

City Council of Peachtree City
Meeting Minutes
Thursday, June 17, 2021
6:30 p.m.

The Mayor and Council of Peachtree City met in regular session on Thursday, June 17, 2021. Mayor Vanessa Fleisch called the meeting to order at 6:30 p.m. Others attending: Terry Ernst, Mike King, Kevin Madden, and Phil Prebor.

Announcements, Awards, Special Recognition

None

Public Comment

None

Agenda Changes

None

Minutes

King moved to approve the June 3, 2021, regular meeting and the June 3, 2021, executive session minutes as written. Madden seconded. Motion carried unanimously.

Consent Agenda

- 1. Ordinance Building Permit Requirements for Window and Door Replacement Update**
- 2. Debris Clearing, Removal and Disposal- RFP**
- 3. Debris Monitoring- RFP**
- 4. 2021 Municipal Election IGA**
- 5. FY22 Budget Amendment- Protective Inspections**
- 6. FY22 Budget Amendment- Special Revenue Funds**
- 7. FY22 Budget Amendment- CVB Grant**
- 8. Appointment of Jim Kuo to Fayette County Development Authority Board**
- 9. American Rescue Plan Local Fiscal Recovery Funds**
- 10. 2021 Chris Conti Memorial Grant**
- 11. Restructure Fire Department Command Staff Officer**

Madden moved to approve Consent Agenda items 1-11. Ernst seconded. Motion carried unanimously. After an error was pointed out, Madden amended his motion to call for approval of Consent Agenda items 1-4 and 8-11 as written and to amend items 5-7 to say "FY21." Ernst seconded. Amended motion carried unanimously.

Old Agenda items

None

New Agenda items

06-21-01 Public Hearing – Variance for Fence Requirements at 128 Soundview Trace

Planning and Development Director Robin Cailloux said this property was one of two lots in the Everton subdivision that were surrounded by streets. The ordinance defined a front yard as the area between the house and a public road. Soundview Trace, Daker Drive, and Bartlett Way were on three sides of this property, and it backed up to another lot on the fourth side. The house faced Soundview Trace, but the ordinance defined all three sides as a front yard. The ordinance restricted front yard fences to

being four feet tall and 50% non-opaque, which meant a picket fence design. The applicant was asking to build a 6-foot tall privacy fence along the sides and rear of the house. They had letters of support from the homeowners association (HOA) and neighbors.

The ordinance called for Council to look at six criteria when considering a variance. The first asked if there were special conditions not applicable to other properties in the same zone, and Cailloux stated that the three front yards was a special condition. It met the criterion that the regulations would create an unnecessary hardship because the area of the back yard would be greatly reduced if they were limited to a privacy fence only there. The three front yards created an exceptional circumstance and granting the variance would not constitute a special privilege, given property limitations. Cailloux pointed out only the lot next door had a similar limitation. The requested variance would not be detrimental to the public health, safety, or welfare. The City Engineer had confirmed there were no sight distance issues, and they had the support of the HOA and the neighbors. The request did not conflict with the Comprehensive Plan.

Fleisch clarified that they checked the site distance at the corner, and Cailloux said all the fences would be pulled away from the intersection, so the City Engineer said it was fine.

Attorney Rick Lindsey represented the applicant and pointed out significant topography issues on the property. It sloped down four feet from Bartlett Way and six feet from the property in the back. A 4-foot fence would be below grade from the street. Lindsey noted that he had a signed petition from neighbors in support of the request.

Did the owner of the lot behind this property sign the petition? Fleisch asked. Cailloux and Lindsey said that lot was not developed. James Chung, the applicant, indicated there was no house there and pointed out that the adjoining lot was at a higher elevation than his lot. Even with the fence he proposed, his yard would be visible from the adjacent lot.

Fleisch opened the public hearing. No one wished to speak either in favor or in opposition to the requests, and she closed the public hearing.

King said he rode by the property and confirmed that the topography meant this lot would have no privacy from the street at all without the fence.

Ernst asked Cailloux again if these were the only two properties with this issue, and she said that was correct.

