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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 18, 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 December 4, 2012 and previous 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

### J) OLD BUSINESS

1. **O2012-11-68**                      **SECOND READ and Consideration to Approve Ordinance Adopting the 2013 Council Meeting Calendar for the City of Peachtree Corners, Georgia** (*Deferred from 11/27/12 Council Meeting*)

AN ORDINANCE TO ESTABLISH A REGULAR CITY COUNCIL MEETING SCHEDULE FOR THE CALENDAR YEAR 2013

2. **O2012-11-70**                      **SECOND READ and Consideration to Approve an Ordinance Adopting Chapter 90: SOLID WASTE** (*Deferred from 11/27/12 Council Meeting*)

AN ORDINANCE TO ADOPT CHAPTER 90, SOLID WASTE, TO PROVIDE FOR REGULATION OF SOLID WASTE DISPOSAL SERVICES IN THE CITY OF PEACHTREE CORNERS; TO PROVIDE FOR CODIFICATION; TO PROVIDE FOR SEVERABILITY; TO PROVIDE AN EFFECTIVE DATE; AND FOR OTHER PURPOSES

3. **O2012-12-71**                      **SECOND READ and Ordinance 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.

4. **O2012-12-72** **SECOND READ and Ordinance 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.

5. **O2012-12-73** **SECOND READ and Ordinance 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.

6. **O2012-12-74** **SECOND READ and Ordinance 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

#### **K) NEW BUSINESS**

1. **ACTION ITEM** **Consideration of Intergovernmental Agreement with Gwinnett County for Hotel/Motel Tax**
2. **ACTION ITEM** **Consideration to Approve the Bid Award for the Preparation of the City of Peachtree Corners Comprehensive Plan**
3. **ACTION ITEM** **Consideration to Authorize the City Manager and Staff to Afford a Sixty(60) Day Grace Period for All Business and Alcohol Licenses in the City of Peachtree Corners applying for Renewals of their Licenses that Expire on December 31, 2012 and Allow for Said Renewal Applications to Not Be Considered "Expired" Until March 1, 2013.**

#### **L) OTHER BUSINESS**

Discussion of Procedure for City Recognition

#### **M) EXECUTIVE SESSION**

#### **N) ADJOURNMENT**

**CITY OF PEACHTREE CORNERS**  
**SPECIAL CALLED MEETING**  
**May 15, 2012 @ 7:30pm**

The Mayor and Council of the City of Peachtree Corners held a Special Called Meeting on Tuesday, May 15, 2012 at 7:30pm. This Special Called Meeting was held at Robert Fowler YMCA, located at 5600 West Jones Bridge in Peachtree Corners, 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
Acting City Attorney	B. Riley
Consultants	John McDonough and John Kachmar
Acting City Clerk	Joan Jones

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

**OPENING COMMENTS:** Mayor Mason welcomed everyone to tonight's meeting comment briefly on the moratorium, Mr. Lackey with Gwinnett County and the city have been working together to make sure the moratorium is as short as possible while the city adopts and puts in place Gwinnett County Ordinances.

**APPROVAL OF MINUTES:** Council Member Christopher motioned, seconded by Council Member Sadd to approve the Minutes of May 8<sup>th</sup> Special Called Meetings Minutes as presented. There being no discussion, the motion carried unanimously.

**PUBLIC COMMENT:** Jim Pendleton addressed the council regarding his three office building applications and the need to make tenant changes in his existing buildings. He asked council to consider the problems the extended moratorium has on businesses and developers. Mayor Mason asked Mr. Riley to see if he could possibly assist Mr. Pendleton.

**REPORTS and PRESENTATIONS:** Consultants Kachmar and McDonough reported on the search for a city manager, where ads are placed and a read a draft of the job ad.

**NEW BUSINESS:** The Second Read of an **Ordinance Creating the Position of City Manager for the City of Peachtree Corners** was held. Council Member Christopher motioned, seconded by Council Member Aulbach to approve Ordinance 2012-05-01 Creating the Position of a City Manager for the City of Peachtree. There was discussion of residency, the concern about this possibly limiting the candidate pool and the flexibility of the manager and the economic conditions. Council Member Sadd motioned to amend

the motion to clarify that residency is required within twelve months. Council Member Christopher seconded the amendment. There being no further discussion, the amendment carried unanimously. Mayor Mason called for any further discussion, there being none; he called the main motion. The main motion carried unanimously. (***ORDINANCE 2012-05-01***)

**MAYOR'S COMMENTS:** Mayor Mason thanked everyone for attending and for their patience during this transition.

**No Executive Session Held.**

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

Approved,

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Mike Mason, Mayor

Attested,

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Joan Jones, Acting City Clerk

(seal)

**CITY OF PEACHTREE CORNERS**  
**SPECIAL CALLED MEETING MINUTES**  
**June 26, 2012 @ 7:30 PM**

The Mayor and Council of the City of Peachtree Corners held a Special Called Meeting on Tuesday, June 26, 2012 at 7:30pm. This Special Called Meeting was held at Robert D. Fowler YMCA located at 5600 West Jones Bridge Road in Peachtree Corners, Georgia 30092. The following were in attendance:

Mayor	Mike Mason
Council Member	Phil Sadd, Post 1
Council Member	James Lowe, Post 2 - <b>Absent</b>
Council Member	Alex Wright, Post 3
Council Member	Jeanne Aulbach, Post 4
Council Member	Lorri Christopher, Post 5
Council Member	Weare Gratwick, Post 6
Acting City Attorney	Bill Riley
Acting City Clerk	Joan Jones
Consultants	John Kachmar and John McDonough

**PLEDGE OF ALLEGIANCE** was led by Mayor Mason.

**OPENING REMARKS:** Mayor Mason thanked everyone for attending and remarked there will be a public hearing tonight on the budget and in order to give an opportunity for everyone wishing to speak on the budget there will be a three minute time limit. In addition, Mayor Mason remarked on the Carl Vinson study, what it did and did not include and the many one-time costs of things which will impact the budget over the next few months.

**MINUTES:** Council Member Gratwick motioned, seconded by Council Member Christopher to approve the June 19, 2012 Special Called Council Minutes as presented. There being no discussion, the motion carried unanimously.

**PUBLIC COMMENT:** No Public Comment

**REPORTS & PRESENTATIONS:** Consultant McDonough provided an update on the City Hall Lease and reported the Banking RFP committee has met and a recommendation will be forthcoming.

**OLD BUSINESS:**

**2013 BUDGET ORDINANCE:** The Second Read and Public Hearing of an Ordinance to adopt the Fiscal Year 2013 Budget for each fund of the City of Peachtree Corners, Georgia, appropriating the amounts shown in each budget as expenditures, adopting the anticipated revenues for each fund, prohibiting expenditures to exceed appropriations for each fund and prohibiting expenditures to exceed actual funding available for each fund was held. Consultant

John McDonough reviewed the proposed budget again clarifying there will be a Mid-Year Budget review in January 2013, he reviewed the fund balance/reserves and how that changes, explained his budget process on the one time start-up cost and reminded council this is an estimated startup budget, they will have a better view of expenditures and revenues later in the year.

Mayor Mason opened the Public Hearing on the proposed 2013 Fiscal Year Budget.

Ed Stiles addressed the council voicing his concern about the employee salaries and benefits, he asked council to consider the current situation between private and public sector benefits and what is the best for this city. In addition, he explained there is no need for a call center, when an answering machine will work and for council to reconsider what they have budgeted for professional services-it is just not feasible and this Mayor and Council ran on a proposed \$750K budget.

Ms. Sims requested the council to reject this budget as this is a “City Light” and the citizens want a responsive, low cost government, she commend with current technology, is a call center needed and what about the size and cost of city hall. In closing, she suggested the city rotate their meetings around town so more people can attend.

Mr. Peel commented he appreciated the council’s public service, he is a 25 year resident and voiced his frustration on not having a public forum for council responsiveness. He stated this budget is excessive and voiced concern about borrowing money

Mr. Barden commented to council this is an excessive budget, the expense for litigation that includes the current moratorium and salary packages are too high. He remarked council needs to consider reducing what is not needed in this budget.

Mike Smith addressed the various line items such as salary, relocation package and the 25% contribution to retirement stating they are too excessive. This is a “City Light” and the city will be outsourcing its employees and that always cost more. He asked council to seriously look at this budget more closely before they adopt it.

Mayor Mason called for anyone else wishing to speak during this budget public hearing. There being no other speakers, Mayor Mason closed the Public Hearing.

Council Member Wright motioned, seconded by Council Member Christopher to table this item until Thursday night. There being no further discussion, the motion carried unanimously.

**FRANCHISE AGREEMENT-GA POWER:** The Second Read of an Ordinance Approving a Franchise Agreement between the Georgia Power Company and the City of Peachtree Corners, Georgia was held. Council Member Aulbach motioned, seconded by Council Member Gratwick to table this agenda item until such time the legal team completes their discussion with GA Power and brings it back to council. There being no further discussion, the motion carried unanimously.

**NEW BUSINESS:**

**GIRMA MEMBERSHIP:** Council Member Christopher motioned, seconded by Council Member Sadd to approve Resolution Authorizing the Membership into the Georgia Interlocal Risk Management Agency. During discussion, Mr. McDonough noted this is for a first year cost to the city of \$7,650.00 and is a budgeted item. There being no further discussion, the motion carried unanimously. (*RESOLUTION 2012-06-06*)

**MAYOR'S COMMENTS:** Mayor Mason thanked everyone for attending

**EXECUTIVE SESSION:** Council Member Christopher motioned, seconded by Council Member Gratwick to go into Executive Session to discuss one legal 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 meeting. There being no discussion, the motion carried unanimously.

**ADJOURNMENT:** Council Member Sadd motioned, seconded by Council Member Christopher to adjourn the meeting. There be no further discussion, the meeting was adjourned.

Approved:

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

Attest:

\_\_\_\_\_  
Joan Jones, Acting City Clerk

**CITY OF PEACHTREE CORNERS**  
**COUNCIL MEETING MINUTES**  
**December 4, 2012 @ 7:30pm**

The Mayor and Council of the City of Peachtree Corners held a Council Meeting on Tuesday, December 4, 2012 at 7:30pm and the meeting was held at Peachtree Corners City Hall, 147 Technology Parkway, Peachtree Corners, GA 30092. The following were in attendance:

Mayor	Mike Mason
Council Member	Phil Sadd - Post 1 - <b>ABSENT</b>
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, S. Hasteley, L. Felgin, S. Robichaux
City Manager	Julian Jackson
City Clerk	Kymerly Chereck
Acting City Clerk	Joan Jones

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

**MAYOR'S OPENING COMMENTS:** Mayor Mason expressed his appreciation for holding this meeting in City Hall; he thanked the staff for their diligence in making it happen. He recognized Cherie Snyder for the artwork on the walls. Mayor announced the phone number for City Hall as of this coming Friday, will be 678-691-1200. In closing, Mayor Mason commented the council will hear their first zoning requests tonight and explained the public hearing process will be different from the normal public comment period.

**MINUTES:** Council Member Lowe motioned, seconded by Council Member Wright to approve the minutes of November 27, 2012 as presented. There being no further discussion, the motion carried unanimously.

**AGENDA CONSIDERATION:** Council Member Aulbach motioned, seconded by Council Member Christopher 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 26<sup>th</sup> through November 30<sup>th</sup> which included information on recent meetings, review of Comprehensive Plan proposals, work done on renewal for Alcohol Licenses and Business Licenses.

City Manager Julian Jackson reported on the **Intergovernmental Agreement** with Gwinnett County regarding the Hotel/Motel Tax as well as the Car Rental Tax, explaining this IGA is in the draft stage and will be coming before council at their December 18<sup>th</sup> meeting.

**OLD BUSINESS:** The Second Read of an Ordinance to provide for participation by the City of Peachtree Corners, Georgia 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 the Chapter 5 of Title 47 of the O.C.G. A. to provide for an effective date, to repeal conflicting ordinances and for other purposes was held. City Manager Jackson explained this agreement will allow health insurance benefits for the city employees, GMA requires the agreement be passed by ordinance. Council Member Aulbach motioned, seconded by Council Member Christopher to approve this ordinance authorizing the participation in the Georgia Municipal Employee Benefit System for Peachtree Corners. There being no discussion, the motion carried unanimously. (**ORDINANCE 2012-12-69**)

**NEW BUSINESS:** **ZONING CASE C1C2012-00001** The First Read and Public Hearing was held for the consideration of C1C2012-00001 for applicant Amer Habib for a change in conditions of zoning on property zoned C-2 to remove permit deadline and to reduce required buffer from 25 feet to 15 feet; in District 6, Land Lot 256; Parcel 124; the 5100 block of Buford Highway (1.89 acres).

Mayor Mason reviewed the process for public hearings, the staff will present information, applicants will speak, opposition will speak, there will be time for rebuttal and then the public hearing is closed. Acting Clerk Jones reminded Mayor and Council there is a 10 minute time frame for public hearings. Attorney Riley explained this will be considered the first read and the ordinance will come back to council for second read and consideration.

Community Development Director Wheeler reviewed the application, the history of the property (automobile sales and service) and the ongoing maintenance issues. In addition, she commented this property abuts Madison Ridge Subdivision which currently has new homes under construction; she reviewed the numerous conditions recommended by staff and the Planning Commission.

Mayor Mason opened the Public Hearing on rezoning case C1C2012-00001.

Eric Johansen representing the applicant addressed the council and provided a brief history of the property, describing its location and current use. Mr. Johansen described how the topography of the property makes sewer upgrades cost prohibitive (currently on septic system) and why the owner is seeking this rezoning which would allow additional parking space for vehicles under the Georgia Power Easements and power lines. He gave an overview of the buffer issues and tree plantings, explained the previous partners did not necessarily provide the proper upkeep of the property; however due to the location along Buford Highway and the nearby construction zones, the debris blows in from the highway and nearby construction areas. Mr. Johansen saved any time left for rebuttal. Council Member Aulbach noted the amount of debris on the property and Mr. Johansen explained the current owner has instructed his employees to make sure they pick up the trash on a regular basis and there is a commercial trash service for this property.

Attorney Riley reviewed the process for zoning public hearing is to hear testimony from the public and for council to ask questions or the citizens can address their concerns regarding the property. The time was stopped at this time.

Mayor Mason called for anyone wishing to speak in opposition.

Al St. George, East Jones Bridge Road, addressed the council and voiced his concern regarding the 15 foot setback, and what happens if this property is sold and how this will affect the neighborhood or the next

owner. He asked council to consider this when discussing this zoning request.

Mr. Johansen used his rebuttal time, explaining there would be no vertical construction on this site and does not set a precedent for the city.

Mayor called for any further public comment on this zoning case. There being no further public comment the Mayor closed the public hearing.

Mayor Mason asked council for any discussion or questions for the applicant. Attorney Riley explained it is the appropriate time to ask applicant to address any concerns or make inquiry, the determination to make a decision will need to wait when a motion is considered at the second reading. Council Member Wright voiced his concern about the ongoing property maintenance issues; explaining past behavior is a good indicator of future behavior and asked how the owner will keep the property clean. Mr. Johansen explained this is a new procedure and there will be a bond in place to make sure the landscape improvements are completed and maintained. Community Development Director Wheeler provided information that having a three year landscape maintenance bond along with code enforcement will help to ensure the property is brought up to code and will be maintained. When asked by council, Mr. Johansen explained he can provide the requested bond and agrees it would not be a problem.

Attorney Riley confirmed the public hearing was closed.

**ZONING CASE SUP2012-00001 and SUP2012-00002** –The First Read and Public Hearing was held for consideration of the applicant Wesleyan School for a Special Use Permit(s) in a R-100 Zoning District for a Private School Expansion to accommodate additional Athletic Fields in District 6, Land Lot 301 Parcels 011-013 in the 3600 Block of Spalding Terrace (5.99 acres) and for SUP2012-00002 the applicant Wesleyan School for a Special Use Permit in a R-100 Zoning District for a Private School Expansion to accommodate additional Tennis Courts in District 6, Land Lot 286, Parcels 033-034 in the 5300 Block of Spalding Terrace (3.46 acres).

