

City Council of Peachtree City
Minutes
July 5, 2001

The City Council of Peachtree City met in regular session on Thursday, July 5, 2001, at 7:00 p.m. in the City Hall Council Chambers. Mayor Robert L. Lenox led those attending in the Pledge of Allegiance. Other Councilmembers present were Carol Fritz, Annie McMenamin, Steve Rapson, and Dan Tennant.

Announcements, Awards, Special Recognition

Mayor Lenox recognized the 2001 4th of July parade winners. The winners were 3rd place golf cart, Eleanor Gaynor; 2nd place golf cart, Charles Micallef; 1st place golf cart, Japanese/American Friendship Society; Most Patriotic, Sturm/Zinck family; Most Creative, Girl Scout Troop #617; Most Original, Cub Scout Pack #75; Mayor's Trophy, Cub Scout Pack #279; and Grand Marshall's Trophy, Fayette YMCA Indian Guides.

Approval of Minutes

McMenamin moved to approve the minutes of the June 21 Council Meeting as written. Fritz seconded the motion. The motion carried unanimously. McMenamin moved to accept the minutes of the June 21 Council Workshop minutes as written. Fritz seconded. The motion carried unanimously.

Monthly Reports

Lenox announced that the monthly reports for May were now available for review. He commented that one of the more interesting items was the number of persons in the County jail attributed to Peachtree City for the month of May. Peachtree City averaged 12 prisoners out of a daily population in excess of 200. Lenox pointed out that the city utilized really a small percentage of the jail's capacity, which he said was a tribute to us all as honest citizens.

Consent Agenda

1. Resolution Approving Purchasing Cards from Bank of America
2. Approval of Funding-Highway 54 West Traffic Model Updates

Tennant moved to approve the Consent Agenda as submitted. Fritz seconded. The motion carried unanimously.

Old Agenda Items

06-01-09 Discuss Status of Home Depot/WalMart Projects

Tennant noted that all Councilmembers had been getting questions on what was going on with the Home Depot/WalMart project. He added there was some confusion about the timetable and said he felt it was a good idea for Council to be filled in on what's happening by City Staff.

City Planner David Rast gave a brief overview of the projects' history saying that other sites had been considered for Home Depot in the past. The first site in 1998 was the rear parcel of City Circle. The site involved significant changes and due to the construction costs, the developers decided to look elsewhere. The first plan for the Huddleston Tract in the West Village Retail Center was submitted in 1999 before work on the Traffic Impact Ordinance began. The review of the plan began close to two years ago. The staff had spent time working with the developer asking them to commit to critical items. The staff asked RAM to provide a letter from Home Depot and WalMart that authorized RAM to act as their representative. That led to the vice-president of real estate from Home Depot coming to meet with staff. Rast said staff developed a good relationship with Home Depot, but that it took longer to do so with WalMart. Staff continued to work with the developers until they were comfortable with the plan.

There were two phases to the plan, Rast continued, with Home Depot as Phase 1 and WalMart as Phase 2. The staff worked closely with Home Depot on the design, architecture, and storm water retention and how to mitigate the runoff. Rast said they had developed what they felt was the best plan for Home Depot. The Home Depot plan included traffic data from the city's consultant, who said the plan passed the Traffic Ordinance. The Planning Commission denied the conceptual site plan. Home Depot appealed to City Council and Council approved the plan.

WalMart had been the more difficult of the two to deal with, Rast said. After working with them, and then getting the Home Depot people involved, the WalMart plan had been improved. It was not the best plan possible, but it was probably the best the city was going to get. He said staff felt comfortable moving forward and working on the aesthetics of the site. About 200 parking spaces had been eliminated, and landscaped areas had been introduced to try to break up the lot. They developed storm water retention on site and a very innovative method of channeling the pollutants before the water got to the wetlands or to Line Creek. The proposal did not meet the Traffic Impact Ordinance and the Planning Commission recommended denial. WalMart appealed to the Council and Council approved the conceptual site plan along with a lengthy list of lane improvements that the developer would be required to make. Staff continued working on the Huddleston Tract. Rast explained the tract was not in an area with architectural controls and added that Home Depot and WalMart gave in on a lot of details and the two projects would be similar in design. However, Home Depot would be using its signature orange colors and WalMart would be using its blue color.

Rast felt the project would not be visible from Highway 54 because the developer would have to replace a significant number of trees. Staff had looked at architecture, building materials, lighting, and the site plan for three years. Rast said the developers seemed to be ready to work with staff if other areas need to be addressed. The site plan was ready to be approved, Rast stated.