Madden mentioned the extraordinary circumstances of having three front yards.

The HOA's approval was important, so Prebor said he had no issues.

Madden moved to approve New Agenda item 06-21-01, variance for fence requirements at 128 Soundview Trace. Prebor seconded. Motion carried unanimously.

06-21-02 Public Hearing – Rezoning of 1211 Highway 74 S to remove conditions of GC General Commercial applied to property

Cailloux indicated the location on a zoning map, pointing out SR 74. The crossing intersections were Rockaway Road to the south and Holly Grove Road to the north. There had been a lot of commercial

development in this area recently, and this was a corner lot at the front. There were two more remaining commercial lots in the rear. When this property was zoned General Commercial (GC), there were several conditions attached, two of which the applicant was requesting to remove. The first prohibited establishments whose primary business was the sale of gasoline; the other said they would have to comply with the Wilshire Pavilion materials and colors.

The proposal was for a 9,000 square foot building and four gas pumps under a canopy in the front, oriented toward the intersection. A convenience store associated with the fuel would make up 3,000 square feet of the building, and 6,000 square feet would be subdivided into various retailers, one of which would be a coffee/donut drive-thru, with the remainder being some type of retail or restaurant. They had proposed an "iconic gateway" architecture.

The conditions said fuel sales could not be the primary intent of the business, but Cailloux said it did not state the intent of the condition. When the purpose was not clear, the ordinance said staff should use the definition found in the Merriam-Webster Dictionary. The dictionary defined primary as "first in rank, importance, or value." Most convenience store owners would say the sale of gasoline was a loss leader, and sales from the convenience store made up most of their revenue. In that sense, she concluded, fuel sales did not meet the definition of primary. Also, the square footage that would be used for the sale of gas was less than 50% of the overall proposed building. Even so, staff had asked them to request to remove this condition so there would be no question about this use.

The second condition asked that they conform to the Wilshire Pavilion guidelines, which were one page that proscribed the colors and materials that should be used and included a typical elevation of a retail shop. Those materials were red and brown brick and a cream or buff Exterior Insulating and Finish System (EIFS) with a gray or brown type of anodized storefront windows. The proposed building did not comply with this condition, but did comply with the City's architectural standards for non-residential buildings on major thoroughfares, which were reviewed by the Planning Commission. Removing this condition would not actually approve this design; it would only allow the Planning Commission to consider this design when it came before them for the architectural review.

Cailloux went through the six criteria they must consider. It did conform with the Comprehensive Plan. The future land use was designated as commercial, and it met the standard for a village center, which was defined as a place of high community activity. This was a commercial use next to other commercial uses, so there would be no negative impact on the usability of surrounding land. The fourth criterion asked if the property had economic use as currently zoned, and Cailloux said that, given this recent development all around it, it did have a reasonable economic use with the conditions.

Removing these conditions would not be a burden on existing streets, utilities, or schools. This building would have similar impacts on traffic as other businesses in the area. There were letters of capacity from utilities, and there was no impact on the schools. The final criterion asked if there were changing conditions that would support approval or denial of the request, and Cailloux stated that the only change was that when the property was rezoned with these conditions, it was undeveloped, and now they were reaching the final stages of development.

Staff was of the opinion that it did meet the ordinance's criteria for rezoning. The Planning Commission held a workshop at its May 10 meeting. No one from the public showed up at the meeting, and the Commission expressed some concern about that. Four of the five Commissioners said they thought the conditions should remain in place.

The applicant, Darrell Baker, said he represented the prospective owners, and they had been working closely with City Staff. He wanted Council to know that this was not a national chain coming in to build this. It was a local company that had been operating fuel sale and convenience stores for more than 25 years in Peachtree City. He said he would be glad to answer questions and had thought the architect, Jefferson Brown, would be present.

Fleisch opened the public hearing. No one wished to speak either in favor or in opposition to the request, and she closed the public hearing.

King said many people in the area had asked him over the years why there was no gas station on south 74. It would be a convenience to them, and it was commercial already.