Director Wheeler reviewed the two applicants will be considered together as it is one submitted plan for two separate parcels. She reviewed the application and site plans, noting the primary access will be from the main campus, the Spalding Terrace secondary access would only be for used maintenance and emergency access. There will be landscaping around the Tennis Courts and landscaping evergreen screening along Spalding Terrace. She reviewed the Planning Commission and staff recommended conditions. Council Member Lowe asked about sidewalks or is there anything different to be put in place at the entrance of the Spalding Terrace subdivision if these pine trees are taking down.

Mayor Mason opened the Public Hearing for both Special Use Permit(s) SUP2012-00001 and SUP2012-00002 requests and called for those wishing to speak on these issues.

Robert Candler, 1327 Peachtree Street, Construction Manager of Wesleyan School addressed the council and provided brief overlay of the existing campus and expansion for the tennis courts. This SUP is for all 11 courts, as Gwinnett County wants to incorporate the old SUP into the one this council is considering tonight. He reviewed the homes to be removed and the Lakefield property. He reviewed the existing fields, and explained the school has ten teams for Soccer and Lacrosse and the new fields would be to accommodate the schedule. In addition, Mr. Candler reviewed the field expansion, topography and landscaping, explaining as many trees will be saved as possible in order to leave as much natural buffer as possible. Mr. Candler reviewed the elevation of the tennis courts in relation to the street along Spalding Terrace, the courts will have lights, in the past Wesleyan did not have the property or the money to purchase/build tennis courts, that has since changed and stated there will be no more expansion. Mr.

Candler asked to save any time left for rebuttal.

Mayor Mason called for anyone else wishing to speak in support of this zoning case. There being no one further to speak in support, he called for anyone speaking in opposition of this case.

Reverend Paul Reynolds of Spalding Terrace commented that people moved to this area because it is a unique area, he reviewed the types of home and acreage. This is a 30 lot subdivision and this project takes into consideration five lots at the front half of the community. This will affect the property home values, destroys the residential feel of this community. Mr. Reynolds explained there has been no impact study on this project, they had tennis courts approved once, now they are requesting additional courts, how will the momentum stop, this will alter the community.

Dean Hayes, Spalding Terrace voiced his concern stating this is a very narrow street, the trash trucks have to get off the street to allow other trucks to past. The sidewalks are not needed and some of the shrubbery has died and not been replaced.

Tom Brant of Spalding Terrace, the unstoppable momentum needs to be considered as Wesleyan currently owns a lot of the property along the street. He asked for the possibility of negotiating a branding/marquee for a neighborhood sign for Spalding Terrace. He stated the streets are very narrow, the properties are maintained: however, the landscape trucks have to park off the side of the street. In closing Mr. Brant asked for consideration on the square curbs which can damage tires when having to pass trucks, to see if round curbs can be installed for safety concerns.

Mayor Mason called for anyone else to speak in opposition of these zoning requests, there being no further comments he asked Mr. Candler for any rebuttal.

During rebuttal, Mr. Candler addressed the entrance of Spalding Terrace to the tennis courts, this entrance would be for maintenance and emergencies. He corrected there are only three homes that are being affected, not five and this master plan shows only residential usage, and there are some faculty and staff that live in this community. Mr. Candler explained that there will be initial construction vehicles but the bulk of the landscape/dirt will be hauled off using the campus access. The entrance will be made as wide as possible, the zoning calls for five foot sidewalks, while Spalding Drive has sidewalks, Spalding Terrace currently does not have sidewalks either side due to high curbs, the neighbors did not want them as they are intrusive.

Mayor Mason closed the public hearing and called for questions. Council Member Wright asked about additional homes availability, Mr. Candler explained if they become available, Wesleyan would be interested in purchasing and clarified the master plan calls for residential homes. Council Member Lowe asked about the current restrictions on construction hours, Ms. Wheeler explained there are codes/guidelines that must be followed. There was discussion of landscaping and curbing, any damaged curbs will be replaced along with the two homes that will be removed. When asked about the school receiving any complaints or issues regarding the tennis court lights, the school official (Vice President) present and Mr. Candler stated they are not aware of any lighting complaints.

**ZONING CASE SUP2012-0003:** The First Read and Public Hearing was held for the consideration of SUP2012-0003 for applicant Salem Leasing Corporation's request for a Special Use Permit in a M-1 Zoning District for Truck Sales/Leasing and Services at the 4900 Block of Buford Highway.

Director Wheeler reviewed the application for this property, explaining there is a single building on this property, which cannot be seen from Buford Highway and the applicant is requesting to use this building for

their truck sales and leasing. This is consistent with the current zoning and the Planning Commission and Staff recommend approval with certain conditions. Ms. Wheeler reviewed each condition and asked Council for any questions. Council Member Wright asked about the conditions from one case to the next, concerned about the differences in conditions.

Mayor Mason opened the public hearing for this zoning case.

Mr. Michael Tyler, Attorney representing Salem Leasing. He presented Mayor and Council with information regarding this property, explaining this business relocation is due to the size and access of the property. He reviewed an aerial photograph showing the building and accessibility and reiterated business will be limited to Salem Leasing customers. The building will be retrofitted for repair/supply shop while a portion will be renovated for office space. Mr. Tyler addressed the existing 75 foot undisturbed buffer and reviewed the surrounding business and properties in this area which are all M-1. He concluded and saved his time remaining for rebuttal.

Mayor Mason called for anyone else wishing to speak in support of this case. There being no one else to speak, he called for those in opposition to come forward. There being no one wishing to speak in opposition to this case, Mayor Mason closed the public hearing.

Mayor Mason called for any questions or concerns. Council Member Aulbach remarked this is a nice facility/area and there was a brief discussion with Mr. Tyler regarding the upgrades.

**ADKC HOLDINGS (City Hall Lease):** City Manager Jackson explained to council this second amendment to the city hall leasing contract is due to the fact that during the process to get a certificate of occupancy for this area, the owner would be required to build a firewall for the space not currently used by city hall, which is cost prohibitive. This amendment grants the city usage of the rest of this floor for \$10.00 a year. Council Member Aulbach motioned, seconded by Council Member Christopher to approve this action item regarding the second amendment to the ADKC Holdings Lease Agreement. There being no further discussion, the motion carried unanimously. **(ACTION ITEM)**

**OTHER BUSINESS:** No other business.

**EXECUTIVE SESSION:** Council Member Gratwick motioned, seconded by Council Member Wright 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

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Joan C. Jones, Acting City Clerk



# Memo

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TO: Mayor and Council

CC: Julian Jackson, City Manager

FROM: Diana Wheeler, Community Development Director

SUBJECT: Staff Activity Report

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The following is a summary of Staff activity during the week of 12/3/12 – 12/7/12.

- A. Meetings with:
  - 1. Committee reviewing Comprehensive Plan proposals.
  - 2. Staff working on Grand Opening events.
  - 3. Consultants for Development Services to discuss start-up logistics
- B. Researched furniture options for contracted staff.
- C. Worked on Business License computer program installation.
- D. Requested bids for custom awning.
- E. Purchased office supplies including printers and gallery wall hanging system.
- F. Responded to phone calls and e-mails from residents, business people, and others.

## **Gwinnett County Activity Report**

- A. 26 building permits were issued.
- B. no development permits were issued.
- C. no development plans were submitted.



**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 11/26/2012 AND 11/30/2012 FOR THE CITY OF PEACHTREE CORNERS**

**CASE NUMBER BLD2012-10467 PARCEL # 6281 038 ISSUED ON 11/26/2012 PROJECT: FOUR CORNERS, SALON DE BELLEZA**

**CENSUS TRACT:** 050304  
**LOT:**  
**BLOCK:**  
**SUBDIVISION:** undefined  
**ST ADDRESS, CITY:** 3330 PEACHTREE CORNERS CIR, NORCROSS  
**COMM/RES:** Commercial  
**WORK DESC:** TENANT CHANGE, SUITE G, SALON DE BELLEZA

**CONTRACTOR:** SALON DE BELLEZA  
 3330 PEACHTREE CORNERS CIRCLE  
 TENANT  
 NORCROSS, GA 30092  
 678 330 8006

**TENANT:** SALON DE BELLEZA  
**USE:** Commercial Zoning C1,C2,C3  
**TYPE OF WORK:** Tenant Change

**ZONING DISTRICT:** C2  
**NO. OF UNITS:**  
**ESTIMATED COST:** \$0.00  
**HEATED AREA:** 1440  
**UNHEATED AREA:**  
**Sewer/Septic:** Sewer  
**Payment Received:** \$180.00

**CASE NUMBER BLD2012-10541 PARCEL # 6276 055 ISSUED ON 11/30/2012 PROJECT: GOVERNORS LAKE, FSF ARCHITECTURE**

**CENSUS TRACT:** 050304  
**LOT:**  
**BLOCK:**  
**SUBDIVISION:** GOVERNORS LAKE  
**ST ADDRESS, CITY:** 3091 GOVERNORS LAKE DR BLDG 100 - SUITE 100, NORCROSS  
**COMM/RES:** Commercial  
**WORK DESC:** INTERIOR FINISH PERMIT, SUITE 150, FSF ARCHITECTURE

**CONTRACTOR:** B H PAYNE CONSTRUCTION  
 4940 PEACHTREE IND BLVD  
 SUITE 395  
 NORCROSS, GA 30019  
 770.448.9533

**TENANT:** FSF ARCHITECTURE  
**USE:** Commercial Manufacturing  
**TYPE OF WORK:** Interior Finish

**ZONING DISTRICT:** M1  
**NO. OF UNITS:**  
**ESTIMATED COST:** \$70,000.00  
**HEATED AREA:** 2800  
**UNHEATED AREA:**  
**Sewer/Septic:** Sewer  
**Payment Received:** \$764.00

**CASE NUMBER BLD2012-10880 PARCEL # 6274 051 ISSUED ON 11/26/2012 PROJECT: PEACHTREE SQUARE NORTH - THREE DOLLAR CAFE**

**CENSUS TRACT:** 050310  
**LOT:**  
**BLOCK:**  
**SUBDIVISION:** undefined  
**ST ADDRESS, CITY:** 6050 PEACHTREE PKWY 100, PEACHTREE CORNERS  
**COMM/RES:** Commercial  
**WORK DESC:** HVAC ONLY, INSTALL GREASE HOOD FOR THREE DOLLAR CAFE SUITE 100

**CONTRACTOR:** FOWLES VENT HOODS  
 185 MEMORIAL DR SW  
 ATLANTA, GA 30303  
 404-524-8042

**TENANT:** THREE DOLLAR CAFE  
**USE:** Commercial Zoning C1,C2,C3  
**TYPE OF WORK:** Mechanical Only

**ZONING DISTRICT:** C2  
**NO. OF UNITS:**  
**ESTIMATED COST:** \$5,000.00  
**HEATED AREA:**  
**UNHEATED AREA:** 816  
**Sewer/Septic:** Sewer  
**Payment Received:** \$130.00



CASE NUMBER	BLD2012-10957	PARCEL # 6284 026	ISSUED ON 11/27/2012	PROJECT: PEACHTREE RIDGE, IMG LIVE
	437 Alterations (Non-Res), Interior Finish		<b>CONTRACTOR:</b> KR-WITWER INC	<b>ZONING DISTRICT:</b> M1
<b>CENSUS TRACT:</b>	050310		3883 ROGERS BRIDGE ROAD STE 703	<b>NO. OF UNITS:</b>
<b>LOT:</b>				<b>ESTIMATED COST:</b> \$33,000.00
<b>BLOCK:</b>			DULUTH, GA 30097	<b>HEATED AREA:</b> 2152
<b>SUBDIVISION:</b>			678.775.3150	<b>UNHEATED AREA:</b>
<b>ST ADDRESS, CITY:</b>	3500 - 2 PARKWAY LN SUITE 280, NORCROSS		<b>TENANT:</b> IMG LIVE	<b>Sewer/Septic:</b> Sewer
<b>COMM/RES:</b>	Commercial		<b>USE:</b> Commercial Manufacturing	<b>Payment Received:</b> \$515.00
			<b>TYPE OF WORK:</b> Interior Finish	
<b>WORK DESC:</b>	INTERIOR FINISH PERMIT, SUITE 280, IMG LIVE			
CASE NUMBER	BLD2012-10971	PARCEL # 6244 079	ISSUED ON 11/26/2012	PROJECT: GWINNETT CENTER O/P-LAURA DELGADO
	0/S Fire Repair, Sign, Above Ground Pool, Mech		<b>CONTRACTOR:</b> LAURA DELGADO	<b>ZONING DISTRICT:</b> C2
<b>CENSUS TRACT:</b>	050306		6185 BUFORD HWY	<b>NO. OF UNITS:</b>
<b>LOT:</b>			TENANT	<b>ESTIMATED COST:</b> \$0.00
<b>BLOCK:</b>			NORCROSS, GA 30071	<b>HEATED AREA:</b> 3700
<b>SUBDIVISION:</b>			678.381.1387	<b>UNHEATED AREA:</b>
<b>ST ADDRESS, CITY:</b>	6185 BUFORD HWY B-103 - STE 103, NORCROSS		<b>TENANT:</b> LAURA DELGADO	<b>Sewer/Septic:</b> Sewer
<b>COMM/RES:</b>	Commercial		<b>USE:</b> Commercial Zoning C1,C2,C3	<b>Payment Received:</b> \$180.00
			<b>TYPE OF WORK:</b> Tenant Change	
<b>WORK DESC:</b>	TENANT CHANGE, SUITE B-103, LAURA DELGADO			
CASE NUMBER	BLD2012-11032	PARCEL # 6303 053	ISSUED ON 11/26/2012	PROJECT: CEDAR CORNERS 20-B
	0/S Fire Repair, Sign, Above Ground Pool, Mech		<b>CONTRACTOR:</b> REMAX, OWNER	<b>ZONING DISTRICT:</b> R100
<b>CENSUS TRACT:</b>	503.10		1101 JUNIPER ST	<b>NO. OF UNITS:</b>
<b>LOT:</b>	020			<b>ESTIMATED COST:</b> \$0.00
<b>BLOCK:</b>	B		ATLANTA, GA 30309	<b>HEATED AREA:</b>
<b>SUBDIVISION:</b>	CEDAR CORNERS		404.881.1705	<b>UNHEATED AREA:</b>
<b>ST ADDRESS, CITY:</b>	3632 CEDAR CORNERS PL, NORCROSS		<b>TENANT:</b>	<b>Sewer/Septic:</b>
<b>COMM/RES:</b>	Residential		<b>USE:</b> Single Family Detached Dwelling	<b>Payment Received:</b> \$30.00
			<b>TYPE OF WORK:</b> Electrical Only	
<b>WORK DESC:</b>	ELECTRICAL ONLY, ELECTRICAL REVIEW FOR POWER RECONNECT			



