

City Council of Peachtree City
REVISED AGENDA
July 17, 2003
7:00 p.m.

- I. Prayer
- II. Pledge of Allegiance
- III. Announcements, Awards, Special Recognition
 - Remind Attendees to Turn Off Cell Phones
 - Presentation of Trophies to July 4th Parade Winners
 - Recognize Battle of the Band Volunteers
 - Recognize Bill Lechner – 20-year Volunteer for PTCYSA
 - Recognize Korean War Anniversary and Veterans
 - Recognize Employee of the Month – Terry Blackburn
- IV. Minutes
 - June 19, 2003 Regular Meeting
- V. Consent Agenda
 - 1. Consider Appointment to Planning Commission
 - 2. Consider Project Management Agreement for GA 54 West Bridge/Gateway Feature
- VI. Old Agenda Items
- VII. New Agenda Items
 - 07-03-03 Consider City Slogan
 - 07-03-05 Public Hearing – Rezoning – Westpark Office Park (Reinstatement of LUC-3)
 - 07-03-06 Public Hearing – Rezoning – Phi Mu Sorority Tract (Reinstatement of LUC-17)
 - 07-03-07 Public Hearing – Rezoning – Revision to LUR-7 Zoning in Cardiff Park
 - 07-03-08 Public Hearing and Consideration of Variance Request – 202 Doe Run
 - 07-03-09 Appeal of Planning Commission Decision Regarding Georgian Park Carwash
 - 07-03-10 Public Hearing and Consideration of Variance Request – Highway 74 South & TDK Boulevard
- VIII. Council/Staff Topics
- IX. Executive Session

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

Revised 7/14/03

City of Peachtree City
Minutes of Meeting
June 19, 2003
7:00 p.m.

The City Council of Peachtree City met Thursday, June 19, 2003, 7:05 p.m., in the City Hall Council Chambers. Council Members attending were: Mayor Steve Brown, Annie McMenamin, Steve Rapson, Dan Tennant, and Murray Weed.

Announcements, Awards, Special Recognition

Mayor Brown presented a 10-year pin to Chris Campbell of the Fire Department. Thomas Holmes was recognized as Employee of the Month. He shared Employee of the Month honors with Jimmy Freeman who was unable to attend the meeting.

Brown read a statement concerning a Court of Appeals ruling in the case of *Coker v. Georgia*. Brown said the current interpretation of the ruling required all golf cart drivers to hold a driver's license and to follow the normal requirements relating to automobiles. Brown continued that the ruling affected all golf cart drivers on the City's streets and paths and was effective immediately. The ruling, dated June 13, 2003, upheld a ruling made last year by State Court Judge Fletcher Sams. Brown assured those attending the meeting that Council and staff would make every effort with the City's state legislators and state agencies to restore the City's golf cart privileges during the next legislative session. Brown reiterated that this was the current interpretation and they were waiting on an official interpretation from the state regarding the ruling.

Approval of Minutes

McMenamin asked Police Chief Jim Murray if he had heard anything from Creekside Chevron regarding the sale of rolling papers. Murray said he had not. McMenamin asked Murray to follow up on the matter. McMenamin moved to approve the May 15, 2003, regular meeting minutes as corrected. Weed seconded. The motion carried unanimously.

Weed moved to approve the June 5, 2003, regular meeting minutes as corrected. Tennant seconded. The motion carried 4-0-1 (Rapson).

New Agenda Items

06-03-06 Alcohol License – NEW – Saffron Market

Gena Chreiteh, applicant for license representative, addressed Council.

McMenamin noted that all the paperwork appeared to be in order and moved to approve Gena Chreiteh as the licensee and Sam Chreiteh as license representative for the alcoholic beverage license for Saffron Market. Weed seconded. The motion carried unanimously.

06-03-07 Public Hearing – Variance – 98 Pinegate Road

Applicant Scott Seymour addressed Council. He said he had purchased one of the last lots left in Pinegate. It was a low-lying lot and he had to bring in fill in order to start building earlier this year. He explained that because of the property on the right side of the parcel, the building had been moved as far as possible to the left side of the property. When he moved the location of the house, Seymour said he did not account for the arc in the road. As a result, the front corner of the garage encroached 3.7 feet into the front building setback. Seymour told Council there was no way to cut off the area that encroached into the setback and maintain the aesthetic appearance of the home. Seymour said his plan was to heavily landscape the area to hide the mistake. If he had to correct the encroachment, his two-car garage would become a one-car garage. Seymour continued that to fix the problem he would have to cut the front off.

McMenamin asked Seymour if he had enough property to extend his garage to the right and have the driveway in the front rather than the side. Seymour said they had considered that option, but they did not have the depth. A front-entry garage would mean they would lose their gable.

Weed clarified that it would be possible to have a two-car garage if the encroachment were corrected, but that the architecture would be aesthetically unpleasing. Seymour said yes. Weed asked Seymour if he had hired a contractor and whose responsibility it was to survey and stake the lot. Seymour said that he was in the site work business and that the encroachment had been a terrible mistake on his part.

City Planner David Rast told Council he had outlined the facts in his position paper on the variance request. He continued that he had looked through the building permit file and had determined that a lot could have been avoided if the City's procedures had been followed correctly. Rast noted that the building permit stated no subsequent construction was to start until the foundation survey had been submitted. Rast said the foundation survey had been prepared in March, but was never submitted, and the applicant continued to work on the house. Rast said the City kept going out and performing inspections when they were called because they thought the foundation survey had been turned in. He added that if the file had been checked, staff would have known no survey had been submitted. Rast said if the survey had been submitted in March the Seymours would not be in this situation. Rast said the error was clearly on the applicant's part initially and building continued after the foundation survey showed the encroachment. Rast said staff could not support the variance request.

Rapson said he compared Attachment C, the original building site plan, to the actual survey and that the footprint of the house looked different. Rapson said if the original plans had been followed there would not have been a problem. Rast said that was correct and the building permit had been issued based on Attachment C. Rapson continued that this was a hard situation. The house was beautiful and his heart went out to the Seymours, but their request did not fit the three criteria required for Council to approve a variance. The foundation survey would have shown the encroachment and something

could have been done before construction began. Rapson asked, if the Seymours had submitted the foundation survey on March 4, could the house could have been moved. Rast said something could have been done at that point.

Brown noted the erosion control plan. He said the building looked like it had flip-flopped from the original design. Brown asked what the 24-foot x 24-foot building on the plans was for. Seymour said the building was part of the original plan and was to be an offset garage/poolhouse. With the original design, Seymour would have been able to look into the windows of the neighbor to the right. Seymour said there was plenty of room to move the house back, but surrounding houses were closer to the road and they wanted to keep as much room as possible in the back yard. He noted the flood plain had also changed during the last few years and had moved forward.

Brown continued that the curvature of the road was noted on the erosion control plan. Seymour explained how surveyors worked in the field and said when he laid his line he did not allocate for the curve. He said the structure would not have encroached into the setback if the road followed a straight line. The foundation had five-foot to six-foot footers and the walls were three feet below the surface. Seymour said the situation would not be easy to correct regardless of when it was noticed.

Brown noted that the master permit was pulled January 13 and the permit showed a survey was required subsequent to construction. Seymour reiterated that the encroachment was really just a mistake on his part. Seymour continued that he probably had the survey in his hands around March 14. He said he brought the matter to the City's attention before the stop work order was issued. Seymour added that he had spoken with his neighbors and no one had a problem with his variance request.

Tennant asked Seymour if he had an estimate on the cost of fixing the encroachment. Seymour said the cost was probably around \$10,000, but the result would not be attractive. Seymour continued that he had a lot of additional expenses on the lot. He said the outbuilding was not something he could build right now and he would put more money into landscaping to hide the encroachment. Seymour said he turned a landscape plan into the City on June 18.

Brown told Seymour he appreciated his position, but there had been several changes made to the plans during the process. Brown said he could not come up with justification to approve the request based on the criteria to approve variances. He suggested Seymour talk to an architect to preserve the aesthetics of the home under the ordinance guidelines.

McMenamin agreed with Brown. She said there were alternatives for Seymour to consider and either way would be a great expense. McMenamin said she was not able to support the variance.

Rapson noted that the City's ordinances were the reason people chose to live here. He said he was stretching to see if Seymour's request met any of the criteria. Rapson said granting the variance was not appropriate.

McMenamin moved to deny the variance request. Weed seconded.

Tennant said, in all fairness, there had been no complaint from the neighbors and that Seymour made a compelling argument. He continued that the work would be extensive and the cost was expensive to correct the mistake. Tennant said the fact the Seymours were willing to mitigate the problem with extensive landscaping made a difference. Tennant said he felt Seymour made a compelling argument.

Brown pointed out that if Council granted a variance without meeting the ordinance requirements for a variance then a precedent was set. Anyone with the same conditions could ask for a variance and the situation could be worse than the Seymours.

The motion carried 4-1 (Tennant).

06-03-08 Consider Policy on Grant Awards Program

Rapson said the policy was self-explanatory. In the CAR 9-7 itself, Rapson said he had a few changes. He explained that the purpose of program was to allocate money so the City could go after grants funds and to reward the employees who went after the grant funds. Regarding his proposed changes, Rapson said he would like to change "Council" to "City Manager" under III. Program Guidelines, C and D. Rapson explained that both items required Council action and he felt Council took action when it approved the actual grant submission. He wanted to delegate the authority to the City Manager to approve grant applications in excess of \$75,000 and to approve grant applications that required recurring expenditures or cash matches. Rapson clarified the City Manager would determine if grant applications were appropriate.

Rapson moved to approve CAR 9-7 with the two changes noted under "C" and "D." Financial Services Director Paul Salvatore asked Rapson if he wanted to amend his motion to include the appropriate changes to the budget for this fiscal year. Rapson said yes and also directed staff to look and see if there were any employees eligible for the award this year. Weed seconded.

Rapson noted there would be no additional expense to the City for the program. The maximum award was \$1,000. Rapson restated his motion for the record and Weed seconded again. The motion carried unanimously.

06-03-09 Consider Budget Policy to Prioritize Projects

Salvatore said the purpose of the policy was to streamline the budget process by having an agreed upon set of guidelines for including capital projects in the PIP. He explained that the projects were broken down into categories – core, essential, and discretionary. He also included recommendations from the National Advisory Council and state and

local budgeting. Salvatore recommended adoption, but noted there were questions and concerns.

McMenamin asked if the policy had been on the website and staff answered the policy was included with the meeting's agenda packet. McMenamin continued there had been a lot of discussion about citizen involvement. She suggested putting the policy on the website so citizens could review it and table the matter until the next meeting for citizen input.

Rapson said he had an issue with some semantics, as well as the same concerns as McMenamin. He believed the policy was more of a guideline for staff when preparing budgetary preparations for the Public Improvement Plan (PIP).

Weed said this was a fundamental policy that required a workshop. He was hesitant to approve the policy in its current form at this meeting and added that it was an excellent first draft. Weed continued that he totally supported the concept, but was not prepared to accept this version.

Brown reminded the Council Members that they were going into budget meetings. Rapson felt it would be fine to make the policy a part of the budget workshop. He directed staff to put the policy on the website and to forward any citizen comments regarding the policy.

Salvatore said he would include the proposed policy for the workshop. He explained that the PIP budget included projects based on the policy. Weed said he was very interested in the categories, their definitions, and the subcategories. Brown said it would be interesting to see if projects fit under the guidelines. Rapson said the policy was geared toward PIP dollars, not operating capital, or Council Contingency funds.

06-03-10 Consider Change to EMS Fee Structure (Mileage)

Fire Chief Stony Lohr told Council that staff recommended the proposed changes to the fee structure. The fee per loaded mile would increase to \$5.53 for all patients. The other fees would remain unchanged. The increase in the fee reflected the current Medicare amount allocated. Chief Lohr said there would be no impact on the budget, but the revenue would increase \$35,000 a year.

Lohr said, under the current policy, the Department did not charge if they did not transport. He continued the Department did not charge if a patient was transported to a medical facility within Fayette County. The Department charged \$3 per loaded mile for transports outside of Fayette County.

Weed noted that the fee structure was last amended in October 2000. He asked if there was a pattern to review all City fees. Salvatore answered that he came to work for the City three years ago and had done a comprehensive revenue survey. At that time, it was agreed to review fees every three years unless something special came up. Lohr added

that the City should get what it was entitled to. Before 2000, the EMS fees were last changed in 1995. Lohr continued that there would be ongoing changes that would be federally mandated over the next few years.

Rapson moved to change the loaded patient mileage charge to \$5.53 to mirror the current Medicare reimbursement rate. Tennant seconded. The motion carried unanimously.

06-03-11 Consider Fire Department Fund Raising Request

Brown noted there were additional documents on the dais regarding this item.

Lohr addressed Council and asked them to sanction volunteer participation of on-duty firefighters in the annual Boot Drive fundraising event. He noted that all funds collected were given to the Georgia Firefighter Burn Foundation. He said that for years the Department only collected funds for the Georgia Firefighter Burn Foundation, but decided to add the Red Cross due to the organization's financial problems. Lohr continued that in the past only volunteers and off-duty firefighters had participated, but the reality was that most of the career firefighters lived outside the City and found it difficult to come into the City during their days off. The only time on-duty personnel participated in the Boot Drive was to collect funds for the victims of the September 11, 2001, World Trade Center attack.

Lohr said, based on the advice of the City Attorney, if Council officially recognized the activity, the participants would not be in violation of the City's ethics ordinance. He pointed out that the Red Cross was the only organization that helped with immediate needs of people after a fire or disaster. Lohr said the Georgia Firefighter Burn Foundation provided direct and indirect support to the Fire Department. He said there was a distinct benefit to supporting them. Lohr gave the dates for the Boot Drive – June 20-22.

Brown said that the Red Cross handled other sheltering items in addition to families burned out of their homes. They also worked with natural disasters and haz-mat incidents. The dates for the Red Cross drive had not been selected. Lohr reiterated that the participation would be voluntary and would not impact the level of service. People would be positioned so they could immediately respond if called out.

Tennant moved that Council officially sanction the voluntary participation of career on-duty firefighters in the fundraising event for the Georgia Firefighters Burn Foundation and the Georgia Red Cross. McMenamin seconded. The motion carried unanimously.

Council/Staff Topics

City Manager Bernard McMullen informed that the City had received the Fayette County 2003 Transportation Plan for review. McMullen said the County had scheduled a public hearing on July 2. He said staff would review the plan and would provide Council their feedback.

Temporary Interim Operations Manager Colin Halterman reported that there had been significant rainfall on June 17. City staff had been called to look at tree that had fallen on the road at Smokerise Trace. The Flat Creek tributary had washed out and undermined the west abutment of the bridge. The road had been closed and a contractor started working on the problem on June 18. He said a water main had broken and was temporarily repaired until the County had repaired it on the afternoon of June 19. Halterman said the road should re-open by Monday, June 23.

McMenamin noted that she had asked for a legal advisory a month ago regarding using staff to work on non-profit organization projects. McMenamin said she did receive the advisory.

Weed said he had also asked for information regarding the increase in code enforcement violations and that Building Official Tom Carty had e-mailed and telephone him with the explanation. Carty said there had been a 53% increase in citations over the previous year. There had been improvements in the database and how the citations were reported. Carty continued that there had also been a significant number of delinquent occupational taxes and Code Enforcement had visited the businesses to notify them. He explained that had been done routinely in the past, but this year they had accounted for it on notices of violation. The rain had also brought a lot of notices of violation to builders. When the sun came out, the grass grew. Carty said most of the increase was weather-related.

McMullen said confirmation had been received from all Council Members, so the budget workshops would be held July 24 and August 14 at 6 p.m. in Council Chambers.

There were no topics for Executive Session.

There being no further business to discuss, Tennant moved to adjourn the meeting. McMenamin seconded. The motion carried unanimously. The meeting adjourned at 8:10 p.m.

Jane Miller, City Clerk

Stephen D. Brown, Mayor

Pamela Dufresne, Recording Secretary

CITY OF PEACHTREE CITY

INTEROFFICE MEMORANDUM

TO: Mayor & Council Members

FROM: Temporary Interim Operations Manager 

DATE: July 11, 2003

SUBJECT: Planning Commission Appointment
July 17, 2003, City Council Agenda

Recommendation:

The Selection Committee recommends that Council reappoint Dennis Payton to serve a term expiring on October 1, 2006, and that Martin Mullin be appointed as alternate.

The committee further recommends that Council authorize Mr. Mullin to temporarily fill the post held by Robert Ames until such time as Mr. Ames can resume his duties.

Discussion:

The Selection Committee, composed of Mayor Brown, Council Member Rapson and City Manager Bernie McMullen interviewed 10 applicants for the Planning Commission vacancy. The committee's recommendation is above. Additionally, Planning Commission Member Robert Ames is currently unable to participate in the Commission, although he should be able to return later in his term. This temporary but long-term absence necessitates the second recommendation, which will allow the alternate to assume Mr. Ames' post during his absence.

The applications for Mr. Payton and Mr. Mullin are attached. Copies of all the applications are available at City Hall.

Budget Impact:

This item has no budgetary impact.

CITY OF PEACHTREE CITY

INTEROFFICE MEMORANDUM

TO: Mayor and Council Members

FROM: City Planner *David*

VIA: City Manager
Finance Director *P.S.*
Interim Developmental Services Director *ab*

DATE: July 9, 2003

SUBJECT: Project Management Agreement
GA 54 West multi-use bridge and gateway feature

Recommendation:

Staff recommends that Council authorize the Mayor to sign the Project Management Agreement for the GA 54 West multi-use bridge and gateway feature.

Discussion:

The Georgia Department of Transportation (GA DOT) has asked the Atlanta Regional Commission (ARC) to oversee the implementation of the Livable Centers Initiative (LCI) program. This means that ARC will be providing assistance to local government project sponsors of LCI implementation projects and to GA DOT as LCI projects move through GA DOT's Project Development Process and the federally mandated NEPA process. In order to facilitate this process, ARC contracted with Moreland Altobelli, a transportation consulting firm, to assist in managing the implementation of the LCI program.

ARC has allocated a portion of the LCI implementation funds to pay for Moreland Altobelli's services. Because these are federal funds, they require a 20% local match. ARC is unable to provide this match and has asked the local governments to supply this match money. On a per project basis, to include all three programmed phases, the required match works out to be \$1,500 per project. Peachtree City has forwarded these funds to ARC, and they have authorized Moreland Altobelli to initiate the contracting process for this project with us. This process begins with the signing of the Project Management Agreement.

Budget impact:

The total project cost for the GA 54 West multi-use bridge and gateway feature is estimated to be \$600,000, with a local match of 20% required (\$120,000). Funding for preliminary engineering (\$38,070) has been provided in the FY 03 Public Improvements Program budget, and construction funding (\$561,930) is proposed in the FY 04 budget. Total grant funding in the amount of \$480,000 are anticipated to offset these costs.

Attachment

**AGREEMENT
BETWEEN
DEPARTMENT OF TRANSPORTATION
STATE OF GEORGIA
AND THE
CITY OF PEACHTREE CITY
FOR
TRANSPORTATION FACILITY IMPROVEMENTS**

This AGREEMENT is made and entered into this ____ day of _____, 2003, by and between the DEPARTMENT OF TRANSPORTATION, an agency of the State of Georgia, hereinafter called the "DEPARTMENT", and the **City of Peachtree City**, acting by and through its Mayor/Chairman and Board of Commissioners, hereinafter called the "SPONSOR".

WHEREAS, the SPONSOR has represented to the DEPARTMENT a desire to improve the transportation facility listed in Exhibit "A" and attached hereto, hereinafter referred to as the "PROJECT"; and

WHEREAS, the SPONSOR has represented to the DEPARTMENT a desire to participate in certain activities of the PROJECT as set forth in this AGREEMENT, and the DEPARTMENT has relied upon such representations; and

WHEREAS, the DEPARTMENT has expressed a willingness to participate in certain activities of the PROJECT as set forth in this AGREEMENT.

THEREFORE, in consideration of the mutual promises made and of the benefits to flow from one to the other, the DEPARTMENT and the SPONSOR hereby agree each with the other as follows:

1. The SPONSOR shall contribute to the PROJECT by funding all or certain portions of the PROJECT costs for the *preconstruction engineering (design) activities, utility relocations, right of way acquisitions, and/or construction* as set forth in Exhibit "A".

2. The DEPARTMENT shall contribute to the PROJECT by funding all or certain portions of the PROJECT costs for the *preconstruction engineering (design) activities, utility relocations, right of way acquisitions, and/or construction* as set forth in Exhibit "A". The DEPARTMENT may use funds of the DEPARTMENT, funds apportioned to the DEPARTMENT by the Federal Highway Administration, hereinafter referred to as the "FHWA", under Title 23, United States Code, Section 104, or a combination of funds from any of the above sources; subject to those certain conditions set forth in this AGREEMENT.

3. If actual costs for any or all of the funding categories exceed the amounts set forth in Exhibit "A", the SPONSOR shall fund 100% of such excess costs.

