

City Council of Peachtree City
Agenda
August 17, 2006
7:00 p.m.

- I. Call to Order
- II. Pledge of Allegiance
- III. Announcements, Awards, Special Recognition
 - Remind Attendees to Turn Off Cell Phones
 - Recognize Claudia Stapleton for 20 Years of Service
 - Recognize Employee of the Month – Joel Logan
 - Proclamation for Constitution Week
- IV. Public Comment
- V. Minutes
 - July 20, 2006, Regular Meeting Minutes
 - July 20, 2006, Special Called Meeting Minutes – 6:30 p.m.
 - July 31, 2006, Special Called Meeting Minutes
 - August 3, 2006, Regular Meeting Minutes
- VI. Consent Agenda
 - 1. Consider Official Intent Resolutions
 - 2. Consider Master Lease Agreement – Draw #2
- VII. Old Agenda Items
- VIII. New Agenda Items
 - 08-06-07 Public Hearing – Consider Variance, 101 Bowfin Bay
 - 08-06-08 Public Hearing – Consider Variance, 210 Prospect Park
 - 08-06-09 Consider Step One Annexation Request from Peachtree East Shopping Center
 - 08-06-10 Consider Operating Procedures for Indigent Defense Program
 - 08-06-11 Consider Parking Restrictions on Petrol Point (north of GA 54)
 - 08-06-12 Consider Energy Performance Contracting
- IX. Council/Staff Topics
- X. Executive Session

This agenda is subject to change at any time up to 24-hours prior to the scheduled meeting.

City Council of Peachtree City
Minutes of Special Called Meeting
July 20, 2006
6:30 p.m.

The City Council of Peachtree City met in a special called meeting on Thursday, July 20, 2006, in the City Hall Council Chambers. Mayor Logsdon called the meeting to order at 6:30 p.m. Other Council Members present were: Steve Boone, Cyndi Plunkett, and Judi Rutherford. Stuart Kourajian did not arrive in time for the meeting due to traffic.

The purpose of the meeting was to conduct a public hearing to discuss the millage rate for 2006.

Finance Director Paul Salvatore said the proposed millage rate for the 2006 tax year was 5.533 mills, which represented a 0.25 mill tax rate increase over the current rate of 5.283 mills. He said the increase would generate an additional \$442,000 in revenue.

Salvatore continued that the reason for the proposed rate increase was to fund the additional public safety personnel in FY 2007 budget. The additional personnel included three police officers and three firefighters, plus an additional six firefighters if the City received a SAFER grant.

Salvatore said that the rollback millage rate, which would cancel the tax revenue impact of reassessments, was 5.047 mills. The difference between the proposed millage rate and the rollback rate was 0.486 mills (\$859,000). Adoption of the rollback rate would require the use of \$1.3 million of cash reserves in order to balance the proposed budget.

Salvatore said the 2006 Peachtree City tax bill, based on a \$200,000 property, would actually decrease by 0.341 mills, or \$27.28. The proposed rate for the Board of Education was 22.150 mills and the County's proposed rate was 5.692 mills. The total tax bill would be 33.625 mills, which was a 0.341 mill decrease from the combined 2005 millage rate of 33.966 mills, or about \$27.28 for each \$200,000 property value.

No one from the public spoke for or against the proposed millage rate.

There being no further business to discuss, Rutherford moved to adjourn the meeting. Plunkett seconded. The motion carried unanimously. The meeting adjourned at 6:35 p.m.

Betsy Tyler, Deputy City Clerk

Harold K. Logsdon, Mayor

Pamela Dufresne, Recording Secretary

City Council of Peachtree City
Minutes of Meeting
July 20, 2006
7:00 p.m.

The City Council of Peachtree City met Thursday, July 20, 2006, in the City Hall Council Chambers. Mayor Logsdon called the meeting to order at 7:00 p.m. Other Council Members present were: Steve Boone, Stuart Kourajian, Cyndi Plunkett, and Judi Rutherford.

Announcements, Awards, Special Recognitions

Mayor Logsdon recognized Scott McCord of Kedron Fieldhouse for 10 years of service. Police Sergeant Sam Smith was recognized for 15 years of service. Joe Wiegeler of IT was recognized as the Employee of the Month for June. Mary Ann Browning was recognized for her service on the Library Commission. The Georgia Municipal Association presented State Senator Ronnie Chance with the 2006 "Champion of Georgia's Cities Award." The July 4th parade winners were presented with trophies. The winners included:

Golf Cart: 3rd place – The Elephant's Tale
2nd place – New Neighbors League
1st place – St. Paul Lutheran Church
Most Creative – Memory Cottage
Most Patriotic – Partner's II Pizza
Mayor's Trophy – Amphitheater
Grand Marshal's Trophy – C.E.R.T.

Public Comment

There were no Public Comments.

Minutes

Rutherford moved to approve the May 4, 2006, executive session minutes; June 1, 2006, executive session minutes; June 5, 2006, budget workshop minutes; June 6, 2006, special called meeting minutes; June 6, 2006, budget workshop meeting minutes; and June 15, 2006, regular meeting minutes as written. Kourajian seconded. The motion carried 4-0-1(Plunkett).

Monthly Reports

Logsdon noted that the Top 5 accident locations for last month continued to be the same – GA 54/GA 74, GA 54/Commerce Drive, GA 54/Huddleston Road, GA 54/Planter Way, and GA 54/Robinson Road.

Consent Agenda

1. Consider Budget Adjustments
2. Consider Appointment to the Development Authority – Erin Ballentine,
Tom Lacey (Alternate)
3. Alcohol License – Change in Ownership – The Georgia Shrimp Company
4. Alcohol License – Change in Licensee, License Representative – Kroger #422
5. Consider Surplus of Air Compressor

6. Consider Request to Extend Alcohol License for Katie's

Rutherford moved to approve the Consent Agenda as presented. Boone seconded. The motion carried unanimously.

New Agenda Items

07-06-01 Public Hearing – FY 2007 Budget

Finance Director Paul Salvatore gave a PowerPoint presentation (a copy of the presentation is included in the official meeting file) on the FY 2007 budget. The General Fund total was \$26,987,025 and included a 0.25 millage rate increase. The budget was balanced with the use of \$414,000 from cash reserves. There was a 1.5% increase in departmental operating budgets, and there was a 4.5% increase in total General Fund appropriations. Salvatore pointed out that the increase in the departmental operating budgets was unusually low since some items in Public Works and Developmental Services had shifted into the stormwater fund, and there was also a \$100,000 decrease in the Administrative Services budget because there would not be an election and items that had gone away. The budget included \$100,000 in Council Contingency. The key to the millage rate increase was the six new Public Safety positions and the local share of six additional firefighter positions, if the SAFER grant was approved. The Public Safety positions included three new police officers, three new fire captain positions, and six additional new firefighter positions if the grant was approved.

Salvatore showed a chart of the General Fund revenues and pointed out that the majority came from ad valorem and LOST. He showed a similar chart for the appropriations side of the budget with the major areas being Police, Fire, Public Works, and Recreation. Salvatore showed another chart with an update on the full-time employees per 1,000 residents. He noted that Roswell, which was the only City with fewer full-time employees, had 489 part-time employees compared to the 65 part-time employees in the City.

Salvatore continued that the Public Improvement Program (PIP) total was \$2,361,708. The major projects included Crosstown/Peachtree Parkway intersection improvements, cart path extensions (Flat Creek, Cooper Circle), Fire Station 83 improvements, Emergency Pre-Plans software, Police Headquarters moisture problem, and 10 patrol vehicles/mobile data units (seven replacement and three new vehicles).

Salvatore said the FY 2007 SPLOST budget total was \$2,026,641. The major projects included an upgrade of railroad crossing signals, MacDuff Parkway landscape installation, Peachtree Parkway North intersection improvements (design), the street resurfacing program, and the cart path widening and resurfacing program.

Salvatore continued that debt service was budgeted at \$2.9 million. The Bricks & Mortar loan had been cut back from \$2.3 million to \$1.4 million, so the related debt service had been cut from \$133,000 to \$85,000. The debt service for seven replacement and three new police vehicles was \$94,000. The mobile data terminals for the police vehicles accounted for \$35,000 in debt service, and \$24,000 was included for the Emergency Pre-Plans software for the Fire Department.

Salvatore added that the Special Purpose/Authorities included the Peachtree City Tourism Association, which would receive \$728,194 (two-thirds of the hotel/motel tax collections), and \$35,000 for operating expenses for the Development Authority.

Salvatore summarized that the FY 2007 budget total was \$34,810,950, which included General Fund expenses, \$23,564,445; capital projects (PIP), \$2,361,708; SPLOST projects, \$2,928,7556; stormwater utility, \$2,230,427; debt service, \$2,962,420; and Special Purpose, \$763,194.

There were no comments from the public on the proposed FY 2007 budget. Logsdon closed the public hearing.

07-06-02 Discussion on FY 2007 Budget

Plunkett asked Salvatore the status of the FY 2006 Council Contingency. Salvatore said there was approximately \$43,000 remaining. Plunkett said she wanted to take \$10,000 from Council Contingency for the Senior Center expansion design at the August 3 meeting. She explained to the members of the Senior Adult Council that Council would vote on the funding on August 3, so they would not have to wait until October.

Salvatore discussed the changes made to the budget since the June 21 budget workshop. The reductions in appropriations included cutting back the figures from 12 months to nine months for the new Public Safety employees, which would help reduce the proposed millage rate increase from 0.34 mills to 0.25 mills. The reduction in the fire budget for three new fire captains and the local share of six new firefighters was \$92,133. The reduction in the police budget for three new police officers was \$39,637.

Rutherford asked if the Police Department would have a surplus at the end of FY 2006. Salvatore said they would; a two percent savings was projected. Rutherford asked if the amount would be sufficient to hire an officer that could start the Police Academy in September. Salvatore said there should be approximately \$37,000 available. Rutherford said to put it on the August agenda. City Manager Bernard McMullen asked if Council still planned to have three new positions next year, with a total of four. Council said four. Logsdon noted there was more to deal with than salary, such as a car. Rutherford said they could deal with the car in the next budget since the officer would not need one until June. Logsdon said they needed to go into it knowing there would not be a car. Salvatore said the cost of uniforms and equipment for each officer was \$6,000. Rutherford said if there was \$37,000 left, then there would be enough for uniforms and salary to get a person in the academy in September. There would be time to work everything out, and there would be four police officers.

Salvatore noted that the \$6,000 appropriation for a court interpreter was removed because the City's probation services company would be providing the service at no charge. As a result of the changes, the proposed millage rate was reduced by 0.09 mills (\$158,990) from 0.34 mills to 0.25 mills. The actual tax digest also came in slightly higher than projected – an additional \$13,089 in revenue. He continued that the use of cash reserves as presented at the last workshop was \$405,996. The net cut in appropriations was \$136,970. The net revenue reduction was

\$145,901. The revised use of cash reserves was now \$414,927, which had just changed by approximately \$67,000.

Salvatore continued that the items for discussion included the standard salary adjustment. The proposed pay plan included a one-time reduction of the standard salary adjustment from two percent to one percent. The revised pay plan also resulted in a one-time salary increase averaging one-half percent. Staff had contacted the Atlanta Regional Commission (ARC) and requested that a salary survey be performed. McMullen clarified that there would not be an updated pay plan, but there would be a salary survey. The next agenda item was an overview of the plan. Rutherford added that the one-time COLA reduction would save \$67,000.

Salvatore said there had been a question at the last workshop regarding the \$5,000 appropriation included in the Fire Department budget for an accreditation consultant. Rutherford said the appropriation should come out. Plunkett asked why a consultant was needed. Fire Chief Stony Lohr said the consultant would provide guidance and assistance on what needed to be done to achieve accreditation. The consultant was familiar with the procedures so the Department would not spend time going down dead ends. Rutherford asked how long the Department had been working on accreditation. Lohr said the Department began working on it in 1998, but this was the first effort since October 2004. Plunkett suggested they wait to see if the nine new people could help with accreditation since that had always been an issue in the past, and move the appropriation to the FY 2008 budget. Logsdon asked Lohr if it was critical. Lohr said the consultant was not critical, but would be beneficial. Rutherford said accreditation would be nice to have, but she was not sure it was needed this year. Plunkett supported taking the consultant out of the budget, but added if the accreditation effort was floundering, then the Department could ask Council to fund the consultant out of Council Contingency. Logsdon agreed.

Salvatore addressed the Riley Field parking project. The project had been included in the Bricks & Mortar loan for \$245,000. The scope of the project had been revised, and the new cost estimate was \$75,000. The debt service was reduced from \$23,316 to \$7,137, for a net savings of \$16,179. Rutherford asked if the improvements would be pervious or impervious. McMullen said it would be paved and would comply with stormwater requirements.

Salvatore added there was also a \$30,000 budget line item in the FY 2007 PIP for the conceptual design to expand the Baseball/Soccer Complex. The expansion would address the overcrowding problem at Riley Field due to growth in the football and lacrosse programs. Salvatore said the money would come out of cash reserves. Rutherford and Kourajian said it should not be taken from cash reserves. Rutherford asked why the money could not come from the FY 2006 PIP Contingency. McMullen cautioned Council that the PIP Contingency should not be used to fund new projects. Rutherford said she understood that, but there needed to be a discussion on what was in the fund and what projects were left hanging over the fund.

Salvatore continued that the funds for the Senior Center design would be on the next meeting agenda. The Senior Council had requested \$50,000 for this item.

Salvatore pointed out that additional funding would be required for the police vehicles. The 10 vehicles had been included in the PIP for \$34,000. The latest cost estimates came in at \$38,900. He recommended increasing the annual debt service by \$13,592 to cover the additional cost (\$49,000) of the vehicles. Rutherford asked why the costs were up. Salvatore said the amount was based on the costs coming in. He had been overly hopeful when he originally budgeted the vehicles.

Plunkett said she wanted to look at funding a part-time parks monitor, and Salvatore should work with Leisure Services Director Randy Gaddo to find funding in his budget. She did not want the funding to come out of cash reserves, and the cost should be approximately \$10,000. Rutherford said Gaddo needed to look at what he was willing to adjust to get the parks monitors. She agreed the position was needed, but had wanted to know where the money would come from. Plunkett said that was the consensus.

Salvatore said he would have the budget resolution for Council's approval at the August 3 meeting. The final millage rate public hearing was scheduled on July 31 at 7 a.m.

Kourajian asked, if something else came up, whether Council could possibly change the millage rate after July 31. Salvatore said that, after July 31, any additional proceeds would have to go toward rolling the millage rate back the next year.

Plunkett noted that, even though the City was raising its millage rate, the overall tax bill for City residents would go down. Salvatore said that, depending on assessments, the overall millage rate, including the County and Board of Education, would go down 0.341 mills. He said the rate per \$1,000 would be less.

07-06-03 New Alcohol License – NEW – Moe's Southwest Grill

Perry Rhodes, applicant for Licensee, addressed Council. He said the restaurant should open around August 10.

Rutherford moved to approve the alcohol license for Moe's Southwest Grill. Boone seconded. The motion carried unanimously.

07-06-04 Briefing on ARC Performance Appraisal Project

Kellie Brownlow, Local Government Services division chief of the ARC, told Council that the ARC worked with 71 entities. She would be working with staff on revising the City's current pay for performance plan. The objective was to develop a system to compensate the employees that met or exceeded standards and vice versa.

Brownlow said the first step was to study the current tool and its outcomes, then use the information to research and develop a new tool. The new tool should hold employees accountable for their work, as well as supervisors accountable for evaluating the employees. In order for that to be effective, especially the supervisor element, they would need a complete commitment from Council, administration, and supervisors.

Brownlow continued that, once the tool was developed, they would spend time educating employees and staff on how to use the tool. She said that developing the tool was the least difficult part of the plan. Training was the most difficult and lengthiest part of the process. The goal was to have the new tool in use by February. She said there would be kinks, and the transition usually took a few years to get it right. Rutherford agreed that education and training was essential and would help the implementation go a lot smoother. Brownlow said they would work with every level to make sure all understood the process.

Kourajian asked for clarification of the tool. Brownlow said the tool was the evaluation form and how the process worked. Kourajian asked if the evaluation would be objective or subjective. Brownlow said the tool itself would be based on the needs of the City. How it was used was what the ARC would train on. She said they could not make someone not be subjective when giving an evaluation. Sometimes the problems with pay plans was that no one was paying attention to what the supervisor was doing. A major part of the supervisor's job was how they were managing their department. Brownlow said they would work with the City to get the system right. Rutherford said the evaluation needed to be quantifiable and definable. The tool itself needed to be a true measurement, and the majority of the evaluation should be objective. It would also help them look at how the supervisors evaluated their employees.

07-06-05 Consider Acceptance of Donation of 20.07 Acres of Land Adjacent to Platinum Ridge

McMullen said the 20-acre parcel was associated with the de-annexation Council recently approved. It was the segment of land left in the City located next to Camp Creek and the City limits. The owner of the land requested the donation. The land had been appraised, and staff recommended approval.

Rutherford asked City Attorney Ted Meeker if he had read the document. Meeker said he had drafted the agreement. Plunkett asked if the property had been inspected, and the inspection had been documented. McMullen said the appraisal was one of the most extensive he had ever seen. There were a lot of photos.

Rutherford asked if there were any known liabilities. McMullen said that City Engineer Dave Borkowski had walked the parcel. It was heavily wooded, completely undeveloped, and had wetlands. The parcel could be used for mitigation credits.

Kourajian asked if the owner would receive any tax benefits. McMullen said the owner would get the tax benefits, but the land was very difficult to develop. Kourajian said he understood, but wanted to make sure since it was \$227,000 of land.

Rutherford said there was no obvious reason not to accept the parcel. She moved to accept the donation of 20.07 acres of land adjacent to Platinum Ridge. Kourajian seconded. The motion carried unanimously. McMullen said the motion needed to include that the Mayor was authorized to sign the agreement. Rutherford moved that the Mayor be authorized to sign the agreement. Plunkett seconded. The motion carried unanimously.

07-06-06 Consider Bid on Tower Halo

Public Services Director Tom Corbett addressed Council, and said that staff recommended that Dyco Enterprises, Inc., of Doraville be awarded for the cell tower grounding repairs. Corbett said the repair would essentially restore the integrity of the halo, which dissipated lightning bolts. He continued that the work included modernization, restoration, and safety issues, and was essential to keep the cell tower functional.

Rutherford asked what had caused the issues. Corbett said it was a combination of age and time. Rutherford asked why the soil cost \$125 per bag. McMullen answered that the soil was enhanced with metals for conductivity. Corbett said he believed they were 50-pound bags. He noted that the tower was a lightning rod and could not be filled with whatever was available. The soil added to the effect and protected the metal in the ground. Rutherford asked how many bags and rods would be needed. Corbett said that Dyco expected that not more than two additional rods would be needed. It could take anywhere from 10 to 50 bags of soil, but they would not know until the old infrastructure was dug up and replaced. Logsdon said he did not know they were digging it up. Corbett said they were actually digging a trench for the new halo, and the old structure would stay in place. The final determination on the soil could not be made until the structure was in the ground and all of the measurements were made. Corbett said he had counted a dozen rods originally, but two or three more might be required. Logsdon said there were more than a dozen.

Kourajian questioned if the \$500 was to re-test the whole unit, and whether there was a place to get the soil for a better price. Corbett said that was how the bid went out. He did not know if there was a better price. Kourajian said if they could find it at a lower price, they could buy 150 bags, then return the unused bags. Corbett said that Purchasing would know the options available on the contract. Borkowski said they would not know how much dirt was needed until the conductivity was tested. The intent was to approve a unit price for the material. It was possible that no soil would be needed. Rutherford said she was concerned that there was no idea how many bags would be needed. Borkowski said they looked for the cheapest unit price. Rutherford asked if they would reuse the soil they dug up. Logsdon said he had never seen one installed, but they would not know how much was needed. Logsdon said he did not believe it would take 50 bags; that would be an extreme number. Corbett said the only alternative was to dig the trench up front, then do some testing, but the tower would not be functioning.

Rutherford noted that the money was not provided for in the budget. She asked how the issue was discovered. McMullen said that the problems with the tower had been discovered near the end of the library expansion. A consultant was brought in to do the testing and design work.

Rutherford noted that the request was to take the money from the PIP Contingency. She asked what might not get done, and if there was still money in the FY 2005 PIP Contingency. Salvatore said he did not have the figures for FY 2005, but the funds were accounted for during the budget workshops.

Rutherford moved to approve the bidder, Dyco Enterprises, for an amount not to exceed \$60,000, which included the \$52,800 base bid, \$195.50 for each additional rod, assumed to be two, and

\$500 for the re-test and the bags that were needed, and to take it out of PIP Contingency for 2006. Boone seconded.

Kourajian noted that the City needed to institute annual halo validation, and asked where the annual maintenance costs were in the budget. McMullen said it was in the 2007 budget for engineering. One of the issues was that the annual maintenance had not been done. Plunkett asked if the work would be guaranteed. McMullen said there should be a normal one-year construction warranty. Rutherford and Plunkett said to make sure there was a warranty. Rutherford asked how many users were on the tower. Assistant Finance Director Janet Camburn noted there was one less user on the tower now.

The motion carried unanimously.

07-06-06 Consider Authorization of Economic Development Grant for Cooper Wiring Entrance Road

McMullen said that in 2003 the City had agreed to participate in a development grant to Cooper Wiring to extend the road. Mayor Brown, in a letter dated November 13, 2003, committed to participating in the grant with \$20,000. The money was to extend the road that went to the Cooper Wiring loop. The project was completed, and the City had received a letter from the Fayette County Development Authority requesting the payment. Staff asked that Council approve payment of the \$20,000 grant.

Rutherford asked if the former Mayor had permission from Council to sign the letter. McMullen recalled that the former Mayor had contacted certain members of the Council at that time. Rutherford noted there was no money in the budget put aside for the grant. Boone asked why it had not been given in 2004. McMullen explained that, in the interim, the City was to contribute to the left turn lane. There had been discussion back and forth, and then the state accelerated the plans to widen GA 74 South. The grant was never picked up and put in a budget.

Rutherford said she did not have a problem paying the money. It was a construction cost, and she did not want it to come from Council Contingency. Plunkett asked if it could come out of PIP Contingency since it was a project. McMullen said it could. Rutherford asked if \$10,000 could come from Council Contingency and \$10,000 from PIP Contingency. McMullen said that would not be problem.

Rutherford moved to authorize payment of \$20,000 for an economic development grant to the Fayette County Development Authority for assistance with the entrance road to Cooper Wiring Devices and that the money come from the 2006 PIP Contingency fund. Boone seconded. The motion carried unanimously.

07-06-07 Consider Bid for Backhoe

Corbett noted that the backhoe was in the FY 2007 budget. The backhoe was used exclusively by the cart path crew. The old machine was beyond repair. A refurbishing would cost approximately 75% of the cost of a new machine. The state contract price was good through July 31. They had a good vendor, but had bid it out anyway. The state contract price discounted

the price one-third, and staff recommended the purchase through the state contractor. There was a 90 to 120-day delivery.

Rutherford moved to authorize the purchase agent to place an order with Wade Tractor of Griffin for the state amount of \$44,878.57 for the New Holland Construction two-wheel drive backhoe on or before July 31, but not to pay until it arrived in FY 2007. Kourajian seconded. The motion carried unanimously.

Council/Staff Topics

Rutherford asked for an update on the light at GA 74/Georgian Park. McMullen said the lights were up. They still needed to put asphalt down for turn lanes. The plan was to do that the next day, but it would depend on the weather.

Plunkett asked if anything could be done regarding the tarps put out early for the July 4th activities. McMullen said he and Gaddo had met that day, and an ordinance change would be drafted to bring to Council.

Plunkett asked if it would be possible to form a political action committee to assist with CSX issues. Meeker said someone could do that as an individual, but not as a member of Council. The City could hire a lobbyist to work on its behalf.

Kourajian asked if the City staff helped with the Senior Adult Council newsletter. McMullen said staff did not provide any assistance, but he would check with the Leisure Services Director. Rutherford said the City should provide them with the places to get the correct information. Tyler said she did not help with it, she did not know if the Recreation Department did. The U.S. Census did have projections based on growth trends, rather than the City's plan.

Rutherford thanked the Fire Department, Police Department, Recreation, Public Works, and all employees who helped clean up the City after the July 4th activities. She said she was amazed at the amount of trash left. McMullen said that had also been discussed, and it was suggested that people hand out litterbags near the end of the parade. Logsdon said he was on an anti-litter campaign and asked if anything had been done. Tyler said letters had been sent to the garbage companies this week addressing issues with them, such as missing pick-ups and animals getting in the trash, as well as overfilling trucks. A press release had also been sent regarding the expenditures on trash pick-up. She said it cost over \$65,000 to pick up litter so far this year. Rutherford said the City needed to make a concerted effort. It was embarrassing. There needed to be an education campaign on what it cost in tax dollars to clean up the litter. Logsdon said he wanted a high profile campaign. Corbett said Public Works was reviving the "Adopt-a-Mile" program, and Mike Rogers was also working with the fast food businesses. Corbett said there was also a problem with businesses overfilling trash containers with packing materials that blew everywhere. Plunkett and Rutherford both wanted to get the schools involved, maybe sponsor a poster contest. Tyler noted that McDonald's, Subway, and Wendy's were involved; there were new fast food restaurants that might be interested in getting involved. Getting the schools involved was another good option. There would also be information in the **Update** newsletter. Rutherford noted that litter pick-up was part of the stormwater credit system.

Kourajian asked about the maintenance schedules for the City. Corbett said he was finding there was a misconception about what three different crews did in the community. The right-of-way crew did bulk grass cutting, and they covered 325 acres on the road shoulders on a two-week cycle. The landscaping crew took care of 250 subdivision entrances and 400 interior landscaped areas in a five-week cycle. To add to the confusion, the cart path crew cut the grass on the path system. Corbett continued that not all of the subdivision entrances were under the City's jurisdiction. Everything was on a different cycle. Last year, there were calls because of the wet conditions. This year, there were calls about weeds, which thrived during drought conditions. The weeds either had to be pulled or sprayed, but the spray was not killing the weeds. Rutherford asked if an employee spoke to those who had called. Corbett said it depended if the resident was at home or at work. They spoke to the residents if they were at home and asked the residents to show them the problem. Plunkett asked if the maintenance cycle needed to be reviewed, or if something else needed to be done. She had received a number of complaints about how the City looked. Rutherford said maybe they should consider landscaping that required less maintenance. Corbett said some of the original installation had been less maintenance intensive, but had changed over the years. Rutherford said maybe the homeowners associations should take back the maintenance, especially those that were more labor intensive. Rutherford suggested the City should set some regulations on what it would accept. Kourajian asked for an update by the first meeting in September.

Rutherford moved to convene in executive session for threatened or pending litigation and a personnel issue. Boone seconded. The motion carried unanimously.

Rutherford moved to reconvene in regular session. Kourajian seconded. The motion carried unanimously.

There being no further business to discuss, Rutherford moved to adjourn. Kourajian seconded the motion. The motion carried unanimously. The meeting adjourned at 10:30 p.m.

Betsy Tyler, Deputy City Clerk

Harold K. Logsdon, Mayor

Pamela Dufresne, Recording Secretary

City Council of Peachtree City
Minutes of Special Called Meeting
July 31, 2006
7:00 a.m.

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The purpose of the meeting was to conduct a public hearing to discuss the millage rate for 2006.

07-06-08 Public Hearing – Millage Rate for 2006

Finance Director Paul Salvatore said the proposed millage rate for the 2006 tax year was 5.533 mills, which represented a 0.25 mill tax rate increase over the current rate of 5.283 mills. He said the increase would generate an additional \$442,000 in revenue.

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No one from the public spoke for or against the proposed millage rate.

Boone said he was still adamantly opposed to the three police officers in the budget and would like for those resources to go into the cash reserve.

08-06-09 Consider Adoption of 2006 Millage Rate

Rutherford moved to approve the millage rate of 5.533 mills. Kourajian seconded. Salvatore asked that the motion be amended so the 5.533 mills included 0.02 mills to fund the operation of the Development Authority, or \$35,000. Rutherford accepted the amendment. Kourajian seconded the amendment. The motion carried unanimously.

07-06-10 Consider Approval of the Nextel Band Frequency Reconfiguration Agreement

City Attorney Ted Meeker noted that the memo in the staff packet for the meeting was self-explanatory. In short, the City had a few frequencies that, under an FCC rule, were required to be reconfigured to Nextel. Nextel was responsible for all the reconfiguration costs. He said it was placed on this agenda in case there were any questions that would require the agreement to be continued until the August 3, 2006, meeting. If the agreement were not adopted by August 15, the City would have to go through a very expensive process with the FCC in Washington in order to resolve the issues. The Police Department had reviewed the agreement and addressed the operational aspects. Rutherford asked if the Fire Department had seen the agreement. City Manager Bernard McMullen said it did not affect the Fire Department.

Rutherford moved to approve the Nextel Band Frequency Reconfiguration Agreement. Kourajian seconded. The motion carried unanimously.

Rutherford moved to convene in executive session for threatened or pending litigation and a personnel issue. Boone seconded. The motion carried unanimously.

Rutherford moved to reconvene in regular session. Kourajian seconded. The motion carried unanimously.

There being no further business to discuss, Rutherford moved to adjourn the meeting. Boone seconded. The motion carried unanimously. The meeting adjourned at 7:30 a.m.

Pamela Dufresne, Recording Secretary

Harold K. Logsdon, Mayor

City Council of Peachtree City
Minutes of Meeting
August 3, 2006
7:00 p.m.

The City Council of Peachtree City met Thursday, August 3, 2006, in the City Hall Council Chambers. Mayor Logsdon called the meeting to order at 7:00 p.m. Other Council Members present were: Steve Boone, Stuart Kourajian, Cyndi Plunkett, and Judi Rutherford.

Announcements, Awards, Special Recognitions

Mayor Logsdon recognized the graduates of the Citizen Police Academy.

Public Comment

There were no Public Comments.

Minutes

Rutherford moved to approve the June 21, 2006, special called meeting minutes; June 21, 2006, budget workshop minutes; July 13, 2006, special called meeting minutes; and the July 20, 2006, special called meeting minutes, 7 a.m., as written. Boone seconded. The motion carried unanimously.

Monthly Reports

Rutherford noted that the number of Fire Department calls were continuing to increase, but were still answered in less than five minutes. Plunkett noted that the jail fund balance continued to go up and suggested that a meeting should be scheduled between the parties to discuss the issue for next year. Kourajian asked why Halloween was on the calendar. Public Information Officer/Deputy City Clerk Betsy Tyler said it was because the City usually received many phone calls regarding the date for trick-or-treating, which was always on Halloween. Rutherford noted that people sometimes wanted to celebrate on Friday rather than Tuesday. Rutherford said it would be interesting to see if the accident statistics changed now that GA 54 was open.

Consent Agenda

1. Consider Changes to PCTA Bylaws
2. Consider Appointments to the Tourism Association – Art Ferreira,
Chuck Micallef

Rutherford moved to approve the Consent Agenda. Kourajian seconded. The motion carried 4-1 (Plunkett).

Old Agenda Items

07-06-02 Consider Funding for Conceptual Design of The Gathering Place and Baseball/Soccer Complex Expansion

City Manager Bernard McMullen noted there was an additional document on the dais – a spreadsheet from Finance Director Paul Salvatore entitled “Old Agenda Item No. 07-06-02, Consider Funding of Conceptual Design – Gathering Place/BSC, August 3, 2006.”

Salvatore said Council had asked that this item be placed on the agenda for this meeting at the July 20 public hearing on the budget. He recommended that the \$10,000 for The Gathering Place design be funded from Council Contingency, which would leave \$47,000 in Council Contingency. The design for the BSC expansion (\$30,000) was to be funded from the FY 2006 PIP Contingency, which would leave \$163,091 in that account.

Rutherford moved to do The Gathering Place design with the \$10,000 coming out of Council Contingency, leaving \$47,000 in that account and to move forward with the BSC expansion for \$30,000 with the money coming out of the PIP Contingency for FY 2006, leaving \$163,000 there. Plunkett seconded. The motion carried unanimously.

New Agenda Items

08-06-01 Consider Budget Adjustments, including New Police Officer Position

Salvatore noted that this agenda item had also been requested at the July 20 meeting. The first adjustment to the FY 2006 budget was a decrease in the scope of the improvements for the Riley Field parking lot. The budgeted revenues and expenditures had been decreased in the amount of \$170,000, leaving \$75,000 in the account. The corresponding debt service was decreased by \$16,179.

Salvatore continued that the other adjustment was to add a police officer position for FY 2006, so they could advertise for the position. The action had to be taken to add a police officer by September 1, 2006, in order for the officer to be able to get into the September class at the Police Academy.

McMullen noted that there had been a request to remove this item from the Consent Agenda. Kourajian added the documentation had not changed.

Rutherford moved to approve the budget adjustments, including the new police officer position. Kourajian seconded.

Boone said he was adamantly opposed to adding the officer. Logsdon clarified this was a fourth police officer. McMullen said the request had been to fund an additional officer in FY 2006 so the officer could start the Police Academy in September. The position would be funded through the rest of FY 2006 and next year. Rutherford said the funding was so the officer could begin the academy in September. Logsdon said there were no applications, so that might not be accomplished.

Boone asked if there were sufficient funding in the Police Department budget to fund this position. McMullen said there would be sufficient savings in the FY 2006 budget to fund the position. Salvatore said the cost would be \$7,500 for one month. He said the issue would be the ongoing expense. Logsdon said his concern was a full year of salary that had not been in the proposed budget. McMullen said that would be addressed during the next agenda item. Council would need to vote on whether to add the fourth position.

