

**MINUTES OF MEETING
CITY COUNCIL OF PEACHTREE CITY
July 16, 1992
7:00 PM**

The City Council of Peachtree City met in regular session on Thursday Night, July 16, 1992 at 7:00 PM in the City Hall Council Chambers.

Mayor Lenox led those present in the pledge of allegiance. Present were Mayor Robert L. Lenox and Councilmen Edward Bradford, Annie McMenamin and Robert Brooks.

Addition of Agenda Items

No items were added to the agenda.

Announcements, Awards, Special Recognitions

Mayor Lenox announced that anyone wishing to speak to the issues come to one of the two microphones and state their name and address for the record.

Mayor Lenox announced the population of Peachtree City to be 22,142 as of June 30, 1992.

Mayor Lenox presented Charles Sibley, Building Official, with the Supervisor of the Quarter award.

Mayor Lenox presented a plaque to Tania Marie Wisotzke recognizing her service to the Commission on Children and Youth, of which she served as Chairman on the Youth Advisory Board this past year.

Department Reports

Mayor Lenox announced that department reports were available for review at City Hall.

Minutes

McMenamin made a motion that the minutes of the June 18, 1992 Council meeting be approved as presented. Bradford seconded the motion. Motion carried unanimously.

New Agenda Items

7-92-1 Public Hearing - Rezoning of McWilliams Property on Highway 74 North

Mayor Lenox stated that the rezoning of approximately 50.28 acres of the McWilliams property on Highway 74 North would be conducted as a public hearing and explained the procedures for the hearing. Copies of the procedures were available for the public. Mayor

— Lenox called the public hearing to order and asked a representative for the McWilliams proposal to come forward.

Mr. Willis Haugen, attorney and agent for Mrs. Sarah McWilliams, came forward and stated that the McWilliams property was currently zoned Agricultural Reserve (AR) and that the McWilliams family wished to have the property zoned in compliance with the Land Use Plan. Mr. Haugen asked Council to rezone 31.5 acres east of the creek to Residential (R-12) and 18.5 acres west of the creek to General Residential (GR-10). Mr. Haugen explained that the property had been in the McWilliams family for years but, due to J.B. McWilliams health, the family had not been able to do anything with the property, but now wished to develop the property. Mr. Haugen stated that 2 acres of land adjacent to the McWilliams property had recently been rezoned from commercial to GR-10, that the Planning Department had been consulted on the possible zoning for the property and that the Planning Commission had unanimously approved the zoning classifications proposed.

Mr. Jim Williams, Director of Developmental Services, came forward and stated that the staff had made a proposal somewhat different from what was approved by the Planning Commission, and recommended that Council rezone the 18.5 acres west of the creek to (GR-6) and not GR-10 which would allow for a much higher density development.

— Mr. Haugen came forward and stated that he felt it would be an injustice to the McWilliams family to limit what density could be built on the property. He stated that they currently had no development plans for the property, and again referred to the 2 acre tract that Council recently zoned GR-10 adjacent to the McWilliams property.

Mayor Lenox asked for those wishing to speak in opposition to the proposal and hearing none, called the public hearing closed and called for Council debate.

McMenamin questioned why the Planning Commission had not supported staff's recommendation to rezone the 18.5 acres as GR-6. Ms. Caroline Price, Chairman of the Planning Commission, came forward and stated that GR-10 was consistent with the Land Use Plan for the area. McMenamin asked Price if the developer of the 2 acre tract that was recently zoned GR-10 had come in with a lesser density project or if the Planning Commission had worked with them on it. Ms. Price stated that the developer had brought the lesser density plan to the Commission for the project which included the 2 acre tract.

— Bradford asked Williams if they had received any opposition from the School Board. Williams stated that none had been received. Bradford asked how access to the property would be achieved. Williams stated that there were three accesses from Highway 74, one with a median cut by DOT.

— Lenox stated that he had concerns about GR-10 zoning since the City would lose control over the density that could be developed once the land is zoned. He stated that there were two factors to consider about the recent 2 acre tract zoned GR-10, one that it had been down zoned from commercial, and two, that the developer had brought plans to Council that included a lesser density development than what would have been allowed. Lenox stated that he felt GR-6 would be consistent with the Land Use Plan and stated that he would support staff's recommendation. McMenamin stated that she agreed with Mayor Lenox and would support staff's recommendation.