4. The SPONSOR shall be responsible for all costs for the continual maintenance and the continual operations of any and all sidewalks and the grass strip between the curb and gutter and the sidewalk within the PROJECT limits.

5. The SPONSOR shall Certify that they have read and understands the regulations for "CERTIFICATION OF COMPLIANCES WITH FEDERAL PROCUREMENT REQUIREMENTS, STATE AUDIT REQUIREMENTS, AND FEDERAL AUDIT REQUIREMENTS" as stated in attachment A of this Agreement and will comply in full with said provisions.

6. The SPONSOR shall accomplish all of the design activities for the PROJECT. The design activities shall be accomplished in accordance with the DEPARTMENT's Plan Development Process, the applicable guidelines of the American Association of State Highway and Transportation Officials, hereinafter referred to as "AASHTO", the DEPARTMENT's Standard Specifications Construction of Roads and Bridges, the DEPARTMENT's Plan Presentation Guide, PROJECT schedules, and applicable guidelines of the DEPARTMENT. The SPONSOR's responsibility for design shall include, but is not limited to the following items:

a. Prepare the PROJECT concept report in accordance with the format used by the DEPARTMENT. The concept for the PROJECT shall be developed to accommodate the future traffic volumes as generated by the SPONSOR as provided for in paragraph 4b and approved by the DEPARTMENT. The concept report shall be approved by the DEPARTMENT prior to the SPONSOR beginning further development of the PROJECT plans. It is recognized by the parties that the approved concept may be modified by the SPONSOR as

required by the DEPARTMENT and reapproved by the DEPARTMENT during the course of design due to public input, environmental requirements, or right of way considerations.

b. Develop the PROJECT's base year (year facility is expected to be open to traffic) and design year (base year plus 20 years) traffic volumes. This shall include average daily traffic (ADT) and morning (am) and evening (pm) peak hour volumes. The traffic shall show all through and turning movement volumes at intersections for the ADT and peak hour volumes and shall indicate the percentage of trucks expected on the facility.

c. Validate (check and update) the approved PROJECT concept and prepare a PROJECT Design Book for approval by the DEPARTMENT prior to the beginning of preliminary plans.

d. Prepare environmental studies, documentation, and reports for the PROJECT that show the PROJECT is in compliance with the provisions of the National Environmental Protection Act and Georgia Environmental Protection Act, as appropriate to the PROJECT funding. This shall include any and all archaeological, historical, ecological, air, noise, underground storage tanks (UST), and hazardous waste site studies required. The SPONSOR shall submit to the DEPARTMENT all environmental documents and reports for review and approval by the DEPARTMENT and the FHWA.

e. Prepare all public hearing and public information displays and conduct all required public hearings and public information meetings in accordance with DEPARTMENT practice.

f. Perform all surveys, mapping, and soil investigation studies needed for design of the PROJECT.

g. Perform all work required to obtain project permits, including, but not limited to, US Army Corps of Engineers 404 and Federal Emergency Management Agency (FEMA) approvals. These efforts shall be coordinated with the DEPARTMENT.

h. Prepare the PROJECT's drainage design including erosion control plans and the development of the hydraulic studies for the Federal Emergency Management Agency Floodways and acquisition of all necessary permits associated with the drainage design.

i. Prepare traffic studies, preliminary construction plans including a cost estimate for the Preliminary Field Plan Review, preliminary and final utility plans, preliminary and final right of way plans, staking of the required right of way, and final construction plans including a cost estimate for the Final Field Plan Review, erosion control plans, lighting plans, traffic handling plans, and construction sequence plans and specifications including special provisions for the PROJECT.

j. Provide certification, by a Georgia Registered Professional Engineer, that the construction plans have been prepared under the guidance of the professional engineer and are in accordance with AASHTO and DEPARTMENT guidelines.

k. Failure of the SPONSOR to follow the DEPARTMENT's Plan Development Process will jeopardize the use of Federal funds in some or all of the categories outlined in this AGREEMENT, and it shall be the responsibility of the SPONSOR to make up the loss of that funding.

7. All Primary Consultant firms hired by the SPONSOR to provide services on the PROJECT shall be prequalified with the DEPARTMENT in the appropriate area-classes. The DEPARTMENT shall, on request, furnish the SPONSOR with a list of prequalified consultant firms in the appropriate area-classes.

8. The PROJECT construction and right of way plans shall be prepared in English units.

9. All drafting and design work performed on the project shall be done utilizing Microstation and CAiCE software respectively, and shall be organized as per the Department's guidelines on electronic file management.

10. The DEPARTMENT shall review and has approval authority for all aspects of the PROJECT. The DEPARTMENT will work with the FHWA to obtain all needed approvals with information furnished by the SPONSOR.

11. The SPONSOR shall be responsible for the design of all bridge(s) and preparation of any required hydraulic and hydrological studies within the limits of this PROJECT in accordance with the DEPARTMENT's policies and guidelines. The SPONSOR shall perform all necessary survey efforts in order to complete the design of the bridge(s) and prepare any required hydraulic and hydrological studies. The final bridge plans shall be incorporated into this PROJECT as a part of this AGREEMENT.

12. The SPONSOR shall follow the DEPARTMENT's procedures for identification of existing and proposed utility facilities on the PROJECT. These

procedures, in part, require all requests for existing, proposed, or relocated facilities to flow through the DEPARTMENT's Project Liaison and the District Utilities Engineer.

13. The SPONSOR shall address all railroad concerns, comments, and requirements to the satisfaction of the DEPARTMENT.

14. Upon the SPONSOR's determination of the rights of way required for the PROJECT and the approval of the right of way plans by the DEPARTMENT, the necessary rights of way for the PROJECT shall be acquired by the responsible party as set forth in Exhibit "A". Right of way acquisition shall be in accordance with the law and the rules and regulations of the FHWA including, but not limited to, Title 23, United States Code; 23 CFR 710, et. seq., and 49 CFR Part 24, and the rules and regulations of the DEPARTMENT. Failure of the SPONSOR to follow these requirements may result in the loss of Federal funding for the PROJECT and it will be the responsibility of the SPONSOR to make up the loss of that funding. All required right of way shall be obtained and cleared of obstructions, including underground storage tanks, prior to advertising the PROJECT for bids. The SPONSOR shall further be responsible for making all changes to the approved right of way plans, as deemed necessary by the DEPARTMENT, for whatever reason, as needed to purchase the right of way or to match actual conditions encountered.

15. Upon completion and approval of the PROJECT plans, certification that all needed rights of way have been obtained and cleared of obstructions, and certification that all needed permits for the PROJECT have been obtained by the SPONSOR, the

PROJECT shall be let for construction. The SPONSOR shall be solely responsible for securing and awarding the construction contract for the PROJECT.

16. The SPONSOR shall review and make recommendations concerning all shop drawings prior to submission to the DEPARTMENT. The DEPARTMENT shall have final authority concerning all shop drawings.

17. The SPONSOR agrees that all reports, plans, drawings, studies, specifications, estimates, maps, computations, computer diskettes and printouts, and any other data prepared under the terms of this AGREEMENT shall become the property of the DEPARTMENT. This data shall be organized, indexed, bound, and delivered to the DEPARTMENT no later than the advertisement of the PROJECT for letting. The DEPARTMENT shall have the right to use this material without restriction or limitation and without compensation to the SPONSOR.

18. The SPONSOR shall be responsible for the professional quality, technical accuracy, and the coordination of all designs, drawings, specifications, and other services furnished by or on behalf of the SPONSOR pursuant to this AGREEMENT. The SPONSOR shall correct or revise, or cause to be corrected or revised, any errors or deficiencies in the designs, drawings, specifications, and other services furnished for this PROJECT. Failure by the SPONSOR to address the errors or deficiencies within 30 days shall cause the SPONSOR to assume all responsibility for construction delays caused by the errors and deficiencies. All revisions shall be coordinated with the DEPARTMENT prior to issuance. The SPONSOR shall also be responsible for any claim, damage, loss or expense that is attributable to negligent acts, errors, or

omissions related to the designs, drawings, specifications, and other services furnished by or on behalf of the SPONSOR pursuant to this AGREEMENT.

19. Both the SPONSOR and the DEPARTMENT hereby acknowledge that time is of the essence and both parties shall adhere to the priorities established in the approved Transportation Improvement Program/State Transportation Improvement Program (TIP/STIP) or earlier. Furthermore, all parties shall adhere to the detailed project schedule, as approved by the DEPARTMENT. In the completion of respective commitments contained herein, if a change in the schedule is needed, the DEPARTMENT shall have final authority. If, for any reason, the SPONSOR does not produce acceptable deliverables at the milestone dates defined in the current TIP/STIP, or in the approved schedule, the DEPARTMENT reserves the right to delay the project's implementation until funds can be re-identified for construction or right of way, as applicable.

20. This AGREEMENT is made and entered into in FULTON COUNTY, Georgia, and shall be governed and construed under the laws of the State of Georgia. The covenants herein contained shall, except as otherwise provided, accrue to the benefit of and be binding upon the successors and assigns of the parties hereto.

IN WITNESS WHEREOF, the DEPARTMENT and the SPONSOR have caused these presents to be executed under seal by their duly authorized representatives.

RECOMMENDED:

CITY OF PEACHTREE CITY

State Transportation Planning Engineer

BY: _____
Name
Title

Director, Transportation Planning, Data &
Intermodal Development Division

Signed, sealed and delivered this _____
day of _____, 2002, in the
presence of:

Chief Engineer

Witness

DEPARTMENT OF TRANSPORTATION

Notary Public

BY: _____
Deputy Commissioner

This Agreement approved by the **CITY OF
PEACHTREE** CITY at a meeting held at

ATTEST:

this _____ day of _____, 2002.

Treasurer

City/County Clerk (as appropriate)

REVIEWED AS TO LEGAL FORM:

Office of Legal Services

FEIN: _____

EXHIBIT "A"

0004483

Responsible Party							
Project (PI #, Proj #, Desc.)	Type	Prelim. Eng	R/W	Construction	Utility Reloc. Costs	Acquire R/W	Const. Letting
STP-0004-00(483), P.I. No. 0004483 SR 54 West Bridge/Gateway, Fayette County	Q23 LCI Ped.	\$60,000 20% by City = \$12,000 80% by Fed. = \$48,000	City	\$540,000 20% by City = \$108,000 80% by Fed. = \$432,000	City	City	City

Note: 80% Federal means 80% of the actual phase amount not to exceed federal share.

ATTACHMENT A

CERTIFICATION OF COMPLIANCES

I hereby certify that I am a principle and duly authorized representative of _____
whose address is _____ and it is also certified that:

I. PROCUREMENT REQUIREMENTS

The below listed provisions of Federal Procurement requirements shall be complied with throughout the contract period:

- (a) 49 CFR Part 18 Section 36
Uniform Administrative Requirements for Grants and Cooperative
Agreements to State and Local Governments – Procurement
- (b) 23 CFR 635 Subpart A – Contract Procedures

II. STATE AUDIT REQUIREMENT

The provisions of Section 36-81-7 of the Official Code of Georgia Annotated, relating to the “Requirement of Audits” shall be complied with throughout the contract period in full such that:

- (a) Each unit of local government having a population in excess of 1,500 persons or expenditures of \$ 175,000.00 or more shall provide for and cause to be made an annual audit of the financial affairs and transactions of all funds and activities of the local government for each fiscal year of the local government.
- (b) The governing authority of each local unit of government not included above shall provide for and cause to be made the audit required not less often than once every two fiscal years.
- (c) The governing authority of each local unit of government having expenditures of less than \$ 175,000.00 in that government’s most recently ended fiscal year may elect to provide for and cause to be made, in lieu of the biennial audit, an annual report of agreed upon procedures for that fiscal year.
- (d) A copy of the report and any comments made by the state auditor shall be maintained as a public record for public inspection during the regular working hours at the principal office of the local government. Those units of local government not having a principal office shall provide a notification to the public as to the location of and times during which the public may inspect the report.

- (e) The audits of each local government shall be conducted in accordance with generally accepted government auditing standards.

III. FEDERAL AUDIT REQUIREMENT

The provisions of OMB Circular A-133 issued pursuant to the Single Audit Act of 1984, P.L. 98-502, and the Single Audit Act Amendments of 1996, P.L. 104-156 shall be complied with throughout the contract period in full such that:

- (a) Non-Federal entities that expend \$ 300,000 or more in a year in Federal awards shall have a single or program-specific audit conducted for that year in accordance with the provisions of OMB Circular A-133.
- (b) Non-Federal entities that expend less than \$ 300,000 a year in Federal awards are exempt from Federal audit requirements for that year, but records must be available for review or audit by appropriate officials of the Federal agency, pass-through entity, and General Accounting Office (GAO).
- (c) Except for the provisions for biennial audits provided in paragraphs (1) and (2) below, audits required shall be performed annually. Any biennial audit shall cover both years within the biennial period.
 - (1) A State or local government that is required by constitution or statute, in effect on January 1, 1987, to undergo its audits less frequently than annually, is permitted to undergo its audits biennially. This requirement must still be in effect for the biennial period under audit.
 - (2) Any non-profit organization that had biennial audits for all biennial periods ending between July 1, 1992, and January 1, 1995, is permitted to undergo its audits biennially.
- (d) The audit shall be conducted in accordance with Generally Accepted Government Auditing Standards.

Date

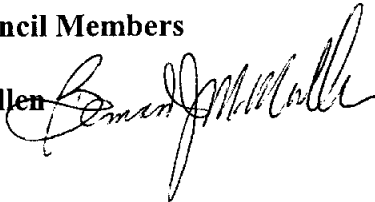
Signature

CITY OF PEACHTREE CITY

INTEROFFICE MEMORANDUM

TO: Mayor and Council Members

FROM: Bernard McMullen



DATE: June 24, 2003

SUBJECT: CITY SLOGAN
July 3, 2003, Council Agenda

Recommendation:

Council Members discuss and select a City slogan.

Discussion:

As you know, Council requested that City employees be asked to submit slogans that they believed best described Peachtree City. A total of eighteen were submitted and forwarded to Council for review. Three proposed slogans were recommended by Council Members. They are:

“Peachtree City – America’s Premier Planned Community”

“Peachtree City – Planned to Perfection”

“Peachtree City – Planned for Perfection”

Council will discuss these three proposed slogans at the July 3 Council meeting to determine if any should be adopted as the City’s official slogan. Should you have any additional comments/recommendations about a City slogan, please let me know.

Budget Impact:

None.

BJM:gr

CITY OF PEACHTREE CITY

INTEROFFICE MEMORANDUM

TO: Mayor and Council Members
FROM: City Planner *David*
VIA: City Manager
Interim Developmental Services Director *AS*
DATE: July 9, 2003
SUBJECT: Reinstatement of Limited Use Commercial District No. 3

Recommendation:

Staff recommends that Council reinstate the Limited Use Commercial District No. 3 zoning criteria for the Westpark Office Park (Attachment "A") and authorize Staff to codify this information into the City's Zoning Ordinance.

Discussion:

The Westpark Office Park was rezoned to LUC-3 Limited Use Commercial on February 6, 1984; and this zoning was established for the majority of the property east of Commerce Drive and south of Aberdeen Parkway. To date, all of the development within this area has complied with the requirements of this zoning.

A 5.02-acre tract on Westpark Drive within the overall Westpark Office Park was rezoned from LUC-3 to LUC-17 on April 6, 2000. This tract will be developed as the national headquarters for the Phi Mu Sorority, which complies with the intent of the original LUC-3 zoning. However, the parcel was rezoned to LUC-17 specifically to allow six (6) guest rooms within the building.

Staff discovered an error within the legal description adopted as a part of the LUC-17 zoning which inadvertently deleted the entire LUC-3 zoning from our Zoning Ordinance. To date, there have been no problems caused by this, but we would like to formally reinstate and codify the LUC-3 and LUC-17 zoning districts within the LUC Limited Use Commercial zoning ordinance.

At their meeting on June 23, 2003, the Planning Commission voted unanimously to recommend that Council reinstate the Limited Use Commercial District No. 3 zoning criteria into the Zoning Ordinance as originally approved and adopted (Attachment "B") and authorize Staff to codify this section into the Peachtree City Zoning Ordinance.

Budget impact:

There are no budget implications associated with this request.

Attachments

**AN ORDINANCE TO AMEND THE
PEACHTREE CITY ZONING ORDINANCE
TO REINSTATE THE LUC-3 ZONING ORDINANCE**

BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF PEACHTREE CITY, and it is hereby ordained by authority of the same, that Section 1006B Specific Limited-Use Commercial Districts be amended to reinstate Section 1006B.3 Limited Use Commercial District No. 3 as follows:

(Section 1006B.3) *Limited use commercial district no. 3.*

- (a) A tract of property described below shall be rezoned from its present classifications of **GR-6 and GR-10** to LUC-3. Said property is described as follows:

All that tract or parcel of land lying, situated, and being in Land Lot 130 of the Seventh Land District of Fayette County, Georgia, and being more particularly described as follows:

In order to find the true point of beginning, begin at a point formed by the easterly right-of-way of Georgia Highway 74 and the northerly right-of-way of Aberdeen Parkway; from said point run thence along the easterly right-of-way of State of Georgia Highway 74, 799.12 feet to the TRUE POINT OF BEGINNING.

From said POINT OF BEGINNING, run thence S 45°03'19" E 1306.91 feet to a point; run thence S 66°44'38" E 708.59 feet to a point; run thence N 73°40'59" E 694.26 feet to a point; run thence N 01°23'26" W 301.30 feet to a point located on the southerly right-of-way of Aberdeen Parkway; run thence N 82°25'35" W 90 feet to a point; run thence along the arc formed by the curve of the southerly right-of-way of Aberdeen Parkway an arc distance equal to 167.82 feet, the chord of said arc bearing N 72°36'47" W 166.29 feet; run thence N 59°46'06" W 127.44 feet to a point; run thence along the southerly and easterly right-of-way of Aberdeen Parkway an arc distance equal to 230.49 feet, the chord of said arc bearing N 44°06'39" W 228.20 feet; run thence N 32°31'35" W 383.87 feet to a point; run thence along the southern and eastern right-of-way of Aberdeen Parkway an arc distance of 573.91 feet to a point, the chord of said arc bearing N 59°33'25" W 538.40 feet; run thence N 89°12'26" W a distance of 458.58 feet to a point; run thence along the southerly right-of-way of Aberdeen Parkway an arc distance equal to 355.70 feet, the chord of said arc bearing S 79°22'36" W 352.72 feet to a point; run thence S 63°47'05" W 215.74 feet to a point, run thence along the southerly right-of-way of Aberdeen Parkway an arc distance of 55 feet to the TRUE POINT OF BEGINNING, the chord of said arc bearing S 62°37'19" W 55 feet to the true point of beginning.

(b) The above tracts of property are hereby rezoned on the following express conditions:

- (1) The use of said property shall be limited to those uses specified in the Code of Ordinances for Peachtree City, section (1006A.2), exception, section (1006A.2)(a), retail business; section (1006A.2)(j), hotel; and (1006A.2)(n), wholesale business.
- (2) No restaurant/lounge shall be permitted pursuant to section (1006A.2)(k) of the Zoning Ordinance of the City of Peachtree City unless plans reveal that said restaurant/lounge will be located entirely within an office building.
- (3) No access shall be allowed onto Aberdeen Parkway.
- (4) The developer shall reserve an undisturbed buffer easement, 25 feet in width, along the right-of-way of Aberdeen Parkway.

All Ordinances or parts of Ordinances in conflict with this Ordinance are hereby repealed in their entirety.

Done, Ratified, and Passed this _____ day of _____ 2003.

Stephen D. Brown, Mayor

Attest:

City Clerk

**UNAPPROVED EXCERPT FROM MINUTES
OF PLANNING COMMISSION MEETING**

JUNE 23, 2003

PH-03-02 Rezoning - Westpark Office Park (Reinstatement of LUC-3).

Mr. Rast explained that the Westpark Office Park was rezoned to LUC-3 Limited Use Commercial on February 6, 1984; and for years had been developing under those guidelines.

On April 6, 2000, the Phi Mu Tract, a 5.02-acre tract within the overall Westpark Office Park, was rezoned from LUC-3 to LUC-17. This tract was rezoned specifically to allow six (6) guest rooms within the overall building which would be the national headquarters for the Phi Mu Sorority. The LUC-17 zoning incorporated all of the LUC-3 restrictions and would also allow the guest rooms.

When the actual LUC-17 zoning ordinance was written and adopted, an error occurred which inadvertently deleted the entire LUC-3 zoning ordinance. Staff was requesting that the Planning Commission recommend that Council reinstate the LUC-3 section into the City's zoning ordinance as originally approved and adopted and authorize Staff to incorporate this section into the Peachtree City Zoning Ordinance.

Mr. Rast added that all of the property owners that would be impacted had been identified and would be notified. Staff recommended approval of the reinstatement.

No one else spoke in favor of or in opposition to the proposed reinstatement.