CASE NUMBER	BLD2012-11033	PARCEL # 6277A102	ISSUED ON 11/26/2012	PROJECT: WINTERHILL, 8C
	0/S Fire Repair, Sign, Above Ground Pool, Mech		<b>CONTRACTOR:</b> FANNIE MAE	<b>ZONING DISTRICT:</b> R75
<b>CENSUS TRACT:</b>	050304		14221 DALLAS PARKWAY	<b>NO. OF UNITS:</b>
<b>LOT:</b>	008		SUITE 1000	<b>ESTIMATED COST:</b> \$0.00
<b>BLOCK:</b>	C		DALLAS, TX 75254	<b>HEATED AREA:</b>
<b>SUBDIVISION:</b>	WINTERHILL		972.676.2852	<b>UNHEATED AREA:</b>
<b>ST ADDRESS, CITY:</b>	3152 SPRING DR, DORAVILLE		<b>TENANT:</b>	<b>Sewer/Septic:</b>
<b>COMM/RES:</b>	Registration		<b>USE:</b> Single Family Detached Dwelling	<b>Payment Received:</b> \$100.00
<b>WORK DESC:</b>	VACANT STRUCTURE REGISTRATION		<b>TYPE OF WORK:</b> Registration VS	
CASE NUMBER	BLD2012-11094	PARCEL # 6270 018	ISSUED ON 11/27/2012	PROJECT: NORTHWOODS OFFICE PARK,PROGRO
	0/S Fire Repair, Sign, Above Ground Pool, Mech		<b>CONTRACTOR:</b> PROGRO LLC	<b>ZONING DISTRICT:</b> M1
<b>CENSUS TRACT:</b>	050309		3145 NORTHWOODS PKWY	<b>NO. OF UNITS:</b>
<b>LOT:</b>			TENANT CHANGE	<b>ESTIMATED COST:</b> \$0.00
<b>BLOCK:</b>			NORCROSS, GA 30071	<b>HEATED AREA:</b> 8407
<b>SUBDIVISION:</b>	NORTHWOODS		770.448.7627	<b>UNHEATED AREA:</b>
<b>ST ADDRESS, CITY:</b>	3145 NORTHWOODS PKWY STE 600, NORCROSS		<b>TENANT:</b> PROGRO	<b>Sewer/Septic:</b> Sewer
<b>COMM/RES:</b>	Commercial		<b>USE:</b> Commercial Manufacturing	<b>Payment Received:</b> \$180.00
<b>WORK DESC:</b>	TENANT CHANGE, SUITE 600,PROGRO		<b>TYPE OF WORK:</b> Tenant Change	
CASE NUMBER	BLD2012-11099	PARCEL # 6304 103	ISSUED ON 11/27/2012	PROJECT: COURTSIDE 001B
	0/S Fire Repair, Sign, Above Ground Pool, Mech		<b>CONTRACTOR:</b> MISTER SPARKY	<b>ZONING DISTRICT:</b> R100
<b>CENSUS TRACT:</b>	050310		2064 CANTON RD	<b>NO. OF UNITS:</b>
<b>LOT:</b>	001			<b>ESTIMATED COST:</b> \$2,400.00
<b>BLOCK:</b>	B		MARIETTA, GA 30066	<b>HEATED AREA:</b>
<b>SUBDIVISION:</b>	COURTSIDE		770.614.1189	<b>UNHEATED AREA:</b>
<b>ST ADDRESS, CITY:</b>	3793 COURTSIDE TER, NORCROSS		<b>TENANT:</b>	<b>Sewer/Septic:</b> Unknown
<b>COMM/RES:</b>	Residential		<b>USE:</b> Single Family Detached Dwelling	<b>Payment Received:</b> \$30.00
<b>WORK DESC:</b>	ELECTRIC ONLY, ONE FOR ONE 150 AMP PANEL CHANGE		<b>TYPE OF WORK:</b> Electrical Only	



CASE NUMBER	BLD2012-11117	PARCEL # 6299 163	ISSUED ON 11/28/2012	PROJECT: RIVER PLACE 007E
	434 Alterations(Res), Deck, Porch, Remodel		<b>CONTRACTOR:</b> FACTORY DIRECT REMODELING INC	<b>ZONING DISTRICT:</b> R100
<b>CENSUS TRACT:</b>	050309		2687 MCCOLLUM PKWY	<b>NO. OF UNITS:</b>
<b>LOT:</b>	007		STE F	<b>ESTIMATED COST:</b> \$7,000.00
<b>BLOCK:</b>	E		KENNESAW, GA 30144	<b>HEATED AREA:</b>
<b>SUBDIVISION:</b>	RIVER PLACE		770.919.0955	<b>UNHEATED AREA:</b> 228
<b>ST ADDRESS, CITY:</b>	4697 WOODSTONE LN, DULUTH		<b>TENANT:</b>	<b>Sewer/Septic:</b> Septic
<b>COMM/RES:</b>	Residential		<b>USE:</b> Single Family Detached Dwelling	<b>Payment Received:</b> \$67.00
			<b>TYPE OF WORK:</b> Additions	
<b>WORK DESC:</b>	ADDING A 12' X 19' SCREENED IN ROOM ON THE 12' X 29' DECK			
CASE NUMBER	BLD2012-11118	PARCEL # 6284 026	ISSUED ON 11/29/2012	PROJECT: PEACHTREE RIDGE, NOVANET
	437 Alterations (Non-Res), Interior Finish		<b>CONTRACTOR:</b> DOVE CONTRACTING INC	<b>ZONING DISTRICT:</b> M1
<b>CENSUS TRACT:</b>	050310		292 SOUTH MAIN ST	<b>NO. OF UNITS:</b>
<b>LOT:</b>				<b>ESTIMATED COST:</b> \$28,725.00
<b>BLOCK:</b>			ALPHARETTA, GA 30009	<b>HEATED AREA:</b>
<b>SUBDIVISION:</b>	ROYAL PEACHTREE CORNERS		770.777.0055	<b>UNHEATED AREA:</b>
<b>ST ADDRESS, CITY:</b>	3500 PARKWAY LN SUITE 440, NORCROSS		<b>TENANT:</b> NOVANET	<b>Sewer/Septic:</b> Sewer
<b>COMM/RES:</b>	Commercial		<b>USE:</b> Commercial Zoning C1,C2,C3	<b>Payment Received:</b> \$493.63
			<b>TYPE OF WORK:</b> Interior Finish	
<b>WORK DESC:</b>	INTERIOR FINISH, SUITE 440, NOVANET			
CASE NUMBER	BLD2012-11156	PARCEL # 6274 004	ISSUED ON 11/29/2012	PROJECT: THE CENTRE AT PEACHTREE CORNERS
	437 Alterations (Non-Res), Interior Finish		<b>CONTRACTOR:</b> BUCKHAVEN LLC	<b>ZONING DISTRICT:</b> RM
<b>CENSUS TRACT:</b>	050317		6753 JONES MILL CT	<b>NO. OF UNITS:</b>
<b>LOT:</b>				<b>ESTIMATED COST:</b> \$23,460.00
<b>BLOCK:</b>			NORCROSS, GA 30092	<b>HEATED AREA:</b>
<b>SUBDIVISION:</b>			770.263.0616	<b>UNHEATED AREA:</b>
<b>ST ADDRESS, CITY:</b>	1500 HOLCOMB BRIDGE RD, NORCROSS		<b>TENANT:</b> THE CENTRE AT PEACHTREE CORNERS	<b>Sewer/Septic:</b> Sewer
<b>COMM/RES:</b>	Commercial		<b>USE:</b> Apartments	<b>Payment Received:</b> \$242.30
			<b>TYPE OF WORK:</b> Interior Finish	
<b>WORK DESC:</b>	INTERIOR FINISH PERMITS, BUILDING NO. 1511, PLANS WITH BLD2012-11150			



CASE NUMBER	BLD2012-11157	PARCEL # 6274 004	ISSUED ON 11/29/2012	PROJECT: THE CENTRE AT PEACHTREE CORNERS
	437 Alterations (Non-Res),	Interior Finish	<b>CONTRACTOR:</b> BUCKHAVEN LLC	<b>ZONING DISTRICT:</b> RM
<b>CENSUS TRACT:</b>	050317		6753 JONES MILL CT	<b>NO. OF UNITS:</b>
<b>LOT:</b>				<b>ESTIMATED COST:</b> \$23,460.00
<b>BLOCK:</b>			NORCROSS, GA 30092	<b>HEATED AREA:</b>
<b>SUBDIVISION:</b>			770.263.0616	<b>UNHEATED AREA:</b>
<b>ST ADDRESS, CITY:</b>	1500 HOLCOMB BRIDGE RD, NORCROSS		<b>TENANT:</b> THE CENTRE AT PEACHTREE CORNERS	<b>Sewer/Septic:</b> Sewer
<b>COMM/RES:</b>	Commercial		<b>USE:</b> Apartments	<b>Payment Received:</b> \$242.30
			<b>TYPE OF WORK:</b> Interior Finish	
<b>WORK DESC:</b>	INTERIOR FINISH PERMIT, THE CENTER AT PEACHTREE CORNERS, BUILDING NO. 1509, PLANS WITH BLD2012-11150			
CASE NUMBER	BLD2012-11168	PARCEL # 6274 004	ISSUED ON 11/29/2012	PROJECT: THE CENTRE AT PEACHTREE CORNERS
	437 Alterations (Non-Res),	Interior Finish	<b>CONTRACTOR:</b> BUCKHAVEN LLC	<b>ZONING DISTRICT:</b> RM
<b>CENSUS TRACT:</b>	050317		6753 JONES MILL CT	<b>NO. OF UNITS:</b>
<b>LOT:</b>				<b>ESTIMATED COST:</b> \$23,460.00
<b>BLOCK:</b>			NORCROSS, GA 30092	<b>HEATED AREA:</b>
<b>SUBDIVISION:</b>			770.263.0616	<b>UNHEATED AREA:</b>
<b>ST ADDRESS, CITY:</b>	1500 HOLCOMB BRIDGE RD, NORCROSS		<b>TENANT:</b> THE CENTRE AT PEACHTREE CORNERS	<b>Sewer/Septic:</b> Sewer
<b>COMM/RES:</b>	Commercial		<b>USE:</b> Apartments	<b>Payment Received:</b> \$242.30
			<b>TYPE OF WORK:</b> Interior Finish	
<b>WORK DESC:</b>	INTERIOR FINISH, THE CENTRE AT PEACHTREE CORNERS, BUILDING 1505, PLANS WITH BLD2012-11150			
CASE NUMBER	BLD2012-11169	PARCEL # 6274 004	ISSUED ON 11/29/2012	PROJECT: THE CENTRE AT PEACHTREE CORNERS
	437 Alterations (Non-Res),	Interior Finish	<b>CONTRACTOR:</b> BUCKHAVEN LLC	<b>ZONING DISTRICT:</b> RM
<b>CENSUS TRACT:</b>	050317		6753 JONES MILL CT	<b>NO. OF UNITS:</b>
<b>LOT:</b>				<b>ESTIMATED COST:</b> \$23,460.00
<b>BLOCK:</b>			NORCROSS, GA 30092	<b>HEATED AREA:</b>
<b>SUBDIVISION:</b>			770.263.0616	<b>UNHEATED AREA:</b>
<b>ST ADDRESS, CITY:</b>	1500 HOLCOMB BRIDGE RD, NORCROSS		<b>TENANT:</b> THE CENTRE AT PEACHTREE CORNERS	<b>Sewer/Septic:</b> Sewer
<b>COMM/RES:</b>	Commercial		<b>USE:</b> Apartments	<b>Payment Received:</b> \$242.30
			<b>TYPE OF WORK:</b> Interior Finish	
<b>WORK DESC:</b>	INTERIOR FINISH, THE CENTRE AT PEACHTREE CORNERS, BLDG 1503, PLANS WITH BLD2012-11150			



CASE NUMBER	BLD2012-11170	PARCEL # 6274 004	ISSUED ON 11/29/2012	PROJECT: THE CENTRE AT PEACHTREE CORNERS
	437 Alterations (Non-Res), Interior Finish		<b>CONTRACTOR:</b> BUCKHAVEN LLC	<b>ZONING DISTRICT:</b> RM
<b>CENSUS TRACT:</b>	050317		6753 JONES MILL CT	<b>NO. OF UNITS:</b>
<b>LOT:</b>				<b>ESTIMATED COST:</b> \$23,460.00
<b>BLOCK:</b>			NORCROSS, GA 30092	<b>HEATED AREA:</b>
<b>SUBDIVISION:</b>			770.263.0616	<b>UNHEATED AREA:</b>
<b>ST ADDRESS, CITY:</b>	1500 HOLCOMB BRIDGE RD, NORCROSS		<b>TENANT:</b> THE CENTRE AT PEACHTREE CORNERS	<b>Sewer/Septic:</b> Sewer
<b>COMM/RES:</b>	Commercial		<b>USE:</b> Apartments	<b>Payment Received:</b> \$484.60
			<b>TYPE OF WORK:</b> Interior Finish	
<b>WORK DESC:</b>	INTERIOR FINISH PERMITS, BUILDING 1501, THE CENTRE AT PEACHTREE CORNERS, PLANS WITH BLD2012-11150			
CASE NUMBER	BLD2012-11200	PARCEL # 6334 209	ISSUED ON 11/28/2012	PROJECT: NEELY FARMS 020G
	434 Alterations(Res), Deck, Porch, Remodel		<b>CONTRACTOR:</b> SAN/DALL GROUP INC	<b>ZONING DISTRICT:</b> R100
<b>CENSUS TRACT:</b>	050321		285 CLIPPER BAY DR	<b>NO. OF UNITS:</b>
<b>LOT:</b>	020			<b>ESTIMATED COST:</b> \$18,000.00
<b>BLOCK:</b>	G		ALPHARETTA, GA 300005	<b>HEATED AREA:</b>
<b>SUBDIVISION:</b>	NEELY FARM		770.475.5527	<b>UNHEATED AREA:</b> 644
<b>ST ADDRESS, CITY:</b>	6191 NEELY FARM DR, NORCROSS		<b>TENANT:</b>	<b>Sewer/Septic:</b> Sewer
<b>COMM/RES:</b>	Residential		<b>USE:</b> Single Family Detached Dwelling	<b>Payment Received:</b> \$133.00
			<b>TYPE OF WORK:</b> Additions	
<b>WORK DESC:</b>	28' X 23' DECK & W/STAIRS, ROOF OVER PORTION 12' X 20'			
CASE NUMBER	BLD2012-11216	PARCEL # 6276 044	ISSUED ON 11/29/2012	PROJECT: PEACHTREE CORPORATE CENTER, ALL ABOUT AUTO
	437 Alterations (Non-Res), Interior Finish		<b>CONTRACTOR:</b> ALL ABOUT AUTO	<b>ZONING DISTRICT:</b> C-2
<b>CENSUS TRACT:</b>	050304		6689 PEACHTREE IND BLVD	<b>NO. OF UNITS:</b>
<b>LOT:</b>			INTERIOR FINISH	<b>ESTIMATED COST:</b> \$500.00
<b>BLOCK:</b>			PEACHTREE CORNERS, GA 30092	<b>HEATED AREA:</b> 1184
<b>SUBDIVISION:</b>	undefined			<b>UNHEATED AREA:</b>
<b>ST ADDRESS, CITY:</b>	6689 - 1 PEACHTREE IND BLVD BLDG E - SUITE N, NORCROSS		<b>TENANT:</b> ALL ABOUT AUTO	<b>Sewer/Septic:</b> Sewer
<b>COMM/RES:</b>	Commercial		<b>USE:</b> Commercial Zoning C1,C2,C3	<b>Payment Received:</b> \$180.00
			<b>TYPE OF WORK:</b> Interior Finish	
<b>WORK DESC:</b>	INTERIOR FINISH PERMIT, SUITE N, BUILDING E, (CLOSED OPENING BETWEEN SUITES W/O PERMIT)			