Logsdon asked Police Chief James Murray if an officer could be hired prior to August 15. Murray said they had no qualified college graduate applicants. The paperwork could not get done in time for the September class. Rutherford said Council could approve it, but the money would not be going anywhere since there were no qualified candidates.

The motion carried 4-1 (Boone).

08-06-02 Consider Adoption of FY 2007 Budget

Salvatore noted the changes made to the FY 2007 budget since the budget hearing on July 20. The changes included:

- One of three police officers changed from nine to 12 months;
- One police officer position was created in FY 2006;
- Police vehicle costs were updated;
- Fire Department accreditation consultant was put on hold;
- Scope of the Riley Field parking improvements was reduced;
- A part-time parks monitor position was put back in the budget.

Salvatore pointed out that sufficient cuts were made in the Recreation budget, so the parks monitor was put back in the budget. He said the changes resulted in a net savings of \$1,685 to the appropriations. The use from the cash reserve before the changes was \$414,927. The amount needed from the cash reserve after the changes were made was \$413,242.

Salvatore continued that the budget as presented had one police officer for 12 months, and two police officers budgeted for nine months. He said he was looking for direction on whether to add a third officer for nine months. Rutherford asked what would be needed for a fourth officer. Salvatore said the addition of a fourth officer would increase the PIP by \$38,900 to purchase a vehicle, which would be offset by the equipment lease loan proceeds. The City would be left with an additional \$10,790 in annual debt service for the vehicle. The cost for a fourth officer would be \$58,875 – \$40,805, salary and benefits; \$10,790, vehicle payment; and \$7,280, equipment. The use of the cash reserve would increase to \$472,167.

Rutherford noted that the vehicles were not needed until June and asked when the vehicles would be purchased. Chief Murray said it would depend on when the state contract ran out. This fiscal year, the cars were ordered in January and were delivered in July. Rutherford said the first time an officer could be in a vehicle was July 1. She asked if the \$10,790 started on day one of the budget. Salvatore said the figure was for principal and interest for a vehicle for one year. If the time the City had the vehicles were less, then the costs would be less. Rutherford said she had a hard time buying vehicles in October for someone who would not be able to drive it until July. The budget should reflect that. Salvatore said the debt service could be cut in half if Council wanted to do that. Rutherford said they would not have to adjust the cash reserve as dramatically since they would not need to spend the money on car loans. Logsdon said they should minimize what was taken out of cash reserve. Rutherford said either way there should be less money coming out of the cash reserve. She said if the sole argument was how much money came out of cash reserve, the use of cash reserve included three vehicles starting October 1.

They were not going to buy the cars on October 1. The money could be moved from debt service to salary. Plunkett said if they had to use the cash reserve, she would rather the money be used for officers. Logsdon said he wanted to stop spending out of the cash reserves. Boone said they were looking at close to \$300,000 from the cash reserves to fund the new officers, which was what he was opposed to. All of the other directors had taken cuts and projects had been cut from the PIP. If the additional officers were warranted, he had no problem redirecting the funds.

Kourajian told Boone he understood his concerns but disagreed, especially after the news stories this week. The City had not seen the impact of the Target opening yet. Council's prime focus was public safety. He had no concerns yet, but Council needed to bolster the Department before there was an issue. Logsdon added that it was almost two years before a new officer was beneficial on the street. If they waited until an officer was needed, they would be two years behind. Plunkett said the chances were slim they would find four qualified candidates before January.

Logsdon said they had discussed the issue at the workshop, and they had decided on three officers. The discussions kept going, and a fourth officer was added. He said, when you looked at it closely, the money was coming out of cash reserves. Boone said they could put \$300,000 in the cash reserves, then hire officers when they were needed. Rutherford suggested postponing the budget for two more weeks, and going to the directors and telling them to take \$413,000 out of the budget so cash reserves were not needed. She said they had already cut what they wanted to spend. She was not happy taking money out of cash reserves since it was a form of deficit spending. The additional personnel were needed. She said they had approved a millage increase to pay for public safety. Boone said they had asked for a millage increase, but would be difficult in the community for those on fixed incomes. They should look at paying down debt and upcoming debt service. Rutherford asked Boone if he was ready to postpone the vote and take another \$400,000 out of the budget. Kourajian said they could also vote.

Salvatore said he had run some numbers on the debt service. Cutting the debt service for six months on the three vehicles decreased the amount from \$32,370 to \$16,185. For four vehicles, the net savings would be \$21,580, so the debt service for the first year would be approximately \$37,000. The amount taken from cash reserves would be approximately \$450,000.

Logsdon opened the floor for comments from the public. Dr. Steven Wanderman told Council that public safety was the backbone of a city. People were coming from all over, and Council needed to do more to protect the community. Linda Wojcik said it was incumbent upon the City to have more officers visible in the community, especially since Council was considering more annexations. Betsy Dodds, Senior Adult Council chairperson, thanked Council for helping to further their plans to expand The Gathering Place. As the senior population grew, the expansion would be more important.

Rutherford moved to adopt the FY 2007 budget resolution with the fourth police officer. Plunkett seconded.

McMullen clarified that the interest on four vehicles was to be reduced for six months. Rutherford said that was correct. Rutherford said if the money was not spent, then it stayed in the cash reserves. It was a very difficult decision. The citizens were paying a lot of taxes, but were getting a lot of services from the City. Unfortunately, the word did not always get out that the tax bill included more than the City. It was critical to the community to provide public safety. Recreation was the next core element of what the City provided. There was no cheap way to do any of it.

Boone complimented staff on the work done on the budget. It had been an arduous task, and a lot of thought had gone into it.

The motion carried 4-1 (Boone).

Logsdon also commended staff. He said the workshops had been good, and it had been a learning experience for him.

08-06-03 Consider Intergovernmental Agreement with Development Authority of Peachtree City (DAPC)

Assistant Finance Director Janet Camburn said the agreement basically formalized what had been going on for approximately three years. The City Attorney had drafted the agreement, and the DAPC had approved it in June.

Rutherford asked what was different between this agreement and the previous intergovernmental agreement with the DAPC. Meeker said there was not an agreement currently. The past agreements had dealt with management of the facilities. Meeker added that the agreement was housekeeping and formalized the services the City provided.

Rutherford moved to approve the intergovernmental agreement with the DAPC and to authorize the Mayor to sign it. Boone seconded. The motion carried unanimously.

08-06-04 Consider Alcohol License Fee for Wholesale Business

Public Information Officer/Deputy City Clerk Betsy Tyler noted that Council had an application to consider for a wholesale alcohol license. The ordinance provided for wholesale licenses, but a fee had never been set. The City had never had one before. Staff surveyed several cities and the fees ranged from no fee (only charging for the business license) to \$2,000 for those that sold distilled spirits. Staff recommended that the application fee for the background check be charged, but no additional fee. Wholesalers were heavily regulated by the state, and they did not sell directly to the public. Staff recommended they pay the application fee, which covered the background check for a license, plus the occupational tax fee. The application fee was \$200 and covered the licensee and license representative.

Kourajian asked if the City had any other wholesalers, other than alcohol. Tyler said there were other types of wholesale business. Kourajian asked if this was coming up only because it was alcohol. Tyler said that was correct.

Rutherford moved to adopt the \$200 application fee for an alcohol wholesale business. Meeker added that there be no additional license fee, but they were subject to the occupational tax. Kourajian seconded.

Kourajian asked if a wholesaler's employees would need an alcohol handler's permit. Meeker said they would not since they would not be selling to the public.

The motion carried unanimously.

08-06-05 Alcohol License – NEW – Imagen, Inc.

Darren Reindl, the applicant, addressed Council.

Rutherford moved to approve the wholesale alcohol license for Imagen, Inc., and that Darren Reindl serve as the licensee and license representative. Kourajian seconded.

Rutherford asked Reindl if he had a warehouse. Reindl said the warehouse would be located at 277 Highway 74 North. McMullen noted there was warehouse space on the bottom level of the building. Plunkett asked if it was only wine. Reindl said it would be wine only. Kourajian asked if this was a new business or if it was moving from another city. Reindl said it was a new business.

The motion carried unanimously.

08-06-06 Consider Step One Annexation Request from Group VI

City Planner David Rast said the request was for three parcels of land, approximately 13 acres, located near the Fayette County Animal Shelter and between GA 74 and Redwine Road. The tract was undeveloped, and there was a home on one of the parcels. Group VI had already started construction. Rast showed a map of the area and went over the zoning and land use. The office development was within 500 feet of sewer. Staff had contacted WASA and a connection could be made in the Wilshire subdivision.

Rutherford pointed out that the developer could request to connect to sewer whether the property was annexed or not since it was within 500 feet. Kourajian asked for clarification regarding the ability to connect to sewer. City Attorney Ted Meeker said that there was an EPD regulation that required projects within 500 feet of sewer to try to get connected to sewer. Plunkett asked if Council could refuse such a request. Meeker said Council could refuse, but the EPD would not be happy. Rast said he understood that the Fayette County Health Department should look to see if sewer was in the vicinity when an application for a septic system was submitted. Logsdon asked the developer what had happened at the Health Department. Carl Lange of Group VI said that they were not encouraged by the County to seek a sewer connection. Plunkett said if the sewer connection was required, then the City's system could just keep extending further and further into the unincorporated County. Kourajian asked if the land was within 500 feet of a manhole, or the closest parcel with a sewer connection. Rast said it was within 500 feet of a manhole. McMullen said he had discussed the issue with Larry Turner, the general manager for WASA. He continued that there was a difference of opinion on sewer availability between

WASA and the County Health Department. The requests had to be dealt with individually. Rutherford noted that the Board of Health met on September 12, and she would ask that the agenda include a discussion of "500 feet."

Carl Lange of Group VI addressed Council. He said the three tracts were contiguous between the Animal Shelter and the GA 74/Redwine Road intersection. The project would include commercial, medical office, and limited retail. Sewer was one issue, but the property owners wanted to be inside the City to protect the standards of what was being built. There was a strong desire to be in the City. Rutherford noted a 50-foot strip of land on the map and asked if it was intended to be a driveway. She asked what would happen since the property behind the tract was in the County. Lange said the three tracts had been merged, and there was no existing driveway. Lange said they had worked closely with DOT on the access on GA 74. Kourajian asked if the proposed annexation would create an island on the Redwine Road side. Lange said it would not since that property had access to Redwine Road.

Logsdon asked about the access to the development. Lange said they had worked closely with DOT and had a median cut on GA 74 as well as Redwine Road. There would be interparcel connection.

Kourajian clarified that the developer had approval for everything they were doing, but were only looking for a City address. Lange said they had approval for the middle property, which was under development currently. Nothing had been planned on the property that went up to Redwine Road. Logsdon noted that the entrance on GA 74 had been elevated and made sight-friendly for a driver's line of sight. Lange said they had worked closely with DOT to determine what were the optimum sights for drivers. They had been required to put in an extensive decel lane coming from the west on GA 74.

Rutherford noted that construction had already started and asked if it was not too late to adhere to City standards. The land had to be annexed, then zoned. She asked if the building would have to be grandfathered since it was already up. Lange said the building met the City's standard as far as the materials and architectural character. The City's landscaping requirements would be more restrictive. Rast pointed out the site had been heavily wooded, but was now totally cleared. The City had tree save and landscape buffers requirements. He said there was no vegetation between GA 74 and the building. He had not looked at the site plan specific to the City standards because they were not at that point yet, but there were things that did not meet the City ordinance. Rast said he had spoken with Pete Frisina of Fayette County's Planning Department, and there was a corridor overlay district for that portion of the County. The building was similar to others in the City, but the City would have tried to preserve the vegetation on GA 74. There were some significant variations from the City's ordinance.

Rutherford said this was just phase one, and staff was not supposed to work with the applicant, but Rast had been to the site. She was confused about staff working with the developer when that should not happen until phase two. McMullen said, according to the current ordinance, staff could provide and gather information, but could not make recommendations.

Boone said that, once the land was annexed, it should have to comply with the City's landscape ordinance, even though it was clear-cut now. Meeker said if the certificate of occupancy for the building was issued prior to the requested annexation, then they would not have to meet the City's requirements. Rutherford clarified that the City would have to take the building as it was. Plunkett said Council did not have to approve the annexation. Rutherford agreed that people seemed to not understand that the Council did not have to accept the annexation and did not have to give a reason why.

Logsdon said the City would expect revegetation if the application made it to phase two. Rutherford said the buffer was gone and could not be replaced. Logsdon said it could be replanted. Rutherford said that was not the same as a natural buffer. She continued that construction had already started, so there would be a grandfathered situation. Council should consider that the building construction had started and whether or not it met the City's setback requirements. Kourajian said he liked the idea of a natural boundary. The developer was asking for approval of the step one application, which allowed the developer to work with staff. He agreed with the concerns, and he was not ready to grant any variances. He was interested in allowing the developer to work with Rast to try and resolve the concerns. The building was going in regardless of whether it was in the City or the County.

Rutherford asked how the building could be adjusted if it was not up to the City standards. Plunkett said it was good for the developer to know Council's concerns. Lange said the building would be completed long after the potential annexation. He added that the landscape plan was very extensive, and they were willing to work with Rast to adapt the plan. Rutherford said that, once a buffer was stripped, it could not be put back. That was a serious concern. Boone and Kourajian said the buffer could be put back, just not with the original trees.

Kourajian moved to approve the step one annexation application from Group VI, but with no guarantee of approval of annexation into the City, but to work with staff on the concerns. Rutherford seconded. The motion carried unanimously.

Council/Staff Topics

Rutherford asked if the County's paver was fixed. McMullen said it was fixed. Rutherford noted there was a big mound of pavement on the grass on Peachtree Parkway, south of the fire station, and it should be moved before the grass died. McMullen said that was not unusual when they were cleaning, but it should be cleaned up.

Plunkett said the grass needed mowing in the City right-of-way on MacDuff Parkway. Kourajian noted that, the last time that happened, it was not the City right-of-way that needed mowing.

Kourajian asked if there was an update on the anti-litter campaign. Tyler said *The Citizen* and *Today in Peachtree City* had printed the press releases. More information was to be in the next issue of the *Update* and on Channel 26. The City was working on a potential ongoing project with the Kiwanis Club of Peachtree City, as well as the Keep Peachtree City Beautiful program. She had also received several calls from citizens.

Kourajian noted that there appeared to be garbage cans missing on the paths. McMullen said he would have to check with Public Services Director Tom Corbett on that and get back to Kourajian. Kourajian added that the area was a well-traveled path to a school.

Rutherford asked if letters had been sent to the garbage companies regarding their trucks. Tyler confirmed this and said she had gotten a call from one of the companies. She was still getting complaints about late pickups by Allied. Kourajian said he could understand late pickups since it depended on the work that day, but the garbage blowing out of the trucks was a bigger issue. Tyler said that continued to be a problem. The companies needed more trucks and drivers to meet the demand.

Fire Chief Stony Lohr reported that there had been an airplane crash at 7:49 a.m. that day. It was a small single-engine, fixed-wing craft, and it crashed on the north end of the runway at Falcon Field. The initial report was the plane had taken off to the north and had lost power, but made it back to the airport. The pilot was killed on impact. He said they were reasonably sure of the pilot's identity. The FAA had not released the name yet, but the pilot was a City resident and was based at Falcon Field. The aircraft was considered flight worthy, but was classified as experimental. The National Transportation Safety Board had the right of first refusal on any crash with a fatality and had released responsibility to the FAA Flight Standards Office to continue the investigation. Falcon Field was shut down for one and one-half hours.

Chief Murray noted there had been a lot of publicity concerning the recent arrest of a drug dealer on the cart path. He continued that the suspected drug dealer was a local individual, age 24, who lived with his parents and was unemployed. Murray said he asked the judge for no bond and to restrict the person from the City. The judge set a \$42,000 bond. The parents had been very cooperative. Additional arrests would be coming. The suspect had a list of names of continual buyers, and the Department was familiar with the suspect's supplier. The Department was working on the issues with other agencies in the Atlanta area. They had uncovered crystal methamphetamine, crack cocaine, and numerous pills. Murray continued that there had also been a recent heroin overdose. The County's drug task force had made an arrest in The Avenue and at Pike's Nursery. He said he did not want anyone to think the cart paths were carte blanche to anyone who wanted to sell narcotics. The paths were under surveillance. The Department got information from people who saw suspicious things.

Murray continued that a 14-year old visiting his grandparents had also been attacked by three older teens as he was returning from Braelinn Village. He said the Department had information and knew who the suspects were. There was a community relations officer assigned to the area that had developed trust with the area residents. A majority of people in the apartments were good, law-abiding people, but were afraid to give the police information due to living in such close quarters. This had been a random act of violence. Murray said they had not seen any gang activity, but as the City grew and aged and the population changed, it would see those activities. The recent robbery at the Herb Shop was committed by an African-American male who robbed a person who was alone in the shop. There was no camera or alarm. The suspect had been positively identified as the same person who had robbed the Fayetteville store. There had also been an armed robbery in Hiram. The victims in the City and in Fayetteville had positively

identified the suspect in Hiram as the same person who robbed them. Murray said the City was not immune to crime, but there was only manpower to provide coverage in so many places. During the assault on the cart path, there had also been three accidents and two alarms going off at the same time. The Department targeted the heavily used areas of the path system for patrol during peak times. Calls for service had to be answered. The average response time for calls for service was now over six minutes. There had never been a major crime on the paths that had not been solved, but there was a difference between preventing crime and solving a crime. The Department often received information from people who did not want a reward. The residents were the eyes and ears on the paths and should call the police regarding anything suspicious.

Rutherford moved to convene in executive session for threatened or pending litigation and a personnel issue. Boone seconded. The motion carried unanimously.

Logsdon moved to reconvene in regular session. Rutherford seconded. The motion carried unanimously.

Rutherford moved to authorize the Mayor to continue as the supervisor for the Police Department until October 1, 2006. Kourajian seconded. The motion carried unanimously.

There being no further business to discuss, Rutherford moved to adjourn. Boone seconded the motion. The motion carried unanimously. The meeting adjourned at 8:59 p.m.

Betsy Tyler, Deputy City Clerk

Harold K. Logsdon, Mayor

Pamela Dufresne, Recording Secretary

CITY OF PEACHTREE CITY

INTEROFFICE MEMORANDUM

TO: Mayor and City Council

VIA: Bernard J. McMullen, City Manager 

FROM: Colin W. Halterman, Assistant City Manager 
Paul J. Salvatore, Financial Services Director 
Janet I. Camburn, Assistant Finance Director 

DATE: August 10, 2006

SUBJECT: Official Intent Resolutions (Reimbursement Resolutions)
August 17, 2006 City Council Consent Agenda

Recommendation:

As a housekeeping item, that City Council adopt the two (2) attached Official Intent Resolutions (Reimbursement Resolutions) that allow the City to seek reimbursement through the financing process (lease/purchase or bricks and mortar) for budgeted expenditures made prior to the actual financing process.

Discussion:

Following the adoption of the annual budget, the City prepares Official Intent Resolutions for Council adoption in order to include in future financing any moneys paid directly or indirectly by the General Fund and now the Stormwater Utility Fund prior to the actual financing of expenditures for acquisition, construction, machinery, and/or equipment. The first resolution in an amount not to exceed \$2,075,000 covers those lease/purchase items approved in the 2006 and 2007 budget that are expected to be financed in three separate draws against the Master Lease Agreement beginning in August 2006. The second resolution in an amount not to exceed \$1,235,000 covers those bricks and mortar items approved in a prior year budget or in the 2007 budget that are expected to be financed in the fall of 2006.

Budget Impact:

There is no specific budget impact in approving these resolutions. Budget has already been approved as part of the 2007 budget adoption to cover the debt service payments for these projects when the actual financing occurs.

OFFICIAL INTENT RESOLUTION

WHEREAS, the City of Peachtree City (the "City") expects to obtain financing (the "Obligations") through the Peachtree City Governmental Finance Corporation, Inc., in a principal amount not to exceed \$2,075,000 to finance the costs of acquiring and/or installing various purpose capital projects, including machinery and equipment (collectively the "Project"); and

WHEREAS, the City has used or will use, before the issuance of the Obligations, moneys in its General Fund or Stormwater Utility Fund to pay expenditures related to the Project and reasonably expects to use proceeds of the Obligations to reimburse its General Fund or Stormwater Utility Fund for these expenditures; and

WHEREAS, Treasury Regulation Section 1.150-2 requires the City to declare its intent to use proceeds of the Obligations to reimburse its General Fund or Stormwater Utility Fund for moneys used to pay expenditures related to the Project;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Peachtree City, and is hereby resolved by authority of the same, as follows:

1. The City declares its intent to use proceeds of the Obligations to reimburse its General Fund or Stormwater Utility Fund for moneys used to pay expenditures related to the Project, including, without limitation, expenditures for machinery and equipment for fiscal years 2006 and 2007 listed on Appendix, A which is attached hereto and incorporated herein.
2. This Resolution shall take effect immediately upon its adoption.

DULY ADOPTED THIS _____ day of _____, 2006.

CITY OF PEACHTREE CITY

(SEAL)

By: _____
Harold K. Logsdon
Mayor

Attest:

Jane S. Miller
City Clerk

STATE OF GEORGIA

FAYETTE COUNTY

CITY CLERK'S CERTIFICATE

I, **JANE S. MILLER**, City Clerk of the City of Peachtree City, **DO HEREBY CERTIFY** that the foregoing page constitutes a true and correct copy of an official intent resolution adopted by the City Council of the City of Peachtree City (the "Governing Body") at an open public meeting duly called and lawfully assembled at _____ p.m., on the _____ day of _____, 2006, the original of such resolution being duly recorded in the Minute Book of the Governing Body, which Minute Book is in my custody and control.

I do hereby further certify that the following members of the Governing Body were present at such meeting:

and that the following members were absent:

and that such resolution was duly adopted by a vote of:

Aye _____ Nay _____

WITNESS my hand and the official seal of the City of Peachtree City, this the _____ day of _____, 2006.

Jane S. Miller
City Clerk

(SEAL)

CITY OF PEACHTREE CITY, GEORGIA
PEACHTREE CITY GOVERNMENTAL FINANCE CORPORATION, INC.
LEASE/PURCHASE
PROJECTED FINANCING

Appendix A

FISCAL YEAR 2006

Ten (10) Police Replacement Vehicles	\$	330,000
Rescue Pumper (Replace Engine 85)		401,258
Street Sweeper (Stormwater)		210,000
Vacuum Truck (Stormwater)		300,000
Track Hoe (Stormwater)		85,000
Back Hoe (Stormwater)		55,000
		<u>1,381,258</u>

FISCAL YEAR 2007

Eleven (11) Police Replacement Vehicles		427,900
Emergency Pre-Plan Software		108,000
Mobile Data Terminals		154,279
		<u>690,179</u>

GRAND TOTAL	\$	<u>2,071,437</u>
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OFFICIAL INTENT RESOLUTION

WHEREAS, the City of Peachtree City (the "City") expects to obtain Bricks & Mortar financing (the "Obligations") through the Peachtree City Governmental Finance Corporation, Inc., in a principal amount not to exceed \$1,235,000 to finance the costs of acquiring and/or installing various purpose capital projects, including machinery and equipment (collectively the "Project"); and

WHEREAS, the City has used or will use, before the issuance of the Obligations, moneys in its General Fund to pay expenditures related to the Project and reasonably expects to use proceeds of the Obligations to reimburse its General Fund for these expenditures; and

WHEREAS, Treasury Regulation Section 1.150-2 requires the City to declare its intent to use proceeds of the Obligations to reimburse its General Fund or moneys used to pay expenditures related to the Project;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Peachtree City, and is hereby resolved by authority of the same, as follows:

1. The City declares its intent to use proceeds of the Obligations to reimburse its General Fund for moneys used to pay expenditures related to the Project, including, without limitation, expenditures for construction, machinery, equipment for fiscal years 2006 and 2007 listed on Appendix, A which is attached hereto and incorporated herein.
2. This Resolution shall take effect immediately upon its adoption.

DULY ADOPTED THIS _____ day of _____, 2006.

CITY OF PEACHTREE CITY

(SEAL)

By: _____
Harold K. Logsdon
Mayor

Attest:

Jane S. Miller
City Clerk

STATE OF GEORGIA

FAYETTE COUNTY

CITY CLERK'S CERTIFICATE

I, **JANE S. MILLER**, City Clerk of the City of Peachtree City, **DO HEREBY CERTIFY** that the foregoing page constitutes a true and correct copy of an official intent resolution adopted by the City Council of the City of Peachtree City (the "Governing Body") at an open public meeting duly called and lawfully assembled at _____ p.m., on the _____ day of _____, 2006, the original of such resolution being duly recorded in the Minute Book of the Governing Body, which Minute Book is in my custody and control.

I do hereby further certify that the following members of the Governing Body were present at such meeting:

and that the following members were absent:

and that such resolution was duly adopted by a vote of:

Aye _____ Nay _____

WITNESS my hand and the official seal of the City of Peachtree City, this the _____ day of _____, 2006.

Jane S. Miller
City Clerk

(SEAL)

**Capital Improvement Loan
FY 2007**

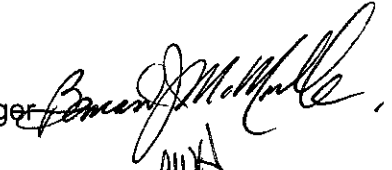
Appendix A

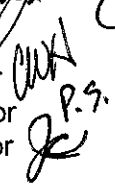
	Cost	D/S - 15 yrs @ 5% per annum Annual Princ & Int (4 pmts.)
Satellite Auto Shop Building	\$498,000	\$47,392
Satellite Auto Shop Equipment	\$61,500	\$5,852
Senior Center- Architectural Design	\$0	\$0
Riley Field Parking Improvements	\$75,000	\$7,137
Re-Roof City Hall	\$0	\$0
HVAC Upgrade - City Hall	\$171,736	\$16,344
Senior Center Construction	\$0	\$0
Station 83 Living Quarters	\$126,000	\$11,992
PD Station Repairs (Moisture, Etc.)	\$300,000	\$28,548
Totals:	\$1,232,236	\$117,265.00

CITY OF PEACHTREE CITY

INTEROFFICE MEMORANDUM

TO: Mayor and City Council

VIA: Bernard J. McMullen, City Manager 

FROM: Colin W. Halterman, Assistant City Manager
Paul J. Salvatore, Financial Services Director
Janet I. Camburn, Assistant Finance Director 

DATE: August 10, 2006

SUBJECT: Master Lease Agreement – Draw #2
August 17, 2006 Council Consent Agenda

Recommendation:

That City Council authorize Draw #2 against the Master Lease Agreement with the Peachtree City Governmental Finance Corporation and All Points Public Funding, LLC, in the amount of \$495,571.42; and authorize the Mayor and Financial Services Director to sign all pertinent documents on behalf of the City of Peachtree City and the Mayor and City Clerk to sign all documents on behalf of the Finance Corporation in their positions as President and Secretary of the Corporation.

Discussion:

On August 31, 2005, the City entered into a Master Lease Agreement with the Peachtree City Governmental Finance Corporation (a component unit of the City of Peachtree City) and All Points Public Funding, LLC, for the financing of machinery and equipment. On September 15, 2005, the City completed the first financing arrangement with All Points Public Funding in the amount of \$791,606.69. The City is now in a position to enter into a second lease/purchase arrangement with the Corporation and All Points for the items indicated on the attached schedule. These items were previously budgeted to be financed and a reimbursement resolution for these items was approved by City Council on February 17, 2005. Closing for this financing is currently planned for August 31, 2006. In order to place payments on a quarterly basis and on the City's fiscal year basis, this is a 61-month lease. An amortization schedule for this lease/purchase arrangement, prepared by All Points Public Funding, is attached.

Budget Impact:

There is no budget impact by entering into this lease/purchase arrangement. Funds have been budgeted and approved in the fiscal year 2006 and subsequent years' budgets for the debt service associated with the financing of this machinery and equipment.

Council/August 17, 2006/Lease-Purchase/jjc

CITY OF PEACHTREE CITY
PEACHTREE CITY GOVERNMENTAL FINANCE CORPORATION, INC.
LEASE PURCHASE #2
SUMMARY

<u>VEHICLES/EQUIPMENT</u>	<u>VIN/SERIAL NUMBER</u>	<u>AMOUNT</u>
2006 SPARTAN RESCUE/PUMPER	4S7AT2F9X6C052867	400,021.09
ASPHALT PAVER	L1000T-43020	46,550.00
LIFE PAC 12	33515683	25,885.19
SKID LOADER	526017821	23,115.14
		<u>\$ 495,571.42</u>

CITY OF PEACHTREE CITY
 PEACHTREE CITY FINANCE CORPORATION, INC.
 LEASE PURCHASE #2
 AMORTIZATION SCHEDULE

Date Due	Principal Component	Interest Component	Total Rental Payment Due	Concluding Payment
12/31/2006	20,797.62	6,856.58	27,654.20	474,773.80
03/31/2007	22,740.29	4,913.91	27,654.20	452,033.51
06/30/2007	22,975.65	4,678.55	27,654.20	429,057.86
09/30/2007	23,213.45	4,440.75	27,654.20	405,844.41
12/31/2007	23,453.71	4,200.49	27,654.20	382,390.70
03/31/2008	23,696.46	3,957.74	27,654.20	358,694.24
06/30/2008	23,941.71	3,712.49	27,654.20	334,752.53
09/30/2008	24,189.51	3,464.69	27,654.20	310,563.02
12/31/2008	24,439.87	3,214.33	27,654.20	286,123.15
03/31/2009	24,692.83	2,961.37	27,654.20	261,430.32
06/30/2009	24,948.40	2,705.80	27,654.20	236,481.92
09/30/2009	25,206.61	2,447.59	27,654.20	211,275.31
12/31/2009	25,467.50	2,186.70	27,654.20	185,807.81
03/31/2010	25,731.09	1,923.11	27,654.20	160,076.72
06/30/2010	25,997.41	1,656.79	27,654.20	134,079.31
09/30/2010	26,266.48	1,387.72	27,654.20	107,812.83
12/31/2010	26,538.34	1,115.86	27,654.20	81,274.49
03/31/2011	26,813.01	841.19	27,654.20	54,461.48
06/30/2011	27,090.52	563.68	27,654.20	27,370.96
09/30/2011	27,370.96	283.24	27,654.20	0.00
Grand Totals	495,571.42	57,512.58	553,084.00	

POSITION PAPER

Proposed Variance: 101 Bowfin Way
Lot 31, Fishers Bank subdivision
Steve Zaubi

City Planner/ Zoning Administrator
August 10, 2006



Situation:

Mr. Steve Zaubi owns the property located at 101 Bowfin Way within the Fishers Bank subdivision. The subject tract is a corner lot and has frontage on McIntosh Trail, Skiff Trace and Bowfin Way. The home faces the corner of Skiff Trace and Bowfin Way. Because the property has frontage on more than one public street, it is classified as a multiple frontage lot and the minimum front building setback is applied to the portion of the property that abuts each street. In this case, the minimum front building setback (30') is measured from the right-of-way of McIntosh Trail, Skiff Trace and Bowfin Way.

Mr. Zaubi recently completed an expansion of his home and then applied for a Building Permit to enclose his back yard with a privacy fence. His application stated the portion of the fence adjacent to McIntosh Trail and Skiff Trace would be 4' in height. The application was approved with the condition that the "fence must be 50% visible if located in front yard per city ordinances." The Applicant never picked up the approved Building Permit to begin construction of the fence.

Mr. Zaubi installed a 6' tall solid wood fence to enclose his entire back yard, a significant portion of which is located within the required front building setback adjacent to McIntosh Trail, Skiff Trace and Bowfin Way. The Applicant was notified that the fence exceeded the height permitted within this area and the fence was not what was presented to and approved by the Building Department.

To correct this situation, Mr. Zaubi is requesting a variance from the city's Fence Ordinance to permit the installation of a fence taller than 4' within the front building setback (Attachment "A").

Facts:

1. The subject parcel is zoned R-10 Residential. Section 1001.4 (g) of the City's Zoning Ordinance stipulates that the minimum front building setback within this zoning district shall be no less than 30' (Attachment "B").
2. Because the subject parcel has frontage on McIntosh Trail, Skiff Trace and Bowfin Way, it is classified as a multiple frontage lot. Section 905, Multiple frontage lots, of the City's

Proposed Variance: Lot 31, Fishers Bank subdivision

August 10, 2006

Page 2

Zoning Ordinance states: *"Any lot having a property line adjacent to more than one public street right-of-way or private street shall be deemed a multiple frontage lot. Any rear or side setback that also fronts on a public street right-of-way or private street shall have a setback depth equal to the minimum front setback depth specified for the appropriate zoning district."* (Attachment "C").

3. The City's Fence Ordinance identifies specific requirements for fencing within residential subdivisions. Section 18-341(e) states: *"No fence in excess of four feet in height shall be installed within the required setback area that abuts a street right-of-way. In addition, no fence in excess of four feet in height shall be installed within a residential front yard."* (Attachment "D").
4. The City's Fence Ordinance also defines parameters as to what types of fencing would be permitted within the required front setback area. Section 18-341 (f) states: *"No fence installed in a residential front yard shall be constructed of any material that restricts the view through the fence by more than 50 percent of the total barrier as viewed from the street."* (Attachment "D").
5. It is our understanding the home had a four-foot high picket fence surrounding the entire back yard when Mr. Zaubi purchased the home. The Applicant indicated he removed the fence because it was in a state of disrepair and he planned to replace the fence.
6. Mr. Zaubi applied for a Building Permit on June 5, 2006, to construct a four-foot high fence surrounding his back yard. The permit was approved on June 6, but was never paid for or picked up by the Applicant. Attached to the permit were the stipulations for installing fences within residential subdivisions (Attachment "E"). On an anonymous complaint, the city's Code Enforcement Officer visited the site and discovered the fence was 6' in height and installed within the front building setback.
7. Rather than remove the fence, the Applicant is requesting a variance from the city's Fence Ordinance to permit the fence as constructed.
8. A copy of the portion of the Zoning Ordinance that addresses variance policies and procedures is included as Attachment "F."