Prebor noted that it would be developed as something, no matter what. They had received emails regarding increased traffic, but he did not believe it would be flooded with additional traffic, and, regardless, something was going there. He stated that he did not like deviating from the overlay district requirements for the architecture.

Ernst said he did not consider this a gas station. It was three businesses in a building with four pumps. He wanted to confirm that if they approved this, it would still go before the Planning Commission for approval of the architectural design. Cailloux told him it would. The Planning Commission was more expert on that than Council was, Ernst remarked. Cailloux said removing the condition would just allow the Planning Commission to discuss that design.

Would there be any additional curb cuts on SR 74? Madden asked. Cailloux said they had made that clear to the applicant that no curb cuts would be allowed that close to the intersection. They would be required to use the existing curb cuts. The site plan they proposed, which would go to the Planning Commission, would not have any additional curb cuts. Madden added that with only four pumps, they were obviously not opening this to primarily sell gasoline.

There would be a drive-thru coffee shop, Ernst inquired, with two other businesses in the same building? Cailloux thanked him for mentioning that, saying the conditions said drive-thrus would only be permitted in buildings with at least two other individual tenants. That condition would be met.

Fleisch asked if they normally had these kinds of conditions on a piece of property? Cailloux told her it was not unusual for a zoning to be approved with conditions. Fleisch remarked that this was done years ago based on conversations between the HOA and the property owner. She asked City Attorney Ted Meeker if this proposal met the intent of what was done? Fleisch mused that in the 12 years she had been in government, they had never done a variance or anything against development conditions. They had adhered to what was scripted.

Meeker said that was correct, and these guidelines were adopted in 2007. He went on to say that, based on Cailloux's conversations with convenience store owners, he was not sure that this was not a permitted use under the existing conditions. He did not think they needed to revise the conditions based on what had been described. He understood why it came to Council; that was the safest way to do it. However, the conditions prohibited a business with the primary objective of selling gasoline or diesel and, when you looked at the square footage of this building compared to the area that would be devoted to fuel sales, and even comparing it to just the convenience store, it was a small percentage of the total. There were only four pumps. They were not talking about a RaceTrac with 16 pumps. He referred to Georgia law and how zoning law was construed regarding use of property and

strictly construed against the government, and said he thought this use could be a permitted use. Therefore, no revision to these conditions was necessary.

The Mayor mentioned the transparency issue, and City Manager Jon Rorie agreed that was the key. He said Cailloux approached him several months ago and said, according to how she understood the conditions, this would not apply. If he took four gas pumps and put them in front of the Publix on the south side, would that turn the Publix into a gas station? No, it would be an ancillary use of the business. They could have made an administrative decision, and Council would never have heard this, but they wanted to have a public hearing and debate to discuss what this was about. Council really did not need to do what they were being asked to do, but the safest way was to bring it before Council and let the debate illustrate how things evolved over time. It would ultimately be a legislative act.

Fleisch said she appreciated Brown's work, but felt the design might be too "cosmic." However, she continued, he was a great one to be working with to try to update, but conform, to the standards.

She asked Meeker to help them phrase the motions they would need.

Meeker said he would assume he knew how Council felt: that they were comfortable that this was a permitted use. The first request was to lift the restriction on businesses with the primary function of selling gasoline or diesel. If that was not a necessary revision, then that should be denied. If Council did not want to lift the architectural controls, then Council should deny both rezoning requests. The understanding was that the first part—the gasoline sales issue—was not really relevant to be revised because what was proposed was permitted under the ordinance as currently written.

Council did not approve every zoning request, Meeker went on. That's what staff did in the permitting process. Staff and, now, Council all seemed to be on the same page that this was a permitted use under the current ordinance.

Would they need two separate motions? Fleisch asked. Meeker said they could make one motion to deny the request as presented.

So moved, Ernst said. Prebor seconded. Motion carried unanimously.

