTRACTOR: BURGER #6506	ZONING DISTRICT: C2
CENSUS TRACT:	050309		5290 MEDLOCKBRIDGE RD	NO. OF UNITS:
LOT:			HOMEOWNER	ESTIMATED COST: \$0.00
BLOCK:			NORCROSS, GA 30096	HEATED AREA: 2125
SUBDIVISION:	undefined		678.224.5241	UNHEATED AREA:
ST ADDRESS, CITY:	5290 MEDLOCK BRIDGE RD, NORCROSS		TENANT: BURGER KING	Sewer/Septic: Sewer
COMM/RES:	Commercial		USE: Commercial Zoning C1,C2,C3	Payment Received: \$180.00
			TYPE OF WORK: Tenant Change	
WORK DESC:	TENANT CHANGE (CHANGE IN OWNERSHIP),BURGER KING			
CASE NUMBER	BLD2012-10840	PARCEL # 6275 024	ISSUED ON 11/15/2012	PROJECT: SUMMIT 6575, TROTTER COMPANY
	0/S Fire Repair, Sign, Above Ground Pool, Mech		CONTRACTOR: TROTTER COMPANY	ZONING DISTRICT: M1
CENSUS TRACT:	050317		6575 PEACHTREE INDUSTRIAL BLVD	NO. OF UNITS:
LOT:			TENANT	ESTIMATED COST: \$0.00
BLOCK:			NORCROSS, GA 30092	HEATED AREA:
SUBDIVISION:	undefined		770 722 6363	UNHEATED AREA:
ST ADDRESS, CITY:	6575 PEACHTREE IND BLVD, NORCROSS		TENANT: TROTTER COMPANY	Sewer/Septic: Sewer
COMM/RES:	Commercial		USE: Commercial Zoning C1,C2,C3	Payment Received: \$180.00
			TYPE OF WORK: Tenant Change	
WORK DESC:	TENANT CHANGE, TROTTER COMPANY			
CASE NUMBER	BLD2012-10854	PARCEL # 6301 036	ISSUED ON 11/16/2012	PROJECT: TECHNOLOGY PARKWAY
	437 Alterations (Non-Res), Interior Finish		CONTRACTOR: DOVE CONTRACTING INC	ZONING DISTRICT: OBP
CENSUS TRACT:	050308		292 SOUTH MAIN ST	NO. OF UNITS:
LOT:				ESTIMATED COST: \$5,100.00
BLOCK:			ALPHARETTA, GA 30009	HEATED AREA: 5900
SUBDIVISION:	INTERLOCHEN		770.777.0055	UNHEATED AREA:
ST ADDRESS, CITY:	3740 DAVINCI CT 400, NORCROSS		TENANT: RUBIN LUBLIN	Sewer/Septic: Sewer
COMM/RES:	Commercial		USE: Office	Payment Received: \$380.00
			TYPE OF WORK: Interior Finish	
WORK DESC:	INTF-STE.400, RUBIN LUBLIN			

CASE NUMBER	BLD2012-10871	PARCEL # 6285 059	ISSUED ON 11/19/2012	PROJECT: TECHNOLOGY PARK ATLANTA
	437 Alterations (Non-Res), Interior Finish		CONTRACTOR: DNA GENERAL CONTRACTING LLC	ZONING DISTRICT: M-1 Light Industry District
CENSUS TRACT:	050310		240 HENLEY PLACE	NO. OF UNITS:
LOT:				ESTIMATED COST: \$3,500.00
BLOCK:			DULUTH, GA 30097	HEATED AREA: 200
SUBDIVISION:	undefined		678.614.1033	UNHEATED AREA:
ST ADDRESS, CITY:	147 TECHNOLOGY PARKWAY 200, Norcross		TENANT: PEACHTREE CORNERS PERMIT OFFICE	Sewer/Septic: Sewer
COMM/RES:	Commercial		USE: Commercial Manufacturing	Payment Received: \$480.00
WORK DESC:	INTERIOR FINISH, SUITE 200		TYPE OF WORK: Interior Finish	
CASE NUMBER	BLD2012-10882	PARCEL # 6303 053	ISSUED ON 11/16/2012	PROJECT: CEDAR CORNERS, 20B
	0/S Fire Repair, Sign, Above Ground Pool, Mech		CONTRACTOR: GMAC MORTGAGE	ZONING DISTRICT: R100
CENSUS TRACT:	050310		3451 HAMMOND AVE	NO. OF UNITS:
LOT:	020			ESTIMATED COST: \$0.00
BLOCK:	B		WATERLOO, IA 50702	HEATED AREA:
SUBDIVISION:	CEDAR CORNERS		877.339.8202	UNHEATED AREA:
ST ADDRESS, CITY:	3632 CEDAR CORNERS PL, NORCROSS		TENANT:	Sewer/Septic:
COMM/RES:	Registration		USE: Single Family Detached Dwelling	Payment Received: \$100.00
WORK DESC:	VACANT STRUCTURE REGISTRATION		TYPE OF WORK: Registration VS	
CASE NUMBER	BLD2012-10916	PARCEL # 6313 033	ISSUED ON 11/19/2012	PROJECT: SPALDING SQUARE I
	0/S Fire Repair, Sign, Above Ground Pool, Mech		CONTRACTOR: SPALDING SQUARE I	ZONING DISTRICT: C1
CENSUS TRACT:	050310		4056 SPALDING DRIVE	NO. OF UNITS:
LOT:			TENANT	ESTIMATED COST: \$0.00
BLOCK:			NORCROSS, GA 30092	HEATED AREA: 9950
SUBDIVISION:	FOUTS CORNER		770.446.3221	UNHEATED AREA:
ST ADDRESS, CITY:	4056 SPALDING DR, NORCROSS		TENANT: SPALDING SQUARE I	Sewer/Septic: Sewer
COMM/RES:	Commercial		USE: Commercial Zoning C1,C2,C3	Payment Received: \$180.00
WORK DESC:	TENANT CHANGE (EXECUTIVE SUITE),SPALDING SQUARE I		TYPE OF WORK: Tenant Change	

CASE NUMBER	BLD2012-10919	PARCEL # 6314 126	ISSUED ON 11/19/2012	PROJECT: SPALDING CORNERS 004G
	434 Alterations(Res), Deck, Porch, Remodel		CONTRACTOR: HARRIS LEE BORUM JR	ZONING DISTRICT: R100
CENSUS TRACT:	050321		1814 ELMWOOD CT	NO. OF UNITS:
LOT:	004			ESTIMATED COST: \$35,000.00
BLOCK:	G		DAWSONVILLE, GA 30534	HEATED AREA:
SUBDIVISION:	SPALDING CORNERS		404.427.2304	UNHEATED AREA:
ST ADDRESS, CITY:	6046 FRUITHURST LN, NORCROSS		TENANT:	Sewer/Septic: Sewer
COMM/RES:	Residential		USE: Single Family Detached Dwelling	Payment Received: \$235.00
			TYPE OF WORK: Remodel	
WORK DESC:	REMODEL, BATHROOM			
CASE NUMBER	BLD2012-10920	PARCEL # 6271C002	ISSUED ON 11/19/2012	PROJECT: TBG COMMERCIAL REAL ESTATE
	0/S Fire Repair, Sign, Above Ground Pool, Mech		CONTRACTOR: TBG COMMERCIAL REAL ESTATE	ZONING DISTRICT: M1
CENSUS TRACT:	50612		3284 MEDLOCK BRIDGE ROAD	NO. OF UNITS:
LOT:			TENANT	ESTIMATED COST: \$0.00
BLOCK:			NORCROSS, GA 30092	HEATED AREA: 6600
SUBDIVISION:			770.446.3221	UNHEATED AREA:
ST ADDRESS, CITY:	3284 MEDLOCK BRIDGE RD UNIT B-1, NORCROSS		TENANT: TBG COMMERCIAL REAL ESTATE	Sewer/Septic: Sewer
COMM/RES:	Commercial		USE: Commercial Manufacturing	Payment Received: \$180.00
			TYPE OF WORK: Tenant Change	
WORK DESC:	TENANT CHANGE (EXECUTIVE SUITES), TBG COMMERCIAL REAL ESTATE			
CASE NUMBER	BLD2012-10924	PARCEL # 6330 353	ISSUED ON 11/19/2012	PROJECT: RIVERFIELD 532 A
	434 Alterations(Res), Deck, Porch, Remodel		CONTRACTOR: DECK SOUTH	ZONING DISTRICT: R100CLU
CENSUS TRACT:	050308		4181 JVL INDUSTRIAL PARKWAY	NO. OF UNITS:
LOT:	532			ESTIMATED COST: \$9,000.00
BLOCK:	A		MARIETTA, GA 30066	HEATED AREA:
SUBDIVISION:	RIVERFIELD		404.536.7118	UNHEATED AREA: 432
ST ADDRESS, CITY:	5056 STAVERLY LN, NORCROSS		TENANT:	Sewer/Septic:
COMM/RES:	Residential		USE: Single Family Detached Dwelling	Payment Received: \$79.00
			TYPE OF WORK: Additions	
WORK DESC:	ADDITION RESIDENCE, REBUILD DECK AND RELOCATE STAIRS			

CASE NUMBER	BLD2012-10928	PARCEL # 6319 007	ISSUED ON 11/19/2012	PROJECT: RIVERVIEW ESTATES, 1C
	101 Single Family - Detached		CONTRACTOR: KEVIN BIANDO / HOMEOWNER	ZONING DISTRICT: R100
CENSUS TRACT:	050308		5705 BROXTON CIRCLE	NO. OF UNITS:
LOT:	001			ESTIMATED COST: \$235,250.00
BLOCK:	C		NORCROSS, GA 30092	HEATED AREA: 5646
SUBDIVISION:	RIVERVIEW ESTATES		770.446.3221	UNHEATED AREA: 382
ST ADDRESS, CITY:	4620 RIDGEGATE DR, DULUTH		TENANT:	Sewer/Septic: Septic
COMM/RES:	Residential		USE: Single Family Detached Dwelling	Payment Received: \$7216.50
			TYPE OF WORK: Complete Building Permit	
WORK DESC:	NEW SINGLE FAMILY			
CASE NUMBER	BLD2012-10931	PARCEL # 6318 159	ISSUED ON 11/19/2012	PROJECT: ROSEBUD PARK 114A
	0/S Fire Repair, Sign, Above Ground Pool, Mech		CONTRACTOR: COPPER ELECTRIC, INC.	ZONING DISTRICT: R100
CENSUS TRACT:	050309		1865 SOUTH LEE COURT	NO. OF UNITS:
LOT:	003			ESTIMATED COST: \$2,000.00
BLOCK:	A		BUFORD, GA 30518	HEATED AREA:
SUBDIVISION:	MEDLOCK WOODS		678.482.0322	UNHEATED AREA:
ST ADDRESS, CITY:	4820 MEDLOCK BRIDGE RD, DULUTH		TENANT:	Sewer/Septic: Unknown
COMM/RES:	Residential		USE: Single Family Detached Dwelling	Payment Received: \$30.00
			TYPE OF WORK: Electrical Only	
WORK DESC:	ELECTRIC ONLY, UPGRADE SERVICE FROM 400 TO 600 AMP ON HOUSE(FOR PROJECT ALREADY PERMITTED)			
CASE NUMBER	BLD2012-10942	PARCEL # 6319 057	ISSUED ON 11/20/2012	PROJECT: GRAN RIVER 034A
	434 Alterations(Res), Deck, Porch, Remodel		CONTRACTOR: EXTERIOR DESIGN & DECKING INC	ZONING DISTRICT: R100MOD
CENSUS TRACT:	050309		531 KEENELAND AVENUE	NO. OF UNITS:
LOT:	034			ESTIMATED COST: \$20,000.00
BLOCK:	A		WOODSTOCK, GA 30189	HEATED AREA:
SUBDIVISION:	GRAN RIVER		404.488.0913	UNHEATED AREA:
ST ADDRESS, CITY:	3975 RIVER HOLLOW RUN, DULUTH		TENANT:	Sewer/Septic: Sewer
COMM/RES:	Residential		USE: Single Family Detached Dwelling	Payment Received: \$145.00
			TYPE OF WORK: Additions	
WORK DESC:	17' X 22' SCREEN PORCH, 12' X 35' OPEN DECK			

CASE NUMBER	BLD2012-10960	PARCEL # 6285 037	ISSUED ON 11/21/2012	PROJECT: MERIDIAN PARK II, HANCOCK ASKEW AND CO. LLP
	437 Alterations (Non-Res),	Interior Finish	CONTRACTOR: CRL CONTRACTING INC	ZONING DISTRICT: M1
CENSUS TRACT:	050310		3475 MILL VALLEY DR	NO. OF UNITS:
LOT:				ESTIMATED COST: \$30,000.00
BLOCK:			DACULA, GA 30019	HEATED AREA: 4691
SUBDIVISION:			770.246.6599	UNHEATED AREA:
ST ADDRESS, CITY:	275 SCIENTIFIC DR SUITE 2500, NORCROSS		TENANT: HANCOCK ASKEW AND CO. LLP	Sewer/Septic: Sewer
COMM/RES:	Commercial		USE: Commercial Manufacturing	Payment Received: \$500.00
			TYPE OF WORK: Interior Finish	
WORK DESC:	INTERIOR FINISH,SUITE 2500, HANCOCK ASKEW AND CO. LLP			

CASE NUMBER	BLD2012-10999	PARCEL # 6305A007	ISSUED ON 11/21/2012	PROJECT: APPLE VALLEY CONDO, BLD 16 UNIT 6443
	0/S Fire Repair, Sign, Above Ground Pool, Mech		CONTRACTOR: BAC HOME LOAN SERVICING L.P.	ZONING DISTRICT: RM6
CENSUS TRACT:			400 NATIONAL WAY	NO. OF UNITS:
LOT:	BLD16			ESTIMATED COST: \$0.00
BLOCK:	UNIT 6443		SIMIVALLEY, CA 93065	HEATED AREA:
SUBDIVISION:	APPLE VALLEY CONDO		800.669.2443	UNHEATED AREA:
ST ADDRESS, CITY:	6443 APPLTREE WAY, NORCROSS		TENANT:	Sewer/Septic:
COMM/RES:	Registration		USE: Condominium	Payment Received: \$100.00
			TYPE OF WORK: Registration VS	
WORK DESC:	VACANT STRUCTURE REGISTRATION			

TOTAL PERMITS ISSUED: 17



**Gwinnett County
Department of Planning & Development**

Development Cases Received

From 11/14/2012 to 11/20/2012

Commercial Development Permit

CASE NUMBER: **CDP2012-00171**

ADDRESS : 1449 SCENIC HWY, SNELLVILLE, GA
30078

PROJECT : DREAM TEAM REAL ESTATE

COMMISSION DIST: undefined
PARCEL#: 5074 300

TOTAL ACRES : 0.41
DENSITY : N/A

DEVELOPER
LARISSA BENSON
LARRISA K. BENSON
281 MARANATHA TRAIL
GA

DESIGNER
BRIAN COLE
BC ENGINEERING, INC.
116 NORTH MAIN STREET
CUMMING, GA 30040

CURRENT STATUS: RECEIVED
RECEIVED ON: 11/15/2012
STATUS DATE: 11/15/2012
UNIT: N/A
POD: N/A

NO. OF LOTS : N/A
OPEN SPACE PROVIDED : N/A
OPEN SPACE % OF TOAL : N/A
PHASE : N/A
CITY LIMITS : No

PROJECT DESCRIPTION : OFFICE, O&I PER RZC2010-00016, 0.41 ACRES, 0.11 DISTURBED ACRES, 4 NEW PARKING SPACES, SEPTIC

CASE NUMBER: **CDP2012-00172**

ADDRESS : BUFORD DRIVE (2900 BLOCK),
BUFORD, GA 30519

PROJECT : PEPBOYS AUTO

COMMISSION DIST: 4
PARCEL#: 7146 005A

TOTAL ACRES : 2.04
DENSITY : N/A

DEVELOPER
KRISTIE SANDERSON
LS MALL OF GA BUFORD, LLC.
1330 LADY STREET, STE 200
COLUMBIA, SC 29201

DESIGNER
KEVIN KRICK
GENESIS CONSULTING GROUP
1330 LADY STREET. STE 205
COLUMBIA, SC 29201

CURRENT STATUS: RECEIVED
RECEIVED ON: 11/20/2012
STATUS DATE: 11/20/2012
UNIT: N/A
POD: N/A

NO. OF LOTS : N/A
OPEN SPACE PROVIDED : N/A
OPEN SPACE % OF TOAL : N/A
PHASE : N/A
CITY LIMITS : No

PROJECT DESCRIPTION : COMMERCIAL, C-2 PER CIC2012-00012, NEW 14,360 SQ FT, 1 STORY, 2.04 ACRES, 1.50 DISTURBED ACRES, 71 NEW PARKING SPACES, SEWER

CASE NUMBER: <u>CDP2012-00173</u>	ADDRESS : 2060 ROSS RD, LILBURN, GA 30047	PROJECT : ABRA AUTO BODY AND GLASS
COMMISSION DIST: 3	TOTAL ACRES : 2.20	DEVELOPER
PARCEL#: 6064 108	DENSITY : N/A	RON FISCUS ABRA AUTO BODY & GLASS 333 N. WASHINGTON AVE # 337 MINNEAPOLIS, MN 55401
		DESIGNER JOHN DILLINGHAM ALLIANT ENGINEERING 233 PARK AVENUE SOUTH, # 300 MINNEAPOLIS, MN 55415
CURRENT STATUS: RECEIVED	NO. OF LOTS : N/A	
RECEIVED ON: 11/20/2012	OPEN SPACE PROVIDED : N/A	
STATUS DATE: 11/20/2012	OPEN SPACE % OF TOAL : N/A	
UNIT: N/A	PHASE : N/A	
POD: N/A	CITY LIMITS : No	