Recommendation:

City Staff recommends that the variance not be approved. Although the Applicant has provided a detailed analysis as to why the variance should be granted, the fact is the residential section of the City's Fence Ordinance was written to protect adjoining property owners and the public from views of unsightly privacy fences along residential streets and thoroughfares. While the Applicant may be burdened somewhat by the placement of his home on the property, there are

V-2006-0023

**REQUEST FOR VARIANCE
FENCE ORDINANCE, CITY OF PEACHTREE CITY**

This is a request for a variance from the requirements of the Peachtree City Fence Ordinance for the property located at: 101 Bowfin Bay, Fishers Banks subdivision

The reason this variance is being requested is as follows: The homeowner desires a 6' privacy fence for his backyard. Because the homeowner's property is bordered by three roads, the City defines his property as having three front yards. Based on City zoning requirements related to residential fences for front yards, the homeowner would be forced to construct the fence at a further distance from each of the bordered roads, which would greatly limit the space available to the homeowner to enjoy and use his property.

Along with this form, the applicant should submit a detailed report justifying the granting of the requested variance. In preparing the report, please consider the following:

Variances from the provisions of this Ordinance may be approved by the City Council if it is determined that they will not cause substantial detriment to the other parties or impair the purpose or intent of this Ordinance; provided, however, that no variance can be granted for a use that is specifically prohibited by this Ordinance within the zoning district in which the property is located.

In making a determination on a variance request, the City Council shall consider the following factors:

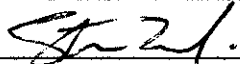
- 1) Whether or not the special circumstances contributing to the request are peculiar to the particular property involved;
- 2) Whether or not the situation for which the request is being made poses an unnecessary hardship for the applicant; and
- 3) Whether or not the request is due to an intentional action of the applicant to violate the requirements of this Ordinance.

I certify that I am the owner or duly authorized agent of the owner of the above-described property:

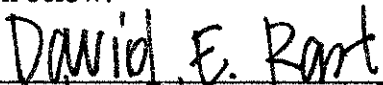
Name: (Please type or Print) Steve Zaubi

Address: 101 Bowfin Bay

Phone: HM: 770-631-0739; WK: 404-814-4242

Signature: 

.....
This request, along with the required fee and all necessary supplemental documents, has been properly submitted and is hereby accepted for consideration by the City Council at a public hearing in the City Council Chambers at 7:00 PM on the date shown below:

Signature: 

Title: City Planner/Zoning Administrator

Date of Acceptance: 07-07-06

Date of Public Hearing: 08-07-06

17

RECEIVED JUL - 5 2006

Attachment "A"

Detailed Report Justifying the Granting of the Variance

1) Proposed Fence:

2) Dimensions:

- a) Height: 5'10"
- b) Length: 180 ft.
- c) Construction Material: Lumber

3) Distance from Skiff Trace (closest point): 26 ft.

4) Distance from McIntosh Trail: 35ft.

5) Other considerations: The fencing along McIntosh Trail is bordered by approximately 10 feet of green space (bushes and trees), making that portion of the fence barely visible from the street.

Specific ways in which this request meets the City Councils stated considerations for the granting of variances:

- 1) **Special Circumstances Peculiar to the Property:** The property in question is surrounded by three roads (Bowfin Bay, Skiff Trace, and McIntosh Trail) which, as defined by the City, results in the property as having three "front yards". The property thus defined is subject to a much more restrictive zoning requirement leading to circumstances that fall under the second justification for a variance;
- 2) **Unnecessary Hardship:** The setback requirements for a fence in a residential front yard restrict the use of the property in an unusually burdensome manner. Rather than following general zoning standards for constructing a property fence for the backyard and side yard, the homeowner is forced to comply with the more restrictive residential front yard zoning regulations in these areas. This results in a greatly reduced ability on the part of the homeowners to enhance the value of their property as well as to enjoy it.
- 3) **Intentions of the Homeowner:** Finally, please note that there is absolutely no desire or intention on the part of the homeowner to violate this or any other ordinance of Peachtree City. The homeowner did inadvertently construct the fence without obtaining a permit due to ignorance of the City Ordinance (he replaced a smaller fence with a larger fence in the exact location of the smaller fence and assumed that replacing one with the other would not require a new permit). The homeowner apologizes to the City for this violation.

Further justification for the granting of this variance:

1) The primary reasons the homeowner desires this fence are as follows:

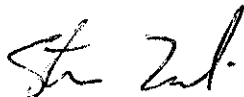
- a) **Privacy:** A 6' foot fence is necessary to obstruct visibility into homeowner's side windows from street. The fence will also provide privacy for backyard activities as well as a reduction of noise from automobile traffic
- b) **Security:** The homeowner and his family, including three young children, reside on property bordered by three streets. The design of the fence (6' wood lattice) will ensure a safe play environment for

homeowner's children. The granting of the requested variance will allow the homeowner and his family to enjoy a larger recreation area in the enclosed yard.

- 2) The fence desired by the homeowner will in no way pose a safety hazard. It will not diminish visibility at nearby intersections. Thus it will not impair the primary purpose or intent of the ordinance, i.e. public safety.
- 3) The construction of the fence is consistent with other equity-enhancing activities the homeowner has undertaken over his 9 years of residence at this location, most recently by the completion of a significant (approximately 500 sq. ft) addition to his house on the property in question.
- 4) In the spirit of the previous point, if the variance is permitted the homeowner plans to beautify the surrounding area through landscaping as well as by staining the fence.
- 5) Neighbors have given their support in favor of the fence (Exhibit 1). The homeowner has not received any negative comments or complaints regarding the fence from any individual (excepting the City code enforcer), including neighbors.

Finally, I, Steve Zaubi, the homeowner, wish to thank the City Council of Peachtree City for their consideration of my request.

Sincerely,

A handwritten signature in black ink, appearing to read "Steve Zaubi".

Steve Zaubi
101 Bowfin Bay
Peachtree City

Exhibit 1

I, the undersigned neighbor of Steve and Celeste Zaubi, state that the fence they have erected at 101 Bowfin Bay around their property is aesthetically pleasing and does not pose any interference with viewing oncoming traffic at any intersection touching their property. I agree that it enhances the street appearance of their property, and that it contributes to the privacy of their backyard. I support their request for a variance to the zoning requirement for their fence enclosure.

<u>Jeff Kinyan</u> Name of neighbor (printed)	<u>[Signature]</u> Signature of neighbor	<u>113 Bowfin Bay</u> Address	<u>7-2-06</u> Date
<u>Equilla Minga</u> Name of neighbor (printed)	<u>Equilla Minga</u> Signature of neighbor	<u>100 Perch Point</u> Address	<u>7-2-06</u> Date
<u>David Mosby</u> Name of neighbor (printed)	<u>[Signature]</u> Signature of neighbor	<u>100 Bowfin Bay</u> Address	<u>7/2/06</u> Date
<u>DON DAVISON</u> Name of neighbor (printed)	<u>[Signature]</u> Signature of neighbor	<u>103 Bowfin Bay</u> Address	<u>7/2/06</u> Date
<u>Brad LUCAK</u> Name of neighbor (printed)	<u>Bradley L. Lucak</u> Signature of neighbor	<u>104 Bowfin Bay</u> Address	<u>7/2/06</u> Date
 Name of neighbor (printed)	 Signature of neighbor	 Address	 Date
 Name of neighbor (printed)	 Signature of neighbor	 Address	 Date
 Name of neighbor (printed)	 Signature of neighbor	 Address	 Date

(1001.4) *Other requirements:* Unless otherwise specified in this ordinance, uses permitted in R-10, R-12, R-15 and R-22 residential zoning districts shall conform to the following standards:

(a) Minimum floor area per dwelling unit:

R-10: 1,000 square feet.

R-12: 1,200 square feet.

R-15: 1,400 square feet.

R-22: 1,600 square feet.

(b) Minimum zoning lot area:

R-10: 10,000 square feet.

R-12: 12,000 square feet.

R-15: 15,000 square feet.

R-22: 22,000 square feet.

(c) Minimum land area per dwelling unit:

R-10: 10,000 square feet.

R-12: 12,000 square feet.

R-15: 15,000 square feet.

R-22: 22,000 square feet.

(d) Maximum dwelling units per net acre:

R-10: 4.36 units.

R-12: 3.63 units.

R-15: 2.90 units.

R-22: 1.98 units.

(e) Minimum lot width:

R-10: 80 feet.

R-12: 85 feet.

R-15: 95 feet.

R-22: 120 feet.

(f) Minimum lot width adjacent to existing or future public or private street right-of-way line:

(1) 40 feet on street.

(2) 35 feet on cul-de-sac.



(g) Minimum front setback depth:



R-10: 30 feet.

R-12: 40 feet.

R-15: 40 feet.

R-22: 50 feet.

(h) Minimum side setback depth:

R-10: 10 feet.

R-12: 10 feet.

R-15: 10 feet; however, no two principal buildings on adjacent zoning lots shall be closer than 25 feet from each other.

R-22: 15 feet.

(i) Minimum rear setback depth:

R-10: 30 feet.

R-12: 30 feet.

R-15: 30 feet.

R-22: 30 feet.

(j) Maximum building height: 35 feet.

(k) Parking: See section 909.

(l) Signs: See Peachtree City sign ordinance.

(Ord. No. 366, § 19, 5-22-1985; Ord. No. 394, 4-8-1986; Ord. No. 457, 3-17-1988)

Cross references: Sign ordinance, § 66-1 et seq.

Sec. 905. Multiple-frontage lots.

Any lot having a property line adjacent to more than one public street right-of-way or private street shall be deemed a multiple frontage lot. Any rear or side setback that also fronts on a public right-of-way or private street shall have a setback depth equal to the minimum front setback depth specified for the appropriate zoning district. (Ord. No. 366, § 17, 5-22-1985)

Sec. 18-341. Residential standards.

- (a) The standards in this section shall apply to all fences in the following zoning districts: R-1, R-10, R-12, R-15, R-22, R-43, ER, GR, VR, UR, AR and OS.
- (b) No fence or portion of a fence shall exceed eight feet in height; however, if a property owner wishes to install a tennis court or some other similar special-purpose facility, a fence not to exceed ten feet in height may be erected on the condition the site plan for the special purpose facility is first approved in accordance with the site plan review process in the land development ordinance, appendix B to this Code.
- (c) Unless further restricted by this article, no fence within a required side or rear setback area shall exceed six feet in height; however, if due to variations in topography or if the fence contains decorative features such as newels, finials or scallops, it may exceed six feet in height, but in no case shall it exceed seven feet in height.
- (d) No fence comprised of metal parts shall be installed in a residential area unless all exposed metal parts are vinyl-coated or painted a standard dark brown, dark green or black color to blend into the natural surroundings.
- (e) No fence in excess of four feet in height shall be installed within the required setback area that adjoins a street right-of-way. In addition, no fence in excess of four feet in height shall be installed within a residential front yard.
- (f) No fence installed in a residential front yard shall be constructed of any material that restricts the view through such fence by more than 50 percent of the total barrier as viewed from the street.
- (g) Except as provided in subsection (h) of this section, no fence which is constructed of wire, including chainlink fencing, shall be installed between the principal structure on a residential zoning lot and any adjoining street right-of-way.
- (h) Except in ER estate residential, and AR agricultural zoning districts, no fence permitted in subsection (h) of this section shall be installed in a residential front yard.

(Code 1980, § 5-174(2))

DATE: 6/5/06

PERMIT # _____

☒ ERECT ☐ RESIDENTIAL CONSTRUCTION TYPE _____
☐ REPAIR ☐ COMMERCIAL OCCUPANCY TYPE _____
☐ ADDITION ☐ ACCESSORY USE _____

FENCES: ☐ COMMERCIAL ☐ INDUSTRIAL ☒ RESIDENTIAL ☐ POOL
 FENCE HEIGHT NOT 6', PER 4' FENCE MATERIAL WOOD

SUBDIVISION/PROJECT NAME: <u>Fishers Bank</u>	BLOCK	LOT NUMBER
<u>101 Bowfin Bay</u>		<u>31</u>

SITE ADDRESS: 101 Bowfin Bay

* OWNER: <u>Steve Zaubi</u>	ADDRESS <u>101 Bowfin Bay</u>	PHONE NO. <u>770-631-073</u> FAX NO. _____
-----------------------------	----------------------------------	---

CONTRACTOR: _____	ADDRESS _____	PHONE NO. _____ FAX NO. _____
-------------------	---------------	----------------------------------

APPLICANT/CONTACT PERSON: <u>Steve Zaubi</u>	PHONE NO. <u>404-814-424</u>
--	------------------------------

ARCHITECT/DESIGNER: _____	ADDRESS _____	PHONE NO. _____ FAX NO. _____
---------------------------	---------------	----------------------------------

*** OWNER IS RESPONSIBLE FOR HOME OWNER ASSOCIATION APPROVAL (HOA)**

☐ SEWER TAP APPROVAL ☐ SEPTIC SYSTEM APPROVAL ☐ WATER TAP APPROVAL

ZONED	SETBACKS: FRONT _____ SIDE _____ REAR _____	PLAN NAME	PLAN ON FILE YES ☐ NO ☐
NO. OF STORIES	NO. OF BATHS	BASEMENT	NO. OF FIREPLACES
		HEATED SQ FT	TOTAL SQ FT
		EST. CONSTRUCTION COST <u>\$ 700.00</u>	

DESCRIBE WORK: 4' Fence in Rear of House Along McIntosh Trail;
4' Fence Along SLEEF TRAIL (not 6' marked by 4' marked by 4' -
• Estimated Time of Completion: 5 weeks (July 10, 06)

*Lot #31 Fishers Banks SID
101 Bougain Bay*

Attachment "F"
Fences and Pools Fences

Comply with all instructions checked off on this sheet.

Fences General:

- ☒ All fence supports must be located on the interior side of the fence.
- ☐ Metal fences must be vinyl-coated or painted a standard dark brown, dark green or black color to blend into the natural landscape.
- ☐ No fence shall be installed within five (5) feet of the edge of the edge of a paved golf cart path.
- ☒ No fence in excess of four (4) feet in height shall be installed within a residential front yard.
- ☒ No fence installed in a residential front yard shall be constructed of any material that restricts the view through such fence by more than fifty (50) percent of the total barrier as viewed from the street.
- ☐ Fences located on a utility or drainage easement are subject to removal at the owner's expense, if the city requires access at any time for maintenance.
- ☒ Property line location is responsibility of homeowner. Fence cannot encroach said lines.

Pool Fences:

- ☐ Gates and doors opening through a pool fence must open outward, be self-closing and self-latching.
- ☐ On four (4) foot fences, no portion of fence or gate can have openings any larger than 1 ¾ inches in width. Door latch mechanisms, located less than 54 inches from the bottom of the gate, shall be located on the pool side, at least three (3) inches below the top of the gate, and the gate and barrier shall have no openings greater than 0.5 inch within eighteen (18) inches of the release mechanism.
- ☐ No portion of fence or wall shall be installed less than three (3) feet from the nearest point of the water in the pool.
- ☒ Final Inspection Required.

**Note: The above items are not a complete list of City Ordinances. Please check city web site at:
www.peachtree-city.org for additional information.**

Site Copy

BUILDING PERMIT NOTICE

CITY OF PEACHTREE CITY

*** * * * *** **This notice must be visible from the street** *** * * * ***

INSPECTION REQUEST: (770) 631-2588 (EXT. 222)

Inspections called in by 3:30 p.m. will be inspected the next business day.

Building Department • (770) 487-8901 • 153 Willowbend Road • Peachtree City • GA • 30269

PERMIT NO.

061355-Residential Fence

LOT

31

SUB-DIVISION

Fishers Bank

ADDRESS

101 Bowfin Bay

OWNER

Steve Zaubi

CONTRACTOR

Steve Zaubi

**NOTE: FOR COMMERCIAL PROJECTS ALL INSPECTIONS MUST BE CALLED IN BY
JOB SUPERINTENDENT - ALL TRADE CONTRACTORS MUST COMPLY**

**OCCUPANCY AND USE OF THIS STRUCTURE BEFORE A CITY PERMIT HAS BEEN ISSUED IS A VIOLATION
PUNISHABLE UNDER CITY ORDINANCE**

(1202.2) The purpose of this section is to authorize variances from the terms of this ordinance as will not be contrary to the public interest so that the spirit of this ordinance shall be observed, public safety and welfare secured, and substantial justice done.

An application for a variance may be submitted only by the owner of the property for which a variance is desired, or his authorized agent.

- (a) Variance applications shall be filed with the city planner on forms provided by the city planner.
- (b) Any communication relative to a variance request will be regarded as information only until a proper application is made in the form required.
- (c) An application fee of \$50.00 must accompany each variance application.
- (d) Upon receiving an application, the city planner shall schedule a public hearing on the request before the city council within 45 days after receipt.
- (e) A sign displaying the hearing date and the nature of the hearing shall be placed in a conspicuous location on the property not less than 15 days prior to the hearing date.
- (f) A notice of the public hearing date and the nature of the hearing shall be published in the newspaper of general circulation which serves as the legal organ for the city. The newspaper notice shall appear at least 15 days prior to the hearing date.
- (g) At the public hearing before the city council, the applicant may appear in person or be represented by an agent or attorney.
- (h) Variances from the provisions of this ordinance may be approved by the city council if it is determined that they will not cause substantial detriment to other parties or impair the purpose or intent of this ordinance; provided, however, that no variance can be granted for a use that is specifically prohibited by this ordinance within the zoning district in which the property is located.

In making a determination on a variance request, the city council shall consider the following factors:

- (1) Whether or not the special circumstances contributing to the request are peculiar to the particular property involved;
- (2) Whether or not the situation for which the request is being made poses an unnecessary hardship for the applicant; and
- (3) Whether or not the request is due to an intentional action of the applicant to violate the requirements of this ordinance. (Ord. No. 589, 11-19-1992; Ord. No. 618, 7-7-1994)

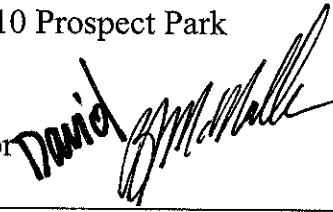
(1202.3) After due consideration of an application for special exception, the city council shall take such action or establish such reasonable conditions of approval as will accomplish the intent and purposes of this ordinance.

POSITION PAPER

Proposed Variance: Alternate Energy Systems, 210 Prospect Park
(Group VI Corporation)

City Planner/ Zoning Administrator

August 10, 2006



Situation:

Group VI Corporation recently completed an office and warehouse expansion for Alternate Energy Systems at their facility located at 210 Prospect Park. The existing building is located 50.0' from the rear property line, and the expansion was constructed adjacent to and as an extension of the existing building. In order to receive their Certificate of Occupancy, the Applicant was required to submit a Foundation Survey of the new construction, which showed the rear of the new building encroaches 0.6' into the minimum rear-building setback. The Applicant is requesting a variance to permit this encroachment (Attachment "A").

Facts:

1. The subject parcel is zoned GI General Industrial, which requires a minimum rear-building setback of 50' (Attachment "B"). The existing building meets these requirements.
2. The slab for the office and warehouse expansion was constructed over an existing service area immediately adjacent to the existing building. The rear of the new building was constructed in alignment with the existing structure.
3. When the Foundation Survey was prepared, it showed that the existing building was not constructed parallel to the property line. As the expansion was constructed in alignment with this building, the rear corner of the new building now encroaches into the minimum rear-building setback.
4. The rear of the subject tract is heavily wooded, and the Crown Industries tract to the rear is currently undeveloped.
5. A copy of the portion of the Zoning Ordinance that addresses variance policies and procedures is included as Attachment "C."

Proposed Variance: Alternate Energy Systems

August 10, 2006

Page 2

Recommendation:

City Staff recommends that a variance of 0.6' be approved as requested. While we typically do not recommend approval of variance requests, this is a situation where the Applicant made an honest mistake and constructed the addition in alignment with the existing building. The encroachment is in the rear of the building and is not visible from the street or the adjoining properties.

Attachments "A" – "C"

V-2006-03

REQUEST FOR VARIANCE
ZONING ORDINANCE, CITY OF PEACHTREE CITY

This is a request for a variance from the requirements of the Peachtree City Zoning Ordinance for the property located at: 210 PROSPECT PARK

The reason this variance is being requested is as follows: THE CORNER OF THE BUILDING ADDITION IS SLIGHTLY INTO THE EASEMENT AREA (6")

Along with this form, the applicant should submit a detailed report justifying the granting of the requested variance. In preparing the report, please consider the following:

Variances from the provisions of this Ordinance may be approved by the City Council if it is determined that they will not cause substantial detriment to the other parties or impair the purpose or intent of this Ordinance; provided, however, that no variance can be granted for a use that is specifically prohibited by this Ordinance within the zoning district in which the property is located.

In making a determination on a variance request, the City Council shall consider the following factors:

- Whether or not the special circumstances contributing to the request are peculiar to the particular property involved;
- Whether or not the situation for which the request is being made poses an unnecessary hardship for the applicant; and
- Whether or not the request is due to an intentional action of the applicant to violate the requirements of this Ordinance.

I certify that I am the owner or duly authorized agent of the owner of the above-described property:

Name: (Please type or Print) RUSSELL WHAM
Address: 6231 BALDWOOD CT. DOUGLASVILLE GA. 30135
Phone: 770-942-4613 CELL 770-942-4613
Signature: Russell Wham

This request, along with the required fee and all necessary supplemental documents, has been properly submitted and is hereby accepted for consideration by the City Council at a public hearing in the City Council Chambers at 7:00 PM on the date shown below:

Signature: David E. Rant
Title: City Planner / Zoning Administrator
Date of Acceptance: 08-01-06
Date of Public Hearing: 08-17-06



Group VI Corporation, 900 Westpark Drive, Suite 300, Peachtree City, GA 30269
Main 770-389-9100 Fax 770-631-7279 www.groupvi.com

TO: City Council
Zoning Committee
Peachtree City, GA

FROM: Russ Wham
Superintendent
Group VI Construction, LLC

DATE: August 1, 2006

RE: Request for Zoning Variance as per Section 1202.2 of the Peachtree City Zoning Ordinance. 210 Prospect Park, Peachtree City, GA 30269

Council members,

We find ourselves in a peculiar situation in which we encroached into the setback on the rear of the property by approximately 7 inches, purely by accident. We added onto an existing building that did not encroach into the setback. We believed that the addition would not encroach into the setback as well. After the addition was erected a site survey was conducted, we discovered that the property line did not run parallel with the existing building. This was due to the existing building placed slightly askew of the property line causing the outside corner of the addition to encroach into the setback.

We would have applied for a variance prior to laying the foundation if this situation was known to us. It would have been awkward to construct this building out-of-square to avoid the setback encroachment.

We humbly and respectfully request that this variance be granted. The setback encroachment is at the rear of the property. If this variance is granted, we cannot foresee any hardship that would be caused by the situation.

Thank you all for you time and consideration in regards to this matter.

Respectfully,

A handwritten signature in black ink, appearing to read "Russ Wham", written over a horizontal line.

Russ Wham
Project Superintendent

Cc: Project File
Elliott Cutler, Project Manager

LAND LOT 59, 6TH DISTRICT
FAYETTE COUNTY, GA.
SCALE: 1" = 50
DATE OF DRAWING: 07-25-06

NORTH BASED ON PLAT
BY JEFFERSON CONSULTANTS
DATED 12-16-98

LOF 1

LOT 2
2 066 AC 1/-

EXISTING
BUILDING

5/6 REBAR
FOUND

3/8 REBAR
FOUND

LOT 3

300.04'
S45°32'07"W
PROSPECT PARK
(80' R/W)

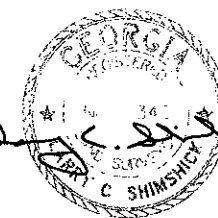
3/8" REBAR
FOUND

There is a space on the certificate showing the FOUNDATION LOCATION for the building department, and NO. 9 be used or recorded for any other purpose, such as transfer of title of land.

This plat was prepared for the exclusive use of the person, persons, or entity named hereon. Said that does not extend to any unnamed person, persons or entity without a recertification by the surveyor naming said person, persons or entity.

in my opinion this property does not
lie within the 100 year flood plain as
shown on the FLOOD INSURANCE
RATE MAP

Community No. 131130 0090 0
Dated: MARCH 18, 1996



GRAPHIC SOURCE

Fig. 9

0 50 100 150

W.D. GRAY

AND ASSOCIATES, INC.

Land Surveyors -- Planners

180 GREENCASTLE ROAD SUITE B TYNGONE GA 30290

PH. 770-486-7552

Fax: 770-486-0496

Job No: 0607038

20 SEWER
PER SUBDIVISION

N46°29'26"E

50.0

49.4

35.6

EXISTING
BUILDING

5/8 REBAR
FOUND

N43°29'26"E

Sec. 1008. GI general industrial district.

(1008.1) *Intent of district:* It is intended that the GI zoning district be established and reserved for basic or primary types of industrial uses which involve extensive manufacturing, processing or assembly operations. The regulations which apply within this district are designed to encourage the formation and continuance of a compatible environment for industries which require sizable tracts of land and/or employ large numbers of workers. The intention is also to reserve and protect undeveloped areas of Peachtree City which are suitable for such industries, and to discourage encroachment by other uses which are capable of adversely affecting the basic industrial character of the district.

(1008.2) *Permitted uses:* The following uses shall be permitted in any GI zoning district: All uses permitted in section (1007.2) for limited industrial (LI) zoning district, with a minimum lot area of 40,000 square feet and a minimum lot width of 150 feet. (Ord. No. 201, 6-5-1980)

(1008.3) *Conditional uses:* The following uses shall be permitted in any GI zoning district on a conditional basis:

- (a) All conditional uses permitted in subsection (1007.3) for LI zoning districts (except paragraph (a)), subject to the same conditions.
- (b) Open yard for the storage of materials or equipment, excluding junk or salvage materials, provided the yard is securely fenced with a wall or fence at least six feet in height above finished grade.
- (c) Open yard for a land fill provided that the yard is separated from adjoining properties by a suitable planting screen, fence or wall at least eight feet in height above finished grade. The required screen, fence or wall must be of an attractive appearance and provide for a visual separation between the use and adjoining properties. No open burning of materials or products shall be conducted on the premises at any time.

(1008.4) *Other requirements:* Unless otherwise specified in this ordinance, uses permitted in GI zoning districts shall conform to the following standards:

- (a)
 - (1) Minimum zoning lot area: 80,000 square feet.
 - (2) Minimum zoning lot area complying with the LI requirements: 40,000 square feet.
- (b)
 - (1) Minimum lot width: 200 feet.
 - (2) Minimum lot width complying with the LI requirements: 150 feet.
- (c) Minimum front setback depth: 50 feet.
- (d) Minimum side setback depth: 20 feet. If adjoining a residential zoning lot, the building setback shall be 100 feet.
- (e) Minimum rear yard: 50 feet. If adjoining a residential zoning lot, the building setback shall be 100 feet.
- (f) Maximum building height and structure height: Unlimited, but if over 35 feet, it must be approved by the fire department and, if applicable, by federal air space regulatory agencies prior to any construction.

- (g) Parking: See section 909.
- (h) Signs: See Peachtree City sign ordinance.

Cross references: The "sign ordinance" is found in § 66-1 et seq. of the Code.

- (i) No automobile parking or service areas will be permitted within the required front setback depth or within 50 feet of the property line of any adjoining residential zoning lot.
- (j) All lights or lighting arrangements used for purposes of advertising, security or night operations must be directed away from adjoining or nearby zoning lots.
- (k) No open burning will be permitted on any zoning lot.
- (l) All industries must be approved by state and federal regulatory agencies relative to meeting standards for environmental quality.
- (m) A landscape plan is required for the site, and must be reviewed by a registered landscape architect to be designated by the city and by the planning commission prior to issuance of occupancy permit. If no action is taken or time extended within 30 days from filing, such request shall be considered approved. The landscape plan shall be fully implemented prior to occupancy and if not completed an occupancy permit will not be issued. If it is infeasible to complete the landscaping due to weather conditions or other extenuating circumstances then the owner shall post a performance bond or other acceptable security in an amount equal to 110 percent of the cost of the landscaping improvements which remain incomplete. The owner shall have a one-year period in which to complete the required improvements in a [satisfactory manner.]

The owner shall provide adequate maintenance of the landscaping improvements for a minimum of one year from implementation. The city shall inspect special screening at least once during this period to ensure that the approved plan has been fully implemented and maintained. If it is found that the landscaping, as stated in this section, has died within the one-year period such landscaping shall be replaced by the owner.

- (n) Item (m) above shall be a binding standard on all development after March 5, 1981. Development completed prior to this date will not need to meet such standards now or in the future and will be limited to a 20-foot front setback depth.

(Ord. No. 201, 6-5-1980; Ord. No. 233, 4-2-1981; Ord. No. 366, § 19, 5-22-1985)

(1202.2) The purpose of this section is to authorize variances from the terms of this ordinance as will not be contrary to the public interest so that the spirit of this ordinance shall be observed, public safety and welfare secured, and substantial justice done.

An application for a variance may be submitted only by the owner of the property for which a variance is desired, or his authorized agent.

- (a) Variance applications shall be filed with the city planner on forms provided by the city planner.
- (b) Any communication relative to a variance request will be regarded as information only until a proper application is made in the form required.
- (c) An application fee of \$50.00 must accompany each variance application.
- (d) Upon receiving an application, the city planner shall schedule a public hearing on the request before the city council within 45 days after receipt.
- (e) A sign displaying the hearing date and the nature of the hearing shall be placed in a conspicuous location on the property not less than 15 days prior to the hearing date.
- (f) A notice of the public hearing date and the nature of the hearing shall be published in the newspaper of general circulation which serves as the legal organ for the city. The newspaper notice shall appear at least 15 days prior to the hearing date.
- (g) At the public hearing before the city council, the applicant may appear in person or be represented by an agent or attorney.
- (h) Variances from the provisions of this ordinance may be approved by the city council if it is determined that they will not cause substantial detriment to other parties or impair the purpose or intent of this ordinance; provided, however, that no variance can be granted for a use that is specifically prohibited by this ordinance within the zoning district in which the property is located.

In making a determination on a variance request, the city council shall consider the following factors:

- (1) Whether or not the special circumstances contributing to the request are peculiar to the particular property involved;
- (2) Whether or not the situation for which the request is being made poses an unnecessary hardship for the applicant; and
- (3) Whether or not the request is due to an intentional action of the applicant to violate the requirements of this ordinance. (Ord. No. 589, 11-19-1992; Ord. No. 618, 7-7-1994)

(1202.3) After due consideration of an application for special exception, the city council shall take such action or establish such reasonable conditions of approval as will accomplish the intent and purposes of this ordinance.

CITY OF PEACHTREE CITY

INTEROFFICE MEMORANDUM

TO: Mayor & Council Members

VIA: City Manager *Benjamin M. Phillips*
Developmental Services Director *David*

FROM: City Planner/ Zoning Administrator *David*

DATE: August 10, 2006

SUBJECT: Request to approve Step One annexation application
(Peachtree East retail center)
August 17, 2006 City Council Agenda

Recommendation:

Based on the requirements identified within the city's Annexation Review Process, Staff is providing information to City Council for consideration of the applicant's request. After careful review of this information and discussion with the applicant, Council must then decide if the application should move forward to Step Two of the annexation process.

Discussion:

In 2004, the city repealed its moratorium on annexations and initiated a two-step process for review and consideration of annexation requests. The first step was written to provide a general overview of the proposed annexation and to identify how the annexation and proposed development may or may not be compatible with the established goals within the city's Comprehensive Plan.

Following the review of this information, City Staff and the Applicant present this information to City Council, who then decides if the application moves to Step Two of the application process, which requires the submittal of additional and detailed information pertaining to the annexation request and the proposed development. **Allowing a developer to move forward to Step Two in no way implies that City Council will ultimately approve the property for annexation.** Rather, it provides Staff the opportunity to work with the Applicant to develop a detailed analysis of the proposed annexation, a schematic master plan of the proposed development, and a more informed recommendation that will ultimately be considered by other governmental agencies, the Planning Commission and City Council.

City of Peachtree City**Annexation Review Process**

Annexation is defined as "the process of incorporating an area of land not currently within the jurisdiction of a local government's governing authority for the purpose of including that area within the government's jurisdiction."

The City of Peachtree City has developed rules and procedures for local and intergovernmental review of annexation requests. This review provides for improved communication between affected governments and a means of assessing potential impacts of annexing property into the city limits. At the same time, the rights of the city are preserved because the City of Peachtree City maintains the authority to make the final decision on whether a proposed annexation will or will not move forward.

The Georgia Planning Act of 1989 identifies minimum standards and procedures, including the minimum elements which must be addressed and included within the preparation and implementation of comprehensive plans and for participation in the coordinated and comprehensive planning process. The natural resources, environment and vital areas within local jurisdictions are also of vital importance to the state and its citizens. The state has an essential public interest in establishing minimum standards for land use in order to protect and preserve its natural resources, environment and vital areas.