CASE NUMBER	BLD2012-11228	PARCEL # 6285 036	ISSUED ON 11/30/2012	PROJECT: GEORGIA COMMERCE BANK
	0/S Fire Repair, Sign, Above Ground Pool, Mech		<b>CONTRACTOR:</b> HENRY SIGN SYSTEMS INC	<b>ZONING DISTRICT:</b> M1
<b>CENSUS TRACT:</b>	050310		2285 PARK CENTRAL BLVD	<b>NO. OF UNITS:</b>
<b>LOT:</b>				<b>ESTIMATED COST:</b> \$8,000.00
<b>BLOCK:</b>			DECATUR, GA 30035	<b>HEATED AREA:</b>
<b>SUBDIVISION:</b>	TECHNOLOGY PARK/ATLANTA		770.593.1234	<b>UNHEATED AREA:</b>
<b>ST ADDRESS, CITY:</b>	200 SCIENTIFIC DR, NORCROSS		<b>TENANT:</b> GEORGIA COMMERCE BANK	<b>Sewer/Septic:</b> Sewer
			RENOVATION	
<b>COMM/RES:</b>	Commercial		<b>USE:</b> Sign	<b>Payment Received:</b> \$48.00
			<b>TYPE OF WORK:</b> Complete Building Permit	
<b>WORK DESC:</b>	OTHER,GROUND SIGN FOR GEORGIA COMMERCE BANK			
CASE NUMBER	BLD2012-11230	PARCEL # 6285 036	ISSUED ON 11/30/2012	PROJECT: GEORGIA COMMERCE BANK
	0/S Fire Repair, Sign, Above Ground Pool, Mech		<b>CONTRACTOR:</b> HENRY SIGN SYSTEMS INC	<b>ZONING DISTRICT:</b> M1
<b>CENSUS TRACT:</b>	050310		2285 PARK CENTRAL BLVD	<b>NO. OF UNITS:</b>
<b>LOT:</b>				<b>ESTIMATED COST:</b> \$13,000.00
<b>BLOCK:</b>			DECATUR, GA 30035	<b>HEATED AREA:</b>
<b>SUBDIVISION:</b>	TECHNOLOGY PARK/ATLANTA		770.593.1234	<b>UNHEATED AREA:</b>
<b>ST ADDRESS, CITY:</b>	200 SCIENTIFIC DR, NORCROSS		<b>TENANT:</b> GEORGIA COMMERCE BANK	<b>Sewer/Septic:</b> Sewer
			RENOVATION	
<b>COMM/RES:</b>	Commercial		<b>USE:</b> Sign	<b>Payment Received:</b> \$78.00
			<b>TYPE OF WORK:</b> Complete Building Permit	
<b>WORK DESC:</b>	OTHER, GROUND SIGN FOR GEORGIA COMMERCE BANK			
CASE NUMBER	BLD2012-11250	PARCEL # 6313 009	ISSUED ON 11/30/2012	PROJECT: SPALDIN PLAZA, FLASH NAILS SPA
	0/S Fire Repair, Sign, Above Ground Pool, Mech		<b>CONTRACTOR:</b> FLASH NAILS SPA	<b>ZONING DISTRICT:</b> C2
<b>CENSUS TRACT:</b>	050310		6470 SPALDING DR	<b>NO. OF UNITS:</b>
<b>LOT:</b>				<b>ESTIMATED COST:</b> \$0.00
<b>BLOCK:</b>			NORCROSS, GA 30092	<b>HEATED AREA:</b> 1200
<b>SUBDIVISION:</b>			770.368.0409	<b>UNHEATED AREA:</b>
<b>ST ADDRESS, CITY:</b>	6470 SPALDING DR I, NORCROSS		<b>TENANT:</b> FLASH NAILS SPA	<b>Sewer/Septic:</b> Sewer
			<b>USE:</b> Commercial Zoning C1,C2,C3	<b>Payment Received:</b> \$180.00
<b>COMM/RES:</b>	Commercial		<b>TYPE OF WORK:</b> Tenant Change	
<b>WORK DESC:</b>	TENANT CHANGE, SUITE I,FLASH NAILS SPA ( NO RECORD OF A NAIL SALON BEFORE)			



CASE NUMBER	BLD2012-11252	PARCEL # 6257 004	ISSUED ON 11/30/2012	PROJECT: NORCROSS B/C		
	0/S Fire Repair, Sign, Above Ground Pool, Mech		<b>CONTRACTOR:</b>	CROFT HEATING & AIR	<b>ZONING DISTRICT:</b>	M1
<b>CENSUS TRACT:</b>	050311			2005 BASCOMB CAIMEL ROAD	<b>NO. OF UNITS:</b>	
<b>LOT:</b>					<b>ESTIMATED COST:</b>	\$100.00
<b>BLOCK:</b>				WOOSTOCK, GA 30189	<b>HEATED AREA:</b>	
<b>SUBDIVISION:</b>				770.516.7950	<b>UNHEATED AREA:</b>	
<b>ST ADDRESS, CITY:</b>	4995 BUFORD HWY STE 104, NORCROSS		<b>TENANT:</b>		<b>Sewer/Septic:</b>	
<b>COMM/RES:</b>	Commercial		<b>USE:</b>	Commercial Zoning C1,C2,C3	<b>Payment Received:</b>	\$30.00
<b>WORK DESC:</b>	HVAC ONLY, PRESSURE TEST GAS LINE, SUITE 104		<b>TYPE OF WORK:</b>	Mechanical Only		
CASE NUMBER	BLD2012-11253	PARCEL # 6257 004	ISSUED ON 11/30/2012	PROJECT: NORCROSS B/C		
	0/S Fire Repair, Sign, Above Ground Pool, Mech		<b>CONTRACTOR:</b>	CROFT HEATING & AIR	<b>ZONING DISTRICT:</b>	M1
<b>CENSUS TRACT:</b>	050311			2005 BASCOMB CAIMEL ROAD	<b>NO. OF UNITS:</b>	
<b>LOT:</b>					<b>ESTIMATED COST:</b>	\$100.00
<b>BLOCK:</b>				WOOSTOCK, GA 30189	<b>HEATED AREA:</b>	
<b>SUBDIVISION:</b>				770.516.7950	<b>UNHEATED AREA:</b>	
<b>ST ADDRESS, CITY:</b>	4995 BUFORD HWY STE 100, NORCROSS		<b>TENANT:</b>		<b>Sewer/Septic:</b>	
<b>COMM/RES:</b>	Commercial		<b>USE:</b>	Commercial Zoning C1,C2,C3	<b>Payment Received:</b>	\$30.00
<b>WORK DESC:</b>	OTHER, PRESSURE TEST GAS LINE, SUITE 100		<b>TYPE OF WORK:</b>	Mechanical Only		
CASE NUMBER	BLD2012-11263	PARCEL # 6281B059	ISSUED ON 11/30/2012	PROJECT: AUTUMN TRACE,		
	0/S Fire Repair, Sign, Above Ground Pool, Mech		<b>CONTRACTOR:</b>	PLUMBING WORKS	<b>ZONING DISTRICT:</b>	RM
<b>CENSUS TRACT:</b>	050315			P O BOX 956425	<b>NO. OF UNITS:</b>	
<b>LOT:</b>					<b>ESTIMATED COST:</b>	\$250.00
<b>BLOCK:</b>				DULUTH, GA 30097	<b>HEATED AREA:</b>	
<b>SUBDIVISION:</b>				770.513.9472	<b>UNHEATED AREA:</b>	
<b>ST ADDRESS, CITY:</b>	6627 HARVEST ML, NORCROSS		<b>TENANT:</b>		<b>Sewer/Septic:</b>	
<b>COMM/RES:</b>	Residential		<b>USE:</b>	Single Family Detached Dwelling	<b>Payment Received:</b>	\$30.00
<b>WORK DESC:</b>	PLUMBING ONLY, REPLACE WATER HEATER		<b>TYPE OF WORK:</b>	Plumbing Only		



<b>CASE NUMBER</b>	<b>BLD2012-11265</b>	<b>PARCEL #</b>	<b>6244 106</b>	<b>ISSUED ON</b>	<b>11/30/2012</b>	<b>PROJECT:</b>	<b>GWINNETT CENTER/ PSYCHIC READINGS BY VICTORIA/ SUITE 400</b>
	0/S Fire Repair, Sign, Above Ground Pool, Mech			<b>CONTRACTOR:</b>	PSYCHIC READINGS BY VICTORIA	<b>ZONING DISTRICT:</b>	C2
<b>CENSUS TRACT:</b>	050306				6185 BUFORD HWY	<b>NO. OF UNITS:</b>	
<b>LOT:</b>						<b>ESTIMATED COST:</b>	\$0.00
<b>BLOCK:</b>					NORCROSS, GA 30071	<b>HEATED AREA:</b>	
<b>SUBDIVISION:</b>					404.931.5970	<b>UNHEATED AREA:</b>	
<b>ST ADDRESS, CITY:</b>	6185 BUFORD HWY E - 400, NORCROSS			<b>TENANT:</b>	PSYCHIC READINGS BY VICTORIA/ SUITE 400	<b>Sewer/Septic:</b>	Sewer
<b>COMM/RES:</b>	Commercial			<b>USE:</b>	Commercial Zoning C1,C2,C3	<b>Payment Received:</b>	\$180.00
				<b>TYPE OF WORK:</b>	Tenant Change		
<b>WORK DESC:</b>	TENANT CHANGE, PSYCHIC READINGS BY VICTORIA, SUITE 400 BLDG E						

<b>CASE NUMBER</b>	<b>BLD2012-11270</b>	<b>PARCEL #</b>	<b>6276 044</b>	<b>ISSUED ON</b>	<b>11/30/2012</b>	<b>PROJECT:</b>	<b>PEACHTREE CORPORATE CENTER, WEEKS MAINTENANCE SYSTEMS</b>
	0/S Fire Repair, Sign, Above Ground Pool, Mech			<b>CONTRACTOR:</b>	WEEKS MAINTENANCE SYSTEMS	<b>ZONING DISTRICT:</b>	C-2
<b>CENSUS TRACT:</b>	050304				6689 PEACHTREE IND BLVD	<b>NO. OF UNITS:</b>	
<b>LOT:</b>					INTERIOR FINISH	<b>ESTIMATED COST:</b>	\$0.00
<b>BLOCK:</b>					PEACHTREE CORNERS, GA 30092	<b>HEATED AREA:</b>	2000
<b>SUBDIVISION:</b>	undefined					<b>UNHEATED AREA:</b>	
<b>ST ADDRESS, CITY:</b>	6689 - 1 PEACHTREE IND BLVD BLDG E - SUITE A, NORCROSS			<b>TENANT:</b>	WEEKS MAINTENANCE SYSTEMS	<b>Sewer/Septic:</b>	Sewer
<b>COMM/RES:</b>	Commercial			<b>USE:</b>	Commercial Zoning C1,C2,C3	<b>Payment Received:</b>	\$180.00
				<b>TYPE OF WORK:</b>	Tenant Change		
<b>WORK DESC:</b>	TENANT CHANGE PERMIT, SUITE A, BUILDING E, WEEKS MAINTENANCE SYSTEMS						

**TOTAL PERMITS ISSUED: 26**



**AN ORDINANCE TO ESTABLISH A REGULAR CITY COUNCIL  
MEETING SCHEDULE FOR THE CALENDAR YEAR 2013**

**WHEREAS**, the Mayor and Council of the City of Peachtree Corners is required under the City Charter to hold regular monthly meetings and shall hold at least one meeting a month; and

**WHEREAS**, the Mayor and City Council of the City of Peachtree Corners have determined that in order to be a more effective governing body, they deem it necessary to authorize two scheduled meetings a month; and

**WHEREAS**, all meetings of the City Council shall be public to the extent required by law and the City Clerk shall give proper notice to the public of special meetings, as required by law; and

**WHEREAS**, the City Charter, Article II, Section 2.18(a) provides the Regular Meetings shall be held pursuant to an annual meeting calendar adopted by the city council by ordinance.

**NOW THEREFORE BE IT HEREBY ORDAINED** by the Mayor and City Council of the City of Peachtree Corners while in regular session on December 4, 2012 that the 2013 Meeting Calendar for the City of Peachtree Corners, which is attached hereto and incorporated herein by this reference as Exhibit "A" is hereby adopted and approved.

**SO ORDAINED**, this the 18th day of December, 2012.

Approved:

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

Attest:

Approved as to Form and Content:

\_\_\_\_\_  
Joan C. Jones, Acting City Clerk

\_\_\_\_\_  
William F. Riley, City Attorney

# EXHIBIT "A"

JANUARY						
S	M	T	W	T	F	S
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13	14	15	16	17	18	19
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27	28	29	30	31		

FEBRUARY						
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MARCH						
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APRIL						
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JULY						
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AUGUST						
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SEPTEMBER						
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OCTOBER						
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NOVEMBER						
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DECEMBER						
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# 2013 MEETING CALENDAR

## 2013 Council and Work Session Meeting Calendar

- **WORK SESSION ONLY Dates**  
A Work Session is scheduled on dates highlighted: they may be canceled by Council if not needed.
- **COUNCIL MEETING AT 7:30PM**
- **Observed Holidays**
  - 1/1 New Years Day
  - 1/21 MLK Day
  - 2/18 Presidents Day
  - 5/27 Memorial Day
  - 7/4 4<sup>th</sup> of July
  - 9/2 Labor Day
  - 11/11 Veteran's Day
  - 11/28-29 Thanksgiving
  - 12/24-25 Christmas Eve/Day
- **2013 Gwinnett County School Calendar**
  - April 8-12 Spring Break
  - May 22 Last Day of School
  - August 5 First Day of School\*\*
  - Nov. 18-22 Thanksgiving \*\*
  - Dec. 19-Jan 2 Winter Holiday\*\*
- **2013 GMA Conference**  
January 26-28, 2013 - Atlanta, GA  
June 22-25, 2013 - Savannah, GA

### Various Public Meeting Schedule

Planning Commission  
Board of Zoning Appeals

\*\*Date Options - 2013-14 School Calendar has not been adopted.

**AN ORDINANCE TO ADOPT CHAPTER 90, SOLID WASTE, TO PROVIDE FOR REGULATION OF SOLID WASTE DISPOSAL SERVICES IN THE CITY OF PEACHTREE CORNERS; TO PROVIDE FOR CODIFICATION; TO PROVIDE FOR SEVERABILITY; TO PROVIDE AN EFFECTIVE DATE; AND FOR OTHER PURPOSES**

**WHEREAS**, the Mayor and City Council is the duly constituted governing authority for the City of Peachtree Corners; and

**WHEREAS**, the Mayor and City Council desire to provide for and regulate certain solid waste collection services inside the City of Peachtree Corners; and

**WHEREAS**, pursuant to the City Charter and State Law, the City of Peachtree Corners is authorizes to regulate Solid Waste Collection services as part of its execution of the necessary solid waste management plan.

**NOW, THEREFORE**, the Mayor and Council of the City of Peachtree Corners hereby ordains and adopts Chapter 90 of the Code of the City of Peachtree Corners, Georgia, hereby titled "SOLID WASTE" to read as follows:

**CHAPTER 90. SOLID WASTE**

**ARTICLE I. GENERAL PROVISIONS**

**Sec. 90-1. Short Title.**

This Ordinance shall be known and may be cited as the "City of Peachtree Corners Solid Waste and Disposal Services Ordinance."

**Sec. 90-2. Findings and Scope.**

It is the finding of the City of Peachtree Corners that all businesses within the City contribute to solid waste production. This Ordinance shall apply to all lands and premises in the City of Peachtree Corners which are governed by the City. Provisions of this Ordinance shall apply to all Persons engaged in Commercial Solid Waste Collection and Disposal, and C&D Waste Collection and Disposal.

**Sec. 90-3. Definitions.**

*City* shall mean City of Peachtree Corners, Georgia.

*Council* shall mean the City of Peachtree Corners Mayor and City Council.

*Collect or Collection* shall mean to remove Commercial Solid Waste, Commercial Recovered Materials, Construction or Demolition Waste or Construction or Demolition Solid Waste Recovered Materials for transport to a Disposal Facility or

Processing Facility or cause such to be removed.

**Collection Services** shall mean the Collection from a Commercial Establishment and any other locations which generate Commercial Solid Waste, Commercial Recovered Materials, Construction or Demolition Waste or Construction or Demolition Solid Waste Recovered Materials, including related transportation, transfer, Processing and/or Disposal.

**Commercial Establishments** shall mean any hotel; motel; apartment dwelling; residential structure consisting of greater than four (4) units; business; public or semipublic building or premises of any nature or kind whatsoever other than a Residential Service Unit.

**Commercial Container** shall mean a dumpster or other industry acceptable waste receptacle supplied by a Commercial Service Provider intended to hold Commercial Solid Waste or Commercial Recovered Materials for Collection.

**Commercial Establishment Owner** shall mean any person, firm, corporation or other legally authorized entity owning, leasing, renting occupying or managing any commercial premise in the City of Peachtree Corners.

**Commercial Recovered Materials** shall mean Recovered Materials generated at a Commercial Establishment.

**Commercial Recovered Material Collection** shall mean the performance of all requirements of the Ordinance and other applicable laws related to the Collection of Commercial Recovered materials, as well as Incidental administrative tasks related to the performance of those requirements.

**Commercial Service Provider** shall mean a Person granted authorization by the City to engage in Commercial Solid Waste Collection and Disposal within the corporate boundaries of the City of Peachtree Corners who, under written agreement for compensation by those receiving services, does the work of collecting, transporting, disposing, and/or processing of Commercial Solid Waste.