PROJECT DESCRIPTION : COMMERCIAL, C-3 PER REZ1993-00022, 2.20 ACRES, 2.20 DISTURBED ACRES, SEWER

CASE NUMBER: <u>CDP2012-00174</u>	ADDRESS : 2211 SCENIC, SNELLVILLE, GA 30078	PROJECT : RACETRAC
COMMISSION DIST: 3	TOTAL ACRES : 2.21	DEVELOPER
PARCEL#: 5026 288	DENSITY : N/A	JIMMY HARPE RACETRAC 3225 CUMBERLAND BLVD ATLANTA, GA 30339
		DESIGNER CHRIS CARTER HARKLEROAD 3473 SATELLITE BLVD DULUTH, GA
CURRENT STATUS: RECEIVED	NO. OF LOTS : N/A	
RECEIVED ON: 11/20/2012	OPEN SPACE PROVIDED : N/A	
STATUS DATE: 11/20/2012	OPEN SPACE % OF TOAL : N/A	
UNIT: N/A	PHASE : N/A	
POD: N/A	CITY LIMITS : Yes	

PROJECT DESCRIPTION : CITY OF SNELLVILLE, CONVENIENCE STORE, NEW 5,928 SQ FT, 2.21 ACRES, 3.00 DISTURBED, SEWER

TOTAL FOR :	Commercial Development Permit	NO. OF CASES : 4	NO. OF LOTS : 0	TOTAL ACRES : 6.86
	Final Plat			

CASE NUMBER: <u>FPL2012-00016</u>	ADDRESS : 5150 PEACHTREE PKWY, NORCROSS, GA 30092	PROJECT : PIEDMONT FIVE, LLC.
COMMISSION DIST: 2	TOTAL ACRES : 5.45	DEVELOPER
PARCEL#: 6301 165	DENSITY : N/A	CHARLES ROBERTS ROBERTS PROPERTIES RESIDENTIAL, L.P. 450 NORTHRIDGE PKWY, STE 302 ATLANTA, GA 30350
		DESIGNER DAVID LEONARD PRECISION PLANNING, INC. 400 PIKE BLVD LAWRENCEVILLE, GA 30046
CURRENT STATUS: RECEIVED	NO. OF LOTS : 3	
RECEIVED ON: 11/20/2012	OPEN SPACE PROVIDED : N/A	
STATUS DATE: 11/20/2012	OPEN SPACE % OF TOAL : N/A	
UNIT: N/A	PHASE : N/A	
POD: N/A	CITY LIMITS : No	

PROJECT DESCRIPTION : COMMERCIAL FOR PLATTING ONLY, RM13 PER REZ1998-00174, 3 LOTS, 5.45 ACRES, SEWER

CASE NUMBER: FPL2012-00017		ADDRESS : 2918 BUFORD DR, BUFORD, GA 30519		PROJECT : BRANDSMART USA	
COMMISSION DIST: 4		TOTAL ACRES : 30.54		DEVELOPER	
PARCEL#: 7146 005A		DENSITY : N/A		CHRIS SANFORD BRANDSMART USA LLC 3200 SW 42 STREET HOLLYWOOD, FL 33312	
DESIGNER		NO. OF LOTS : 5		CHRIS SANFORD PLANNERS & ENGINEERS 350 RESEARCH COURT NORCROSS, GA 30092	
CURRENT STATUS: RECEIVED		OPEN SPACE PROVIDED : N/A			
RECEIVED ON: 11/20/2012		OPEN SPACE % OF TOAL : N/A			
STATUS DATE: 11/20/2012		PHASE : N/A			
UNIT: N/A		CITY LIMITS : No			
POD: N/A		PROJECT DESCRIPTION : COMMERCIAL FOR PLATTING ONLY, C-3 PER REZ1998-00179, SUP1998-00136, SUP2008-00022 & CIC2012-00012, 5 LOTS, 30.54 ACRES, SEWER			
TOTAL FOR :		Final Plat		NO. OF CASES : 2	
				NO. OF LOTS : 8	
				TOTAL ACRES : 35.99	
GRAND TOTALS				NO. OF CASES : 6	
				NO. OF LOTS : 8	
				TOTAL ACRES : 42.85	

GEORGIA MUNICIPAL EMPLOYEES
BENEFIT SYSTEM

Life and Health Program

ORDINANCE
AND
PARTICIPATION AGREEMENT
for

City of Peachtree Corners

I. AN ORDINANCE

An Ordinance to provide for participation by the City of Peachtree Corners, Georgia (“Participating Employer” or “Employer”) in the Georgia Municipal Employees Benefit System (GMEBS) Life and Health Program, in accordance with and subject to the terms of the GMEBS Life and Health Program Trust Agreement, the GMEBS Life and Health Program Participation Agreement, the Participating Employer’s Declaration Page(s), and the Rules governing the Program, all as authorized and provided by Chapter 5 of Title 47 of the O.C.G.A.; to provide an effective date; to repeal conflicting ordinances; and for other purposes.

WHEREAS, the Participating Employer has determined that it wishes to provide certain employee benefits to its employees by participating in the Georgia Municipal Employees Benefit System Life and Health Program (“GMEBS Life and Health Program” or “Program”) and by making contributions to the GMEBS Life and Health Program Trust Fund (“Trust Fund”); and

WHEREAS, the Participating Employer has reviewed the terms of the GMEBS Life and Health Program Trust Agreement (“Trust Agreement” or “Trust”), which Trust is intended to be a tax-exempt trust established under Internal Revenue Code Section 115 and under the applicable laws of the State of Georgia; and

WHEREAS, the Participating Employer has reviewed the terms and conditions of the GMEBS Life and Health Program Participation Agreement (“Participation Agreement”) and the various forms of coverage and/or benefit plans offered under the GMEBS Life & Health Program; and

WHEREAS, the Participating Employer has reviewed the Declaration Page(s) (“Declaration”) accompanying the GMEBS Life and Health Program Participation Agreement and has completed and will amend, as necessary or required, said Declaration to reflect its elections with respect to employee eligibility requirements and Program benefits that the Participating Employer intends to make available to eligible employees; and

WHEREAS, the Mayor and Council of the Participating Employer is authorized by law to adopt this Ordinance, the Trust Agreement, the Participation Agreement, and the Declaration on behalf of the Participating Employer;

NOW, THEREFORE, BE IT ORDAINED by the Governing Authority of the Participating Employer and it is hereby ordained by the authority thereof:

Section 1. The Participating Employer hereby adopts and agrees to be bound by the terms of the following GMEBS Life and Health Program Trust Agreement, the Participation Agreement, and the Declaration which are attached hereto and made a part of this Ordinance. The Participating Employer also agrees to be bound by any Program Rules adopted by the GMEBS Board of Trustees (“Trustees”). The Participating Employer further agrees to abide by the terms of any amendments made by the Trustees to the Trust Agreement or the Program Rules.

(Ordinance continued on page 11)

II. GMEBS LIFE AND HEALTH PROGRAM PARTICIPATION AGREEMENT

1. PURPOSE OF PARTICIPATION AGREEMENT

The Participating Employer hereby enters this Participation Agreement with the Georgia Municipal Employees Benefit System (“GMEBS”) for the purpose of participating in the GMEBS Life and Health Program Trust and subscribing to one or more health, life, accidental death and dismemberment, short-term disability, dental or other employee benefit Plan(s) which are offered as part of the GMEBS Life and Health Program, as identified on the Participating Employer’s Declaration, and to provide for the risk sharing associated therewith, in accordance with and subject to the terms of the Program Trust Agreement, this Participation Agreement, the Participating Employer’s Declaration, and all Program Rules adopted by the GMEBS Board of Trustees (“Trustees”), in their current form or as amended.

2. DEFINED TERMS

When the initial letter of a word or phrase is capitalized in the Ordinance and Participation Agreement, the Trust Agreement, or the Participating Employer’s Declaration, it shall have the meaning specified in Article I of the Trust Agreement unless otherwise defined.

3. TYPE OF COVERAGE

(a) Pooled Trust. The GMEBS Life and Health Program Trust Fund is in the form of a pooled trust, in which contributions are pooled. With respect to any Plan offered under the Program that is not provided through a third party insurer Group Policy, the Participating Employer enters the Trust as a mutual covenant of risk sharing and not as a partnership. With respect to insured benefits offered under the Program through a third party insurer Group Policy, the Participating Employer's obligation is to contribute the amount of premium required under the Group Policy. No Participating Employer by reason of being a participant in the Trust and contributing to the pool shall be liable to the Trust, to any other Participating Employer, or to any claimant, except for payment of contributions, fees, expenses, and costs as provided for in this Participation Agreement and joinder in the Trust, and for any necessary additional assessments levied by the Trustees to maintain appropriate reserves for the Health and Welfare Trust Fund. Risk sharing under the Trust shall begin upon the Participating Employer’s first payment of contributions to the Trust Fund. There will be no disbursements out of the Trust to the Participating Employer except for the payment of benefits as provided under the Program, unless such disbursement is consistent with the irrevocability of the Participating Employer’s contributions under the Internal Revenue Code and such disbursement is authorized by the Trustees, the terms of the Trust, and applicable law. The Participating Employer will make expense payments as required by the Trustees for Trust administration which will be included in the Program contribution.

(b) Maintenance of Reserve. The Trustees may assess Participating Employers pro rata in an amount the Trustees deem sufficient to maintain appropriate reserves for the Health and Welfare Trust Fund. If a Participating Employer fails to pay any assessment as provided for in this Section 3(b) within sixty (60) days after the assessment date, the Employer's participation in the Program and the Trust Fund will be terminated as of the date such 60-day period ends and coverage offered under any and all Plans will cease as of said date or, if earlier, the termination date otherwise provided for under this Agreement. If the Participating Employer is terminated from participation in the Program as provided hereunder, the Employer will remain liable for any assessments due. If the Employer subsequently pays the assessment along with such penalties or interest that may be established by the Trustees, the Program Administrator may reinstate the Employer's participation in accordance with any applicable Rules or procedures established by the Trustees.

(c) Self-Funded / Insured Benefits. Health and Welfare Benefits provided under the GMEBS Life and Health Program may be self-funded (i.e., paid directly from the GMEBS Life and Health Program Trust Fund), or they may be fully or partially insured under a Group Policy issued by a third party insurer or re-insurer retained by GMEBS. The GMEBS Board of Trustees has the sole authority and discretion to determine which Health and Welfare Benefits will be offered under the Program and which will be self-funded, partially insured, or fully insured. The Participating Employer agrees that GMEBS has the authority to contract with insurers, consultants, and other third parties as it deems necessary or appropriate for administration of the GMEBS Life and Health Program and/or provision of employee benefits under the Plan(s). All terms and conditions incident to insurance coverage provided by third party insurers will be in accordance with the Group Policy(ies) issued to GMEBS and any amendments, riders, or endorsements thereto, notwithstanding any other provision to the contrary. Subject to approval of the GMEBS Board of Trustees, GMEBS may select and/or change insurers and other service providers for the purpose of providing or administering employee benefits under the Program at any time. The Participating Employer shall abide by the applicable terms of all administrative and other service agreements of the Program. The Participating Employer accepts the services to be provided by the Georgia Municipal Association ("GMA") as Program Administrator and the services of any insurer or other service provider retained by the GMEBS Board of Trustees. The Participating Employer acknowledges that administrative fees, licensing fees, and other fees related to services provided by GMA and other service providers will be charged under the Program and deducted from the Trust Fund.

4. GENERAL DUTIES AND UNDERSTANDINGS

(a) Completing Declaration - The Participating Employer will complete the Declaration form provided by GMEBS to indicate which Plan(s) the Participating Employer will make available to its eligible employees; to designate any Employer restrictions on employee eligibility to participate under said Plan(s); to designate the extent of coverage, if any, to be provided to eligible dependents under the Plan(s); to designate the extent of coverage, if any, to be provided to elected officials of the Participating Employer under the Plan(s); to designate the extent of coverage, if any, for retirees of the Participating Employer under the Plan(s) (provided that GMEBS or the applicable Group Policy permits coverage for retirees under such Plan(s)); to

designate the Employer's employee waiting period for enrollment under the Plan(s) (if applicable and subject to any limitation on the length of the waiting period imposed by law); and to designate the form and levels of coverage that the Participating Employer intends to make available under each of the Plan(s). The Participating Employer's Declaration will include any forms which must be completed by the Participating Employer under the terms of any Group Policy to indicate the Employer's eligibility and coverage elections under said Group Policy.

(b) Amending Declaration - In the event the Participating Employer wishes to change or modify its Declaration in any manner (e.g., with respect to Plan(s) offered by the Employer, employee eligibility requirements, or levels of coverage), the Participating Employer will complete and submit an amended Declaration in accordance with and subject to Section 6 below. The Participating Employer may also be required to complete and submit an amended Declaration to reflect any changes made in connection with the annual renewal process under the Program.

(c) Enrollment of New Hires - The Participating Employer is responsible for determining which of its employees are eligible to participate in the Plan(s) in accordance with the terms of said Plan(s), including any applicable Group Policy and the Participating Employer's Declaration, and taking into account any employee eligibility waiting period imposed by the Participating Employer under its Declaration.⁺ The Participating Employer will distribute and collect Plan enrollment forms from newly hired employees (or other eligible employees) and will send completed forms and other information necessary for enrollment of employees and eligible dependents to the Program Administrator immediately upon receipt of said forms and before the intended effective date of enrollment, in accordance with any enrollment Rules and/or procedures established by the Trustees or the Program Administrator. Said information may be provided electronically or via hard copy in the form and manner approved by the Program Administrator.

(d) Annual Open Enrollment, Special Enrollment - The Participating Employer will distribute, collect, and/or forward notices, forms and information in accordance with any Rules and/or procedures established by the Trustees or the Program Administrator for the purpose of processing Plan enrollment requests and/or coverage changes requested by employees in connection with the Program's annual open enrollment period and in connection with any special enrollment period provided for under the Plan(s) (e.g., employee acquiring new dependent, or employee or dependent's loss of other health plan coverage).

(e) Retroactive Enrollment - The Participating Employer acknowledges and agrees that retroactive enrollment of eligible employees and dependents will be permitted only under extenuating circumstances in the discretion of the Program Administrator (an employee or dependent's failure to timely or accurately complete an enrollment application is not sufficient to permit retroactive enrollment). Retroactive enrollment may be limited to a maximum of 60 days prior to the date the Program Administrator receives completed enrollment forms and any other information necessary for enrollment from the Participating Employer. Retroactive enrollment is

⁺ As an exception to the general rule that the Participating Employer is responsible for determining which employees are eligible to participate under the Plan(s), GMEBS reserves the right to make eligibility decisions as necessary to comply with the Georgia Security and Immigration Compliance Act pursuant to O.C.G.A. § 50-36-1.

subject to the Program Administrator's receipt of applicable contributions and any late fees or penalties that may be imposed by the Trustees or Program Administrator. The Participating Employer acknowledges and agrees that GMEBS, the Trustees, the GMEBS Life and Health Plan Trust Fund, and the Program Administrator will not be liable for any unpaid or uncovered claims for persons who are not enrolled in a timely manner due to the Program Administrator having been provided untimely or inaccurate eligibility or enrollment information, or untimely or inaccurate updates to eligibility or enrollment information. Notwithstanding any other provision herein to the contrary, retroactive enrollment will be permitted under a Group Policy only if and to the extent the Group Policy permits same.

(f) Termination of Individual Employee/Dependent Participation - The Participating Employer will determine and notify/update the Program Administrator as to which employees, dependents, or other individuals will become or are no longer eligible to participate in the Plan(s) selected by the Participating Employer in its Declaration (e.g., due to termination of employment, failure to meet minimum hour requirement, or failure to remit employee contribution (if any)). Such notification will be provided by the Participating Employer immediately upon loss of eligibility in accordance with any applicable Rules and/or procedures established by the Trustees or the Program Administrator. The Participating Employer acknowledges and agrees that retroactive termination (disenrollment) of individual employees and other persons will be permitted only under extenuating circumstances in the discretion of the Program Administrator and may be limited to a maximum of 60 days prior to the date proper notice of disenrollment is received by the Program Administrator. If retroactive disenrollment is permitted, the Program Administrator will provide a credit on the Participating Employer's next Program invoice for the period of retroactive disenrollment. The Participating Employer acknowledges and agrees that if the Program has paid claims for persons who are not eligible or no longer eligible to participate in one or more Plan(s) due to the Participating Employer having provided inaccurate eligibility information, untimely updates to eligibility information, or late notice of participant disenrollment, the Participating Employer will be required to reimburse the GMEBS Life and Health Trust Fund for any unrecovered claim amounts. Notwithstanding any provision herein to the contrary, retroactive disenrollment will be permitted under a Group Policy only if and to the extent such Group Policy permits same.

(g) Facilitating COBRA Coverage Elections - The Participating Employer will distribute, collect, keep, and furnish to the Program Administrator, employees, and other individuals such notification(s), forms, and other information as necessary for the purpose of notifying eligible employees and dependents of their rights to continued health and/or dental coverage under COBRA and for purposes of facilitating COBRA coverage elections, in accordance with any applicable Rules or procedures established by the Trustees or the Program Administrator. The Participating Employer acknowledges and agrees that, for purposes of COBRA administration, it is responsible to: 1) distribute applicable GMEBS Plan booklet(s) (which contain the initial notice of COBRA rights) to eligible employees (and their spouses, if covered) within 30 days after their enrollment in any health or dental Plan under the Program; 2) notify the Program Administrator in writing immediately upon and no later than 14 days after the termination of employment of any covered employee participating in any health or dental Plan under the Program (and indicate whether the employee was terminated for gross misconduct); 2) notify the Program Administrator in writing immediately upon and no later than 14 days after the death of

any covered employee participating in any health or dental Plan under the Program; 3) notify the Program Administrator in writing immediately upon and no later than 14 days after a reduction in a employee's work hours which makes the employee ineligible to participate in a health or dental Plan under the Program; 4) collect monthly COBRA premiums from COBRA-eligible employees and dependents and remit them to the Program Administrator in a timely manner; and 5) promptly forward to the Program Administrator any notices, forms, or information received from employees (or their dependents) which may affect COBRA rights or eligibility (e.g., COBRA election forms, employee notice of divorce, notice of loss of dependent status, notice of employee or dependent change of address). The Participating Employer acknowledges and agrees that GMEBS and the Program Administrator will not be liable for any unpaid or uncovered claims for persons who are eligible for COBRA but who are not timely or properly afforded COBRA coverage due to the Participating Employer's failure to provide timely or accurate COBRA notification(s), forms or other information in accordance with this subsection or any COBRA administration Rules and/or procedures established by the Trustees or the Program Administrator.