Brooks stated that when the 2 acre tract was zoned GR-10, many residents had come forward with questions and concerns, but that the developer had come to Council with plans that were compatible with the surrounding area. Brooks stated that the City's only control over what was built on a piece of land was through the zoning and felt that the surrounding property owners would prefer a GR-6 zoning classification.

— Mr. Haugen asked if staff would be agreeable to zoning 3 1/2 - 4 acres that lies adjacent to the property currently under construction as GR-6 which would provide a sufficient buffer and zone the remainder as GR-10. Williams stated that would be a more reasonable proposal than a complete GR-10 zoning. Lenox asked if there was not a stipulation of a 25 foot buffer around all lots on the property. Williams stated that, yes, the Planning Commission had felt that a sufficient buffer was needed due to the uncertain nature of the property. Williams continued by saying that the area Mr. Haugen was talking about was 3 1/2 - 4 acres that was on the south side of a stream that ran through the property and stated that he felt it was a reasonable proposal for the zoning of those 4 acres to be GR-6 and the remainder of the 18.5 acres on the other side of the stream to be zoned GR-10. Brooks asked how many acres would lie south of the stream. Haugen stated that it would be about 25% or about 4 acres.

Lenox stated that he was still reluctant to zone the 18.5 acres anything but GR-6 in the absence of a specific development plan. Mr. Haugen stated that the McWilliams had no plans for development, but asked that Council agree to rezone the property GR-6 and GR-10.

McMenamin made a motion to rezone 31.5 acres R-12 Residential and 18.5 acres GR-6 General Residential. Brooks seconded the motion. Motion carried unanimously.

City Attorney Jim Webb commented later in the meeting that he wanted it put in the record that the McWilliams did not file a letter stating their constitutional rights in reference to zoning.

— 7-92-2 Citizens Appeal to Braelinn Baptist Church Plan

Mayor Lenox explained that several citizens had filed an appeal to the Planning Commission's decision to approve the Braelinn Baptist Church concept and development plan. Mayor Lenox stated that the

— appeal would not be a public hearing, but for structure and organization, would be conducted in the same manner. Mayor Lenox questioned Attorney Jim Webb if he was correct in believing that the Council's responsibility was to determine if the Planning Commission had made any errors in judgement or action that would enable the Council to overturn the Commission's decision. Webb stated that was correct. Lenox stated that each side would have one-half hour to present their side, and asked to hear first from those citizens that filed the appeal.

Ms. Linda Hayes, 503 Creekside Way, came forward to appeal the concept plan that was approved on April 13, 1992. Ms. Hayes stated that the residents had not seen exactly what was approved on Monday July 13, 1992, so they were not prepared to appeal that decision. Hayes explained that the residents were appealing the high density usage of a low density area that was zoned Estate Residential (ER). She stated that she was not protesting the Church, but the size of the facility.

— Mayor Lenox reviewed the details of the Planning Commission's approval for the benefit of all concerned and stated that the April decision was superseded on July 13th with the decision from the Planning Commission. Bradford stated that he was only interested in hearing an appeal one time. Attorney Jim Webb stated that the citizens would have five days to file a new appeal of the July 13th decision. Mr. Webb stated that they could appeal the April decision now and appeal the July 13th decision at a later date. Lenox stated that the April decision was academic at this point. Ms. Hayes stated that they were not prepared to appeal the July 13th decision but would file a new appeal and did not want to give up any rights they might have.

Mayor Lenox made a motion to table the Braelinn Baptist Church appeal to the next Council meeting. McMenamin stated that she had a call from a resident that wanted to know if the Braelinn Church had gotten undue consideration from the Planning Commission and questioned Ms. Price on how many times one group can come before the Planning Commission. Ms. Price explained the procedures, stating that the Church had first come to the Planning Commission in August of 1991 with a general concept and received ideas from the Commission. In January they came to the Planning Commission with a site plan for the 18 acres and in April came in with a concept plan which was approved with conditions. Ms. Price stated that it was not out of the ordinary for a plan to be brought back before the Commission several times.