**Commercial Solid Waste** shall mean all types of solid waste generated by Commercial Establishments, such as stores, offices, restaurants warehouses, and other nonmanufacturing entities excluding Residential Municipal Solid Waste, Construction or Demolition Waste, Hazardous Waste, and Industrial Solid Waste.

**Commercial Solid Waste Collection and Disposal** shall mean the performance of all requirements of the Ordinance and other applicable laws related to Commercial Solid Waste and Commercial Recovered Materials, as well as incidental administrative tasks related to the performance of those requirements.

**Construction or Demolition (C&D) Waste** shall mean waste building materials and rubble resulting from construction, remodeling, repair or demolition operations on pavements, houses, commercial buildings and other structures. Such waste includes, but is not limited to, waste containing asbestos, wood, bricks, metal, concrete, wallboard, paper, cardboard, carpeting, inert waste landfill materials approved for disposal, and other non-putrescible wastes associated with construction and demolition activities which have low potential for groundwater

contamination.

***Construction or Demolition (C&D) Waste Recovered Materials*** shall mean Recovered Materials resulting from construction, remodeling, repair or demolition operations on pavements, houses, commercial buildings and other structures.

***Construction or Demolition (C&D) Waste Service Provider*** shall mean a Person granted authorization by the City who, under written agreement for compensation by those receiving services, does the work of collecting, transporting, processing and/or disposing of C&D Waste within the corporate boundaries of the City of Peachtree Corners.

***Construction or Demolition (C&D) Waste Collection and Disposal*** shall mean the performance of all requirements of the Ordinance and other applicable laws related to C&D Waste and C&D Recovered Materials, as well as incidental administrative tasks related to the performance of those requirements.

***Disposal*** shall mean dumping or depositing solid waste into or onto a Disposal Facility.

***Disposal Facility*** shall mean any facility or location where the final deposition of solid waste occurs and includes but is not limited to landfilling and solid waste thermal treatment technology facilities.

***Elective Service*** shall mean collection services offered by a Commercial Service Provider, or C&D Waste Service Provider for an additional charge which is arranged between the service provider and a Commercial Establishment Owner, or other responsible party and billed by the service provider.

***Hazardous Waste*** shall mean any solid waste which has been defined as a hazardous waste in regulations promulgated by the United States Environmental Protection Agency or under Georgia Hazardous Waste Management Act.

***Industrial Solid Waste*** shall mean solid waste generated by manufacturing or industrial processes or operations that is not a hazardous waste regulated by the Georgia Hazardous Waste Management Act. Such waste includes, but is no limited to, waste resulting from the following manufacturing processes: Electrical power generation; fertilizer and agricultural chemicals; food and related products and by-products; inorganic chemicals; iron and steel products; leather and leather products; nonferrous metal and foundry products; organic chemicals; plastics and resins; pulp and paper; rubber and miscellaneous plastic products; stone, glass, clay, and concrete products; textiles; transportation equipment; and water treatment. This term does not include mining waste or oil and gas waste.

***Person*** shall mean the State of Georgia or any other state agency or Institution thereof, and municipality, county, political subdivision, public or private corporation, solid waste authority, special district empowered to engage in solid waste management activities, individual, partnership, association, or other entity in Georgia or any other state. The term also includes any officer or governing or managing body of any municipality, political subdivision, solid waste authority, special district empowered to engage in solid waste management activities, or public or private corporation in Georgia or any other state. This term also includes

employees, departments, and agencies of the federal government.

*Plan* shall mean the 2008 Comprehensive Solid Waste Management Plan developed for Gwinnett County and the Cities of Berkeley Lake, Dacula, Duluth Grayson, Lawrenceville, Lilburn, Norcross, Snellville, Sugar Hill, and Suwanee, as amended prior to or subsequent to the effective date of this Ordinance, and as adopted by reference by the City of Peachtree Corners, Georgia.

*Processing* shall mean any method, system or other treatment designed to change the physical form or chemical content of solid waste, and includes separation from solid waste or other handling of Recovered Materials for Recycling.

*Processing Facility* shall mean a facility whose activities include, but are not limited to, the separation and preparation of solid waste for reuse or Disposal or separation and preparation of Recovered Materials to produce a marketable commodity.

*Recovered Materials* shall mean those materials which have known use, reuse, or recycling potential; can be feasibly used, reused, or recycled; and have been diverted or removed from the solid waste stream for sale, use, reuse, or recycling, whether or not requiring subsequent separation and processing.

*Recovered Materials Processing Facility* shall mean a facility engaged solely in the storage, processing, and resale or reuse of Recovered Materials. Such term shall not include a solid waste handling facility; provided, however, any solid waste generated by such facility shall be subject to all applicable laws and regulations relating to such solid waste.

*Recycling* shall mean any process by which materials which would otherwise become solid waste are collected, separated, or processed and reused or returned to use in the form of raw materials or products except for mixed Municipal Solid Waste composting, that is composting of the typical mixed solid waste stream generated by commercial and/or institutional sources. Recycling includes the composting process if the compost material is put to beneficial use.

*Transfer Station* shall mean a facility used to transfer solid waste from one transportation vehicle to another for transportation to a Disposal facility or Processing Facility.

*Treated Wood* shall mean wood that has been treated or preserved with chromate copper arsenate (CCA), pentachlorophenol, or other chemicals which have been classified as known human carcinogens by the United States Environmental Protection Agency.

*Unacceptable Waste* shall mean Hazardous Waste, Biomedical Waste, tires, paints, paint solvents, Treated Wood, unemptied aerosol cans, compressed gas cylinders, large engine parts, small engines containing oils or fuels, chemicals, large glass panes, large tree debris, stumps, ammunition of any type, dead animals larger than ten (10) pounds, firearms, and any and all waste of which the acceptance and handling by a Commercial Service Provider would cause a violation of any permit condition, legal or regulatory requirement, substantial damage to the service provider's equipment or facilities, or present a substantial danger to the health or safety of the

public or the service provider's employees.

*White Goods* shall mean household appliances such as refrigerators, stoves, washers, dryers, water heaters, and other large enameled appliances, which do not contain polychlorinated biphenyl (PCB) or chlorofluorocarbon (CFC) units and have been officially certified to that effect, and in the case of refrigerators and freezers, which have had the doors removed.

**Sec. 90-4. General Provisions**

(a) Commercial Solid Waste

- (1) ***Commercial Solid Waste Management.*** All Commercial Establishments shall dispose of Commercial Solid Waste with a Commercial Service Provider pursuant to a private contract between the Commercial Establishment Owner and the Commercial Service Provider, except, however, that a Commercial Establishment Owner may collect, transport, and dispose of the solid waste generated at is Commercial Establishment, provided the Commercial Establishment Owner is authorized as a Commercial Service Provider pursuant to this Ordinance.
- (2) ***Commercial Recovered Materials and Recycling Services.*** All Commercial Service Providers shall offer recovered material recycling services to their customers.
- (3) ***Commercial Yard Trimmings.***
  - (i) A Commercial Owner may contract privately with a Commercial Service Provider to collect, process and dispose of Yard Trimmings generated by the Commercial Establishment.
  - (ii) All Yard Trimmings generated by a Commercial Establishment shall be segregated from Commercial Solid Waste and Commercial Recovered Materials.
  - (iii) Yard Trimmings generated by a Commercial Establishment may be collected in bulk in accordance with the requirements of the Commercial Service Provider; provided, however, the Yard Trimmings may not be collected in plastic bags.
  - (iv) This Ordinance shall not prohibit a Commercial Establishment Owner from the collection, processing and disposing of Yard Trimmings through a third party that generated the Yard Trimmings as a result of the third party's activities at the Commercial Establishment.

- (b) Construction or Demolition (C&D) Waste.
- (1) ***Segregation of C&D Waste.*** C&D Waste shall be segregated from Commercial Solid Waste.
  - (2) ***C&D Waste and Commercial Service Providers.*** A Commercial Service Provider may collect, process and dispose of C&D Waste provided that the Commercial Service Provider is authorized as a C&D Waste Service Provider pursuant to this Ordinance.
  - (3) ***Recovered Materials and Recycling Services.*** All C&D Waste Service Providers shall offer C&D Waste Recovered Material and recycling services to their customers.
  - (4) ***Collection and Disposal of C&D Waste Generated by a Third Party.***
    - (i) C&D Waste generated at a Commercial Establishment shall be collected and disposed of:
      - a. By a C&D Waste Service Provider pursuant to a private contract between the C&D Service Provider and the Commercial Establishment Owner and in accordance with the laws and regulations of the State of Georgia; or
      - b. By a third party (e.g. contractor performing construction, renovation, or demolition services) pursuant to a private contract between the third party and the Commercial Establishment Owner either:
        1. **In accordance with the third party's** authorization to operate as a C&D Waste Service Provider pursuant to the terms of this Ordinance; or
        2. In accordance with a private contract between the third party and a C&D Waste Service Provider; and
        3. In accordance with the laws and regulations of the State of Georgia.

**Sec. 90-5. Minimum Requirements for Service Providers.**

- (a) All Commercial Service Providers and C&D Waste Service Providers and their subcontractors shall, at all times:
- (1) Satisfy all requirements and qualifications imposed by the City and this ordinance.
  - (2) Provide a notarized statement certifying that all drivers have a

current commercial driver's license (CDL) and all trucks are registered with the Georgia Department of Transportation.

- (3) At a minimum, apply risk management practices acceptable in **the applicable service providers' industry.**
- (4) Have a current solid waste handling permit from the Director of the Environmental Protection Division of the Georgia Department of Natural Resources or any successor agency authorized to issue permits pursuant to O.C.G.A. §12-8-24.
- (5) Offer Recovered Materials and recycling services to their customers.
- (6) Maintain during the term of any service agreement with the City to provide Commercial Solid Waste Collection and Disposal, or C&D Waste Collection and Disposal services (each such person or entity providing such services shall be referred to below as "**Service Provider**"), **at its own expense, appropriate and adequate insurance policies generally as follows:**
  - (i) **Statutory workers' compensation insurance:**
    - a. **Employer's liability for bodily injury by accident:** \$500,000 each accident.
    - b. **Employer's liability for bodily injury by disease:** \$500,000 policy limit, \$500,000 each employee.
  - (ii) Commercial General Liability insurance:
    - a. \$1,000,000 limit of liability per occurrence for bodily injury and property damage;
    - b. \$1,000,000 limit of liability per occurrence for personal injury;
    - c. Commercial general liability written on an occurrence form, which includes contractual liability, broad for property damage, incidental medical malpractice, severability of interest, and extended bodily injury; and
    - d. Additional Insured endorsement which includes ongoing operations and completed operations.
  - (ii) Auto Liability Insurance:
    - a. \$1,000,000 limit of liability per occurrence for bodily injury and property damage;
    - b. Comprehensive form covering all owned, non-owned, leased, hired, and borrowed Collection Vehicles; and

- c. Coverage for cleanup of pollutants due to an accident, including Pollution Liability Broadened Form endorsement.
  - d. If the auto policy does not include the endorsement **form specified in "c" of this section, a separate Service Providers Pollution Liability Policy** endorsed with the Transportation Pollution Liability form with a minimum limit of \$1,000,000 must be provided.
- (iv) Excess Liability insurance – Minimum \$5,000,000 limit of liability:
- a. The excess liability coverage must be an occurrence for policy including coverage for all required endorsements and no additional exclusions;
  - b. The excess liability policy must extend over the general liability, automobile liability, and **employers' liability policy forms; and**
  - c. The excess liability policy must have concurrent effective dates with the primary coverage parts.
- (v) The City of Peachtree Corners shall be shown as an additional insured on general liability, auto liability, and excess liability policies.
- (vi) The cancellation **provision must provide ninety (90) days'** notice of cancellation.
- (vii) The certificate holder and additional insured must be added as specified above, and must read as follows:
- City of Peachtree Corners, Georgia  
\_\_\_\_\_  
Peachtree Corners, Georgia \_\_\_\_\_
- (viii) Insurance companies must have an A.M. Best Rating of **A-6 or higher. Certain workers' compensation funds may be** acceptable by the approval of the City. European markets including those based in London and domestic surplus line markets that operate on a non-admitted basis are exempt from the requirement provided that the **Service Provider's broker/agent can provide financial data** to establish that a market is equal to or exceeds the financial strength associated with the A.M. Best Rating of A-6 or better.
- (ix) The Georgia Department of Insurance must license the

insurance company to do business, unless an exception is authorized by the City.

- (x) Certificates of Insurance, and any subsequent renewals, must reference municipal solid waste collection and disposal services.
- (xi) The Service Provider shall agree to provide summaries of current insurance policies if requested to verify compliance with these insurance requirements.
- (xii) The Service Provider shall incorporate a copy of the insurance requirements as herein provided in each and every subcontract with each and every subcontractor in any tier, and shall require each and every subcontractor of any tier to comply with all such requirements. Service Provider agrees that if for any reason its subcontractor fails to procure and maintain insurance as required, all such required insurance shall be procured and maintained **by Service Provider at Service Provider's expense.**
- (xiii) No service provider or subcontractor shall commence any work of any kind under this Contract until all insurance requirements contained in this Ordinance have been complied with and until evidence of such compliance satisfactory to the City as to form and content has been filed with the City. The Accord Certificate of Insurance or a pre-approved substitute is the required form in all cases where reference is made to a certificate of insurance or an approved substitute.
- (xiv) Compliance by the Service Provider and all subcontractors with the foregoing requirements as to carrying insurance shall not relieve the Service Provider and all subcontractors of their liability provisions of the Contract.
- (xv) Service Provider and all subcontractors are to comply with the Occupational Safety and Health Act of 1970, Public Law 91-956, and any other laws that may apply to this Contract.
- (xvi) Service Provider shall, at a minimum, apply risk **management practices accepted by the Service Provider's** Industry.
- (xvii) The Service Provider shall agree to waive all rights of subrogation against the City, the Mayor and City Council, and its officers, officials, employees and agents from

losses arising from work performed by the Service Provider.

**Sec. 90-6 to Sec. 90-14. Reserved.**

**ARTICLE II. COMMERCIAL SOLID WASTE**

**Sec. 90-15. Commercial Solid Waste Collection and Disposal Services and Commercial Recovered Material Collection Services.**

- (a) *Authorization to provide Commercial Solid Waste Collection and Disposal and/or Commercial Recovered Material Collection service.* A Person shall be a Commercial Service Provider upon the City's approval of the Person's application for authorization to provide Commercial Solid Waste Collection and Disposal Service and/or Commercial Recovered Material Collection service in the City of Peachtree Corners, which shall be as follows:
- (1) An Application for authorization shall be submitted to the City in a form prescribed by the City.
  - (2) The City shall approve any application demonstrating compliance with the requirements of this Ordinance.
  - (3) Authorization to provide Commercial Solid Waste Collection and Disposal service and/or Recovered Materials Collection services shall be granted for a period of one (1) calendar year and may be renewed through re-application for authorization.
  - (4) Nothing in this Ordinance shall limit the number of authorized Commercial Service Providers within the City of Peachtree Corners.
  - (5) Authorization to provide Commercial Solid Waste Collection and Disposal service and Commercial Recovered Material Collection service constitutes the right to collect Commercial Solid Waste and Commercial Recovered Materials within the City of Peachtree Corners. Multiple companies may be so authorized provided the requirements of this Ordinance are met.
  - (6) Authorization to provide Commercial Solid Waste Collection and Disposal services and Recovered Materials Collection service in the City of Peachtree Corners is nontransferable.
  - (7) Upon authorization, the Commercial Service Provider shall maintain at its place of business books and records showing the Commercial Establishment Owner, business name and address of each Commercial Establishment that the Commercial Service

Provider has contracted with for Commercial Solid Waste Collection and Disposal services and/or Commercial Recovered Materials Collection services, including the street address for each property served. The Commercial Service Provider shall, upon request by the City, make such books and records available for inspection and/or submit to a financial audit by a certified public accountant or auditor employed by the City.

(b) Commercial Solid Waste Services Regulatory Fee and Reporting Requirements.