(h) FMLA – If and to the extent that the Participating Employer is subject to the Family and Medical Leave Act (“FMLA”), the Participating Employer (not GMEBS, the Trustees, or the Program Administrator) will be responsible for maintaining Plan coverage for employees and/or dependents as necessary to comply with the FMLA, including making arrangements for employees to pay their employee share of Plan contributions (if applicable) while they are on FMLA leave; providing notice to covered employees on FMLA leave of any opportunity to change plans, benefits, or coverage (e.g., providing notice of an upcoming open enrollment period); restoring applicable Plan coverage upon an employee's return to employment following FMLA leave in case of lapse of coverage due to non-payment of employee contributions while on FMLA leave; and notifying the Program Administrator in writing upon an employee's failure to return to employment following FMLA leave.

(i) Furnishing Plan Booklets; Distribution and Collection of Notices and Forms – The Participating Employer will, in the form and manner requested by the Trustees or the Program Administrator, copy and distribute to its employees any and all Plan booklets, notices, and forms supplied for purposes of Program administration and will collect and forward to the Program Administrator any notices, forms or other information it receives from employees or other individuals concerning participation in the Program.

(j) Providing Experience Rating Information – The Participating Employer will provide the Program Administrator with information reasonably requested for purposes of underwriting and/or determining the Participating Employer's experience rating.

(k) Life/Short Term Disability Salary Updates - Participating Employers who elect to provide life insurance coverage or short term disability coverage under the Program based on salary amount or level of salary must report employee salary changes to the Program Administrator in writing as soon as they occur.

(l) Medical Child Support Orders – The Participating Employer will promptly forward to the Program Administrator any medical child support orders it receives concerning enrollment of dependent child(ren) in one or more Plan(s).

(m) Cooperation in Administration – The Participating Employer agrees to cooperate in all respects with GMEBS, the Program Administrator, and any Plan service providers with respect to administration of the Program

5. REMITTANCE OF CONTRIBUTIONS

(a) Monthly Contributions Due 1st of Month – Regular monthly Program invoices will be mailed by the Program Administrator to the Participating Employer on or about 15th day of each month in advance of the month for which the Program contribution is due and payable. The Participating Employer agrees to remit the applicable monthly Program contribution owed (including any employee contributions referred to in subsection 5(b) below) to the Program Administrator by the first day of the month for which the Program contribution is due.

(b) Employer Collection of Employee Contributions - The Participating Employer agrees to collect contributions (including COBRA premiums) from employees and other individuals (if any) that are required by the Participating Employer for participation in the Plan(s). GMEBS, the Trustees, and the Program Administrator will have no responsibility or obligation to collect such contributions from employees or other individuals on behalf of the Participating Employer.

(c) Late Payment; Cancellation of Coverage; Termination of Participation Agreement - If the applicable Program contribution is not received by the Program Administrator within 30 days after the contribution due date, the Program Administrator will send a notice of impending termination of participation and/or coverage cancellation to the Participating Employer. In such event, the Participating Employer, not GMEBS, the Trustees, or the Program Administrator, will be responsible to notify employees of impending coverage cancellation. If the applicable monthly Program contribution is not remitted by the Participating Employer within 60 days after the due date for payment, the Employer's Participation Agreement will terminate and/or Plan coverage will be cancelled upon expiration of the 60-day period. Said termination and/or cancellation of coverage will be retroactive to the last day of the month for which the applicable Program contribution was paid. The Program Administrator will instruct Program service providers as necessary in an attempt to obtain reimbursement with respect to any claims incurred after the termination effective date. However, if the Trust Fund incurs costs relating to claims incurred after the coverage cancellation date and is unable to obtain reimbursement for such claims, the Participating Employer shall reimburse the Trust Fund for such costs. In the event that the Participating Employer fails to provide such reimbursement to the Trust Fund within 30 days following the end of the 60-day period referenced above, such amounts will be subject to interest, penalties or other charges as established by the Trustees. GMEBS, the Trust Fund, the Trustees, and the Program Administrator are not responsible for any claims incurred following the coverage cancellation date. The Participating Employer will abide by any Rules adopted by the Trustees with respect to collection of delinquent contributions, including any such Rules which may require payment of interest, penalties, exit fees, or a combination thereof. Such Rules may also provide that Program benefits may be reinstated at the sole discretion of the

Trustees or the Program Administrator upon payment of outstanding delinquent contributions, late fees, reinstatement fees, or other charges, along with any other expenses incurred by the Trust Fund as a direct or indirect result of the Employer's failure to remit contributions in a timely manner. Notwithstanding any provision herein to the contrary, termination of coverage under any Group Policy will be governed by the applicable terms of such Group Policy.

6. EMPLOYER MODIFICATION OF DECLARATION PAGE(S)

If the Participating Employer desires to amend any of its elections contained in its Declaration, the Participating Employer shall by official action of its Governing Authority amend the Declaration and forward it to the Program Administrator for approval. The amendment of the Declaration shall not be effective until approved by the Program Administrator (and the applicable insurer, if the amendment involves a change to a Group Policy) and until any administrative procedures necessary to facilitate the change have been implemented. If the amendment is not approved by the Program Administrator (or insurer, if applicable), the Plan(s) will continue to be administered as if such amendment had not been made.

Pursuant to Article VI of the Trust Agreement, the Trustees may amend the form of the Participation Agreement required to be adopted and executed by Participating Employers in order to join or remain in the Program. Notwithstanding any amendment made to the Declaration Page, the Participation Agreement (in its current form or as amended) shall remain in effect unless the Participation Agreement is affirmatively terminated by official action of the Participating Employer or the Trustees as provided under this Agreement.

The Program Administrator will timely inform the Participating Employer of any significant material changes concerning operation of the Plans under the Program, including but not limited to changes in service providers administering Plan benefits. In the event that said change necessitates one or more amendments to the Participating Employer's Declaration and the Participating Employer fails to amend its Declaration accordingly, the Trustees are authorized but not required to amend the Participating Employer's Declaration in their discretion to accommodate or reflect such change, and the Plan(s) will be administered in accordance with the amended Declaration to the extent practicable, notwithstanding cost. GMEBS, the Trust Fund, the Trustees, and the Program Administrator shall not be liable for any difference in cost, benefits, or coverage for the Participating Employer or for any Plan participant resulting from such amendment. Notwithstanding any provision herein to the contrary, the Participating Employer's modification of coverage or benefits under any Group Policy will be governed by the applicable terms of such Group Policy.

7. NOTICE OF TERMINATION BY EMPLOYER

In the event that the Participating Employer desires to terminate its participation under the Program altogether (versus terminating or changing coverage under a particular Plan which requires amendment of the Employer's Declaration as provided under Section 6 above), the Participating Employer shall provide the Program Administrator with at least 30 days advance

written notice of such termination. If the Participating Employer provides such notice, the Employer's participation shall terminate effective as of the last day of the month following the month in which notice of termination is provided, or such later date agreed to in writing by the Participating Employer and the Program Administrator, provided the Participating Employer timely pays monthly Program contributions owed for such remaining period of participation. Otherwise, the Employer's participation shall terminate effective as of the last day of the month for which the applicable monthly Program contribution is timely paid by the Participating Employer or as otherwise provided under this Agreement. GMEBS, the Trust Fund, the Trustees, the Program Administrator, and any third party insurers under the Program will not be responsible for any claims incurred following the effective termination date. Notwithstanding any provision herein to the contrary, the Participating Employer's coverage under any Group Policy will be terminated in accordance with and subject to the terms of said Group Policy

8. NOTICE OF TERMINATION BY GMEBS

In the event that GMEBS desires to terminate this Participation Agreement for reasons other than failure by the Participating Employer to remit payments in a timely manner, the Trustees will provide the Participating Employer with at least 60 days advance written notice of such termination. Said termination shall be effective on the last day of the month that ends at least 60 days after notice of termination is provided, provided the Participating Employer timely pays all monthly Program contributions due up until said termination effective date. GMEBS, the Trust Fund, the Trustees, and the Program Administrator will not be responsible for any claims incurred following the effective termination date. Notwithstanding any provision herein to the contrary, the Participating Employer's coverage under any Group Policy will be terminated in accordance with and subject to the terms of said Group Policy.

9. REINSTATEMENT IN PROGRAM

In the event that the Participating Employer or the Trustees terminate this Participation Agreement, the Participating Employer may request reinstatement of participation upon payment of any outstanding balance plus any applicable interest, penalties, reinstatement fees, or other charges established by the Trustees, as well as payment of the first month's Program contribution. Reinstatement is subject to approval by the Trustees. Upon reinstatement, the Participating Employer will be required to adopt a new Participation Agreement and Declaration and will be subject to underwriting. If there have been any changes to the Plan(s) or other Program provisions or any changes in contribution rates after termination of participation and before reinstatement, the Participating Employer will upon reinstatement be subject to all Program provisions and contribution rates in effect on the date of reinstatement. Notwithstanding any provision herein to the contrary, the Participating Employer's eligibility for reinstatement of coverage under any Group Policy will be determined in accordance with and subject to the terms of said Group Policy.

10. TERMINATION OF GMEBS LIFE AND HEALTH PROGRAM

The GMEBS Board of Trustees reserves the right to terminate the Program at any time by a written instrument to that effect executed by the Trustees. Such termination will be effected in accordance with the terms of the Trust Agreement and applicable law.

11. EXTENT OF BENEFITS PROVIDED TO PLAN PARTICIPANTS

No employee, participant, dependent, or other person shall have any right, title, or interest in or to the Trust or any part thereof; provided, however, that any person who is actually covered by a Plan under the GMEBS Life and Health Program will, subject to the applicable terms and conditions of said Plan, the Trust Agreement, and this Participation Agreement, be entitled to benefits in the amount and to the extent provided under the Plan. The Participating Employer's participation in the Program will not constitute and shall not be construed as a commitment to provide or to continue to provide a specific type or level of employee benefits or employee contribution rate. Nor will it constitute or be construed to create an accrued or vested benefit for any employee, former employee, participant, dependent, or other person.

AN ORDINANCE (continued from page 1)

Section 2. Severability. In the event that any section, subsection, sentence, clause or phrase of this Ordinance shall be declared or adjudged invalid or unconstitutional, such adjudication shall in no manner affect the previously existing provisions or the other section or sections, subsections, sentences, clauses or phrases of this Ordinance, which shall remain in full force and effect, as if the section, subsection, sentence, clause or phrase so declared or adjudicated invalid or unconstitutional were not originally a part hereof. The Governing Authority hereby declares that it would have passed the remaining parts of this Ordinance or retained the previously existing provisions if it had known that such part or parts hereof would be declared or adjudicated invalid or unconstitutional.

Section 3. Approval by Trustees. The Participating Employer’s Ordinance and Participation Agreement and Declaration are subject to approval by the Trustees. The Trustees may refuse to approve or may delay the effective date of an Ordinance and Participation Agreement or Declaration that is not in order as determined by the Trustees or the Program Administrator. The Governing Authority of the Participating Employer hereby acknowledges that it is responsible to assure that this Ordinance and Participation Agreement and the Declaration are adopted and executed by the Participating Employer in accordance with the requirements of applicable law.

Section 4. Effective Date. This Ordinance and Participation Agreement shall be effective on , or if later, such other effective date designated by the Trustees below upon approval and acceptance of the Ordinance and Participation Agreement and Declaration.

Section 5. Repeal. All ordinances and parts of ordinances in conflict herewith are expressly repealed.

Approved by the Mayor and Council of the City of Peachtree Corners, Georgia this _____ day of _____, 20____.

Attest:

Employer Name:
City of Peachtree Corners

Signature of City Clerk

Signature of Mayor

Print Name of City Clerk

Print Name of Mayor

(SEAL)

Approved:

City Attorney

TRUSTEES' APPROVAL

The terms of the foregoing Ordinance and Participation Agreement are approved by the Board of Trustees of the Georgia Municipal Employees Benefit System.

The effective date of the Employer's participation in the GMEBS Life and Health Program will be .

IN WITNESS WHEREOF, the Board of Trustees of the Georgia Municipal Employees Benefit System has caused its Seal and the signatures of its duly authorized officer to be affixed this _____ day of _____, 20____.

Board of Trustees
Georgia Municipal Employees
Benefit System

(SEAL)

Secretary

SECTION 5. EMPLOYER REPRESENTATIVE – Please list by title or position the person designated by the Employer to represent the Employer in all communications with GMEBS and the Program Administrator concerning the GMEBS Life & Health Program: **Acting City Clerk**

SECTION 6. EMPLOYER ADOPTION - The Employer acknowledges that this Employer Declaration and Application will not become effective unless and until it is approved by the GMEBS Life & Health Program Administrator, and that upon such approval this Employer Declaration and Application will replace and supersede any prior Employer Declaration and Application concerning health and dental coverage for employees that is on file with the GMEBS Life & Health Program Administrator. The Employer further acknowledges that GMEBS' approval of this Employer Declaration and Application is contingent upon the Employer having adopted the GMEBS Life and Health Program Participation Agreement.

Approved by the Mayor and Council of the City of Peachtree Corners, Georgia this ____ day of _____, 20__.

Attest:

Employer Name:

City of Peachtree Corners

Signature of City Clerk

Signature of Mayor

Print Name of City Clerk

Print Name of Mayor

(SEAL)

Please do not write below this line (for GMEBS USE ONLY)

The terms of the foregoing Employer Declaration and Application are approved by the GMEBS Life & Health Program Administrator this ____ day of _____, 20__.

Subject to the applicable terms of the GMEBS Life and Health Program Participation Agreement and the Plan(s), the effective date of the coverages (or any change in coverage) as reflected in this Employer Declaration and Application will be the date shown under "Declaration Effective Date" on the first page of this form.

GMEBS LIFE & HEALTH PROGRAM ADMINISTRATOR

By: _____

**PUBLIC HEARING CASES
DECEMBER 4, 2012**

1. **CIC2012-00001 – APPLICANT: AMER HABIB; OWNER: AMER HABIB; FOR A CHANGE IN CONDITIONS OF ZONING ON PROPERTY ZONED C-2 TO REMOVE PERMIT DEADLINE AND REDUCE REQUIRED BUFFER FROM 25 FEET TO 15 FEET; DISTRICT 6 LAND LOT 256 PARCEL 124; 5100 BLOCK OF BUFORD HIGHWAY; 1.89 ACRES.**

2. **SUP2012-00001 – APPLICANT: WESLEYAN SCHOOL; OWNER: WESLEYAN SCHOOL; FOR A SPECIAL USE PERMIT IN AN R-100 ZONING DISTRICT FOR A PRIVATE SCHOOL EXPANSION TO ACCOMMODATE ADDITIONAL ATHLETIC FIELDS; DISTRICT 6 LAND LOT 301 PARCELS 011 - 013; 3600 BLOCK OF SPALDING TERRACE; 5.99 ACRES.**

3. **SUP2012-00002 – APPLICANT: WESLEYAN SCHOOL; OWNER: WESLEYAN SCHOOL; FOR A SPECIAL USE PERMIT IN AN R-100 ZONING DISTRICT FOR A PRIVATE SCHOOL EXPANSION TO ACCOMMODATE ADDITIONAL TENNIS COURTS; DISTRICT 6 LAND LOT 286 PARCELS 033 & 034; 5300 BLOCK OF SPALDING DRIVE; 3400 BLOCK OF SPALDING TERRACE; 3.46 ACRES.**

4. **SUP2012-00003 – APPLICANT: SALEM LEASING CORPORATION; OWNER: NFPS, LLC; FOR A SPECIAL USE PERMIT IN AN M-1 ZONING DISTRICT FOR TRUCK SALES/LEASING AND SERVICE; DISTRICT 6 LAND LOT 257 PARCELS 072 & 215; 4900 BLOCK OF BUFORD HIGHWAY; 7.92 ACRES.**

**CITY OF PEACHTREE CORNERS
COMMUNITY DEVELOPMENT DEPARTMENT**

CHANGE IN CONDITIONS ANALYSIS

CASE NUMBER	:CIC2012-00001
ZONING	:C-2
LOCATION	:5100 BLOCK OF BUFORD HIGHWAY
MAP NUMBER	:R6256 124
ACREAGE	:1.89 ACRES
REQUEST	:REMOVE PERMIT DEADLINE AND REDUCE REQUIRED BUFFER FROM 25 FEET TO 15 FEET
SQUARE FEET	:5,056 SQUARE FEET

FUTURE DEVELOPMENT MAP: **REGIONAL MIXED-USE**

APPLICANT: AMER HABIB
1405 CRESTHAVEN LANE
LAWRENCEVILLE, GA 30043

CONTACT: ERIC JOHANSEN PHONE: 678.571.4843

OWNER: AMER HABIB
5141 BUFORD HIGHWAY
NORCROSS, GA 30071

RECOMMENDATION: APPROVE REQUEST WITH CONDITIONS

CHANGE IN CONDITIONS SUMMARY:

The applicant requests a change in conditions of zoning for a 1.88-acre property, zoned C-2, to reduce a required buffer from 25 feet to 15 feet and to remove the deadline for obtaining permits. The site is located at 5141 Buford Highway and is developed with an automobile sales and service center. The property was rezoned to C-2 in 1985, and a change in conditions of zoning was granted in 2009 in conjunction with a Special Use Permit to allow automobile sales and service, pursuant to CIC-09-015 and SUP-09-039.