After discussion, a motion was made by Mr. Buckley, seconded by Mr. Green, and unanimously adopted to reinstate the LUC-3 zoning to the Westpark Office Park.

CITY OF PEACHTREE CITY

INTEROFFICE MEMORANDUM

TO: Mayor and Council Members
FROM: City Planner *David*
VIA: City Manager
Interim Developmental Services Director *EB*
DATE: July 9, 2003
SUBJECT: Reinstatement of Limited Use Commercial District No. 17

Recommendation:

Staff recommends that Council reinstate the Limited Use Commercial District No. 17 zoning restrictions for the Phi Mu Tract (Attachment "A") and authorize Staff to codify this information into the City's Zoning Ordinance.

Discussion:

On April 6, 2000, a 5.02-acre tract within the overall Westpark office park was rezoned from LUC-3 to LUC-17 (Attachment "B"). This rezoning was requested by the Phi Mu Sorority, who were in the process of relocating their national headquarters to Peachtree City and desired to have no more than six (6) guestrooms within their new facility. All other restrictions within the LUC-3 zoning would apply to this new zoning district.

Staff discovered an error within the legal description adopted as a part of the LUC-17 zoning which inadvertently deleted the entire LUC-3 zoning from our Zoning Ordinance. To date, there have been no problems caused by this, but we would like to formally reinstate and codify the LUC-17 zoning requirements within the LUC Limited Use Commercial zoning ordinance.

At their meeting on June 23, 2003, the Planning Commission voted unanimously to recommend that Council reinstate the Limited Use Commercial District No. 17 zoning criteria into the Zoning Ordinance as originally approved and adopted (Attachment "C") and authorize Staff to codify this section into the Peachtree City Zoning Ordinance.

Budget impact:

There are no budget implications associated with this request.

Attachments

**AN ORDINANCE TO AMEND THE
PEACHTREE CITY ZONING ORDINANCE
TO REINSTATE THE LUC-17 ZONING ORDINANCE**

BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF PEACHTREE CITY, and it is hereby ordained by authority of the same, that Section 1006B Specific Limited-Use Commercial Districts be amended to reinstate Section 1006B.17 Limited Use Commercial District No. 17 as follows:

(Section 1006B.17) *Limited use commercial district no. 17.*

- (a) A tract of property described below shall be rezoned from its present classifications of LUC-3 to LUC-17. Said property is described as follows:

To find the true POINT OF BEGINNING, commence at the intersection formed by the southerly right-of-way of Westpark Drive (60' right-of-way) and the easterly right-of-way of Commerce Drive (80' right-of-way); thence N 45°09'19" E a distance of 312.05 feet to a point of curve; thence, along a curve to the right having a radius of 462.39', a delta of 36°11'01", an arc length of 292.01' and a chord which bears N 63°14'52" E having a chord distance of 287.18' to a 5/8" rebar found and the TRUE POINT OF BEGINNING.

Thence, along a curve to the right having a radius of 462.39', a delta of 17°43'19", an arc length of 143.02' and a chord length which bears S 89°47'58" E having a chord distance of 142.45' to a point on a line; thence, S 80°56'19" E a distance of 289.99' to a point of curve; thence, along a curve to the right having a radius of 287.99', a delta of 54° 41'12", an arc length of 274.87' and a chord which bears S 53° 35'42" E having a chord distance of 264.56' to a point on a line; thence, S 25°38'10" E a distance of 39.09' to a ½" re-bar FOUND; thence, S 63° 44'18" W a distance of 233.69' to a ½" re-bar FOUND; thence, S 10°53'36" E a distance of 197.20' to a ¾" steel-rod FOUND; thence, N 88°04'31" W a distance of 201.87' to a ¾" steel rod SET; thence, S 76°04'16" W a distance of 56.14' to a 5/8" re-bar FOUND; thence, N 12°22'48" W a distance of 181.40' to a ½" re-bar FOUND; thence, N 56°25'55" W a distance of 163.60' to a ½" re-bar FOUND; thence, N 11°18'31" W, a distance of 280.00' to the TRUE POINT OF BEGINNING, and containing 219,021 SF or 5.028 acres of land, more or less.

- (b) The above tracts of property are hereby rezoned on the following express conditions:
- (1) The use of said property shall be limited to those uses specified in the Code of Ordinances for Peachtree City, section (1006A.2), exception, section (1006A.2)(a), retail business; section (1006A.2)(j), hotel; and (1006A.2)(n), wholesale business.

- (2) No restaurant/lounge shall be permitted pursuant to section (1006A.2)(k) of the Zoning Ordinance of the City of Peachtree City unless plans reveal that said restaurant/lounge will be located entirely within an office building..
- (3) Guest quarters will be permitted as an accessory use provided the following conditions are met:
 - a) There can be no more than six separate guest rooms on a single zoning lot;
 - b) There can be no more than one guest room for every 3,000 square feet of office space in a building;
 - c) All guest rooms must be located entirely within the office building;
 - d) No guest rooms shall include a complete kitchen;
 - e) All guest rooms shall be used only for short-term accommodations for bona fide business associates of the principal office use; and
 - f) The guest rooms shall be strictly for non-paying guests and no payment of any kind shall be made by those guests for the use of the facilities.
- (4) If at any time in the future the property is not to be used for the national headquarters of a sorority, the zoning will revert back to LUC-3.

All Ordinances or parts of Ordinances in conflict with this Ordinance are hereby repealed in their entirety.

Done, Ratified, and Passed this _____ day of _____ 2003.

Stephen D. Brown, Mayor

Attest: _____
City Clerk

**City Council of Peachtree City
Minutes of Meeting
April 6, 2000
7:00 p.m.**

The City Council of Peachtree City met in a regular session, Thursday, April 6, 2000, at 7:00 p.m. in the City Hall Council Chambers. Mayor Robert L. Lenox led those attending in the pledge of allegiance. Other Council members present were: Carol Fritz, Annie McMenamin, Dan Tennant and Bob Brooks.

ANNOUNCEMENTS, AWARDS, SPECIAL RECOGNITION

Mayor Lenox read a proclamation for National Library Week (April 9 - 15).

Mayor Lenox read a proclamation for Exceptional Children's week (April 10 -14).

Mayor Lenox recognized Theresa Vannier for her service on the Commission on Children and Youth.

Mayor Lenox announced that the Peachtree City Police Department was scheduled for an onsite assessment as part of a program to achieve reaccreditation by verifying it meets professional standards. Employees and members of the community were invited to offer comments at a public information session to be held on Monday, April 17, 2000, at 7:00 p.m. in the City Council Chambers. They were also invited to call the Assessment Team on April 17, between the hours of 1:00 p.m. and 5:00 p.m.

MINUTES

McMenamin made a motion to approve the minutes of March 16, 2000, as presented. Fritz seconded the motion. Motion carried unanimously.

CONSENT AGENDA

There were no consent agenda items.

OLD AGENDA ITEMS

There were no old agenda items.

NEW AGENDA ITEMS

04-00-01 Public Hearing - Rezoning - Westpark Drive (5.028 acres) - Phi Mu Sorority

Mayor Lenox read the rules for conducting a public hearing and set a time limit of 20 minutes for each side to present its case. Tate Godfrey, Pathway Communities, addressed Council on behalf of the applicant, the Phi Mu Sorority. He said they wished to rezone a 5.02 acre parcel within the Westpark Office Park from its current designation of LUC3 Limited Use Commercial to LUC16 Limited Use Commercial. The purpose of the proposed rezoning would be to allow the prospective purchaser of the property, the Phi Mu Sorority, to include six guest rooms within a new office building. He said if approved, the sorority would relocate its national headquarters to Peachtree City. He said the guest rooms would be used by the sorority's volunteer board members who would travel to Peachtree City occasionally for sorority business.

Jim Williams, Director of Developmental Services, supported the rezoning. He said the Planning Commission recommended approval of the rezoning with the following conditions:

- 1) There can be no more than six separate guest rooms on a single zoning lot;
- 2) There can be no more than one guest room for every 3,000 square feet of office space in a building;
- 3) All guest rooms must be located entirely within the office building;
- 4) No guest rooms shall include a complete kitchen;
- 5) All guest rooms shall be used only for short-term accommodations for bona fide business associates of the principal office use; and
- 6) The guest rooms shall be strictly and for non-paying guests and no payment of any kind shall be made by those guests for the use of the facilities.
- 7) If at any time in the future the property is not to be used for the national headquarters of a sorority, the zoning will revert back to LUC3.

Hearing no one else speak in favor of the rezoning, Lenox asked to hear from those opposing the rezoning. Hearing none, Lenox asked if there were any questions. Hearing none, Lenox called the hearing to a close so that Council could discuss the issue and render a decision.

McMenamin made a motion to approve the zoning with the conditions recommended by the Planning Commission. Brooks seconded the motion. Motion carried unanimously.

04-00-02 Consider Fayette County Jail Impact Fees

Jim Basinger, City Manager, explained that the Fayette County Commission was proposing a Development Impact Fee on each new residential unit throughout the County to help fund the cost of a jail facility projected to cost just over \$25 million dollars. They provided Council with an Executive Summary to explain the formula that was used in calculating the fee. Basinger said it was staffs preliminary opinion that Council could amend the City Development Impact Fee Ordinance by increasing the per unit fee for all service areas throughout the City by the initial \$818.88 jail impact fee. The fee would increase each 5-year period for the next 20 years with an ending fee set at \$1,223.74 per residential unit. He said before Council could amend the City ordinance, Fayette County would have to have the jail impact fee and formula approved by the State Department of Community Affairs.

Harold Bost addressed Council to answer questions. He urged Council to take action as soon as possible. He said each month the impact fee was not in effect would result in a significant amount of money that that would have to come from the existing taxpayers instead of the impact fees. Lenox agreed with the concept of the impact fee, but he felt he needed more time to study the issue. Lenox made a motion to table the issue until the next meeting. He said at that time if Council wanted to support the issue, they could instruct staff to organize the Impact Fee Committee to move forward with the process. McMenamin seconded the motion. Motion carried unanimously.

**UNAPPROVED EXCERPT FROM MINUTES
OF PLANNING COMMISSION MEETING**

JUNE 23, 2003

PH-03-03 Rezoning - Phi Mu Sorority Tract (Reinstatement of LUC-17).

As Mr. Rast stated during Public Hearing PH-03-02, on April 6, 2000, the Phi Mu Tract, a 5.02-acre tract within the overall Westpark Office Park, was rezoned from LUC-3 to LUC-17. This tract was rezoned specifically to allow six (6) guest rooms within the overall building which would be the national headquarters for the Phi Mu Sorority. The LUC-17 zoning incorporated all of the LUC-3 restrictions and would also allow the guest rooms.

Staff was requesting that the Planning Commission recommend that Council reinstate the LUC-17 section into the City's zoning ordinance as originally approved and adopted and authorize Staff to incorporate this sections into the Peachtree City Zoning Ordinance.

No one spoke in favor of or in opposition to the proposed reinstatement.

After discussion, a motion was made by Mr. Green, seconded by Mr. Saunders, and unanimously adopted to reinstate the LUC-17 zoning to the Phi Mu Sorority.

POSITION PAPER

Proposed Amendment to LUR-7 Zoning District: Cardiff Park Subdivision
Reduction in minimum rear building setback
City Planner/ Zoning Administrator *David*
July 9, 2003

Situation:

Olde Towne Builders has purchased all of the lots and is building homes within the Cardiff Park Subdivision. While several of these homes were under construction, decks were added on the rear of the homes, and many of these decks encroached into the established rear building setback. When this encroachment was discovered, the Applicant was notified that a variance would be required to correct this problem. The Applicant appeared before City Council on August 15, 2002, seeking variances for several lots. It was noted that variances would also be necessary to accommodate decks on additional lots within the subdivision. Rather than seeking variances for many of the lots within the overall subdivision, Council suggested that the Applicant work with City Staff to amend the rear building setback requirements, which would allow the existing decks to remain and the construction of decks on new homes to continue within the overall subdivision. The Applicant has submitted all of the required documentation and has requested that the existing LUR-7 zoning ordinance be amended to reduce the minimum rear-building setback (Attachment "A").

Facts:

1. The Cardiff Park subdivision was rezoned to LUR-7 Limited Use Residential on December 7, 1998. The site plan adopted as a part of this rezoning identified a 20' rear-building setback on all lots within the subdivision (Attachment "B").
2. Building Permits and Certificate of Occupancy permits have been issued for homes on twelve (12) lots within the overall subdivision. Eleven (11) of these homes have been sold and the remaining home serves as the model home and sales center.
3. On July 29, 2002, the Applicant submitted separate variance applications for Lots 7, 10 and 15 to correct the deck encroachment situation. This request was heard at the August 15, 2002, City Council meeting.
4. At that meeting, the Applicant indicated that variances would be necessary for several of the remaining lots within the subdivision to accommodate the rear decks. Another option was to redesign the remaining homes and have two styles of homes within the subdivision. Council voted to table these variance requests and asked the Applicant to work with City Staff to amend the rear building setback requirements within the LUR-7 zoning district from 20' to 10' (Attachment "C").

Proposed Amendment to LUR-7 Zoning District: Cardiff Park Subdivision

July 9, 2003

Page 2 of 2

5. As a part of their application to amend the zoning, the Applicant has provided written authorization from all property owners within the subdivision indicating they are aware of and support the request to reduce the rear-building setback.
6. At their meeting on June 23, 2003, the Planning Commission voted unanimously to recommend that the LUR-7 Limited Use Residential District No. 7 zoning classification be amended as requested to reduce the rear building setback requirements from 20' to 10' (Attachment "D").

Recommendation:

Staff recommends that Council amend the LUR-7 Limited Use Residential District No. 7 zoning classification as requested (Attachment "E"). Reducing the rear building setback from 20' to 10' will allow the existing decks to remain in place and will allow the construction of decks on new homes within the subdivision without the need for variances for individual parcels. This will also allow the builder to continue building similar homes within the subdivision rather than changing to a new product.

The rear of many of the lots within the subdivision are enclosed with a 6'-high wrought iron fence with brick pillars while the remainder of the lots are enclosed with a 6'-high solid masonry wall. Lots within the subdivision back up to a City-owned greenbelt or commercial property, and the deck encroachment will not impact these properties.

While Staff is in support of this reduction, the following conditions should also be adopted as a part of this amendment:

1. Decks and other outside structures must be identified on future site plans submitted to the Building Department prior to issuance of a Building Permit.
2. Only wooden decks or raised patios shall be permitted within this reduced setback. Roofed structures (enclosed patios, decks, sunrooms, etc.) shall not be permitted without securing a variance from the City.
3. In no case shall any part of the structure or deck encroach into the 10' building setback.

REQUEST FOR REZONING
CITY OF PEACHTREE CITY, GEORGIA

A request is hereby being made to change the zoning classification of the following described property:
See attached legal description for Cardiff Park Subdivision

This property is presently zoned: LUR-7

The proposed zoning classification is: LUR-7

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

Signature: Mark J. Willie, President

Owner: (print) See attached list

Agent: (print) Olde Towne Builders, Inc.

Address: 101 Devant Street, Suite 204, Fayetteville, Georgia 30214

Phone: 770/719-2800

Date: _____

This request, along with the required fee (\$600 + \$25/acre) and supplemental documents, has been properly submitted and is hereby accepted for consideration by the Planning Commission and the City Council:

Signature: David E. Rant

Title: Zoning Administrator

Date: 06-09-03

Request Number: 2003-01

Date of Planning Commission Public Hearing: June 23, 2003

Date of City Council Public Hearing: July 17, 2003

07/01/01

Attachment "A"

A SINGLE FAMILY COMMUNITY

OCT 3 1968

[illegible]

consulting engineers - surveyors - planners
P.O. BOX 2027 PEACHTREE CITY
GEORGIA 30269
PH. 770-487-9220 FAX 770-487-9225

CROWN DEVELOPMENT

CARDIFF PARK

A SINGLE-FAMILY COMMUNITY
PLANTERVA WAY PARKWAY
PEACHTREE CITY GEORGIA

LAND LOT 160	DATE 9/10/78
7th DISTRICT	REV.
FAIRFAX COUNTY, VA.	REV.
SCALE: 1" = 500'	JOB NO. 871508

Attachment "B"

**WEISSMAN, NOWACK,
CURRY & WILCO, P.C.**
ATTORNEYS AT LAW

Robert S. Stein

*Direct Dial (404) 926-4503
Direct Facsimile (404) 926-4703
E-Mail: robstein@wncwlaw.com*

June 23, 2003

Via Facsimile (770.631.2552)

David Rast, ASLA
City Planner/Zoning Administrator
153 Willowbend Road
Peachtree City, Georgia 30269

Re: 2003-01/Cardiff Park Re-zoning

Dear David:

As a follow-up to my letter of June 9, 2003 regarding the re-zoning for Cardiff Park, I wanted to make one correction. Please note that the current rear setback is twenty (20) feet rather than forty (40) feet. As noted in the letter of June 9, 2003, the request is to modify this rear setback to ten (10) feet.

I look forward to meeting with the members of the Planning Commission this evening. Should you have any questions, please contact me.

Sincerely,

WEISSMAN, NOWACK, CURRY & WILCO, P.C.

Robert S. Stein

RSS:sam

Cc: Mark Willie

ONE ALLIANCE CENTER • 4TH FLOOR • 3500 LENOX ROAD • ATLANTA, GEORGIA 30326

TELEPHONE 404.926.4500 • FACSIMILE 404.926.4600

300171-1 9771-003

www.wncwlaw.com

**WEISSMAN, NOWACK,
CURRY & WILCO, P.C.**
ATTORNEYS AT LAW
Robert S. Stein

*Direct Dial (404) 926-4503
Direct Facsimile (404) 926-4703
E-Mail: robstein@wncwlaw.com*

June 9, 2003

Via Facsimile (770/631-2552)

David E. Rast, ASLA
City Planner/Zoning Administrator
153 Willowbend Road
Peachtree City, Georgia 30269

Dear Mr. Rast:

As a follow-up to our messages, attached please find the Rezoning Application being filed by Olde Towne Builders, Inc. with regard to the Cardiff Park Subdivision. Weissman, Nowack, Curry & Wilco, P.C. is representing Olde Towne Builders, Inc. in this application. Olde Towne has obtained authorization from the owners of individual lots within the Subdivision and otherwise is the owner of the remaining lots.

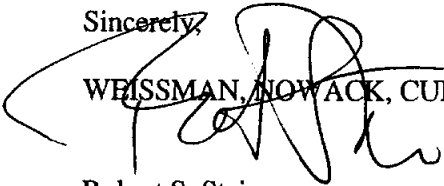
As the City is aware, the purpose of this rezoning is to change the text of the LUR-7 District to reflect a minimum rear setback of ten (10) feet rather than forty (40) feet. This rezoning is being requested in order to alleviate the need for variances on individual lots in the subdivision.

Olde Towne appreciates the City's on-going cooperation with regard to the error made as to the construction of certain decks within the community. As Olde Towne's representative, I would be happy to meet with yourself, one or more members of the Planning Commission or the City Council at any time if there are questions or concerns I can address in anticipation of the hearings on this request.

As a follow-up to your letter of March 17, 2003, as I understand the zoning request was initiated by the City Council there will be no application fee for this request. Please note that we have included the legal description as was set forth in the zoning ordinance, a copy of the plat, the list of homeowners and a copy of the authorizations. I will forward these items in the mail as well as any supplemental items.

Please let me know if all is in order with the application so that it may be advertised for the upcoming Planning Commission hearing. Thank you again for your assistance.

Sincerely,


WEISSMAN, NOWACK, CURRY & WILCO, P.C.

Robert S. Stein

RSS:sam

Attachments

cc: Mark Willie, Olde Towne Builders, Inc.

