

MINUTES OF MEETING
CITY COUNCIL OF PEACHTREE CITY
June 20, 1991

The City Council of Peachtree City met in regular session on Thursday Night, June 20, 1991, at 7 PM in the City Hall Council Chambers. Mayor Brown called the meeting to order and led those in attendance in the pledge of allegiance.

Council members present were: Mayor Frederick Brown, Jr. and Councilmen Edward Bradford, Annie McMenamin, Robert Brooks and Rich Parlontieri.

No items were added to the agenda.

Announcements, Awards, Presentations

Mayor Brown announced that the July 4th Council meeting had been cancelled because of the holiday. The next City Council meeting would be July 18th.

Mayor Brown introduced the new City Planner, Michael Concilla, and welcomed him to Peachtree City.

Mayor Brown presented plaques of recognition for service rendered the City to the following:

John Fields - Peachtree City Recreation Commission
Marcia Cole - Peachtree City Recreation Commission
Larry Gray - Commission on Children and Youth

Mayor Brown expressed appreciation to each of those recognized and commented on their service. He particularly thanked Larry Gray, an original member of the Commission on Children and Youth, who had served as Chairman for the past two years. He thanked Mr. Gray for his service and for all the accomplishments by the CCY during his tenure.

Mr. Gray, in accepting the plaque, expressed his appreciation to Jane Miller, Personnel Officer, for her support and assistance in getting the Commission started and to Jim Basinger, City Manager, and the Mayor and City Council for all their encouragement and support.

Mayor Brown presented the Employee of the Month Award for May to Pat Webster, Recreation Department employee responsible for senior citizen programming.

Mayor Brown recognized Rebecca Grabill, member of the Peachtree City Law Enforcement Explorer Post. Ms. Grabill had been accepted as one of forty explorers nationwide to attend the 1991 National Law Enforcement Explorer Leadership Academy in Washington, D.C. conducted by the FBI. The Mayor stated that it was certainly a honor for her that her leadership abilities had been recognized and congratulated her on her acceptance into the program.

Department Reports

Mayor Brown urged the public to review the monthly department reports and reported the population to be 21,009.

Minutes

Motion was made by Parlontieri that the minutes of meetings held May 16, 1991 and June 6, 1991 be approved as published. Motion was seconded by Bradford. Motion carried unanimously.

New Agenda Items

6-91-4 Joyner Variance - 521 Pinegate Road

Mayor Brown called to order a public hearing to consider a variance request submitted by Ronnie and Krista Joyner of 521 Pinegate Road, Peachtree City. The Mayor explained the public hearing procedures and called attention to handouts available for the public explaining the procedures. The Mayor gave each side of the issue ten minutes to speak.

Mr. Ronnie Joyner addressed Council. He explained that he had constructed an 8' x 12' utility building in his rear yard with a permit issued by the building department. He stated that apparently there had been a misunderstanding during the application and permitting procedures on where he planned to place the building because he had constructed the building in the 15 foot side yard setback area. He apologized for any misunderstanding between him and the building department officials but he felt he had built the building in good faith with the permit as issued. Mr. Joyner requested a variance to the 15 foot sideyard setback so that the building could remain in the current location. He stated that there was no other suitable location on his lot to place the building due to the terrain. He also called attention to letters from his neighbors stating no objection to the building.

Mayor Brown called for comments from the public wishing to speak in favor of the request and hearing none called upon the city representative, Jim Williams, to present the city's point of view in the matter.

Mr. Williams stated that the City staff recommended the variance be denied because they felt proper procedures were followed during the application process and that the requirements of the ordinance were faithfully observed by the building department.

Mayor Brown called for any comments or questions from the public and hearing none declared the public hearing closed and called upon the City Council for comments.