The applicant requests to change the following conditions of the 2009 zoning cases:

Condition 1C., Apply for all of the necessary development and building permits within 180 days of the Special Use Permit approval and ratification by the Board of Commissioners. Begin any proposed site work and proposed building modifications within 180 days of the approval of the last permit necessary for the re-development of the subject property.

The applicant requests that this condition be deleted since permits have been obtained and the work has been completed for the first phase of renovations.

Condition 2A., Provide a 25 foot wide re-graded and re-planted buffer adjacent to the residentially zoned property. The re-graded and re-planted buffer shall be planted with a double staggered row of Cryptomeria, Thuga Green Giants and Tree Form Hollies, planted in equal distribution, 8 feet tall at the time of planting and spaced on 12 foot centers. This re-graded and re-planted buffer is only intended to be installed in the areas of the buffer where grading or development activity is occurring.

The applicant proposes that the 25-foot buffer be reduced to a 15-foot, re-graded and landscaped buffer. The proposed plantings would be similar to the existing requirements except under the power line easement where plant materials would be consistent with Georgia Power Company's list of acceptable plant materials. Staff notes that the existing buffer area is sparsely vegetated. Given the fact that little vegetation is present; reducing the buffer could be suitable if properly planted to provide an effective visual screen.

The site plan indicates an existing 5,056 square foot metal building, and the site plan and letter of intent propose expansion of the parking area to the rear of the building is necessary to accommodate additional automobile inventory. This would include encroachment into the required 25-foot wide buffer along the southwest property line adjacent to the Madison Ridge residential development, a new, single-family home subdivision that still has several homes under construction.

The 2030 Unified Plan Future Development Map indicates that the site is located in a Regional Mixed-Use Character Area. The requested change in conditions could be considered minor and therefore may be consistent with the Unified Plan, provided that any changes are approved through the public hearing process.

The surrounding area is characterized by commercial and industrial uses, with limited residential uses along Buford Highway. To the east, west and north are commercial and light industrial businesses. Numerous automotive related uses, including automotive sales and service centers, are found in the immediate vicinity along the Buford Highway commercial corridor. Abutting the property to the south is the Madison Ridge townhouse development and a six-foot high wooden fence is located along this property line. This fence in conjunction with a replanted buffer may provide some justification to reduce the buffer's width from 25 to 15 feet. Amending the conditions slightly to accommodate additional parking for inventory could be suitable in view of the intense commercial activity along this segment of Buford Highway.

In conclusion, with appropriate conditions, the requested change in conditions to accommodate parking expansion for an existing automobile sales and service facility could be consistent with the development pattern along Buford Highway and recent Board precedent for the area.

ZONING HISTORY:

The subject property was zoned M-1 (Light Industry District) in 1970. In 1985, the property was rezoned from M-1 to C-2 (General Business District) pursuant to RZ-85-183. A requested Special Use Permit (SUP-08-030) for used automobile sales was denied on April 22, 2008. A change in conditions request was approved in June of 2009, pursuant to CIC-09-015 and SUP-09-039.

GROUNDWATER RECHARGE AREA:

The subject property is located within an identified Significant Groundwater Recharge Area. The Georgia Department of Community Affairs and Department of Natural Resources have mandated that Significant Groundwater Recharge Areas be identified and that minimum lot sizes for septic tanks be increased in these resource areas. The Gwinnett County Board of Health provides information for septic systems and/or Gwinnett Department of Public Utilities regarding availability of sanitary sewer for this site.

WETLANDS INVENTORY:

The subject property does not contain areas, streams, and/or bodies of water depicted as wetlands on the U.S. Department of Interior, Fish, and Wildlife Service – National Wetlands Inventory map on file with the Gwinnett Department of Planning and Development.

DEVELOPMENT REVIEW SECTION COMMENTS:

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

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

The City of Peachtree Corners Zoning Code requires screening of dumpsters and loading/unloading facilities.

Parking lots and interior driveways shall be designed in accordance with Section 1001 of the Zoning Code.

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

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

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

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

STORMWATER REVIEW SECTION COMMENTS:

All land development activities must be properly permitted following the local jurisdiction guidelines and regulations.

**GWINNETT COUNTY DEPARTMENT OF TRANSPORTATION COMMENTS and
GWINNETT COUNTY ENVIRONMENTAL HEALTH COMMENTS:**

No comment.

GWINNETT COUNTY DEPARTMENT OF WATER RESOURCES COMMENTS:

The available utility records show that the subject development is currently in the vicinity of a 16-inch water main located on the southern right-of-way of Buford Highway. Additionally, there is a long-side hydrant in the northern right-of-way of Buford Highway connected to a 12-inch water main.

The available utility records show that the subject development is currently in the vicinity of an 8-inch sanitary sewer main located approximately 125 feet west of the property in the right-of-way of Smith Ridge Trace.

BUILDING CONSTRUCTION COMMENT SECTION:

Building Plan Review has no objections under the following conditions:

1. The applicant shall submit architectural, structural, mechanical, electrical and plumbing drawings for any proposed interior or exterior modification. Upon completion of plan review approvals, the applicant shall obtain a building permit for any required renovation work and achieve satisfactory field inspections for issuance of a Certificate of Occupancy.
2. Architectural design of any proposed exterior modification shall incorporate the requirements of the Activity Center/Corridor Overlay District
3. Upon completion of plan review approvals, the applicant shall obtain a building permit and achieve satisfactory field inspections for issuance of a Certificate of Occupancy.

For assistance, contact 678.518.6040 Monday through Friday from the hours of 8:00 a.m. to 5:00 p.m.

GWINNETT COUNTY FIRE SERVICES COMMENTS:

Fire Plan Review has no objections to the above rezoning requests. For assistance, contact (678) 518-6000, Monday through Friday, from the hours of 8:00 a.m. to 5:00 p.m.

COMMUNITY DEVELOPMENT DEPARTMENT
RECOMMENDED CONDITIONS

Additions (to conditions originally included with case CIC-09-015 and SUP-09-039) are shown in **bold**;
Deletions in ~~strikethrough~~

Approval of a C-2 change in conditions, subject to the following enumerated conditions:

- I. To restrict the use of the property as follows:
 - A. Retail, service commercial and accessory uses which may include Automotive Sales and associated Automotive Service as a Special Use. The following uses shall be prohibited; Adult Bookstores, Automotive Salvage, Contractor's Offices, Emission Inspection Stations, Equipment Rental, Extended Stay Hotels or Motels, Recovered Materials Processing Facilities, Smoke Shops/Novelty Stores, Taxidermists, and Yard Trimmings Composting Facilities.
 - B. Buildings or building renovations/additions shall be consistent with the architectural requirements of the Peachtree Corners Overlay District and subject to the final approval of the **Community Development Director**. ~~Director of Planning and Development~~. The primary building's materials and color palette shall be of neutral or earth tones **and stucco may only be used as an accent building material**.
 - C. ~~Apply for all of the necessary development and building permits within 180 days of the Special Use Permit approval and ratification by the Board of Commissioners. Begin any proposed site work and proposed building modifications within 180 days of the approval of the last permit necessary for the re-development of the subject property.~~
 - D. Portable buildings shall be prohibited. Outdoor storage of auto parts, tires, junk vehicles or other materials is prohibited. **Site shall be maintained free of litter and other debris.**
 - E. **Vehicles may only be parked on paved surfaces. Vehicle parking on grass or gravel surfaces shall be prohibited.**
2. To satisfy the following site development considerations:
 - A. Provide a ~~25~~**15** foot wide re-graded and re-planted buffer adjacent to the residentially zoned property. The re-graded and re-planted buffer shall be planted with a double staggered row of Cryptomeria, Thuga Green Giants and Tree Form Hollies, planted in equal distribution, 8 feet tall at the time of planting and spaced on 12 foot centers. This re-graded and re-planted buffer is only intended to be installed in the areas of the buffer where grading or development activity is occurring. **No permits for paving, septic system, or signage shall be issued until all required buffer planting is completed and a three-year landscape maintenance bond has been submitted to the Community Development Department.**

- B. Provide an evergreen screening buffer around the visible portion of the detention pond from Buford Highway, provided the detention pond is located above ground. The evergreen screening buffer shall have tree form plant materials that are 6 feet tall at time of planting.
- C. Provide a 10 foot wide landscape strip adjacent to all rights of way. Within the planted areas it is encouraged of the developer to group together the trees and the shrubs to create better views into the proposed development.
- D. The installation of an appropriately sized oil/water separator is required for the pre-treatment of all liquid runoff within the garage area of the principal building.
- E. Provide insulation along all interior walls and roof portions of the automotive service area to aid in the abatement of sound being emitted from said garage area.
- F. No metal risers are to be permitted for the display of any automobiles.
- G. The existing ground signage is to be removed. All new signage on the subject property shall comply with the ~~current Gwinnett County~~ **Peachtree Corners Sign Ordinance** at the time the signage application is made. Any free standing monument sign shall have a masonry base to match the predominant masonry type of the principal building.
- H. Billboards or oversized signs shall be prohibited.
- I. Dumpsters shall be screened by a 100% opaque brick or stacked stone wall with an opaque metal gate enclosure. Hours of dumpster pick-up shall be limited to the hours between 7:00 a.m. to 7:00 p.m.
- J. Lighting shall be contained in cut-off type luminaries and shall be directed in towards the property so as not to shine directly into adjacent properties or rights of way.
- ~~K. Outdoor loudspeakers shall be prohibited; however, the development may be permitted to utilize outdoor speakers for mood music provided the noise cannot be heard from a distance of 10 feet as measured horizontally from the primary building structure.~~
- L. No tents, canopies, temporary banners, streamers or roping decorated with flags, tinsel, or other similar materials 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 shall be prohibited.
- M. Peddlers and/or parking lot sales shall be prohibited.
- N. Owner shall repair or repaint any graffiti or vandalism that occurs on the property within 72 hours.

- O. Approval shall expire on 12/4/14 if all conditions have not been met.

COMMUNITY DEVELOPMENT DEPARTMENT RECOMMENDATIONS STANDARDS GOVERNING EXERCISE OF ZONING

SUITABILITY OF USE

The requested change in conditions to eliminate a time requirement for permits and to reduce the buffer could be suitable since the building is already constructed and the intense commercial nature of the Buford Highway corridor.

ADVERSE IMPACTS

With the recommended conditions, the proposed change in conditions could have limited impacts on surrounding properties.

REASONABLE ECONOMIC USE AS ZONED

The property has a limited economic use as currently zoned.

IMPACTS ON PUBLIC FACILITIES

A reduction in buffers that would allow for the construction of additional parking surface may create an increase in storm water runoff.

CONFORMITY WITH POLICIES

The requested change in conditions could be consistent with previous approvals along Buford Highway if approved through the public hearing process.

CONDITIONS AFFECTING ZONING

An existing fence along the southwest property line, the approval an automotive sales and service facility in 2009, and the intense development along this segment of Buford Highway, may provide additional supporting grounds for approval with conditions of the request.

RECEIVED
AUG 24 2012

CIC '12 001

Gwinnett County Planning Division
Change in Conditions Application
Last Updated 8.2008

BY:

CHANGE IN CONDITIONS APPLICANT'S RESPONSE
STANDARDS GOVERNING THE EXERCISE OF THE ZONING POWER

PURSUANT TO SECTION 1702 OF THE 1985 ZONING RESOLUTION, THE BOARD OF COMMISSIONERS 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) WHETHER A PROPOSED CHANGE IN CONDITIONS WILL PERMIT A USE THAT IS SUITABLE IN VIEW OF THE USE AND DEVELOPMENT OF ADJACENT AND NEARBY PROPERTY:

Yes, the proposed changes are consistent with surrounding areas

- (B) WHETHER A PROPOSED CHANGE IN CONDITIONS WILL ADVERSELY AFFECT THE EXISTING USE OR USABILITY OF ADJACENT OR NEARBY PROPERTY:

No, the proposed changes will not result in a burdensome use.

- (C) WHETHER THE PROPERTY TO BE AFFECTED BY A PROPOSED CHANGE IN CONDITIONS HAS REASONABLE ECONOMIC USE AS CURRENTLY ZONED:

Yes, the Subject Property has a reasonable economic use as zoned

- (D) WHETHER THE PROPOSED 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 proposed changes will not effect existing infrastructure

- (E) WHETHER THE PROPOSED CHANGE IN CONDITIONS IS IN CONFORMITY WITH THE POLICY AND INTENT OF THE LAND USE PLAN:

Yes, the proposed changes are in conformity with the Land Plan

- (F) WHETHER 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 CHANGE IN CONDITIONS:

This proposed CIC will only make the property a better situation for the Owner/Operator, and allow for a reasonable connection to necessary infrastructure required to operate the core business of Auto Sales and Service. Additionally, it will permit better traffic flow within the Subject Property.

August 15, 2012

Mayor and City Council
City of Peachtree Corners, GA
c/o Gwinnett County Department of Planning and Development
75 Langley Drive
Lawrenceville, GA 30045

RECEIVED
AUG 24 2012

BY:

CIC '12 00 1

**Re: 5141 Buford Highway – Change in Conditions LOI
Parcel R6256 124
Gwinnett County, GA**

Dear Mayor and City Council Members,

Amer Habib (the "Applicant and Property Owner") is seeking a **Change in Conditions** ("CIC") for real property located at 5141 Buford Highway, Peachtree Corners, GA, Parcel R6256 124 (the "Subject Property") in the City of Peachtree Corners, GA (the "City"). Previously, SUP-09-039 was approved for the Subject Property and had certain Conditions of Approval that needed to be met for compliance with the plans for development at that time. To date, the Applicant and Property Owner has obtained the proper licensure from the State of Georgia to operate the Subject Property as a Used Car Sales and Service facility, has prepared and received development permits from Gwinnett County, GA (the "County"), and has commenced and completed his first phase of renovations.

As luck would have it, the business plans for the Applicant and Owner have taken off and forced him to make some decisions regarding the Subject Property. Under the previous SUP request the majority of the proposed improvements were simply limited to the front and sides of the Subject Property. Now with space at a premium and the need for total use of the Subject Property, we are faced with the need to move into the rear of the Subject Property as well. Given the existing development is currently serviced by Septic Sewer and is outside the normal thresholds as established by the County for connection to Gravity Sewer, we must relocate the Septic Sewer and associated Drain Fields to the rear corner of the Subject Property to accommodate the need for additional paved parking spaces. Our engineer has developed a concept for the new Septic system to be located in the rear triangular portion of the Subject Property under the existing Georgia Power Transmission lines and adjacent to the abutting Residential and Industrial zoned properties.

To make this on-site infrastructure system changes work, the following conditions of zoning are hereby requested to be changed:

- **Condition 1C** – Apply for all of the necessary development and building permits within 180 days of the Special Use Permit approval and ratification by the Board of Commissioners. Begin any proposed site work and proposed building modifications within 180 days of the approval of the last permit necessary for the re-development of the subject property.

This condition needs to be removed. The work of the previous SUP has been completed and that was what this condition was intended for. The new work of the Applicant and Owner will supersede this and will take place accordingly subject to approval of this CIC request.

- **Condition 2A** – Provide a 25 foot wide re-graded and re-planted buffer adjacent to the residentially zoned property. The re-graded and re-planted buffer shall be planted with a double staggered row of Cryptomeria, Thuga Green Giants, and Tree Form Hollies, planted in equal distribution, 8 feet tall at time of planting and spaced on 12 foot centers. This re-graded and re-planted buffer is only intended to be installed in the areas of the buffer where grading and/or development activity is occurring.

We are requesting the buffer distance to be modified from 25 feet to 15 feet from the residential property line. The buffer area in discussion is mainly located either on a slope or under the Georgia Power Transmission Power Line Easement. Previously under the approval of the SUP in 2009, the intent was only to utilize the front half of the property and not to grade into the rear part of the property. But given the need for the use of the entire property, the Applicant and Owner is requesting a reduction in the 25 foot buffer distance for a total of 15 feet of re-graded and re-planted buffering. The same plant materials will be utilized in the buffer areas outside of the Georgia Power Easement, and under the Georgia Power Easement we propose to utilize plant materials that are provided in the list of Acceptable Plant Materials as published by Georgia Power. Furthermore, we are requesting this 15 foot area to be classified as a Landscape Strip and not a Buffer since this area is currently devoid of any substantial vegetation and ground covers. Once fully developed with the rear parking areas, we fully intend to re-vegetate this Landscape Strip area.

Additionally, the reduction is also critical to the location of the Septic Drainage Field given the only remaining natural soils are in the rear of the Subject Property and to avoid the need for Storm Water Runoff requirements. Our plan is relocate the Primary Septic Drain Field in the rear triangular portion of the Subject Property under the Georgia Power Easement area.

The proposed amendments to this CIC request are vital to the success and development of the Subject Property as planned and proposed. We respectfully request this Board's approval of this request and would be happy to meet with the appropriate parties from the City Staff to further discuss this SUP Application.

Thank you for your consideration of this request.

RECEIVED
AUG 24 2012

BY:

CIC '12 001

CASE NUMBER CIC-09-015
GCID 2009-0707

BOARD OF COMMISSIONERS
GWINNETT COUNTY
LAWRENCEVILLE, GEORGIA
RESOLUTION

READING AND ADOPTION:

At the regular meeting of the Gwinnett County Board of Commissioners, held in the Justice and Administration Center Auditorium, 75 Langley Drive, Lawrenceville, Georgia.