The City of Peachtree City hereby initiates a two-step process for review and consideration of annexation requests. The first step is intended to provide a general overview of the proposed annexation and identifies how the annexation and proposed development may or may not be compatible with the established goals within the City's Comprehensive Plan. This information will be initially reviewed by City Staff and other governmental agencies and then forwarded to City Council for review.

Should the City Council recommend that the proposed annexation continue through the established review process, the second step will require additional and detailed information pertaining to the annexation request and the proposed development. **This recommendation in no way implies that the City Council will ultimately approve the property for annexation.** Rather, it will provide Staff the opportunity to work with the Applicant to develop a detailed analysis of the proposed annexation, a schematic master plan of the proposed development, and a more informed recommendation that will ultimately be considered by other governmental agencies, the Planning Commission and City Council.

RECEIVED AUG 10 2006

Step One: Initial annexation information

The following information is to be completed by the property owner and/ or their agent and submitted to the City Planner for review and distribution. This form provides basic project information that will allow City Staff to determine if the annexation request and proposed development may or may not be compatible with the established goals within the City's Comprehensive Plan.

I. Contact information:

Owner(s) of property: Keepport Associates, LLC ; GDC Greenbriar, LLC; and Envoy Associates, LLC
Mailing address: 245 Saw Mill River Road
City, State, Zip: Hawthorne, New York 10532
Telephone: 914-747-4000
Fax: 914-747-1237
E-mail address:

Agent(s) for owner: Richard DeMarco
Mailing address: 485 North Keller Road, Suite 444
City, State, Zip: Maitland, Florida 32751
Telephone: 407-478-7600
Fax: 407-478-7602
E-mail address: rdemarco@gdcproperties.com

Agent(s) for owner: Richard P. Lindsey
Mailing address: 400 Westpark Court, Suite 220
City, State, Zip: Peachtree City, Georgia 30269
Telephone: 770-631-1811
Fax: 770-631-1771
E-mail address: rlindsey@webb-firm.com

(Note: A certified letter must be submitted by all Owners of Record of the subject property indicating they are aware of this request and that they acknowledge this application is being submitted by their agent, if applicable.)

II. Project Information

Gross acreage: 17.819 acres

Acreage of lakes, floodplain, wetland, streams and associated buffers, etc.: 0 acres. The applicant has no documentation and classifying the stream/ditch located on the property as "state waters."

Net developable acreage: 17.819 acres

Current zoning classification (include copy of appropriate zoning ordinance and current Zoning Map of general vicinity):

Current Fayette County zoning is C-C (Community Commercial). The attached zoning map of Peachtree City shows that there is a mix of LUC, GC and residential zoning in our proposed area of annexation. (See attached: Zoning Map) The applicant has submitted a copy of the County's zoning ordinance governing C-C zoning. The County does not maintain zoning maps.

Current Land Use designation (include copy of appropriate land use description and current Land Use Map of general vicinity):

Fayette County's Land Use Map calls for Commercial Use. The applicant has submitted a copy of the County's land use map and the comprehensive plan regarding the subject property.

Location of property:

(Note: A Legal Description and a Boundary Survey identifying the relationship between the current city limits and the property being considered for annexation must be submitted as a part of this application.)

The property is located on SR 54 East across from the Lexington Circle mixed-use development, extending from Bank of Georgia to the Westminster Cemetery.. (See attached: Boundary Survey and Legal Description)

Brief description of proposed project:

(Note: Identify type of development or uses, such as commercial, industrial, residential, etc.; and provide projected size of development, such as floor area in square feet, number of employees, number of lots or housing units, etc.)

Peachtree East was constructed in 1995 and serves as a neighborhood retail center for a large portion of Kedron and Glenloch villages. Tenants include Publix, Stein Mart, Kaufmann Tire, as well as other retail and service establishments. Peachtree East is comprised of 5 buildings, 22 shops and 147,602 square feet. No significant changes in the layout, design, or amount of developed square footage are anticipated.

III. Relationship to Comprehensive Plan

Provide a brief overview as to how the annexation request and proposed development may or may not be compatible with the established goals within the City's Comprehensive Plan:

▪ Housing

Provide a broad range of housing opportunities with an appropriate mix of homes regarding size, type, price, and location in order to satisfy the needs of new and future residents while ensuring natural pleasing surroundings.

(If applicable, identify the type and number of residential units that are proposed, current and projected on-site and adjacent zoning and densities, price ranges, amenities, etc.)

No residential housing is associated with this annexation.

▪ Commercial

Provide commercial facilities concentrated in the four village centers already established that serve the needs of the residents of that Village. Ensure that these facilities do not adversely affect the adjoining residential areas, the environment, or existing traffic patterns.

(If applicable, identify the projected square footage of proposed retail and commercial development and how this might impact the existing Village retail centers. Additionally, identify projected traffic impacts and how this might impact existing roadways.)

Peachtree East is located outside of the city limits separating Glenloch and Kedron Villages. The Peachtree Crossing retail center at the intersection of SR 54 E and Peachtree Parkway was constructed circa 1980 and serves as the village retail center for Glenloch Village. This retail center includes a Kroger grocery store, etc. and provides retail and commercial needs of the residents within the general vicinity.

The shopping center has several well positioned access points, including two signalized access points at Broken Bow Drive and Shiloh Drive. There are no planned changes to the ingress or egress of the shopping center. The two roads named above are private and are maintained by the owner of the trailer park.

The property's common area conforms to all applicable ADA requirements including reserved parking spaces, crosswalks, sidewalks, and accessible entry doors.

▪ Economic Development

To maintain a diversified economy that encourages high paying, quality jobs, and maximum tax contribution while meeting the requirements of a healthy environment.

(Explain how the proposed annexation may impact existing population, employment, tax revenue, etc.)

Peachtree East is comprised of 5 buildings, 22 shops and 147,602 square feet. The shopping center, anchored by Publix and Stein Mart, has a useful mix of both service and retail tenants to serve the surrounding neighborhoods. The shopping center has historically been well occupied and is currently 96.7% occupied with one vacant shop.

The shopping center will have an immediate tax revenue increase to Peachtree City. A preliminary calculation on 2005 taxes was performed and it is estimated that the taxes would have been \$194,944 if the applicant's taxes were based on the Peachtree City rate. This was determined by the applicant's tax consultant based on prior values found in the county tax office and the current PTC millage rate.

▪ Transportation

Establish and maintain a comprehensive system of transportation that provides for safe and convenient circulation through and around the city including roads, cart paths and ride share services.

(Identify how the proposed annexation and subsequent development might impact existing traffic patterns, roadways, etc. and what is planned to mitigate these impacts, how the property will be interconnected with the City's multi-use path system, and what measures will be implemented to reduce traffic congestion associated with the proposed development.)

No new roads or transportation improvements are planned as a part of this annexation.

The applicant understands that the City is in the planning process for designing multi-use paths in the general vicinity of Peachtree East. A possible bridge over Highway 54 is also being considered. The applicant will cooperate with the City if it is determined that the bridge should cross Highway 54 in front of the shopping center.

▪ **Recreation**

Continue to provide a full range of recreational facilities and programs which serve to satisfy the needs of individual neighborhoods, and the community as a whole.

(If applicable, identify what recreational amenities will be incorporated into the proposed development and how this will serve the needs of the existing residents of Peachtree City.)

There are no recreational facilities in this existing shopping center; however, the 22 shops provide a good mix of services for the residents in surrounding areas.

▪ **Land Use**

Establish appropriate land uses in areas that are suitable for development that would not endanger but protect the surrounding environment and aesthetics.

(Identify what type of land use would be proposed for the development and how this would be compatible with the existing land use patterns within the general vicinity.)

No additional land will be developed in conjunction with this application and annexation. The property is situated on the edge of Peachtree City and across Highway 54 from current zoning of LUC-16. Additionally, the property abuts other lands which are currently zoned LUC and GC and are actively used for commercial purposes.

▪ **Natural Resources**

Protect the natural environment by prohibiting development in identified environmentally sensitive areas and continuing to expand city greenbelts and open space areas.

(Identify wetland areas, flood plains, streams and other environmentally sensitive areas and what measures would be taken to protect these areas from development. Also, identify what, if any, property might be donated to the City as greenbelt.)

The site generally slopes down from northwest to southeast with an elevation change of approximately 30 feet. Drainage for the entire site is directed to a retention pond in the southeast corner of the property behind Publix. The retention pond is privately owned by the owners of the shopping center and is maintained by it. As far as the applicant knows, the retention pond only serves the shopping center. There are no streams or wetlands that are located on or border the property.

▪ **Community Service and Facilities**

Continually provide adequate levels of service in all areas as needed for the residents of Peachtree City.

(Identify projected impacts the proposed development might have on emergency services, including police and fire, as well as sanitary sewer and water services.)

After discussions with both the Chief of Police and the Fire Chief of Peachtree City, the applicant anticipates that the existing shopping center will have limited impact on police and fire emergency services. Currently, the City's Police and Fire Departments render mutual emergency aid along with the county to the shopping center. If the property is annexed, the City's Police Department will begin patrols of the shopping center and will respond to shoplifting, auto theft, and other such crimes to which it does not currently respond. The Fire Department will also begin monitoring the shopping center for fire safety which it currently does not do. If the property is annexed into the City, both departments will respond under automatic aid as opposed to mutual aid to emergency calls. The shopping center presently serves many PTC residents and the act of annexation into the City will have no affect on the number of incidents at the shopping center; however, having the shopping center served by PTC police, fire, and EMS should improve the response times and, thus, better serve the City residents who patronize the businesses at the shopping center.

The property's water service is provided by the county. The shopping center is connected to the sanitary sewer line operated by the Peachtree City Water and Sewerage Authority.

▪ **Community Aesthetics**

To preserve and enhance the visual image and appearance of the community.

(Identify how the proposed development will blend in with the existing development throughout the community, to include buffers, landscaping, signage, architectural detail, etc. and whether or not you intend to adopt architectural standards or an overlay district for the proposed development.)

The retail shopping center was developed in 1995 and there are no planned changes to the aesthetics of the shopping center. Currently, the property has mature landscaping in the parking field, an attractive road frontage, and a handsome stucco/brick façade. Professional landscaping, maintenance and management contracts are in place that ensure the property is continually inspected and maintained. The applicant will work with City staff on all non-conforming matters such as buffers, setbacks, signage, telecommunications tower to determine an appropriate course of action should the Council permit the application to proceed.

▪ **Planning**

To continue to provide the city with a planning process that encourages citizen participation in every decision.

(Identify how you plan to develop the overall plan for the proposed development, to include workshops, design charrettes, neighborhood meetings, etc. and how you plan to garner public support for the proposed development.)

Since no changes in the shopping center are planned, there should not be a need for such meetings; however, the applicant is willing to conduct and participate in such meetings if the City so desires.

Step Two: Annexation request form

The following information is required in order to prepare a detailed analysis of the proposed annexation, a schematic master plan of the proposed development, and a more informed recommendation that will ultimately be considered by other governmental agencies, the Planning Commission and City Council.

A formal request is hereby being made to annex the following described property into the city limits of Peachtree City:

The property is located on Highway 54 across from Walt Banks Drive and between Broken Bow Drive and Shiloh Drive. (See attached: Boundary Survey and Legal Description)

This request for annexation is being made for the following reasons:

The property is located directly on the border of Peachtree City on two sides. Because of the location of the property and the proximity to fire stations, the property can be better served by the Peachtree City agencies than the county agencies and is already served by the City's emergency personnel through the mutual aid agreement with the county. Also, including the shopping center in Peachtree City will better enable the restaurant tenants to compete in the tough restaurant environment. Additionally, many patrons believe the shopping center is actually located inside the city limits. The annexation of the property will result in Peachtree East being formally included in the City.

I certify that I am the owner, or duly authorized agent of the owner, of the property described above, and that I have submitted all information and documents required to properly evaluate this request:

Owner (print): _____ Date: _____

Owner (signature): _____

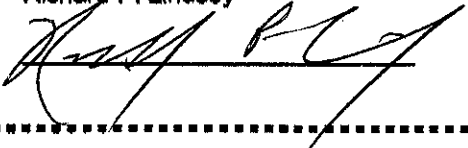
Agent (print): RICHARD DEMARCO

Date: 8/9/06

Agent (signature): 

Agent (print): Richard P. Lindsey

Date: 8/9/06

Agent (signature): 

.....
To be completed by the City of Peachtree City:

This request, along with the required supplemental information and documents, has been properly submitted, and is hereby accepted for consideration by the Planning Commission and the City Council.

Date of acceptance:

08-10-06

Request number:

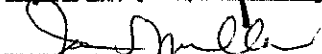
2006-12

City Planner:

David E. Rant

Date: 08-10-06

City Clerk:



Date: 8-10-06

Public Hearing - Planning Commission:

Date: *

Public Hearing - City Council:

Date: *

** depending approval of Step One*

Instructions for submitting an Annexation Request Form

Whenever it is proposed that property be annexed into Peachtree City, it will be the responsibility of the applicant to furnish the City with all information and documents that will be necessary to properly evaluate the request. The required information and documents will include, but not be limited to, the following:

- I. A completed and signed "Request for Annexation" form;
Attached.
- II. A complete zoning application, including the appropriate application fee;
The applicant is seeking LUC zoning for the property. The formal application will be submitted following the City Council's initial review of the annexation application.
- III. Documentation acceptable to the City Attorney that the property is eligible for annexation, along with a detailed explanation of the proposed method of annexation;
The subject property owner is seeking annexation through OCGA Section 36-36-20. Approximately $\frac{1}{4}$ of the perimeter of the property abuts Peachtree City. The applicant's agent, Richard P. Lindsey, has discussed the proposed annexation with the City Attorney. It is the agent's belief that the City Attorney is of the opinion that the subject property is legally eligible for annexation.
- IV. Certification that the applicant is familiar with the Peachtree City Land Use Plan; the Annexation Policy; and all relevant codes and ordinances of the City, especially those pertaining to zoning, land development, site planning, landscaping, and signs;
The owner and the agents are familiar with the Peachtree City Land Use Plan; the Annexation Policy; and all relevant codes and ordinances of the City, especially those pertaining to zoning, land development, site planning, landscaping, and signs.
- V. Two copies of a complete and certified boundary survey of the property, along with an accurate legal description;
Attached
- VI. The following supplemental information and documents:
 1. A complete and accurate indication of all zoning classifications that presently exist on and adjacent to the property;

The surrounding zoning classifications of the subject property are as follows:

Peachtree City:

- i. LUR
- ii. ER
- iii. LUC-16
- iv. R-43
- v. LUR-9.

Fayette County:

- i. MHP (Mobile Home Park)
- ii. CH (Commercial Highway)
- iii. OI (Office Institutional)
- iv. CC (Community Commercial)
- v. R-20 (Single Family Residential)

Name and address of all property owners within 200 feet of the boundary of the property (these property owners must be shown on an appropriate map);

The names and tax map parcel numbers are included below. Following the City Council's initial review, addresses will be provided.

Property Owners

Tax Map Parcel Number

Thomas C. Hayes, Jr. & W.C.S. Properties	7-18-16
Kariba Development, INC	7-19-85
CVS 2544 GA, LLC	7-19-82
Rudnick/Nicely, LLC Peak 10 Properties, LLC	7-19-81
Nitschman, Alice H.	7-19-20-4
Eugene & Ellen Bell	7-19-20-5
Troy, Harold & Jayne A	7-19-20-6
Common Area	7-19-20-7
Common Area	7-19-17-33
Common Area	7-19-17-34
Huquelet Eric P & Paula D May	7-19-17-1
Greene, Nell F	7-19-17-2
Lee, Betty J	7-19-17-3
Heatwole, Barbara A	7-19-17-4
Mathis Judithm	7-19-27
Mathis Judithm	7-19-28
Esparaza Nathan	7-19-15-1
Cannon A Dickson III & Irene	7-19-15-2
Junca, Carlos & Martha	7-19-15-3
Hanlon, Jill D	7-19-15-4
Berkelbough, Melinda W & Dennis John	7-19-15-5
Scott, Ronald B	7-19-15-6
Daniel, Chuki E & Faride C & Victor C & Kimm	7-19-15-7
Barnes Denise A & Doreen A Staples	7-19-32
Trammell Jan	7-19-10
Miles Charles B	7-19-36
Miles Charles & Reid Hutchings	7-19-35
AA Select Holdings, LLC	7-19-2-1
Ravin Homes, Inc.	7-19-2-2
Ravin Homes, Inc.	7-19-2-3
Ravin Homes, Inc.	7-19-2-4
Seals E Lamar, Jr.	7-19-2-5
Jerry L & Michelle Ketterer	7-19-2-6
Jerry L & Michelle Ketterer	7-19-2-7
Ravin Homes, Inc.	7-19-2-8
Ravin Homes, Inc.	7-19-2-9
Strickland Designs + Bldrs	7-19-2-10
Trammell Jan	7-19-10

2. A location map at a scale of 1" = 800' showing the property in relation to the City;
The location map will be submitted following the City Council's initial review of the annexation application.
3. A recent aerial photograph which also shows the property in relation to the City;
This will be provided.
4. An accurate and detailed map which shows the proposed new City zoning districts at a scale of 1" = 800';
This will be provided.
5. An identification of all major natural, geographic, and cultural features which presently exist on or near the property;
The property is located on Highway 54 next to the cemetery and across the highway from Lexington Circle.
6. An identification and description of all public services which are presently available to the property;
The property is connected to the sanitary sewer line and is serviced by the Peachtree City Water and Sewerage Authority. The property is served by the county and is also served by the City's emergency personnel through the mutual aid agreement.
7. An identification and description of all public facilities which are presently on or near the property, or are proposed to be built on or near the property;
None.
8. Any development plans, feasibility studies, impact analyses, population projections, or other such planning documents which have been prepared relative to the property;
Not applicable.
9. A statement as to the acreage of the property, the proposed density of development, and the projected population at build-out;
17.819 acres; no residential development.
10. A report demonstrating exactly how the property will be tied into the City's major thoroughfare system and cart path system;
The shopping center has several well positioned access points, including two signalized access points at Broken Bow Drive and Shiloh Drive. There are no planned changes to the ingress or egress of the shopping center.

The applicant understands that the City is in the planning process for designing multi-use cart paths in the general vicinity of Peachtree East. A possible bridge over Highway 54 is also being considered. The applicant will cooperate with the

City if it is determined that the bridge should cross Highway 54 in front of the shopping center.

11. A report demonstrating exactly how the property will relate to and complement the City's Land Use Plan;

The property is adjacent to other commercial properties located in the city limits and in the unincorporated county. The applicant is seeking LUC zoning and is not seeking to increase the density of the current development.

12. A report demonstrating that the proposed annexation will be consistent with the City's annexation policy;

The property is already developed and is currently served by the City's emergency personnel under the mutual aid agreement along with the county. Annexation will bring the property under the umbrella of the City and will increase the tax base for the City. The shopping center benefits as it will receive full City services in exchange for the additional tax dollars paid.

13. An analysis of how the proposed annexation will affect the City, especially with respect to:

- a) Tax base;

The shopping center will have an immediate tax revenue increase to Peachtree City. A preliminary calculation on 2005 taxes estimates that the taxes would have been \$194,944 if the applicant's taxes were based on the Peachtree City rate.

- b) Public education;

None.

- c) Police and fire protection;

It is anticipated that the existing shopping center will have limited impact on police and fire emergency services. Currently, the City's Police and Fire Departments render mutual emergency aid along with the county to the shopping center. If the property is annexed, the City's Police Department will begin patrols of the shopping center and will respond to shoplifting, auto theft, and other such crimes to which it does not currently respond. The Fire Department will also begin monitoring the shopping center for fire safety which it currently does not do. Both departments will respond under automatic aid as opposed to mutual aid to emergency calls.

- d) Emergency medical service;

See above.

- e) Transportation facilities;

See (11) above.

- f) Utilities;

None.

- g) Environmental protection;

None.

- h) Recreation program;

None.

- i) Implementation of the overall development plan.
Not applicable.

A request for annexation shall be submitted to the City Planner, who shall determine whether it is proper and complete. The City Planner shall then review the application with the City Clerk. The application is not considered to be accepted until it is signed by both the City Planner and the City Clerk. Upon acceptance of the application, the appropriate public hearings will be scheduled; and the applicant will be notified in writing of the dates and times.

All materials and fees submitted as a part of the application will become public property and will not be returned once the application is accepted and the public hearings are scheduled.

The subject property owner is seeking annexation through OCGA Section 36-36- Approximately 1/2 of the perimeter of the property abuts Peachtree City. The applicant's agent has discussed the proposed annexation with the City Attorney. It is the agent's belief that the City Attorney is of the opinion that the subject property is legally eligible for annexation.

The owner and the agents are familiar with the Peachtree City Land Use Plan; the Annexation Policy; and all relevant codes and ordinances of the City, especially those pertaining to zoning, land development, site planning, landscaping, and signs.

The surrounding zoning classifications of the subject property are as follows:

Peachtree City:

- vi. LUR
- vii. ER
- viii. LUC-16
- ix. R-43
- x. LUR-9.

Fayette County:

- vi. MHP (Mobile Home Park)
- vii. CH (Commercial Highway)
- viii. OI (Office Institutional)
- ix. CC (Community Commercial)
- x. R-20 (Single Family Residential)



VIA CERTIFIED MAIL # 7006 0100 0000 8222 9667

July 10, 2006

Mayor Harold Logsdon
City Hall
151 Willowbend Road
Peachtree City, Georgia 30269

Re: Annexation of Peachtree East Shopping Center

Dear Mayor Logsdon,

We are pleased to be formally requesting annexation into Peachtree City, Georgia. Peachtree East Shopping Center is a first-class neighborhood shopping center that currently serves many households within the City.

GDC Properties has retained the firm of Webb, Lindsey & Wade, LLC to assist in the application for annexation into Peachtree City, Georgia. Therefore, we approve of the annexation request and are actively involved in the beginning stages of this process.

Please direct all communication to Mr. Rick Lindsey, Esq. with Webb, Lindsey & Wade, LLC at 770.631.1811. If you have any questions about our company, please feel free to call me directly at 407.478.7606.

Sincerely,

Richard DeMarco
GDC Properties, Inc
Agent for Keepport Associates, LLC; GDC Greenbriar, LLC; and Envoy Associates, LLC

Cc: Rick Lindsey, Esq., Webb Lindsey & Wade, LLC.
Judi-ann Rutheford, City Council Post 1
Stuart Kourajian, City Council Post 2
Steve Boone, City Council Post 3
Cyndi Plunkett, City Council Post 4

RD:rl

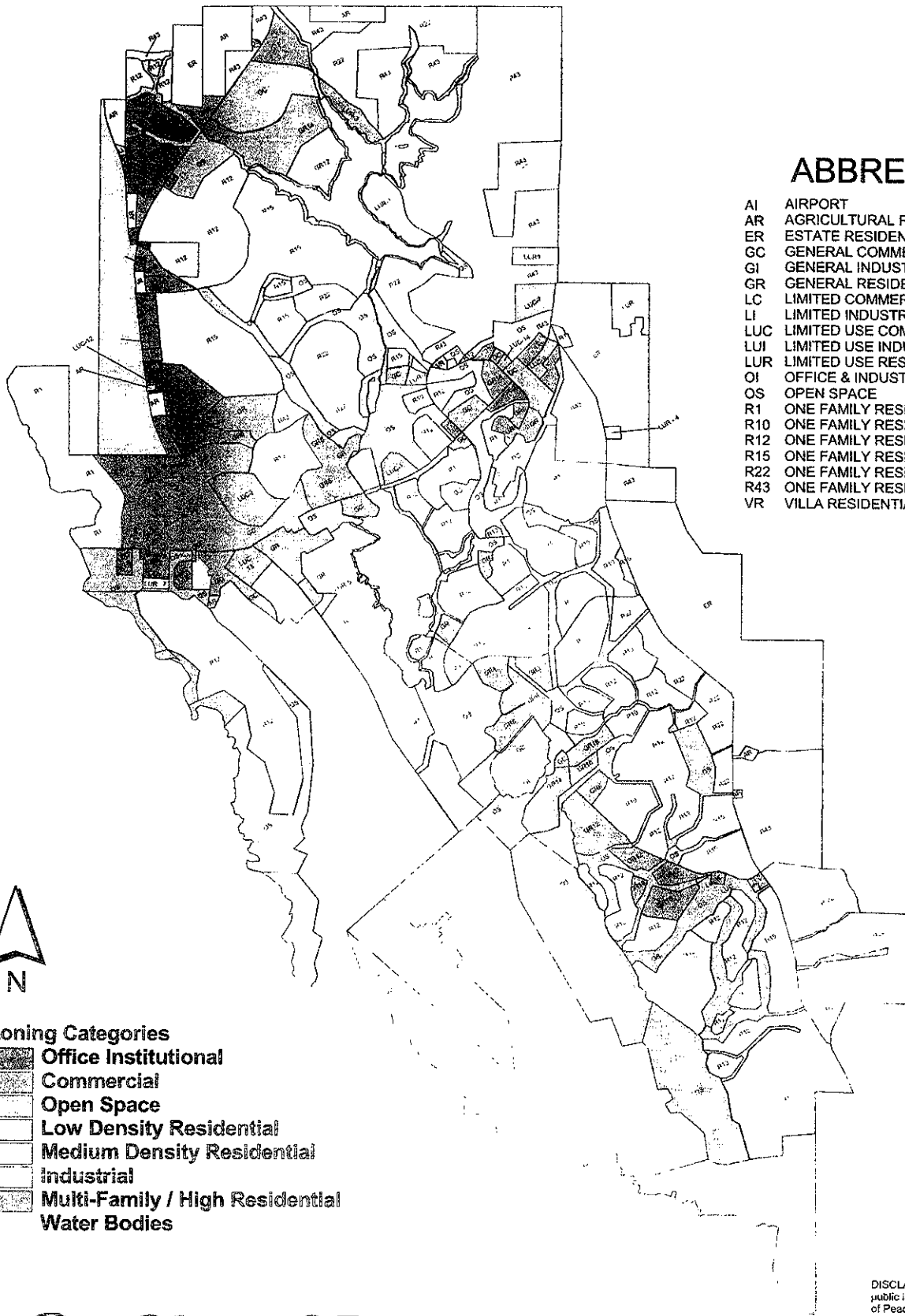
245 Saw Mill River Rd
Hawthorne, NY 10632

Tel: 914 747 4000
Fax: 914 747 1337

www.gdcproperties.com

465 N. Keller Road, Suite 444
Maitland, FL 32751

Tel: 407 478 7600
Fax: 407 478 7601



ABBREVIATIONS

AI	AIRPORT
AR	AGRICULTURAL RESERVE
ER	ESTATE RESIDENTIAL
GC	GENERAL COMMERCIAL
GI	GENERAL INDUSTRIAL
GR	GENERAL RESIDENTIAL (UNITS PER ACRE)
LC	LIMITED COMMERCIAL
LI	LIMITED INDUSTRIAL
LUC	LIMITED USE COMMERCIAL
LUI	LIMITED USE INDUSTRIAL
LUR	LIMITED USE RESIDENTIAL
OI	OFFICE & INDUSTRIAL
OS	OPEN SPACE
R1	ONE FAMILY RESIDENTIAL
R10	ONE FAMILY RESIDENTIAL (MIN. 10,000 SF LOT SIZE)
R12	ONE FAMILY RESIDENTIAL (MIN. 12,000 SF LOT SIZE)
R15	ONE FAMILY RESIDENTIAL (MIN. 15,000 SF LOT SIZE)
R22	ONE FAMILY RESIDENTIAL (MIN. 22,000 SF LOT SIZE)
R43	ONE FAMILY RESIDENTIAL (MIN. 43,000 SF LOT SIZE)
VR	VILLA RESIDENTIAL



Zoning Categories

	Office Institutional
	Commercial
	Open Space
	Low Density Residential
	Medium Density Residential
	Industrial
	Multi-Family / High Residential
	Water Bodies



City of Peachtree City Zoning Map January 2000

DISCLAIMER: This map is provided for general public information but is not the Official Zoning Map of Peachtree City or an official city record. Although every effort has been made to provide accurate information as of the date of publication, this map may contain errors, omissions or inaccuracies and should not be relied upon as the most current available data regarding zoning in Peachtree City. For fully accurate and up-to-date information regarding zoning, please visit the Peachtree City Planning Department at City Hall or call 770-487-7657.

1 0 1 Miles

EXHIBIT "A"**Tract I:**

All that tract or parcel of land situated, lying and being in Land Lot 69, 7th District, Fayette County, Georgia and being more particularly described as follows:

TO FIND THE POINT OF BEGINNING commence at an iron pin set at the intersection of the East right-of-way line of State Route 54 (a variable-width right-of-way) and the South land lot line of Land Lot 69, said District and County; thence run along said right-of-way the following courses and distances: North 06°06'29" East 1.21 feet to a concrete monument found ("CMF"), North 89°32'29" West 8.68 feet to a CMF, North 06°06'29" East 10 feet to a CMF, North 89°58'17" West 10.06 feet to a CMF, and North 06°06'32" East 385.69 feet to a point located on said East right-of-way, said point being the TRUE POINT OF BEGINNING. From the TRUE POINT OF BEGINNING as thus established, continue thence along said right-of-way line the following courses and distances: North 06°06'32" East 443.51 feet to a CMF, and along the arc of a 2,808.79 foot radius curve to the right an arc distance of 642.44 feet (said arc being subtended by a chord lying to the East bearing North 12°39'40" East and having a distance of 641.04 feet) to an iron pin set; thence leaving said right-of-way, run thence South 89°59'22" East 302.60 feet to a ½ inch open top pipe found; thence South 01°54'29" West 224.29 feet to an iron pin set; thence South 89°35'49" East 219.74 feet to an iron pin set; thence South 01°54'29" West 865.10 feet to an iron pin set; thence North 89°40'48" West 219.75 feet to a point; thence South 01°54'29" West 1.24 feet to a point; thence North 89°34'06" West 425.71 feet to a point; thence North 53°44'00" West 35.07 feet to the TRUE POINT OF BEGINNING.

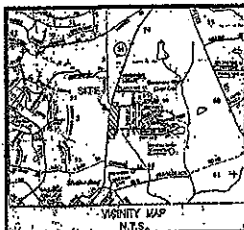
Said property containing 14.412 acres and being depicted as Tract I on that certain survey for Peachtree East Associates and Lawyers Title Insurance Company dated January 10, 1994, last revised October 4, 1994 prepared by Rochester & Associates, Inc. bearing the seal and certification of James C. Jones, GRLS No. 2298, said survey being incorporated herein by this reference.

Tract II:

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Said property containing 3.407 acres and being depicted as Tract II on that certain survey for Peachtree East Associates and Lawyers Title Insurance Company dated January 10, 1994, last revised October 4, 1994 prepared by Rochester & Associates, Inc. bearing the seal and certification of James C. Jones, GRLS No. 2298, said survey being incorporated herein by this reference.