Brooks stated that in reviewing the requirements for a variance outlined in the zoning ordinance he found there were essentially four and he felt in this case all four had been met. He stated that the lot in question, as Mr. Joyner had stated, was on a 45 degree angle and there was no other appropriate place for a utility building. He felt if the variance were not approved there would be an unnecessary hardship created for the property owners if they were denied the right to use a utility building located

inside a six foot fence. He also felt there were conditions peculiar to this particular piece of property and that a variance in this case would not set a precedent that would cause the City a problem later. Brooks did not feel the building was a detriment to others in the area and in fact, noted that there was support from the neighbors for the variance.

A motion was made by Brooks that the variance be granted. Motion was seconded by Bradford. Motion carried unanimously.

6-91-5 Public Hearing - Rezoning of Walt Banks Road/Highway 54 Property
Center Space, Inc., Applicant

Mayor Brown called to order the public hearing to consider a rezoning request submitted by Center Space, Inc. for Lassiter property located at Walt Banks Road and Highway 54 and Heard property located on Highway 54. He stated that the public hearing procedures explained earlier would apply and that copies of the zoning procedures were available as handouts on the press table. The Mayor added two stipulations to the previous hearing explanation. One was that there would be no discussion of the site plan for the property because this hearing was for zoning. The second stipulation was that Council take separate actions on the two pieces of property. The Mayor allowed forty five (45) minutes for each side of the issue and called upon City Manager, Jim Basinger, to keep the time. He then called upon the applicant to present the rezoning application.

Mr. Dick Davis of 5600 Roswell Road, Atlanta, Georgia, representing Center Space, Inc., addressed the Council and introduced others who accompanied him. They were Ms. Jamie Foster of Center Space, Inc., Attorneys Jim Ney, Scott Jacobson, and David Cooper, Mr. David Braswell, Civil Engineer, and Mr Tom Hubbard, an engineer specializing in traffic.

Mr. Davis stated that Center Space, Inc. was requesting the rezoning of approximately 26 acres at Walt Banks Road and Highway 54, known as the Lassiter property, from LUC -7 to LUC-7 with a change in previous assigned conditions. He stated that in 1987 there were nine conditions placed on the property by the City. The rezoning request was to change or remove several of those conditions. He asked that the following changes in conditions be made:

1. The limitation of 15.5 acres for the retail portion of the property be changed to 17.5 acres.

2 & 3. The 100 foot greenbelt along Highway 54 and 50 foot greenbelt along Walt Banks Road conditioned to be owned by the City be changed to keep the greenbelt as stated but that ownership be retained by the property owner. The condition also provided for no access onto Highway 54 and the change requested was for access onto Highway 54 with all DOT standards being met.

4. No change.

5. Condition limited the largest tenant to be no larger than 32,000 square feet. Request was to eliminate the condition altogether. Reason was that anchor tenants range from 115,000 square feet to 40,000 square feet.

6. No change.

7. Condition provided that if necessary a traffic study of the area would be conducted. At the request of the City the study had been done and a copy provided to the Council prior to the hearing.

8. & 9. Conditions apply to the traffic study. Mr. Davis explained that the condition required that any public improvements necessary as a result of the traffic study would be provided by the developer. He stated that they were willing to abide by that condition and would like to talk about that with the Council, however, the traffic study indicated nothing would be needed on Highway 54 because of the widening being undertaken at the present time by DOT. There might be improvements required along Walt Banks Road and they were willing to discuss those.

Mr. Davis stated that the second part of the rezoning request was that adjoining property on Highway 54 known as the Heard Property, property currently zoned Single Family R-43, be rezoned to General Commercial.

Attorney Jim Ney of Suite 600, 100 Galleria Parkway, Atlanta, Georgia, at this point addressed the Council. He stated that he too was speaking for Center Space, Inc. and would like to speak for approximately 15 - 20 minutes and then call for those others wishing to speak in favor of the proposal. After that he and Mr. Davis would close their segment of the hearing. Mayor Brown said that would be appropriate as long as they abided by their time limitation.