<u>Present</u>	<u>VOTE</u>
Charles Bannister, Chairman	<u>ABSENT</u>
Shirley Lasseter, District 1	<u>AYE</u>
Albert Nasuti, District 2	<u>ABSENT</u>
Michael Beaudreau, District 3	<u>AYE</u>
Kevin Kenerly, District 4	<u>AYE</u>

On motion of COMM. KENERLY, which carried 3-0, the following resolution was adopted:

A RESOLUTION TO AMEND THE OFFICIAL ZONING MAP

WHEREAS, the Municipal-Gwinnett County Planning Commission has held a duly advertised public hearing and has filed a formal recommendation with the Gwinnett County Board of Commissioners upon an Application to Amend the Official Zoning Map from C-2 to C-2 by INLAND GROUP, LLC. for a CHANGE IN CONDITIONS TO REDUCE BUFFER WIDTH AND EXPAND ALLOWABLE USES on a tract of land described by the attached legal description, which is incorporated herein and made a part hereof by reference; and

WHEREAS, notice to the public regarding said Amendment to the Official Zoning Map has been duly published in THE GWINNETT DAILY POST, the Official News Organ of Gwinnett County; and

WHEREAS, a public hearing was held by the Gwinnett County Board of Commissioners on JUNE 23, 2009 and objections were not filed.

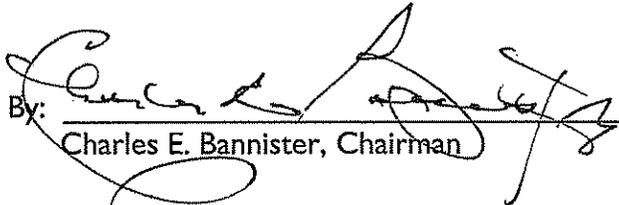
NOW, THEREFORE, BE IT RESOLVED by the Gwinnett County Board of Commissioners this the 23RD day of JUNE 2009, that the aforesaid application to amend the Official Zoning Map from C-2 to C-2 (CHANGE IN CONDITIONS) is hereby **APPROVED** subject to the following enumerated conditions:

- I. To restrict the use of the property as follows:
 - A. Retail, service commercial and accessory uses which may include Automotive Sales and associated Automotive Service as a Special Use. The following uses shall be prohibited; Adult Bookstores, Automotive Salvage, Contractor's Offices, Emission Inspection Stations, Equipment Rental, Extended Stay Hotels or Motels, Recovered Materials Processing Facilities, Smoke Shops/Novelty Stores, Taxidermists, and Yard Trimmings Composting Facilities.
 - B. Buildings or building renovations/additions shall be consistent with the architectural requirements of the Peachtree Corners Overlay District and subject to the final approval of the Director of Planning and Development. The primary building's materials and color palette shall be of neutral or earth tones.
 - C. Apply for all of the necessary development and building permits within 180 days of the Special Use Permit approval and ratification by the Board of Commissioners. Begin any proposed site work and proposed building modifications within 180 days of the approval of the last permit necessary for the re-development of the subject property.
 - D. Portable buildings shall be prohibited. Outdoor storage of auto parts, tires, junk vehicles or other materials is prohibited.

2. To satisfy the following site development considerations:
 - A. Provide a 25 foot wide re-graded and re-planted buffer adjacent to the residentially zoned property. The re-graded and re-planted buffer shall be planted with a double staggered row of Cryptomeria, Thuga Green Giants and Tree Form Hollies, planted in equal distribution, 8 feet tall at the time of planting and spaced on 12 foot centers. This re-graded and re-planted buffer is only intended to be installed in the areas of the buffer where grading or development activity is occurring.
 - B. Provide an evergreen screening buffer around the visible portion of the detention pond from Buford Highway, provided the detention pond is located above ground. The evergreen screening buffer shall have tree form plant materials that are 6 feet tall at time of planting.
 - C. Provide a 10 foot wide landscape strip adjacent to all rights of way. Within the planted areas it is encouraged of the developer to group together the trees and the shrubs to create better views into the proposed development.
 - D. The installation of an appropriately sized oil/water separator is required for the pre-treatment of all liquid runoff within the garage area of the principal building.
 - E. Provide insulation along all interior walls and roof portions of the automotive service area to aid in the abatement of sound being emitted from said garage area.
 - F. No metal risers are to be permitted for the display of any automobiles.
 - G. The existing ground signage is to be removed. All new signage on the subject property shall comply with the current Gwinnett County Sign Ordinance at the time the signage application is made. Any free standing monument sign shall have a masonry base to match the predominant masonry type of the principal building.
 - H. Billboards or oversized signs shall be prohibited.
 - I. Dumpsters shall be screened by a 100% opaque brick or stacked stone wall with an opaque metal gate enclosure. Hours of dumpster pick-up shall be limited to the hours between 7:00 a.m. to 7:00 p.m.
 - J. Lighting shall be contained in cut-off type luminaries and shall be directed in towards the property so as not to shine directly into adjacent properties or rights of way.

- K. Outdoor loudspeakers shall be prohibited; however, the development may be permitted to utilize outdoor speakers for mood music provided the noise cannot be heard from a distance of 10 feet as measured horizontally from the primary building structure.
- L. No tents, canopies, temporary banners, streamers or roping decorated with flags, tinsel, or other similar materials 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 shall be prohibited.
- M. Peddlers and/or parking lot sales shall be prohibited.
- N. Owner shall repair or repaint any graffiti or vandalism that occurs on the property within 72 hours.

GWINNETT COUNTY BOARD OF COMMISSIONERS

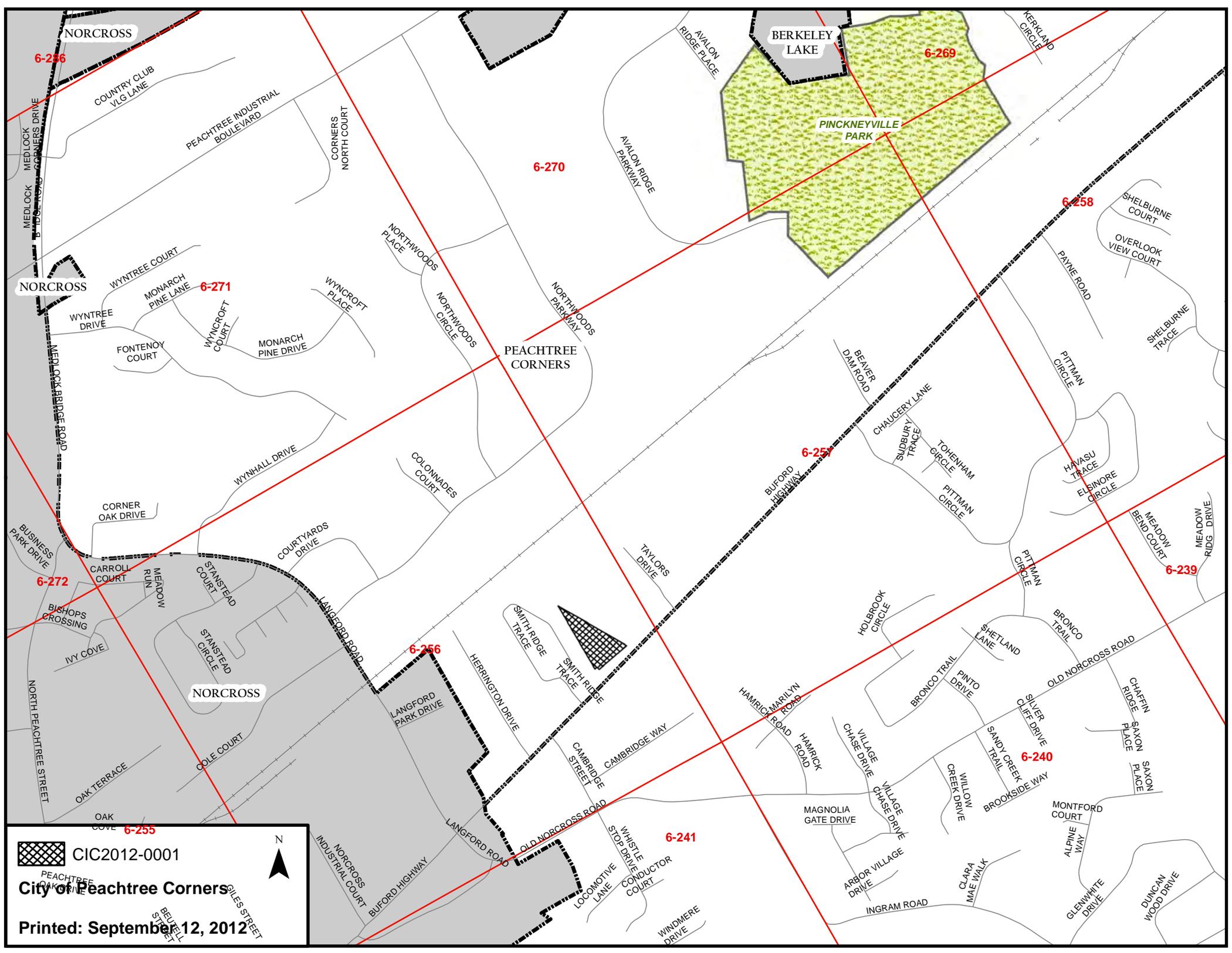
By: 
Charles E. Bannister, Chairman

Date Signed: July 8, 2009

ATTEST:


County Clerk/Deputy County Clerk





NORCROSS

BERKELEY LAKE

PINCKNEYVILLE PARK

NORCROSS

PEACHTREE CORNERS

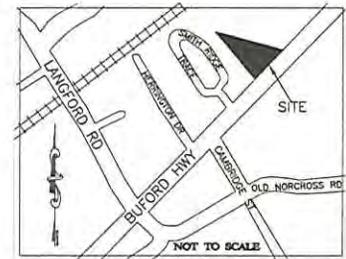
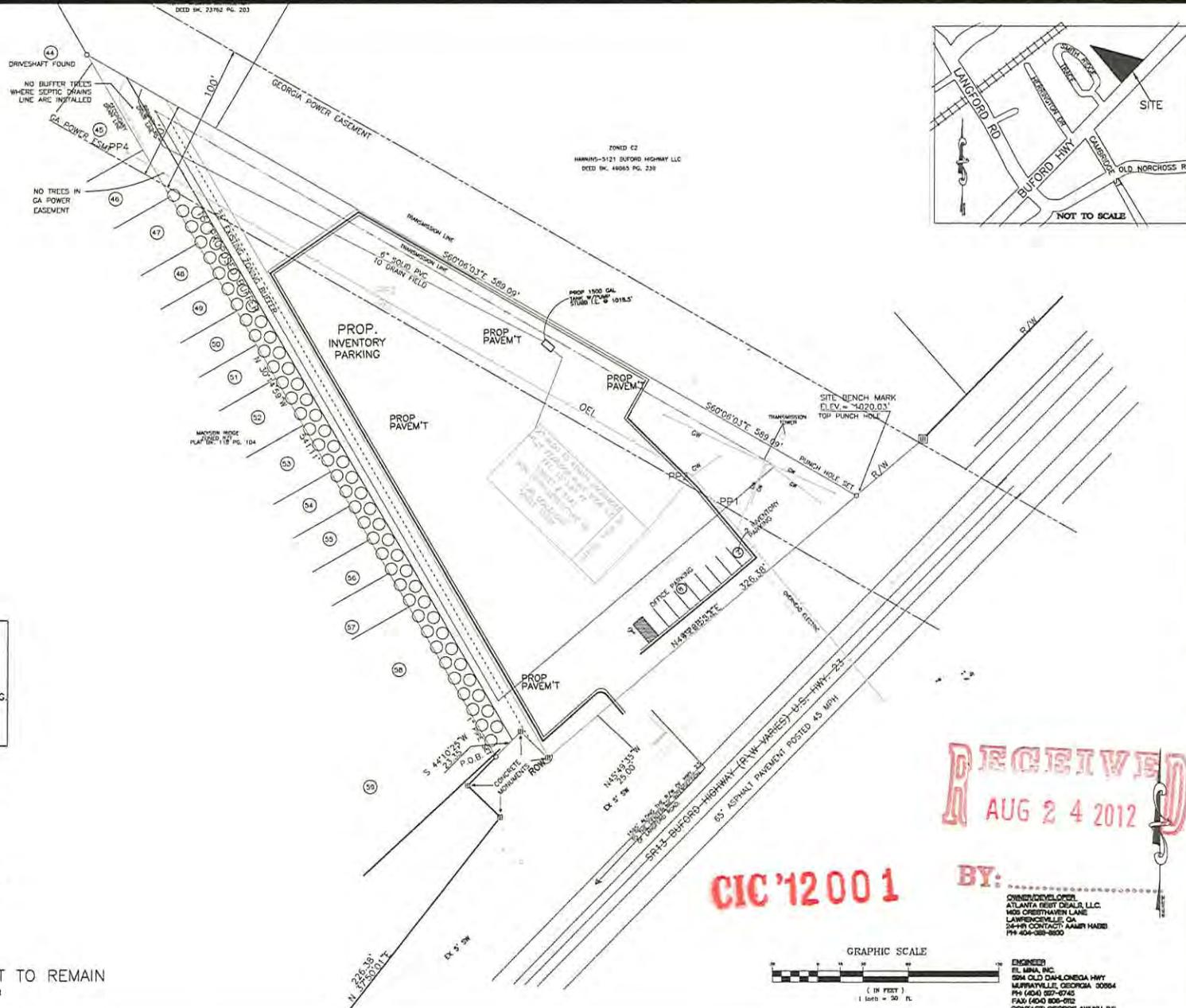
NORCROSS

 CIC2012-0001

City of Peachtree Corners

Printed: September 12, 2012





EL MINA INCORPORATED
 5914 OLD DALMONA HWY
 MARIETTA, GEORGIA 30064

ATLANTA BEST DEALS
 SITE DEVELOPMENT PLANS FOR
 5941 BUFORD HWY
 MARIETTA, GA 30069

SITE PLAN
 SHEET TITLE

DATE	NO.	DESCRIPTION
02/29/12		

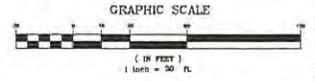
DATE: 02/29/12
 JOB TALKER: SP

EX. PARKING SUMMARY
 PARKING REQUIREMENT FOR CAR DEALERSHIP:
 TOTAL OFFICE SPACE = 1,100 SQ. FT.
 REQUIRED PARKING:
 MIN: 1 PER 400 S.F. = 2.75 (3) SPACES
 MAX: 1 PER 150 S.F. = 7.33 (8) SPACES
 NO REQUIREMENT ON INVENTORY PARKING.
 PROVIDED FOR OFFICE USE = 8 SPACES
 PROVIDED FOR INVENTORY = 2 SPACES
 INCLUDING ONE (1) HANDICAP SPACE

USE: AUTOMOBILE SALES ONLY
 TOTAL SITE = 188 ACRES
 EX. BLDG AREA: 5,056 S.F.
 EX. BLDG HEIGHT: 25 F.T.
 ZONED: C-2
 TOTAL DISTURBED = 0.74 ACRES

NOTE: EXISTING ASPHALT TO REMAIN
 NO CERTIFICATE OF OCCUPANCY WILL BE ISSUED UNTIL ALL SITE IMPROVEMENTS HAVE BEEN COMPLETED.

RECEIVED
 AUG 24 2012
 BY: _____
CIC '12 001



ENGINEER:
 EL MINA, INC.
 594 OLD DALMONA HWY
 MARIETTA, GEORGIA 30064
 PH: (404) 887-0743
 FAX: (404) 888-0912
 CONTACT: GEORGE ANKUU, P.E.