CHILL RAIND BY

TYPE	AMOUNT	DATE
1.00	1.00	1.00
2.00	2.00	2.00
3.00	3.00	3.00
4.00	4.00	4.00
5.00	5.00	5.00

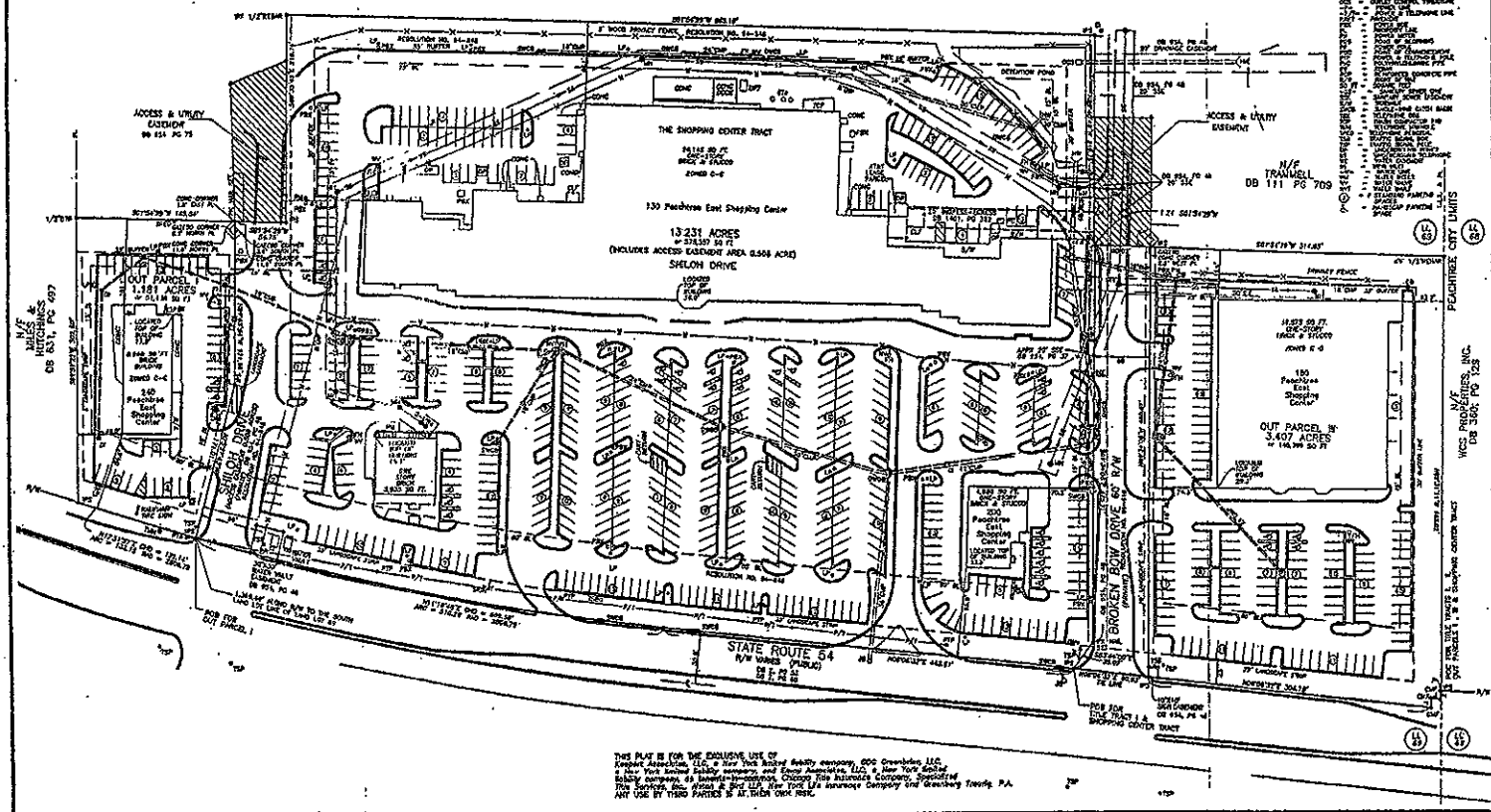
General Notes:

1. THE SHOOTING RANGE FOR THIS SITE IS LOCATED WITHIN THE "SOUTH" 1/4 OF SECTION 10, TOWNSHIP 10N, RANGE 10E, N.Y.S. MAP 111, PG 709.
2. THE SHOOTING RANGE FOR THIS SITE IS LOCATED WITHIN THE "SOUTH" 1/4 OF SECTION 10, TOWNSHIP 10N, RANGE 10E, N.Y.S. MAP 111, PG 709.
3. THE SHOOTING RANGE FOR THIS SITE IS LOCATED WITHIN THE "SOUTH" 1/4 OF SECTION 10, TOWNSHIP 10N, RANGE 10E, N.Y.S. MAP 111, PG 709.
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6. THE SHOOTING RANGE FOR THIS SITE IS LOCATED WITHIN THE "SOUTH" 1/4 OF SECTION 10, TOWNSHIP 10N, RANGE 10E, N.Y.S. MAP 111, PG 709.

GENERAL SITE NOTES:

1. THE SHOOTING RANGE FOR THIS SITE IS LOCATED WITHIN THE "SOUTH" 1/4 OF SECTION 10, TOWNSHIP 10N, RANGE 10E, N.Y.S. MAP 111, PG 709.
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TOTAL STANDARD PARKING SPACES: 707
TOTAL HANDICAP SPACES: 31



THIS PLAN IS FOR THE EXCLUSIVE USE OF
THE NEW YORK STATE DEPARTMENT OF TAXATION
AND FINANCE, AND IS NOT TO BE USED FOR ANY OTHER PURPOSE.
ANY USE OF THIS PLAN FOR ANY OTHER PURPOSE IS AT THE USER'S RISK.

Rochester

1111 Peachtree East Shopping Center
Rochester, N.Y. 14610
Tel: (716) 554-1111
Fax: (716) 554-1111

PROJECT INFORMATION

PROJECT NAME: 1111 Peachtree East Shopping Center
PROJECT LOCATION: 1111 Peachtree East Shopping Center
PROJECT OWNER: 1111 Peachtree East Shopping Center
PROJECT ARCHITECT: 1111 Peachtree East Shopping Center
PROJECT ENGINEER: 1111 Peachtree East Shopping Center
PROJECT DATE: 1111 Peachtree East Shopping Center

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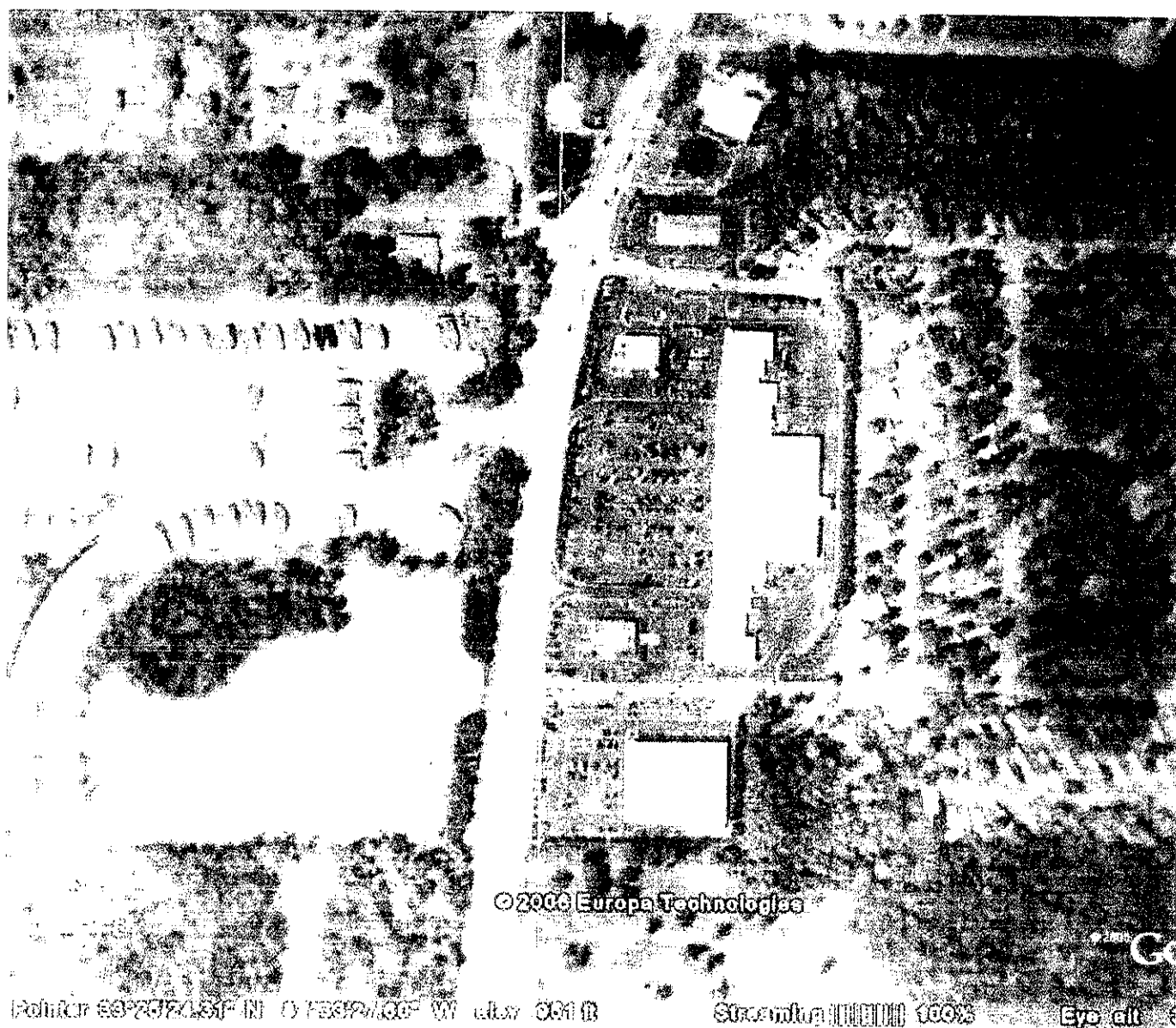
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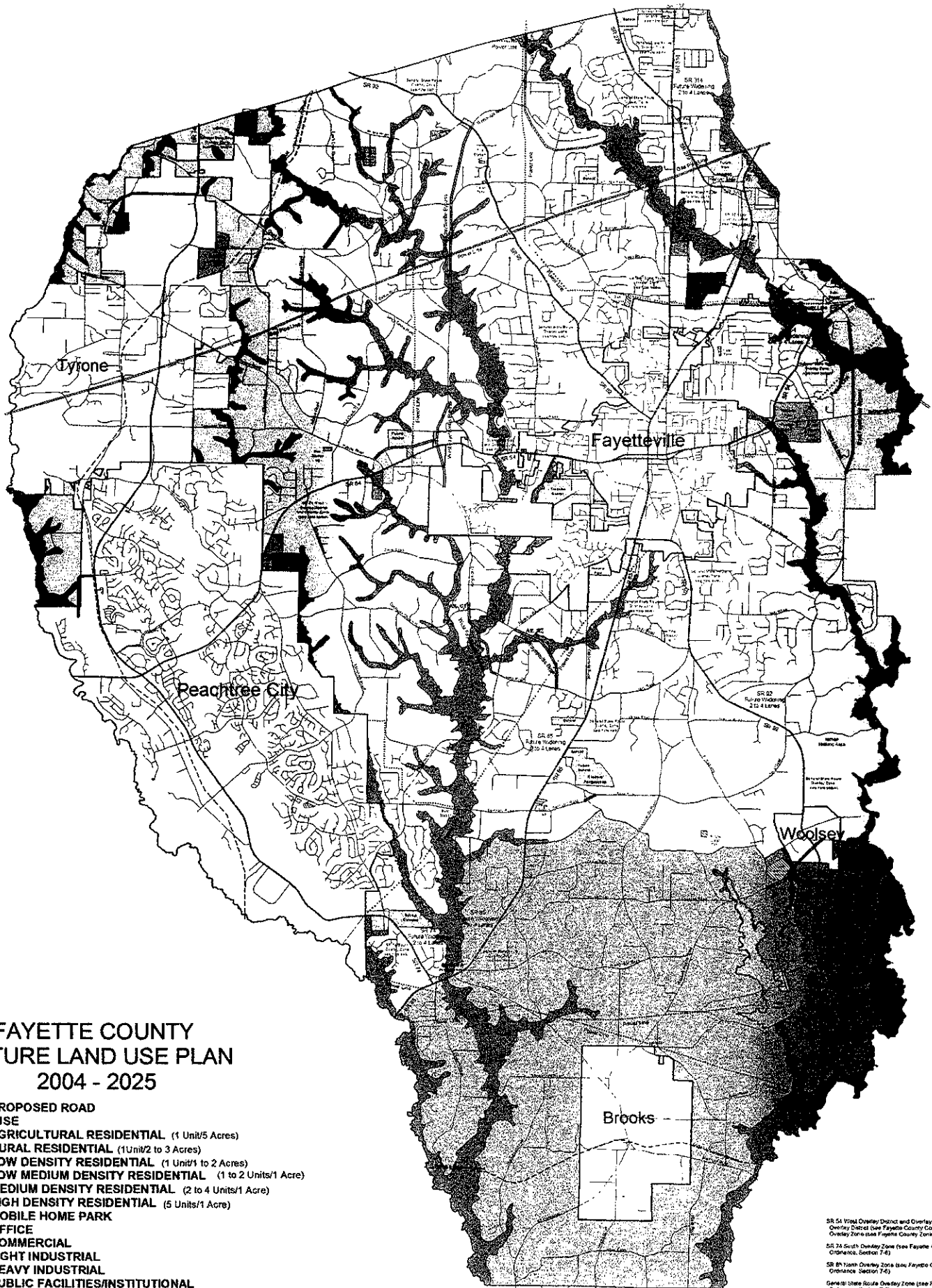


FAYETTE COUNTY FUTURE LAND USE PLAN 2004 - 2025

PROPOSED ROAD
LAND USE

- AGRICULTURAL RESIDENTIAL (1 Unit/5 Acres)
- RURAL RESIDENTIAL (1 Unit/2 to 3 Acres)
- LOW DENSITY RESIDENTIAL (1 Unit/1 to 2 Acres)
- LOW MEDIUM DENSITY RESIDENTIAL (1 to 2 Units/1 Acre)
- MEDIUM DENSITY RESIDENTIAL (2 to 4 Units/1 Acre)
- HIGH DENSITY RESIDENTIAL (5 Units/1 Acre)
- MOBILE HOME PARK
- OFFICE
- COMMERCIAL
- LIGHT INDUSTRIAL
- HEAVY INDUSTRIAL
- PUBLIC FACILITIES/INSTITUTIONAL
- CONSERVATION AREAS
- PARKS AND RECREATION
- TRANS., UTIL., & COMMUNICATIONS

Adopted 4/22/04
Amended 9/22/05



SR 54 West Overlay District and Overlay Zone
Overlay District (see Fayette County Comprehensive Plan, Land Use Element)
Overlay Zone (see Fayette County Zoning Ordinance, Section 7-6)

SR 24 South Overlay Zone (see Fayette County Zoning Ordinance, Section 7-6)

SR 84 North Overlay Zone (see Fayette County Zoning Ordinance, Section 7-6)

General State Route Overlay Zone (see Fayette County Zoning Ordinance, Section 7-6)

6-18. C-C Community Commercial District.

- A. Description of District. This district is composed of certain lands and structures providing for convenient community shopping facilities having a broad variety of sales and services.
- B. Permitted Uses. The following uses shall be permitted in the C-C Zoning District as long as the area devoted to inside storage does not exceed twenty-five (25) percent of the gross floor area of the principal structures except as excluded herein.
1. Amusement or Recreational facility;
 2. Appliance sales and repair, etc.;
 3. Art studio;
 4. Auto parts and Tire store, retail;
 5. Bakery;
 6. Bank;
 7. Barber shop;
 8. Beauty shop;
 9. Business school;
 10. Catering service;
 11. Church and customary related uses;
 12. Clothing store and variety store;
 13. College, University, including Dormitory and Fraternity or Sorority house when located on main campus;
 14. Cultural facility;
 15. Dance school or Studio;
 16. Dental office;
 17. Department store;

18. Drug store;
19. Dry goods store;
20. Financial institution;
21. Florist;
22. Gift shop;
23. Grocery store;
24. Growing crops, garden, shrubbery, flowers, etc. and related sales;
25. Gunsmith;
26. Home occupation;
27. Jewelry shop;
28. Laboratory serving professional requirements, (e.g. medical, dental, etc.);
29. Laundry pickup station;
30. Library;
31. Locksmith;
32. Medical office;
33. Messenger service;
34. Museum;
35. Music teaching studio;
36. Novelty shop;
37. Office equipment sales and service;
38. Parking garage;
39. Photography studio;

40. Private clubs or Lodges;
41. Radio studio;
42. Restaurant;
43. Retail establishment;
44. School;
45. Shoe repair;
46. Taxidermist;
47. Taxi service;
48. Telegraph service;
49. Television studio; and
50. Watch repair.

C. Conditional Uses. The following Conditional Uses shall be allowed in the C-C Zoning District provided that all conditions specified in Section 7-1 herein are met:

1. Animal Hospital, Kennel (Commercial or Non-Commercial), or Veterinary Clinic;
2. Automobile Service Station, including gasoline sales in conjunction with a Convenience Store;
3. Campground Facilities;
4. Care Home, Convalescent Center or Nursing Home;
5. Church or Religious Tent Meeting;
6. Commercial Driving Range;
7. Day Care Facility (Nursery School or Kindergarten);
8. Dry Cleaning Plant;
9. Fraternities and/or Sororities;

10. Golf Course;
11. Hospital;
12. Kennel (See Animal Hospital, etc.);
13. Laundromat, Self-Service or Otherwise;
14. Single-Family Residence; and
15. Telephone, Electric or Gas Sub-Station or other Public Utility Facilities.

D. Dimensional Requirements. The minimum dimensional requirements in the C-C Zoning District shall be as follows:

1. Lot area:
 - a. Where a central water distribution system is provided: 43,560 square feet (one [1] acre)
 - b. Where a central sanitary sewage and central water distribution systems are provided: 21,780 square feet (one-half [.50] acre)
2. Lot width: 125 feet
3. Front yard setback:
 - a. Major thoroughfare:
 - (1) Arterial: seventy-five (75) feet
 - (2) Collector: seventy (70) feet
 - b. Minor thoroughfare: sixty-five (65) feet
4. Rear yard setback: fifteen (15) feet
5. Side yard setback: fifteen (15) feet
6. Buffer: If the rear or side yard abuts a residential or A-R Zoning District, a minimum buffer of fifty (50) feet adjacent to the lot line shall be provided in addition to the required setback and the setback shall be measured from the buffer.

7. Height limit: thirty-five (35) feet
8. Screening dimensions for parking and service areas as provided in Section 5-19, 5-20, and the Development Regulations.
9. Lot coverage limit, including structure and parking area: sixty percent (60%) of total lot area (Adopted 06/28/01)

LAND USE ELEMENT

“Planned growth is more desirable than uncontrolled growth, and more profitable; public and private powers can be joined in partnership in a process to realize the plan.”

- Ian Mcharg

INTRODUCTION

The Land Use Element functions as a guide for county officials (both elected and appointed), the general public, the development community, and other interested parties as to the ultimate pattern of development in the unincorporated county. This Element provides the opportunity to inventory existing land use patterns and trends; to illustrate future patterns of growth, based on community needs and desires; and to develop goals, policies, and strategies for future land use that support and reflect the economic, housing, natural and historic resources, community facilities and services, and transportation and goals and policies of the Comprehensive Growth Management Plan.

In practice, this is the most visible and often used element in the Comprehensive Growth Management Plan. Although all general plan elements carry equal weight, the land use element is often perceived as being the most representative of “the general plan.” In addition to establishing the county’s development policy in broad terms, the land use element plays a pivotal role in the zoning, subdivision, and public works decisions, as these are the primary tools for implementing the land use element.

The Land Use Element focuses on improving quality of life, and providing opportunities to protect and preserve rural character while allowing for reasonable and compatible growth. The policies within this chapter work together with the Future Land Use Plan Map to provide a guide for future development by use, size, density, and location. These plan elements are represented on the Map by color designations. They present a policy guideline for future development within unincorporated Fayette County.

EXISTING LAND USE

The intent of a land use plan is to guide development based on an understanding of the county’s current development status and future development trends. A key element in this process is an inventory of existing land use. A knowledge and understanding of how land in the county is presently being used establishes the foundation for the preparation of a land use plan.

Fayette County’s total land area is 127, 670 acres. Of this total, approximately 33,406 acres (or - 26 percent) lies within the incorporated limits of Fayette County’s five municipalities. The remaining 94,264 acres lie within unincorporated Fayette County. The following section provides an inventory and assessment of existing land use in unincorporated Fayette County.

The county's Geographical Information System, supplemented by windshield surveys and area knowledge, was used to develop existing land use data. This section identifies the products resulting from a typical land use survey: (1) a map showing existing land use (Map L-1); and (2) statistics describing the amount of land in each land use category (Table L-1).

The following land use categories, as defined by the Department of Community Affairs, were used to survey existing land use in unincorporated Fayette County:

_____ **Residential:** In unincorporated Fayette County, the predominant use of land within the residential category is for single-family dwelling units. This category is further divided into the following categories: One Acre Minimum Lot, Two Acre Minimum Lot, Five Acre Minimum Lot, and Mobile Home Park

Commercial: This category is for land dedicated to non-industrial business uses, including retail sales, office, service and entertainment facilities. Commercial uses may be located as a single use in one building or grouped together in a shopping center or office building.

_____ **Industrial:** This category is for land dedicated to manufacturing facilities, processing plants, factories, assembly operations, warehousing and wholesale trade facilities, mining or mineral extraction activities, or other similar uses.

_____ **Public/Institutional:** This category includes certain state, federal or local government uses, and institutional land uses. Government uses include city halls and government installations, etc. Examples of institutional land uses include colleges, churches, cemeteries, hospitals, etc. Facilities that are publicly owned, but would be classified more accurately in another land use category, should not be included in this category. For example, publicly Park/Recreation/Conservation category; landfills should fall under the Industrial category; and general office buildings containing government offices should be placed in the Commercial category.

_____ **Transportation/Communication/Utilities:** This category includes such uses as power generation plants, railroad facilities, radio towers, public transit stations, telephone switching stations, airports, port facilities or other similar uses.

_____ **Park/Recreation/Conservation:** This category is for land dedicated to active or passive recreational uses. These areas may be either publicly or privately owned and may include playgrounds, public parks, nature preserves, wildlife management areas, national forests, golf courses, recreation centers and similar uses.

_____ **Agriculture/Forestry:** This category is for land dedicated to farming (fields, lots, pastures, farmsteads, specialty farms, livestock production, etc.), agriculture, or commercial timber or pulpwood harvesting.

_____ **Undeveloped:** This category is for land not developed for a specific use or land that was developed for a particular use but that has been abandoned for that use. This category

includes woodlands or pasture land (not in agricultural crop, livestock or commercial timber production), undeveloped portions of residential subdivisions and industrial parks, water bodies (lakes, rivers, etc.), and locations of structures that have been vacant for some time and allowed to become deteriorated or dilapidated.

Map L-1, provides a generalized picture of how land in Fayette County is currently being used. Table L-1 lists the total estimated acreage of each of the land use categories illustrated on Map L- 1.

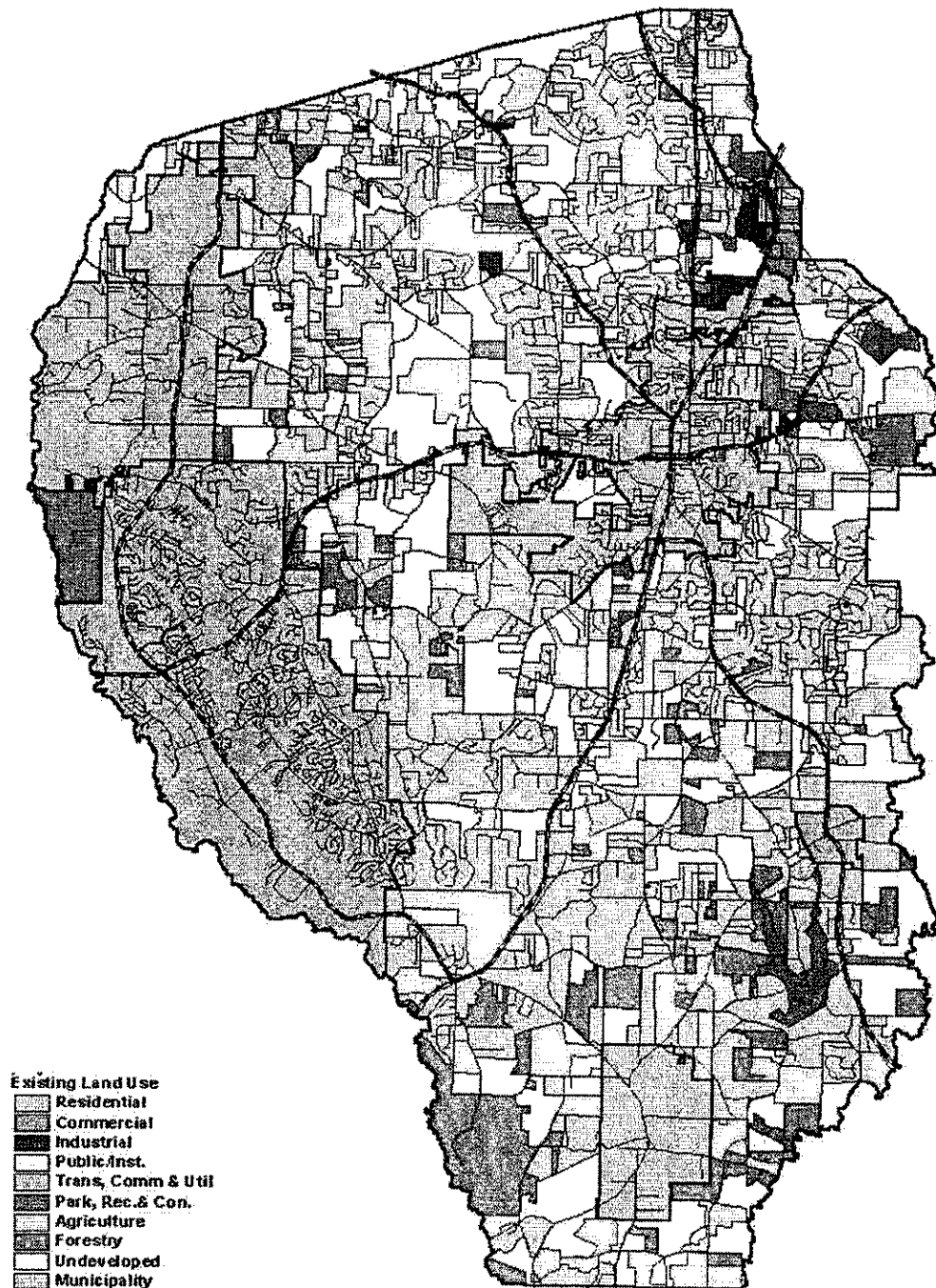
TABLE L-1 EXISTING LAND USE DISTRIBUTION, SUMMER 2003 UNINCORPORATED FAYETTE COUNTY		
Land Use	Acres	Percent of Area
Residential	42,990	45.61%
Commercial & Office	516	.55%
Industrial	581	.62%
Public/Institutional	2,048	2.17%
Transportation/Communication/Utilities	92	.10%
Park/Recreation/Conservation	1,466	1.55%
Agriculture & Forestry	24,701	26.20%
Undeveloped	21,870	23.20%
Total Acreage	94,264	100.00%

Source: Fayette County Planning Department

As Table L-1 indicates, unincorporated Fayette County's land area totals approximately 94,264 acres, of which 21,870 acres (23.2 percent) are classified as undeveloped.

Residential land use, comprising 46.61 percent of the unincorporated county's developed acreage, is the predominant land use in the unincorporated county. This land use is characterized by single family dwellings on lots ranging from a minimum of one acre to lots of five acres or more. Single family dwellings on lots of a minimum one acre are developed in conjunction with the availability of public water. These areas are concentrated in the vicinity of the various municipalities and in the northern end of the county east of SR 92. Lots that are a minimum of two acres in size are further removed from the urban areas, where county water may or may not be available. Residential land uses in the southern end of the county are characterized by single family dwellings on lots of five acres or larger. This is due not only to the lack of available infrastructure, but to the support and maintenance of the rural environment that is characteristic of this area. There are seven mobile home parks in the unincorporated county. These parks contain approximately 1,460 mobile home pads.

**MAP L-1
EXISTING LAND USE**



Source: Fayette County GIS

Commercial and Office land uses comprise approximately .55 percent of the total land area. Commercial activity is generally limited to small, neighborhood, convenience-retail centers. These centers are characterized by a gas station/convenience store. Two areas, SR 85 North and SR 54 West adjacent to Peachtree City, contain a mix of small shopping centers, offices and service establishments. Office uses are generally concentrated along SR 85 North and SR 54 West where an overlay zone allows the conversion of existing residences to office uses.

Industrial land use comprises .62 percent of the total acreage. The majority of industrial activity is centered north of Fayetteville along SR 85 North (BFI Landfill property, numerous auto salvage facilities, and Kenwood Business Park) and SR 314 (Lee Center). Major industrial land uses and parks are found within the cities of Fayetteville, Peachtree City and Tyrone.

Public/Institutional land uses, comprising nearly 2.17 percent of the total developed acreage, consist mainly of churches, schools, and county-owned facilities and property. There are over 100 churches in the unincorporated county as well as four existing or planned high schools, four existing or planned middle schools, and four elementary schools. Existing or future water tank sites are located on Ellis Road, SR 92 North Porter Road, and Summerfield Place. A large water treatment plant is located on Antioch Road.

Transportation/Communication/Utilities land uses comprise .1 percent of the land area. Five utility substations are located in the unincorporated area. These substations are located on SR 54 West, Bernhard Road, Ebenezer Church Road, Friendship Church Road, and New Hope Road.

Park/Recreation/Conservation land uses comprise 1.55 percent of the land area and are represented by McCurry Park, Kiwanis Park, Lake Horton Park, Starr's Mill Park, and future parkland on Kenwood Road. This area also includes the Lake Horton Reservoir and County wetland mitigation sites.

Agricultural/Forestry lands comprise 26.2 percent of the land area. Located throughout the unincorporated county but mainly in the southern end of the county, these lands are generally characterized by small farms, plant nurseries, commercial timber, pulpwood harvesting or large residential lots with associated horse or cattle raising/grazing. All of these properties are participating in the Conservation Use Covenant with the county. Approximately 24,701 acres are under the Conservation Use Covenant.

Undeveloped land comprises 23.2 percent of the land area. Some of these large undeveloped tracts contain agricultural and forest lands but are not participating in the Conservation Use Covenant with the county.

EXISTING LAND USE ASSESSMENT

The existing land use pattern in Fayette County is the result of many individual and policy decisions over many years. These decisions are based on physical constraints and opportunities, and outside market forces. This section discusses the factors leading to the existing pattern of development and the market forces in effect that seek to influence land use decisions.

Factors Leading to the Existing Pattern of Development

Throughout most of its history, Fayette County has had an agricultural-based economy. Farms producing both crops and livestock, dominated the landscape. In less than a generation, Fayette County changed from a rural, farm-oriented county on the far fringes of the Atlanta area to a primarily residential, suburban, bedroom commuter-oriented county. Fayette County's population grew by 115 percent between 1980 to 1990. From 1990 to 2000, the county grew by another 46 percent. This twenty-year period saw the county's population grow from 29,043 residents in 1980 to 91,263 residents in 2000. Just over half (54 percent) of this growth occurred within the county's largest municipalities of Fayetteville and Peachtree City. Map L-2 shows the growth of incorporated areas over the 20 year period. **(Maps L-2 not included at this time - still being developed)**

Transportation Improvements. In the last 20 years, Fayette County saw the widening of SR 85 North, SR 74 North, SR 54 between Peachtree City and Fayetteville, and SR 314 from Fayetteville to SR 279 from two lane roads to four lane divided highways. SR 74 North is the county's nearest access to Interstate 85 and the Atlanta metropolitan area. SR 314 is the county's most direct route to Hartsfield International Airport. Such transportation improvements allowed the movement of vehicles into and out of the county. Fayette County was now within commuting distance of Atlanta and, particularly, Hartsfield International Airport. Besides the influx of new (commuting) residents, increasing numbers of existing Fayette County residents either converted to part-time farming while holding regular jobs to which they themselves commuted, or they sold their farm holdings for subdivision development.

Infrastructure Development. The availability of infrastructure, and the lack thereof, has also contributed to Fayette County's existing land use pattern. While not available county-wide, public water service is provided by the Fayette County Water System to portions of the unincorporated county as well as the municipalities of Peachtree City, Tyrone and Woolsey. Sanitary sewerage service is available only within the cities of Fayetteville and Peachtree City and within limited areas of Tyrone. Such infrastructure availability allows these cities to offer the highest residential densities and to provide for nonresidential uses in the form of office parks, commercial centers, and industrial parks.

No public sewer is available in unincorporated Fayette County. Development in the unincorporated area relies on individual septic systems for on-site sewage disposal. The soil and space requirements of septic systems necessitate a larger development area. Therefore, the unincorporated county is characterized by low density single-family residential lots. Fayette County as a whole, however, is able to offer residents a wide choice of housing opportunities, from smaller lot, high end single family homes, duplexes, and apartments in the cities to larger single-family lots and sprawling farmsteads in the unincorporated county.

Environmental Constraints. Development constraints, associated with environmentally sensitive land, are generally characterized by poor soils, wetlands, and flood plains typical of streams and other water bodies. The county is home to seven major water supply streams (Antioch Creek, Flat Creek, Flint River, Horton Creek, Line Creek, Whitewater Creek, and Woolsey Creek), 16 named tributaries to these water supply streams, and a large number of minor

unnamed streams. Development in the southern end of the county, which serves as the confluence of many of these streams, is impacted by the relatively low topography, poor soils, and a high water table.

Market Forces

Local and regional influences are working to exert pressures on the rural landscape that is unincorporated Fayette County. Land prices continue to rise as residential land uses creep closer and closer to rural areas. As land prices rise, it becomes economically unfeasible to continue to hold land vacant or use it for agricultural purposes.

With the increase in population and income, market forces are working to provide for the prerequisite commercial development, usually in the form of small shopping areas along major highway corridors. Convenience facilities (e.g. the quick stop store located on transportation routes, dispensing gasoline and/or the corner grocery) will continue to request rezonings around the county in response to perceived market demand. Improperly planned and located, such commercial uses can lead to traffic problems, deterioration of neighborhoods, and unsightly developments. The proliferation of these types of stores causes keen competition among them. The nature of such competition is that some stores do not survive. The county is then left with empty storefronts which become eyesores scattered around the county.

FUTURE LAND USE DEMAND

The following table provides projections of the amount of land which will be required for each of the various land uses through the year 2025. The projections are based on the population projections presented in the Population Element of this comprehensive plan. In determining future land use demand, ratios of existing land use per population were calculated and applied to the number of new residents projected to reside in the unincorporated county through the year 2025.

While sufficient undeveloped land exists to accommodate the projected growth, the choice of land is often determined by access to infrastructure and suitable roads, as well as by ownership patterns and owner expectations.