Mr. Ney stated that Center Space, Inc. had been , and continued to be, very successful shopping center developers having been so for approximately seventeen years with developments all across the Southeastern part of the United States. He stated that they intended to build a very attractive, first class shopping center that would be an excellent addition to the community and one that would not do any harm to anyone whatsoever. He explained that the application included approximately 46 acres but that approximately 26 acres of that was already zoned in the Limited Use Commercial category and that they were not asking for a zoning change on that property. He said that they were asking that several of the conditions placed on the LUC zoning, which they felt made the property impossible to be utilized for any retail use, be removed. The next twenty acres along Highway 54 adjoining the LUC property was requested to be zoned General Commercial so that it could be included in the same shopping center development.

Mr. Ney explained that Center Space, Inc. was approached by a large tenant wishing to be placed on the property under discussion. Following the request they had investigated the situation and had, in response to the Peachtree City zoning requirements, furnished the City with a sixteen page impact analysis which addressed all the stipulations of zoning as set forth in the Peachtree City Zoning Ordinance. In addition to their impact analysis they had also employed Mr. Bill Huff, a qualified land use planner, and asked him to also prepare an analysis to back up theirs. A copy of Mr. Huff's analysis had been provided to Council prior to the hearing.

Mr. Ney reported that a traffic study had been prepared by the RBA Group

and a copy of that had been provided to Council prior to the hearing. The traffic study recommended seven specific measures to be undertaken and Mr. Ney indicated that Center Space, Inc. would be willing to undertake those measures in order to satisfy the traffic pattern in and around the property. (the seven measures were not read or explained by Mr. Ney) Mr. Ney read from the report that if the seven measures were undertaken and accomplished, the traffic in and around the property would operate approximately the same as it is currently.

Mr. Ney then referred to a booklet provided Council prepared by Land Development Analysis, Inc., a company known for their development analysis and appraising. Mr. Ney reported that their study concluded the following:

1. The R-43 property was inappropriately zoned for single family development largely because it was located along a major highway.
2. The LUC property had too many restrictions on it to allow it to be developed as a commercial facility or project.
3. The appraisal indicated the value to be at this time, in their opinion, approximately \$485,000. If zoned as requested the value would be \$3,500,000.

Mr. Ney also provided a four page analysis prepared by a expert in residential development. The expert basically concluded that the R-43 property would not be financially viable to go forth with residential development and it did not represent a reasonable use of the property.

Mr. Ney reported that at the Planning Commission hearing Jim Williams, City Director of Developmental Services, had spoken against the proposal and raised several issues that he (Mr. Ney) wanted to respond to. First, Williams reported that the current LUC -7 zoning was a negotiated settlement of a lawsuit in 1987. Mr. Ney explained that he had contacted the then applicant, Mr. W.G. Lassiter, who basically stated that he had accepted the zoning because he had been trying for several years to either sell or develop the land and he had just given up and he accepted the LUC-7 zoning. Mr. Ney felt the twenty six acres were clearly located in a commercial node, being near a high school, several churches, numerous business activities and it fronts on a major thoroughfare, presently being improved to a four lane highway.

The second point Mr. Williams made was the proposal was not in compliance with the City's Land Use Plan. Mr. Ney felt that the expert opinions provided clearly pointed to the fact that their proposal met the intent of the Land Use Plan.

In conclusion Mr. Ney stated that the largest part of the property was already zoned for commercial development. The natural activity around the site and on the site itself made it a natural commercial node. The property was in an area that was destined for commercial use because the only practical use it could be put to would be the commercial or retail category. He stated that highway 54 was a major North/South artery linking Peachtree City with Fayetteville and was currently being widened to a four lane highway, with a center median, to handle a high volume of traffic.

The area the property was in included schools, churches, cemetery, trailer park, offices, and commercial and retail activities. He noted that there were two residential subdivision in the area. One was Southern Trace located on Walt Banks Road and was approximately 380 feet at a minimum from the back of any building proposed in the Shopping Center. The other was Parkway Estates with the nearest building located approximately 500-600 feet from the Shopping Center. He felt the property could not be used for residential development and there was no need for office use. He felt it was inescapable that commercial and retail was the only reasonable, economical and constitutional use that could be made of the land.