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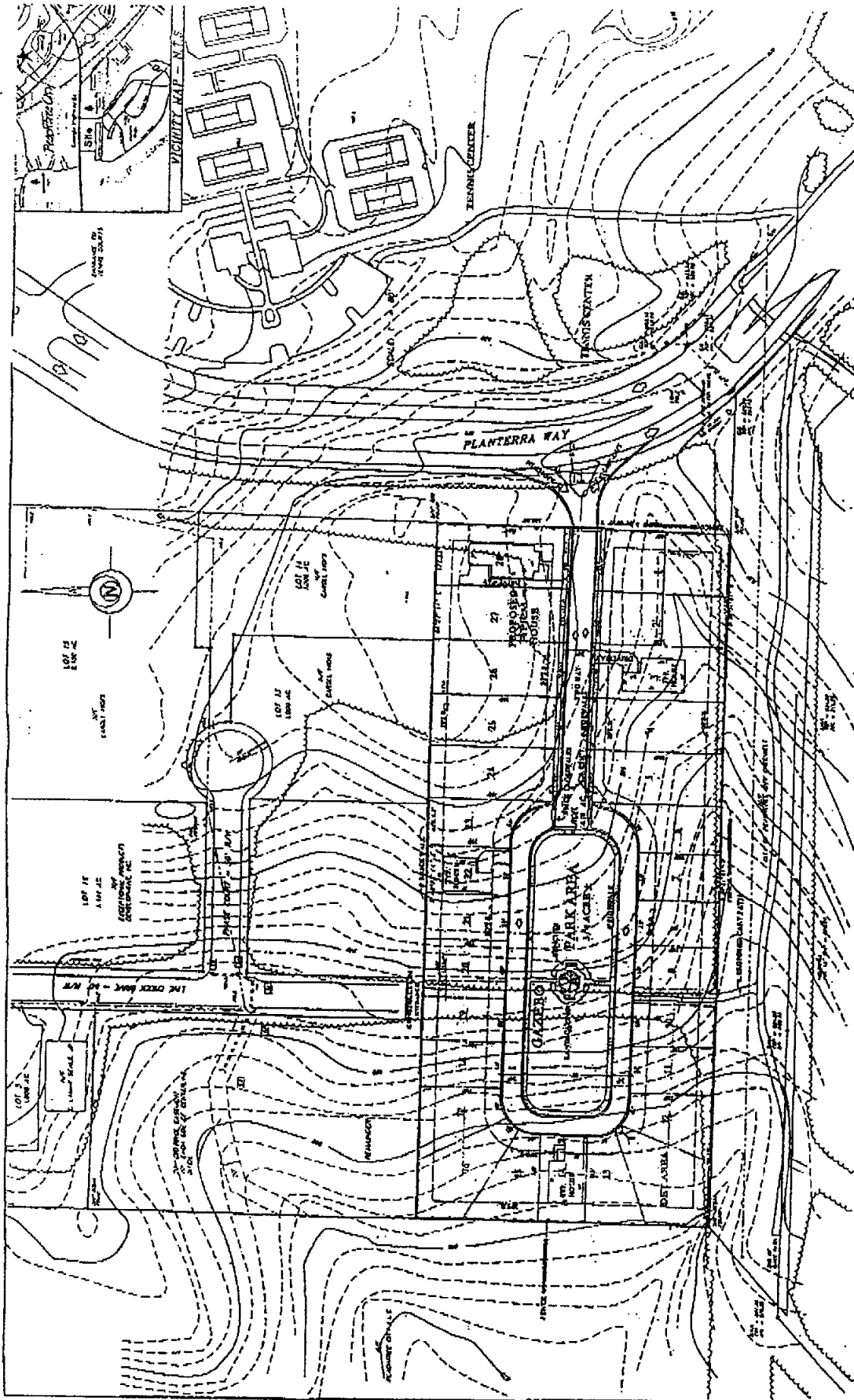
AN ORDINANCE TO AMEND
THE PEACHTREE CITY ZONING ORDINANCE
TO REZONE PROPERTY IN THE LINE CREEK COMMERCIAL SUBDIVISION
FOR RESIDENTIAL USE,
AND FOR OTHER PURPOSES

BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF PEACHTREE CITY, and it is hereby ordained by authority of the same, that the following described property containing 6.796 acres shall be rezoned from GC General Commercial to LUR-7 Limited Use Residential:

All that tract or parcel of land lying and being in Land Lot 160 of the 7th District of Fayette County, Georgia, and being more particularly described as follows:

Beginning at the intersection of the northwest right-of-way of Terra Verte (a 50' R/W) and the southwest right-of-way of Planterra Way (a variable R/W); Thence northwest along the southwest R/W of Planterra Way a distance of 411.57' to a point. Thence, leaving the R/W of Planterra Way North 88 degrees 24 minutes 01 seconds West a distance of 169.62 to a 5/8" rebar and the True Point of Beginning; Thence North 88 degrees 24 minutes 01 seconds West a distance of 829.58' to a 1/2" rebar; Thence North 01 degrees 17 minutes 58 seconds East a distance of 355.96' to a point; Thence South 88 degrees 22 minutes 14 seconds East a distance of 834.77' to a 5/8" rebar; Thence South 2 degrees 8 minutes 10 seconds West a distance of 355.53' to the True Point of Beginning. Said tract containing a total of 6.796 acres more or less.

The above-described tract is further illustrated in Exhibit "A" which is included with this Ordinance as an attachment. It is intended that the LUR-7 zoning district be established specifically for a 28-lot subdivision for single-family detached homes in accordance with the design presented in Exhibit "A" and consistent with the principles and standards set forth in the rezoning request dated October 9, 1998, and revised November 24, 1998. In addition to the special conditions stated above, the uses on this property shall be governed by the general conditions contained in Section 1013 of the Peachtree City Zoning Ordinance.



The information shown on this map is for informational purposes only and does not constitute a contract. The information shown on this map is for informational purposes only and does not constitute a contract.

JEFFERSON CONSULTANTS P.O. BOX 1117 ALPHARETTA, GA 30009 TEL: 770-401-1117 FAX: 770-401-1118	CROWN DEVELOPMENT	CARDIFF PARK AT PLANTERRA	A SINGLE FAMILY COMMUNITY PLANTERRA WAY PARKWAY PEACHTREE CITY GEORGIA
---	-------------------	---------------------------------	--

Revised 11/24/98

ADDENDUM TO APPLICATION FOR RE-ZONING
CARDIFF PARK SUBDIVISION

<u>Lot #</u>	<u>Owner</u>
1	Timothy & Wanda Ludell
2	Olde Towne Builders, Inc.
3	Olde Towne Builders, Inc.
4	John Stanfield
5	Keith Dresden
6	Olde Towne Builders, Inc.
7	Olde Towne Builders, Inc.
8	Olde Towne Builders, Inc.
9	Olde Towne Builders, Inc.
10	Tracey Lynn
11	Olde Towne Builders, Inc.
12	Olde Towne Builders, Inc.
13	Olde Towne Builders, Inc.
14	Olde Towne Builders, Inc.
15	Donald Summers
16	Olde Towne Builders, Inc.
17	Olde Towne Builders, Inc.
18	Olde Towne Builders, Inc.
19	Olde Towne Builders, Inc.
20	Olde Towne Builders, Inc.
21	Jonathan & Judith Jordan
22	Olde Towne Builders, Inc.
23	Olde Towne Builders, Inc.
24	Mike & Sherrie Robinson
25	Sam Lamia
26	Kevin & Susan Brane
27	Thomas & Kimberly Daniel
28	Hoyt & Laura Haynie

OWNER AUTHORIZATION

Owner acknowledges that he/she is the owner of property described below and owner authorizes/approves the filing of a re-zoning application by Olde Towne Builders, Inc. The purpose of the re-zoning is to reduce the rear setback requirements.

TIMOTHY F & WANDA E. LUDSELL
TYPE OR PRINT OWNER'S NAME

101 CROWN COURT
ADDRESS

PEACHTREE CITY, GA 30269
CITY, STATE, ZIP

1
LOT NUMBER

[Signature]
OWNER'S SIGNATURE

770-632-6232
OWNER'S TELEPHONE NUMBER

5/15/03
DATE

OWNER AUTHORIZATION

Owner acknowledges that he/she is the owner of property described below and owner authorizes/approves the filing of a re-zoning application by Olde Towne Builders, Inc. The purpose of the re-zoning is to reduce the rear setback requirements.

Sam W. Lamia
TYPE OR PRINT OWNER'S NAME

106 Crown Ct
ADDRESS

Peachtree City GA 30269
CITY, STATE, ZIP

#25
LOT NUMBER

[Signature]
OWNER'S SIGNATURE

770-632-5724
OWNER'S TELEPHONE NUMBER

5/15/03
DATE

OWNER AUTHORIZATION

Owner acknowledges that he/she is the owner of property described below and owner authorizes/approves the filing of a re-zoning application by Olde Towne Builders, Inc. The purpose of the re-zoning is to reduce the rear setback requirements.

HOYT - LAURA HOYT
TYPE OR PRINT OWNER'S NAME

100 CROWN COURT
ADDRESS

PRACHER CITY, GA 30269
CITY, STATE, ZIP

#28 CARDIFF PARK
LOT NUMBER

[Signature]
OWNER'S SIGNATURE

770-486-8848
OWNER'S TELEPHONE NUMBER

5-15-03
DATE

FAXED 5/29 3:30

OWNER AUTHORIZATION

Owner acknowledges that he/she is the owner of property described below and owner authorizes/approves the filing of a re-zoning application by Olde Towne Builders, Inc. The purpose of the re-zoning is to reduce the rear setback requirements.

John Stanfield
TYPE OR PRINT OWNER'S NAME

107 Crown Court
ADDRESS

Peachtree City, GA 30269
CITY, STATE, ZIP

4
LOT NUMBER

John Stanfield - John L. Stanfield
OWNER'S SIGNATURE

970-487-7494
OWNER'S TELEPHONE NUMBER

5/27/03
DATE

OWNER AUTHORIZATION

Owner acknowledges that he/she is the owner of property described below and owner authorizes/approves the filing of a re-zoning application by Olde Towne Builders, Inc. The purpose of the re-zoning is to reduce the rear setback requirements.

Keith Dresden
TYPE OR PRINT OWNER'S NAME

109 Crown Court
ADDRESS

Peachtree City, GA 30269
CITY, STATE, ZIP

5
LOT NUMBER

Keith Dresden
OWNER'S SIGNATURE

770 486-0035 334-616-7423
OWNER'S TELEPHONE NUMBER

MAY 31, 2003
DATE

OWNER AUTHORIZATION

Owner acknowledges that he/she is the owner of property described below and owner authorizes/approves the filing of a re-zoning application by Olde Towne Builders, Inc. The purpose of the re-zoning is to reduce the rear setback requirements.

Tracey Lynn
TYPE OR PRINT OWNER'S NAME

119 Crown Court
ADDRESS

Peachtree City, GA 30269
CITY, STATE, ZIP

10
LOT NUMBER

Tracey Lynn
OWNER'S SIGNATURE

678. 364. 9836
OWNER'S TELEPHONE NUMBER

May 13, 03
DATE

OWNER AUTHORIZATION

Owner acknowledges that he/she is the owner of property described below and owner authorizes/approves the filing of a re-zoning application by Olde Towne Builders, Inc. The purpose of the re-zoning is to reduce the rear setback requirements.

Donald H. Summers
TYPE OR PRINT OWNER'S NAME

126 Crown Ct
ADDRESS

PTL GA 30289
CITY, STATE, ZIP

15
LOT NUMBER


OWNER'S SIGNATURE

7-632-2616
OWNER'S TELEPHONE NUMBER

05/15/03
DATE

OWNER AUTHORIZATION

Owner acknowledges that he/she is the owner of property described below and owner authorizes/approves the filing of a re-zoning application by Olde Towne Builders, Inc. The purpose of the re-zoning is to reduce the rear setback requirements.

JONATHAN G. JORDAN

JUDITH A. JORDAN

TYPE OR PRINT OWNER'S NAME

114 CROWN COURT

ADDRESS

PEACHTREE CITY, GA 30269

CITY, STATE, ZIP

21

LOT NUMBER



OWNER'S SIGNATURE

770-631-6636

OWNER'S TELEPHONE NUMBER

5/15/03

DATE

OWNER AUTHORIZATION

Owner acknowledges that he/she is the owner of property described below and owner authorizes/approves the filing of a re-zoning application by Olde Towne Builders, Inc. The purpose of the re-zoning is to reduce the rear setback requirements.

Mike + Sherrie Robinson

TYPE OR PRINT OWNER'S NAME

108 Crown Ct.

ADDRESS

Peachtree City, GA 30269

CITY, STATE, ZIP

24
LOT NUMBER

[Signature]
OWNER'S SIGNATURE

770-487-1631
OWNER'S TELEPHONE NUMBER

5/15/03
DATE

OWNER AUTHORIZATION

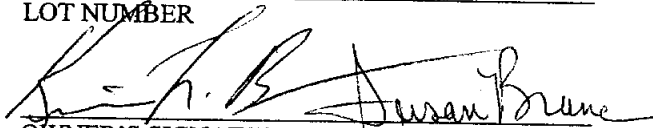
Owner acknowledges that he/she is the owner of property described below and owner authorizes/approves the filing of a re-zoning application by Olde Towne Builders, Inc. The purpose of the re-zoning is to reduce the rear setback requirements.

KEVIN & SUSAN BRANE
TYPE OR PRINT OWNER'S NAME

104 CROWN COURT
ADDRESS

PEACHTREE CITY, GA 30269
CITY, STATE, ZIP

LOT 26
LOT NUMBER


OWNER'S SIGNATURE

770 487 4933
OWNER'S TELEPHONE NUMBER

MAY 15, 2003
DATE

OWNER AUTHORIZATION

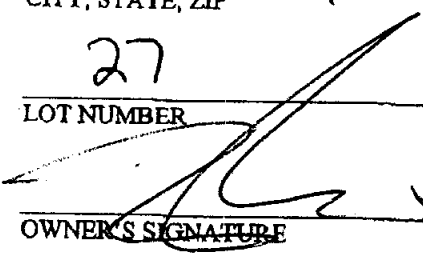
Owner acknowledges that he/she is the owner of property described below and owner authorizes/approves the filing of a re-zoning application by Olde Towne Builders, Inc. The purpose of the re-zoning is to reduce the rear setback requirements.

Thomas & Kimberly Daniel
TYPE OR PRINT OWNER'S NAME

102 Crown Court
ADDRESS

Peachtree City, GA 30269
CITY, STATE, ZIP

27
LOT NUMBER

 Kimberly Daniel
OWNER'S SIGNATURE

7-630-3047
OWNER'S TELEPHONE NUMBER

5-31-03
DATE

Jeff Troxel said the whole idea was a waste of time and money. He asked Council if they intended to go to court over the agreements or if they intended to sit down with the authorities and come up with a sensible, logical conclusion. Brown pointed out that Brooks had just agreed to a meeting on August 22 on behalf of the Development Authority.

McMenamin asked Lindsey if there was any gag order since there could be a possible lawsuit. Lindsey said there was not a gag order, but if the agreements were taken to court, any statements made in a public meeting could be used for or against Council. Troxel asked if any meetings with the authorities would be open and Brown answered absolutely. Rapson noted that he was abstaining from any discussion.

New Agenda Items

08-02-01 Public Hearing – Variance – 113 Crown Park

Mark Willie, vice-president of Olde Town Builders, Inc., the Cardiff Park subdivision, addressed Council and said his request was for a variance to correct the encroachment of a deck into the rear setback. He said the home was a model home in the community and was for sale. Willie did not want to penalize the homeowner in the future because it did not have a deck.

Brown commented that the homes in Cardiff Park subdivision were unique, but the decks were not on the preliminary drawings. He asked if the decks could be brought closer to the house. Willie said there was no room to do that. The deck was about 10 to 12 feet off the ground and the lot requirement was very steep.

Mike Robinson, a homeowner in Cardiff Park, said the homes were beautiful, but the product was difficult to put on lots because of the center island in the subdivision, which put constraints on the lots. He felt the deck encroachment presented very little problem and was not noticeable at all since a fence surrounded the subdivision. John Jordan and Tim Lydell agreed. Jordan said his home was on a similar lot, but was shorter and he did not see where the decks created a problem. Lydell added that no one was around the subdivision to see slight encroachments into the setbacks. Willie said there were 28 lots in the subdivision and eight homes had been sold.

City Planner David Rast noted the property was zoned G-C (General Commercial) until Jefferson Consultants asked for the rezoning to LUR-7 (Limited Use Residential). The G-C zoning would have allowed a variety of uses at the entrance to Planterra and it was felt the LUR zoning would be good between Planterra and the G-C zoning on Highway 54. The LUR zoning requirements were stringent and included a 20-foot rear setback. He indicated many of the lots could possibly have problems with the setback. Rast continued that when the applicant provided the plans for the subdivision the deck was not shown. If the deck had been shown, staff would have notified the builder at that time. The Building Department had not been aware the deck was in the setback either. Because the home has not been occupied, staff saw no reason to approve the variance request. Rast said removing or shortening the deck might create some hardships, but the

deck was done without the knowledge of the City and was not noticed until the certificate of occupancy was issued. One of the things to be considered that everything was done without the City's knowledge and had gone through the building permit process. Rast explained that was why there were several variance requests on the meeting agenda. Staff's recommendation was to not grant a variance. He added that quite a few lots would be affected and the rear of many of the homes were right on the rear building setback line.

Tennant commented that staff had listed several mitigating circumstances. He asked Rast if staff would be more willing to grant a variance if the home were occupied. Rast answered yes since the encroachment was the builder's fault rather than the homeowner who bought the home without any knowledge of the encroachment.

McMenamin noted that other homes had been sold and that the encroachment should have been noticed at the beginning. Rapson pointed out that staff had specified special circumstances for homeowners, but held the developer to a different standard. He felt if the hardship was valid for citizens it should probably be valid for developers.

Phyllis Aquayo pointed out there were 28 lots and eight homes had been sold and three variance requests had been turned in. She asked what the potential was for more variance requests.

Weed said the developer was required to present the decks in the drawings and decks were not included. He said that was the developer's responsibility.

Tennant asked if a certificate of occupancy should have been issued. Rast answered when the building official went to the site the encroachment was missed. Notes were made on the plats that specified the setbacks. Rast said a certificate of occupancy should not have been issued.

Jordan told Council that the matter was an aesthetic issue and it would not be easy to sell a home without a deck.

Rapson asked Willie since about 12 lots were impacted by the setback, if there would be more variance requests. Willie said that was a fair statement.

Tennant commented that he was thinking about down the road. He continued that the City made a mistake and there were mitigating circumstances. Tennant was in favor of granting the variance.

McMenamin gave a brief history of previous variances and pointed out that one subdivision's builder forgot to put chimneys on the plats. She recalled that one time a builder had to move an entire home because of an encroachment. McMenamin said she looked at the impact of a variance on the entire subdivision. She was concerned about doing something like removing the decks would destroy property values, but at the same

time did not want to open the door to more variances. She asked Rast if there were recommended conditions. Rast said staff requested the same conditions as with other variances. The oversight was the builder's, as well as the City's. Rast continued that this house was right on the cart path. He said he would like to impose similar conditions placed on the lots of other variance applicants from the neighborhood to try to get some vegetation to screen the view of the decks. Rast added that softening the impact of the view of the decks would benefit the neighborhood, as well as Planterra. McMenamin asked if the builder had agreed to the conditions listed for the other requests. Willie said yes.

Weed asked Willie how many variances he actually wanted. Willie said that was a good question and depended on whether or not the City wanted to change the product. He estimated there would be possibly three more variances if the product were not changed. Rapson said it looked like there might be more lots than three.

Brown expressed concern that the City was giving away its buffers. He asked if there was any kind of rezoning that could be done that would straighten things out. He continued that if the product changed now it would be a disaster. Brown said he was not against taking the area and doing some kind of overlay zone so all the lots could be taken care of at once rather than piecemeal. Rast commented that it might be easier to look at the Limited Use Residential zoning rather than doing an overlay. He said he would sit down with the builder, and then come back to Council.

McMenamin said she wanted to table the matter until staff and Willie sat down and worked things out. Brown agreed and said all of the requests could be wrapped up in one fell swoop. McMenamin moved to table all three of the rezonings (agenda items 08-02-01, 113 Crown Park; 08-02-02, 119 Crown Park; 08-02-03, 126 Crown Park) until staff and the builder came back to Council with a plan. Weed seconded. The motion carried unanimously.

08-02-04 Public Hearing – Variance – 645 North Fairfield

Steve Weyandt, owner of the property at 645 North Fairfield, addressed Council regarding his variance request. Weyandt applied for a variance to allow for a 10.1-foot encroachment into the rear building setback line. He told Council he wanted to build a deck on the rear of the home, which backed up to a City greenbelt. Weyandt commented that his next-door neighbor had already had a variance request for a deck approved. He had approached all of his neighbors and they all approved of his plan. Weyandt told Council he would do nothing to degrade the appearance of his home.

Rast reminded Council that the lots in Fairfield subdivision were relatively small. The home was built to the setback and was over a basement. Rast continued the home backed up to a dense greenbelt and staff felt the variance request should be granted for no more than 10.1 feet. Similar variances in Fairfield had been requested, including a request from the adjoining property owner. Rapson clarified that the entire deck would be in the setback. Rast said yes, as was every other house in the subdivision.

**UNAPPROVED EXCERPT FROM MINUTES
OF PLANNING COMMISSION MEETING**

JUNE 23, 2003

PH-03-04 Rezoning - Cardiff Park Subdivision (Revision to rear building setback).

Mr. Robert Stein of Weissman, Nowack, Curry, Wilco was in attendance to represent Olde Towne Builders who had purchased all of the lots and was building homes within the Cardiff Park Subdivision. He explained that they were requesting that the rear building setback be reduced from 20 feet to 10 feet because some of the rear decks had mistakenly been built into the setback.

Mr. Stein further explained that Mr. Mark Willie, president of Olde Towne Builders, had previously requested a variance for these properties. However, when he presented the request to City Council, they asked that a solution be achieved that would not require the issuance of numerous variances, e.g., filing a new application to rezone the subdivision with a reduction in the depth of the rear setback.