TABLE L-2 PROJECTED LAND USE DISTRIBUTION UNINCORPORATED FAYETTE COUNTY		
Land Use	2025 Acreage	% of 2025 Total
Residential	77,017	82.32%
Commercial & Office	1,352	1.45%
Industrial	591	.63%
Public Facilities/Institutional	992	1.06%
TABLE L-2 Continued PROJECTED LAND USE DISTRIBUTION UNINCORPORATED FAYETTE COUNTY		
Land Use	2025 Acreage	% of 2025 Total
Parks, Recreation and Conservation Areas	13,512	14.44%
Transportation/Communication/Utilities	96	.10%
Total Acreage*	93,560	100.00%

* Total Acreage does not include Lake Horton (740 acres)

Source: Fayette County Planning Department

FUTURE LAND USE MAP AND NARRATIVE

The Land Use Map for the Comprehensive Plan depicts the proposed general uses of land in the unincorporated portion of Fayette County. It functions as the official county policy on the allocation and distribution of different land uses. Different color shadings are used on the map to indicate different categories of recommended future land use, with the color shadings defined in the map's legend.

The land uses shown on the map generally follow key geographic features, such as roads, streams, open spaces, but in some cases they transition at existing lot lines. Development will normally follow these boundaries. However, the final boundaries may vary according to the merits of a development proposal and whether it meets the intent of the plan's vision as a whole. The county's Zoning Map implements the Comprehensive Plan land use designations by ordinance, at a much more detailed, parcel-specific level. In evaluating a specific development proposal, the direct impacts of the project on adjacent and nearby properties, transportation, the environment, and public facilities will be identified. The resolution of any impacts is critical if a proposal is to receive favorable consideration. In order to achieve the density ranges indicated in the Plan, these direct impacts must be mitigated to the satisfaction of the county.

The Future Land Use Map of this Comprehensive Plan uses eight major land use designations to depict the types of land uses that are allowed in the county: Residential, Commercial, Office, Industrial, Public Facilities/Institutional, Conservation Areas, Parks and Recreation, and Transportation, Communication and Utilities. The following provides a brief description of each of the land use categories illustrated on the Future Land Use Map (see inside back cover).

Residential

This category includes all properties with the principal structure designed for human habitation. Appropriate density ranges, in terms of dwelling units per acre, are recommended in this Plan and are shown on the Land Use Plan Map. The county's residential density pattern has generally developed from one of higher densities in the northern portion to lower densities in the southern portion. This is due to the proximity of the northern county to the higher density development in Clayton County and the availability of public services. The southern portion of the county is more characteristic of the more rural adjacent counties of Spalding and Coweta and offers fewer public services. Transition areas between these two land uses are provided.

The plan's general intent regarding future residential development is to (1) channel higher density development (less than one acre) into areas served by public water and sewer; (2) channel lower density development into areas served by public water; (3) limit development in those areas of the county which lack public facilities.

The residential land use category is broken down into seven sub-categories as described below:

Agricultural Residential: This category identifies areas with lot sizes of five acres or more, often in conjunction with a farming operation. The area has a general lack of public water service, the presence of unpaved and/or unimproved roads, and a long-standing characteristic of large lot residential development, often in conjunction with an agricultural activity. These factors, along with environmental constraints due to the presence of numerous streams and associated poor soils, dictate large lot development. Agricultural Residential land use is shown as occurring in the southern portion of the county where the aforementioned factors exist to the greatest degree in Fayette County.

Rural Residential: These are areas which allow a low intensity residential density of one dwelling unit per two to three acres. County water is available in some areas; the

Conservation Subdivision (CS) Zoning District is appropriate in this area. This category offers larger lot development of a residential, rather than agricultural, nature. The Land Use Plan Map generally identifies the Whitewater Creek Drainage Basin and the area between Low Density Residential to the north and Agricultural Residential to the south as appropriate for this land use category.

Low Density Residential: This category identifies areas of intended residential subdivision development in a density range of one dwelling unit per one to two acres. County water is generally available; the Conservation Subdivision (CS) Zoning District is appropriate for this area. Low Density Residential land uses are located in the northern portion of the county and in areas adjacent to the cities of Fayetteville and Tyrone. These areas represent the most urbanized areas of the unincorporated county and offer the greatest number of public services (water, access).

Low Medium, Medium, and High Density Residential: These categories consist of residential uses with more than one unit per acre, from duplexes and ½ acre lots up to five units per acre. There are no areas designated Low Medium, Medium, and High Density Residential at this time due to the lack of public sewer in the unincorporated county.

Mobile Home Park: This category designates mobile homes in mobile home parks.

Office

The Office land use category designates office development which can be located as stand-alone structures or in office parks or centers. Office land use is shown as occurring generally in three areas of the unincorporated county: (1) along the east side of SR 314 between the Fayetteville city limits and the Fernwood Mobile Home Park; (2) along SR 54 between Fayetteville and Peachtree City as an overlay district (see Transportation Corridors) and, in particular, in the vicinity of Fayette Community Hospital; and (3) along SR 54 West just outside the Peachtree City limits between SR 54 West and Sumner Road South.

The area along SR 314 provides a transition area from the commercial and industrial development oriented to SR 85 to the residential uses on the west side of SR 314. The Office use designation in the vicinity of the hospital allows for the location of associated uses. Office uses north of the hospital along Sandy Creek Road terminate at the unnamed stream just north of the hospital entrance; office areas extending west along SR 54 are bounded by the proposed school access road to the north and the area between the proposed high school site and existing hospital property. The Sumner Road area serves as a transition area between the commercial areas to the east across SR 54 and the residential areas to the west in Peachtree City. This area is limited to the area south of Land Lot 70, District 7 and the limits of Peachtree City.

Commercial

This category identifies all property where business and trade are conducted, both retail and wholesale, and accessory use areas, such as parking. The Land Use Plan Map seeks to provide necessary commercial activity within a reasonable distance to unincorporated county residents.

However, county policy recognizes that major commercial facilities should be located within incorporated areas where infrastructure is available and population densities are most concentrated. The county should attempt to discourage additional commercial development along major roadways, as strip commercial development is neither desirable from a safety standpoint nor attractive.

The Land Use Plan Map illustrates the concentration of commercial land uses in various locations throughout the unincorporated area. The land used areas vary from smaller, neighborhood commercial areas to larger, concentrated areas of commercial activity. The following section provides a brief description of these designated commercial areas.

SR 54 and Corinth Road: This area represents existing, zoned commercial land use of a neighborhood convenience nature. The adjacent subdivisions exclude the expansion of this area to the north; Corinth Road on the south side of SR 54 remains an unpaved dirt road. No expansion of the existing commercial zoning is recommended.

SR 85 and Bernhard Road: This area houses a convenience store, a motorcycle shop, a pesticide control company, and a fire station, thus providing neighborhood convenience services to the surrounding area. Located in the less-populated southern portion of the county, no expansion of this area is recommended.

SR 314 and SR 138: As an entrance to Fayette County, this area is a mix of nonresidential developed land and vacant land zoned for commercial uses. The opportunity exists here for infill development and redevelopment of older establishments.

SR 92 and Westbridge Road: This area is a mix of old and new nonresidential development. The opportunity exists here for infill development and redevelopment of older establishments.

SR 54 and Tyrone Road: Long considered a nonresidential node in Fayette County, this area's proximity to Fayette Community Hospital and a new high school site makes it a candidate for nonresidential development. The Land Use Plan supports these future uses by designating a mix of commercial and office uses in this area.

SR 54 and Sumner Road (south): This area is a mix of commercial retail and office uses with well-established boundaries - it is defined by the existing commercially zoned tracts south of Land Lot 70, District 7 and the limits of Peachtree City.

SR 74 and Redwine Road: Currently undeveloped, this area is defined by the existing nonresidential zoning. No expansion beyond the existing zoned areas is recommended.

SR 85 North of Fayetteville: A nonresidential corridor, this area extends from the city limits of Fayetteville north to the county line. It provides for a variety of nonresidential uses including commercial, office, industrial, and service. The area contains opportunity for infill, redevelopment and new development.

SR 54 East of Fayetteville: The existing nonresidential development consists of commercial, office

and industrial uses. Commercial land uses are indicated from the city limits of Fayetteville east to McDonough Road. On the south side of SR 54, this commercial activity is limited to the properties fronting on SR 54 only for a depth necessary to provide adequate acreage for commercial uses. This allows for the coordination of commercial uses along the frontage of SR 54 with residential uses to the rear. Office land uses then continue on the north side of SR 54 opposite McCurry Park.

SR 85 South of Fayetteville: This area extends from the city limits of Fayetteville southward to the northern boundary of Land Lots 59 and 60 of the 5th District. This area is largely undeveloped at this time.

Industrial

This category designates all land dedicated to manufacturing facilities, processing plants, factories, warehousing and wholesale trade facilities, mining or mineral extraction activities, or other similar uses. For more descriptive purposes, industrial land use is subdivided into “Light” and “Heavy” categories:

Light Industrial: Includes non-heavy manufacturing and uses such as trucking terminals, warehousing, and other industrial uses.

Heavy Industrial: Designates land uses which heavily impact adjacent land uses such as heavy manufacturing industries, rock quarries, and auto salvage yards.

Industrial land uses are important consideration in any community, due to the unusually large sites they require, the tax and employment base they yield, and the safety, health, or environmental problems they can create. Industrial land uses in the unincorporated county consist primarily of service industries that serve the local economy. The Land Use Plan Map concentrates future industrial activity along SR 85 North and SR 314 where such activity already exists. As with commercial activity, county policy supports the location of major industrial activity, which requires adequate infrastructure and transportation (rail) access, within the existing industrial park in Peachtree City.

Public Facilities/Institutional

Public Facilities/Institutional land uses indicate all land owned by local government for the provision of services (courthouses and jails, government building complexes, schools, fire stations, etc.) and semi-public uses such as churches and their grounds. Representing uses that are considered to be more location-sensitive for proximity (e.g. fire/EMS stations, schools), these uses are scattered throughout the unincorporated county. Both the existing and (known) future locations of public and institutional facilities in the unincorporated county are indicated on the Land Use Plan Map. The location of certain facilities can change the characteristics of an area. Existing and future residents should be aware of such uses and their implication.

Conservation Areas

This category identifies environmentally sensitive areas, containing waterways, watershed protection areas, flood plains, poor soils and steep slopes that are not conducive to development. Conservation Areas are useful as passive recreational areas and wildlife habitat. The Land Use Plan Map shows Conservation Areas concentrated along the county's major water supply streams and their tributaries. These major water supply streams include the Flint River, Whitewater Creek, and Line Creek. The Conservation Areas also generally coincide with the proposed greenspace areas indicated in the Fayette County Community Greenspace Program

Parks and Recreation

Parks and Recreation land use shows all land that is dedicated to active or passive recreational uses, including associated buildings and parking areas. Open space includes parks as well as other undeveloped land designated or reserved for public or private use or enjoyment. The unincorporated county's existing (Kiwanis, McCurry) and future parkland is indicated on the Land Use Plan Map. These are areas that offer both active and passive recreation opportunities.

Transportation/Communication/Utilities

This land use category indicates water system facilities, and other private and public utility land uses such as substations. The location of such facilities is often beyond the control of the local government. The Land Use Plan Map identifies the both the existing and future locations of these facilities as well as the location of railroads, gas pipelines, and electrical transmission lines.

Agricultural/Forestry or Undeveloped

The Land Use Plan Map does not designate any areas as **Agricultural/Forestry or Undeveloped**. It is not anticipated that any area will be strictly limited to agriculture or forestry uses or will be required to remain in an undeveloped state during the planning period of this plan.

FUTURE DEVELOPMENT FACTORS

The factors that established the county's existing pattern of development (transportation, infrastructure, and the environment) will continue to influence development decisions in unincorporated Fayette County. The existing **transportation pattern** does not support large scale commercial activity, such as a regional mall or major industrial distribution, warehousing, or fabrication uses. Such uses require more immediate access to an interstate system. Thus, Fayette County will continue to receive interest from smaller commercial and industrial uses.

There will be areas of the unincorporated county that will not have water service within the planning period of this plan; there are no plans at this time to provide sanitary sewer service in the unincorporated county. The cities of Fayetteville and Peachtree City will continue to have both water and sewer service. The Town of Tyrone has water service and limited sewer service. Such

infrastructure availability will allow these cities to accommodate higher residential densities than the unincorporated county and provide for more intense nonresidential uses in the form of large office parks, commercial centers, and industrial parks.

The impacts of **environmentally sensitive land** will continue to affect the development of land through the permitted uses and intensity limitations. Environmental constraints in the form of poor soils, groundwater recharge areas, and significant wetland and flood plain areas will influence future development patterns.

Transition Areas/Incompatible Land Uses

Inevitably, there are occasions when new land uses create disturbances as perceived by adjacent land owners and residents, especially in relatively rural areas that have been buffered in the past by surrounding undeveloped land. In Fayette County, the potential for these conflicts is greatest just outside the incorporated areas where annexation brings new, higher density housing developments which encroach on rural residences. Fayette County tries to ensure an orderly and appropriate pattern of land use whenever a proposed development appears to have the potential to create conflicts with existing adjacent land uses.

Efficient Location of New Development

Locational decisions made by developers take into account the availability of needed infrastructure among other considerations. The incorporated areas of Fayetteville and Peachtree City have the county's only public wastewater treatment systems, both with expansion potential. Development requiring this service is encouraged to locate within the service areas of these systems. Without such infrastructure available, there is little opportunity for the encouragement of larger commercial, much less infill development in the unincorporated area. Nonresidential development tends to be smaller, stand alone facilities catering to the nearby residential areas. For these reasons, county policies encourage larger commercial development to occur within the city limits where proper infrastructure and appropriate population density is available.

Appropriately located retail facilities will allow the community to escape haphazard and blighting strip commercial development. The concentration of such shopping facilities will support the continued commercial growth in a manner that underscores the objectives of this comprehensive plan.

Transportation Corridors

Over the next twenty years, a number of state routes in Fayette County are scheduled to be widened from a two-lane highway to four-lane divided highways. These state routes are the connecting corridors for the incorporated municipalities in Fayette County and neighboring counties. With few exceptions, in the unincorporated areas of the county these roads traverse residential and/or agricultural land uses.

With the widening of these state routes comes the increased pressure for nonresidential development. The County is now in the position where it must balance this demand with its own

growth and transportation policies. These state routes are first and foremost transportation corridors; the efficient flow of traffic must be maintained. Nonresidential land uses are indicated on the Land Use Plan Map where their location and intensity is most appropriate for the surrounding area.

In order to better facilitate the desired development along its transportation corridors, Fayette County has adopted an Overlay District on SR 54 and several Overlay Zones. The particular requirements pertaining to these transportation corridors are discussed below.

SR 54 West Overlay District: With the widening of SR 54 West, the Board of Commissioners adopted the SR 54 West Overlay District. This District identifies the county's goals and recommendations for the corridor and sets out the desired development pattern. SR 54 connects the communities of Fayetteville and Peachtree City, and serves as the only major east-west thoroughfare through the county. The following section defines the District.

Existing Development: Existing **residential development** is scattered along the SR 54 West Corridor. Residential tracts range in size from large agricultural tracts of as much as 200 acres down to minimum one (1) acre subdivisions. Large tracts are still used for agricultural purposes and may or may not contain a single-family residence. These tracts vary in size from approximately five (5) to 200 acres. The majority of the larger tracts are located between Sandy Creek and Tyrone Roads. Single-family residential development consists of smaller lots, varying in size from one (1) to five (5) acres, fronting on SR 54 West or within subdivisions which access SR 54 West. Three single-family residential subdivisions (Newton Estates, Fayette Villa, and The Landings) are developed in this area. These subdivisions are zoned for one (1) acre minimum lots. Fayette Villa and The Landings are located between Flat Creek Trail west to Sumner Road (north) on the north side of SR 54 West. Newton Estates is located west of Huie Drive on the south side of SR 54 West. Existing **nonresidential development** consists of two commercial areas, one at Tyrone Road and one at Sumner Road (south).

Future Development: SR 54 West is first and foremost a transportation corridor. The efficient flow of traffic must be maintained. High intensity nonresidential uses should be targeted to the major intersection with Tyrone Road and SR 54 West. As one moves away from this node, the intensity of nonresidential development should decrease. The **goals** of the SR 54 West Overlay District are: (1) to maintain the efficient traffic flow of SR 54 West as the County's only major east-west thoroughfare; (2) to maintain a non-urban separation between Fayetteville and Peachtree City; and (3) to protect existing and future residential areas in the SR 54 West Corridor.

If lots which front on SR 54 West are allowed to change from a residential use to a nonresidential use, care must be taken to protect existing or future residential property. This can be accomplished by requiring enhanced landscaping, buffers and berms to protect these residential areas.

Recommendations: The intent of the SR 54 West Overlay District is to offer existing tracts of five +/- acres the option to convert to office uses. Outside of the commercial

designation at Tyrone Road and the commercial and office-institutional designation at Sumner Road (south), these parcels would be considered for the Office-Institutional Zoning District. Conditions should be placed on property at the time of rezoning to address unique situations.

Other Transportation Corridors: Section 7-6 Transportation Corridor Overlay Zone of the Fayette County Zoning Ordinance establishes Overlay Zones on state highways that traverse Fayette County. Regardless of the underlining zoning, any new nonresidential development along these corridors must meet the requirements of the particular Overlay Zone. The Zoning Ordinance establishes Overlay Zones on SR 54 West and SR 74 South, SR 85 North, and a General State Route Overlay Zone on all other state routes.

GOALS, OBJECTIVES, POLICIES, GUIDELINES

The objectives and policies presented in this section provide guidance for an appropriate pattern and pace of development and they indicate how this development should relate to the existing and future community. They also provide a logical framework for land-use decision-making at a conceptual level as well as on an area-wide basis. Uniform application of these objectives and policies should result in a balanced and harmonious community where a high quality of life can be maintained. Since policy areas, whether housing, employment or the environment, achieve physical realization through the land use plan, the development and implementation of sound and consistent land use principles are critical to the realization of county goals.

The following goal, objective, and policy statements provide the basis for dealing with the growth and development which will impact the county over the next 20 years. Following each goal is a listing of objectives and policies which address specific issues. Recommendations, or guidelines, which suggest courses of action for addressing these issues, are also provided.

Goal for Land Use: Growth and development should be consistent with the county's land use plan, which provides for the orderly, balanced, and quality development of all land uses consistent with the physical and economic limitations of the county. Growth should take place in accordance with criteria and standards designed to preserve, enhance, and protect an orderly mix of residential, commercial and/or industrial facilities, and open space without compromising existing residential development.

LAND USE PATTERN

Through most of its recent history, the unincorporated county could be characterized primarily as a residential area. Major nonresidential land uses generally occur within incorporated areas, where infrastructure and higher population densities are located.

It is a policy of the Fayette County Board of Commissioners that the county's residential neighborhoods are the cornerstone of the community. As such, every effort must be made to ensure that these neighborhoods are protected from the negative aspects of growth and development.

As the county has matured, residential development continues to be the dominant land use. The pattern of land use in Fayette County provides a variety of housing choices. The type and density of residential development complements its location within Fayette County. The unincorporated portions of the county, as well as the towns of Brooks and Woolsey, are characterized by agricultural uses and/or low density single-family subdivision residential development with lot sizes ranging from a minimum of one acre up to a minimum of five acres. Higher density residential development can be found in the cities of Fayetteville, Peachtree City; and Tyrone where residents can choose from a variety of housing styles such as apartments, townhouses, row houses, duplexes, and single family homes on smaller lots.

Objective L-1: The county's land use plan should project a clear vision of an attractive, prosperous, harmonious, and efficient community.

- Policy a. Direct growth and development to occur in locations and in a manner which enhances community identity and can be supported by the availability of public facilities.
- Policy b. Maintain the individual character and identity of established communities, neighborhoods, and rural areas.
- Policy c. Identify the location of nodes to accommodate nonresidential development and prevent the sprawl of strip development.
- Policy d. Allocate a supply of land sufficient to meet the projected land use demands.

Objective L-2: The county's land use pattern protects, enhances and/or maintains stability in established residential neighborhoods.

- Policy a. Protect and enhance existing neighborhoods by ensuring that infill development is of compatible use, density/intensity, and that adverse impacts on public facility and transportation systems, the environment, and the surrounding area will not occur. Note: Infill development is the development of new housing or other buildings on scattered vacant sites in a built-up area.
- Policy b. Prevent the encroachment of incompatible land uses, both residential and nonresidential, into established or designated land use areas. Prohibit access to nonresidential uses via residential areas.

The intensity of land use has a direct effect on the ability to provide adequate levels of service for transportation and public facilities. The Comprehensive Plan is the primary mechanism available to the county for establishing appropriate locations for various levels of land use intensity. Through this mechanism, development occurs in accord with the Plan, at intensities that can assist in achieving various county goals. For instance, higher intensity uses will be located in areas of the county where public facilities can best accommodate the demands from such uses, thereby efficiently using county resources.

Objective L-3: The location and level of development intensity should be utilized as a means to best accommodate the demands on county resources.

- Policy a. The highest level of development intensity should be concentrated in the incorporated areas of Fayette County that offer a full range of infrastructure and a concentration of population densities.
- Policy b. Development in the unincorporated areas should be of less intensity than those in the incorporated areas and blend in with the character of the surrounding area.
- Policy c. Limit development intensity to that which can be accommodated at acceptable levels of service with consideration of the cumulative, long-term impacts of development on the adequacy of public facilities and transportation systems.
- Policy d. Locate and limit development intensity in a manner which will not adversely impact sensitive environmental areas.
- Policy e. Ensure that the intensity and type of development will be compatible with the physical limitations of the land; such as soils, slope, topography, etc.
- Policy f. Discourage development which would conflict with environmentally sensitive and historic areas of the county.

In the past twenty years, Fayette County has experienced rapid growth and development. Planned development intensities must be appropriate for the level of available public services.

Objective L-4: The pace of development in the County should be in general accord with the Comprehensive Plan and sustainable by the provision of transportation and public facilities.

- Policy a. Influence the timing of development to coincide with the provision of public facilities.
- Policy b. Commit, through the Capital Improvement Program, funding for facilities in general accord with the Comprehensive Plan.
- Policy c. Coordinate the zoning of land for nonresidential usage with residential growth patterns, trends, and densities.

Recommendations for land use are depicted on the map entitled "Fayette County Land Use Plan." This guidance assists in determining a property's appropriate use and intensity. Implementation of the Plan will occur through the zoning process which requires an analysis of basic development-related issues which include, but are not limited to, the requested use and intensity of that use, affect on surrounding development, access and circulation, buffering and screening of

adjacent uses, parcel consolidation, and protection of the environment.

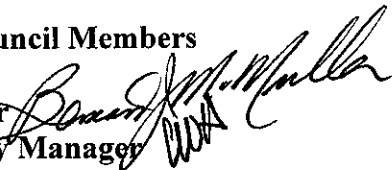
Objective L-5: **The county seeks to achieve a harmonious and attractive development pattern which minimizes undesirable visual, auditory, environmental, and other impacts created by potentially incompatible uses.**

- Policy a. Promote the adaptive reuse of existing structures in established areas that are compatible with existing and/or planned land use and that is at a compatible scale with the surrounding area.
- Policy b. Achieve compatible transitions between adjoining land uses through a step down of land use density and/or intensity and the use of appropriate landscaping, buffering, berms, setbacks, a smooth transition in building height, and consistent architectural design.
- Policy c. Stabilize residential neighborhoods adjacent to nonresidential areas through the establishment of transitional land uses, vegetated buffers and/or architectural screens, and the control of vehicular access.
- Policy d. Require additional site design standards when necessary to minimize the affect of nonresidential uses both visually and environmentally.
- Policy e. Utilize landscaping and open space along rights-of-way to minimize the impacts of incompatible land uses separated by roadways.
- Policy f. Minimize the potential adverse impacts of the development of frontage parcels on major arterials through the control of land use, circulation and access.
- Policy g. Use cluster development as a means to preserve open space in conjunction with the Georgia Greenspace Program.
- Policy h. Promote nonresidential development which does not produce excessive noise; smoke, dust, or other particulate matter; vibration; toxic or noxious waste materials; odors; fire; and explosive hazards or other detrimental impacts to minimize impacts on any nearby residential property.
- Policy i. Anticipate the effects of road widening by increasing setbacks accordingly.

CITY OF PEACHTREE CITY

INTEROFFICE MEMORANDUM

TO: Mayor & Council Members

VIA: City Manager 
Assistant City Manager 

FROM: Administrative Services Director / City Clerk 

DATE: August 10, 2006

SUBJECT: Indigent Defense Program Operating Procedures
August 17, 2006, Council Agenda

Recommendation:

Approve the attached indigent defense operating procedures for the Peachtree City Municipal Court and sign the resolution.

Discussion:

Last year, the State Legislature approved a statewide indigent defense program to ensure that all defendants, including those who were indigent, had access to legal representation in court. All municipalities were required to participate in the state program or provide for indigent defense through a program that met state standards. The attached operating procedures detail how the City's program operates and meets state standards. Both the Municipal Court Judge and City Attorney have reviewed the procedures, and concur that they meet state standards.

Budget Impact:

No additional cost. City has budgeted for indigent defense for several years and currently has \$34,000 budgeted for FY2006.

/jsm

Attachment

PEACHTREE CITY MUNICIPAL COURT INTERNAL OPERATING PROCEDURES FOR AN INDIGENT DEFENSE PROGRAM

A. Function of Defense Counsel

- a. Counsel for the accused is an essential component of the administration of criminal justice. A court properly constituted to hear a criminal case must be viewed as a tripartite entity consisting of the judge (and jury), counsel for the prosecution, and counsel for the accused.
- b. The basic duty defense counsel owes to the administration of justice and as an officer of the court is to serve as the accused's counselor and advocate with courage and devotion to render effective, quality representation at a reasonable cost.
- c. Counsel shall be provided to all persons eligible whenever such a person is accused of a traffic offense or warrant arrest or a misdemeanor or violation of a municipal ordinance, for which such a person could be imprisoned under the State law of Georgia.
- d. The Municipal Court Judge is the administrator of the Indigent Defense Program. The administrator or designee shall within 48 hours of detention:
 1. Appoint counsel for those who are indigent and without counsel;
 2. Clearly advise detained persons of their right to have counsel and that if they cannot afford a lawyer, one will be appointed to represent them;
 3. Allow or assist a person claiming to be indigent and without counsel to immediately complete an Application for Appointment of Attorney and Certificate of Financial Resources. A \$50 application fee will be imposed.

B. Determination of Financial Eligibility

- a. The financial eligibility of a person applying for publicly provided counsel should be determined by the Administrator of the indigent defense program or designee.
- b. Eligible accused persons include all applicants for an attorney with an income below guidelines as established and revised by the Georgia

Indigent Defense Committee. The local agency may set and revise the eligibility standards in accordance with, but no lower than, the Poverty Guidelines as established and revised annually by the United States Department of Health and Human Services and published in the Federal Register.

C. Recovery from Defendant of Payment for Legal Representation

If the accused is determined to be eligible for defense services in accordance with approved financial eligibility criteria and procedures, and if, at the time that the determination is made, he/she is able to provide a cash contribution to the cost of his/her defense without imposing a substantial financial hardship upon defendant or dependents, such contribution may be required as a condition of continued representation at public expense. The indigent defense administrator or designee should determine the amount to be contributed. The contribution shall be paid directly to the fund for indigent defense. If a defendant enters a nolo contendere, first offender, or guilty plea or is convicted the court may impose as a condition of probation repayment of all or a portion of the city's cost for providing legal representation if it does not impose a substantial financial hardship upon defendant or dependents, with payment to be made through the probation department to the City's fund for indigent defense.

D. Panel Attorney Program

Through a panel attorney program the City will use qualified attorneys in good standing with the State Bar of Georgia. The appointment of attorneys and the assignment of cases should be made as follows:

1. Appointment of private attorneys shall be made on an impartial and equitable base.
2. The cases shall be distributed among the attorneys to ensure balanced workloads through a rotation system.
3. More difficult or complex cases shall be assigned to attorneys with sufficient levels of experience and competence to afford adequate representation.
4. Less experienced attorney's should be assigned cases that are within their capabilities, but should be given the opportunity to expand their experience under supervision.

E. Conduct of Panel Attorneys

The standards of performance and conduct shall include, but not limited to, the following:

1. A panel member should make contact with the defendant within 2-3 days after the assignment.
2. A panel member should actively represent his/her client at every stage of the criminal proceeding.
3. A panel member should represent his/her client vigorously within the bounds of the law and ethical conduct.
4. A panel member should at all times perform his/her role as counsel independently.
5. A panel member should responsibly manage and account for his/her time in rendering services under the program

F. Procedures and Rules for Payment

In order to provide for the proper payment of invoices for attorneys, the following procedures and rules are hereby implemented. Failure to strictly comply with the rules and procedures may result in non-payment or late payment of invoices.

1. Invoices must be submitted within 30 days of the final disposition of the case.
2. Invoices must be submitted to the Court Clerk, and include the name of the matter and citation number or warrant number. Only one matter should appear on each invoice.
3. Invoices must be itemized, showing the person performing the work, the specific work performed, the date the work was performed, and the amount of time spent on each task.
4. All submitted invoices for legal fees must be billed in 1/10 of an hour.
5. Peachtree City should not be billed for time spent performing clerical tasks, such as organizing, indexing, opening and closing files, word processing, data entry, updating databases or making photocopies.
6. Peachtree City should not be billed for any computerized research, other than the attorney time required in conducting the research.
7. Peachtree City shall pay \$60.00 an hour for attorney time spent in court on behalf of an indigent defendant and \$45.00 per hour for attorney time spent working on a matter outside of court, \$25.00 per hour for paralegal time, \$.25 per copy, and actual cost of postage and long-distance telephone calls.

8. All invoices are subject to review for compliance with this Order and reasonableness of charges. Invoices may be reduced at the City's discretion.
9. All attorneys appointed under this Order shall come to Court prepared to state the total amount of time spent on each matter, and the total dollar amount of charges for each matter. Invoices submitted for more than the amount stated in Court will not be considered for any amount above the amount stated in Court.

**CITY OF PEACHTREE CITY
COUNTY OF FAYETTE - STATE OF GEORGIA**

RESOLUTION

WHEREAS, the Mayor and Council of the City of Peachtree City have been presented with a document entitled, the "City of Peachtree City Municipal Court Internal Operating Procedure for a Indigent Defense Program" by the Judge of the Municipal Court of the City; and

WHEREAS, the City of Peachtree City is required to adopt an Indigent Defense Program; and

WHEREAS, the City is complying with the directives of the General Assembly of the State of Georgia and the United States Supreme Court in providing funds and procedures for providing an indigent defense program; and

WHEREAS, the Mayor and Council have determined that it is in the best interest of the public health, safety and welfare of the citizens of the City of Peachtree City that this Indigent Defense Program be adopted and the necessary funds be budgeted and expended to implement this program as required by law.

NOW THEREFORE, BE IT RESOLVED BY THE CITY OF PEACHTREE CITY that the City does hereby adopt and affirm the Indigent Defense Program as a formal operating procedure of the Municipal Court.

BE IT FURTHER RESOLVED THAT the funds necessary for the operation of this program are hereby directed to be paid as approved by the Court and the Administrator.

SO RESOLVED, this the _____ day of _____, 2006.

Attest:

Jane Miller, City Clerk

Harold K. Logsdon, Mayor

Judi-ann Rutherford, Council Member

Stuart Kourajian, Council Member

Stephen Boone, Council Member

Cyndi Plunkett, Council Member

CITY OF PEACHTREE CITY

INTEROFFICE MEMORANDUM

TO: Mayor and Council Members

VIA: City Manager *[Signature]*
Fire Chief *[Signature]*
Police Chief *[Signature]*
Public Services Director *[Signature]*
Developmental Services Director *[Signature]*

FROM: City Engineer *David A. Balasinski*

DATE: August 10, 2006

SUBJECT: Ordinance Prohibiting Parking on Petrol Point
August 17, 2006 City Council Meeting

Recommendation:

Staff is recommending that Council adopt an amendment to Chapter 78 of the Peachtree City Code of Ordinances prohibiting parking on Petrol Point.

Discussion:

Staff has determined that there is a need for improved traffic control on Petrol Point to help ensure the safety of the traveling public. Currently students from McIntosh High School park along Petrol Point during the school year which inhibits sight distance and eliminates a safe road width for travel.

Petrol Point contains several business entry and exit drives. The sight distance from these locations is obstructed when vehicles are parked along Petrol Point making it unsafe for the patrons of these businesses to exit from the parking lots due to the restricted view of both the persons exiting drives as well as the through traffic on Petrol Point. In addition to the unsafe sight distance, vehicles parking along both curbs dangerously constrict road passage to nearly one lane at this location.

Due to the safety concerns staff recommends that Council eliminate parking on Petrol Point.

Budget Impact:

There will be an operational cost to the Public Works Department to make and install signs and paint the curbing so that the no parking area can be legally enforced.

Attachments

cc: City Engineer's File
Public Services Director
Public Information Officer

Ordinance No. _____

AN ORDINANCE TO AMEND THE PEACHTREE CITY TRAFFIC ORDINANCE
TO LIMIT PARKING ON PETROL POINT, AND FOR OTHER PURPOSES.

BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF
PEACHTREE CITY, and it is hereby ordained by the authority of the same, that Article
1, Section 78, of the Peachtree City Code of Ordinances be amended to read as follows-

SEC. 78-28. Parking on Petrol Point

(a) Parking is prohibited on the both sides of Petrol Point, beginning at SR 54 and
continuing north to Prime Point a distance of 370 feet.

All ordinances, or parts of ordinances, in conflict with this ordinance are hereby repealed in their
entirety.