Mr. Ney pointed out again that they were only asking for relief from conditions on the LUC zoned property and the change from the R-43 property to GC or some zoning that would allow commercial development. He stated that they felt strongly that the zoning being sought would permit the development of a shopping center on the property that would be in keeping with others in the City. Mr. Ney presented the names of nine adjoining property owners supporting the rezoning.

Mr. Ney stated that the experts he brought with him were available for any questions and that he and Mr. Davis would like to make a few closing remarks after giving others in favor of the project an opportunity to speak.

Mr. Joe Lallande, resident living at 1001 Highway 54 E, addressed Council and stated that he was speaking for himself and Mr. and Mrs. Scott, property owners adjoining the R-43 property, and that they were in favor of the rezoning. Mr. Lallande stated that he and others in the area felt that denying this zoning would be denying them the best and most economical use of their property in the future. He stated that the reason he and others had decided to stop fighting the rezoning of property in this area was that they saw they were losing the battle. They decided to join in and support a project they felt would be worthwhile.

There were no others speaking in favor of the project and Mr. Davis came back for closing remarks. He explained that his company represented national retailers and that the A & P Food Chain was the business sending them to Peachtree City. He stated that they did not build speculative projects but ones with strong retailers in them. He stated that they prided themselves on developing quality developments and Mr. Davis had several renderings available of their projects in other areas.

Mr. Davis explained that he had talked with Mr. Lassiter, the owner of the property, about the 32,000 square foot building condition and Mr. Lassiter stated that at the time in 1987 he had thought he had a tenant, Winn Dixie, for that size facility. At about the time they were ready to close the deal Kroger announced a 62,000 square foot store in Peachtree City and Winn Dixie felt they could not compete.

Mr. Davis explained also that Center Space, Inc. was the developer of the shopping center and that they were in an agreement with the land owner, Mr. Lassiter, to develop the center. Mr. Lassiter, he stated would be a partner but was not the developer.

Mr. Ney asked to clear up one question that had come up during the

process. He stated that the property would be sewered and delivered to Jim Williams and the City Attorney a statement to that effect to be part of the record.

Mr. Ney asked at this time that the Council consider tabling the matter for a short period of time to give them time to review and do economic evaluations on alternative proposals they were presently considering.

Mayor Brown at this point called upon Mr. Jim Williams to present the city's position in the matter.

Mr. Williams congratulated Mr. Davis and Mr. Ney for their fine, professional presentation. He felt, however, that there was a major difference of opinion in the interpretation of the City Land Use Plan. Williams stated that Highway 54 to the East city limit line was not all commercial as had been intimated tonight. He stated that the majority of the property along the highway was residential in accordance with the Land Use Plan. Williams emphasized that it was shown that way on the Land Use Map and it was shown that way when driving down the highway. He felt this land use planning was what clearly distinguished Peachtree City from most other places.

Mr. Williams stated that he did not doubt but that the applicants would build a fine shopping center. The question was did the City want a shopping center at that location after years and years of developing a plan that emphasized the village center concept and did not contemplate a large shopping center on the eastern boundary of the City. Williams stated that the Land Use Plan clearly did not provide for that concept. Regarding the agreement arrived at in 1987 with Mr. Lassiter of Palm Beach Development Corporation, it was a reasonable compromise. It was not something the City felt was the very best answer nor did Mr. Lassiter, but, Williams stated, he was present during the discussion and Mr. Lassiter left the table happy with what he had received.