Mr. Rast presented the Staff position on this request. He noted that at the time the variance applications were submitted, it was discovered that there were actually several other lots that would also require a variance in order to install a deck in the rear setback.

Mr. Rast pointed out that when the original developer submitted the site plan and installed the infrastructure for Cardiff Park, there was not a definitive plan as to how the homes would look. The concept, however, was that they would all be similar in style with courtyards and garages in the front. He noted that the subdivision was bound on three sides by open space or greenbelt, and this reduction in setback would not have an adverse impact on any of the adjoining properties.

Mr. Rast further explained that it was pointed out at the City Council meeting that if the variances were not approved, the decks would have to be removed and the style of the homes would have to change. Since a large number of homes were already under construction, City Council did not think it was appropriate to change the style of the neighborhood.

Mr. Rast added that each property owner within the subdivision had been contacted to ensure they were aware of the proposal to reduce the rear setback and that they had no objections.

No one else spoke in favor of or in opposition to the proposed rezoning.

In response to a question from Mr. Payton, Mr. Rast explained that the encroachment into the buffer was discovered during one of the inspections for a certificate of occupancy. He noted that although the original foundation surveys did not show the decks, several certificates of occupancy were issued by the Building Department before the encroachments were discovered.

Mr. Buckley wondered if recommending approval of this rezoning would set a precedent.

In response to a question from Mr. Saunders, Mr. Rast stated that Staff's recommendation was that only decks be allowed if the rear setback was reduced. If a homeowner wanted to construct a patio enclosure, sunroom, etc., they would have to apply for a variance.

Mr. Buckley wondered whether this plan would have been approved if it had been submitted prior to construction of any of the homes. Mr. Rast said that if it had been possible to have the building plans submitted along with the initial rezoning, Staff would have recommended the 10-foot setback. He noted that the Limited Use Residential (LUR) zoning classification allowed site-specific criteria.

After discussion, a motion was made by Mr. Saunders, seconded by Mr. Buckley, and unanimously adopted to forward this rezoning request to City Council with a recommendation that it be approved subject to the following understandings and conditions:

- 1. Decks and other outside structures must be identified on future site plans submitted to the Building Department prior to issuance of a Building Permit.*
- 2. Only wooden decks or raised patios shall be permitted within this reduced setback. Roofed structures (enclosed patios, decks, sunrooms, etc.) shall not be permitted without securing a variance from the City.*
- 3. In no case shall any part of the structure or deck encroach into the 10' building setback.*

Ordinance Number _____ (LUR-7 - modified)

**AN ORDINANCE TO AMEND
THE PEACHTREE CITY ZONING ORDINANCE
TO REZONE PROPERTY ADJACENT TO PLANTERRA WAY
TO CHANGE THE CONDITIONS OF DEVELOPMENT,
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 authority of the same, that all property included in the LUR-7 zoning district be rezoned with the following modified conditions:

- (a) The rear building setback for all lots shall be reduced from 20' to no less than 10'.
- (b) Decks and other outside structures must be identified on all site plans submitted to the Building Department prior to issuance of a Building Permit.
- (c) Only wooden decks or raised patios shall be permitted within the reduced setback. Roofed structures (enclosed patios, decks, sunrooms, etc.) shall not be permitted without securing a variance from the City.
- (d) In no case shall any part of the structure or deck encroach into the 10' building setback.

All Ordinances or parts of Ordinances in conflict with this Ordinance are hereby repealed in their entirety.

Done, Ratified, and Passed this _____ day of _____ 2003.

Stephen D. Brown, Mayor

Attest:

City Clerk

Attachment "E"

POSITION PAPER

Proposed Variance: Lot 25, Spooner Ridge, Section 15

Phillips Residence

Planning Intern *R7*

City Planner/ Zoning Administrator *David*

July 10, 2003

Situation:

Mr. Phillips owns the home at 202 Doe Run, which was built many years ago. The existing structure encroaches into the required rear setback area. Mr. Phillips desires to remodel the existing kitchen and add two exterior doors to the home. He has applied for a variance to permit these activities (Attachment "A").

Facts:

1. Lot 25 is zoned R-15 Residential. The recorded subdivision plat for Spooner Ridge, Section 15 (Attachment "B") was recorded in August 1973, and home construction began shortly thereafter.
2. The rear building setback in the R-15 zoning district is 30'. The existing structure encroaches 12.8 feet into the required rear setback. The corner of the existing structure is located approximately 17.2 feet from the rear property line.
3. The proposed remodeling would not require additional encroachments into the required rear setback.
4. A copy of the portion of the Zoning Ordinance that addresses variance policies and procedures is included as Attachment "C."

Recommendation:

The staff recommends that a variance of 12.8 feet be granted for the original structure and that the Applicant be allowed to remodel the kitchen and add the two exterior doors as requested. Further, the staff recommends that this variance be applied to any modifications required to the subject parcel in the future, as long as the existing building footprint remains the same and no other encroachments into the required setbacks are necessary.

Attachments "A" – "C"

REQUEST FOR VARIANCE
ZONING ORDINANCE, CITY OF PEACHTREE CITY

2003-08

This is a request for a variance from the requirements of the Peachtree City Zoning Ordinance for the property located at: 202 DOE RUN

The reason this variance is being requested is as follows: SETBACK VIOLATION THAT IS PRE-EXISTING

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) STANLEY C. PHILLIPS

Address: 202 DOE RUN

Phone: 770-631-3634

Signature: Stanley C Phillips

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:

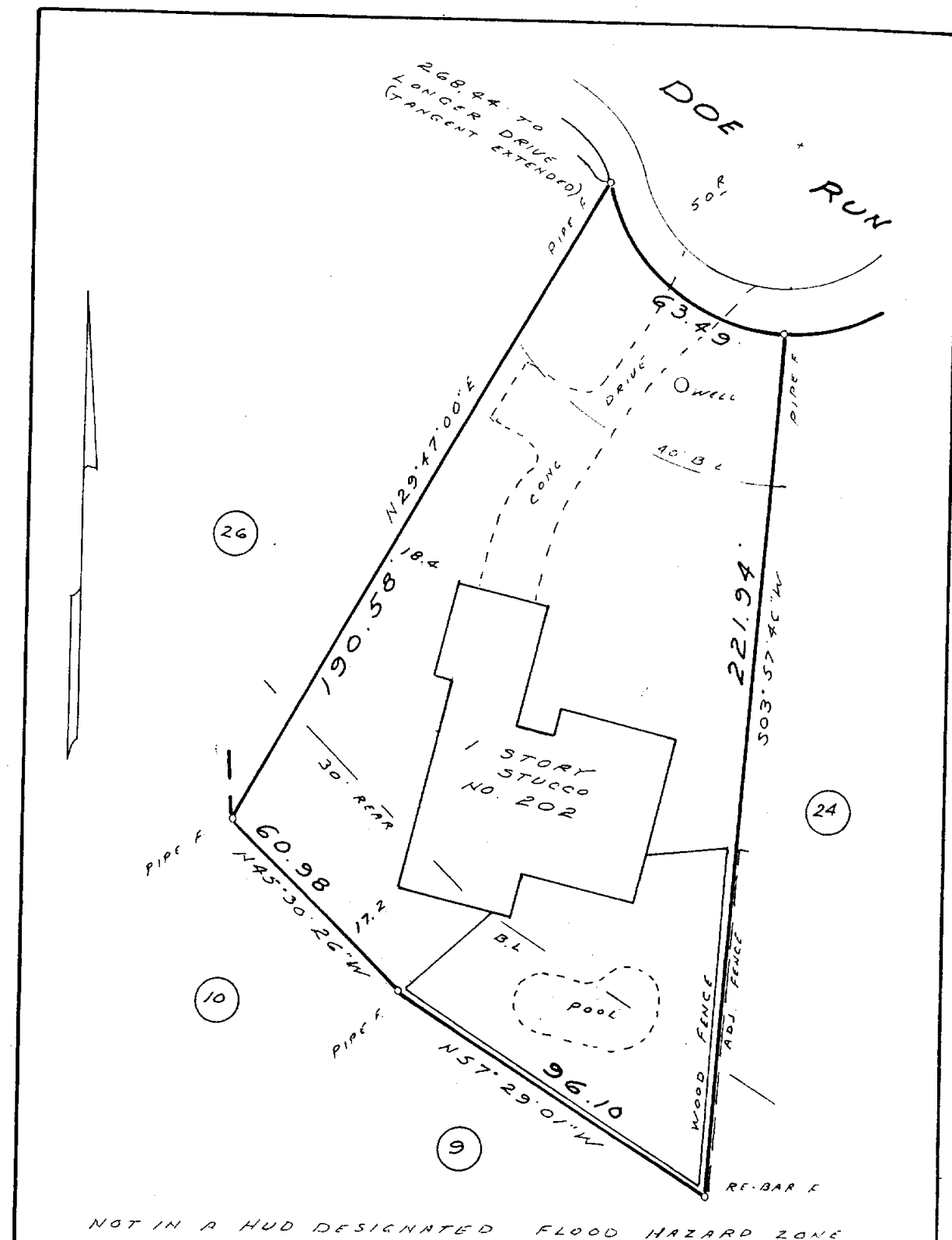
Signature: David E. Pant

Title: Zoning Administrator

Date of Acceptance: 06-23-03

Date of Public Hearing: 07-17-03

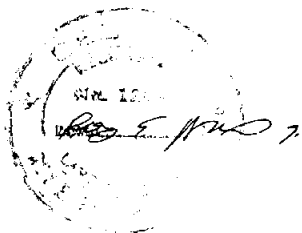
adv. 07-02-03



Attachment "B"

PROPERTY OF: STANLEY PHILLIPS

LOT 25 SPOONER RIDGE
SECTION 15 (PEACHTREE CITY)
LAND LOT 132-7TH DISTRICT
FAYETTE COUNTY, GEORGIA
SCALE: 1" = 30' DATE: 9-19-95
BY: ROY E. HOUSWORTH, JR.



(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)

POSITION PAPER

Appeal of Planning Commission decision

Georgian Park car wash

City Planner/ Zoning Administrator

July 10, 2003

David

Situation:

At their meeting on June 23, 2003, the Planning Commission denied the conceptual site plan for the Georgian Park car wash by a vote of 4-0. This action was taken because several members of the Commission felt the proposed development "did not meet the merits of the environment that was being created on Georgian Park." The Applicant, Tom Hardy of OMNI Consultants, appealed the Planning Commission's decision on June 25, 2003, and is seeking relief of this decision from City Council.

Facts:

1. The concept plat for the Georgian Park commercial subdivision was presented to and approved by the Planning Commission on April 24, 1995. The overall subdivision consists of approximately 14 acres and is zoned GC General Commercial (Attachment "A").
2. Existing development within this five lot commercial subdivision includes the Georgian Park Convenience Center, which contains a Shell gas station and convenience store, a Valvoline oil change business, a tanning salon, a real estate office, and a vacant restaurant space. A Holiday Inn Suites hotel is located adjacent to the convenience center, and both of these developments are located across Newgate Road from the proposed car wash facility (Attachment "B"). The remaining parcels within this subdivision were pre-cleared and graded several years ago to assist in marketing efforts.
3. On May 21, 2003, Mr. Tom Hardy of OMNI Consulting submitted a conceptual site plan for a proposed car wash facility at the intersection of Georgian Park and Newgate Road (Attachment "C"). This information was distributed to and reviewed by City Staff, and review comments were forwarded to the Applicant on June 2, 2003 (Attachment "D").
4. Due to the nature of the proposed development, Staff scheduled an informal review of the project during a workshop session at the June 9 Planning Commission meeting (Attachment "E"). Additionally, Staff contacted representatives from the homeowner's associations for the Georgian Park condominiums, the St. Simon's Cove subdivision, and the Lake Kedron Community Association (Albemarle, Cottage Grove, Sutton's Cove, Larkin's Landing and The Point on Lake Kedron subdivisions) to inform them of the proposed development.

Appeal of Planning Commission decision

July 10, 2003

Page 2

5. The proposed car wash development was discussed at length at the scheduled workshop session. The workshop format provided an opportunity to review the proposed development and to identify concerns from City Staff, the Planning Commission and residents of the residential developments across Georgian Park (Attachment "F").
6. The Applicant submitted a revised conceptual site plan on June 16, which addressed all of the items contained within Staff's initial review letter as well as several items discussed during the Planning Commission workshop. This information also included schematic architectural elevations of the building and documentation pertaining to noise generation by equipment proposed for the facility (Attachment "G").
7. The revised conceptual site plan was presented to the Planning Commission at their meeting on June 23, 2003. Staff recommended that the project be approved since it is a permitted use within the GC General Commercial zoning district. Due to the nature and location of the proposed development, Staff also recommended that two members of the Planning Commission be appointed to serve as Representatives for this project and that a representative from Georgian Park condominiums and the St. Simon's Cove subdivision be appointed to work with Staff and the Planning Commission Representatives to review the details of this project. Staff's memorandum also included nine conditions of approval (Attachment "H").
8. The minutes (unapproved) of the June 23 Planning Commission meeting indicate the Applicant agreed to all of Staff's conditions of approval. In addition, the Applicant agreed to work with City Staff, the Planning Commission Representatives and representatives from the Georgian Park condominiums and the St. Simon's Cove subdivision throughout the development of this property (Attachment "I").
9. After lengthy discussion, a motion was made to deny the conceptual site plan for the Georgian Park Car Wash "because it did not meet the merits of the environment that was being created on Georgian Park." The motion to deny the conceptual site plan passed by a vote of 4-0.
10. The Applicant appealed this decision on June 25 and requested that the Mayor and Council review the matter at their next available meeting (Attachment "J"). This appeal is based on the subject property being zoned for the proposed car wash, and the denial of the conceptual site plan was based on use as opposed to the site plan itself.

Appeal of Planning Commission decision

July 10, 2003

Page 3

Recommendation:

The staff recommends that the appeal of the Planning Commission's recommendation to deny the conceptual site plan for this development be granted. This recommendation is based on the following facts:

1. The proposed car wash is a permitted use within the GC General Commercial zoning district.
2. The proposed car wash is consistent with existing uses within the Georgian Park commercial subdivision and is directly across the street from an existing gasoline station, convenience store and automobile lube center.
3. The conceptual site plan meets or exceeds all of the requirements specified within the City's Land Development Ordinance.
4. The Applicant has continued to work with City Staff to incorporate various changes into the conceptual site plan.
5. The Applicant has agreed to all conditions recommended by City Staff and to continue working with City Staff, two Planning Commission Representatives and representatives from the residential developments across Georgian Park to finalize details for this project.

Attachments "A" – "J"

plans are being drafted to take the Jiffy Lube specifications into consideration. However, the car wash and the Jiffy Lube buildings, while independently-located on the site, will be compatible in architecture, color and design, Koons said.

Mr. Piet reminded the developer that Jiffy Lube's national franchise building and design standards will still be subservient to local municipal standards and design restrictions. Mr. Foley suggested that there needs to be additional buffering along the south and west sides of the location, noting also that this site will be setting a precedent for further development in this area.

After discussion, Mr. Piet made a motion, seconded by Mr. Hyde, and unanimously adopted, to approve the conceptual site plan for this project subject to the stipulations outlined in a City staff memorandum dated April 21, 1995 which called for screening around outside units and an approved storm water management plan. Additional conditions recommended by Mr. Foley, Commission representative on this project, call for additional buffering along the south and west sides of the site and City review and approval of building colors and design.

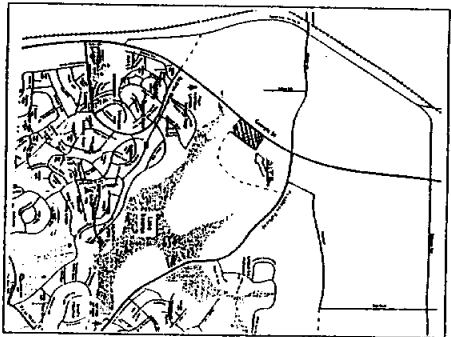
~~04-95-06 Concept Plan, Georgian Park Commercial Subdivision~~

Mr. C. L. Douthard represented the developer, Peachtree City Development Corporation, in presenting the plan for this commercial subdivision, located on the northeast corner of the GA 74/Georgian Park intersection. The approximately 14 acre site is currently zoned General Commercial. A 50-foot buffer will line the GA 74 boundary, Douthard stated, but that the buffers along Georgian Park will be determined by individual parcel owners. Cart path access will be provided by an existing underground tunnel at that location.

After discussion, a motion was made Mr. Piet, seconded by Mr. Campbell, and unanimously adopted to approve the conceptual site plan for the Georgian Park Commercial Subdivision as presented. Mr. Campbell will represent the Commission on this project.

04-95-07 Conceptual Site Plan, Day Care Center, Clover Reach Industrial/Commercial Subdivision

Mr. Roger Paluzzi, the project architect, presented the proposed site plan. The project is located on Clover Reach Road on a two-acre parcel zoned Limited Industrial. The day care center will be operational 12 to 14 hours a day and will care for preschoolers as well school-aged children in the after school hours of 3 to 6 P.M. on weekdays. An inground pool on the premises will be enclosed by a chain link fence, as will the overall outside play area. Mr.



LOCATION MAP
NOT TO SCALE

ARBENEE SUBDIVISION

3 LOTS +/- 14 ACRES ZONED GC
 160' WIDE LOT WITH 150'
 SET BACKS FRONT 10' BUILDING 20' PARKING
 SIDE 10' REAR 20'

LOT SIZE 30,000 SF. 160' WIDE

LAND LOT 134

7TH LAND DISTRICT, FAYETTE COUNTY, GEORGIA

OWNER/DEVELOPER: CITY OF ARBENEE, L.L.C.

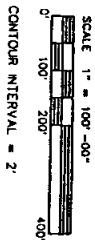
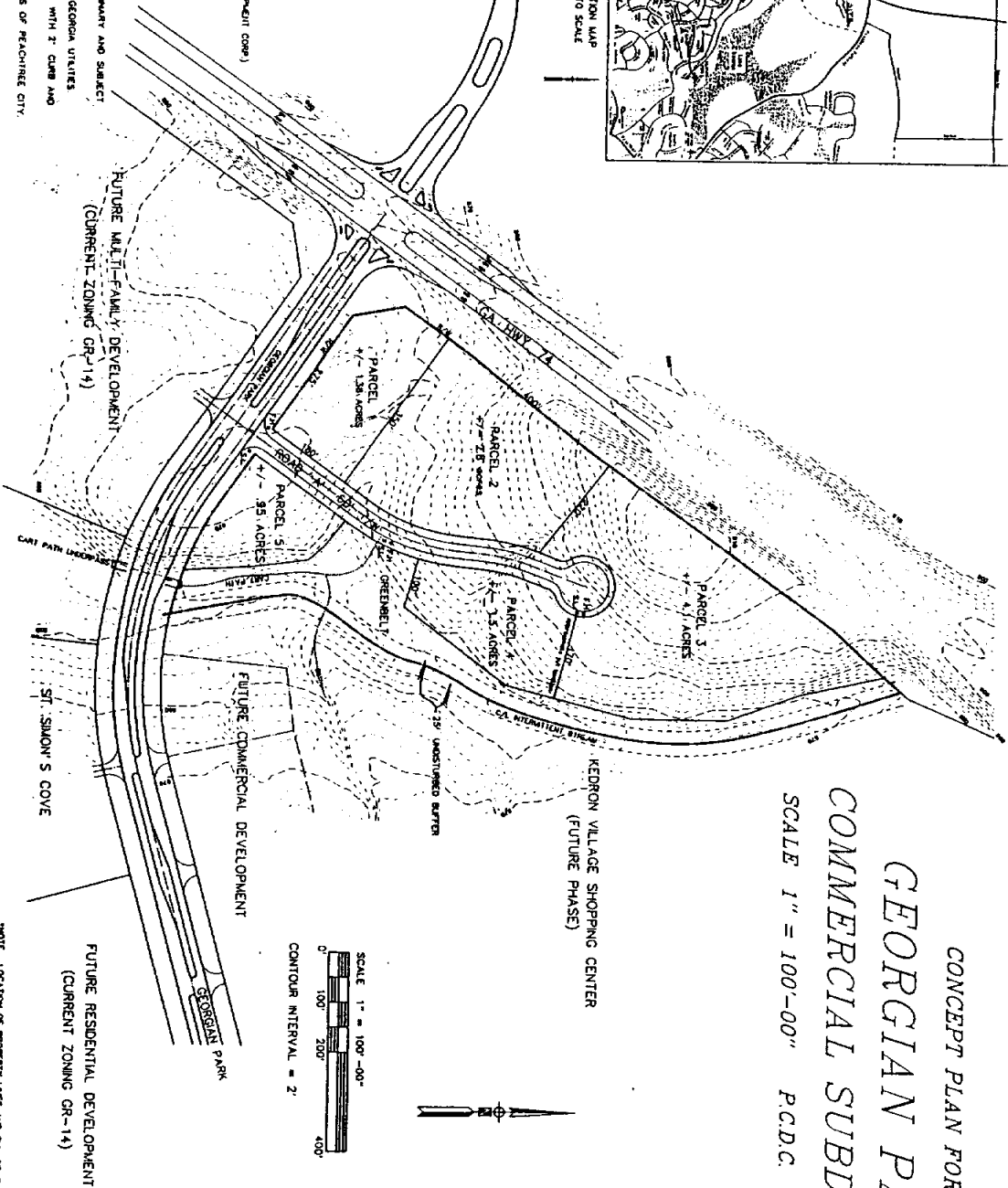
1440 ATLANTA STREET, ARBENEE, GEORGIA 30118