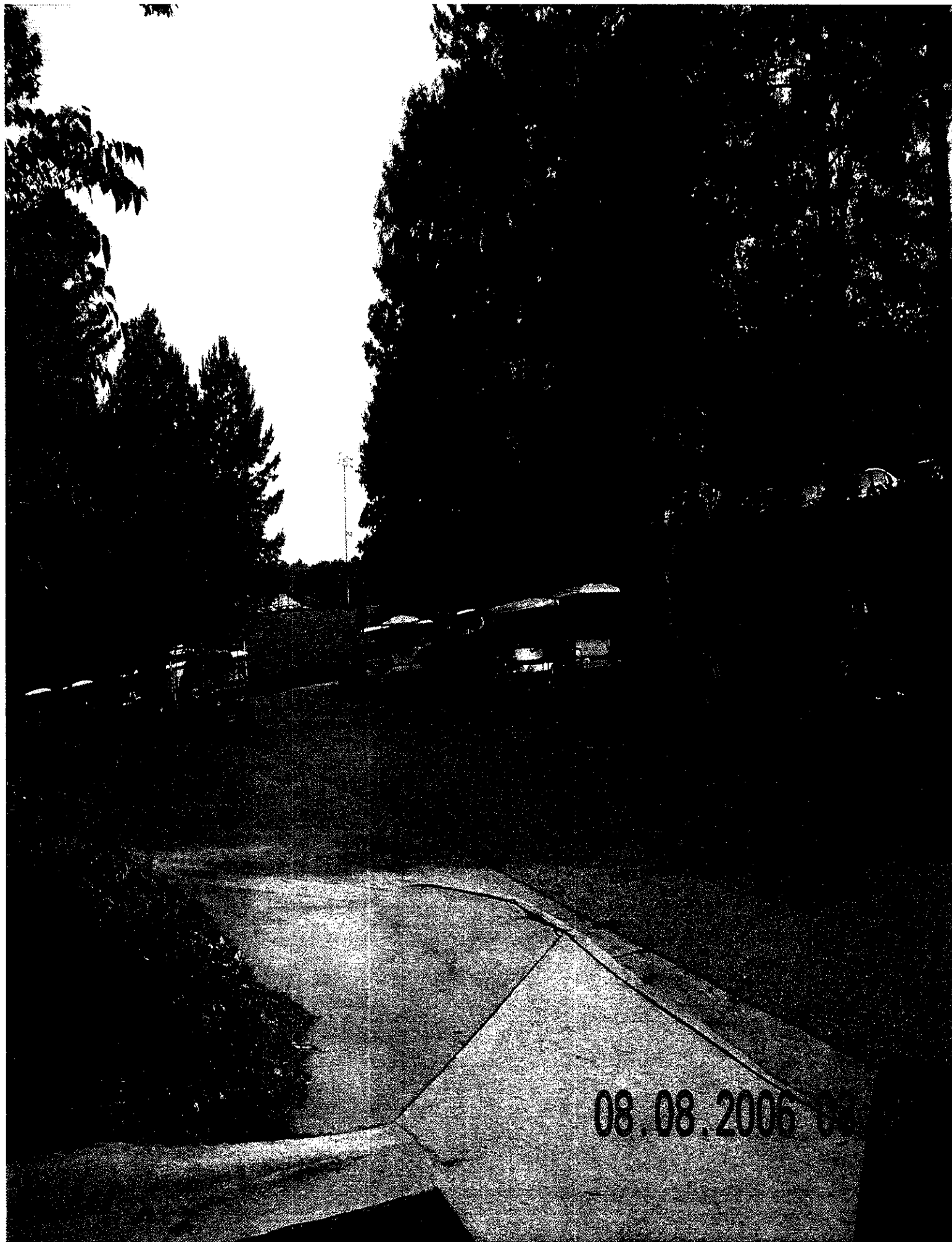
Done, Ratified, and Passed this _____ day of _____ 2006.

Mayor

City Council

City Clerk

Attest



08.08.2006



CITY OF PEACHTREE CITY

INTEROFFICE MEMORANDUM

TO: Mayor and Council Members

VIA: City Manager *Bernard M. Hall*
Assistant City Manager *W.A.*
Financial Services Director *P.S.*
Assistant Financial Services Director *J*
Purchasing Agent *ave*

FROM: Public Services Director *JK*

DATE: August 10, 2006

SUBJECT: Energy Performance Contracting – Detailed Energy Audit
August 17, 2006, City Council Meeting

Recommendation:

Staff recommends that Council approve the attached Letter of Commitment with Trane, a division of American Standard, Inc. to perform a detailed energy audit for the City for the amount not to exceed \$82,100 which includes \$16,500 to do a test and balance of City Hall's HVAC and \$65,600 for a detailed energy audit.

Discussion:

At the May 4, 2006, Council meeting, the Council authorized a Letter of Intent with Trane to perform a preliminary energy audit for the City at no cost. This was the first step of an Energy Performance Contract. Trane has completed the preliminary energy audit of City facilities and has submitted a proposal to do the next step, a detailed engineering audit to verify the data presented in the attached Preliminary Proposal.

The preliminary energy audit indicated a total program savings of \$104,600 per year as follows:

- \$92,000 utility savings per year based on current utility rates;
- \$7,600 operational savings projected for light and ballast replacements, and mechanical systems repairs/maintenance;
- \$5,000 operational savings for reduction of pool chemicals

This savings will escalate in subsequent years. The total estimated savings is \$1,328,977 over 10.3 years.

The total program cost principal and interest is estimated to be \$1,319,258 with a simple payback of 10.3 years. The project payback is just over 10-years due to the major mechanical redesign to address existing issues with the City Hall building (see attached preliminary pro forma spreadsheet.)

In the event that Trane does not meet the projections in their preliminary proposal, the City will have no obligation to pay any fees or move forward with this project.

Budget Impact:

Staff recommends that the \$82,100 be temporarily funded from the FY 2006 Public Improvement Program Contingency Fund. These funds will be reimbursed by long term lease purchase financing.

Attachments



Peachtree City

ENERGY PERFORMANCE CONTRACT PRELIMINARY FINDINGS

Preliminary Program Summary:

The Trane Team has developed a program with several options for Peachtree City. The comprehensive program, developed in coordination with David McDaniel, includes the necessary engineering, design, energy analysis, and project management in addition to the following improvements:

- Lighting upgrades in all facilities with inefficient lighting;
- Plumbing improvements and water conservation in facilities with significant water usage;
- Major mechanical renovations for the City Hall building;
- Centralized Controls for City Hall;
- Vendmizer for vending machines in all City Buildings;
- Replacing hot water tanks with instantaneous hot water heaters;
- Installing plexiglass windows at the Amphitheater;
- Install ozone water treatment systems at Kedron Aquatic Center;
- Install more efficient pool heating system at Kedron;
- Improved ventilation and/or insulation for Recreation Admin, The Gathering Place, Fire Station #82, Indoor Tennis Courts, Over-heating areas at Tennis Center;
- Adding HVAC redundancy for City Hall data center room;
- Test and balance of existing air distribution system for City Hall;

The preliminary program savings indicate the following potentials:

- Total program savings of \$104,600 per year broken down as follows:
- Utility savings of \$92,000 per year based on current utility rates;
- Operational savings of \$7,600 for projected light and ballast replacements, and mechanical system repairs / maintenance;
- Operational savings of \$5,000 for reduction in pool chemicals;

The total program cost is \$1,078,000 with a simple payback of 10.3 years. The project payback is just over 10-years due to the major mechanical redesign that has been incorporated to address existing issues with the City Hall building. If the City Hall mechanical solution is removed from the project, we are able to provide a solution with roughly a 7-year simple payback period. Our recommendation is to include the City Hall mechanical solution in this project to allow it to be funded through energy and operational savings. Our goal is to provide an even more financially attractive project as we finalize the engineering analysis during the detailed engineering process.

Another option for this project is the engineering services associated with the on-going guarantee. The cost for the engineering services is approximately \$7,600 per year dependant on the level of service desired by Peachtree City. This service may be renewed each year as desired by Peachtree City.

City of Peachtree City: Preliminary Pro Forma

Input	
Interest	4.16% *
# of years	10
PV	\$ 1,078,000.00
FV	0
Pmt (in arrears)	0
Energy Esc	5.5%
Operational Esc	3.0%
Energy Savings	\$ 92,000.00
Operational Savings	\$ 12,600.00

Output	
# of payments	120
Monthly Payment	(\$10,993.81)
Annual Payment	(\$131,925.76)
Simple Payback	10.31
Cumulative Savings	\$9,719.87

monthly

years

Year	Energy Savings**	Operational Savings ***	Total Annual Savings	Annual Lease Payment	Annual Net Cash Flow	Cumulative Cash Flow
1	\$ 92,000.00	\$ 12,600.00	\$ 104,600.00	(\$131,925.76)	(\$27,325.76)	(\$27,325.76)
2	\$ 97,060.00	\$ 12,978.00	\$ 110,038.00	(\$131,925.76)	(\$21,887.76)	(\$49,213.51)
3	\$ 102,398.30	\$ 13,367.34	\$ 115,765.64	(\$131,925.76)	(\$16,160.12)	(\$65,373.63)
4	\$ 108,030.21	\$ 13,768.36	\$ 121,798.57	(\$131,925.76)	(\$10,127.19)	(\$75,500.82)
5	\$ 113,971.87	\$ 14,181.41	\$ 128,153.28	(\$131,925.76)	(\$3,772.48)	(\$79,273.30)
6	\$ 120,240.32	\$ 14,606.85	\$ 134,847.17	(\$131,925.76)	\$2,921.42	(\$76,351.88)
7	\$ 126,853.54	\$ 15,045.06	\$ 141,898.60	(\$131,925.76)	\$9,972.84	(\$66,379.04)
8	\$ 133,830.48	\$ 15,496.41	\$ 149,326.89	(\$131,925.76)	\$17,401.14	(\$48,977.90)
9	\$ 141,191.16	\$ 15,961.30	\$ 157,152.46	(\$131,925.76)	\$25,226.71	(\$23,751.19)
10	\$ 148,956.67	\$ 16,440.14	\$ 165,396.82	(\$131,925.76)	\$33,471.06	\$9,719.87
Total	\$ 1,184,532.55	\$ 144,444.88	\$ 1,328,977.43	(\$1,319,257.56)	\$9,719.87	\$9,719.87

* Interest Rate based on current rates and may change slightly.

** *First year savings are expected to be 10% higher based on projected utility increases.*

*** There is a budgeted **cost avoidance of \$171,000** (not shown) for money planned to contribute to the City Hall Renovation.



Peachtree City

ENERGY PERFORMANCE CONTRACT PRELIMINARY FINDINGS

TABLE OF CONTENTS:

- Executive Summary
- Utility Summary
- Preliminary Audit Results
- Preliminary Summary
- The Next Step

Presented by:
Doug Hennen & Brad Comer
Trane
July 7, 2006



Peachtree City

ENERGY PERFORMANCE CONTRACT PRELIMINARY FINDINGS

Executive Summary:

The Trane team would like to thank Peachtree City in working with us to develop the preliminary Performance Contract. Many hours have been invested by several members of the Trane team as well as David McDaniel on behalf of Peachtree City. We are proud to present our findings and believe we have developed a program that meets the goals and objectives discussed in the initial kick-off meeting to:

- Utilize Trane's experience and resources to audit each building and identify the specific facility improvements that should be implemented within a Performance Contracting Program.
- Determine the energy and operational savings for the identified measures.
- Provide a means to implement all measures immediately through improved utilization of the operating budget.
- Ensure no up-front capital will be required to implement the program.
- Provide a risk-free program through Trane's Performance Assurance Guarantee Program.
- Provide an option of financing for the program utilizing a Lease Purchase Agreement.
- Incorporate comprehensive mechanical renovations for City Hall to address reliability and comfort issues.
- Provide solutions for other needed improvements while achieving approximately a 10-year simple payback.



ENERGY PERFORMANCE CONTRACT PRELIMINARY FINDINGS

The Trane team has invested the time and resources to audit each of Peachtree City's facilities to identify the specific energy and operational improvement measures to include within a self-funding program. In addition, a significant amount of time has been devoted to developing potential solutions to address the heating and cooling needs for the City Hall building.

The preliminary program indicates annual energy savings in the amount of \$92,000 annually with additional annual operational savings of \$12,600 for a total project benefit of \$104,600 per year. All savings are based on present gas and electric rates. It should be noted that the utilized electric and gas rates are projected to increase by roughly 10% for next year which will yield even higher energy savings than those stated in this proposal. The savings will allow numerous repairs and improvements to be implemented within a project with a simple payback between 10-11 years. The improvements include major mechanical renovations to the City Hall facility to address existing comfort and reliability issues. The following pages provide the details for the recommended improvements.



ENERGY PERFORMANCE CONTRACT PRELIMINARY FINDINGS

UTILITY SUMMARY:

Utility Rates

Electric power is provided by Georgia Power and Fayette County EMC, gas is provided by Fayette County EMC, and water / sewer are provided by Fayette County Water.

The average electric cost is approximately \$0.086 per kWh with a range from \$0.0573 per kWh (City Hall) to \$2.40 per kWh (monument light) dependant on the rate structure and facility. The total electrical spend was \$563,420.

The average gas cost is \$0.908 per therm with a total spend of \$89,498. The cost of gas is projected to be higher for the coming year which will result in high dollars saved than reflected in this report.

The average sewer cost is \$4.38 per every thousand gallons. Based on the utility bills, it appeared the City did not pay for water usage; however, on further evaluation it was discovered the City pays approximately \$2.80 per every thousand gallons utilized greater than 15% of the amount being pumped from the Log House Well. This amounted to \$15,033 in 2004 and \$19,639 in 2005. The average amount paid for water and sewer above the 15% of the Log House agreement is \$7.18 per thousand gallons.

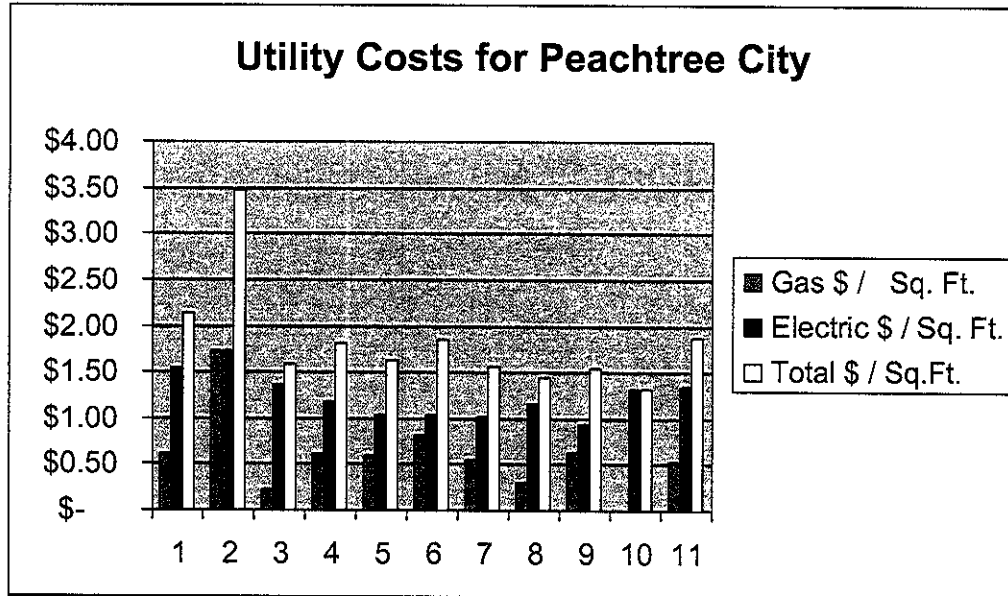
All savings are based on the current utility rates. The actual savings dollars are based on projected reductions in kWh (electric), therms (gas), and kgal (water/sewer) multiplied by the current utility costs.



Peachtree City

ENERGY PERFORMANCE CONTRACT PRELIMINARY FINDINGS

Basic utility benchmarking:



In the above chart, the numbers on the x-axis represents the following buildings:

1. City Hall and Library Complex – 54,230 square feet
2. Kedron Aquatic Center – 25,788 square feet (does not include bubble)
3. Police Department – 15,810 square feet
4. Fire Station #81 – 9,200 square feet
5. Fire Station #82 – 8,520 square feet
6. Fire Station #83 – 3,744 square feet
7. Fire Station #84 – 3,672 square feet
8. Public Works Complex – 19,170 square feet (Includes even untreated spaces)
9. Gathering Place – 4,910 square feet
10. Gazebo – 1,564 square feet
11. Glenloch Recreation Center – 5,370 square feet

Based on the hours of operation and the current utility rates for gas and electricity, we would expect normal utility costs to range between \$1.00 - \$1.25 for facilities operating efficiently.



ENERGY PERFORMANCE CONTRACT PRELIMINARY FINDINGS

Peachtree City Energy Conservation Program

Technical Site Assessment. The assessment of several facilities, including: City Hall, Peachtree City Library, Fire Station #81, Fire Station #82, Fire Station # 83, Fire Station #84, Kedron Aquatic Center Facility, Public Works Facility, Recreation Administration Building, The Gathering Place/Senior Citizen Center, Tennis Center, Fredric Brown Jr Amphitheater Complex, Amphitheater Complex Administration, Glenlock Recreation Center and Police Station. With the exception of the City Hall, most of the facilities have newer mechanical systems that are generally well maintained. Although many of the systems have several years of useful life remaining, many of the facilities could benefit from more efficient equipment. This report describes the preliminary findings at each of the sixteen facilities.

Each recommendation in the technical assessment is designed to meet one or more of the following criteria:

- Provide energy and operational savings to meet or exceed the goal of a 10-year payback period;
- Provide a solution to meet a key goal or objective of the City's management team;
- Correct a condition that may significantly affect the useful life of existing equipment.
- Enhance facility conditions to improve comfort and usability for the patrons of Peachtree City;

The following pages summarize the Preliminary Program developed for Peachtree City.

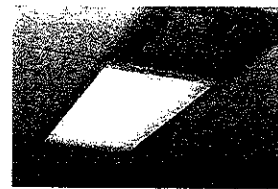


Peachtree City

ENERGY PERFORMANCE CONTRACT PRELIMINARY FINDINGS

Facilities

Building: City Hall



Building Entrance

Notes, Observations, & Items for Consideration:

1. This 23,000 ft² two-story building is occupied primarily during business hours. The space is utilized for faculty/staff offices and for courtroom activities. The Courtroom is normally used 1-2 days a week for Court and Council meetings.
2. Cooling and heating is accomplished primarily by McQuay self-contained water-cooled units located in mechanical rooms and heating is accomplished by electric strip heat in each McQuay unit supplemented by 28 VAV boxes with electrical strip heat in the space.
3. The existing McQuay units provide a constant volume of air (not equipped with variable speed drives) which does not allow proper operation of the VAV (Variable-Air-Volume) system.
4. In most cases, a single VAV box will control the comfort of 4-5 offices, which limits the comfort that can be obtained. In addition, utilization of small space heaters further exacerbates the comfort problems.
5. The majority of lighting in this building is the inefficient T12 style; the lighting retrofit opportunity in this building is significant.
6. The City Hall building presently operates on a 24/7 schedule presenting a significant building automation opportunity that will improve comfort and efficiency. Although some controls are present, they are not adequate to provide proper control and comfort. The controls system will be integrated with all VAV boxes, new AHU's, new Chiller, economizer, and Data Center units.
7. The mechanical equipment serving the Courtroom is significantly undersized and is not able to handle the existing building loads to provide adequate comfort.
8. Additional comfort issues exist in various locations throughout the building. We recommend performing a test and balance as a part of this contract to identify the most cost effective approach to address the air distribution system.



Peachtree City

ENERGY PERFORMANCE CONTRACT PRELIMINARY FINDINGS

Proposed Energy Conservation Measures (ECMs):

ECM	Utility Savings Details & Benefits
<i>Lighting Retrofit</i>	Retrofit existing T12 lighting system with new T8 technology system. An option for new T5 fixtures will be further evaluated in the detailed engineering study.
<i>Direct Digital Control (DDC)</i>	Replacing old electronic controls, that will allow time-of-day scheduling, accurate temperature control, decreased equipment run-times. The controls will include the capability of local and remote monitoring and control.
<i>Mechanical system upgrades</i>	Option 1 (Recommended): Replace existing water cooled units with an air cooled scroll chiller, new instantaneous gas water heaters and new four pipe air handlers (AHU). The scroll chiller is quiet and will include 8 compressors to provide redundancy and increased reliability. The new AHU's will be equipped with variable speed drives to allow proper operation of the VAV system. The unit serving the Courtroom will be significantly increased in size to handle the existing building and personnel loads. This unit will also be equipped with an outdoor air economizer and energy wheel to maximize energy savings. Option 2: Replace the existing Cooling Tower with a new Cooling Tower equipped with a variable speed drive. Install new higher efficiency Self-contained water cooled units equipped with variable speed drives. The Self-contained water cooled units serving the Courtroom will be increased in size to handle the existing loads. This unit will also be equipped with an outdoor air economizer and energy wheel to maximize energy savings.
<i>Additional Mechanical system upgrades</i>	Replace existing hot water tanks with instantaneous heating device. Install a new 'Data Room Unit' for the Computer and Data Center. The new unit will be equipped with two – 5-ton compressors to provide redundancy and increased reliability. The existing 5 ton Data Aire unit will remain property of the City and may be utilized elsewhere.



Peachtree City

ENERGY PERFORMANCE CONTRACT PRELIMINARY FINDINGS

Building: Peachtree City Library



Notes, Observations, & Items for Consideration:

- The Library operates on the same electrical and gas meters as City Hall.
- This 31,230 ft² two-story library building is occupied primarily during business hours. The facility was renovated and expanded to its present square footage one year ago. The space is utilized for faculty/staff offices and public library uses.
- Cooling and heating is accomplished primarily by 4 Trane direct expansion package units located in the rear of the building and heating is accomplished by gas heating at the units. This building could have benefited by installation of a chill water system and much shorter duct runs (external to the building); however, it is not economical to address these issues at this point. In addition, one Liebert unit serves the data room.
- The lighting in this building consist of the newer T5 lighting technology.
- Trane Tracker controls were installed during the facility renovation.

Proposed Energy Conservation Measures (ECMs):

ECM	Utility Savings Details & Benefits
<i>Direct Digital Control (DDC)</i>	Reduce runtime on existing HVAC system by four hours each day existing runtime is from 6.00 am to 11.00pm. Change runtime to 8.00 am to 9.00pm and utilize optimum start/stop programming to maximize energy saving capabilities. Additional control alternatives will be evaluated during the detailed proposal, including demand ventilation using CO₂ sensing.



Peachtree City

ENERGY PERFORMANCE CONTRACT PRELIMINARY FINDINGS

Building: Fire Station # 81 Leach



Notes, Observations, & Items for Consideration:

- This 9,200 ft² single-story building is occupied 24 hours, seven days per week. The space is utilized for a staff of 8 individuals working 24 hr and 12hr shifts.
- Cooling and heating is accomplished primarily by 4 Lennox direct expansion units with gas heat.
- The majority of lighting in this building is already the higher efficiency T8 technology, although some lighting is the inefficient T12 lighting. The Bay areas are served by inefficient T12 lighting.
- This facility has a larger training area that is served by a direct expansion air conditioning unit that is not designed to properly handle the wide variations in load that are typical of training and conference areas. When class is not in session, the unit has a tendency to short-cycle and not provide adequate humidity control. The classroom could benefit from the installation of an independent unit to control humidity levels.

Proposed Energy Conservation Measures (ECMs):

ECM	Utility Savings Details & Benefits
<i>Lighting Retrofit</i>	Retrofit existing T12 lighting system with new T8 technology system
<i>Mechanical system upgrades</i>	Replace existing hot water tanks with instantaneous heating device. Feasibility of ceiling fans being installed in bay area will be evaluated in detailed study.



ENERGY PERFORMANCE CONTRACT PRELIMINARY FINDINGS

Building: Fire Station # 82 Neely



Notes, Observations, & Items for Consideration:

- This 8,520 ft² two-story building is occupied 24 hours, seven days per week. The space is utilized for a staff of 13 individuals working 24 hr and 12hr shifts.
- Cooling and heating is accomplished primarily by 2 Trane split systems, 1 Lennox RTU, 1 older split system, and two gas-fired bay heaters.
- Approximately ½ of lighting in this building is the older inefficient T12 style. The newer office areas of the facility have more efficient T-8 lighting fixtures.
- The gas fired units in the bay area are older and will need replaced in the near future. The feasibility of this upgrade will be evaluated in the detailed study.

Proposed Energy Conservation Measures (ECMs):

ECM	Utility Savings Details & Benefits
<i>Lighting Retrofit</i>	Retrofit existing T12 lighting system with new T8 technology system
<i>General Construction</i>	Install roof ventilation to allow proper breathing of the roof and minimize attic temperatures.
<i>Mechanical system upgrades</i>	Replace existing hot water tanks with instantaneous heating device. Feasibility of ceiling fans being installed in bay area will be evaluated in detailed study.



Peachtree City

ENERGY PERFORMANCE CONTRACT PRELIMINARY FINDINGS

Building: Fire Station # 83 Weber



Notes, Observations, & Items for Consideration:

- This 3,744 ft² single-story building is occupied 24 hours, seven days per week. The space is utilized for a staff of 13 individuals working 24 hr and 12hr shifts.
- Cooling and heating is accomplished primarily by 1 old Lennox direct expansion units with gas heat (pulse fired). The bays are heated with 2 gas-fired unit heaters.
- The majority of lighting in this building is the older T12 style.

Proposed Energy Conservation Measures (ECMs):

ECM	Utility Savings Details & Benefits
<i>Lighting Retrofit</i>	Retrofit existing T12 lighting system with new T8 technology system
<i>Mechanical system upgrades</i>	Replace existing hot water tanks with instantaneous heating device. Feasibility of ceiling fans being installed in bay area will be evaluated in detailed study.



ENERGY PERFORMANCE CONTRACT PRELIMINARY FINDINGS

Building: Fire Station # 84



Building Entrance

Notes, Observations, & Items for Consideration:

- This 3,672 ft² single-story building is occupied 24 hours, seven days per week. The space is utilized for a staff of 2 individuals working 24 hr and 12hr shifts.
- Cooling and heating is accomplished primarily by 1 Lennox direct expansion units with gas heat. The bays are heated with 2 gas-fired unit heaters.
- The majority of lighting in this building is the older T12 style.

Proposed Energy Conservation Measures (ECMs):

ECM	Utility Savings Details & Benefits
<i>Lighting Retrofit</i>	Retrofit existing T12 lighting system with new T8 technology system
<i>Mechanical system upgrades</i>	Replace existing hot water tanks with instantaneous heating device. Feasibility of ceiling fans being installed in bay area will be evaluated in detailed study.



Peachtree City

ENERGY PERFORMANCE CONTRACT PRELIMINARY FINDINGS

Building: Kedron Aquatic Center Facility



Notes, Observations, & Items for Consideration:

- This 25,788 ft² single-story facility is occupied primarily during business hours. The space is utilized for faculty/staff offices, indoor basket ball courts and two swimming pools.
- Cooling and heating is accomplished primarily by 4-Trane packaged 'roof-top' units ranging from 10 to 25 tons and 1-Trane split system. Heating is accomplished by gas-fired burners in the units.
- The majority of lighting in this building is the older T12 style lighting with 400W and 1,000W Metal Halides in the gymnasium.
- The swimming pool is treated with chemicals at the present time.

Proposed Energy Conservation Measures (ECMs):

ECM	Utility Savings Details & Benefits
<i>Lighting Retrofit</i>	• Retrofit existing T12 lighting system with higher efficiency T8 technology system and replace gymnasium Metal Halides with new high efficiency T-5 fixtures.
<i>Mechanical system upgrades</i>	• Replace existing hot water tanks with instantaneous heating device
<i>Mechanical System upgrades</i>	• Install a new heating system for the pool. A tremendous amount is spent on gas for heating. Specific improvement will be determined during the detailed study including the possibility of a heat pump system with a new heat exchanger and/or solar energy
<i>Mechanical system upgrades</i>	• Replace existing chemical water treatment system with an ozone water treatment system for two swimming pools. A salt treatment system will also be evaluated during the detailed analysis.



Peachtree City

ENERGY PERFORMANCE CONTRACT PRELIMINARY FINDINGS

Recreation Administration Building



Notes, Observations, & Items for Consideration:

- This 4,215 ft² single-story building is occupied primarily during business hours. The space is utilized for faculty/staff offices and for managing the recreational activities throughout Peachtree City.
- Cooling and heating is accomplished primarily by one Carrier 5 ton, and two - 3.5 ton split system heat pumps.
- The majority of lighting in this building is the older T12 style.

Proposed Energy Conservation Measures (ECMs):

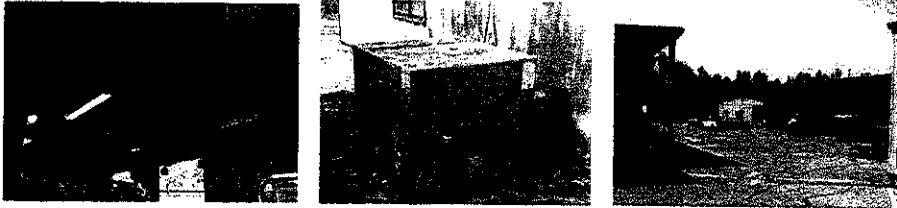
ECM	Utility Savings Details & Benefits
<i>Lighting</i>	Retrofit existing T12 lighting system with new T8 technology system
<i>General Improvement</i>	Install ridge vents on the roof line of this facility to minimize heat build-up in the attic space. Install batt insulation in the attic space.
<i>Mechanical system upgrades</i>	Replace existing hot water tanks with instantaneous heating device



Peachtree City

ENERGY PERFORMANCE CONTRACT PRELIMINARY FINDINGS

Building: Public Works Facility



Notes, Observations, & Items for Consideration:

- This facility includes several buildings; 3,750 ft² Administration Facility, 3,000 ft² Auto shop, 4,989 ft² 3-Bay Maintenance Facility, 3,768 ft² 4-Bay Maintenance Facility, and 3,600 ft² Satellite Auto Shop Facility are occupied primarily during business hours. The space is utilized for faculty/staff offices and for managing the public works operations and vehicle services.
- Cooling and heating is accomplished primarily by two Trane RTUs, one Carrier RTU, and four unit heaters. Gas heat is provided by the air handling unit in the space.
- The majority of lighting in this building is the older, inefficient T12 style.

Proposed Energy Conservation Measures (ECMs):

ECM	Utility Savings Details & Benefits
<i>Lighting</i>	Retrofit existing T12 lighting system with new T8 technology system
<i>Mechanical system upgrades</i>	Replace existing hot water tanks with instantaneous heating device



ENERGY PERFORMANCE CONTRACT PRELIMINARY FINDINGS

Building: Tennis Center



Notes, Observations, & Items for Consideration:

- This facility includes several buildings; 10,699 ft² Administration Facility, 984 ft² Locker Room/Restroom Facility and 1,024 ft² Visitors Center Facility. The space is utilized for faculty/staff offices and community tennis activities.
- Cooling and heating is accomplished primarily by several Lennox 5 ton direct expansion units with electric strip heat.
- The majority of lighting in this building is the older T12 style system.
- The indoor tennis courts are covered by a metal roof that traps heat in the facility due to inadequate ventilation. Although the roof does provide a shaded area of play, the area is frequently hotter than the outdoor courts.
- Three areas in the tennis facility have heat loads with no cooling or ventilation. Proper ventilation will help to extend equipment life and minimize the potential of failure due to over heating.

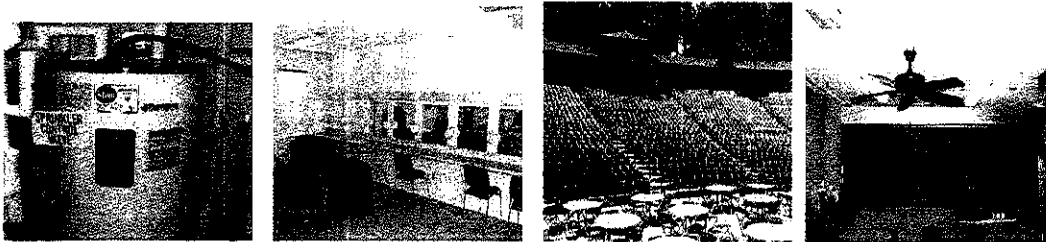
Proposed Energy Conservation Measures (ECMs):

ECM	Utility Savings Details & Benefits
<i>Lighting</i>	Retrofit existing T12 lighting system with new T8 technology system
<i>Mechanical system upgrades</i>	Replace existing hot water tanks with instantaneous heating device
<i>General Upgrades</i>	Install three separate exhaust fans to provide proper ventilation for areas with the ice machine and electrical transformers.
<i>Convenience Upgrade</i>	Install ridge vents for both sets of indoor tennis courts to improve air flow and provide better comfort levels. This measure does not provide any energy savings, but should facilitate better utilization of the tennis courts. (Ceiling fans will be evaluated as an alternative.)



ENERGY PERFORMANCE CONTRACT PRELIMINARY FINDINGS

Building: Fredric Brown Jr Amphitheater Complex



Notes, Observations, & Items for Consideration:

- This facility includes several buildings; 2,980 ft² Administration Facility, 12,632 ft² Box Office and Concession Stand Facility and 3,922 ft² Casthouse. The space is utilized for public entertainment.
- The majority of lighting in this building is the older T12 style system.