Williams explained that there were at least six sites in Peachtree City already zoned for commercial use which were in keeping with the Land Use Plan where a center such as this could be located. These sites were owned by a number of different property owners. Williams felt that the developers could approach any of those property owners and work out an equally acceptable deal. Williams stated that he thought it interesting that neither of the two property owners involved in this issue were present at the hearing but had agents representing them who would purchase the property if it were rezoned to increase the value from several thousand dollars to several million. Mr. Williams explained that the whole point in the planning process in the City was to set the rules for years in advance and then everyone would play by the rules. He understood the property owners stance and it was a natural human thing to do, however, it was also a natural human thing for the City to want to abide by the plan that had been developed and as faithfully as humanly possible followed. Williams stated that he heard the property owners in that area talk about problems with the many proposals for development in that area and he wanted to point out that the City had, for the last several years staunchly defended those properties in that area on numerous fronts.

Williams felt he had pointed out the key issues in this matter. He stated

that there was a low intensity commercial development on the corner which was zoned as a compromise and, if this was to be opened up for discussion he would like to discuss placing it back as residential which is what the City wanted it to be in the first place.

Williams reported that the Planning Commission was unanimous in its recommendation for denial of both proposals and staff shared that recommendation.

Mayor Brown opened the floor to those wishing to speak against the proposal. Approximately seventy five (75) residents were in attendance to show their opposition to the rezoning and several spoke to the issue.

Mr. Charles Larson of 107 Southern Trace represented himself and the Southern Trace Subdivision Homeowners Association. He presented a letter to Council expressing their opposition to the rezoning and a copy is on file in the City Clerk's office. Reasons stated in the letter for opposing the proposal were: The planned development would not fit into the City's land use plan which they relied on in locating in Peachtree City and in the Southern Trace Subdivision; the facilities proposed are not needed in the City; the property is located in an area already plagued by traffic problems; the property is located across from McIntosh High School, Friendship Bible Church and Trinity Catholic Church, organizations hardly in need of general commercial neighbors. If approved the rezoning would not be compatible with Southern Trace and Parkway Estates Subdivisions and was not what the residents were promised when they located in those areas. The rezoning would be a major change from what was indicated to them when they researched the area before purchasing their property.

Charlene Alexander, Remax Realty Company, stated that the developer of Southern Trace Subdivision, Richard Bearden, purchased the property in 1988. He did so after checking with the City and was assured of the LUC zoning and the accompanying conditions. He relied on what the City and the property owner had agreed upon and made a large investment. The residents who purchased homes in the subdivision based their decision to locate in the area on the LUC zoning of the corner property. She suggested the developers display an example of a shopping center of this type and size across from a major school and churches.

Ms. Alexander reminded everyone of the proposed rezoning some time ago across the highway from this property where the proposal was to rezone Estate Residential to Commercial for a dinner theater. The rezoning was denied she stated, as it should have been, because it was not in keeping with the land use plan, because of the adjoining residential properties, the property had a reasonable economic value without a rezoning and the commercial use would conflict with the traffic on the highway and interfere with safe access for the residential property owners. She stated that this proposal was magnified eleven times over the previous proposal across the highway and asked that the Council deny the request based on the same reasons.

Dr. Brad McCrackin, resident, addressed the issue. He stated that there was a point to be made in the LUC zoning and if it is thrown out and General Commercial takes its place, a precedent would be set that would be detrimental to the City. He asked where the line would then be drawn. He

felt if a zoning change was to be made then why not zone it back to residential as Mr. Williams had mentioned earlier. He felt even in view of the traffic reports, the center would bring traffic in from other areas and would create serious traffic problems for the residents. He encouraged Council to not approve the rezoning.

Ms. Phyllis Aguerro of Stonington Drive stated that she was strongly opposed to the rezoning for many of the same reasons already stated. She felt the only reason people did not live along a major thoroughfare was that customarily commercial is located there making it undesirable for residential. She felt that if commercial was kept off the thoroughfares they could remain appropriate for residential development. She stated that in considering the extraterritorial jurisdiction the City had petitioned Fayette County to not locate such a project on Highway 54 at the border of the City. She felt it would be inappropriate to allow such a project at this location which, in her opinion, would be a worse location than that outside the City. She asked that the Council consider very strongly the wishes of the citizens and not approve this proposal.