— Attorney Jim Webb asked those residents that had filed the appeal if they objected to continuing the appeal to a later date. None objected. With that Webb suggested amending the motion to read that Council continue the appeal hearing on the April 13th decision with the understanding that the hearing would be consolidated with any appeal that was subsequently filed with respect to the July decision. Lenox amended the motion. Bradford seconded the motion as amended.

Several residents that were not in favor of the Church came forward and stated their concerns about traffic, parking, commercial rental of the fellowship hall, buffers and declining property values.

Ms. Linda Hayes asked how many parking spaces were given to the church. Mr. Mike Lorber, architect for the Church, came forward and stated that there were 870 parking spaces, 760 paved and 110 grass. Mr. Lorber stated that 58% of the land would be impervious and that the Church was trying to accommodate the residents. He stated that one corner of the Church was 80 feet from the right-of-way and that most other places were at least 110 feet from the right-of-ways. Lorber asked that the appeal process be denied.

Brooks directed City Staff to verify the imprint percentage and to look into the mixed uses that the Church might get into. He directed them to do this before the next meeting.

Mr. Paul Dewsnap, 100 Meadowlark Trace, came forward and asked about setback requirements and asked if the requirements had been lifted for the Church and stated that the Church should look elsewhere if they could not have 100 foot buffers. Mr. Lorber assured Mr. Dewsnap that all buffers were at least 100-125 feet except for one corner that would be 80 feet. Motion carried unanimously.

7-92-3 Amendment to Land Development Ordinance - Renaming of Streets

City Manager Jim Basinger stated that staff felt the two required public hearings now necessary to change the names of streets, one before the Planning Commission and one before City Council, was too time consuming and not necessary. Basinger stated that new streets were named in the final plat stage, but that there were two existing streets that needed to be changed currently. He stated that staff recommended that Council approve an amendment to the Land Development Ordinance authorizing that streets can be changed with only one legal notice advertised and one public hearing held by the Planning Commission. Basinger stated that an affected property owner could appeal to appear before City Council and that would give Council final authority over street name changes. Basinger reported that property owners fronting on any street with a proposed name change would be notified of the change by mail. McMenamin stated that she felt it would be a good move and made a motion to accept the recommendation by staff to amend the ordinance. Lenox seconded the motion. Bradford stated that in item (d) he would like to see it read "A request" instead of "if a request is" and made a motion to amend the motion to incorporate the change. Lenox seconded the motion. Motion carried unanimously.

7-92-4 Ordinance to establish criteria for City elections

Frances Meaders, Elections Superintendent, stated that many changes had been made to the election procedures recently and that Chapter 8 Elections, in the code of ordinances, was outdated. She recommended that an ordinance be adopted referring to the Municipal Code and City Charter for election procedures. Brooks made a motion to adopt the ordinance as recommended. McMenamin seconded the motion. Motion carried unanimously.

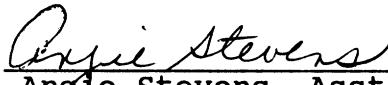
4-92-5 Appointment of member to Water and Sewer Authority

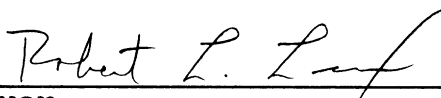
City Manager Basinger stated that Mayor Lenox, the Water and Sewerage Authority Chairman and himself had comprised a Selection Committee to fill Mr. Carl Whitley's vacant seat on the Water and Sewerage Authority. Basinger stated that it was the Selection Committee's unanimous recommendation that Mr. Champney McNair be appointed to fill the unexpired term of Mr. Whitley, to begin August 1, 1992 and to end December 31, 1993. McMenamin made a motion to approve the appointment of Mr. Champney McNair to the Water and Sewerage Authority. Bradford seconded the motion. Motion carried unanimously.

There being no further business to come before Council Mayor Lenox made a motion that the meeting be recessed to be reconvened in executive session to discuss the Black lawsuit. Bradford seconded the motion. Motion carried unanimously.

Executive Session

No action was taken in executive session and Bradford made a motion that the meeting be adjourned. Lenox seconded the motion. Motion carried unanimously. The meeting was adjourned at approximately 8:30 PM.


 Angie Stevens, Asst. City Clerk


 Mayor Attest