P.O. BOX 2007
 ARBENEE, GEORGIA 30118

DATE: APRIL 11, 1995

NOTES:

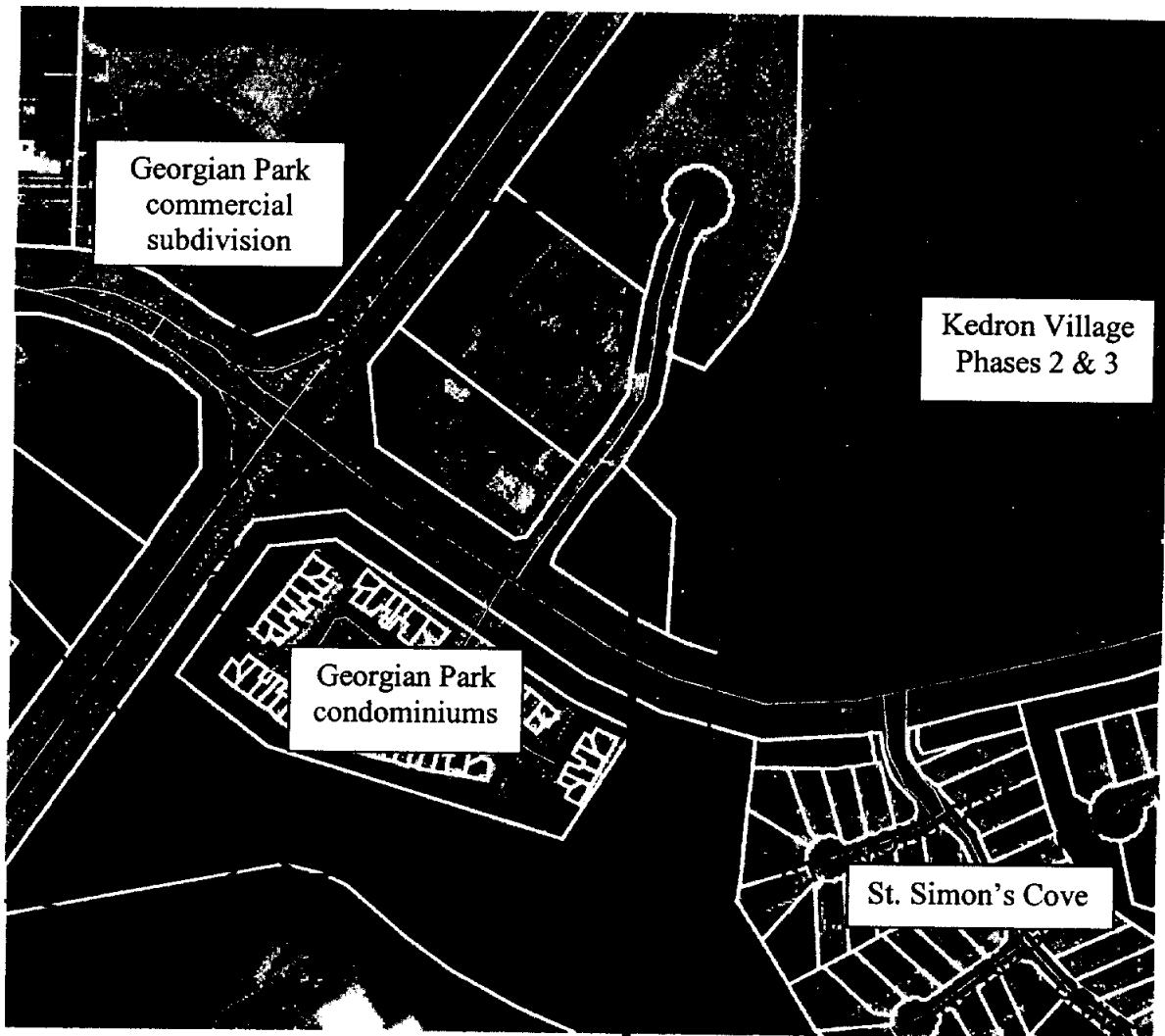
ALL ACREAGE AND DIMENSIONS ARE PRELIMINARY AND SUBJECT
 TO FINAL P.L.A.T.
 ALL LOTS ON COUNTY WATER SEWER BY GEORGIA UTILITIES
 WITHIN OF PROPOSED STREETS 20' PAVING WITH 2' CURB AND
 DUTIES, EXCEPT WHERE NOTED.
 ALL PROPERTY LOCATED WITHIN CITY LIMITS OF REACHES CITY.



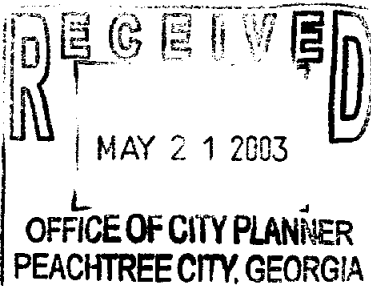
CONCEPT PLAN FOR
GEORGIAN PARK
 COMMERCIAL SUBDIVISION
 SCALE 1" = 100'-00" P.C.D.C. APRIL 1995

NOTE: LOCATION OF PROPERTY LINES AND C.O.-OF-S.A.C. ARE APPROXIMATE.
 FINAL ALIGNMENT WILL BE DETERMINED AS LOTS ARE PARCELED.

Georgian Park commercial subdivision



Proposed site



CONCEPTUAL SITE PLAN

PROJECT DATA SHEET

DATE OF SUBMITTAL: 5/21/03

BRIEF DESCRIPTION OF PROJECT: CAR WASH WITH 5 SELF SERVICE BAYS & 1 AUTOMATIC CAR WASH

LOCATION OF SITE: NORTHEAST CORNER OF NEW GATE ROAD & GEORGIAN PARK

OWNER OF RECORD:

Name: John Williams
Address: 313 Legacy Lane, PTC
Contact: John Williams
Phone: 770-631-3449
Fax:
E-mail:

APPLICANT:

Name: OMNI CONSULTING SERVICES
Address: 605 Hwy 74 S. St. 125 PTC, GA
Contact: Tom HARRY
Phone: 770-486-7370
Fax:
E-mail: 770-486-8398

GROSS ACREAGE OF SITE: 1.001 AC.

tharry@omnicons.com
CURRENT ZONING: GC

SETBACKS: F

Front: 40'
Side: 20'
Rear: 10'

DEVELOPED AREA:

Square feet (total disturbed area):
Ratio (total site acreage ÷ disturbed area):

SIZE OF EXISTING BUILDING:

Total square feet: N/A
Footprint:
Seating (if applicable):

SIZE OF PROPOSED BUILDING:

Total square feet: 2894 SF
Footprint: 2894 SF
Seating (if applicable): N/A

BUILDING TYPE (must submit attached Fire Marshal Project Data Sheet): CMU 1 story

EXISTING EMPLOYEES: 0

PROPOSED NEW EMPLOYEES: 0-1

EXISTING PARKING: 0

PROPOSED NEW PARKING: 0 - vehicular USE

LANDSCAPE BUFFERS: 20' ROAD Frontage

GREENBELTS:

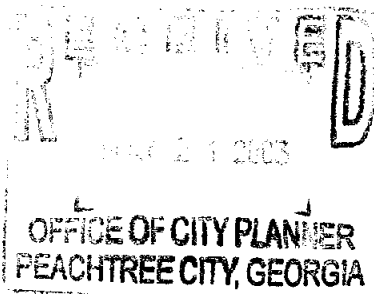
ENTRANCE TO SITE: None Existing (2 on Newgate & 1 on Georgian)

CART PATH CONNECTION: YES

ADJACENT PROPERTY ZONING: Peachtree City Greenbelt & GC

STORMWATER RETENTION:

will propose onsite



CONCEPTUAL SITE PLAN

PROJECT DATA SHEET

for use by the

PEACHTREE CITY FIRE DEPARTMENT

Contact: Fire Marshal John Dailey
Telephone: (770) 631-2526
Fax: (770) 631-2540

PROJECT NAME: PEACHTREE CITY CAR WASH

PROPOSED BUILDING USE: CAR WASH

PROPOSED TYPE OF CONSTRUCTION:

Structural/ roof: TIN

Interior/ finish:

Exterior: > SPLIT FACE CMU (OPEN BAYS INTERIOR)

NUMBER OF STORIES: 1

PROPOSED SPECIFIC FIRE PROTECTION:

Automatic fire sprinklers: NO

Automatic fire alarm: NO

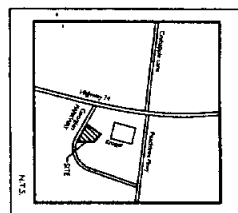
Proposed new fire hydrants: NO

Existing fire hydrants: YES

PROPOSED UNDERGROUND/ ABOVE GROUND STORAGE TANKS: NO

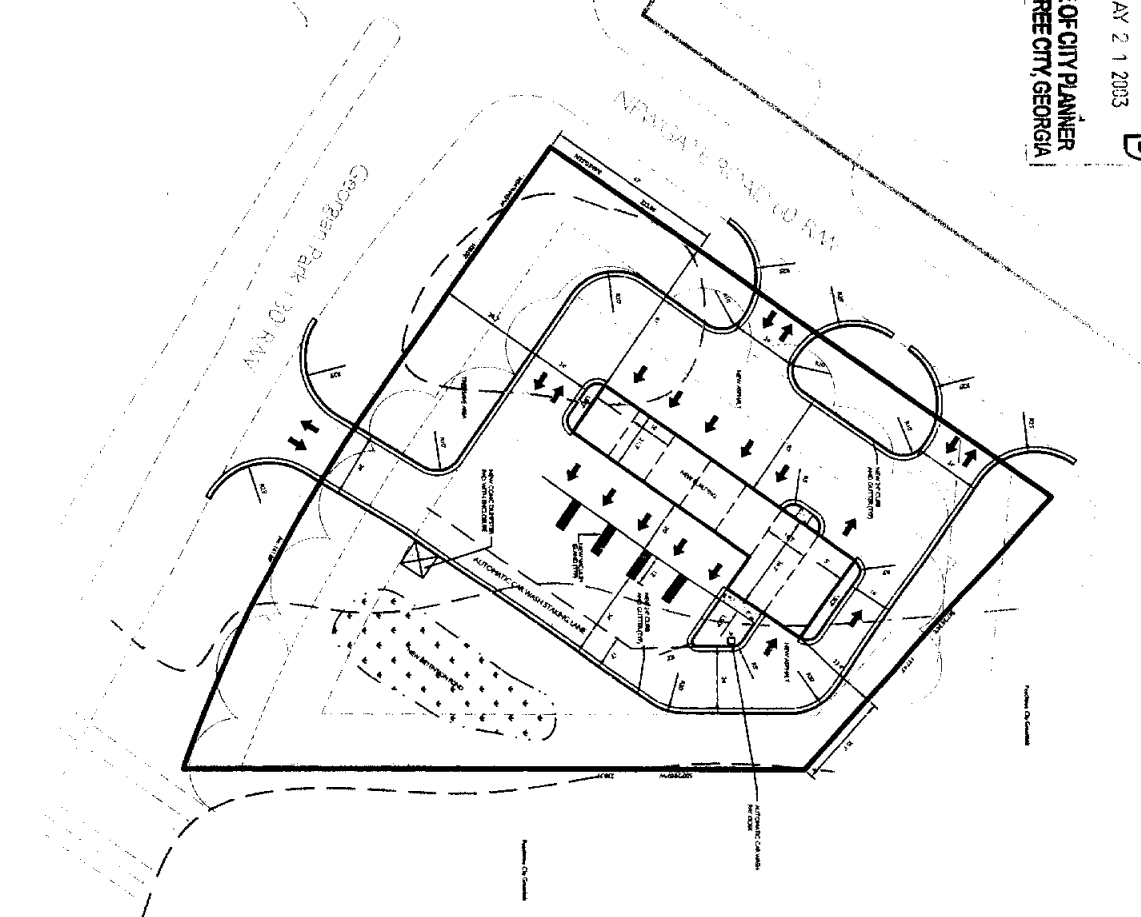
BRIEF DESCRIPTION OF OPERATIONS AND CONTENTS OF NEW DEVELOPMENT
(only if industrial or warehouse): PERSONAL CAR WASH CENTER

HAZARDOUS MATERIALS ON-SITE (type and methods of storage): N/A



RECEIVED
MAY 21 2003
OFFICE OF CITY PLANNER
PEACHTREE CITY, GEORGIA

STANDARD SYMBOLS	STANDARD SYMBOLS
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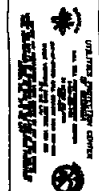
- SITE DEVELOPMENT NOTES**
1. SITE IS LOCATED IN THE CITY OF PEACHTREE CITY, GEORGIA.
 2. THE SITE IS ZONED FOR COMMERCIAL USE.
 3. THE SITE IS ADJACENT TO NEWDALE ROAD TO THE NORTH AND GEORGIAN PARKWAY TO THE WEST.
 4. THE SITE IS ADJACENT TO THE PEACHTREE CITY WATER TREATMENT PLANT TO THE SOUTH.
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 98. THE SITE IS ADJACENT TO THE PEACHTREE CITY RIVERS TO THE SOUTH.
 99. THE SITE IS ADJACENT TO THE PEACHTREE CITY OCEANS TO THE WEST.
 100. THE SITE IS ADJACENT TO THE PEACHTREE CITY DESERTS TO THE NORTH.

SITE DATA

PROJECT: PEACHTREE CITY CAR WASH
 ADDRESS: 130 GEORGIAN PARKWAY, PEACHTREE CITY, GA 30092
 OWNER: PEACHTREE CITY, GEORGIA
 DESIGNER: OFFICE OF CITY PLANNER, PEACHTREE CITY, GEORGIA
 DATE: MAY 21, 2003

CONTACT INFORMATION

1. NAME: PEACHTREE CITY, GEORGIA
 2. ADDRESS: 130 GEORGIAN PARKWAY, PEACHTREE CITY, GA 30092
 3. PHONE: (770) 486-8888
 4. FAX: (770) 486-8888
 5. EMAIL: info@peachtreecityga.gov
 6. WEBSITE: www.peachtreecityga.gov
 7. CONTACT PERSON: CITY PLANNER
 8. CONTACT PHONE: (770) 486-8888
 9. CONTACT FAX: (770) 486-8888
 10. CONTACT EMAIL: info@peachtreecityga.gov



Omni
 COMMERCIAL SERVICES
 441 Highway 77, Suite 100
 Peachtree City, GA 30092
 Phone: (770) 486-8888
 Fax: (770) 486-8888
 Email: info@omnicommercial.com

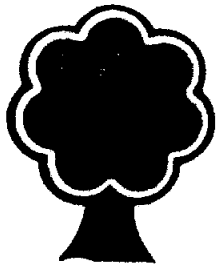
SITE DEVELOPMENT PLANS FOR
PEACHTREE CITY CAR WASH

GEORGIAN PARKWAY PEACHTREE CITY, GEORGIA

SITE PLAN

Sheet No. 3 of 3

Scale: 1" = 20'



Peachtree City

Georgia

June 2, 2003

Mr. Tom Hardy
OMNI Consulting Services
665 GA Highway 74 South
Peachtree City, GA 30269

Re: Georgian Park car wash
Conceptual site plan review comments

Dear Tom:

Peachtree City Staff has completed our review of the conceptual site plan for the Georgian Park car wash. These plans were submitted to our office on May 21 and have been reviewed in accordance with the approved conceptual site plan and the City's Land Development Ordinance.

Due to the nature of this development, we will review this project in a workshop format at the June 9 Planning Commission meeting. Please make sure there is someone in attendance to present these plans and to answer any questions that might arise.

Prior to presenting these plans, there are numerous items that must be addressed and the plans revised accordingly. Following is a brief summary of these concerns:

1. *The plans must be signed and sealed by a Registered Landscape Architect licensed to practice in the State of Georgia.*
2. *The site plan must accurately identify the location of the cart path and where this path will be relocated to provide access to Newgate Road.*
3. *Ingress/ egress to this site from Georgian Park will not be permitted. All existing vegetation between the drive aisle and Georgian Park must be preserved to buffer this development from the residential subdivisions across Georgian Park.*
4. *Access to the site should be limited to one driveway from Newgate Road. All existing vegetation between the drive aisle and Newgate Road must be preserved to buffer this development from the adjoining commercial subdivisions.*
5. *We will need to know the amount of impervious area proposed for this site. Additionally, you must provide a schematic landscape plan indicating how you plan to meet the City's tree replacement requirements.*
6. *We will need schematic architectural elevations of the building, including material and color selections.*
7. *We will need a schematic signage plan for this development, including all signage proposed on the exterior of the buildings and throughout the site.*

Attachment "D"

Georgian Park car wash

June 2, 2003

Page Two

8. *We will need a schematic lighting plan for the overall site, including lighting within the parking areas and on the exterior of the building. Standard wall pack lighting will not be permitted on the exterior of any buildings.*
9. *We will need documentation indicating how much noise will be generated by the car wash facilities and the vacuum cleaners and how you propose to soften this noise from the adjoining businesses and residential neighborhoods.*

Once each of these items has been properly addressed and the plans revised accordingly, we will need three full-size and one 11"x17" reduction submitted for review. We will also need full-size and reductions of each of the other drawings identified for distribution to the Planning Commission. **All of this information must be submitted to our office no later than 5:00PM on Wednesday, June 4 in order for this project to remain on the June 9 Planning Commission agenda.**

Should you have any questions, please feel free to contact me at (770) 487-5731.

Sincerely,

David E. Rast

David E. Rast, ASLA
City Planner

cc: Dennis Payton
Troy Besseche
John Williams
file

Planning Commission Chairman
City Engineer *DR* 6-3-03
Georgian Park car wash



Peachtree City

Georgia

Date: June 5, 2003

To: Planning Commission
Applicant

From: David E. Rast, ASLA
City Planner

Re: **Georgian Park car wash**
Conceptual site plan – workshop review

OMNI Consulting Services has submitted a conceptual site plan for a freestanding self-service car wash facility at the intersection of Georgian Park and Newgate Road. The heavily wooded parcel is 1.0-acres in size and is zoned GC General Commercial. Adjoining developments include a City-owned greenbelt to the north and east, the Holiday Inn and Kedron convenience center across Newgate Road to the west, and the Georgian Park condominiums and the St. Simons Cove subdivision across Georgian Park to the south.

Staff has completed our review of the site plan and has provided numerous comments and suggestions to the Applicant. Due to the nature of this development and its' proximity to established residential developments, Staff recommended that the Applicant review this plan in a workshop format to allow input from the Planning Commission and concerned citizens. Staff has notified representatives from both the Georgian Park and St. Simons Cove neighborhoods and has asked them to inform their residents of this workshop.

I have attached the Applicant's initial submittal and a copy of Staff's comments. Please note the attached site plan is the initial submittal and does not address Staff's review comments. The Applicant has indicated that additional information will be provided at the workshop.

Attachments

After discussion, a motion was made by Mr. Saunders, seconded by Mr. Green, and unanimously adopted to table review of this landscape plan to the June 23, 2003, Planning Commission meeting.

WORKSHOP ITEMS

Conceptual Site Plan, Georgian Park Car Wash, Georgian Park and Newgate Road.

Mr. Tom Hardy of OMNI Consulting Services was in attendance to discuss their conceptual site plan for a freestanding self-service car wash facility at the intersection of Georgian Park and Newgate Road. He stated that they had received the following comments from staff and, for the most part, agreed to revise their plan accordingly:

- 1. The plans must be signed and sealed by a Registered Landscape Architect licensed to practice in the State of Georgia.*
- 2. The site plan must accurately identify the location of the cart path and where this path will be relocated to provide access to Newgate Road.*
- 3. Ingress/ egress to this site from Georgian Park will not be permitted. All existing vegetation between the drive aisle and Georgian Park must be preserved to buffer this development from the residential subdivisions across Georgian Park.*
- 4. Access to the site should be limited to one driveway from Newgate Road. All existing vegetation between the drive aisle and Newgate Road must be preserved to buffer this development from the adjoining commercial subdivisions.*
- 5. We will need to know the amount of impervious area proposed for this site. Additionally, you must provide a schematic landscape plan indicating how you plan to meet the City's tree replacement requirements.*
- 6. We will need schematic architectural elevations of the building, including material and color selections.*
- 7. We will need a schematic signage plan for this development, including all signage proposed on the exterior of the buildings and throughout the site.*
- 8. We will need a schematic lighting plan for the overall site, including lighting within the parking areas and on the exterior of the building. Standard wall pack lighting will not be permitted on the exterior of any buildings.*

9. *We will need documentation indicating how much noise will be generated by the car wash facilities and the vacuum cleaners and how you propose to soften this noise from the adjoining businesses and residential neighborhoods.*

Mr. Hardy stated that the major issue for them was access to Georgian Park because this access was needed for internal circulation for the manual car wash and for stacking for the automatic car wash.