Mr. Chuck Lidden of 202 Hidden Creek Lane stated that he had been coming to these hearings for this property for the last ten years. He felt it was up to the City Council to protect the interests of the citizens and not allow this property to become general commercial. He stated that in any other city it probably would be approved but that Peachtree City was unique and he wanted it to stay that way.

Mr. Ike Isaacson of Morallion Hills spoke to the issue. He felt that the quality of life should be considered and in Peachtree City that was already defined. He felt the quality of life in the City was a result of good planning and it should be kept that way. He stated that the developers had stated that this development would not harm anyone. Mr. Isaacson suggested that anyone who drives by that intersection would be harmed by the congestion; anyone who has a business in the City would be harmed by competition; and if the shopping center was allowed against the land use plan it would harm the entire city. He asked Council to vote against the proposal.

Mr. Bob Bertlesbeck of 107 Carriage Lane stated that he had also been attending zoning hearings on this property for the past ten years and he only had to get out his notes and dust them off to be prepared for this hearing. Mr. Bertlesbeck felt that the owner of the property took a risk in purchasing the land several years ago and the City Council was not obligated in any way to make it profitable for him. He stated that the problems that exist today for the property were present when the land was purchased. He stated that the shopping center of this size was totally out of character for Peachtree City at this location. He suggested other types of development that would be appropriate in his opinion and based on plans for the city made many years ago such as condominiums and offices. Mr. Bertlesbeck pointed out that citizens throughout the city had attended hearings on this property to object to commercial development. He felt it was clear that the owners of the property wished to maximize their investment with no regard to the residents of the City.

Mr. Frank Fessenden of Sumner Road spoke against the proposal and a letter was provided from Mr. and Mrs. Phillip R. Carson of 104 Southern Trace

opposing the rezoning. The letter is on file in the City Clerk's office.

Mayor Brown called for other comments against the proposal and hearing none called for questions of the applicant.

Comment was made from a resident that he felt the tabling request by the applicant was a stalling tactic and asked Council to not allow it.

Several questions were then asked the applicant. Mr. Ike Isaacson asked why Mr. Ney felt this area was a commercial node. Mr. Ney answered that it was a commercial node because residential had been ruled out as a use. He felt there was more office and retail use in the general area than there was residential.

A resident of Hidden Creek Lane in Parkway Estates pointed out that in the presentation the applicant very quickly passed over reference to Southern Trace Subdivision and Parkway Estates Subdivision. She asked that he further define the effect on those residential areas. Mr. Ney again reported on the estimated distances of between 300 and 500 feet from the nearest building in the shopping center to the residential areas. Mr. Davis mentioned that a meeting had been held between his firm and a number of the homeowners in these two subdivisions to attempt to explain to them the plans. Another resident of Southern Trace reported that he did not know of any meeting with the residents. He asked about the uses of property between the shopping center property and the residential development. Mr. Davis stated that the property was owned by Palm Beach Development Corporation and was not part of this proposal.

Question was asked of Mr. Jim Williams as to what affect this development, if approved, would have on the land use plan. Mr. Williams replied that the City would see somewhat a shattering of the village concept and all the planning gone into that concept would be thrown off. He felt the character of the transition between the central part of the City which should be the most intensive developed area, and the fringe of the City, would not transition downward from high intensity to low intensity and would probably then trigger a more intensive development outside the city which the County was trying to keep from happening. He felt this would result in Highway 54 becoming a very developed highway rather than a transportation corridor between Peachtree City and Fayetteville. He did not think one project would cause all of this but there could be a domino effect.

Mr. John Setlock ask Mr. Williams for clarification on an issue. He asked if the property on the south side of Highway 54 from Robinson Road to Petrol Point was not rezoned recently from office institutional to Limited Use Commercial. Mr. Williams replied that he was not sure but that a portion of that property rezoned could have been zoned office institutional prior to the rezoning. Mr. Setlock thought he remembered Mr. Williams stating that the property was not suitable for office development. Mr. Williams denied making that statement and said that he did not feel there was a constraint on developing the property residential or office and that it could be done aesthetically and economically in his opinion.