SMITH RIDGE TRACE

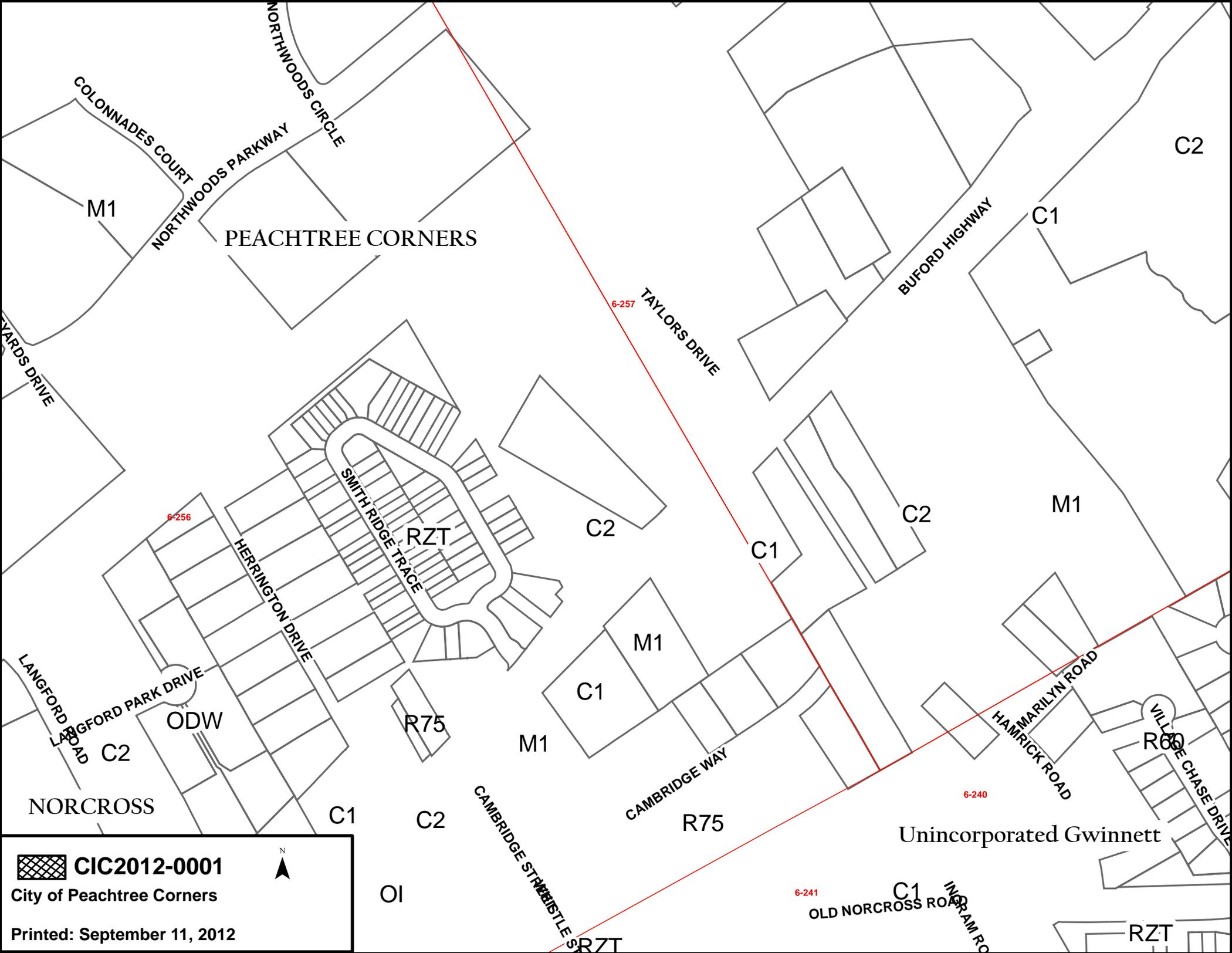
BUFORD HIGHWAY

 CIC2012-0001

City of Peachtree Corners



Printed: September 18, 2012



CIC2012-0001

City of Peachtree Corners

Printed: September 11, 2012



N

**CITY OF PEACHTREE CORNERS
COMMUNITY DEVELOPMENT DEPARTMENT**

SPECIAL USE PERMIT ANALYSIS

CASE NUMBER :**SUP2012-00001**
ZONING :R-100
LOCATION :3600 BLOCK OF SPALDING TERRACE
MAP NUMBERS :R6301 011, R6301 012, R6301 013
ACREAGE :5.99 ACRES
PROPOSED DEVELOPMENT :PRIVATE SCHOOL EXPANSION

CASE NUMBER :**SUP2012-00002**
ZONING :R-100
LOCATION :5300 BLOCK OF SPALDING DRIVE
:3400 BLOCK OF SPALDING TERRACE
MAP NUMBERS :R6286 033, R6286 034
ACREAGE :3.46 ACRES
PROPOSED DEVELOPMENT :PRIVATE SCHOOL EXPANSION

FUTURE DEVELOPMENT MAP: **PREFERRED OFFICE AND
CHATTAHOOCHEE RIVER AREA**

APPLICANT: WESLEYAN SCHOOL
5405 SPALDING DRIVE
PEACHTREE CORNERS, GA 30092

CONTACT: ROBERT CANDLER PHONE: 678.233.2142

OWNER: WESLEYAN SCHOOL
5405 SPALDING DRIVE
PEACHTREE CORNERS, GA 30092

RECOMMENDATION: APPROVE WITH CONDITIONS

PROJECT DATA:

The Wesleyan School requests Special Use Permits on two separate parcel assemblages to expand its campus sports facilities. The school's campus extends from Spalding Drive to Peachtree Parkway, just northeast of the intersection of these two roadways. The subject properties are comprised of five residential lots of the Spalding Estates subdivision, zoned R-100 (Single Family Residence District). The northern portion of the site (SUP2012-0001) is comprised of three lots containing a total area of 5.99 acres. The southern portion of property (SUP2012-0002) is comprised of two lots containing 3.46 acres, one of which was previously approved for Wesleyan's tennis court facility, pursuant to SUP-04-091, and is developed with

seven tennis courts. Both parcel assemblages are located adjacent to the existing school campus and also have access to Spalding Terrace, which serves the Spalding Estates subdivision.

The site plan indicates that Wesleyan School proposes to expand their athletic fields on the northern parcel assemblage by removing two residences and relocating another on the site. The site would be developed with two additional athletic fields. The residence on the southern parcel would be removed to accommodate four additional tennis courts and a restroom facility. The applicant's letter of intent states that primary access to both expansions would be from the main campus. A secondary driveway onto Spalding Terrace would be gated and used for maintenance and emergency traffic only. Staff notes that Wesleyan School also owns several other lots along the west side of Spalding Terrace.

The site plan indicates that landscaping for the tennis courts would match the existing landscaping adjacent to Spalding Drive. The northern property would be screened with evergreen trees and an 8-foot high perimeter fence installed along Spalding Terrace.

ZONING HISTORY:

The property has been zoned R-100 (Single-Family Residence District) since 1970. The Wesleyan School was granted a Special Use Permit (SUP-04-091) to allow a tennis facility on a portion of the southern property in December of 2004.

GROUNDWATER RECHARGE AREA:

The subject property is located within an identified Significant Groundwater Recharge Area. The Development would be served by sanitary sewer, resulting in minimal impact.

WETLANDS INVENTORY:

The subject property does not contain areas, streams, and/or bodies of water depicted as wetlands on the U.S. Department of Interior, Fish, and Wildlife Service – National Wetlands Inventory map on file with the Gwinnett Department of Planning and Development.

DEVELOPMENT REVIEW SECTION COMMENTS:

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

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

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

Parking lots and interior driveways shall be designed in accordance with Section 1001 of the 1985 Zoning Resolution.

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

A 50-foot building setback is required from the right-of-way of Spalding Drive.

Section 606.6 of the 1985 Zoning Resolution requires an additional five-foot setback for all structures (parking lots, driveways, detention ponds, retaining walls, etc.) adjacent to required buffers.

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

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

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

Section 1.5.1.c of the Floodplain Management Ordinance requires that the lowest floor including the basement, of all non-residential building be constructed at an elevation of at least one foot above the 100-year floodplain.

STORMWATER REVIEW SECTION COMMENTS:

All land development activities must be properly permitted following the local jurisdiction's guidelines and regulations.

GWINNETT COUNTY DEPARTMENT OF TRANSPORTATION COMMENTS:

No comment.

GWINNETT COUNTY ENVIRONMENTAL HEALTH COMMENTS:

No comment.

GWINNETT COUNTY DEPARTMENT OF WATER RESOURCES COMMENTS:

The available utility records show that the subject development is currently in the vicinity of a 6-inch water main located on the eastern right-of-way of Spalding Terrace, and an 8-inch water main located on the southern right-of-way of Spalding Drive.

The available utility records show that the subject development is currently in the vicinity of an 8-inch sanitary sewer main located approximately 550 feet west of the properties.

BUILDING CONSTRUCTION SECTION COMMENTS:

Building Plan Review has no objections under the following conditions:

1. The applicant shall submit electrical drawings for any field lighting installation or elevated seating structure for review and approval by Building Plan Review.
2. Upon completion of plan review approvals, the applicant shall obtain a building permit for the proposed lighting installation and/or structures and achieve satisfactory field inspections for issuance of a Certificate of Completion.

For assistance, you may contact this office at 678.518.6040 Monday through Friday from the hours of 8:00 a.m. to 5:00 p.m.

GWINNETT COUNTY FIRE SERVICES COMMENTS:

Fire Plan Review has no objections to the above rezoning requests, under the following conditions:

1. Applicant submits civil drawings to Fire Plan Review for review and approval.
2. Applicant submits architectural drawings to Fire Plan Review for review and approval.
3. Upon completion of plan review approvals, applicant successfully achieves a satisfactory Fire field inspection, for issuance of a Certificate of Occupancy - Business Operation.

For assistance, you may contact this office at (678) 518-6000, Monday through Friday, from the hours of 8:00 a.m. to 5:00 p.m.

DEPARTMENT ANALYSIS:

The subject properties are comprised of several residential lots of the Spalding Estates subdivision, which is served by Spalding Terrace, located east of the Wesleyan School campus on Spalding Drive and Peachtree Parkway. The properties are zoned R-100 and contain a total area of 9.45 acres. The lots are presently developed with single-family dwellings and accessory uses and structures.

The 2030 Unified Plan Future Development Map indicates that the southern parcel assemblage lies within a Preferred Office Character Area, while the northern parcel assemblage is located within the Chattahoochee River Area. The Wesleyan School site was developed many years ago and over time has expanded their facility. A Special Use Permit was granted in 2004, pursuant to SUP-04-091 for the construction of their existing tennis courts. The requested

Special Use Permits to further expand the school's facilities could be consistent with previous requests and consistent with policies of the Unified Plan for these two Character Areas.

The surrounding area is characterized by a mixture of residential and non-residential uses. West of the subject property is the football stadium and classroom buildings associated with the Wesleyan School, zoned O-1. To the south across Spalding Drive is Norcross High School and similar accessory uses. To the east and north are properties in the Spalding Estates subdivision, zoned R-100. In light of the previous Special Use Permit approval in December of 2004, pursuant to SUP-04-091, the proposed development could be consistent with a prior decision approved through the public hearing process. Although several lots along the west side of Spalding Terrace are owned by the Wesleyan School, the close proximity to the remaining single-family residences creates the potential for conflicts through lighting, traffic and spectator areas. Conditions should be incorporated to address these issues to mitigate any potential negative impacts for remaining residents of Spalding Estates.

In conclusion, the requested Special Use Permits for an expansion of the Wesleyan School for a tennis facility and athletic fields could be consistent with a previous zoning action on the property and with proper conditions could be compatible with the surrounding area.

COMMUNITY DEVELOPMENT DEPARTMENT
RECOMMENDED CONDITIONS

Approval of Special Use Permit(s) to allow private school expansion for an athletic field and tennis courts, subject to the following enumerated conditions:

- I. To restrict the use of the property as follows:
 - A. Athletic fields and tennis facility expansion as accessory uses to the adjacent Wesleyan School.
2. To satisfy the following site development considerations:
 - A. Lighting shall be permitted for tennis courts only, contained in cut-off type luminaries, and directed in towards the property so as not to shine directly in nearby residential property. Fixtures shall be set on timers to ensure that lighting does not extend past 10:00PM.
 - B. Provide similar landscaping that is consistent with the existing landscaping for Wesleyan School along Spalding Drive, adjacent to Spalding Drive and Spalding Terrace. This landscape strip shall include an 8-foot high perimeter fence along Spalding Terrace for the northern portion of property as indicated on the submitted site plan, dated received September 7, 2012 and further detailed on plans drawn by HGOR and dated 10/22/12.
 - C. There shall be no buffer requirement between the existing Wesleyan School facility (RZ-277-84) and the properties which are subject to SUP2012-00001 and SUP2012-00002.
 - D. The remaining school-owned, residential properties along Spalding Terrace shall be maintained with single-family homes in order to preserve the residential character of the street. Further, the landscaping along the street fronts for all those properties shall be preserved substantially as it exists and nothing in the use of those properties shall suggest any activity on the premises other than single-family residential.
 - E. Except for emergency and maintenance purposes, no access to fields or courts shall be allowed from Spalding Terrace. Gating is permitted as shown on drawings prepared by HGOR and dated 10/22/12; however, if additional gating is required to prevent access through residential properties, gates shall be placed on the school side of the residential properties in order to maintain consistency with the existing residential character of Spalding Terrace.

COMMUNITY DEVELOPMENT DEPARTMENT RECOMMENDATIONS
STANDARDS GOVERNING EXERCISE OF ZONING

SUITABILITY OF USE

The requested Special Use Permits to expand the Wesleyan School's facilities could be suitable in light of the school being established in the community for several years and included a similar expansion in 2004, which was approved through the public hearing process.

ADVERSE IMPACTS

With the recommended conditions, the proposed Special Use Permits could have limited impacts on surrounding properties.

REASONABLE ECONOMIC USE AS ZONED

The subject properties have a reasonable economic use as currently zoned.

IMPACTS ON PUBLIC FACILITIES

The construction of additional tennis courts may create an increase in storm water runoff; while removing residential structures could result in an overall reduction or minimal change in impacts on public facilities.

CONFORMITY WITH POLICIES

The requested change in conditions could be consistent with a previous Wesleyan School expansion approved through the public hearing process.

CONDITIONS AFFECTING ZONING

Existing landscaping materials along Spalding Drive appear to provide an effective visual screen of sporting activities from the roadway. Approval of the request should include a requirement for the planting of similar vegetation, restrictive lighting and driveway limitations to protect nearby residences, giving additional supporting grounds for approval with conditions of the requests.

SPECIAL USE PERMIT APPLICANT'S RESPONSE
STANDARDS GOVERNING THE EXERCISE OF THE ZONING POWER

PURSUANT TO SECTION 1702 OF THE 1985 ZONING RESOLUTION, THE BOARD OF COMMISSIONERS 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) WHETHER A PROPOSED SPECIAL USE PERMIT WILL PERMIT A USE THAT IS SUITABLE IN VIEW OF THE USE AND DEVELOPMENT OF ADJACENT AND NEARBY PROPERTY:
Athletic fields and tennis courts are suitable for the school, which owns adjacent property.
- (B) WHETHER A PROPOSED SPECIAL USE PERMIT WILL ADVERSELY AFFECT THE EXISTING USE OR USABILITY OF ADJACENT OR NEARBY PROPERTY:
School owns adjacent property. Landscaped screen to be planted. Norcross HS across Spalding Dr. from tennis courts. Property across Spalding Ter. is on market for redevelopment.
- (C) WHETHER THE PROPERTY TO BE AFFECTED BY A PROPOSED SPECIAL USE PERMIT HAS REASONABLE ECONOMIC USE AS CURRENTLY ZONED:
The property has reasonable economic use as currently zoned.
- (D) WHETHER THE PROPOSED SPECIAL USE PERMIT WILL RESULT IN A USE WHICH WILL OR COULD CAUSE AN EXCESSIVE OR BURDENSOME USE OF EXISTING STREETS, TRANSPORTATION FACILITIES, UTILITIES, OR SCHOOLS:
Less traffic will result as one driveway is eliminated and traffic to property is limited to maintenance and emergency vehicles only.
- (E) WHETHER THE PROPOSED SPECIAL USE PERMIT IS IN CONFORMITY WITH THE POLICY AND INTENT OF THE LAND USE PLAN:
Proposed SUP is in conformity with the policy and intent of the Land Use Plan.
- (F) WHETHER 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 SPECIAL USE PERMIT:
Proposed uses will have minimal impact on surrounding property owned by the school.



WESLEYAN SCHOOL

September 6, 2012

Gwinnett County
Department of Planning & Development
One Justice Square
446 West Crogan Street
Lawrenceville, GA 30046

RE: Special Use Permit – Letter of Intent – Athletic Fields & Tennis Courts

Wesleyan School proposes to construct additional athletic fields on property owned by the school. The current zoning for these parcels (6-301-11, 12 & 13) is R-100 and Wesleyan's zoning is O-I. The proposed improvements include 6.5 acres of residential property. We propose to relocate one existing house and remove two others. Additionally, Wesleyan School proposes to construct four additional tennis courts on property owned by the school. Current zoning for the two parcels (6-286-033 & 034) is R-100. The proposed improvements cover approximately 3.5 acres. This SUP replaces and amends SUP-04-091 for seven tennis courts.

Primary access to and from these fields and tennis courts is from the main campus. The residential driveways will be used for maintenance and emergency traffic only. One driveway will be eliminated on lot 044. Thus, traffic on Spalding Terrace will be reduced.

The following will be conditions to the SUP:

1. Tennis Court lighting will be cut-off type luminaries directed downward.
2. Existing driveways on Spalding Drive and Spalding Terrace will be gated and used for maintenance and emergency vehicles only. Signs will be posted at gates that read "No Parking for Fields (Tennis Courts) – Access for maintenance and emergency vehicles only"
3. A 60 foot buffer parallel to the southern edge of R-100 lots will be maintained as long as such lots are used as residences (Replacement condition to condition #1 of RZ-277-84 which states : " Vantage shall maintain a 60 foot undisturbed buffer along the entire length of common property line which divides the Vantage tract from the homeowner's properties in Spalding Terrace.")

Sincerely,

Robert E. Binion
Chairman, Board of Trustees



BY:
SEP '12 00 1

CASE NUMBER SUP-04-091

BOARD OF COMMISSIONERS

GWINNETT COUNTY

LAWRENCEVILLE, GEORGIA

RESOLUTION

READING AND ADOPTION:

At the regular meeting of the Gwinnett County Board of Commissioners, held in the Justice and Administration Center Auditorium, 75 Langley Drive, Lawrenceville, Georgia.

<u>Present</u>	VOTE
Wayne Hill, Chairman	<u>AYE</u>
Marcia Neaton, District 1	<u>AYE</u>
Albert Nasuti, District 2	<u>AYE</u>
John Dunn, District 3	<u>AYE</u>
Kevin Kenerly, District 4	<u>AYE</u>

On motion of COMM. NASUTI, which carried 5-0, the following resolution was adopted:

A RESOLUTION TO GRANT A SPECIAL USE PERMIT

WHEREAS, the Municipal-Gwinnett County Planning Commission has held a duly advertised public hearing and has filed a formal recommendation with the Gwinnett-County Board of Commissioners upon an Application for a Special Use Permit by WESLEYAN SCHOOL for the proposed use of PRIVATE SCHOOL (TENNIS COURTS) on a tract of land described by the attached legal description, which is incorporated herein and made a part hereof by reference; and

WHEREAS, notice to the public regarding said Special Use Permit Application has been duly published in THE GWINNETT DAILY POST, the Official News Organ of Gwinnett County; and

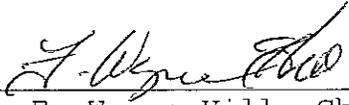
WHEREAS, a public hearing was held by the Gwinnett County Board of Commissioners on DECEMBER 14, 2004 and objections were not filed.