06-21-03 Public Hearing – Airport Protection Overlay Zoning District Text Amendments and Zoning Map

Staff was requesting that Council approve these text amendments and update the zoning map to reflect the text. Cailloux stated that the City's current Airport Overlay Ordinance was last updated in 1988. It defined imaginary surfaces, which protected air space over and around the airport. The Federal Aviation Administration (FAA) updated those zones in 2000, but airport operations had changed since then. When those changes occurred on the ground, they impacted the imaginary surfaces. Additionally, Cailloux continued, the City's zoning map did not reflect the current overlay. The definitions were very technical, and in some cases they could not tell which ones applied to their airport. Staff was requesting that the overlays be mapped so property owners could tell if they were in the overlay, as well as administrators of the ordinance.

The draft ordinance was based on the FAA model ordinance, but tailored specifically for Falcon Field and reviewed and approved by the airport. The biggest change was the updated area for the runway protection zones (RPZs). She presented an updated map of the overlay protection zones, noting that it was a large area. Cailloux pointed out the airport and SR 74. The RPZs were at the end of the runways. Over those were another protected airspace, called approach departure overlays (ADO). She

indicated the transitional surface overlay (TSO), describing it as a three-dimensional bowl that connected it all.

There were general requirements for all properties within any of the overlays, related to glare, lighting, electrical interference, and visibility, such as smoke or steam. There were height limitations only in the TSO, with no changes to the permitted uses. There were height limitations in the ADO and large fuel tank farms were prohibited. She reminded Council that overlays did not affect the underlying zoning of property. The properties would remain as they were currently zoned, and most of them were General Industrial (GI).

Cailloux displayed a rendering of the RPZ, pointing out the older portion and the area that was being added, which extended beyond the airport property. In an RPZ, there could be no structures, including overhead utilities. Trees were prohibited. The only permitted uses were for places where there were no concentrations of people for long periods, such as cemeteries and golf courses. The majority of this RPZ was used as a golf course.

Some helpful comments came out of the public workshop session held by the Planning Commission. The first draft contained language from the FAA that prohibited above-ground fuel tanks, but this was a common use in an industrial area. They discussed this with the local and State fire marshals and learned there was no official determination of what was safe. They decided that large fuel tanks were not an appropriate use in the departure zone. Another public comment dealt with confusion between the City's variance process and the FAA reviews. They clarified this to say that variances would only be required if the FAA issued a notice of hazard or a notice of no hazard with conditions and the applicant did not want to comply with those conditions. Typically those conditions would be some type of lighting or marking. Only then would they have the relief of going through the variance process. If they were willing to comply with the conditions, they would not have to seek a variance.

The overlay ordinance had been a work in progress over many months with good partnership from the airport, the Planning Commission, and the general public, Cailloux commented, saying staff recommended they adopt the proposal.

Fleisch opened the public hearing. No one wished to speak either in support or opposition, and she closed the public hearing.

King said he had no issues with this, adding that it was a long time coming. Prebor commented that it cleaned up issues that had come before them in the past and solidified the requirements.

Fleisch remarked on all the research that went into this, including the creation of topographical maps that the airport helped with. Cailloux said they met with several property owners after the workshop to discuss their properties specifically. They produced topo maps and went through them, making minor tweaks to the ordinance. It was a good process, she added.

Madden thanked the airport and the Airport Authority for their work, adding this was a long time coming.

King moved to approve New Agenda item 06-21-03, Airport Protection Overlay Zoning District Text Amendments and Zoning Map. Madden seconded. Motion carried unanimously.

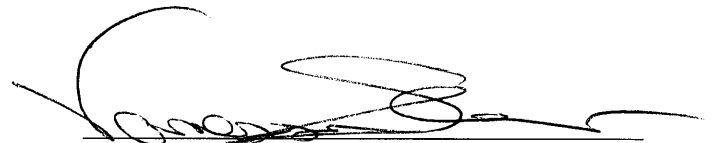
Council/Staff Topics

None

There being no further business, Ernst moved to adjourn at 7:05 p.m. Madden seconded. Motion carried unanimously.



Martha Barksdale, Recording Secretary



Vanessa Fleisch, Mayor