Mr. Setlock then asked Mr. Williams the distance between the Braelinn Green Subdivision and the second phase of the Braelinn Shopping Center. Mr. Williams reported the buffer to be approximately fifty feet.

There being no further questions of the applicant or the City, Mayor Brown gave the applicant five minutes to complete his presentation.

Mr. Ney stated that in regard to the village concept, his experts had assured him that, given this to be commercial node, the development would fit into that plan. He also called attention to the traffic study calling for certain improvements, which, if done, would leave the traffic situation just as it is currently. He did not feel the shopping center traffic would compete with the school traffic because of the different hours of operation. He stated that they had tried to meet with the residential property owners in the area and had twenty five or thirty people attend the meeting he scheduled.

Mr. Hubbard of the RBA Group addressed the traffic situation. He explained that they used the worse case scenario and made recommendations, which if followed, would in their opinion, leave the traffic situation very much as it is now without the shopping center. Several of the recommendations were:

1. A wider road was needed on Highway 54 and that was underway by the State.
2. There needs to be a signal at Walt Banks Road and Highway 54 which is already in the plans.
3. A right in- right out only entrance should be constructed off Highway 54.

Mr. Hubbard felt that with these improvements and the added lane to Walt Banks Road with right turns and left turns provided, the traffic should operate as good or better than it is now.

Mayor Brown then called for Council to ask any questions of the applicant or the City before closing the hearing for debate.

Parlontieri asked Mr. Davis if the analysis done on residential was only focused on the approximately 20 acres known as the Heard property. Mr. Ney confirmed that to be a true statement and the reason was that the Heard property was the only portion zoned residential.

Bradford questioned the applicant about the traffic impact study. Mr. Hubbard replied that the results were calculated results after taking readings during certain times of the day. Bradford pointed out that the City currently has a crossing guard at Walt Banks Road during school hours to direct the traffic. He asked which was the most efficient for heavy traffic - a controlled intersection with a traffic light or one with a police officer directing traffic. Mr. Hubbard felt the light provided better control, however, there were times during extremely heavy traffic that a police officer would be used to move traffic through a particular area quickly.

Brooks asked if the traffic study had taken into consideration how traffic generated from other areas, for instance Senoia, to the shopping center would affect other major roads within the city such as Robinson Road,

Peachtree Parkway and others. Mr. Hubbard replied that the study took into consideration the intersection of Walt Banks Road and Peachtree Parkway and did not see a problem there. They did not consider Robinson Road or Highway 74 in the study. Brooks was concerned that additional traffic would require signals in areas that are now being handled with four way stop signs.

Parlontieri questioned Mr. Davis about the use of the total site. He explained that the original site consisted of 34 plus acres and in 1987 15.5 acres of that was zoned LUC. The application now is to increase the 15.5 to 27.7 which left approximately 8 acres owned by Palm Beach Development Corporation. He asked Mr. Davis what the plans were for that parcel. Mr. Davis stated that Mr. Lassiter, the owner of the property, was satisfied with the Office Institutional zoning on that portion and had a medical center interested in the property. Mr. Davis felt there was confusion in the request to change the retail portion of the LUC. The request was to increase the 15.5 to 17.5 and retain ownership of the greenbelts but that they were including the medical center portion of the property in their site.

After a few other questions Mayor Brown addressed the request by the applicant to table the issue. He suggested that they might want to withdraw the application if they planned to submit a different proposal and start it back through the Planning Commission.

Mr. Davis replied that there would only be adjustments to the proposal before the Council and that they would not want to withdraw their application.

Mayor Brown explained that he made the suggestion because if the zoning was denied there would be a six month waiting period before it could be resubmitted.

Mr. Davis reiterated that he did not want to withdraw the application and Mayor Brown at this point closed the public hearing and called upon the City Council to debate the issue. He asked that the rezoning of the Heard property from R-43 to GC be considered first.