Tennant asked about traffic improvements and the ramifications of a hand count versus a metered count of traffic in the area. Rast said he had talked with Dames & Moore, the city's traffic consultant. The first traffic study Home Depot and WalMart provided passed the Traffic Ordinance several months ago. The ordinance stated that if a permit was not issued in 90 days, the study expired. Since the original was approved, a significant number of residential and commercial plans had also been approved and a second baseline had to be re-established. A manual traffic count was done, which staff felt was more accurate. In a manual recount, someone sat at the intersection and counted the cars and their directions. He said a meter count only counted cars and did not count how many cars made right turns at the intersection.

Tennant asked if there was a dollar amount attached to the road improvements. Rast said the total cost was \$1.5 million, but that some of that, around \$200,000, would come from the Wieland residential development, Centennial. Rast also said DOT was behind in approvals and the meetings were continuing.

Tennant asked if there was an increase in the traffic flow from the first count to the second count. Developmental Services Director Jim Williams reported that the only project not factored in the study had been the North Wynnmeade project, which included 107 lots. Everything that had been permitted, and their estimates, was included in the original model and the last update. Williams said they wanted to verify the original projections and that they were pleased to get as close to the original estimates as the study did.

Tennant said he wanted to make sure the developers paid their fair share. McMenamin asked Rast if he was satisfied with the Development Agreement. Rast said yes. McMenamin asked about signing the Development Agreement. Lenox replied that it was implicit in the council action that he could execute the Development Agreement as the mayor and that he would like to vote on the agreement that night. City Attorney Rick Lindsey added that there had been some tweaking to the agreement, but that the meat of the agreement hadn't changed in eight months. Tennant and Rapson said they would like time to look over the agreement. Lenox told the council that the only time constraint was a meeting set for Tuesday, July 10. Lindsey said he was e-mailing the agreement to the Home Depot and WalMart counsel tomorrow. Lenox stated that the agreement was just a reflection of what Council had proposed, but that he wanted to ensure Council didn't miss anything. Rapson pointed out that he wasn't on Council when the plan was approved, and asked if he could take action on the agreement. Lindsey said the Development Agreement listed the conditions and understandings of the approval and that if Council had concerns and questions, they had until Tuesday morning to address them. He reminded Council that the mayor already had the legal authority to sign the agreement.

Tennant asked City Manager Jim Basinger what happened at the meeting with the developers on Tuesday, July 3. Basinger said the key issue had been traffic improvements. The improvements must start by August 15. If the improvements haven't started by August 22, the city could begin the improvements and the developers would have to reimburse the city.

Tennant said he wanted to make sure he and Rapson weren't signing off on something when they didn't know what was being said. Lenox commented that there was nothing wrong with the Development Agreement, but they were just making sure nothing was forgotten.

Rapson asked Lindsey to clarify the last sentence in Paragraph 14 pertaining to backing out of the agreement. Lindsey explained that it meant that if Home Depot or WalMart backed out, the developer couldn't send the city a Big Lots.

Rapson said he was comfortable with having the mayor sign the agreement. Lenox moved that he sign the agreement substantially in the form presented pending any additional comments from Council. Fritz seconded. The motion carried unanimously.

Lenox commended the staff for the work they had done and the time they had spent on the project.

New Agenda Items

07-01-01 Alcohol Licenses & License Representative Change – NEW – Kroger #654 – 100 N. Peachtree Parkway

Lenox said that Timothy Floyd Brown had requested to be appointed Licensee and Russell E. Stewart had applied to be License Representative for the new Kroger #654 located at 100 North Peachtree Parkway (formerly Harris Teeter).

McMenamin moved to appoint Brown as the Licensee and Stewart as the License Representative for the new Kroger #654. Fritz seconded the motion. The motion carried unanimously.

07-01-02 Rezoning Request – Haynes Property – 108 Carriage Lane

Lenox read the rules for Public Hearings, establishing time limits of 20 minutes per side for those for and against the project.

Property owner Thomas Haynes addressed Council regarding his request to rezone the 3.82-acre property at 108 Carriage Lane. Haynes told Council he had lived in Peachtree City for 30 years, 25 years on Carriage Lane. Haynes told Council that $\frac{3}{4}$ of his lot had never been used and that his youngest son wanted a home on Carriage Lane. Haynes said he would like to rezone the parcel from ER (Estate Residential) to LUR-9A (Limited Use Residential) so he could subdivide the tract into two parcels. Haynes told Council he knew he could build a guest house according to City Code, but preferred to subdivide the property so his son could have his own home. Haynes referred to the rezoning of a 30-acre tract adjoining his property from ER to LUR. He said he thought by these rezonings he should have an equal right to a rezoning. He said when Carriage Lane was developed it had 10 tracts. He showed Council a plat of Carriage Lane which showed an 11th lot of only 1.42 acres. He asked if that was a computer error. Williams told Council the lot could be subdivided if the Council or the Planning Commission subdivided it, but that staff didn't consider that lot subdivided and that if someone tried to sell the 11th lot they could be prosecuted. Haynes

said a creek ran down the middle of his property. If subdivided, the additional lot would be a two-acre plat.