(1) Regulatory Fee.

(i) A regulatory fee in an amount to be determined by the City of Peachtree Corners Mayor and City Council by Resolution shall be charged to the Commercial Service Provider each quarter by the City for Commercial Solid Waste Collection and Disposal service and Commercial Recovered Materials Collection services provided.

(ii) The regulatory fee shall be due and payable to the City **pursuant to the City's quarterly invoicing of the** Commercial Service Provider following its receipt of the reports described in this Ordinance.

(iii) The regulatory fee may not be identified as a separate **charge on the Commercial Service Provider's invoice** to the Commercial Establishment provided service.

(2) Reporting Requirements. Within thirty (30) days following the close of each calendar quarter ending March 31, June 30, September 30, and December 31 of each year of operation, each Commercial Service Provider authorized to provide Commercial Solid Waste Collection and Disposal services and/or Commercial Recovered Materials Collection Service in the City of Peachtree Corners shall submit to the City reports of Commercial Solid Waste Collection and Disposal services and Commercial Recovered Materials Collection services showing the following:

(i) Gross collection, processing and disposal revenues and number of customers served during each quarter by service type;

(ii) Tonnage figures showing total waste tonnage collected by service type;

(iii) Tonnage figures showing total Recovered Materials

collected by type, and proof of recycling in the form of manifests, bills of sale, or other records showing adequate proof of delivery of the material to a recognized recycling facility;

- (iv) Proof of disposal of non-recovered materials at state approved disposal facilities and the name of each such facility; and
- (v) Such other information as required by the City in the City's discretion.

**Sec. 90-16. Construction or Demolition (C&D) Waste Collection, Processing and Disposal Services.**

- (a) Authorization to provide C&D Waste Collection, Processing and Disposal Service.
  - (1) **A Person shall be a C&D Waste Service Provider upon the City's approval of the Person's application for authorization** to provide C&D Waste Collection and Disposal services in the City of Peachtree Corners.
    - (i) An application for authorization shall be submitted to the City in a form prescribed by the City.
    - (ii) The City shall approve all applications demonstrating compliance with the requirements of this Ordinance.
    - (iii) Authorization to provide C&D Waste Collection and Disposal services shall be granted for a period of one (1) calendar year, and may be renewed through re-application for authorization.
    - (iv) Nothing in this Ordinance shall limit the number of authorized C&D Waste Service Providers within the City of Peachtree Corners.
    - (v) Authorization to provide C&D Waste Collection and Disposal services constitutes the right to collect C&D Waste within the City of Peachtree Corners. Multiple companies may be so authorized provided the requirements of this Ordinance are met.
    - (v) Authorization to provide C&D Waste Collection and Disposal service in the City of Peachtree Corners is nontransferable.

- (2) Upon authorization, the C&D Waste Service Provider shall maintain at its place of business books and records showing the Commercial Establishment Owner, business name, and address of each Commercial Establishment Owner and address that the C&D Waste Service Provider has privately contracted with for C&D Waste Collection and Disposal services including the street address for each property served. The C&D Waste Service Provider shall, upon request by the City, make such books and records available to the City for inspection and/or submit to a financial audit by a certified public accountant or auditor employed by the City.
- (c) C&D Waste Services Regulatory Fee and Reporting Requirements.
- (1) ***Regulatory Fee.***
    - (i) A regulatory fee in an amount to be determined by Resolution of the City Council shall be charged to the C&D Waste Service Provider per calendar quarter for the provision of C&D Waste Collection and Disposal services.
    - (ii) The regulatory fee shall be due and payable to the City **pursuant to the City's quarterly invoicing of the** C&D Service Provider following its receipt at the time of submission of the reports described in this Ordinance.
    - (iii) The regulatory fee may not be identified as a separate **charge on the C&D Service Provider's invoice to the** Commercial Establishment.
  - (2) ***Reporting Requirements.*** Within thirty (30) days following the close of each calendar quarter ending March 31, June 30, September 30, an December 31 of each year of operation, each C&D Waste Service Provider authorized to provide C&D Waste Collection and Disposal service in the City of Peachtree Corners shall submit to the City reports showing the following:
    - (i) Gross collection, processing and disposal revenues and number of customers served during each quarter by service type;
    - (ii) Tonnage figures showing total waste tonnage collected by service type;
    - (iii) Such other information as required by the City in the **City's discretion.**

**Sec. 90-17. Termination of Authorization to Provide Commercial Solid**

**Waste Collection and Disposal Services or C&D Waste Collection and Disposal Services.**

The City reserves the discretionary authority to terminate any authorization to provide Commercial Solid Waste Collection and Disposal service or C&D Waste Collection and Disposal service in the interest of the health, safety or welfare of the citizens of the City.

**Sec. 90-18 to Sec. 90-29. Reserved.**

**ARTICLE III. RESERVED.**

**Sec. 90-30 to Sec. 90-49. Reserved.**

**ARTICLE IV. MISCELLANEOUS PROVISIONS.**

**Sec. 90-50. Exemptions.**

- (a) This Ordinance shall not apply to any individual, corporation, partnership, or cooperative disposing of livestock feeding facility waste from facilities with a total capacity of up to 1,000 cattle or 5,000 swine. If such individual, corporation, partnership, or cooperative shall provide an approved waste disposal system which is capable of properly disposing of the runoff from a ten-year storm, such individual, corporation, partnership or cooperative shall be further exempt regardless of total per head capacity.
- (b) Nothing in this Ordinance shall limit the right of any person to use poultry or other animal manure for fertilizer.
- (c) Provisions of this Ordinance shall not apply to any Person not collecting and disposing of Commercial Solid Waste, or C&D Waste for a fee, but who is a holder of a valid solid waste handling permit from the Director of the Environmental Protection Division of the Georgia Department of Natural Resources pursuant to the Rules of Georgia Department of Natural Resources Environmental Protection Division 391-3-4-.02 and 391-3-4-.06 for disposal or onsite burial. Such disposal shall be governed by State Environmental Protection Division regulations and by the requirements of the current City of Peachtree Corners development regulations.
- (d) Nothing in this Ordinance or in any service agreement shall limit the **City's ability to procure additional services necessary to provide for** removal, processing, recycling and/or disposal of solid wastes generated as a result of a natural or man-made disaster event.

**Sec. 90-51. Prohibited Acts.**

- (a) No Commercial Establishment Owner shall willingly violate the requirements set forth in this Ordinance.
- (b) No Commercial Service Provider shall willingly violate the requirements applicable to Commercial Service Providers set forth in this Ordinance.
- (c) No C&D Waste Service Provider shall willingly violate the requirements applicable to C&D Waste Service Providers set forth in this Ordinance.
- (d) No Person shall willingly violate the requirements set forth in this Ordinance.
- (e) No Commercial Service Provider shall collect solid waste in a manner which will be conducive to insect and rodent infestation or the harboring and feeding of wild dogs or other animals; impair the quality of the environment; or likely create other hazards to the public health, safety, or wellbeing as defined by the Rules of the Georgia Department of Natural Resources Environmental Protection Division, Chapter 391-3-4-.04.
- (f) No Commercial Service Provider, or C&D Waste Service Provider shall collect solid waste until all insurance requirements contained in this Ordinance have been complied with an until certification from the carrier of such compliance satisfactory to the City as to form and content has been filed with the City.
- (g) No solid waste may be disposed of by any Person in an open dump, nor may any Person cause, suffer, allow or permit open dumping on his property as defined by the Rules of the Georgia Department of Natural Resources Environmental Protection Division, Chapter 391-3-40.04.
- (h) It shall be a violation of this Ordinance to place or cause to be placed for collection by a Commercial Service Provider or C&D Waste Service Provider any acid, explosive material, inflammable liquids or dangerous or corrosive material of any kind.

**Sec. 90-52. Violations and Enforcement.**

- (a) This Ordinance shall be enforced by any employee or representative designated by the City. Enforcement authority shall include the power to determine compliance with this Ordinance, to investigate complaints of violations of this Ordinance, and to pursue violations in the City Municipal Court.
- (b) The provisions of this Ordinance regarding the disposal or non-site burial of solid waste may be enforced by the Georgia Department of Natural Resources, Environmental Protection Division.

- (c) Nothing in this Ordinance shall affect the ability of the City to pursue any remedies against a Commercial Service Provider or C&D Waste Service Provider available under local, state, or federal law.
- (d) Nothing in this Ordinance shall affect the ability of the City to pursue the remedies available to it by virtue of its police powers.

**Sec. 90-53. Scavenging.**

No person other than the owner thereof shall interfere with any contained placed for the purpose of storing solid waste pending collection, or remove or take any of the contents thereof, or remove any container from the location where the container has been placed by the owner thereof.

**Sec. 90-54. Penalties.**

Any person violating any provision of this Ordinance may, upon conviction, be punished by a fine for each offense and/or incarceration or community service not to exceed 60 days. Each day a violation occurs shall be considered a separate and distinct violation.

**Sec. 90-55. Severability.**

If any portion of this Ordinance or the application thereof shall be held invalid or unconstitutional, the other provisions of this Ordinance shall not be affected, and to this end the provisions of this Ordinance are declared to be severable.

**SO ORDAINED AND EFFECTIVE,** this the \_\_\_\_ of \_\_\_\_\_, 2012.

APPROVED:

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

ATTEST:

Approved as to Content and Form

\_\_\_\_\_  
Joan C. Jones, Acting City Clerk

\_\_\_\_\_  
William F. Riley, Jr., City Attorney

**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.

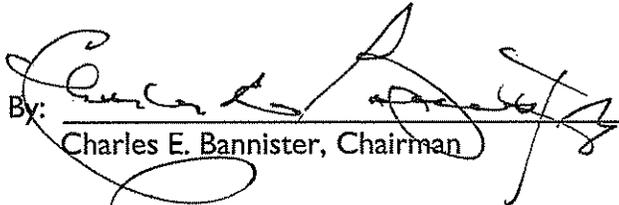
NOW, THEREFORE, BE IT RESOLVED by the Gwinnett County Board of Commissioners this the 23RD day of JUNE 2009, that the aforesaid application to amend the Official Zoning Map from C-2 to C-2 (CHANGE IN CONDITIONS) is hereby **APPROVED** subject to the following enumerated conditions:

- 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

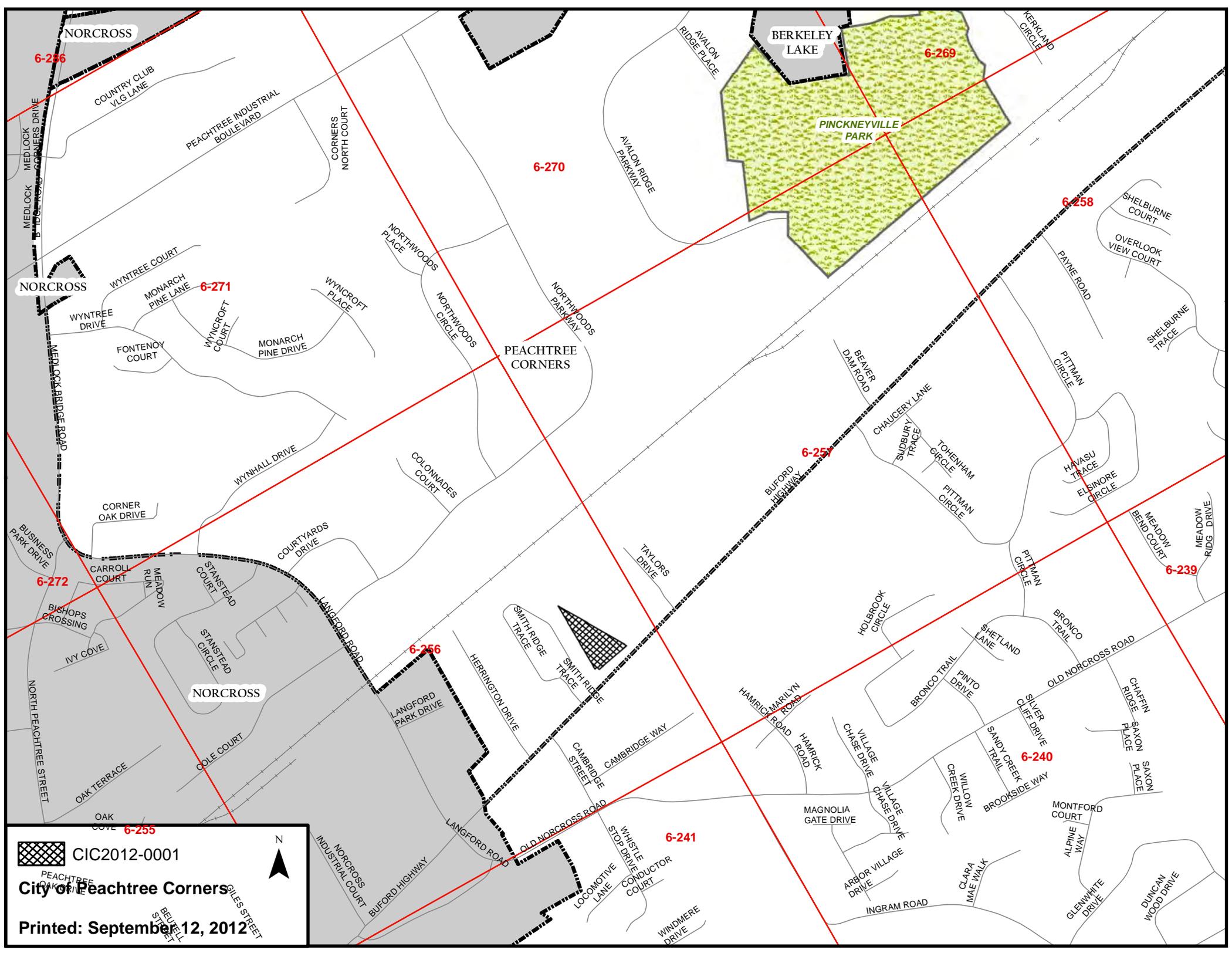
By:   
Charles E. Bannister, Chairman

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





SMITH RIDGE TRACE

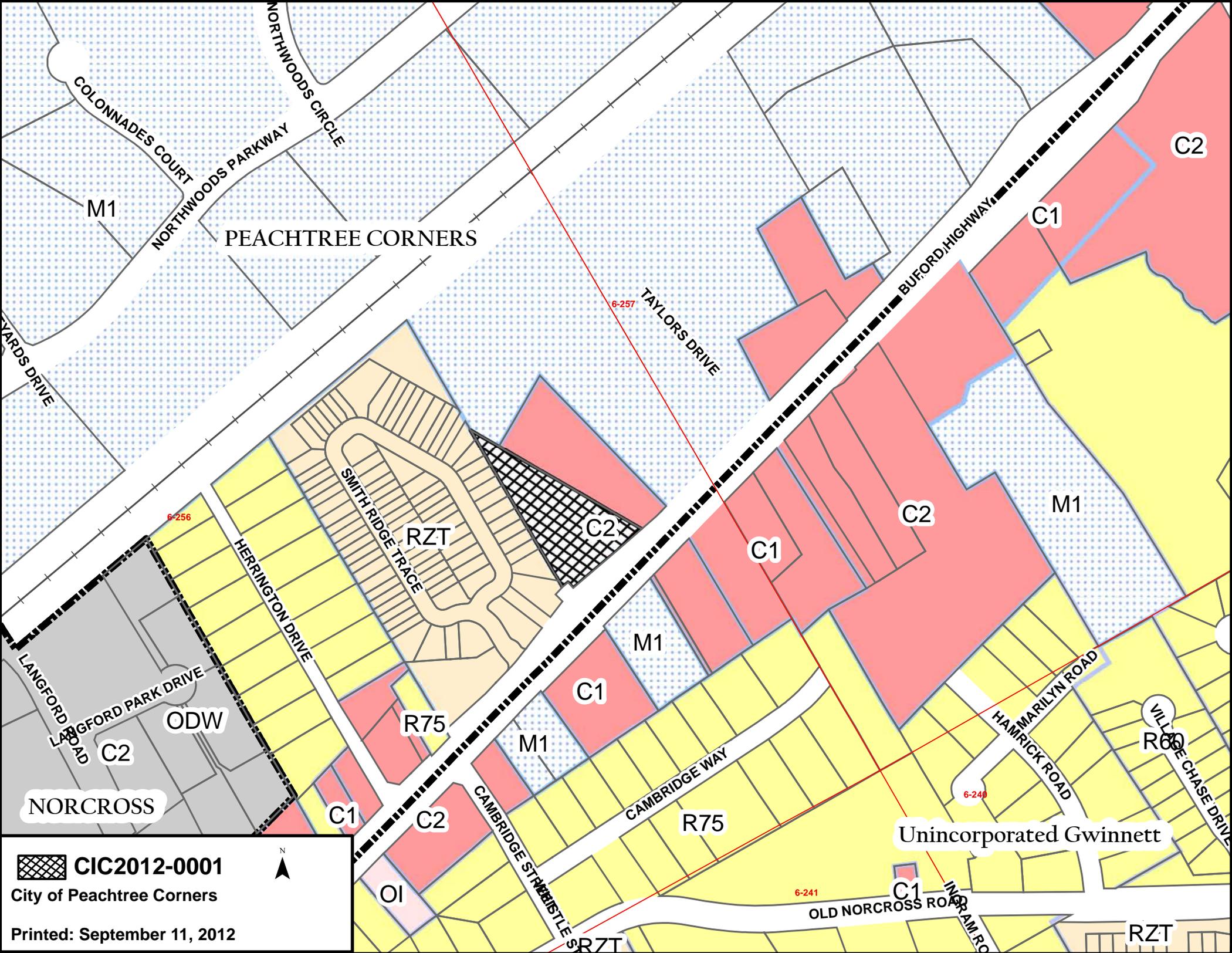
BUFORD HIGHWAY

 CIC2012-0001

City of Peachtree Corners



Printed: September 18, 2012



 **CIC2012-0001**  
 City of Peachtree Corners  
 Printed: September 11, 2012



**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: .....  
SUP '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>

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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

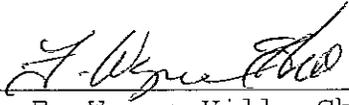
WHEREAS, a public hearing was held by the Gwinnett County Board of Commissioners on DECEMBER 14, 2004 and objections were not filed.