Parlontieri asked for clarification on the request for tabling the issue. City Attorney Powell stated that it was within the Council's discretion to make a decision either way.

Parlontieri addressed some of the history on this piece of property and mentioned that he was among those that met with Mr. Lassiter in 1987 and worked out a solution to the zoning that was satisfactory to Lassiter. Parlontieri felt the issue came back to the integrity of what Peachtree City had been founded on for the last thirty years and that was the land use plan. He felt the rezoning of this property would immediately lead to more rezonings in the immediate area. Parlontieri pointed out that one of the things he had been impressed with at this hearing was that there were citizens from all sections of the City speaking in opposition to the rezoning. Parlontieri stated again that the issue came back to the land use plan which had withstood many challenges. He didn't see how he could change his view and support this proposal.

McMenamin explained that she had met with the applicants and found them to be very professional but they made a comment to her that it would not be political popular to vote for this application. She wanted to say that she felt all the council members did not do things for political popularity but for personal responsibility. She stated that she believed in the land use plan in Peachtree City and she could not support the rezoning.

Brooks felt that after listening to the applicant and then Mr. Williams and thinking about the land use plan, he felt the land use plan was a document that is working and one that, in this case, is correct. Brooks felt that there would be times when a land owner would not be able to obtain as much for his property as he wanted because of the land use plan but that if he could get a reasonable amount it would be fair. He felt that the matter of what was fair for the community had to be considered also. He felt that once the City goes against the land use plan it could never be defended again. Brooks stated that he was impressed by the presentation and by the comments from the public. He felt there was no opposition from the Heard family when the land was zoned R-43 and he felt it should remain zoned that way.

Bradford agreed with comments that had been made and stated that he too did not feel this plan fit the land use plan nor did it fit with the County's Growth Management Plan just adopted. He would not support the rezoning.

Mayor Brown complimented Mr. Davis and Mr. Ney for their professional presentation. He stated that he had heard comments from several experts that this center would fit into the village center concept. The Mayor explained that this property was already located in a village and that a village was not a commercial center but was an area represented by schools, churches, commercial, offices and residential areas. He stated that in his view this plan did not enter into the village concept.

The Mayor commented on statements made by Mr. Davis and Mr. Ney that this was a commercial node. He felt this might be true if all adjoining property was included but in looking at those things that Peachtree City had control over, this was not a commercial node. He stated that there was residential to the west, to the north and to the east, and a church and school to the south - all of which fit into a residential category.

The Mayor stated that he was sure the professional planners they used were sincere in their analysis of that piece of property, however, he had been involved in every rezoning application on this property except one. He stated that he had served on the City Council for three years and had been Mayor for ten years. He felt that he was probably more of an expert on Peachtree City and what it's intent is, and understood the planning of Peachtree City better than any of their experts.

The Mayor echoed statements made by the Council members and also did not feel the proposal fit in the land use plan for Peachtree City. He stated that he could not support the rezoning.

Mayor Brown called for action at this time.

Motion was made by Parlontieri that the rezoning of the Heard property from R-43 to General Commercial be denied. Motion seconded by Brooks. Motion

carried unanimously.

Motion was made by Parlontieri that the rezoning of the Lassiter property from LUC-7 to LUC with conditions amended be denied. Motion seconded by Brooks. Motion carried unanimously.

Mayor Brown expressed appreciation to the public for their attendance and comments and to the representatives of Center Space, Inc. for their fine presentation.

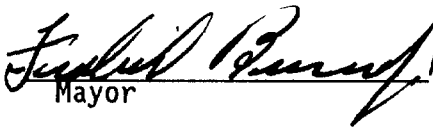
Motion was made by Mayor Brown that the meeting be recessed to be reconvened in executive session to discuss legal matters. Motion was seconded by McMenamin. Motion carried unanimously.

Executive Session

No action was taken in executive session and meeting was adjourned by unanimous vote at 10 PM.



Frances Meaders, Director of
Administrative Services



Mayor Attest