NOW, THEREFORE, BE IT RESOLVED by the Gwinnett County Board of Commissioners this the 14TH day of DECEMBER, 2004 that the aforesaid application for a Special Use Permit is hereby APPROVED subject to the following enumerated conditions:

1. To restrict the use of the property as follows:
 - A. Tennis facility as an accessory use to the adjacent Wesleyan School.
2. To satisfy the following site development considerations:
 - A. Lighting shall be contained in cut-off type luminaries and directed in towards the property so as not to shine directly in nearby residential property.
 - B. Provide a 25-foot buffer adjacent to residentially-zoned property currently owned by The Wesleyan School lying to the north of this property. Provide a 10-foot buffer adjacent to the residentially-zoned property located on Spalding Drive.

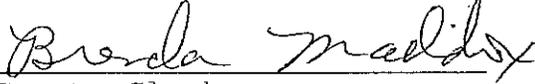
C. The existing residential driveway onto Spalding Drive shall be gated and shall not be used to directly access the tennis courts by visitors or other users thereof except for maintenance vehicles. Additionally, signs shall be posted at the driveway containing the following wording: "No parking for tennis courts-Access for maintenance vehicles only."

GWINNETT COUNTY BOARD OF COMMISSIONERS

By: 
F. Wayne Hill, Chairman

Date Signed: 12/29/04

ATTEST:


County Clerk

4

GWINNETT COUNTY BOARD OF COMMISSIONERS
A RESOLUTION TO AMEND THE OFFICIAL ZONING MAP

RZ-277-84

WHEREAS, the Municipal-Gwinnett County Planning Commission has filed a formal recommendation to the Gwinnett County Board of Commissioners upon an Application to Amend the Official Zoning Map from R-100 to O-I

by Vantage Properties, Inc.

3333 Peachtree Road N.E. , Atlanta, Georgia 30326

for the proposed use of Office Park

on a tract of land described by the attached legal description, and

WHEREAS, notice to the public regarding said Amendment to the Official Zoning Map has been published in HOME WEEKLY, the Official News Organ of Gwinnett County, and

WHEREAS, a Public Hearing was held in the Commission Meeting Room by the Gwinnett County Board of Commissioners on December 18, 1984 and objections were not filed.

THEREFORE, BE IT RESOLVED that the Gwinnett County Board of Commissioners do hereby Approved* the Amendment to the Official Zoning Map from R-100 to O-I on the 18th day of December, 1984.

CONDITIONS:

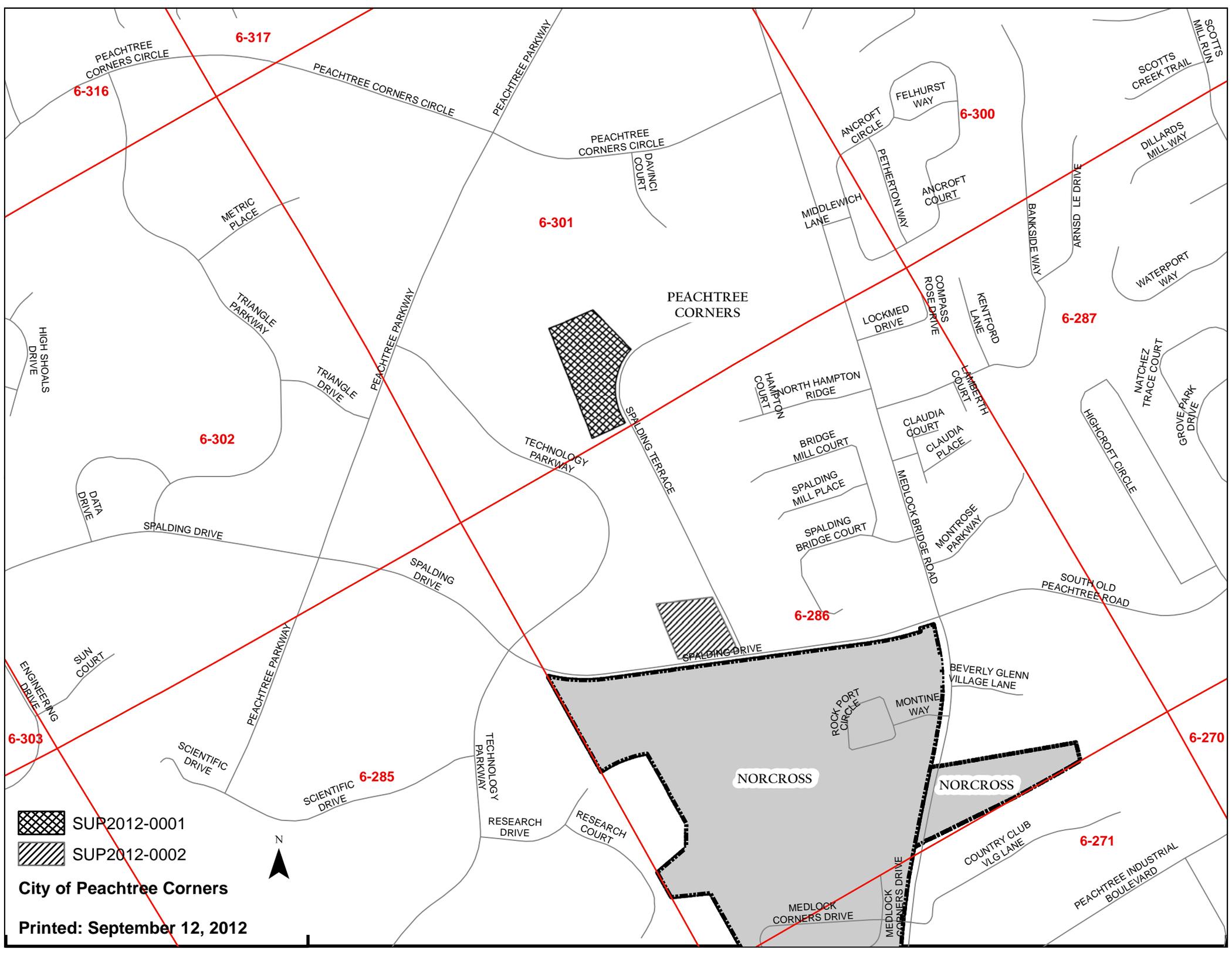
* SEE ATTACHED

GWINNETT COUNTY BOARD OF COMMISSIONERS



CHARLES W. ASHWORTH, CHAIRMAN

- *1. Vantage shall maintain a 60 foot undisturbed buffer along the entire length of common property line which divides the Vantage tract from the homeowner's properties in Spalding Terrace.
2. That no access, vehicular or otherwise, ever be incorporated through the vacant or improved lots to Spalding Terrace from the Vantage tract.
3. That no office building shall be constructed to a height greater than nine (9) stories.
4. Vantage agrees to improve the frontage of the Vantage tract along Spalding Drive with a declaration lane added on the northern side of Spalding Drive.
5. Garage pick up shall be limited between the hours of 6:00 A.M. and 6:00 P.M. as long as the adjoining property is zoned residential.



-  SUP2012-0001
-  SUP2012-0002

City of Peachtree Corners
Printed: September 12, 2012



Peachtree
Corners

NORTH HAMPTON RIDGE

SPALDING TERRACE

WEDLOCK BRIDGE ROAD
WEDLOCK DRIVE

SPALDING MILL PLACE

BRIDGE MILL COURT

SPALDING BRIDGE COURT

SPALDING DRIVE

WAY

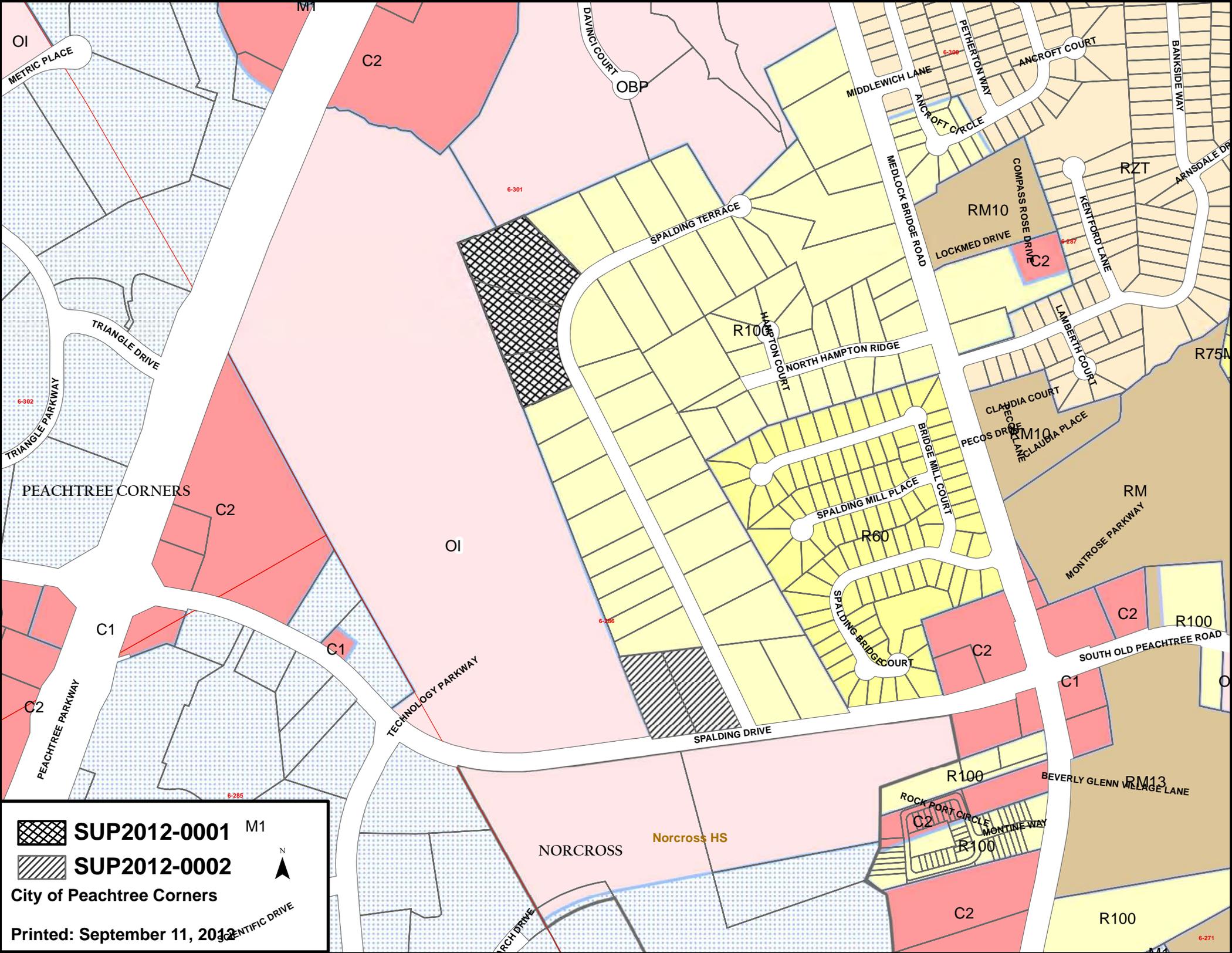
Norcross

SUP2012-0001 & SUP2012-0002

City of Peachtree Corners

Printed: September 18, 2012





 **SUP2012-0001** M1
 **SUP2012-0002**
 City of Peachtree Corners
 Printed: September 11, 2012



**CITY OF PEACHTREE CORNERS
COMMUNITY DEVELOPMENT DEPARTMENT**

SPECIAL USE PERMIT ANALYSIS

CASE NUMBER	:SUP2012-00003
ZONING	:M-1
LOCATION	:4900 BLOCK OF BUFORD HIGHWAY
MAP NUMBERS	:R6257 072 & R6257 215
ACREAGE	:7.92 ACRES
PROPOSED DEVELOPMENT	:TRUCK SALES/LEASING AND SERVICE
SQUARE FEET	:17,500 SQUARE FEET

FUTURE DEVELOPMENT MAP: **PREFERRED OFFICE**

APPLICANT: SALEM LEASING CORPORATION
C/O MICHAEL W. TYLER
1100 PEACHTREE STREET, SUITE 2800
ATLANTA, GA 30309

CONTACT: MICHAEL W. TYLER PHONE: 404.815.6474

OWNER: NFPS, LLC
C/O ROBERT M. TRUSTY, ESQUIRE
1075 PEACHTREE STREET, SUITE 2500
ATLANTA, GA 30309

RECOMMENDATION: APPROVE REQUEST WITH CONDITIONS

PROJECT DATA:

The applicant requests a Special Use Permit on 7.92 acres for a truck sales/leasing and service business. The subject property is located on the northwest side of Buford Highway southwest of its intersection with Pittman Circle. The property is currently developed with a single building and associated parking and driveways. The existing building and parking are located to the rear of the site with limited visibility from Buford Highway and adjacent properties.

The applicant is proposing to utilize the existing 17,500 square foot metal building. The property contains a total of 71 existing parking spaces and associated driveways, which are to remain. The applicant indicates the facility would provide services consisting of truck sales, rental, repairs and maintenance. The truck and trailer parking area is indicated on the site plan to the rear of the site, southwest of the existing building. Access would be provided through the existing driveway onto Buford Highway.

ZONING HISTORY:

The subject property has been zoned M-1 since 1970. In 1992, a request to rezone a portion of the property to C-2 with a Special Use Permit for a golf driving range, miniature golf and batting cages was denied, pursuant to RZ-92-049 and SUP-92-025.

GROUNDWATER RECHARGE AREA:

The subject property is located within an identified Significant Groundwater Recharge Area. The development would be served by sanitary sewer, resulting in minimal impact.

WETLANDS INVENTORY:

The subject property does not contain areas, streams, and/or bodies of water depicted as wetlands on the U.S. Department of Interior, Fish, and Wildlife Service – National Wetlands Inventory map on file with the Gwinnett Department of Planning and Development.

DEVELOPMENT REVIEW SECTION COMMENTS:

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

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

The Zoning Code requires screening of dumpsters and loading/unloading facilities

Parking lots and interior driveways shall be designed in accordance with Section 1001 of the Zoning Code.

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

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

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

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

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

Section 1.5.1.c of the Floodplain Management Ordinance requires that the lowest floor including the basement, of all non-residential building be constructed at an elevation of at least one foot above the 100-year floodplain.

STORMWATER REVIEW SECTION COMMENTS:

All land development activities must be properly permitted following the local jurisdiction guidelines and regulations. Additionally, on-site vehicle washing will require authorization from the local permitting authority.

GWINNETT COUNTY DEPARTMENT OF TRANSPORTATION COMMENTS and GWINNETT COUNTY ENVIRONMENTAL HEALTH COMMENTS:

No comment.

GWINNETT COUNTY DEPARTMENT OF WATER RESOURCES COMMENTS:

The available utility records show that the subject development is currently in the vicinity of a 16-inch water main located on the southern right-of-way of Buford Highway, and an 8-inch water main crossing Buford Highway connecting to a DDC on the property.

The available utility records show that the subject development is currently in the vicinity of a 15-inch sanitary sewer main located on the property.

BUILDING CONSTRUCTION SECTION COMMENTS:

Building Plan Review has no objections under the following conditions:

1. The applicant shall submit architectural, structural, mechanical, electrical and plumbing drawings for any proposed interior or exterior modification. Upon completion of plan review approvals, the applicant shall obtain a building permit for any required renovation work and achieve satisfactory field inspections for issuance of a Certificate of Occupancy.
2. Architectural design of any proposed exterior modification shall incorporate the requirements of the Activity Center/Corridor Overlay District.
3. Upon completion of plan review approvals, the applicant shall obtain a building permit and achieve satisfactory field inspections for issuance of a Certificate of Occupancy.

GWINNETT COUNTY FIRE SERVICES COMMENTS:

Fire Plan Review has no objections to the above rezoning requests, under the following conditions:

1. Applicant submits civil drawings to Fire Plan Review for review and approval.
2. Applicant submits architectural drawings to Fire Plan Review for review and approval.
3. Upon completion of plan review approvals, applicant successfully achieves a satisfactory Fire field inspection, for issuance of a Certificate of Occupancy - Business Operation.

DEPARTMENT ANALYSIS:

The subject property is located on northwest side of Buford Highway, southwest of the intersection of Pittman Circle and Buford Highway. The property is currently developed with a 17,500 square foot metal building and associated driveways and parking.

The 2030 Unified Plan Future Development Map indicates the site is located within a Preferred Office Character Area. Although not strictly consistent with policies of the Unified Plan, the proposed truck sales/leasing and repair business could be consistent with the Gwinnett County Board of Commissioners approval of similar businesses along the Buford Highway corridor, including the most recent approval of Ace Truck Body and Trailer Repair in 2011, pursuant to RZC2011-00018 and SUP2011-00045.

The area surrounding the site consists predominately of businesses with similar intensity of use and zoning. Nearby uses include automobile repair, machine shops, used car lots, warehouse and light industrial uses, within commercial and light industrial zoning districts. There are several comparable truck sales, leasing and service facilities along this segment of Buford Highway including: Ace Truck Body and Trailer Repair, Idealease of Atlanta, Interstate Nationalease and Commercial Truck and Van Equipment. The approval by the Gwinnett County Board of Commissioners of Ace Truck Body and Trailer Repair across Buford Highway included conditions related to landscaping and decorative fencing along Buford Highway. If approved, staff recommends placing similar conditions on this property. Given the similar businesses in the immediate area and the established development pattern of the Buford Highway corridor, a truck sales/leasing and service facility could be considered consistent with the area and may be suitable at this location.

In conclusion, the requested Special Use Permit for truck sales/leasing and service could be considered compatible with the zoning and land uses in the surrounding area.