Kelly Ranes, Phyllis Aquayo, Joe Jackson, Ronnie Ranes, and Larry Manwaring spoke in opposition to the rezoning. They were concerned that subdividing the lot could set precedence for others to do the same.

Williams told Council that staff and Planning Commission had recommended denial of the rezoning request. He added that Haynes had a perfect solution by building a guest house. He pointed out that guest houses could not be rented or used for income, and were intended only for guests and/or family and could not be sold separately.

McMenamin said that while she had a lot of empathy for Haynes, she could not approve the rezoning. Fritz agreed and added that opening the door for one rezoning opened the door for everybody else. Lenox said the precedence issue also worried him the most. He added that some people would subdivide their ER lots just for the money.

Haynes told Council he would proceed to build a guest house and asked if he needed anything in writing that said it was permitted for him to do so. Lenox said Council would forward a letter stating that he had that right.

McMenamin moved to deny the rezoning. Fritz seconded the motion. The motion carried 4-0. Tennant abstained due to a prior business relationship with Haynes.

07-01-03 Rezoning Request – Penson Tract, GA 74, AR to OI

Don Cobb of Cobb and Associates, Architects Inc., represented the property owner, Ms. Bobbie Gray. The property was a 2.99-acre tract on GA Highway 74 North between Kedron Drive and McWilliams Drive and was zoned AR Agricultural. The owner wanted to combine the tract with the adjoining 1.09-acre parcel owned by Dr. Faiyaz, which was zoned OI Office Institutional. Cobb explained that they wanted to retain a good buffer and would use the same curb cut on GA Highway 74 as the current residence. The plan included acceleration and deceleration lanes off GA Highway 74 as well as a curb cut off McWilliams Drive. The applicant planned to build three, single-story office buildings that would be residential in nature. The parcels were surrounded by the Honeysuckle Ridge and Beechwood subdivisions, which were zoned GR-10 and GR-6, respectively. The property to the south was City-owned greenbelt.

Williams reported that the three-acre tract was located along the highway. The Pensons had lived in the residence on the parcel for years and the Land Use Plan kept the parcel as one that could transition to another use, namely office or multi-family. Williams said staff felt it was not a good location for cluster housing. Staff felt OI would be less intensive and would blend in. The Planning Commission had recommended approval.

Glen Kingsley spoke against the rezoning. He cited traffic concerns and asked Council not to rezone the parcel until the traffic congestion was looked into.

Pamela Crane expressed concern about the cart path. She pointed out that the subdivision entrance to Honeysuckle Ridge was beautifully landscaped and that the only place to put a cart path to the proposed development was there. She also expressed concern about the buffers and the vegetation.

Phyllis Aquayo said she felt it was a good use of the property and that she liked the requirement of the residential nature of the buildings. She hoped it would set a precedent for the corridor.

Kathy Nelms commented that she hoped the project would be something that added to the corner.

Tennant said this was one rezoning he could support based on what was happening in the vicinity.

Rapson agreed. He said that after looking at what could go there, that three office buildings were less dense and made sense.

Fritz also said she supported the rezoning and asked the Honeysuckle Ridge residents to keep in touch with the City Planner to make sure their concerns were addressed. Lenox pointed out Fritz's suggestion was stipulated as a condition of the rezoning.

Tennant moved to approve the rezoning as submitted with conditions a, b, c, d, e, f, g, and h. McMenamin seconded. The motion carried unanimously.

Council/Staff Topics

Basinger reported that the traffic signal relocation from Wynnmeade /GA Highway 54 to GA Highway 54/McDuff Parkway would be delayed from July 17 to July 22 because an underground fiber optic line needed to be relocated.

Lenox announced there was one real estate item for executive session and moved to go into executive session after a five-minute break. Tennant seconded. The motion carried unanimously.

Executive Session

During executive session, Council authorized the City Attorney to negotiate a real estate contract. Fritz moved to adjourn the executive session. Lenox seconded the motion. The motion carried unanimously.

Lenox moved to adjourn the meeting. McMenamin seconded the motion. The motion carried unanimously.

Attest: Robert L. Lenox, Mayor


Betsy Tyler, Deputy City Clerk