In response to a question from Mr. Saunders, Mr. Rast stated that Pathway Communities would review the architecture of this development.

Mr. Payton asked about the hours of operation, and Mr. Hardy said it would be open 24 hours a day seven days a week.

Mr. Hardy stated that they would eliminate the driveway off of Newgate and next to the cart path if they could keep the drive off of Georgian Park.

Mr. Rast pointed out that the overall plan for Kedron Village included the out-parcels along Georgian Park and identified the areas where access would be provided. This parcel, the Shell station, the Holiday Inn, and the undeveloped properties to the north were part of another commercial subdivision which did not limit any access from Georgian Park. Staff's position was that, considering the sight distance from Georgian Park, the number of cars currently using Georgian Park, and the number that would be using it when access was made to the retail center, a dangerous situation would be created with ingress and egress onto Georgian Park.

Mr. Hardy stated that all they wanted was right-in/right-out with a deceleration lane. If permitted, they would work with the City Engineer regarding the length of the deceleration lane, sight distances, etc.

Mr. Green thought eliminating this driveway would address some of the residents' concerns about the noise on the other side of Georgian Park. He said he would have a real problem with a curb cut on this road.

Mr. Rast explained that Staff had tried to limit curb cuts on Georgian Park. He also pointed out that the topography of this site provided a pretty good natural buffer since vegetation provided the best noise buffer. A significant amount of that vegetation would be lost at the rear of this site if the drive to Georgian Park was approved.

Mr. Payton noted that the City Engineer had concerns about how stormwater run-off would be handled because of the limited space on the site. Mr. Hardy said they were willing to work with Staff to be sure they follow all guidelines and stay away from sensitive areas.

Mr. Besseche stated that he wanted the Applicant to be aware that there would be additional special requirements in the form of some type of structure for pretreatment before emptying into the pond. Mr. Hardy said they were willing to do whatever was necessary to address those issues.

Mr. Hardy stated that all lighting would reflect internally and there would be no wall-mounted units. He added that they normally did not address lighting until later in the construction process. He wondered if their land development permit could be contingent on approval of their lighting plan.

Mr. Payton wondered if there was a lighting requirement for the existing commercial development at the corner of Georgian Park and Newgate. Mr. Rast stated that lighting was a major concern at the time it was developed, especially the lighting of the gasoline canopy and the parking lot. The developer scaled down what was initially proposed, used recessed lighting under the canopy, and also closed down the canopy lights at 10:00 or 11:00 p.m. so they would not affect the homes and condos across Georgian Park. Mr. Payton said there did appear to be precedence to control the lighting in this area by time or intensity. Mr. Meeker stated that as long as this was established up front, it could be adhered to throughout.

Mr. Hardy stated that he felt he could speak for his client in stating that they could probably deal with the intensity and even the external or perimeter lighting of the paving areas outside the actual car wash could be turned off at a certain time and only light the individual bays. He felt they could work around any precedents that had been set and would also comply to the ordinance in this regard.

Mr. Saunders agreed that there should not be a right-in/right-out onto Georgian Park because of the impact the light and noise would have on the adjacent properties. He was also concerned about the facility's proposed 24/7 operation. He also noted that the water quality issue would be significant on this type of development and stressed that the Applicant should be aware of the City's water quality guidelines. Mr. Hardy stated that they were and would comply with them.

Mr. Green asked about the City's required pervious to non-impervious ratio. Mr. Rast stated that there was none.

Mr. Hardy stated the site would be approximately 60 percent impervious, and he believed all water quality concerns could be addressed. He wondered whether they would be allowed two entrances off of Newgate to help with internal circulation during peak hours of operation if they eliminated the access onto Georgian Park.

In response to a question from Mr. Saunders, Mr. Rast stated that it was thought the circulation would work with one access from Newgate and some natural berming and vegetation to buffer and screen the development from the residences across the street. He added, however, that a second access off of Newgate might be considered since there was not much traffic on that road nor was there anticipated to be.

Mr. Payton noted that there was still a lot of work to be done between the applicant and City Staff.

Mr. Hardy stated that Pathway Communities had reviewed the architecture proposed for this development.

Although this was not a public hearing, because of the number of residents in attendance, Mr. Payton invited any who wished to speak to do so.

Mr. Rick Mercer, president of the Georgian Park Condo Association, was the first to address the Commission. He stated that he and others in the audience were in opposition to this development which would be located across the street from the 52 Georgian Park Condominium residences. They understood that this property was zoned General Commercial but felt this type of commercial development would directly affect their daily lives. In addition, they felt this development would create a security risk within walking distance of their property. Water pressure was also a serious issue to be considered if this development would add a considerable amount of consumption to an already stressed water system. On behalf of the residents, Mr. Mercer asked that the Commission not allow businesses to come into the community that would have a harmful effect on their quality of life as well as degrading their property values.

Mr. Frank Kimble, the vice-president of the Georgian Park Condo Association, also pointed out the noise issues that would be associated with this development. He noted

that the residents already had a lot of noise from Highway 74 and Georgian Park. He was also very concerned about the hours of operation and the lighting. He noted that they were already addressing water quality issues with the City because of problems behind one of their buildings, and this development would only add to those problems. The residents were also concerned about the gasoline and oil that would ultimately be washed into Lake Kedron "poisoning their water supply." From a business standpoint, Mr. Kimble felt this was a very poor location for this type of business; he noted that he could safely say no one in their development would use it. He said he would do everything humanly possible to stop this project.

Mr. Kevin Bridges, a resident of the Georgian Park Condo Association, said he would not have bought his condominium 11 months ago if this car wash had been across the street. If constructed, he felt it would adversely affect property values in that area. He stated that he could throw a baseball from his back porch to where this development was to be built.

Another resident of the Georgian Park Condos did not feel this was an appropriate location for this business. She had concerns about mosquitoes on the pond and the possibility of West Nile Virus, the loss of trees and the potential for flooding, as well as safety issues. She felt that serious consideration should be given to the impact this development would have on property values in the area as well as environmental issues.

Another resident, who had lived in Peachtree City most of her life and was an avid walker on the cart paths, expressed her concerns about the safety of the facility. She said if it is built, her family would be moving to another community.

Mr. William Spaulding, a resident of St. Simon's Cove, spoke on behalf of their Homeowners Board. Although they understood that this side of the street would be for businesses, their concerns over this type of business were the noise, the traffic, the lighting, and its 24-hour operation. He noted that traffic at the intersection of Newgate and Georgian Park was already quite dangerous when attempting a left turn onto Georgian Park from Newgate and adding more cars would only exacerbate that situation. He added that residents who bordered Georgian Park were concerned about the noise and lighting that would be associated with this facility. They also did not feel this was an appropriate location for this type of business and hoped the Planning Commission would not approve their plan.

Mr. John Rader, another resident of St. Simons Cove, voiced his opposition to the car wash for all of the reasons that had been mentioned plus two additional ones. One reason was the increase in the amount of traffic that would be drawn to this area and the other reason was related to the appearance of the car wash. Although he thought it was architecturally appealing, it would be difficult to keep up its appearance and would become an eyesore, detracting from the area and adversely affecting their property values. Mr. Rader also noted that he had become very comfortable with the way Peachtree City had developed, and he was not concerned about the fact that commercial development was permitted in this area.

Mr. Payton confirmed that the General Commercial (GC) zoning allowed this type of development. Mr. Rast stated that GC allowed almost any type of commercial development. He noted that Pathways had said the out-parcels further up Georgian Park would be medical or law offices.

In response to a question from Mr. Kimble, Mr. Rast stated that the next step would be a formal submittal for Staff review. This item was on the Planning Commission agenda of June 23, 2003; and the Planning Commission could take action at that meeting. He said this meeting was called so the applicant could hear the concerns of staff, the Planning Commission, and the residents.

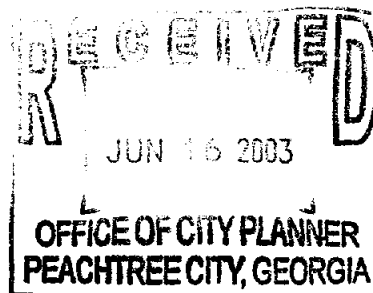
Mr. Kimble wanted to know whether a traffic study had been done. Mr. Rast explained that at the time the overall retail center at Kedron Village was approved, a traffic study was done that incorporated all of the existing and potential development within the retail center and the out-parcels. At some point, a traffic signal would be installed at the Georgian Park and Highway 74 intersection; and this would be triggered by development of Phases 2 and 3 of the Kedron Retail Center.

Mr. Kimble also did not feel this was a good location for this facility. He asked Mr. Rast how he felt about this proposal as a resident in that area. Mr. Rast admitted that personally he was not thrilled about it; but from a professional standpoint, he must work to make it the best it can be and leave the rest up to the Planning Commission.

Mr. Saunders noted that the Planning Commission was not the final authority, and any decision they made could be appealed to City Council by "any aggrieved party."

CONCEPTUAL SITE PLAN

PROJECT DATA SHEET



Re.
DATE OF SUBMITTAL: 6.17.03

BRIEF DESCRIPTION OF PROJECT: SELF-SERVICE CAR WASH

LOCATION OF SITE: Northeast Corner of Newgate Rd & Georgian Park

OWNER OF RECORD:

Name: John Williams
Address: 313 Legacy Lane
Contact:
Phone: 770.631.8449
Fax:
E-mail:

APPLICANT:

Name: Omni Consulting Services
Address: US Hwy. 74 South Ste. 125
Contact: Tom HARRY Peachtree City, GA 30269
Phone: 770.486.7370
Fax: 770.486.8398
E-mail: tharry@omnicons.com

GROSS ACREAGE OF SITE: 1.001 Acre

CURRENT ZONING: BC

SETBACKS:

Front: 40'
Side: 20'
Rear: 10'

DEVELOPED AREA:

Square feet (total disturbed area): 29,035 (Approx)
Ratio (total site acreage ÷ disturbed area):
67%

SIZE OF EXISTING BUILDING:

Total square feet: N/A
Footprint: N/A
Seating (if applicable):

SIZE OF PROPOSED BUILDING:

Total square feet: 2895 SF
Footprint: 2895 SF
Seating (if applicable): N/A

BUILDING TYPE (must submit attached Fire Marshal Project Data Sheet): has not changed

EXISTING EMPLOYEES: 0

PROPOSED NEW EMPLOYEES: 1

EXISTING PARKING: 0

PROPOSED NEW PARKING: 0

LANDSCAPE BUFFERS: 20' (Georgian Park)

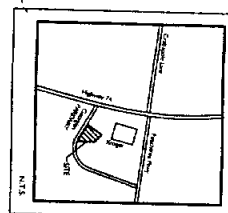
GREENBELTS: Adjacent (East)

ENTRANCE TO SITE: Newgate Rd (2 entrances)

CART PATH CONNECTION: yes

ADJACENT PROPERTY ZONING: GC & Greenbelt

STORMWATER RETENTION: yes



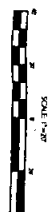
- LEGEND**
- STANDARD SYMBOLS:**
- PROPOSED LOT LINES
 - EXISTING LOT LINES
 - PROPOSED DRIVEWAYS
 - EXISTING DRIVEWAYS
 - PROPOSED SIDEWALKS
 - EXISTING SIDEWALKS
 - PROPOSED PARKING SPACES
 - EXISTING PARKING SPACES
 - PROPOSED LANDSCAPING
 - EXISTING LANDSCAPING
 - PROPOSED UTILITIES
 - EXISTING UTILITIES
 - PROPOSED FENCE LINE
 - EXISTING FENCE LINE
 - PROPOSED SIGNAGE
 - EXISTING SIGNAGE
 - PROPOSED LIGHTING
 - EXISTING LIGHTING
 - PROPOSED SECURITY
 - EXISTING SECURITY
 - PROPOSED ACCESS
 - EXISTING ACCESS
 - PROPOSED EGRESS
 - EXISTING EGRESS
 - PROPOSED ENTRY
 - EXISTING ENTRY
 - PROPOSED EXIT
 - EXISTING EXIT
 - PROPOSED LOADING
 - EXISTING LOADING
 - PROPOSED UNLOADING
 - EXISTING UNLOADING
 - PROPOSED STORAGE
 - EXISTING STORAGE
 - PROPOSED OFFICE
 - EXISTING OFFICE
 - PROPOSED WAREHOUSE
 - EXISTING WAREHOUSE
 - PROPOSED FACTORY
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 - PROPOSED SHOP
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 - PROPOSED RESTAURANT
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 - PROPOSED HOTEL
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 - PROPOSED APARTMENT
 - EXISTING APARTMENT
 - PROPOSED CONDO
 - EXISTING CONDO
 - PROPOSED TOWNHOUSE
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 - PROPOSED SINGLE-FAMILY
 - EXISTING SINGLE-FAMILY
 - PROPOSED MULTIFAMILY
 - EXISTING MULTIFAMILY
 - PROPOSED COMMERCIAL
 - EXISTING COMMERCIAL
 - PROPOSED INDUSTRIAL
 - EXISTING INDUSTRIAL
 - PROPOSED AGRICULTURAL
 - EXISTING AGRICULTURAL
 - PROPOSED FORESTED
 - EXISTING FORESTED
 - PROPOSED OPEN SPACE
 - EXISTING OPEN SPACE
 - PROPOSED WATER
 - EXISTING WATER
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 - EXISTING WETLANDS
 - PROPOSED WOODLAND
 - EXISTING WOODLAND
 - PROPOSED PRAIRIE
 - EXISTING PRAIRIE
 - PROPOSED SAVANNAH
 - EXISTING SAVANNAH
 - PROPOSED TROPICAL
 - EXISTING TROPICAL
 - PROPOSED DESERT
 - EXISTING DESERT
 - PROPOSED MOUNTAIN
 - EXISTING MOUNTAIN
 - PROPOSED HILLS
 - EXISTING HILLS
 - PROPOSED PLAINS
 - EXISTING PLAINS
 - PROPOSED VALLEY
 - EXISTING VALLEY
 - PROPOSED RIVER
 - EXISTING RIVER
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 - PROPOSED OCEAN
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 - PROPOSED BAY
 - EXISTING BAY
 - PROPOSED SOUND
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 - PROPOSED STRAIT
 - EXISTING STRAIT
 - PROPOSED GULF
 - EXISTING GULF
 - PROPOSED SEA
 - EXISTING SEA
 - PROPOSED OCEAN
 - EXISTING OCEAN
 - PROPOSED BAY
 - EXISTING BAY
 - PROPOSED SOUND
 - EXISTING SOUND
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 - EXISTING GULF
 - PROPOSED SEA
 - EXISTING SEA

RECEIVED

OFFICE OF CITY PLANNING
PEACHTREE CITY, GEORGIA

RECEIVED

NOV 14 2003



THOMAS F. HARDY
REGISTERED PROFESSIONAL ENGINEER
No. 12882
STATE OF GEORGIA

CONTACT INFORMATION

1. CONSULTANT
2. CLIENT
3. ADDRESS
4. PHONE
5. FAX
6. E-MAIL
7. WEBSITE
8. PROJECT NAME
9. PROJECT LOCATION
10. PROJECT DESCRIPTION
11. PROJECT STATUS
12. PROJECT DATE
13. PROJECT DURATION
14. PROJECT BUDGET
15. PROJECT RISK
16. PROJECT CHALLENGES
17. PROJECT OPPORTUNITIES
18. PROJECT OUTCOMES
19. PROJECT LESSONS LEARNED
20. PROJECT RECOMMENDATIONS

**APPROXIMATELY
22,000 SF OF PROPOSED
IMPERVIOUS SURFACE**

SITE DATA

1. PROJECT LOCATION
2. PROJECT DESCRIPTION
3. PROJECT STATUS
4. PROJECT DATE
5. PROJECT DURATION
6. PROJECT BUDGET
7. PROJECT RISK
8. PROJECT CHALLENGES
9. PROJECT OPPORTUNITIES
10. PROJECT OUTCOMES
11. PROJECT LESSONS LEARNED
12. PROJECT RECOMMENDATIONS

- SITE DEVELOPMENT NOTES**
1. THE SITE IS LOCATED AT THE CORNER OF GEORGIAN PARKWAY AND PEACHTREE AVENUE, PEACHTREE CITY, GEORGIA.
 2. THE SITE IS ZONED COMMERCIAL (C-1).
 3. THE SITE IS ADJACENT TO THE PEACHTREE CITY LANDFILL.
 4. THE SITE IS ADJACENT TO THE PEACHTREE CITY LANDFILL.
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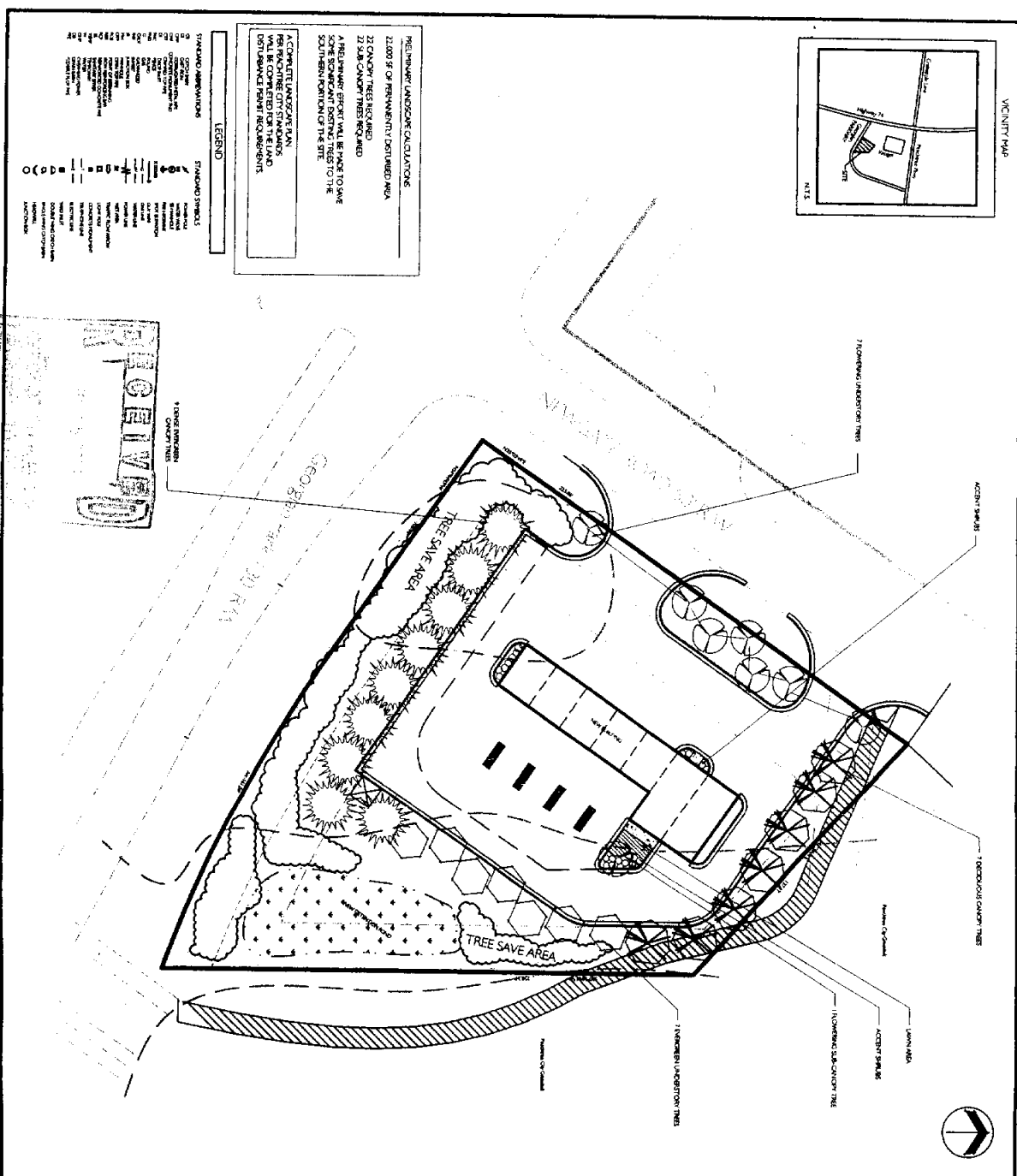
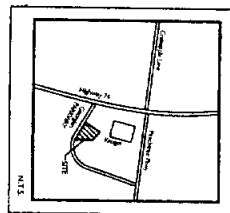
**SITE DEVELOPMENT PLANS
FOR
GEORGIAN PARKWAY CAR WASH**