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.

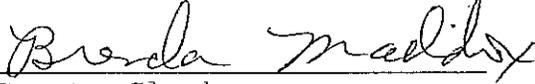
C. The existing residential driveway onto Spalding Drive shall be gated and shall not be used to directly access the tennis courts by visitors or other users thereof except for maintenance vehicles. Additionally, signs shall be posted at the driveway containing the following wording: "No parking for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

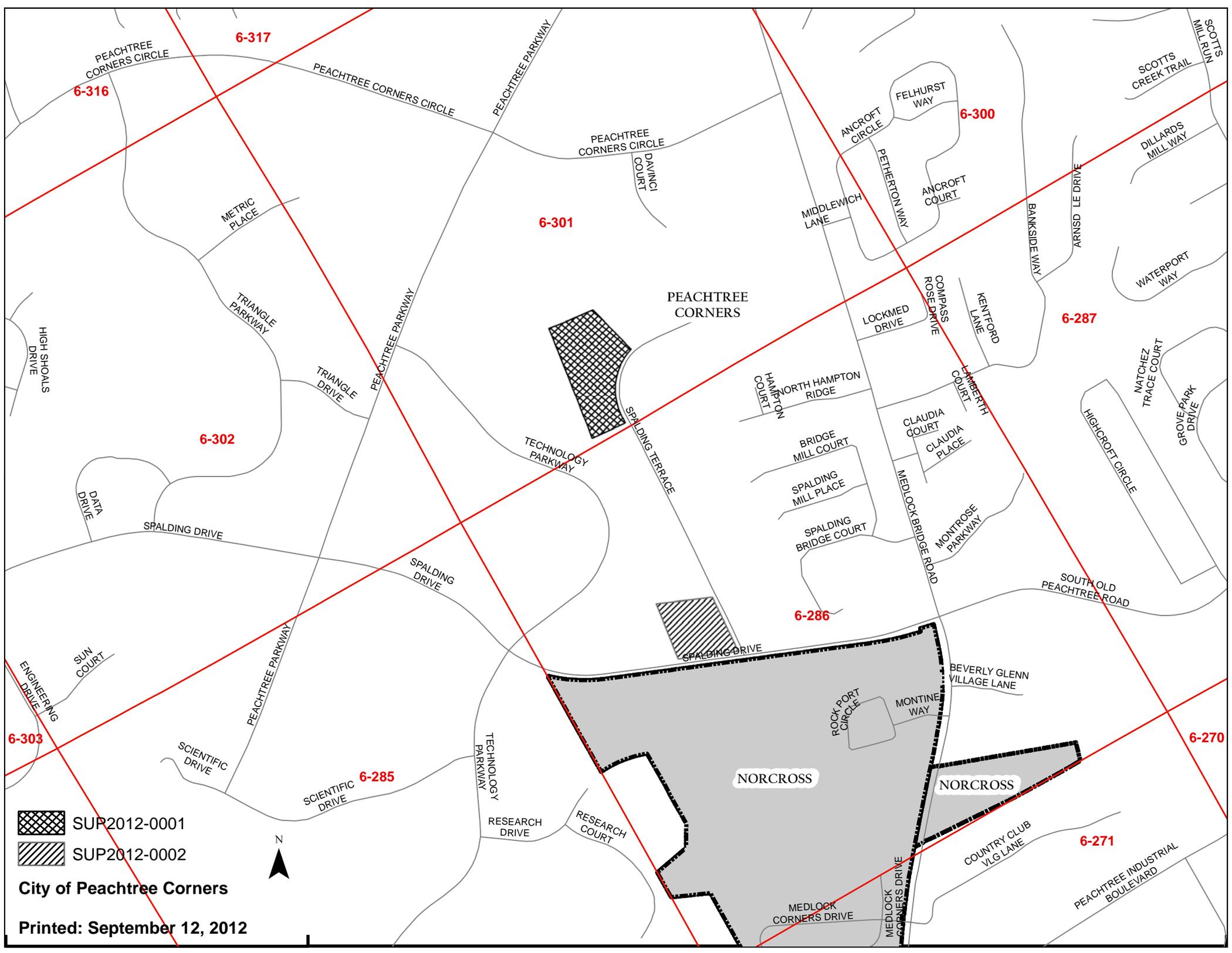
\* SEE ATTACHED

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





PEACHTREE PARKWAY

Peachtree  
Corners

SPALDING TERRACE

NORTH HAMPTON RIDGE

WEDLOCK BRIDGE ROAD

WEDLOCK DRIVE

SPALDING MILL PLACE

BRIDGE MILL COURT

SPALDING BRIDGE COURT

SPALDING DRIVE

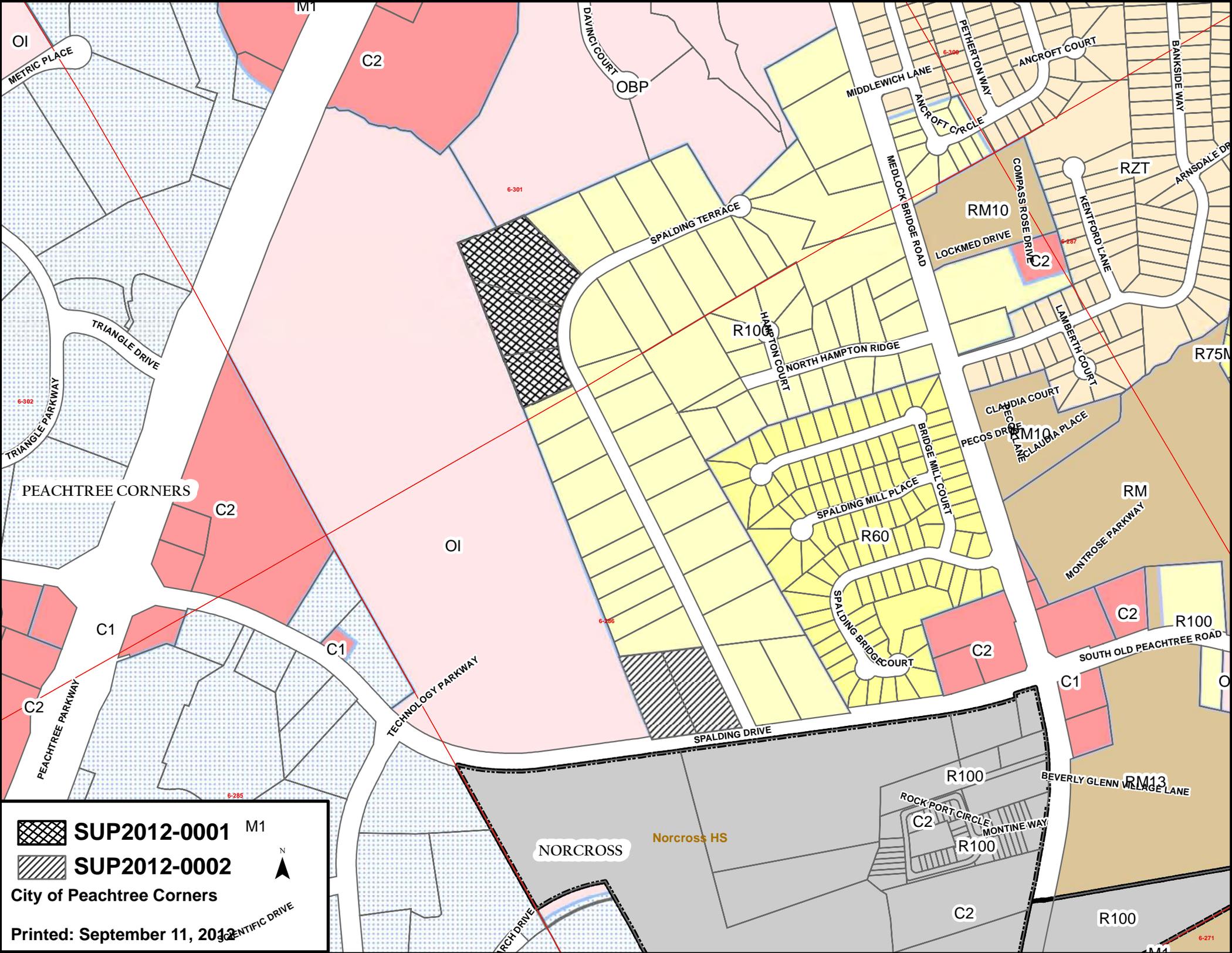
Norcross

 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



NORCROSS **Norcross HS**

**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.

SUP '12 0 0 3

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SEP 07 2012

BY: .....

SUP '12 0 0 3

SEP 17 2012

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.

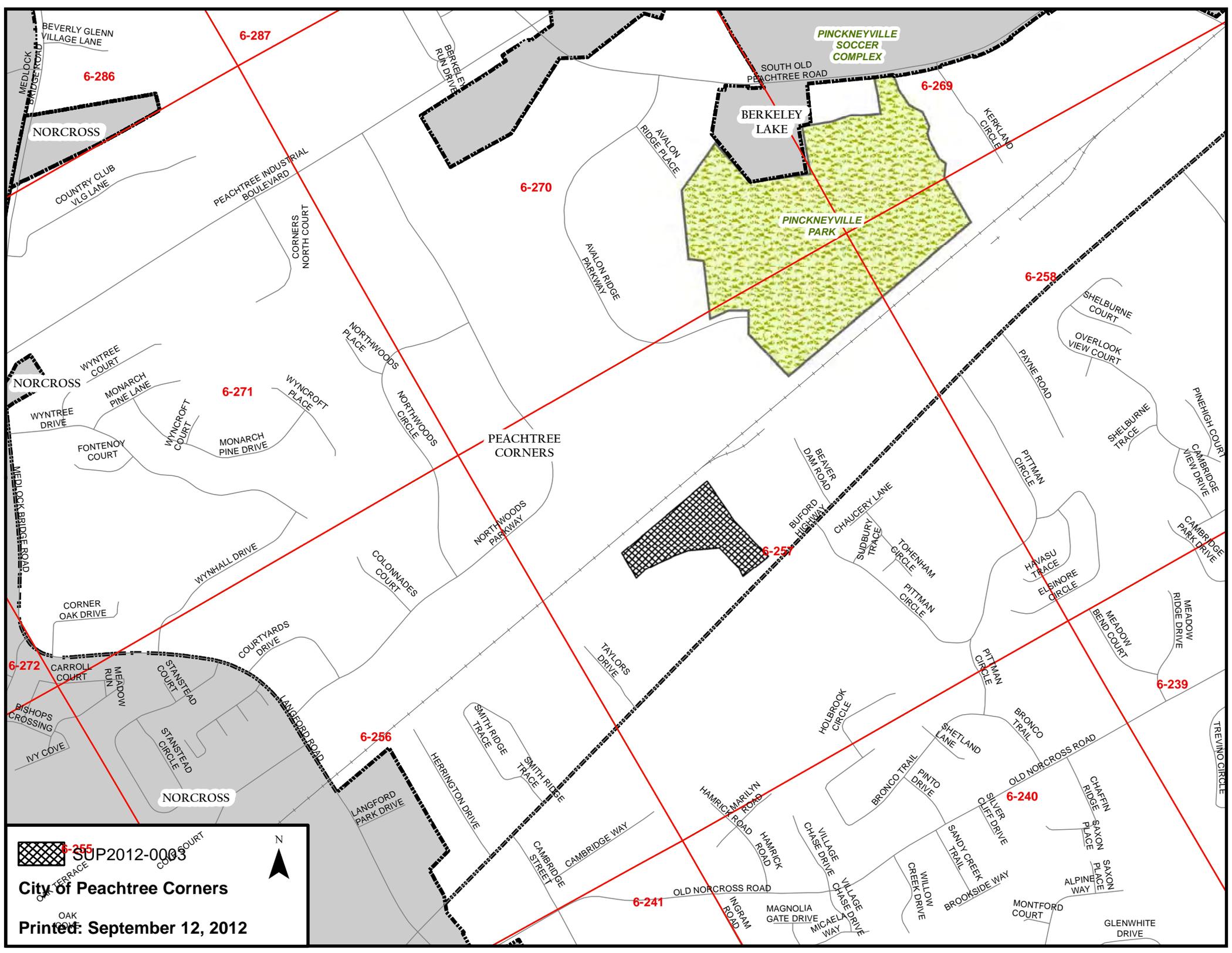
It is clear that the trucking facility proposed by Salem Leasing pursuant to this Special Use Permit application, will have no negative impact on the surrounding community. On the contrary, it will result in improved vehicular traffic flow and will allow Salem to continue its operations in Peachtree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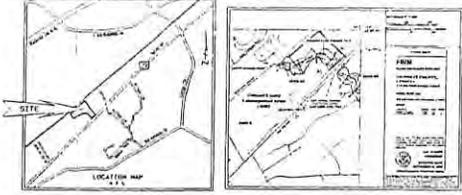



**6-255 SUP2012-0003**  
 City of Peachtree Corners  
 Printed: September 12, 2012



**LEGEND**

1. Proposed Subdivision	10. Proposed Easement
2. Proposed Building Footprint	11. Proposed Right-of-Way
3. Proposed Driveway	12. Proposed Utility Easement
4. Proposed Parking Area	13. Proposed Stormwater Management
5. Proposed Access Road	14. Proposed Flood Plain
6. Proposed Utility Line	15. Proposed Wetland
7. Proposed Boundary	16. Proposed Right-of-Way
8. Proposed Easement	17. Proposed Right-of-Way
9. Proposed Right-of-Way	18. Proposed Right-of-Way



**SITE AREA:**

	GROSS	NET
TRACT 1	5,183 AC	±4.5 AC
TRACT 2	2,740 AC	±2.6 AC
TOTAL	7,923 AC	±7.1 AC

\* EXCLUDES 50% OF 100 YR FLOOD PLAIN AREAS

**SITE DEVELOPMENT DATA:**

CURRENT ZONING: M1 (LIGHT INDUSTRIAL)