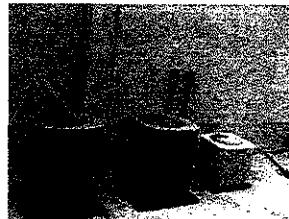
Proposed Energy Conservation Measures (ECMs):

ECM	Utility Savings Details & Benefits
<i>Lighting</i>	Retrofit existing T12 lighting system with new T8 technology system
<i>Mechanical system upgrades</i>	Replace existing hot water tanks with instantaneous heating device
<i>General Upgrades</i>	Install new plexiglass windows in concession areas to minimize air conditioning losses and provide better comfort for workers.



ENERGY PERFORMANCE CONTRACT PRELIMINARY FINDINGS

Building: Glenlock Recreation Center



Building Entrance

Notes, Observations, & Items for Consideration:

- This facility includes a 4,169 ft² Recreation Center and a 1,200 ft² Locker Room/Restroom Facility. The space is utilized for faculty/staff offices and community activities.
- Cooling and heating is accomplished primarily by three small split systems with gas heat.
- The majority of lighting in this building is the older inefficient T12 style system.

Proposed Energy Conservation Measures (ECMs):

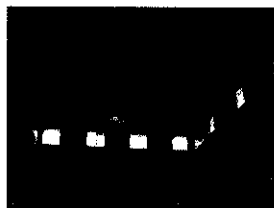
ECM	Utility Savings Details & Benefits
<i>Lighting</i>	Retrofit existing T12 lighting system with new T8 technology system
<i>Mechanical system upgrades</i>	Replace existing hot water tanks with instantaneous heating device



Peachtree City

ENERGY PERFORMANCE CONTRACT PRELIMINARY FINDINGS

Building: Peachtree Police Station



Building Entrance

Notes, Observations, & Items for Consideration:

- This facility is 15,810 ft² and is only a few years old. The facility is presently experiencing water and humidity problems.
- Cooling and heating is accomplished primarily by eight Trane packaged RTUs. The units are direct expansion units and are not designed for humidity control.
- The lighting system in this building is relatively efficient T8 style system.

Proposed Energy Conservation Measures (ECMs):

ECM	Utility Savings Details & Benefits
<i>Water Problem</i>	The solution to the ground water issue is beyond the scope of this project. We recommend consulting with a specialist in this area to address this issue before attempting other solutions that will only address the symptom.
<i>Temporary Solution</i>	It may be a good idea to install dehumidification units for the armory and evidence room as a temporary solution to mitigate the effects of the high humidity. This is not included in the preliminary solution, but can be further developed in the detailed engineering process.



Peachtree City

ENERGY PERFORMANCE CONTRACT PRELIMINARY FINDINGS

Building: Vending Machines



Building Entrance

Notes, Observations, & Items for Consideration:

- There are approximately 30 soda can vending machines throughout Peachtree City facilities; these units can be retrofitted with a vendmizer electrical unit to conserve electricity.

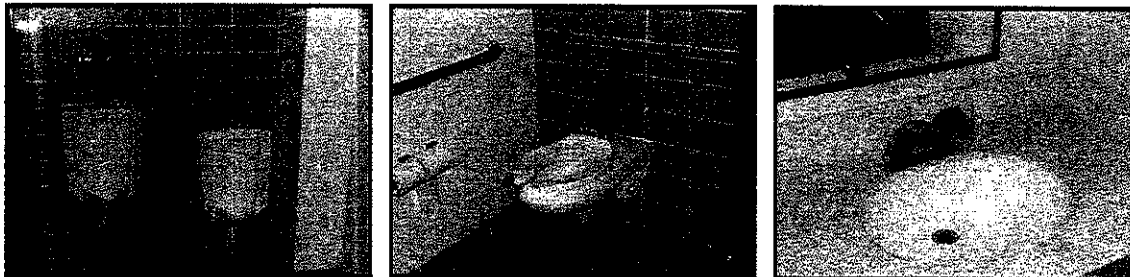
Proposed Energy Conservation Measures (ECMs):

ECM	Utility Savings Details & Benefits
Mechanical system upgrades	Install vendmiser units on 30 soda-can vending machines



ENERGY PERFORMANCE CONTRACT PRELIMINARY FINDINGS

Water and Sewer Savings and Conservation



The Trane team has performed a preliminary evaluation of the water and sewer costs for Peachtree City. The initial review indicated that Peachtree City was only responsible for the sewer costs and no water charges were shown on the utility bills. Based on this information we initially believed a water conservation program was not economical. On further review, we found that the City is responsible to pay \$2.80 for every thousand gallons over 15% of the amount pumped from the Log House Well for water and an additional \$4.38 for sewer. This means the City is paying \$7.18 for every thousand gallons of water and sewer used. The City paid \$15,033 for water in 2004 and \$19,639 for water in 2005 in addition to the costs shown on the water and sewer bills.

The Trane team will conduct a much more detailed analysis of the water savings potential during the detailed study. The preliminary indication is that a significant amount of savings will be realized through this program.



ENERGY PERFORMANCE CONTRACT PRELIMINARY FINDINGS

Preliminary Program Summary:

The Trane Team has developed a program with several options for Peachtree City. The comprehensive program, developed in coordination with David McDaniel, includes the necessary engineering, design, energy analysis, and project management in addition to the following improvements:

- Lighting upgrades in all facilities with inefficient lighting;
- Plumbing improvements and water conservation in facilities with significant water usage;
- Major mechanical renovations for the City Hall building;
- Centralized Controls for City Hall;
- Vendmizer for vending machines in all City Buildings;
- Replacing hot water tanks with instantaneous hot water heaters;
- Installing plexiglass windows at the Amphitheater;
- Install ozone water treatment systems at Kedron Aquatic Center;
- Install more efficient pool heating system at Kedron;
- Improved ventilation and/or insulation for Recreation Admin, The Gathering Place, Fire Station #82, Indoor Tennis Courts, Over-heating areas at Tennis Center;
- Adding HVAC redundancy for City Hall data center room;
- Test and balance of existing air distribution system for City Hall;

The preliminary program savings indicate the following potentials:

- Total program savings of \$104,600 per year broken down as follows:
- Utility savings of \$92,000 per year based on current utility rates;
- Operational savings of \$7,600 for projected light and ballast replacements, and mechanical system repairs / maintenance;
- Operational savings of \$5,000 for reduction in pool chemicals;

The total program cost is \$1,078,000 with a simple payback of 10.3 years. The project payback is just over 10-years due to the major mechanical redesign that has been incorporated to address existing issues with the City Hall building. If the City Hall mechanical solution is removed from the project, we are able to provide a solution with roughly a 7-year simple payback period. Our recommendation is to include the City Hall mechanical solution in this project to allow it to be funded through energy and operational savings. Our goal is to provide an even more financially attractive project as we finalize the engineering analysis during the detailed engineering process.

Another option for this project is the engineering services associated with the on-going guarantee. The cost for the engineering services is approximately \$7,600 per year dependant on the level of service desired by Peachtree City. This service may be renewed each year as desired by Peachtree City.



Peachtree City

ENERGY PERFORMANCE CONTRACT PRELIMINARY FINDINGS

THE NEXT STEP:

The next step of the process is to finalize the engineering details for this project. At this point we have presented the worst case financial analysis and expect to be able to improve the overall project cash-flow during the detailed engineering study.

The program presented is designed to meet specific goals that have been established in partnership with Peachtree City. Each improvement measure was selected to either enhance the energy and operational savings or to address an existing issue. The Trane Team will gladly work with Peachtree City to select additional improvement measures or remove recommended measures once the City gives approval for the detailed engineering phase to proceed.

The Trane team would recommend performing a test and balance of the air distribution system for City Hall. This will allow a more thorough evaluation of the City Hall mechanical system to help provide a cost effective solution for existing air distribution issues. The cost for the test and balance is \$16,500. The cost for the Test and Balance is included in the total program cost.

We also have a current financial indication for a rate of 4.155% for ten-years and 4.295% for a fifteen-year project. This is an option made available for Peachtree-City to facilitate this project on a self-funded basis.

In order for the detailed engineering study to proceed, we ask the City to provide a letter of commitment for the Trane Team to move forward. A sample Letter of Commitment is included on the following page. We recommend having Peachtree City's attorney review the Letter of Commitment and sample contracts prior to proceeding with the next step. The goal of the Letter of Commitment is to confirm the objectives established in the Letter to Proceed by attaching the specific cost and savings numbers developed through the preliminary audit process. Additional conservation measures may be added only with the approval of Peachtree City's administration or if they can enhance the financial payback for this project.



Peachtree City

ENERGY PERFORMANCE CONTRACT PRELIMINARY FINDINGS

SAMPLE LETTER OF COMMITMENT:

August 3, 2006

Georgia Trane
2677 Buford Highway NE
Atlanta, GA 30324

Dear Doug,

Trane is authorized to proceed with a detailed audit necessary to verify the data presented in the Preliminary Proposal dated July 7, 2006. The detailed audit is estimated to require 45-60 days to complete from the date of Trane's acceptance of this Letter of Commitment. Trane and Peachtree City will enter into an Agreement within two weeks of the Final Proposal. In this event, the cost of the comprehensive study will be included as part of the overall project.

PEACHTREE CITY will pay a fee of \$65,600 (does not include test and balance of City Hall for \$16,500) to Trane for services and time invested if we do not enter into the Agreement within the two week period. We will pay the fee (plus any applicable sales tax) to Trane within ten days of the date of Trane's invoice. ***In the event the Trane team does not meet the projections in our preliminary proposal, Peachtree City will have no obligation to pay any fees or move forward with this project.*** Additional conservation measures may be added only with the approval of Peachtree City's administration or if they can enhance the financial payback for this project.

Upon execution of an Agreement with Trane or payment for the detailed energy study, whichever occurs first, Trane shall provide a copy of the detailed study in its entirety to the Customer. The detailed study will include the results of a comprehensive lighting audit and all engineering drawings for the mechanical renovation of the City Hall building. In addition, the details of all energy and operational savings will be provided in the final contractual agreement.

Sincerely,

PEACHTREE CITY

TRANE

By: _____
Bernard McMullen
City Manager

By: _____
Dwight Bradley
President, Georgia Trane

Dated: _____

Dated: _____

Lighting Savings

(Approximate)

Number of fixtures: 3,700 (Total fixtures in City Buildings)
Retrofit Fixtures: 2,000 (Fixtures to be upgraded)

Before:

Average Fixture Wattage: 150
Average Burn Hours: 3,300
Average Cost per kW: \$ 0.086

After:

Average Fixture Wattage: 75
Average Burn Hours: 3,300
Average Cost per kW: \$ 0.086

Yearly Kwh reduction:

$$= (\text{kW before} - \text{kW after}) \times (\text{Number of Fixtures}) \times (\text{Average Burn Hours})$$
$$= ((150\text{W} - 75\text{W}) / 1,000) \times (2,000 \text{ fixtures}) \times (3,300 \text{ hours})$$
$$495,000 \text{ kW}$$

Savings = (kW Reduction) x (Average Cost per kW)
$$= (495,000 \text{ kW}) \times (\$0.086)$$

Lighting Savings = \$ 42,570.000

City Hall is determined through Computer Modeling

A simple comparison of normal operating costs.

City Hall & Library operate at: \$2.20 per square foot

Facility should operate near: \$1.50 - \$1.70 per square foot

Note: Higher estimate is used to account for lighting project on previous page.

Per Square Foot Savings = $(\$2.20 - \$1.70) = \$0.50$ per square foot

Total Square Footage: 54,230

Thumb-Rule Savings: \$ 27,115.00

Actual Computer Modeling is used to determine actual savings. This is simply a 'common-sense' check.

Additional water and sewer savings:

Water conserving devices will typically save 40-50% of the water usage.

Total bills are approximately \$60,000.

Using a conservative approach of 30% indicates a yearly savings of **\$18,000 / year.**

Total Program Savings

Lighting:	\$ 42,570.00
City Hall:	\$ 27,115.00
Water:	\$ 18,000.00
Misc:	\$ 10,000.00
Total:	\$ 97,685.00

Note: There are additional savings from pool heaters, gas savings, general renovations, and mechanical renovations recommended in this project.

These sheets are only intended to give a general understanding and a big picture overview of the savings.

POSITION PAPER

Proposed Variance: 101 Bowfin Way
Lot 31, Fishers Bank subdivision
Steve Zaubi

City Planner/ Zoning Administrator
August 10, 2006



Situation:

Mr. Steve Zaubi owns the property located at 101 Bowfin Way within the Fishers Bank subdivision. The subject tract is a corner lot and has frontage on McIntosh Trail, Skiff Trace and Bowfin Way. The home faces the corner of Skiff Trace and Bowfin Way. Because the property has frontage on more than one public street, it is classified as a multiple frontage lot and the minimum front building setback is applied to the portion of the property that abuts each street. In this case, the minimum front building setback (30') is measured from the right-of-way of McIntosh Trail, Skiff Trace and Bowfin Way.

Mr. Zaubi recently completed an expansion of his home and then applied for a Building Permit to enclose his back yard with a privacy fence. His application stated the portion of the fence adjacent to McIntosh Trail and Skiff Trace would be 4' in height. The application was approved with the condition that the "fence must be 50% visible if located in front yard per city ordinances." The Applicant never picked up the approved Building Permit to begin construction of the fence.

Mr. Zaubi installed a 6' tall solid wood fence to enclose his entire back yard, a significant portion of which is located within the required front building setback adjacent to McIntosh Trail, Skiff Trace and Bowfin Way. The Applicant was notified that the fence exceeded the height permitted within this area and the fence was not what was presented to and approved by the Building Department.

To correct this situation, Mr. Zaubi is requesting a variance from the city's Fence Ordinance to permit the installation of a fence taller than 4' within the front building setback (Attachment "A").

Facts:

1. The subject parcel is zoned R-10 Residential. Section 1001.4 (g) of the City's Zoning Ordinance stipulates that the minimum front building setback within this zoning district shall be no less than 30' (Attachment "B").
2. Because the subject parcel has frontage on McIntosh Trail, Skiff Trace and Bowfin Way, it is classified as a multiple frontage lot. Section 905, Multiple frontage lots, of the City's

Proposed Variance: Lot 31, Fishers Bank subdivision

August 10, 2006

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Zoning Ordinance states: *"Any lot having a property line adjacent to more than one public street right-of-way or private street shall be deemed a multiple frontage lot. Any rear or side setback that also fronts on a public street right-of-way or private street shall have a setback depth equal to the minimum front setback depth specified for the appropriate zoning district."* (Attachment "C").

3. The City's Fence Ordinance identifies specific requirements for fencing within residential subdivisions. Section 18-341(e) states: *"No fence in excess of four feet in height shall be installed within the required setback area that abuts a street right-of-way. In addition, no fence in excess of four feet in height shall be installed within a residential front yard."* (Attachment "D").
4. The City's Fence Ordinance also defines parameters as to what types of fencing would be permitted within the required front setback area. Section 18-341 (f) states: *"No fence installed in a residential front yard shall be constructed of any material that restricts the view through the fence by more than 50 percent of the total barrier as viewed from the street."* (Attachment "D").
5. It is our understanding the home had a four-foot high picket fence surrounding the entire back yard when Mr. Zaubi purchased the home. The Applicant indicated he removed the fence because it was in a state of disrepair and he planned to replace the fence.
6. Mr. Zaubi applied for a Building Permit on June 5, 2006, to construct a four-foot high fence surrounding his back yard. The permit was approved on June 6, but was never paid for or picked up by the Applicant. Attached to the permit were the stipulations for installing fences within residential subdivisions (Attachment "E"). On an anonymous complaint, the city's Code Enforcement Officer visited the site and discovered the fence was 6' in height and installed within the front building setback.
7. Rather than remove the fence, the Applicant is requesting a variance from the city's Fence Ordinance to permit the fence as constructed.
8. A copy of the portion of the Zoning Ordinance that addresses variance policies and procedures is included as Attachment "F."

Recommendation:

City Staff recommends that the variance not be approved. Although the Applicant has provided a detailed analysis as to why the variance should be granted, the fact is the residential section of the City's Fence Ordinance was written to protect adjoining property owners and the public from views of unsightly privacy fences along residential streets and thoroughfares. While the Applicant may be burdened somewhat by the placement of his home on the property, there are

Proposed Variance: Lot 31, Fishers Bank subdivision

August 10, 2006

Page 3

numerous parcels with similar circumstances throughout the City where fences or other means of privacy screening have been installed without the need for a variance. It could also be argued that granting this variance would set a precedent and would make it difficult to deny similar requests in the future.

Attachments "A" – "F"

REQUEST FOR VARIANCE FENCE ORDINANCE, CITY OF PEACHTREE CITY

This is a request for a variance from the requirements of the Peachtree City Fence Ordinance for the property located at: 101 Bowfin Bay, Fishers Banks subdivision

The reason this variance is being requested is as follows: The homeowner desires a 6' privacy fence for his backyard. Because the homeowner's property is bordered by three roads, the City defines his property as having three front yards. Based on City zoning requirements related to residential fences for front yards, the homeowner would be forced to construct the fence at a further distance from each of the bordered roads, which would greatly limit the space available to the homeowner to enjoy and use his property.

Along with this form, the applicant should submit a detailed report justifying the granting of the requested variance. In preparing the report, please consider the following:

Variances from the provisions of this Ordinance may be approved by the City Council if it is determined that they will not cause substantial detriment to the other parties or impair the purpose or intent of this Ordinance; provided, however, that no variance can be granted for a use that is specifically prohibited by this Ordinance within the zoning district in which the property is located.

In making a determination on a variance request, the City Council shall consider the following factors:

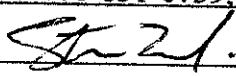
- 1) Whether or not the special circumstances contributing to the request are peculiar to the particular property involved;
- 2) Whether or not the situation for which the request is being made poses an unnecessary hardship for the applicant; and
- 3) Whether or not the request is due to an intentional action of the applicant to violate the requirements of this Ordinance.

I certify that I am the owner or duly authorized agent of the owner of the above-described property:

Name: (Please type or Print) Steve Zaubi

Address: 101 Bowfin Bay

Phone: HM: 770-631-0739; WK: 404-814-4242

Signature: 

.....
This request, along with the required fee and all necessary supplemental documents, has been properly submitted and is hereby accepted for consideration by the City Council at a public hearing in the City Council Chambers at 7:00 PM on the date shown below:

Signature: David E. Rant

Title: City Planner/Zoning Administrator

Date of Acceptance: 07-07-06

Date of Public Hearing: 08-08-06

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Attachment "A"

Detailed Report Justifying the Granting of the Variance

- 1) Proposed Fence:
 - 2) Dimensions:
 - a) Height: 5'10"
 - b) Length: 180 ft.
 - c) Construction Material: Lumber
 - 3) Distance from Skiff Trace (closest point): 26 ft.
 - 4) Distance from McIntosh Trail: 35ft.
 - 5) Other considerations: The fencing along McIntosh Trail is bordered by approximately 10 feet of green space (bushes and trees), making that portion of the fence barely visible from the street.

Specific ways in which this request meets the City Councils stated considerations for the granting of variances:

- 1) **Special Circumstances Peculiar to the Property:** The property in question is surrounded by three roads (Bowfin Bay, Skiff Trace, and McIntosh Trail) which, as defined by the City, results in the property as having three "front yards". The property thus defined is subject to a much more restrictive zoning requirement leading to circumstances that fall under the second justification for a variance;
- 2) **Unnecessary Hardship:** The setback requirements for a fence in a residential front yard restrict the use of the property in an unusually burdensome manner. Rather than following general zoning standards for constructing a property fence for the backyard and side yard, the homeowner is forced to comply with the more restrictive residential front yard zoning regulations in these areas. This results in a greatly reduced ability on the part of the homeowners to enhance the value of their property as well as to enjoy it.
- 3) **Intentions of the Homeowner:** Finally, please note that there is absolutely no desire or intention on the part of the homeowner to violate this or any other ordinance of Peachtree City. The homeowner did inadvertently construct the fence without obtaining a permit due to ignorance of the City Ordinance (he replaced a smaller fence with a larger fence in the exact location of the smaller fence and assumed that replacing one with the other would not require a new permit). The homeowner apologizes to the City for this violation.

Further justification for the granting of this variance:

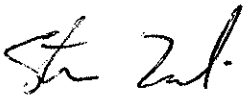
- 1) The primary reasons the homeowner desires this fence are as follows:
 - a) Privacy: A 6' foot fence is necessary to obstruct visibility into homeowner's side windows from street. The fence will also provide privacy for backyard activities as well as a reduction of noise from automobile traffic
 - b) Security: The homeowner and his family, including three young children, reside on property bordered by three streets. The design of the fence (6' wood lattice) will ensure a safe play environment for

homeowner's children. The granting of the requested variance will allow the homeowner and his family to enjoy a larger recreation area in the enclosed yard.

- 2) The fence desired by the homeowner will in no way pose a safety hazard. It will not diminish visibility at nearby intersections. Thus it will not impair the primary purpose or intent of the ordinance, i.e. public safety.
- 3) The construction of the fence is consistent with other equity-enhancing activities the homeowner has undertaken over his 9 years of residence at this location, most recently by the completion of a significant (approximately 500 sq. ft) addition to his house on the property in question.
- 4) In the spirit of the previous point, if the variance is permitted the homeowner plans to beautify the surrounding area through landscaping as well as by staining the fence.
- 5) Neighbors have given their support in favor of the fence (Exhibit 1). The homeowner has not received any negative comments or complaints regarding the fence from any individual (excepting the City code enforcer), including neighbors.

Finally, I, Steve Zaubi, the homeowner, wish to thank the City Council of Peachtree City for their consideration of my request.

Sincerely,



Steve Zaubi
101 Bowfin Bay
Peachtree City

Exhibit 1

I, the undersigned neighbor of Steve and Celeste Zaubi, state that the fence they have erected at 101 Bowfin Bay around their property is aesthetically pleasing and does not pose any interference with viewing oncoming traffic at any intersection touching their property. I agree that it enhances the street appearance of their property, and that it contributes to the privacy of their backyard. I support their request for a variance to the zoning requirement for their fence enclosure.

<u>Jeff Kinyan</u> Name of neighbor (printed)	<u>[Signature]</u> Signature of neighbor	<u>113 Bowfin Bay</u> Address	<u>7-2-06</u> Date
<u>Eguilla Minga</u> Name of neighbor (printed)	<u>Eguilla Minga</u> Signature of neighbor	<u>100 Perch Point</u> Address	<u>7-2-06</u> Date
<u>David Mosby</u> Name of neighbor (printed)	<u>[Signature]</u> Signature of neighbor	<u>100 Bowfin Bay</u> Address	<u>7/2/06</u> Date
<u>DON DAVISON</u> Name of neighbor (printed)	<u>[Signature]</u> Signature of neighbor	<u>103 Bowfin Bay</u> Address	<u>7/2/06</u> Date
<u>Brad LUCAK</u> Name of neighbor (printed)	<u>Bredley T. Lucak</u> Signature of neighbor	<u>104 Bowfin Bay</u> Address	<u>7/2/06</u> Date
 Name of neighbor (printed)	 Signature of neighbor	 Address	 Date
 Name of neighbor (printed)	 Signature of neighbor	 Address	 Date
 Name of neighbor (printed)	 Signature of neighbor	 Address	 Date

(1001.4) *Other requirements:* Unless otherwise specified in this ordinance, uses permitted in R-10, R-12, R-15 and R-22 residential zoning districts shall conform to the following standards:

- (a) Minimum floor area per dwelling unit:
 - R-10: 1,000 square feet.
 - R-12: 1,200 square feet.
 - R-15: 1,400 square feet.
 - R-22: 1,600 square feet.
- (b) Minimum zoning lot area:
 - R-10: 10,000 square feet.
 - R-12: 12,000 square feet.
 - R-15: 15,000 square feet.
 - R-22: 22,000 square feet.
- (c) Minimum land area per dwelling unit:
 - R-10: 10,000 square feet.
 - R-12: 12,000 square feet.
 - R-15: 15,000 square feet.
 - R-22: 22,000 square feet.
- (d) Maximum dwelling units per net acre:
 - R-10: 4.36 units.
 - R-12: 3.63 units.
 - R-15: 2.90 units.
 - R-22: 1.98 units.
- (e) Minimum lot width:
 - R-10: 80 feet.
 - R-12: 85 feet.
 - R-15: 95 feet.
 - R-22: 120 feet.
- (f) Minimum lot width adjacent to existing or future public or private street right-of-way line:
 - (1) 40 feet on street.
 - (2) 35 feet on cul-de-sac.
- (g) Minimum front setback depth:





R-10: 30 feet.

R-12: 40 feet.

R-15: 40 feet.

R-22: 50 feet.

(h) Minimum side setback depth:

R-10: 10 feet.

R-12: 10 feet.

R-15: 10 feet; however, no two principal buildings on adjacent zoning lots shall be closer than 25 feet from each other.

R-22: 15 feet.

(i) Minimum rear setback depth:

R-10: 30 feet.

R-12: 30 feet.

R-15: 30 feet.

R-22: 30 feet.

(j) Maximum building height: 35 feet.

(k) Parking: See section 909.

(l) Signs: See Peachtree City sign ordinance.

(Ord. No. 366, § 19, 5-22-1985; Ord. No. 394, 4-8-1986; Ord. No. 457, 3-17-1988)

Cross references: Sign ordinance, § 66-1 et seq.

Sec. 905. Multiple-frontage lots.

Any lot having a property line adjacent to more than one public street right-of-way or private street shall be deemed a multiple frontage lot. Any rear or side setback that also fronts on a public right-of-way or private street shall have a setback depth equal to the minimum front setback depth specified for the appropriate zoning district. (Ord. No. 366, § 17, 5-22-1985)

Sec. 18-341. Residential standards.

- (a) The standards in this section shall apply to all fences in the following zoning districts: R-1, R-10, R-12, R-15, R-22, R-43, ER, GR, VR, UR, AR and OS.
- (b) No fence or portion of a fence shall exceed eight feet in height; however, if a property owner wishes to install a tennis court or some other similar special-purpose facility, a fence not to exceed ten feet in height may be erected on the condition the site plan for the special purpose facility is first approved in accordance with the site plan review process in the land development ordinance, appendix B to this Code.
- (c) Unless further restricted by this article, no fence within a required side or rear setback area shall exceed six feet in height; however, if due to variations in topography or if the fence contains decorative features such as newels, finials or scallops, it may exceed six feet in height, but in no case shall it exceed seven feet in height.
- (d) No fence comprised of metal parts shall be installed in a residential area unless all exposed metal parts are vinyl-coated or painted a standard dark brown, dark green or black color to blend into the natural surroundings.
- (e) No fence in excess of four feet in height shall be installed within the required setback area that adjoins a street right-of-way. In addition, no fence in excess of four feet in height shall be installed within a residential front yard.
- (f) No fence installed in a residential front yard shall be constructed of any material that restricts the view through such fence by more than 50 percent of the total barrier as viewed from the street.
- (g) Except as provided in subsection (h) of this section, no fence which is constructed of wire, including chainlink fencing, shall be installed between the principal structure on a residential zoning lot and any adjoining street right-of-way.
- (h) Except in ER estate residential, and AR agricultural zoning districts, no fence permitted in subsection (h) of this section shall be installed in a residential front yard.

(Code 1980, § 5-174(2))

DATE: 6/5/06

PERMIT # _____

☒ ERECT ☐ RESIDENTIAL
☐ REPAIR ☐ COMMERCIAL
☐ ADDITION ☐ ACCESSORY USE

CONSTRUCTION TYPE _____

OCCUPANCY TYPE _____

FENCES: ☐ COMMERCIAL ☐ INDUSTRIAL ☒ RESIDENTIAL ☐ POOL

FENCE HEIGHT part 6', part 4' FENCE MATERIAL wood

SUBDIVISION/PROJECT NAME: Fishers Brook

BLOCK _____

LOT NUMBER _____

1st Bowfin Driv

SITE ADDRESS: _____

101 Bowfin Driv

* OWNER: _____

Steve Zaubi

ADDRESS _____

101 Bowfin Driv

PHONE NO. 770-631-0739

FAX NO. _____

CONTRACTOR: _____

ADDRESS _____

PHONE NO. _____

FAX NO. _____

APPLICANT/CONTACT PERSON: Steve Zaubi

PHONE NO. 404-814-4240

ARCHITECT/DESIGNER: _____

ADDRESS _____

PHONE NO. _____

FAX NO. _____

* OWNER IS RESPONSIBLE FOR HOME OWNER ASSOCIATION APPROVAL (HOA)

☐ SEWER TAP APPROVAL ☐ SEPTIC SYSTEM APPROVAL ☐ WATER TAP APPROVAL

ZONED _____

SETBACKS:

FRONT _____ SIDE _____ REAR _____

PLAN NAME _____

PLAN ON FILE

YES ☐ NO ☐

NO. OF
STORIES

NO. OF
BATHS

BASEMENT

NO. OF
FIREPLACES

HEATED
SQ FT

TOTAL
SQ FT

EST. CONSTRUCTION
COST

\$ 700.00

DESCRIBE WORK: 4' Fence in Rear of House Along McIntosh Trail;
4' Fence Along SLUFF TRACE. (on Plot, 6' marked by X, 4' marked by Y)
• Estimated Time of Completion: 5 weeks (July 10, 06)

*Lot # 31 Fishers Banks SID
101 Boufin Bay*

Attachment "F"
Fences and Pools Fences

Comply with all instructions checked off on this sheet.

Fences General:

- ☒ All fence supports must be located on the interior side of the fence.
- ☐ Metal fences must be vinyl-coated or painted a standard dark brown, dark green or black color to blend into the natural landscape.
- ☐ No fence shall be installed within five (5) feet of the edge of the edge of a paved golf cart path.
- ☒ No fence in excess of four (4) feet in height shall be installed within a residential front yard.
- ☒ No fence installed in a residential front yard shall be constructed of any material that restricts the view through such fence by more than fifty (50) percent of the total barrier as viewed from the street.
- ☐ Fences located on a utility or drainage easement are subject to removal at the owner's expense, if the city requires access at any time for maintenance.
- ☒ Property line location is responsibility of homeowner. Fence cannot encroach said lines.

Pool Fences:

- ☐ Gates and doors opening through a pool fence must open outward, be self-closing and self-latching.
- ☐ On four (4) foot fences, no portion of fence or gate can have openings any larger than 1 ¾ inches in width. Door latch mechanisms, located less than 54 inches from the bottom of the gate, shall be located on the pool side, at least three (3) inches below the top of the gate, and the gate and barrier shall have no openings greater than 0.5 inch within eighteen (18) inches of the release mechanism.
- ☐ No portion of fence or wall shall be installed less than three (3) feet from the nearest point of the water in the pool.
- ☒ Final Inspection Required.

**Note: The above items are not a complete list of City Ordinances. Please check city web site at:
www.peachtree-city.org for additional information.**

Site Copy

BUILDING PERMIT NOTICE

CITY OF PEACHTREE CITY

******* This notice must be visible from the street *******

INSPECTION REQUEST: (770) 631-2588 (EXT. 222)

Inspections called in by 3:30 p.m. will be inspected the next business day.

Building Department • (770) 487-8901 • 153 Willowbend Road • Peachtree City • GA • 30269

PERMIT NO.

061355-Residential Fence

LOT

31

SUB-DIVISION

Fishers Bank

ADDRESS

101 Bowfin Bay

OWNER

Steve Zaubi

CONTRACTOR

Steve Zaubi

**NOTE: FOR COMMERCIAL PROJECTS ALL INSPECTIONS MUST BE CALLED IN BY
JOB SUPERINTENDENT - ALL TRADE CONTRACTORS MUST COMPLY**

**OCCUPANCY AND USE OF THIS STRUCTURE BEFORE A CITY PERMIT HAS BEEN ISSUED IS A VIOLATION
PUNISHABLE UNDER CITY ORDINANCE**

(1202.2) The purpose of this section is to authorize variances from the terms of this ordinance as will not be contrary to the public interest so that the spirit of this ordinance shall be observed, public safety and welfare secured, and substantial justice done.

An application for a variance may be submitted only by the owner of the property for which a variance is desired, or his authorized agent.

- (a) Variance applications shall be filed with the city planner on forms provided by the city planner.
- (b) Any communication relative to a variance request will be regarded as information only until a proper application is made in the form required.
- (c) An application fee of \$50.00 must accompany each variance application.
- (d) Upon receiving an application, the city planner shall schedule a public hearing on the request before the city council within 45 days after receipt.
- (e) A sign displaying the hearing date and the nature of the hearing shall be placed in a conspicuous location on the property not less than 15 days prior to the hearing date.
- (f) A notice of the public hearing date and the nature of the hearing shall be published in the newspaper of general circulation which serves as the legal organ for the city. The newspaper notice shall appear at least 15 days prior to the hearing date.
- (g) At the public hearing before the city council, the applicant may appear in person or be represented by an agent or attorney.
- (h) Variances from the provisions of this ordinance may be approved by the city council if it is determined that they will not cause substantial detriment to other parties or impair the purpose or intent of this ordinance; provided, however, that no variance can be granted for a use that is specifically prohibited by this ordinance within the zoning district in which the property is located.

In making a determination on a variance request, the city council shall consider the following factors:

- (1) Whether or not the special circumstances contributing to the request are peculiar to the particular property involved;
- (2) Whether or not the situation for which the request is being made poses an unnecessary hardship for the applicant; and
- (3) Whether or not the request is due to an intentional action of the applicant to violate the requirements of this ordinance. (Ord. No. 589, 11-19-1992; Ord. No. 618, 7-7-1994)

(1202.3) After due consideration of an application for special exception, the city council shall take such action or establish such reasonable conditions of approval as will accomplish the intent and purposes of this ordinance.