

City Council of Peachtree City
Meeting Minutes
August 1, 2013
7:00 p.m.

The Mayor and City Council of the City of Peachtree City met in regular session on Thursday, August 1, 2013. Mayor Haddix called the meeting to order at 7:00 p.m. Other Council Members in attendance: George Dienhart, Vanessa Fleisch, Eric Imker, and Kim Learnard.

Announcements, Awards, Special Recognition

Proclamation – 31 Days of Geocaching in Peachtree City

Mayor Haddix proclaimed August as "31 Days of Geocaching in Peachtree City." Rod Davis and several local geocachers accepted the proclamation.

Minutes

July 18, 2013, Regular Meeting Minutes

Fleisch moved to approve the July 18, 2013, regular meeting minutes as written. Learnard seconded. Motion carried unanimously.

Consent Agenda

- 1. Consider Alcohol License – NEW – Los Mariachis, 2282 SR 54 West**
- 2. Consider GEMA Grant for Community Emergency Response Team (CERT)**
- 3. Consider Acceptance of Seized Vehicle for Police Fleet**
- 4. Consider Acceptance of Donation of Generac GP 5500 Generator**
- 5. Consider Surplus of Fire Department Accessories**

Fleisch moved to approve Consent Agenda items 1 – 5. Learnard seconded. Motion carried unanimously.

Learnard thanked Bryan Hill, a reserve officer with the City's Police Department, for donating the generator.

Old Agenda Items

07-13-02 Public Hearing – Consider Variance from Rear Building Setback, 123 Crown Court

Planning & Zoning Administrator David Rast addressed Council, noting the 0.21-acre lot at 123 Crown Court was located in the Cardiff Park subdivision, which was zoned Limited Use Residential 7 (LUR-7). The existing deck encroached 10 feet into the 20-foot rear building setback. The applicant, Joanne Matlaga, desired to replace the planking on the deck, leaving the infrastructure there, and then construct a roof over the deck. The back of the home faced the south, and there was a tremendous amount of sunlight. The lot backed up to City-owned greenbelt and the Oglethorpe Power easement.

Rast continued that, after the homes in Cardiff Park were built, it was discovered that the builder had built homes right on the 20-foot building setback. The builder applied for variances to allow the existing decks, and Council at that time chose to modify the zoning to allow the decks within the 20-foot building setback. One of the conditions of the zoning modification was that owners would be required to get a variance if they wanted a roof over their deck.

Rast reiterated that the applicant planned to replace the planking on the existing deck and build a shed roof over the deck to protect it from the afternoon sun. Staff recommended approval with two conditions:

1. The variance shall be granted specifically for a roofed structure over the newly constructed deck, which shall extend no more than 10 feet into the rear building setback. There shall be no other encroachments permitted without first securing additional variances.
2. Following completion of construction and prior to issuance of the Certificate of Occupancy, the Applicant shall provide a revised Foundation Survey to the Building Official identifying the location of the new construction. The purpose of this survey will be to ensure the new construction does not encroach any further into the rear building setback than permitted by this ordinance.

Haddix opened the public hearing.

Joanne Matlaga, the applicant, addressed Council, saying the same foundation for the deck would be used. She planned to only replace the decking and boards, and then add the shed roof, which would be a big improvement and would increase the value of her home. She continued that most of the homes that were located on the golf cart path had roofs over the decks, and they looked nice.

Steve Maxwell, the contractor, said there was currently a lattice-style roof, and the only thing they were asking was to add the shed-type roof. The size of the deck would not be increased.

There were no other comments. The public hearing closed.

Learnard said Council tried to find in favor of a homeowner trying to improve their home. The meeting packet included two letters of support from neighbors. Haddix added the Cardiff Park homeowners association (HOA) had also signed off on the variance application.

Imker asked Rast to read the staff conditions. Rast read the conditions, noting that the second condition could be removed since no support posts or framing would be replaced, just the decking material and the railing, which meant the new deck would not extend any further into the building setback. The City already had the survey showing where the existing deck was located. Imker asked if they would be allowed to cantilever out an additional five feet into the setback. Rast said that could not be done. Imker said he had no problem striking the second condition since it would save the homeowner some money.

Learnard asked Rast about the modification to the zoning, asking if that applied to the rest of the City. Rast said it only pertained to the LUR-7 zoning, which was specific to Cardiff Park. There were 38 lots in the subdivision, and the modification only applied to Lots six through 23.

Imker moved to approve the variance request to the rear setback for 123 Crown Court with staff condition 1. Dienhart seconded. Motion carried unanimously.

**07-13-03 Public Hearing – Consider Variance from Parking Ordinance,
991 Peachtree Parkway North**

Rast reported that Chase Bank had acquired the former Kentucky Fried Chicken/Pizza Hut property at Kedron Village Shopping Center (Peachtree Parkway/Georgian Park), which had been built in 2001. The restaurant closed after a few years and had been vacant since. The applicant planned to demolish the existing building and parking area and redevelop the tract with a freestanding branch bank building and freestanding drive-through. Since the initial development had been approved, the City had amended the Parking and Landscape

Ordinance [Section 1109(j)], which identified minimum parking standards and established a maximum number of spaces. This was the first variance request from the ordinance.