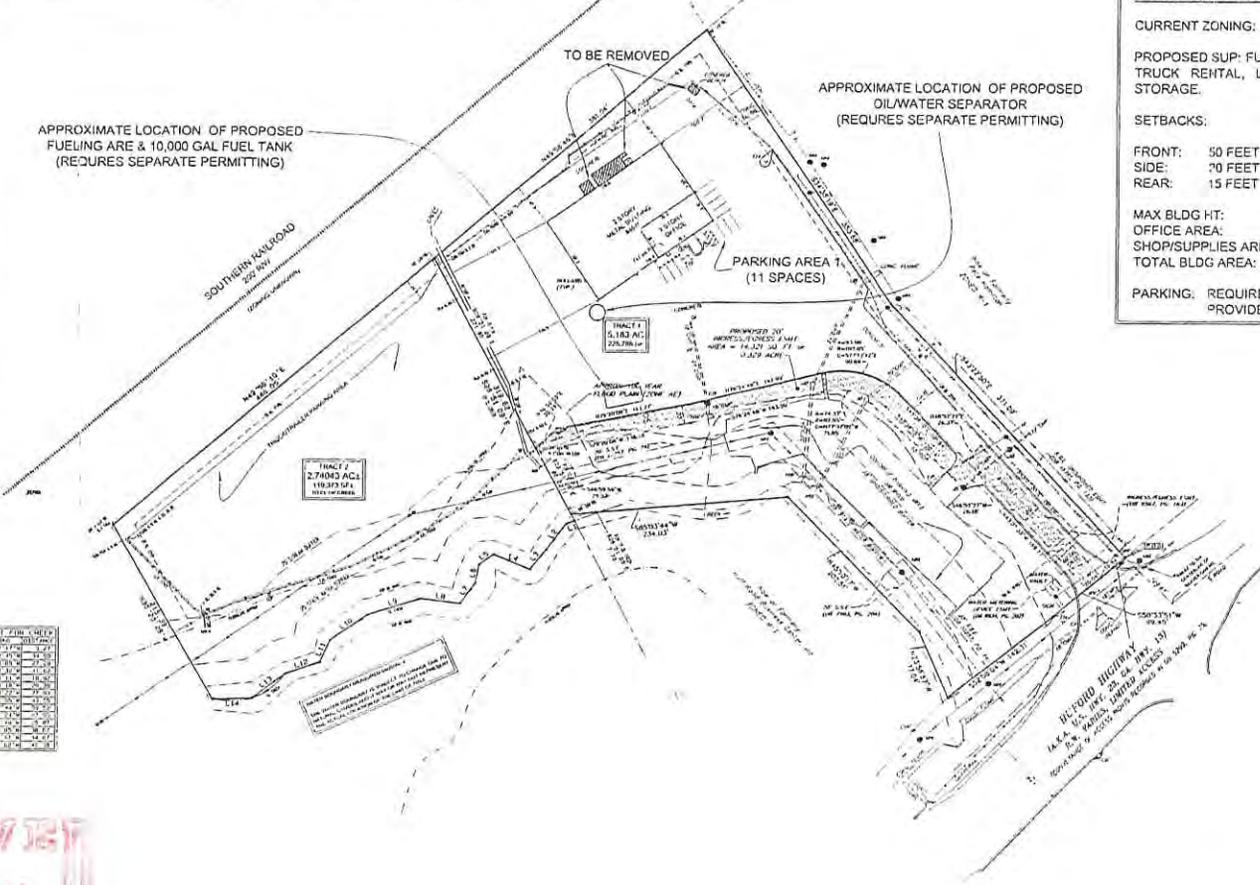
PROPOSED SUP: FULL SERVICE TRUCKING FACILITY, PROVIDING TRUCK RENTAL, LEASING, SALES, MAINTENANCE, REPAIRS AND STORAGE.

**SETBACKS:**

FRONT: 50 FEET  
SIDE: 70 FEET  
REAR: 15 FEET

MAX BLDG HT: 40 FEET  
OFFICE AREA: ±5000 SF  
SHOP/SUPPLIES AREA: ±12,500 SF  
TOTAL BLDG AREA: ±17,500 SF

PARKING: REQUIRED: (1/4000SF) 44 SPACES  
PROVIDED: ±71 SPACES

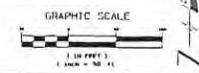


NOTES: THE PROPOSED SUBDIVISION IS SUBJECT TO THE TERMS, CONDITIONS, AND RESTRICTIONS OF THE SUBDIVISION MAP AND THE SUBDIVISION MAP IS SUBJECT TO THE TERMS, CONDITIONS, AND RESTRICTIONS OF THE SUBDIVISION MAP. THE SUBDIVISION MAP IS SUBJECT TO THE TERMS, CONDITIONS, AND RESTRICTIONS OF THE SUBDIVISION MAP. THE SUBDIVISION MAP IS SUBJECT TO THE TERMS, CONDITIONS, AND RESTRICTIONS OF THE SUBDIVISION MAP.

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SEP 07 2012

BY:



SUP '12 003

SPECIAL USE PLAN FOR  
4975 BUFORD HIGHWAY  
LOCATED IN  
LAND LOT 257  
6TH DISTRICT  
CITY OF NORCROSS  
GWINNETT COUNTY, GEORGIA



NO.	DATE	DESCRIPTION

**W&B**  
WATTS & BRODRICK ENGINEERS, INC.  
CIVIL ENGINEERS & LAND SURVEYORS  
5000 PEACHTREE ROAD  
ATLANTA, GEORGIA 30345-4993  
PHONE: (770) 251-1111  
FAX: (770) 251-1112  
WWW.W&B.COM

SCALE:	AS SHOWN
DATE SUBMITTED:	08/20/12
DATE REVISION:	09/07/12
DATE APPROVED:	09/07/12
DATE OF MEETING:	09/07/12
OWNER:	W&B
DESIGNER:	W&B
CHECKED BY:	W&B
IN CHARGE:	W&B
PROJECT NUMBER:	12003
JOB FILE:	12003
DATE FILED:	09/07/12
CONTRACT NUMBER:	12003
PLAT FILE:	12003
REVISION:	



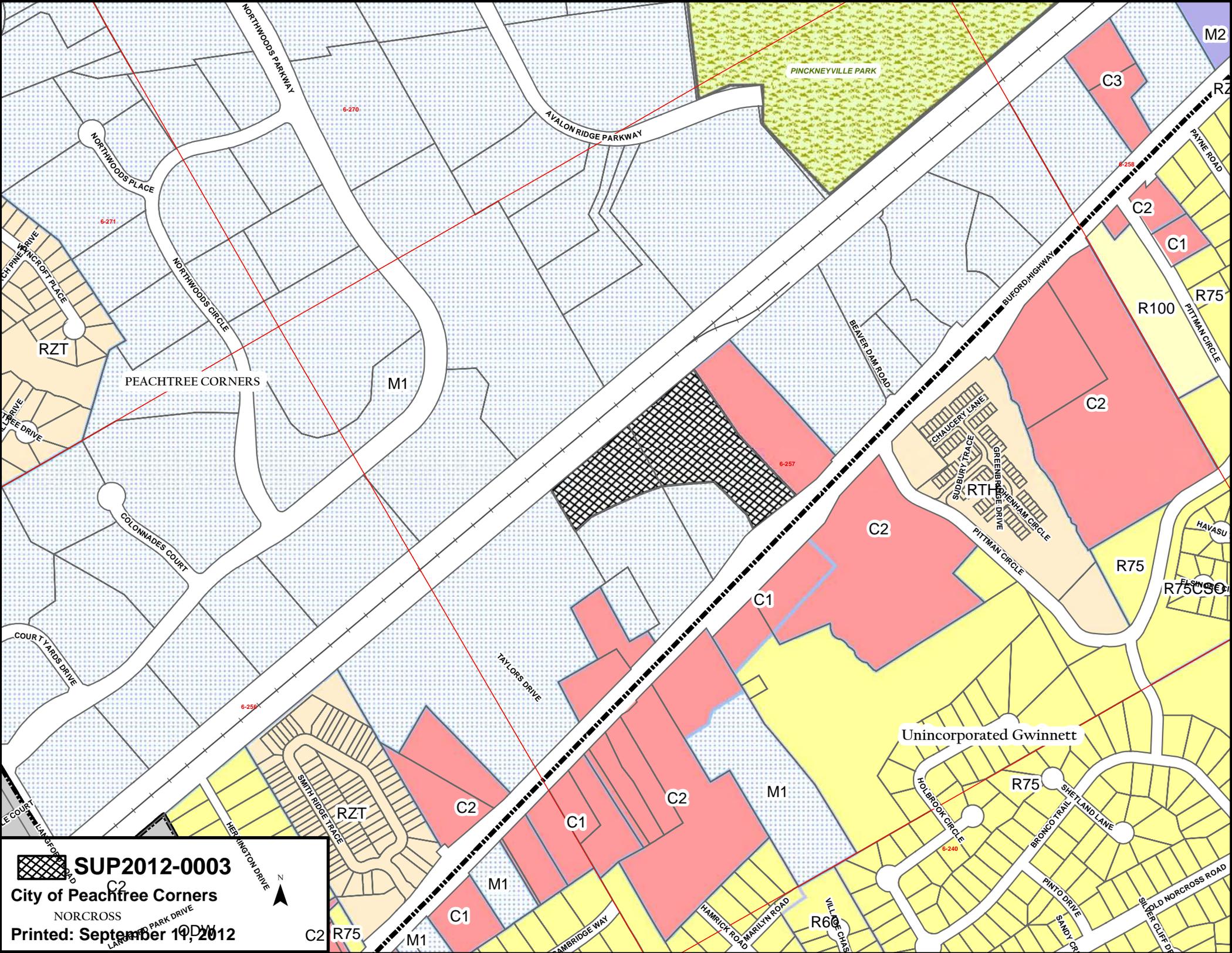
 SUP2012-0003

City of Peachtree Corners

Printed: September 18, 2012



**BUFORD HIGHWAY**



**SUP2012-0003**

**City of Peachtree Corners**

NORCROSS

Printed: September 19, 2012




 SUP2012-0003  
 City of Peachtree Corners  
 NORCROSS  
 Printed: September 19, 2012

**STATE OF GEORGIA  
COUNTY OF GWINNETT**

**AN AMENDMENT TO THE INTERGOVERNMENTAL AGREEMENT  
FOR THE PROVISION OF ZONING REVIEW AND PERMITTING SERVICES**

**Between  
GWINNETT COUNTY, GEORGIA and  
THE CITY OF PEACHTREE CORNERS, GEORGIA**

This Amendment to the Intergovernmental Agreement between Gwinnett County, Georgia and the City of Peachtree Corners, Georgia for the provision of zoning review and permitting services is entered into this 11<sup>th</sup> day of December, 2012.

**WITNESSETH:**

WHEREAS, the City of Peachtree Corners began operation as a city on July 1, 2012; and

WHEREAS, the Charter for the City of Peachtree Corners provides that the City shall undergo a transition period through December 31, 2013 during which the City shall prepare to perform certain governmental functions and services; and

WHEREAS, on June 26, 2012 and July 1, 2012, the County and the City respectively approved an Intergovernmental Agreement whereby Gwinnett County will provide zoning review and permitting services within the City of Peachtree Corners, and the County will retain all fees associated with such zoning review and permitting services; and

WHEREAS, on July 24, 2012, the County and the City entered into an Amendment to the Intergovernmental Agreement for the Provision of Zoning Review and Permitting Services whereby the County agreed to provide all licensing and permitting services for the City of Peachtree Corners during the transition period described in the City's Charter; and

WHEREAS, pursuant to the July 24, 2012 Amendment, the County and the City agreed that the City would not impair the County's ability to use hotel/motel taxes generated by

lodging establishments within the City and rental car taxes collected from establishments within the City to satisfy bonded indebtedness for the Civic Center, Arena, and Stadium; and

WHEREAS, the County and the City also agreed to amend the Intergovernmental Agreement for the Provision of Zoning Review and Permitting Services by inserting language to preserve hotel/motel and rental car taxes collected from facilities within the City for use in satisfying the previously incurred bonded indebtedness on the Civic Center, Arena, and Stadium; and

WHEREAS, the July 24, 2012 Amendment to the Intergovernmental Agreement for the Provision of Zoning Review and Permitting Services provides that representatives from the County and the City will meet to discuss the need to use such taxes to satisfy such bonded indebtedness; and

WHEREAS, such representatives have met in accordance with the July 24, 2012 Amendment; and

WHEREAS, pursuant to the July 24, 2012 Amendment to the Intergovernmental Agreement, the County and the City further agreed a new Amendment to the Intergovernmental Agreement to preserve hotel/motel and rental car taxes collected from facilities within the City for the satisfaction of the bonded indebtedness for the Civic Center, Arena, and Stadium shall be approved by the County and City no later than December 31, 2012; and

WHEREAS, the Gwinnett County Board of Commissioners and the City Council of the City of Peachtree Corners have taken action at public meetings to approve the terms of this Amendment.

NOW THEREFORE, in consideration of the following mutual obligations, the County and City agree as follows:

1. All provisions of the Intergovernmental Agreement for zoning review and permitting services between Gwinnett County, Georgia and the City of Peachtree Corners, Georgia entered into on July 1, 2012 and amended on July 24, 2012 shall continue in full force and effect unless modified by this Amendment and are incorporated by reference in this Amendment.
2. Paragraph 4 of the Intergovernmental Agreement between the City of Peachtree Corners and Gwinnett County dated July 24, 2012 is hereby deleted in its entirety, and the following paragraph 4 is inserted in lieu thereof:

“4. Such fees and taxes shall include, but shall not be limited to, occupation taxes, business license taxes and fees, alcoholic beverage excise taxes on mixed drinks, and alcoholic beverage wholesale excise taxes on distilled spirits, beer, and wine. The City of Peachtree Corners hereby assigns its authority to levy and collect the fees and taxes which are the subject of this Amendment to Gwinnett County through December 31, 2012 as it concerns occupation tax certificates and business licenses taxes and December 31, 2013 for everything else. The City may, in its sole discretion, choose to undertake the issuance of all the licenses, taxes and permits which are the subject of this Amendment on July 1, 2013 by giving the County at least 60 days’ notice of its intent to do so. The City acknowledges the County’s request that hotel/motel taxes generated by lodging establishments within the City and rental car taxes collected from establishments within the City be paid to the County in order to satisfy outstanding bonded indebtedness for which such hotel/motel taxes and rental car taxes have been pledged. The County has provided details regarding bonded

indebtedness for the Civic Center, Arena, and Stadium, and hotel/motel taxes and rental car taxes have been pledged to retire such indebtedness at a time prior to the incorporation of the City. The parties agree that the City will not impair the County's ability to use such taxes to satisfy such bonded indebtedness. The parties further agree to amend this Intergovernmental Agreement by inserting language which preserves such taxes collected from facilities within the City for use in satisfying the previously incurred indebtedness on the Civic Center, Arena, and Stadium. Representatives from the County shall meet with representatives from the City in order to discuss the need to use such taxes to satisfy such bonded indebtedness. The amendment contemplated by this paragraph shall be approved by the City and County no later than April 30, 2013."

[Signatures on Following Page]

**IN WITNESS WHEREOF, the County and City have executed this Amendment through their duly authorized officers on the day and year first above written.**

**BOARD OF COMMISSIONERS  
GWINNETT COUNTY, GEORGIA**

BY: \_\_\_\_\_  
**CHARLOTTE J. NASH, Chairman**

**ATTEST:**

\_\_\_\_\_  
**Diane Kemp, County Clerk**

(SEAL)

**APPROVED AS TO FORM:**

\_\_\_\_\_  
**VAN STEPHENS**  
Acting County Attorney

**CITY OF PEACHTREE CORNERS,  
GEORGIA**

BY: \_\_\_\_\_  
**MIKE MASON, Mayor**

**ATTEST:**

\_\_\_\_\_  
City Clerk

(SEAL)

**APPROVED AS TO FORM:**

\_\_\_\_\_  
**BILL RILEY**  
City Attorney