GEORGIAN PARKWAY PEACHTREE CITY, GEORGIA

SITE PLAN

3

Omni
CONSULTING ENGINEERS
1000 Peachtree Street, N.E.
Atlanta, Georgia 30309
Phone: 404.525.1234
Fax: 404.525.1235
www.omni-engineers.com



REVISIONS

NO.	DATE	DESCRIPTION
1	10/1/10	ISSUED FOR PERMITS
2	10/1/10	ISSUED FOR PERMITS

CONTACT INFORMATION

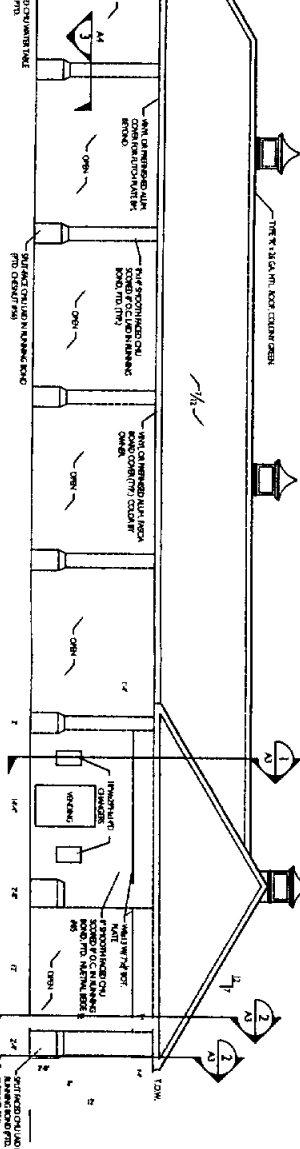
OWNER:
 GEORGIAN PARKWAY CAR WASH
 12345 Peachtree City, GA 30092
 (770) 555-1234

DESIGNER:
 OMI CONSULTING SERVICES
 4567 Peachtree City, GA 30092
 (770) 555-5678

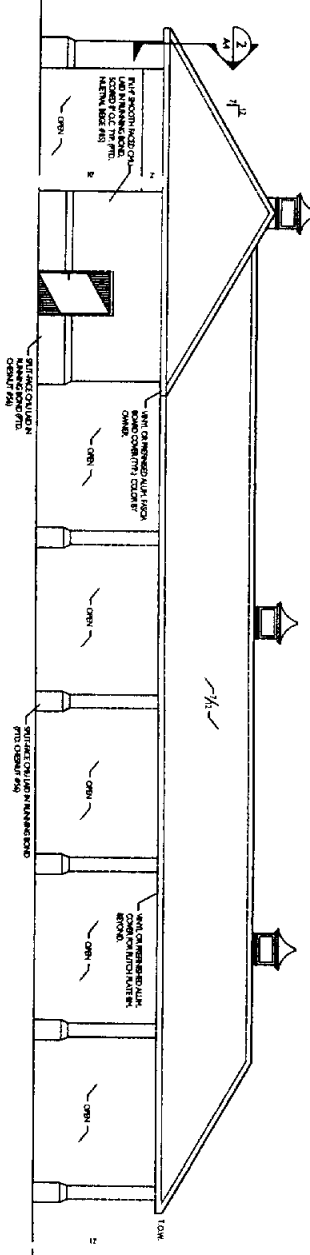
OFFICE OF CITY PLANNER
PEACHTREE CITY, GEORGIA

JUN 16 2003

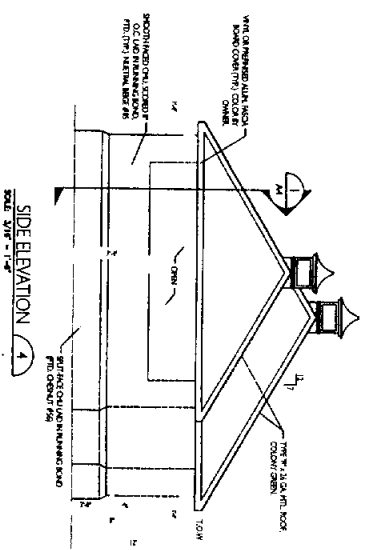
RECEIVED



FRONT ELEVATION 2
SCALE 3/8" = 1'-0"

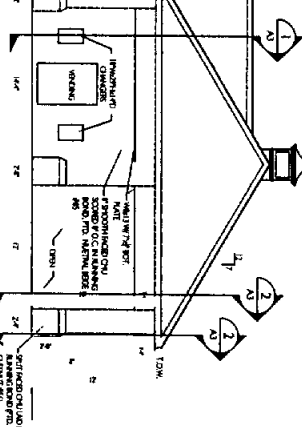


SIDE ELEVATION 3
SCALE 3/8" = 1'-0"



SIDE ELEVATION 4
SCALE 3/8" = 1'-0"

REAR ELEVATION 1
SCALE 3/8" = 1'-0"



GEORGIAN PARK CAR WASH ELEVATIONS



Peachtree City

Georgia

Date: June 19, 2003

To: Planning Commission
Applicant

From: David E. Rast, ASLA *David*
City Planner

Re: **Georgian Park car wash**
Conceptual site plan review

At the last Planning Commission meeting, OMNI Consulting presented a conceptual site plan for a freestanding self-service car wash facility at the intersection of Georgian Park and Newgate Road. The presentation was handled in a workshop format, which allowed City Staff, the Planning Commission and residents of the Georgian Park condominiums and St. Simon's Cove subdivision to address their concerns with the proposed plan.

Based on these comments, the Applicant revised the conceptual site plan and has submitted additional information pertaining to this development. The revised site plan includes two entrances off of Newgate Road and none off of Georgian Park. The Applicant has also submitted documentation pertaining to the noise that might be generated by the car wash facility and the vacuums (copy attached), a schematic landscape plan and schematic building elevations.

The landscape plan identifies 22,000 SF of impervious surface, which will require the installation of 22 canopy trees (2 1/2" caliper) and 22 understory (1" caliper) trees to meet the City's tree replacement requirements. The schematic architectural elevations indicate the building materials will consist of painted smooth-faced and split-faced (textured) concrete block and a metal roof.

As stated at our previous workshop session, the proposed car wash is a permitted use within the GC General Commercial zoning district. The fact that it will be located across the street from established residential developments warrants special consideration when reviewing the site plan, landscaping and overall aesthetics of this facility.

While there are several site-specific issues that still need to be resolved, Staff recommends that the conceptual site plan for the Georgian Park car wash be approved and that two members of the Planning Commission be appointed to serve as Representatives for this project. In addition, Staff recommends that one representative from the Georgian Park condominiums and the St. Simon's Cove subdivision be appointed to work with the Applicant, City Staff and the Planning

Georgian Park car wash

June 19, 2003

Page Two

Commission Representatives throughout the development of the final site plan and the construction of this project.

Staff recommends that the conceptual site plan for the Georgian Park car wash be approved subject to the following understandings and conditions:

1. *Both entrances to this site off of Newgate Road must be no greater than 24' in width.*
2. *The dumpster must be relocated as far away from Georgian Park as possible and must be located out of the building setbacks.*
3. *The storm water detention facility should be designed in a manner that will preserve existing vegetation. Disturbance within the setback areas adjacent to this facility must be kept to a minimum.*
4. *All vegetation within the tree save area adjacent to Georgian Park and at the corner of Georgian Park and Newgate Road must be preserved to the greatest extent practicable to assist in buffering this development from the residential neighborhoods across Georgian Park. A retaining wall may be necessary adjacent to the curbing to assist in preserving this vegetation.*
5. *The side of the building closest to Georgian Park must be redesigned as a solid masonry wall rather than a masonry wall with a large opening as shown on the schematic elevations, which will assist in reducing noise coming from this facility.*
6. *The building materials and color scheme should be revised so that they are similar in character to the existing convenience center across Newgate Road, which will promote consistency between these commercial outparcels. Color samples must be submitted to City Staff and the Planning Commission Representatives for review and approval.*
7. *A complete site lighting plan, including all lighting proposed within the parking lot, on the exterior of the building and underneath the individual wash bays must be submitted to City Staff and the Planning Commission Representatives for review and approval prior to installation. This submittal must also include a photometric study identifying how the lighting on this site will impact the adjoining properties. Standard wall pack lighting will not be permitted on this development. Lighting within the parking lot must be similar to that used on the commercial center across Newgate Road.*
8. *Berming and extensive landscaping may be required at the edge of the parking area behind the facility to provide additional noise abatement. This will be determined once the final site plan is submitted for review.*
9. *All exterior mechanical units (air handlers, gas meters, etc.) and trash pick-up areas must be screened by a low wall, which is constructed of similar materials to those used for the building. Landscaping should also be utilized to screen these walls where applicable. If the mechanical units are mounted on the roof, the panels used to screen this equipment must be designed in a manner to completely screen these units from view.*

Attachments

**UNAPPROVED EXCERPT FROM MINUTES
OF PLANNING COMMISSION MEETING**

JUNE 23, 2003

**06-03-01 Conceptual Site Plan, Georgian Park Car Wash, Georgian Park
and Newgate Road.**

Mr. Tom Hardy of OMNI Consulting Services was in attendance to discuss their conceptual site plan for a freestanding self-service car wash facility at the intersection of Georgian Park and Newgate Road. He reminded the Commission that this item had been discussed during a workshop at the June 9, 2003, Planning Commission. He stated that they had taken the comments and concerns that were expressed at that meeting and developed the plan they were presenting at this meeting. He added that they were willing to commit to all of the conditions of approval recommended Staff.

Mr. Hardy explained the changes that had been made to this plan. He noted that they had eliminated the access from Georgian Park, added a second access from Newgate Road to aid internal circulation, submitted noise and sound calculations to Staff, and were willing to work with Staff regarding the lighting plan and architectural features.

Mr. Buckley questioned the zoning of this site. Mr. Rast stated that this site was zoned GC General Commercial as were all of the out-parcels on Newgate Road and along the north side of Georgian Park. Mr. Buckley felt this was very inconsistent with the other development on Georgian Park. Mr. Rast noted that there were two portions of Georgian Park; and this development was consistent with the gas station that was on the site on Newgate Road across from where the car wash was proposed. He added that Staff's understanding was that Pathways intended to market the out-parcels further up Georgian Park to medical or professional offices which were also permitted in the GC zoning district.

Mr. Buckley did not feel this was a good site for a car wash. Mr. Hardy stated that his client had done market research and felt it was a good site because of the existing gas station and service center.

In response to a question from Mr. Payton about the hours of operation, Mr. Hardy said it was planned to be a 24-hour operation. For security reasons, they wanted the internal bays and the automatic car wash to be lighted at night; but the site lighting would be similar to the lighting at the gas station and would be operational during the same hours as the gas station. He further explained that the peripheral lighting, which illuminated the

detailing and vacuuming areas, would be turned off at the same time the lights at the gas station were turned off.

Mr. Green noted that the residents were concerned about the security of the site, especially late at night. Mr. Hardy stated that there was no more danger associated with this site than there was in one of the medical office parking lots further up Georgian Park.

Mr. Payton asked whether Mr. Rast was confident the stormwater detention facility would be able to handle the additional impervious surface. Mr. Rast stated that he was confident Mr. Besseche would ensure this issue was properly addressed during final site plan review. Mr. Hardy stated that they would comply with all water quality requirements. He added that they wanted to maintain as much natural vegetation as possible.

Mr. Rast stated that the final site plan would show the limits of clearing, and Staff's intent was that the area between Georgian Park and the back of curb would be as natural as possible. It appeared that a sizable berm (taller than 2-3 feet and heavily planted) would be required in the area behind the site. This type berm had proven to provide a very substantial noise barrier from this type use to the adjoining properties. However, until the final site plan was submitted, Staff did not know how much berming would be required.

Mr. Buckley did not think it was appropriate that the City allow this type of development in this area. He agreed that this plan warranted special consideration since it would be located across the street from established residential developments. He thought further down Newgate in the cul-de-sac would possibly be a better location.

Mr. Rast stated that his job as the City Planner was not to look at likes and dislikes but rather what the ordinance specified. This property was zoned GC, and car washes were permitted in the GC zoning. He could not recommend denial based on his likes or dislikes. His recommendations were based on what he was hired to do, enforcing the Zoning and Land Development Ordinances. Mr. Buckley said he was not challenging Mr. Rast but wanted to believe that the Planning Commission was not compelled to approve this but that the special situation would permit them not to approve it. Mr. Rast said that, from a staff level, it met the requirements of the Zoning and Land Development Ordinances. However, the Planning Commission had more flexibility to look at health, safety, and welfare aspects in their recommendation. He added that, whatever the Planning Commission decided, the Applicant could appeal that decision. However, there was nothing in the Ordinance which restricted this type of use.

In response to a question from Mr. Payton, Mr. Hardy confirmed that all of the following nine conditions recommended by City Staff were acceptable:

1. *Both entrances to this site off of Newgate Road must be no greater than 24' in width.*
2. *The dumpster must be relocated as far away from Georgian Park as possible and must be located out of the building setbacks.*
3. *The storm water detention facility should be designed in a manner that will preserve existing vegetation. Disturbance within the setback areas adjacent to this facility must be kept to a minimum.*
4. *All vegetation within the tree save area adjacent to Georgian Park and at the corner of Georgian Park and Newgate Road must be preserved to the greatest extent practicable to assist in buffering this development from the residential neighborhoods across Georgian Park. A retaining wall may be necessary adjacent to the curbing to assist in preserving this vegetation.*
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8. *Berming and extensive landscaping may be required at the edge of the parking area behind the facility to provide additional noise abatement. This will be determined once the final site plan is submitted for review.*
9. *All exterior mechanical units (air handlers, gas meters, etc.) and trash pick-up areas must be screened by a low wall, which is constructed of similar*

materials to those used for the building. Landscaping should also be utilized to screen these walls where applicable. If the mechanical units are mounted on the roof, the panels used to screen this equipment must be designed in a manner to completely screen these units from view.

Mr. Hardy stated that they also agreed to a further recommendation that two Planning Commission representatives be assigned to this project so that all concerns were addressed. They also agreed to the appointment of a representative from both the Georgian Park Condominiums and St. Simon's Cove Subdivision to work with the Applicant, City Staff, and the Planning Commission Representatives throughout the development of the final site plan and the construction of this project.

Mr. Buckley wondered if any studies had been done to examine how the traffic and environment would be impacted by this development. Mr. Rast said these would be examined as part of the final site plan review. He had checked with the Fayette County Environmental Health Department to see whether they had any reservations regarding car washes, and they did not. He noted that the environmental impact would be a factor in the stormwater detention.

Mr. Rast further stated that when the Kedron Village Retail Center, which included Newgate Road and the associated commercial area, was approved several years ago, a traffic study was done that included all of the retail areas in Kedron including all of the out-parcels in Georgian Park as well as the potential for office space in Kedron Office Park. He added that there was also provision for a traffic signal at the Georgian Park/Ardenlee Parkway and Highway 74 intersection. Mr. Buckley wondered whether the traffic should be re-examined based on how the area had actually developed.

Mr. Buckley was also concerned about the potentially hazardous chemicals that would be used at the car wash. Mr. Hardy said all of the chemicals had been studied, and none had been proven by any of the appropriate federal agencies to be hazardous. He added that they would implement water quality features within the detention facility to ensure the discharge from the facility would be as clean as it was currently.

Mr. Saunders felt Mr. Buckley's concerns would be well addressed by the recently adopted stormwater ordinance. However, he also questioned whether this was an appropriate land use.

Mr. Chris Storbeck, a resident of St. Simon's Cove whose home backed up to Georgian Park, had major concerns about what a 24-hour-a-day car wash would do to the traffic on Georgian Park, especially after 6 or 7 in the evening. He appreciated the developer's efforts to address security issues but also felt that, although this was a permitted use, because of the nature of the neighborhood, it was appropriate that the Planning Commission consider other factors. He thought there were other locations within the City where this development would have less impact on existing residences.

Mr. Elmer Koldoff, another resident of St. Simon's Cove, told the Commissioners that he had visited some of the other car washes within the City and found that patrons in the detail area opened their doors and their windows, turned up the volume on their radios, and even brought beer to the area. He did not think it was appropriate to bring a car wash into their otherwise quiet neighborhood.

A motion was made by Mr. Buckley that the conceptual site plan for the Georgian Park Car Wash be denied because it did not meet the merits of the environment that was being created on Georgian Park. Mr. Saunders seconded the motion for discussion purposes.

Mr. Payton reviewed the pro's and con's of this site plan. He noted that it met all of the City's standards and requirements for the zoning for this area; and, he added that if the run-off and detention areas identified on the final site plan did not meet State and City criteria, the plan would be rejected. On the other hand, he noted that single-family homes were located across the street from where this car wash would be located.

Mr. Green agreed that, although this plan worked from a technical standpoint, it seemed to be an inappropriate use. He thought even 200 yards further up Newgate would make it much more palatable.

Mr. Saunders felt this particular site did not work for this particular plan. He appreciated the Applicant's efforts to mitigate some of the problems, but he felt those mitigations were incomplete and could not succeed in making the mitigation work for this particular location. He pointed out that he was comfortable that Staff could make this plan work in terms of some of the engineering problems. However, there would be increased noise and traffic as well as light spill-over.

Mr. Green noted that this was more a quality-of-life issue than a technical issue.

Prior to the Commission's vote, Mr. Hardy said that if the 24-hour operation were the big issue, his client would be willing to have the same hours of operation as the gas station. He said they were asking for fairness since this would be basically the same use as the existing oil change facility and gas station on Newgate Road.

The motion to deny the conceptual site plan passed by a vote of 4 to 0.

Mr. John Rader, a resident of St. Simon's Cove, voiced his appreciation for the Commission's vote and wanted to know what the next step in this process would be and how the property owners would be notified. Mr. Saunders explained that any aggrieved party could appeal this decision to City Council, and Mr. Rast noted that would have to be within five days of this decision. As was typical, the meeting would be advertised on Cable channel 23, in the newspapers, and on the website.



Omni

Consulting Services

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omni@omnicons.com

June 25, 2003

Mr. David Rast, ASLA
Peachtree City Planning Dept.
153 Willowbend Road
Peachtree City, Georgia 30269

Re: Georgian Park Car Wash
Appeal of the ruling of the Planning Commission

Dear David:

Omni Consulting Services, on behalf of our client Mr. John Williams, would like to request an appeal to the Peachtree City Mayor and Council of June 23, 2003 site plan denial of the Planning Commission. This appeal is based upon the subject property being zoned for this use, and that the denial was based on use instead of the site plan. There was no legal reason given for this denial. If you have any questions or comments, please do not hesitate to contact us.

Thank you,

Tom Hardy, RLA
Omni Consulting Services

CITY OF PEACHTREE CITY

INTEROFFICE MEMORANDUM

TO: Mayor and Council Members

FROM: City Planner *David*

VIA: City Manager
Interim Developmental Services Director *EO*

DATE: July 11, 2003

SUBJECT: Variance request – GA 74 and TDK Boulevard buffer reduction
Request to continue agenda item

Recommendation:

Pursuant to a request from the Applicant, Staff recommends that the Public Hearing for the referenced variance request be continued to the August 7, 2003, City Council meeting.

Discussion:

Staff received the attached letter from the Attorney representing the Applicant for the referenced variance requesting that the Public Hearing be continued to the August 7, 2003, City Council meeting.

Budget impact:

There are no budget implications associated with this request.

Attachment

THE OLDENBURG LAW FIRM

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(770) 632-9500
FAX (770) 632-0123

July 10, 2003

VIA FACSIMILE: (770) 631-2552

Mr. David E. Rast
City Planner
City of Peachtree City
Peachtree City, GA 30269

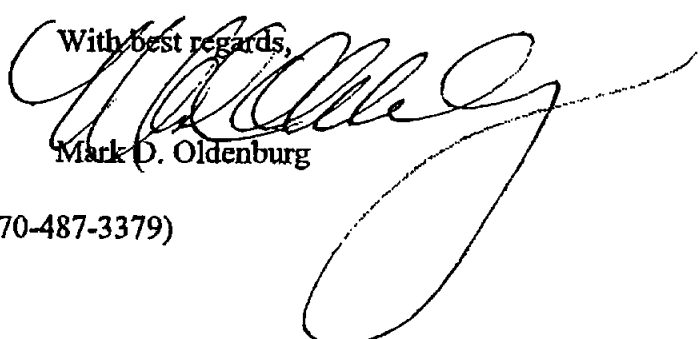
Re: Hyde Investments, LLLP Request for Variance with regard to property located at
Highway 74 and TDK Boulevard

Dear David:

I respectfully request that the Request for Variance for the above-referenced property be removed from the agenda for the Peachtree City Council meeting scheduled for July 17, 2003. I also request that this matter be placed on the agenda for the following City Council meeting which I understand is scheduled for August 7, 2003. Should I need to take any further action with regard to these requests, please let me know at your convenience.

Should you have any questions or concerns regarding this matter, please feel free to contact me at your convenience.

With best regards,


Mark D. Oldenburg

MDO:cks

c: Mr. W. Michael Hyde (via fax: 770-487-3379)