Rast continued that the parking ordinance currently allowed 18 parking spaces for the 3,400-square foot building that would include branch banking and a mortgage and loan operation. Due to those activities, the applicant had requested 30 parking spaces to accommodate staff and those who would be coming to the building to conduct business. He said the restaurant had been 3,100 square feet and had 32 parking spaces, which complied with the ordinance at that time. Compared to what the applicant proposed, Rast said it was a wash as far as the total impervious area.

Rast said the Planning Commission had reviewed the conceptual site plan and approved it, pending approval of the variance by Council.

Rast continued that the site was in a state of disrepair, and there had been Code Enforcement issues. There had also been some dumping on the site. The landscaping had grown, and the site was hidden. The applicants were planning to build a freestanding building on the building line looking over Peachtree Parkway, and they would leave all the trees in good shape on the site. Staff recommended approval with three conditions:

1. *The variance shall be granted specifically to permit a total of 30 parking spaces on the subject tract.*
2. *The landscape plan for the subject tract shall reflect the additional planting requirements identified within Section 1109(j) of the Vegetation Protection and Landscape Requirements ordinance.*
3. *The Applicant shall maintain said landscaping and the right-of-way of Peachtree Parkway and Georgian Park adjoining the subject tract as part of the overall maintenance of the property.*

Haddix opened the public hearing.

Steve Fisher, representative for the applicant, Chase Bank, said his company felt what was presented to Council was an upgrade to what was currently on the property, adding the bank was looking forward to being back in the City again.

No one else spoke for or against the variance. The public hearing closed.

Fleisch said the plan looked very good, asking if there was a change to the current entrance. Rast said the entrance was the only thing that would remain. All of the existing curbs and gutters would be removed. Staff was also looking at the site to see if it would fit into the overall stormwater plan.

Haddix said in-ground water detention had been discussed.

Imker said the sign in the drawing looked rather large, saying he wanted to ensure it did not exceed the limits set in the sign ordinance.

Learnard asked Rast to explain the 125% maximum parking requirement again. Rast said that, prior to the modifications, the parking ordinance did not define the maximum number of parking spaces. Routinely, the number of parking spaces had been based on the square footage. Staff had identified specific uses and what the parking should be, and that had been incorporated

into the parking ordinance. When a developer needed more parking than the minimum requirements, it fell under the landscape ordinance, which allowed the City to tie landscaping and additional plant material to the additional parking on a property. The parking ordinance allowed owners to exceed the minimum number of spaces, which would be 14 for a bank, by 125%, which would be 18. Based on the operations at bank, there would be eight to 12 staff members on site at any one time, so a variance application was submitted. Learnard asked if the applicant could exceed the 30 spaces by 25%. Rast said they could not, as the variance would be limited to 30 total spaces.

Haddix said he had no objections.

Imker moved to approve the variance to the parking ordinance at 991 Peachtree Parkway North, with three conditions addressed by staff. Learnard seconded. Motion carried unanimously.

**07-13-04 Consider Rezoning – GC to LUC, Wisdom Pointe Retail Center,
Wisdom Road/SR 74**

Haddix noted the rezoning application had been withdrawn. The Planning Commission had recommended denial of the application for a list of reasons. He continued that the property owner only did hotels, and the owner wanted to get away from all the issues and problems with the zoning. The applicant would be back, but Haddix said he had no idea when or what would be presented.

Council/Staff Topics

Hot Topics

Pennington reported that City Attorney Ted Meeker had been elected president of the Georgia Municipal Attorneys Association, which meant Meeker now sat on the Board of Directors for the Georgia Municipal Association (GMA).

Imker introduced a subject for the August 15 Council meeting. He wanted to discuss the options for funding street and cart path maintenance in the City. He said it was a multi-million dollar decision that needed to be made for the future, and he wanted to give people a chance to look over the options. Imker provided a spreadsheet and said it had significant information on the spreadsheet (a copy of the spreadsheet is included in the meeting file). The options for discussion on August 15 would include the proposed 2013 Special Purpose Local Option Sales Tax (SPLOST), a 2014 General Obligation (GO) Bond, a millage rate increase, use of the City's General Fund Reserves, reduction in other City services, future Tax Digest increase, and other/combination of other options.

Haddix agreed, adding that laying out the alternatives was productive.

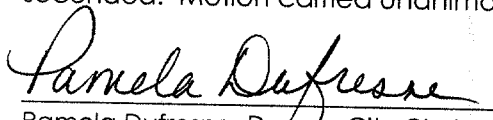
Executive Session

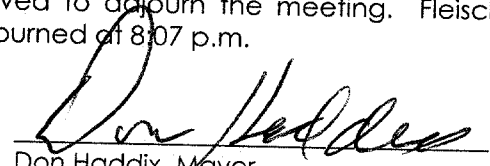
Learnard moved to convene in executive session for threatened or pending litigation at 7:36 p.m. Dienhart seconded. Motion carried unanimously.

Imker moved to reconvene in regular session at 8:05 p.m. Dienhart seconded. Motion carried unanimously.

Learnard moved to authorize the City Attorney and Doug Duerr to resolve the Ficalore case as discussed in executive session. Fleisch seconded. Motion carried unanimously.

There being no further business to discuss, Learnard moved to adjourn the meeting. Fleisch seconded. Motion carried unanimously. The meeting adjourned at 8:07 p.m.


Pamela Dufresne, Deputy City Clerk


Don Haddix, Mayor