COMMUNITY DEVELOPMENT DEPARTMENT
RECOMMENDED CONDITIONS

Approval of a Special Use Permit for truck sales/leasing and service, subject to the following enumerated conditions:

1. Light industrial uses, which may include truck sales/leasing and service as a special use.
2. The truck sales lot(s) shall be paved to Gwinnett County development standards and the current 75 ft. undisturbed buffer located along the front of the property shall be maintained. If the buffer is destroyed, it shall be replaced with a buffer approved by the Community Development Director.
3. Outdoor storage or display of tires, junk vehicles, vehicle parts, or other similar materials shall be prohibited. All truck repairs shall occur within the enclosed building.
4. Dumpsters shall be screened by a 100% opaque brick or stacked stone wall with an opaque metal gate enclosure.
5. Outdoor loudspeakers shall be prohibited.
6. Lighting shall be contained in cut-off type luminaries and shall be directed in toward the property so as not to shine directly into adjacent properties or rights-of-way.
7. No tents, canopies, temporary 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.
8. The property owner shall repaint or repair any graffiti or vandalism that occurs on the property within 72 hours.
9. The property shall be maintained free of litter and other debris.

COMMUNITY DEVELOPMENT DEPARTMENT RECOMMENDATIONS
STANDARDS GOVERNING THE EXERCISE OF ZONING

SUITABILITY OF USE

The requested Special Use Permit for a truck sales, leasing and service facility could be suitable in light of the mix and intensity of uses in this area.

ADVERSE IMPACTS

With the recommended conditions, potential impacts on adjacent and nearby properties could be reduced.

REASONABLE ECONOMIC USE AS ZONED

The subject property has a reasonable economic use as currently zoned.

IMPACT ON PUBLIC FACILITIES

It is anticipated that there would be few additional impacts on public facilities from the request, as the property is already developed.

CONFORMITY WITH POLICIES

Although not strictly consistent with policies of the Unified Plan, the proposed truck sales/leasing and repair business could be consistent with similar businesses and uses along the Buford Highway corridor.

CONDITIONS AFFECTING ZONING

The most recent Gwinnett County Board of Commissioners zoning approval for this type of business included a requirement for decorative fencing and an increased landscape strip along the Buford Highway frontage. In the Department's opinion, a similar requirement would be appropriate for the subject property.

SPECIAL USE PERMIT APPLICANT'S RESPONSE
STANDARDS GOVERNING THE EXERCISE OF THE ZONING POWER

Attachment A

- (A) WHETHER A PROPOSED SPECIAL USE PERMIT WILL PERMIT A USE THAT IS SUITABLE IN VIEW OF THE USE AND DEVELOPMENT OF ADJACENT AND NEARBY PROPERTY:

Yes, the proposed trucking facility is compatible with the use and development of all adjacent and nearby properties, all of which are zoned and developed with similar light industrial uses.

- (B) WHETHER A PROPOSED SPECIAL USE PERMIT WILL ADVERSELY AFFECT THE EXISTING USE OR USABILITY OF ADJACENT OR NEARBY PROPERTY:

No, the proposed trucking facility will not adversely affect the existing use or usability of any adjacent or nearby property since all such properties have a similar use and the subject property was previously used for a similar purpose.

- (C) WHETHER THE PROPERTY TO BE AFFECTED BY A PROPOSED SPECIAL USE PERMIT HAS REASONABLE ECONOMIC USE AS CURRENTLY ZONED:

No, the subject property does not have a reasonable economic use as currently zoned without the requested special use permit.

- (D) WHETHER THE PROPOSED SPECIAL USE PERMIT 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 proposed trucking facility will not cause any negative impact to existing streets, transportation facilities, utilities or schools. Indeed, it will lessen the impact on Buford Highway by re-locating an existing facility to the subject property which has considerably better access.

- (E) WHETHER THE PROPOSED SPECIAL USE PERMIT IS IN CONFORMITY WITH THE POLICY AND INTENT OF THE LAND USE PLAN:

Yes, the proposed trucking facility is in total conformity with the policy and intent of the land use plan which contemplate such light industrial uses in this location.

- (F) WHETHER 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 SPECIAL USE PERMIT:

The purpose of this special use permit is simply to allow the relocation of the existing Salem Leasing trucking facility located at 4815 Buford Highway approximately ¼ mile to the subject property. The subject property provides better access and this will improve traffic flow on Buford Highway.

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BY:

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Letter of Intent

BY:

The purpose of this Special Use Permit application is to allow the applicant, Salem Leasing Corporation, to relocate its current full-service trucking facility from 4815 Buford Highway, approximately ¼ mile, to the subject property located at 4975 Buford Highway. The subject property would better serve the needs of Salem Leasing and the City of Peachtree Corners because the site is considerably larger and has much better vehicular access than the current location.

The trucking facility proposed for the subject property will provide the same services as the current facility at 4815 Buford Highway. Specifically, these services will consist primarily of truck leasing, rental, repairs and maintenance. All of the trucks serviced at the facility will either be owned by Salem or by its contracting customers. This facility will not serve the general public and will not provide any services to any persons other than those with whom Salem has contracts for truck and fleet maintenance and repair.

The subject property is 7.923 acres in size and as such is considerably larger than the current Salem Leasing site at 4815 Buford Highway, which is approximately four acres. This larger size will allow for easier ingress and egress to the facility. The subject property will also provide enhanced vehicular access via an extended private drive with directional concrete islands at its mouth to separate incoming and outgoing traffic. This will result in enhanced safety to the motoring public along this section of Buford Highway.

The proposed facility will utilize the footprint of the existing structure on the subject property. Salem intends to re-design this site into a 17,500 square foot building consisting of a 5,000 square foot office area and a 12,500 square foot shop and supply area. The building will be two stories with a maximum height of 40 feet. The building and operations will be set back and buffered from adjacent properties by the extended private drive to the east and north and heavily wooded buffers to the north and west.

Ample parking will be provided for both cars and trucks. Specifically, 71 parking spaces will be provided, which is significantly more than the 44 spaces required.

The proposed trucking facility is entirely compatible with all of the properties in the area of the subject property. All such properties are zoned M-1 and developed or used for similar purposes as the proposed Salem trucking facility. The property located at 4959 Buford Highway, directly adjacent to the subject property to the north, houses D&S Auto Services & Towing Services which provides truck and automobile repair and towing services, as well as window tinting. The property located at 4930 Buford Highway, directly across the street from the subject property, houses Ace Truck Body & Trailer Repair which, in addition to providing repair services to tractor trailers, also sells used trucks and trailers.

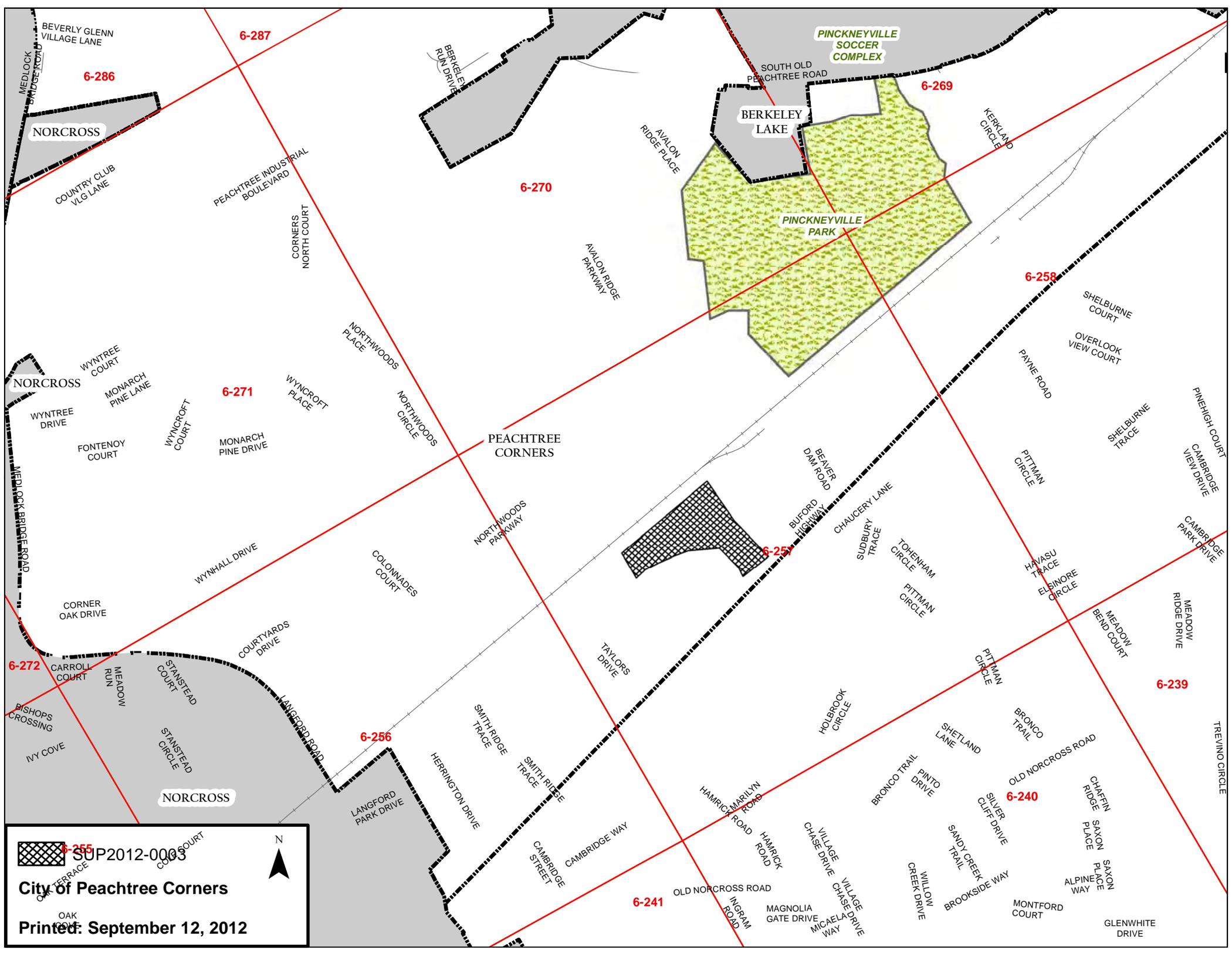
It is clear that the trucking facility proposed by Salem Leasing pursuant to this Special Use Permit application, will have no negative impact on the surrounding community. On the contrary, it will result in improved vehicular traffic flow and will allow Salem to continue its operations in Peachtree Corners in a safer and more efficient manner.

Finally, for the record, please note that failure to grant the requested Special Uses Permit would constitute a taking of 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 Article I, Section I, Paragraph I and Article I, Section III, Paragraph I of the Constitution of the State of Georgia. Furthermore, failure to grant the requested Special Use Permit would discriminate in an arbitrary and capricious manner between the applicant and the owners of the subject property and owners of similarly situated properties in violation of Article I, Section III, Paragraph III of the Constitution of the State of Georgia and the Equal Protection Clause of the Fourteenth Amendment to the United States Constitution.

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BY:




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City of Peachtree Corners
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NORCROSS

PINCKNEYVILLE
SOCCER
COMPLEX

BERKELEY
LAKE

PINCKNEYVILLE
PARK

PEACHTREE
CORNERS

NORCROSS

NORCROSS

OAK
COVE

BEVERLY GLENN
VILLAGE LANE

COUNTRY CLUB
VLG LANE

PEACHTREE INDUSTRIAL
BOULEVARD

CORNERS
NORTH COURT

NORTHWOODS
PLACE

WYNCROFT
PLACE

MONARCH
PINE DRIVE

WYNHALL DRIVE

CORNER
OAK DRIVE

COURTYARDS
DRIVE

CARROLL
COURT

STANSTEAD
COURT

BISHOPS
CROSSING

IVY COVE

STANSTEAD
CIRCLE

LANGFORD
PARK DRIVE

HERRINGTON DRIVE

SMITH RIDGE
TRACE

SMITH RIDGE
TRACE

CAMBRIDGE
STREET

CAMBRIDGE WAY

OLD NORCROSS ROAD

HAMRICK ROAD

MARILYN ROAD

HAMRICK ROAD

VILLAGE CHASE DRIVE

VILLAGE CHASE DRIVE

MAGNOLIA GATE DRIVE

MICAELA WAY

SOUTH OLD PEACHTREE ROAD

AVALON RIDGE PLACE

AVALON RIDGE PARKWAY

BERKELEY RUN DRIVE

NORTHWOODS PARKWAY

TAYLORS DRIVE

BEAVER DAM ROAD

BUFORD HIGHWAY

CHAUCERY LANE

SUDBURY TRACE

TOHENHAM CIRCLE

PITTMAN CIRCLE

HOLBROOK CIRCLE

SHETLAND LANE

BRONCO TRAIL

BRONCO TRAIL

PINTO DRIVE

OLD NORCROSS ROAD

SILVER CLIFF DRIVE

SANDY CREEK TRAIL

BROOKSIDE WAY

WILLOW CREEK DRIVE

CHAFFIN RIDGE PLACE

SAXON PLACE

SAXON PLACE

ALPINE WAY

MONTFORD COURT

GLENWHITE DRIVE

SHELBURNE COURT

OVERLOOK VIEW COURT

PAYNE ROAD

PITTMAN CIRCLE

SHELBURNE TRACE

PINEHIGH COURT

CAMBRIDGE VIEW DRIVE

CAMBRIDGE PARK DRIVE

MEADOW RIDGE DRIVE

TREVINO CIRCLE

HAYASU TRACE

ELBINO CIRCLE

PITTMAN CIRCLE



 SUP2012-0003

City of Peachtree Corners

Printed: September 18, 2012



BUFORD HIGHWAY

FIRST AMENDMENT TO LEASE AGREEMENT

THIS FIRST AMENDMENT TO LEASE AGREEMENT ("Amendment") is made as of the ____ day of November, 2012 by and between ADKC REALTY HOLDINGS, LLC, a Georgia limited liability company ("Landlord") and the CITY OF PEACHTREE CORNERS, GEORGIA, a municipal corporation of the State of Georgia ("Tenant").

RECITALS

A. Landlord is the owner of an office building located in Technology Park/Atlanta at 147 Technology Parkway NW, Norcross, Georgia 30092, commonly known as "147 Technology Parkway" (the "Building"), containing two stories and approximately 25,000 rentable square feet of office space.

B. Landlord and Tenant are parties to that certain Lease Agreement dated June 28, 2012 (the "Lease"), pursuant to which Landlord leases certain premises commonly known as Suite 200 (the "Premises") consisting of approximately 8,076 rentable square feet on the second floor of the Building.

C. Landlord and Tenant desire to expand the Premises to include certain space (the "Additional Space") consisting of approximately 4,586 rentable square feet, as designated on Exhibit "A-1" attached hereto.

AGREEMENT

NOW, THEREFORE, in consideration of Ten Dollars (\$10.00) cash in hand paid, and for other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, Tenant and Landlord agree as follows:

1. Additional Space. Landlord hereby leases to Tenant and Tenant hereby rents and leases from Landlord the Additional Space which shall heretofore be deemed a part of the Premises for all purposes under the Lease, except that the area of the Additional Space shall not be taken into account in the calculation of Base Rent or Tenant's proportionate share of Operating Expenses pursuant to Section 4 of the Lease. Tenant has inspected the Additional Space, is familiar with the physical condition of the Additional Premises, and shall accept the Additional Space "as is", "where is", without any warranty, express or implied, as to fitness or suitability, and without any agreement or obligation on the part of Landlord to perform or provide an allowance for or make any alterations, repairs or improvements as a condition to Tenant's obligations under the Lease or this Amendment.
2. Contraction Rights. Landlord and Tenant shall each have the right to cause a contraction of the Premises to exclude the Additional Space (a "Contraction Option") by giving written notice thereof to the other party, which notice of exercise shall specify the effective date of such contraction, which date shall be not earlier than ten (10) days after the date of such notice. The exercise by one party of its Contraction Option shall not prevent the other party from exercising its Contraction Option and specifying an earlier effective date of such contraction, subject to the minimum ten (10) day notice requirement. If Landlord or Tenant exercises the Contraction Option, then on or before the effective date of such contraction, Tenant shall surrender the Contraction Space to Landlord. Tenant agrees to leave the Contraction Space broom clean and free of all debris, and shall surrender such Contraction Space in accordance with requirements of Section 9 of the Lease.

3. Miscellaneous. For all purposes of this Amendment, unless otherwise expressly provided herein or unless the context in which such term is used indicates a contrary intent, the capitalized terms not otherwise defined herein shall have the respective meanings ascribed to them in the Lease. Except as set forth herein, the Lease shall remain unmodified and in full force and effect, and Landlord and Tenant do hereby ratify and confirm the Lease, as modified and amended hereby. If any conflict between the terms of this Amendment and the terms of the Lease occurs, the terms of this Amendment shall govern and control in all respects. It is the intention of Landlord and Tenant with respect to the subject matter hereof that the terms of this Amendment shall supersede and replace in each and every respect the terms and provisions of the Lease which the parties intend to modify pursuant to the terms hereof. All the terms and provisions of this Amendment shall be binding upon and inure to the benefit of the parties hereto and their respective successors and assigns. The headings in this Amendment are for convenience of reference and shall not limit or otherwise affect the meaning hereof. This Amendment shall be governed by and construed in accordance with the laws of the State of Georgia.

IN WITNESS WHEREOF, the parties have executed this Amendment as of the day and year first written above.

LANDLORD:

ADKC REALTY HOLDINGS, LLC, a Georgia limited liability company

By: _____
Name: _____
Title: Manager

TENANT:

CITY OF PEACTREE CORNERS, GEORGIA, a municipal corporation of the State of Georgia

By: _____
Name: _____
Title: Mayor

Approved as to Form:

By: _____
Name: _____
Title: City Attorney

EXHIBIT A-1

**147 Technology Parkway
Additional Space
(Suite 250)
4,586 RSF**

